

**RESOLUTION NO. 1925
SEPTEMBER 2019
EUGENE WATER & ELECTRIC BOARD**

**A RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY ALONG
LEABURG CANAL**

WHEREAS, the above entitled matter came before the Board of Commissioners of the Eugene Water & Electric Board (“EWEB”) at its regular meeting on September 3, 2019; and

WHEREAS, the Board has considered the acquisition of a 38.28 acre property abutting the Leaburg Canal to enable EWEB to own, control and manage sloped timberland that has existing EWEB infrastructure and monitoring equipment and is situated above and adjacent to the Leaburg Canal forebay and is adjacent to other timberland owned and managed by EWEB for dam safety purposes; and

WHEREAS, EWEB seeks to acquire the land (property) and the current owner seeks to retain rights to the standing timber for a period of up to 20 years; and

WHEREAS, EWEB has authority under Section 44 of the Eugene Charter and ORS 225.020 to acquire real property; and

WHEREAS, the Board determines that it is consistent with the powers and purposes of EWEB and necessary for the continued growth, safety and welfare of EWEB, as well as its wholesale customers, now or hereafter existing, that fee title to necessary properties be acquired to implement the Leaburg Dam Safety Program; and

WHEREAS, the Board has determined that the proposed acquisition of property set forth on Exhibit 1, attached hereto and incorporated by reference, is planned and located in a manner which is most compatible with the greatest public benefit and mitigation of private impact; and

WHEREAS, the Board finds there are adequate funds budgeted and available to acquire the subject properties, and being fully advised,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, that EWEB shall in good faith attempt to acquire fee title on a fair and reasonable basis for the designated property. EWEB Staff and Counsel are authorized to complete negotiations with the property owners for an amount not to exceed fair market value. EWEB Staff and Counsel are authorized to complete the sale agreement and all necessary transactions, including the transfer of cash consideration, through close of escrow without necessity of further Board approval. The General Manager is authorized to execute all documents to complete the acquisition of fee title for the property (Exhibit 1).

Dated this 3rd day of September, 2019.

THE CITY OF EUGENE, OREGON
Acting by and through the
Eugene Water & Electric Board

President

I, ANNE M. KAH, the duly appointed, qualified and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is true and exact copy of the Resolution adopted by the Board in its September 3rd, 2019 Regular Board Meeting.

Assistant Secretary

EXHIBIT 1

PROPERTY DESCRIPTION

The Northwest quarter of the Southeast quarter of Section 9, Township 17 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon.

EXCEPTING that part conveyed to the City of Eugene by deed recorded December 26, 1928, in Book 160, Page 442, Lane County Oregon Deed Records, in Lane County, Oregon.