

**RESOLUTION NO. 2032
DECEMBER 2020**

**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 December 1, 2020; and

WHEREAS, the Board has considered the acquisition of a 1.12 acre residential property abutting the Leaburg Canal to enable EWEB to own, control and manage the property, which is situated adjacent to and downslope of the Ames Reach of the Leaburg Canal; 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 as well as necessary rights-of-way and easements be acquired to implement the Owner’s Dam Safety Program; and

WHEREAS, the Board determines 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 1st day of December 2020.

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 December 1, 2020 Regular Board Meeting.

Assistant Secretary

EXHIBIT 1

PROPERTY DESCRIPTION

Beginning at a point on the West line of Section 10, Township 17 South, Range 1 East of the Willamette Meridian, which is on the Southerly right of way line of the City of Eugene Water Canal as set forth in Deed recorded April 27, 1929, in Book 164, Page 113, Lane County Oregon Deed Records; run thence North 65° 36' East 536.5 feet to the East-West centerline through said Section 10; thence Easterly along said East-West centerline to the Northerly right of way line of the McKenzie Highway; thence Westerly along the Northerly right of way of said highway to the West line of Section 10; thence North to the point of beginning, in Lane County, Oregon.

EXCEPT THEREFROM: Beginning at a point on the Northerly right of way line of the McKenzie Highway which is 225 feet Easterly along the Northerly right of way line of said highway from the West line of Section 10, Township 17 South, Range 1 East of the Willamette Meridian; running thence Westerly along the Northerly right of way line of said highway 225 feet to the West line of said Section; thence North along the West line of said Section to the Southerly right of way line of the City of Eugene Water Canal as set forth by Deed recorded April 27, 1929, in Book 164, Page 113, Lane County Oregon Deed Records; thence North 65° 36' East along the Southerly line of said water canal 175 feet; thence Easterly to the point of beginning, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: Beginning at the quarter corner between Sections 9 and 10, Township 17 South, Range 1 East of the Willamette Meridian; thence South 88° 05' East 684.4 feet to the true point of beginning; thence South 88° 05' East 150.0 feet to the Northerly right of way line of the McKenzie Highway; thence South 72° 39' 30" West along said Northerly right of way line to a point that bears South of the true point of beginning; thence North to the true point of beginning, in Lane County, Oregon.