



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Brown, Carlson, Barofsky, McRae and Schlossberg
FROM: Lisa Krentz, Electric Generation Manager; Mark Zinniker, Generation Engineering Supervisor; and Jeremy Somogye, Generation Engineering Planner IV
DATE: April 5, 2022
SUBJECT: Resolutions 2209, 2210 and 2211 for acquisition of Leaburg Properties
OBJECTIVE: Board Action

Background

In anticipation of future construction work, EWEB staff are interested in purchasing three properties immediately adjacent to the Leaburg Canal. Ownership of these parcels will ease construction access and allow design flexibility when making a variety of potential alterations to portions of canal. The specific properties provide significant value in a variety of canal modification scenarios, whether the Board decides to pursue a return-to-service or moves toward decommissioning of the power generation facilities.

The subject properties are located at 42795 and 43853 McKenzie Highway, respectively, and submitted to the Board as Resolution Nos. 2209 and 2210. The third property is designated as Parcel A as addressed by the Board in Executive Session on April 5th, 2022 and submitted to the Board as Resolution No. 2211. All three properties are situated immediately adjacent to the Leaburg Canal and are considered opportune for both the near-term risk reduction strategy and long-term alternatives under evaluation. It should be noted that EWEB recently became aware of the opportunity to purchase Parcel A (Resolution 2211), and the negotiations have just commenced with no formal offer being accepted by the seller as of the drafting of this memorandum.

Recommendation

Staff recommend the Board approve Resolution Nos. 2209, 2210 and 2211.

**RESOLUTION NO. 2209
APRIL 2022**

**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 April 5, 2022; and

WHEREAS, the Board has considered the acquisition of a 2.44 acre residential property abutting the Leaburg Canal, Address of 42795 McKenzie HWY, Leaburg OR 97489, 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 the purchase of the property in accordance with the guidance provided by the Board in Executive Session. The General Manager is authorized to execute all documents to complete the acquisition of fee title for the property (Exhibit 1) without necessity of further Board approval.

Dated this 5th day of April 2022.

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 April 5, 2022 Regular Board Meeting.

Assistant Secretary

EXHIBIT 1

PROPERTY DESCRIPTION

A parcel of land in Section 10, Township 17 South, Range 1 East, of the Willamette Meridian, being more particularly described as follows: Beginning at an axle on the Northerly right-of-way of the McKenzie Highway said axle bears North 01° 15' 52" East 170.61 feet from the center-West sixteenth corner of Section 10; thence North 71° 11' 19" East, along the Northerly right-of-way 21.00 feet to a 3/4" iron pipe; thence leaving said right-of-way North 01° 33' 19" East 161.85 feet to an iron shaft; thence North 01° 20' 00" East 198.00 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 10° 00' 00" East 70.07 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 81° 32' 46" East 242.50 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 09° 48' 04" West 143.59 feet to a 5/8" rebar marked "EGR & ASSOC."; thence North 09° 48' 04" West 128.41 feet to a point on the EWEB canal right-of-way said point being referenced by a 5/8" rebar marked "EGR & ASSOC."; which bears North 09° 48' 04" West 1.00 foot; thence along the EWEB canal South 77° 31' 34" West 184.42 feet to a rail road rail; thence along a 426.50 foot radius curve right, the chord of which bears South 67° 09' 21" West 14.93 feet, a distance of 14.93 feet to a rail road rail; thence South 67° 53' 11" West 116.59 feet to a rail road rail; thence along a 337.50 foot radius curve left, the chord of which bears South 48° 05' 16" West 226.97 feet, a distance of 231.48 feet to a rail road rail; thence South 28° 26' 31" West 8.43 feet to a rail road rail; thence South 86° 58' 28" East 33.86 feet to a rail road rail; thence leaving the EWEB canal South 89° 57' 41" East 217.70 feet to an axle; thence South 01° 20' 00" West 488.85 feet to the point of beginning, all in Lane County, Oregon.

RESOLUTION NO. 2210
April 2022

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 April 5, 2022; and

WHEREAS, the Board has considered the acquisition of a .36 acre residential property abutting the Leaburg Canal, Address of 43853 McKenzie HWY Leaburg OR, 97489, to enable EWEB to own, control and manage the property, which is situated adjacent to and downslope of the Cogswell 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 the purchase of the property in accordance with the guidance provided by the Board in Executive Session. The General Manager is authorized to execute all documents to complete the acquisition of fee title for the property (Exhibit 1) without necessity of further Board approval.

Dated this 5th day of April 2022.

THE CITY OF EUGENE, OREGON
Acting by and through the
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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 April 5, 2022 Regular Board Meeting.

Assistant Secretary

EXHIBIT 1

PROPERTY DESCRIPTION

Beginning at a railroad rail on the Southerly right-of-way line of the Eugene Water and Electric Boards power canal which is 1224.38 feet South and 989.65 feet West of the Northeast corner of the Southeast one-quarter of the Northwest one-quarter of Section 1, Township 17 South, Range 1 East of the Willamette Meridian, Lane County, Oregon; thence along said Southerly right-of-way line South $46^{\circ} 56' 00''$ West 158.26 feet to a $5/8''$ iron rod on the Easterly right of way line of the Lane County dump road; thence along said Easterly right-of-way line South $41^{\circ} 25' 50''$ East 81.04 feet to a $5/8''$ iron rod on the Northerly right-of-way line of the McKenzie Highway; thence along said Northerly right-of-way line North $51^{\circ} 58' 37''$ East 145.67 feet to an old fence; thence along said old fence North $33^{\circ} 42' 20''$ West 95.08 feet to the point of beginning, in Lane County, Oregon.

RESOLUTION NO. 2211
April 2022

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 April 5, 2020; and

WHEREAS, the Board has considered the acquisition of Parcel A, as addressed by the Board in Executive Session on April 5th, 2022, to enable EWEB to own, control and manage the property, which is situated adjacent to and downslope 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 Parcel A 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 property, 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 the purchase of the property in accordance with the guidance provided by the Board in Executive Session. The General Manager is authorized to execute all documents to complete the acquisition of fee title for Parcel A without necessity of further Board approval.

Dated this 5th day of April 2022.

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