

**RESOLUTION NO. 2225
OCTOBER 2022**

**EUGENE WATER & ELECTRIC BOARD
AUTHORIZING GENERAL MANAGER TO NEGOTIATE AND EXECUTE
REAL PROPERTY TRANSACTION**

WHEREAS, the Eugene Water & Electric Board (“EWEB”) holds title to real property in the name of the City of Eugene, for the use and benefit of Eugene Water & Electric Board, which is legally described in Exhibit A and hereinafter commonly referred to as the “Headquarters property”

WHEREAS, the provisions of ORS 271.310 authorize EWEB to sell property within its possession or control if the real property is no longer needed for its public use or EWEB determines that the sale is in the public interest;

WHEREAS, the EWEB Board of Commissioners declared the Headquarters property, of which the property described in Exhibit A is a constituent portion, as surplus and no longer needed for utility purposes as per Resolution No. 1826, dated November 6, 2018;

WHEREAS, Eugene Code 2.195 provides EWEB to have entire control of the water and electric utilities of the City of Eugene, and all property connected therewith;

WHEREAS, Eugene Code 2.196 provides the City of Eugene with the first opportunity to negotiate for purchase of the Headquarters property for other municipal purposes;

WHEREAS, the City of Eugene irrevocably released its exclusive right to negotiate for the sale/transfer of EWEB’s Headquarters Property under Code Section 2.196 as of August 17, 2021.

WHEREAS, the EWEB Commissioners have had the opportunity to address anticipated terms and conditions for property sale options with those designated to negotiate real property transactions during the course of executive session in accordance with ORS 192.660(2)(e);

NOW THEREFORE, BE IT RESOLVED by the Eugene Water & Electric Board that:

- i. The General Manager or delegee is authorized to negotiate terms and conditions for the conveyance of the Headquarters Property under the guidance provided by the Board during Executive Session.
- ii. The General Manager is further authorized to execute the property sale transaction consistent with the negotiated terms and conditions under the guidance provided by the Board during Executive Session.
- iii. Negotiation of such terms and conditions outside of the Board’s guidance shall be non-binding and expressly subject to and conditioned upon future approval by the Board. The General Manager is authorized to execute non-

binding documents of understanding on behalf of EWEB necessary for presenting said anticipated terms and conditions of a property sale transaction for the Board's consideration.

Dated this 6th day of October 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 a true and exact copy of the Resolution adopted by the Board at its October 6, 2022 Board meeting.

Assistant Secretary

EXHIBIT A

PROPERTY DESCRIPTION

PARCEL 1:

A 33 foot strip adjoining Lot 1 in Block 5, on the North of the ORIGINAL PLAT OF EUGENE CITY, as platted and recorded in Judgment Docket "A", Pages 2 and 3, Lane County Court Records, in Lane County, Oregon, being the South half of vacated East Third Avenue adjacent to said Lot 1, in Lane County, Oregon.

PARCEL 2:

All of that part of the North 55 feet of Lot 1 in Block 5 of the ORIGINAL PLAT OF EUGENE CITY, Lane County, Oregon, lying East of a line parallel to and seventy four feet East as platted and recorded in Judgment Docket "A", Pages 2 and 3, Lane County Court Records, from the West line of said lot, in Lane County, Oregon.

PARCEL 3:

Situated in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows: Being a portion of Lot 1 in Block 5 of the Plat of EUGENE CITY, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets The perimeter boundary of said portion is more particularly described as follows: Commencing at the Southwest corner of said Lot 1; and running thence along the South line of said Lot 1 South 88° 03' 19" East

74.00 feet to the true point of beginning; thence, leaving said true point of beginning Northerly along a line that is parallel with the East margin of Ferry Street, the following one numbered course: (1) North 01° 50' 57" East 26.04 feet to its intersection with the South line of the North 55 feet of said Lot 1 as said North 55 feet was conveyed to Ralph B. Winters and Gladys Winters in the Warranty Deed that was recorded June 2, 1944 in Book 268 at Pages 413-414 in Lane County Oregon Deed Records; thence, Easterly along said South line of the North 55 feet of Lot 1, the following one numbered course: (2) South 88° 04' 34" East 45.32 feet to a point that lies on a line that bears North 01° 57' 52" East from a point on the North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45" East 686.66 feet from the Brass Cap Monument that marks the Northwest corner of said claim; thence, Southerly from the terminus of last course and along said line having a bearing of North 01° 57' 52" East, the following one numbered course: (3) South 01° 57' 52" West 26.06 feet to its intersection with the South line of said Lot 1; and thence, Westerly along said South line of Lot 1, the following one numbered course: (4) North 88° 03' 19" West 45.27 feet returning to the true point of beginning, in Lane County, Oregon.

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EXHIBIT A

Property Description Continued-

PARCEL 4:

Situated in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows: Being portions of (a) Lot 2 in Block 5 of the Plat of EUGENE CITY, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets; and (b) the East-West alley lying between Lots 2 and 3 in said Block 5 as vacated under Ordinance Number 19705 that was recorded July 13, 1990 in Reel 1642R at Reception No. 9033151 in Lane County Official Records. The perimeter boundary of said lands is more particularly described as follows: Commencing at the Northwest corner of said Lot 2; and running thence along the North line of said Lot 2 South $88^{\circ} 03' 19''$ East 74.00 feet to the true point of beginning; thence, leaving said true point of beginning Easterly along said North line of Lot 2, the following one numbered course: (1) South $88^{\circ} 03' 19''$ East 45.27 feet to a point that lies on a line that bears North $01^{\circ} 57' 52''$ East from a point on the North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South $88^{\circ} 15' 45''$ East 686.66 feet from the Brass Cap Monument that marks the Northwest corner of said claim; thence, Southerly from the terminus of last course and along said line having a bearing of North $01^{\circ} 57' 52''$ East, the following one numbered course: (2) South $01^{\circ} 57' 52''$ West 88.05 feet to its intersection with the centerline of aforecalled vacated East-West alley; thence, Westerly along said vacated alley centerline, the following one numbered course: (3) North $88^{\circ} 02' 03''$ West 69.10 feet to a point that lies Southerly of and perpendicular to the North margin of said alley and lies distant South $01^{\circ} 57' 57''$ West 7.00 feet from the Southeast corner of the lands that were conveyed as Tract I in the Warranty Deed to the City of Eugene that was recorded in April, 1969 in Reel R431 at Reception No. 60012 in Lane County Oregon Deed Records; thence, Northerly to said Southeast corner, the following one numbered course: (4) North $01^{\circ} 57' 57''$ East 7.00 feet; and thence, continuing Northerly along the East lines of said Tract I, the following two numbered courses: (5) North $32^{\circ} 11' 55''$ East 47.50 feet; and (6) North $01^{\circ} 50' 57''$ East 40.00 feet, parallel with said East margin of Ferry Street, returning to the true point of beginning, in Lane County, Oregon.

PARCEL 5:

Situated in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows: Being portions of (a) Lot 3 in Block 5 of the Plat of EUGENE CITY, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets; and (b) the East-West alley lying between Lots 2 and 3 in said Block 5 as vacated under Ordinance Number 19705 that was recorded July 13, 1990 in Reel 1642R at Reception No. 9033151 in Lane County Official Records. The perimeter boundary of said portions is more particularly described as follows: Beginning at the Southwest corner of said Lot 3; thence, leaving said point of beginning and running Northerly along the East margin of Ferry Street, the following one numbered course: (1) North $01^{\circ} 50' 57''$ East 87.00 feet to its intersection with the centerline of aforecalled vacated East-West alley; thence, Easterly along said vacated alley centerline, the following one numbered course: (2) South $88^{\circ} 02' 03''$ East 119.09 feet to a point that lies on a line that bears North $01^{\circ} 57' 52''$ East from a point on the North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South $88^{\circ} 15' 45''$ East 686.66 feet from the Brass Cap Monument that marks the Northwest corner of said claim; thence, Southerly from the terminus of last course and along said line having a bearing of North $01^{\circ} 57' 52''$ East, the following one numbered course: (3) South $01^{\circ} 57' 52''$ West 87.00 feet to a point that lies on the South line of said Lot 3; and thence, Westerly along said South line of Lot 3, the following one numbered course: (4) North $88^{\circ} 02' 03''$ West 118.91 feet returning to the point of beginning, in Lane County, Oregon.

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EXHIBIT A

Property Description Continued-

PARCEL 6:

Situated in the Southwest 1/4 of Section 29 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows: Being a portion of the lands that are described as "Property 2 After Adjustment" in that certain Declaration of Property Line Adjustment Deed [PLA 3] that was recorded April 17, 2018 at Reception No. [2018-017627](#) in Lane County Deeds and Records. The perimeter boundary of said portion is more particularly described as follows: Beginning at the Northwest corner of Lot 4 in Block 5 of the Plat of EUGENE CITY, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets; thence, leaving said point of beginning and running Easterly along the North line of said Lot 4, the following one numbered course: (1) South 88° 02' 03" East 118.91 feet to a point that lies on a line that bears North 01° 57' 52" East from a point on the North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45" East 686.66 feet from the Brass Cap Monument that marks the Northwest corner of said claim; thence, Southerly from the terminus of last course and along said line having a bearing of North 01° 57' 52" East, the following one numbered course: (2) South 01° 57' 52" West 146.00 feet to a point that lies on the South margin of East 4th Avenue as vacated under Ordinance Number 19705 that was recorded July 13, 1990 in Reel 1642R at Reception No. 9033151 in Lane County Official Records; thence, Westerly along said South margin of vacated East 4th Avenue, the following one numbered course: (3) North 88° 02' 03" West 118.62 feet to its intersection with the East margin of Ferry Street; and thence, Northerly along said East margin of Ferry Street, the following one numbered course: (4) North 01° 50' 57" East 146.00 feet returning to the point of beginning, in Lane County, Oregon.

PARCEL 7:

Lot 7, Block 6, EUGENE CITY, as platted and recorded in Judgment Docket A, Page 2, Lane County Oregon Court Records, in Lane County, Oregon.

EXCEPTING THEREFROM the following described property conveyed to the State of Oregon by deed recorded March 20, 1948, in Reception No. 62355, Lane County Oregon Deed Records, as follows: A parcel of land lying in Block 6 of EUGENE CITY, in Section 29, Township 17 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon, the said parcel being described as follows: Beginning on the South line of Lot 7, Block 6, EUGENE CITY, at a point which is 135.58 feet South 89° 57' 30" East from the Southwest corner of Block 6, said point also being 40 feet Westerly from (when measured at right angles to) the center line of the relocated Ferry Street Bridge-6th and 7th Street Highway Connection at Engineer's Station 20+69.22; thence South 89° 57' 30" East a distance of 24.47 feet to the Southeast corner of said Lot 7; thence North 0° 02' 30" East along the East line of said Lot 7 a distance of 80.72 feet, more or less, to the Northeast corner of Lot 7; thence South 17° 33' 30" West a distance of 84.66 feet to the place of beginning, in Lane County, Oregon.

ALSO EXCEPT all that portion described in Deed to the City of Eugene dated March 31, 1997, recorded April 25, 1997, Reception No. 9727969, Lane County Official Records, in Lane County, Oregon.

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EXHIBIT A

Property Description Continued-

PARCEL 8:

Situated in the Southwest 1/4 of Section 29 and the Northwest 1/4 of Section 32, all in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows: Being a portion of the lands that were conveyed to the City of Eugene for the use and benefit of the Eugene Water and Electric Board that was recorded November 16, 1951 in Book 449 at Pages 265-266 in Lane County Oregon Deed Records. The perimeter boundary of said portion is more particularly described as follows: Beginning at the intersection of the South margin of East 4th Avenue with the West line of the tract that was conveyed to the State of Oregon by Deed recorded March 16, 1949 in Book 392 at Page 124 in Lane County Oregon Deed Records; thence, Southerly along said West line the following one numbered course: (1) along the arc of a 40-foot offset spiral curve to the left that has a chord of South 15° 44' 12" West 224.48 feet to a point that lies on a line that bears South 74° 38' 49" East from a point on the North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45" East 207.78 feet from the Brass Cap Monument that marks the Northwest corner of said claim; thence, Northwesterly from the terminus of last course and along said line having a bearing of South 74° 38' 49" East and its Northwesterly prolongation, the following one numbered course: (2) North 74° 38' 49" West 61.91 feet to its intersection with the East margin of vacated Mill Street as vacated under Ordinance Number 19374 that was recorded February 13, 1986 in Reel 1388R at Reception No. 8605882, Lane County Official Records; thence, Northerly along said East margin of vacated Mill Street, the following one numbered course: (3) North 01° 47' 21" East 29.69 feet to its intersection with the South margin of the vacated East-West Alley [Ordinance 19374] that lies in Block 10 of the Plat of EUGENE CITY, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets; thence, continuing Northerly along said East margin of vacated Mill Street, the following one numbered course: (4) North 01° 47' 21" East 174.00 feet to its intersection with the South margin of aforecalled East 4th Avenue; and thence, Easterly along said South margin, the following one numbered course: (5) South 88° 02' 03" East 114.29 feet returning to the point of beginning, in Lane County, Oregon.

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EXHIBIT A

Property Description Continued-

PARCEL 9:

Situated in the Southwest 1/4 of Section 29 and the Northwest 1/4 of Section 32, all in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows: Being a portion of the lands below the Ferry Street Bridge Overhead that were conveyed in the Deed to the City of Eugene for the use and benefit of the Eugene Water and Electric Board that was recorded June 17, 1954 in Reel 39'54D at Reception No. 31967 in Lane County Oregon Deed Records. The perimeter boundary of said portion is more particularly described as follows: Beginning at the intersection of the North line of fractional Lot 6 in Block 11 of the Plat of EUGENE CITY, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets with the West line of the aforecalled lands below the Ferry Street Overhead; thence, leaving said point of beginning and running Northerly along said West line, the following one numbered course: (1) along the arc of a 40-foot offset spiral curve to the right that has a chord of North 16° 02' 07" East 179.38 feet to a point that lies on the South margin of East 4th Avenue; thence, Easterly along said South margin, the following one numbered course: (2) South 88° 02' 03" East 83.21 feet to a point that lies on the East line of the aforecalled lands below the Ferry Street Overhead; thence, Southerly along said East line, the following one numbered course: (3) along the arc of a 40-foot offset spiral curve to the left that has a chord of South 15° 55' 48" West 243.75 feet to a point that lies on a line that bears South 74° 38' 49" East from a point on the North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45" East 207.78 feet from the Brass Cap Monument that marks the Northwest corner of said claim; thence, Northwesterly from the terminus of last course and along said line having a bearing of South 74° 38' 49" East, the following one numbered course: (4) North 74° 38' 49" West 80.00 feet to a point that lies on the aforecalled West line of the lands below the Ferry Street Overhead; and thence, Northerly along said West line, the following one numbered course: (5) along the arc of a 40-foot offset spiral curve to the right that has a chord of North 14° 32' 55" East 45.11 feet returning to the point of beginning, in Lane County, Oregon.

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EXHIBIT A

Property Description Continued-

PARCEL 10:

Situated in the Southwest 1/4 of Section 29 and in the Northwest 1/4 of Section 32, all in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows: Being a portion of the lands that are described as "Property 1 After Adjustment" in that certain Declaration of Property Line Adjustment Deed [PLA 9] that was recorded April 17, 2018, at Reception No. [2018-017633](#) in Lane County Deeds and Records. The perimeter boundary of said portion is more particularly described as follows: Beginning at the intersection of the East line of the lands below the Ferry Street Bridge Overhead that were conveyed in the Deed to the City of Eugene for the use and benefit of the Eugene Water and Electric Board that was recorded June 17, 1954 in Reel 39'54D at Reception No. 31967 in Lane County Oregon Deed Records with the South margin of East 4th Avenue as said Street is shown on of the Plat of EUGENE CITY, as platted and recorded in Book "A" at Page 2 of Lane County Oregon Judgment Dockets; thence, Easterly, leaving said point of beginning and along said South margin of East 4th Avenue, the following one numbered course: (1) South 88° 02' 03" East 323.73 feet to a point that lies on a line that bears North 01° 57' 52" East from a point on the North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45" East 686.66 feet from the Brass Cap Monument that marks the Northwest corner of said claim; thence, Southerly from the terminus of last course and along said line having a bearing of North 01° 57' 52" East and its Southerly extension, the following one numbered course: (2) South 01° 57' 52" West 327.60 feet to a point that lies on a line that bears South 74° 38' 49" East from a point on the aforecalled North line of the Hilyard Shaw Donation Land Claim Number 56 in Township 17 South, Range 3 West of the Willamette Meridian that lies distant South 88° 15' 45" East 207.78 feet from the aforecalled Brass Cap Monument that marks the Northwest corner of said claim; thence, Northwesterly along last called line having a bearing of South 74° 38' 49" East, the following one numbered course: (3) North 74° 38' 49" West 393.25 feet to a point that lies on the East line of the lands below the Ferry Street Bridge Overhead; and thence, Northeasterly along said East line, the following one numbered course: (4) along a 40-foot offset spiral curve to the right that has a chord of North 15° 55' 48" East 243.75 feet returning to the point of beginning, in Lane County, Oregon.