

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF U.S.D.C. Case No. 10-CV-6174-TC

10-9-29-6

WHEREAS, the Office of Legal Counsel has negotiated a conclusion to this matter;

NOW, THEREFORE IT IS HEREBY ORDERED that the County administrator and the Office of Legal Counsel are delegated full authority to execute documents and authorize payment of \$80,237.00 for attorney's fees in this matter.

Effective this 29~~th~~ day of sept. 2010.

  
\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 9/23/10 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

FILED

FEB 27 2007

File No. 4136

COUNTY CLERK  
BY *M. Walding*

IN THE MATTER OF THE ALTERATION OF THE PORTION )  
OF NORTH GAME FARM ROAD (PORTIONS OF COUNTY )  
ROAD NUMBERS 1043, 42, 209, AND 975) FROM COBURG ROAD, )  
SOUTHEASTERLY, TO THE CITY LIMITS OF EUGENE, ) ORDER OF  
LOCATED WITHIN SECTIONS 9, 15, AND 16, TOWNSHIP 17 ) ALTERATION  
SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN. ) 07-2-7-9

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and the Board through adoption of the Capital Improvement Program for the Department of Public Works has determined that it was necessary to alter and reconstruct the portion of North Game Farm Road that runs from Coburg Road to the City of Eugene city limits, said road consisting of portions of County Road Numbers 1043, 42, 209 and Market Road Number 41, and also including the intersection at Armitage Road, County Road Numbers 42 and 957; and

WHEREAS, a public meeting was held on July 9, 2003 and a public hearing on July 23, 2003 at Lane County Public Works Building regarding the proposed road improvements, and through adoption of the Capital Improvement Programs from FY 2003-04 through FY 2007-08, and Board Order No. 03-10-29-1, No. 05-2-16-7, and No. 05-3-30-10, the Board of Commissioners authorized the Lane County Department of Public Works to proceed with the right of way plans; pursue all necessary planning actions; acquire right of way and prepare plans and specifications for the improvement of the North Game Farm Road Project; and

WHEREAS, a small segment of the right of way lies within the city limits of Eugene, and Lane County and the City of Eugene entered into an Intergovernmental Agreement per ORS 373.260(1) whereby the City authorized Lane County to make improvements, acquire right of way, and assess properties within the limits of the city; and

WHEREAS, the Department of Public Works has completed the final road design and acquired all necessary right of way on and over which the project has been laid out; and

WHEREAS, the Public Works Department has completed the construction of the North Game Farm Road project, in accordance with the plans and specifications prepared and administered by the Public Works Director; and

WHEREAS, North Game Farm Road runs along the Urban Growth Boundary (UGB), and the road has been improved to conform to urban standards along the west side, within the UGB, and to rural standards along the east side, outside of the UGB; and

WHEREAS, it has been determined necessary to legally alter this portion of North Game Farm Road, and accept the alignments including acquisitions made as a part of this project, as county road right of way; and

WHEREAS, the Department of Public Works has filed County Survey File 39848 with the County Surveyor for public record all in compliance with ORS 209.250 and 368.106; and

WHEREAS, the Board of County Commissioners is satisfied that necessary road construction and improvements have been completed and will be of public utility and benefit; now therefore, it is hereby

ORDERED that the deeds, or portions thereof, which lie within the road right of way specified herein, presented to the said Board of County Commissioners through purchase, donation, or agreement, as herein set forth below, on the dates set after the names of the Grantors, and before the recording information in the Lane County Deed Records, are hereby accepted as County road right of way:

<u>GRANTORS</u>	<u>RECORDING DATE</u>	<u>LANE COUNTY DEED RECORDS</u>	<u>LANE COUNTY TAX LOT NUMBER</u>
Charmalee R. Schram	July 21, 2004	Deed Instrument No. 2004-056970	17-03-09-31 800 900
Eugene Christian Fellowship	Sept. 3, 2004	Deed Instrument No. 2004-069653	17-03-09 2802 17-03-09-31 1000, 1100
Northwest Pipeline Corporation	July 22, 2004	Deed Instrument No. 2004-057675	17-03-09-31 200, 300 17-03-16-41 300
Ronny G. Holland	June 28, 2004	Deed Instrument No. 2004-048942	17-03-09-31 100
Charles Wiper, Jr. Marianna Wiper Charles V. Chackel Kathryn Chackel	Aug. 18, 2005	Deed Instrument No. 2005-064629	17-03-09 2800, 2806
Paul A. Wostmann Deborah J. Wostmann	July 27, 2004	Deed Instrument No. 2004-058925	17-03-16-12 200
Union Pacific Railroad Company	Sept. 22, 2004	Deed Instrument No. 2004-073879	17-03-16 2700 17-03-09-11 300
Paula Jane Guthrie Mary Ellen Scott	May 19, 2004	Deed Instrument No. 2004-037287	17-03-16-12 6700
Chris T. Rowe Kindle Perkins Rowe	May 25, 2004	Deed Instrument No. 2004-039154	17-03-16-12 6600
William C. McIntyre Kristy McIntyre	June 2, 2004	Deed Instrument No. 2004-041314	17-03-16-13 4100
GJS Land Company, LLC	June 4, 2004	Deed Instrument No. 2004-042356	17-03-16-13 5000 (new TL # 7900)
Hoiland Land Company, LLC	June 24, 2004	Deed Instrument No. 2004-048045	17-03-16 106

<u>GRANTORS</u>	<u>RECORDING DATE</u>	<u>LANE COUNTY DEED RECORDS</u>	<u>LANE COUNTY TAX LOT NUMBER</u>
Sharon Lee Harmon, et al.	Nov. 16, 2004	Deed Instrument No. 2004-087781	17-03-15 900
Donald G. Baxter Ronald D. Baxter Tracy L. Sturgeon	Mar. 11, 2005	Deed Instrument No. 2005-016777	17-03-16-41 100
City of Eugene, Lane County, Oregon / Eugene Water & Electric Board	Aug. 9, 2004	Deed Instrument No. 2004-062862	17-03-21-11 200
MML Properties, LLC	Sept. 27, 2004	Deed Instrument No. 2004-074980	17-03-16-41 201

and, it is further

**ORDERED**, that the portions of said county road referred to above and commonly known as North Game Farm Road be hereby altered as described in the legal descriptions attached hereto, made a part hereof and marked Exhibit 'A' by this Order; and it is further

**ORDERED**, that all portions of County Roads Number 1043, 42, 209, 975, and Market Road Number 41 lying between the termini specified herein above which are not included within the limits of the road herein above described are **HEREBY DECLARED VACATED** in accordance with ORS 368.126, **EXCEPT NOT VACATING** and retaining all that portion of Coburg Road and North Game Farm Road that was included in the Alteration of Coburg Road, Order Number 04-9-1-14, and **ALSO NOT VACATING** any portion of North Game Farm Road that has been surrendered to the City of Eugene, by Order Number 91-2-13-15, and retaining unto any and all existing public utilities the right to preserve, maintain, repair, replace, remove or reinstall any public utility that may now exist within the bounds of the portions of County Roads Number 1043, 42, 209, 975, and Market Road Number 41 herein described by these proceedings as vacated; and it is further

**ORDERED**, that in support of this action, the said Board of County Commissioners does hereby adopt the report of the Director of Public Works as set forth in Exhibit "B", which is attached hereto, and made a part hereof, by this Order; and, it is further

**ORDERED**, that this Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the Road Index Books and County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor; and that said Order be, and is hereby final and does operate to alter said portion of North Game Farm Road, and to accept it as County Road Number 2273.

**DATED** this 7th day of February, 2007.

APPROVED AS TO FORM

Date 1-18-07 lane county

OFFICE OF LEGAL COUNSEL

Ray Stant  
Chair  
Lane County Board of Commissioners