## BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-01-30-06

ORDER / IN THE MATTER OF AUTHORIZING THE SALE OF COUNTY ROAD FUND SURPLUS PROPERTY IDENTIFIED AS ASSESSOR'S MAP AND TAX LOT NO. 20-03-32-00-00602, COTTAGE GROVE, OREGON, TO THE CITY OF COTTAGE GROVE

WHEREAS, THIS MATTER NOW COMING BEFORE THE Lane County Board of Commissioners and said Board deeming it in the best interest of Lane County to sell the following property, to wit:

Approximately 1.30 acres of land identified as Tax Lot 602 on Assessor's Map 20-03-32-00, being more particularly described on the attached Bargain and Sale Deed, Exhibit A; and

WHEREAS, ORS 275.330 provides for selling such designated property; and

**WHEREAS**, the land is not needed for Lane County Road purposes and the Right of Way Staff and Management recommends the sale of the property; and

WHEREAS, the City of Cottage Grove has offered to purchase the property in accordance with the terms and conditions of the Sales Agreement for the purpose of constructing a second City dog park as described on the attached Sales Offer, Exhibit C; and

**WHEREAS**, the City Manager of Cottage Grove requested that Lane County surrender South Cleveland Street, County Road No. 1956, from 6<sup>th</sup> Street West to the City limits as a portion of the consideration for the sale;

## NOW, THEREFORE, the Board of Commissioners of Lane County ORDERS as follows:

- 1. The offer from the City of Cottage Grove is hereby accepted and the sale is authorized.
- 2. The Board directs staff to begin proceedings for the surrender of South Cleveland Street, County Road No. 1956, to the City of Cottage Grove.
- **3.** The Board Chair to execute the deed conveying said property to the City of Cottage Grove.
- 4. Lane County Right of Way staff is instructed to close the transaction and record the
- 5. The proceeds of the sale shall be directed into the Lane County Road Fund.

IT IS FURTHER ORDERED this Order shall be entered into the records of the Board of Commissioners of the County.

ADOPTED this 30thday of January \_\_\_\_\_, 2018

Jay Bozievich, Chair

Lane County Board of Commissioners

APPROVED AS TO FORM
Date

LANE COUNTY OFFICE OF LEGAL COUNSEL

## **EXHIBIT A**

After Recording Return to: City of Cottage Grove, Faye Stewart 400 E. Main Street Cottage Grove, OR 97424 Send Tax Statements to: City of Cottage Grove Finance Department 400 E. Main Street Cottage Grove, OR 97424

## BARGAIN AND SALE DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order Number of the Board of County Commissioners of Lane County, hereinafter called GRANTOR, for the true and actual consideration of THIRTY SIX THOUSOUND FIVE HUNDRED and no/100 dollars, (\$36,500.00) conveys to CITY OF COTTAGE GROVE, a municipal corporation of the State of Oregon, hereafter called GRANTEE, all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Northeast one-quarter of the Southeast one-quarter (NE 1/4 SE 1/4) of Section 32, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, and being a portion of those tracts of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded June 16, 1999, Recorder's Reception Number 99053733, LANE COUNTY OREGON DEED RECORDS, said parcel lying adjacent and between the existing alignment and the proposed new alignment of South River Road (County Road Number 295) as surveyed by Lane. County in 1999, being more particularly described as follows:

Beginning at a point on the existing westerly right of way line of South River Road 18.701 meters left of Engineers' Centerline Station L2 2+995.000 POC of the proposed new alignment of South River Road, said point being 214.197 meters North and 962.155 meters East of the 1996 Lane County Brass Cap marking the Southwest Corner of the Henry Small Donation Land Claim Number 57, located in Section 32, Township 20 South, Range 3 West of the Willamette Meridian, Lane County; Oregon; run thence North 59° 27' 50" West, 8.701 meters along the proposed easterly right of way line to a point 10 meters left of Engineers' Centerline Station L2 2+995.000 POC; thence continuing along said proposed right of way line on a: 150.000 meter radius curve right (the long chord of which bears South 33° 23' 42" West, 14.964 meters) a distance of 14.970 meters to a point 10 meters left of Engineers' Centerline Station L2 3+008.971 PT; thence South 36° 15' 15" West, 6.998 meters to a point 10 meters left of Engineers' Centerline Station L2 3+070.969 PC; thence along a 70.000 meter radius curve left (the long chord of which bears South 9° 57' 06" East, 101.056 meters) a distance of 112.902 meters to a point 10 meters left of Engineers' Centerline Station L2 3+200.000 POC; thence South 73° 15' 41" East, 4.209 meters to a point 11.120 meters left of Engineers' Centerline Station L2 3+204.675 PT, said point being on the existing westerly right of way line; thence along the existing westerly right of way line North 11° 00' 35" East, 161.793 meters to the point of beginning and there ending, all in Lane County, Oregon.

The total area of land contained is 1.30 acres, more or less.

All of the above described land is subject to all rights of way, easements, covenants, restriction, and encumbrances of record.

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"SUBJECT to the following restriction(s): The property shall be used for park purposes. Should this property be used for other than park purposes, the interest of the recipient shall automatically terminate, and ownership shall revert to Lane County upon full reimbursement of consideration in the amount stated herein to the City of Cottage Grove."

Grantee, by acceptance of this deed, hereby declares and otherwise agrees that Grantee shall indemnify, hold harmless and defend the Grantor, its officials, agents and employees, from and against any and all claims, damages, losses, and expenses, including attorney's fees, arising in and from Grantee acceptance and use of the land and property herein conveyed, unless such claims, damages, or losses are caused by Grantor's negligent or intentional act(s).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

| IN WITNESS WHEREOF, the undersigned have execute   | d this instrument this day |
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| of, 20   |                            |
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| Chair  |                            |
| Lane County Board of Commissioners   |                            |
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| STATE OF OREGON )  |                            |
| County of Lane   |                            |
| County of Lane   |                            |
| On , 19 , personally appear  | red                        |
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| who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of |                            |
| Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:  |                            |
| commissioners, and they delate wedged said instrument to be its versionary det and deed before mer   |                            |
|  |                            |
|  | Notary Public for Oregon   |
|  | My Commission Expires:     |

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