



# MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

*Rely on us.*

TO: Commissioners Carlson, Mital, Helgeson, Schlossberg and Brown  
FROM: Mike McCann, Electric Generation Manager; Lisa McLaughlin, Environmental & Property Supervisor  
DATE: July 26, 2019  
SUBJECT: Resolution No. 1921 – Leaburg Canal Property Acquisition  
OBJECTIVE: Board Action

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## **Issue**

This memo provides background for Board Resolution No. 1921 that, if approved, would authorize the General Manager to execute documents to complete the acquisition of fee title for a 38.28-acre property abutting the Leaburg Canal.

## **Background**

Over the years, EWEB has opportunistically acquired property adjacent to the Leaburg Canal as it has made sense to do so for access and/or dam safety purposes. EWEB currently owns more than 900 acres of mostly timbered land adjacent to and north of the Leaburg Canal. EWEB uses this property for hillslope/landslide monitoring and to prevent timber harvest and development that could impact the stability of the land above the canal. EWEB generally manages the land in a forested state for wildlife habitat and conducts periodic timber harvests where it makes sense to maintain a healthy mixed age forest ecosystem.

## **Discussion**

EWEB was approached in the spring of 2019 by the current owner of a parcel of 38.28 acres that abuts the Leaburg Canal near the forebay of the power project. The owner wanted to gauge EWEB's interest in purchasing the parcel. EWEB had previously collaborated with the parcel owner regarding our landslide monitoring program because the land is steep and sits immediately above the Leaburg forebay. The land is actively managed as a small woodland with the intent for future harvest. The property has previously been logged and currently supports a stand of roughly 25-year old timber. The property has also been approved for a home site, but none has been constructed. Via prior collaborations, EWEB has installed piezometers and inclinometers on the property and actively monitors the property for earth movement. The parcel is adjacent to both the canal and other property previously acquired by EWEB, and is the last parcel with canal monitoring equipment that is not under EWEB ownership.

Staff would like to acquire the property to support ongoing safe operation of the Leaburg power project. Acquisition would prevent future construction of a home on the property and uncontrolled timber harvest. Acquisition would also provide EWEB ownership and management influence of land currently being monitored by EWEB for slope stability.

The negotiated purchase price of \$204,500 reserves the timber rights for twenty years for the seller, but allows EWEB the first right of refusal to purchase any standing timber prior to harvest. EWEB has completed a market analysis to determine purchase price and a Phase 1 Environmental Assessment on the property.

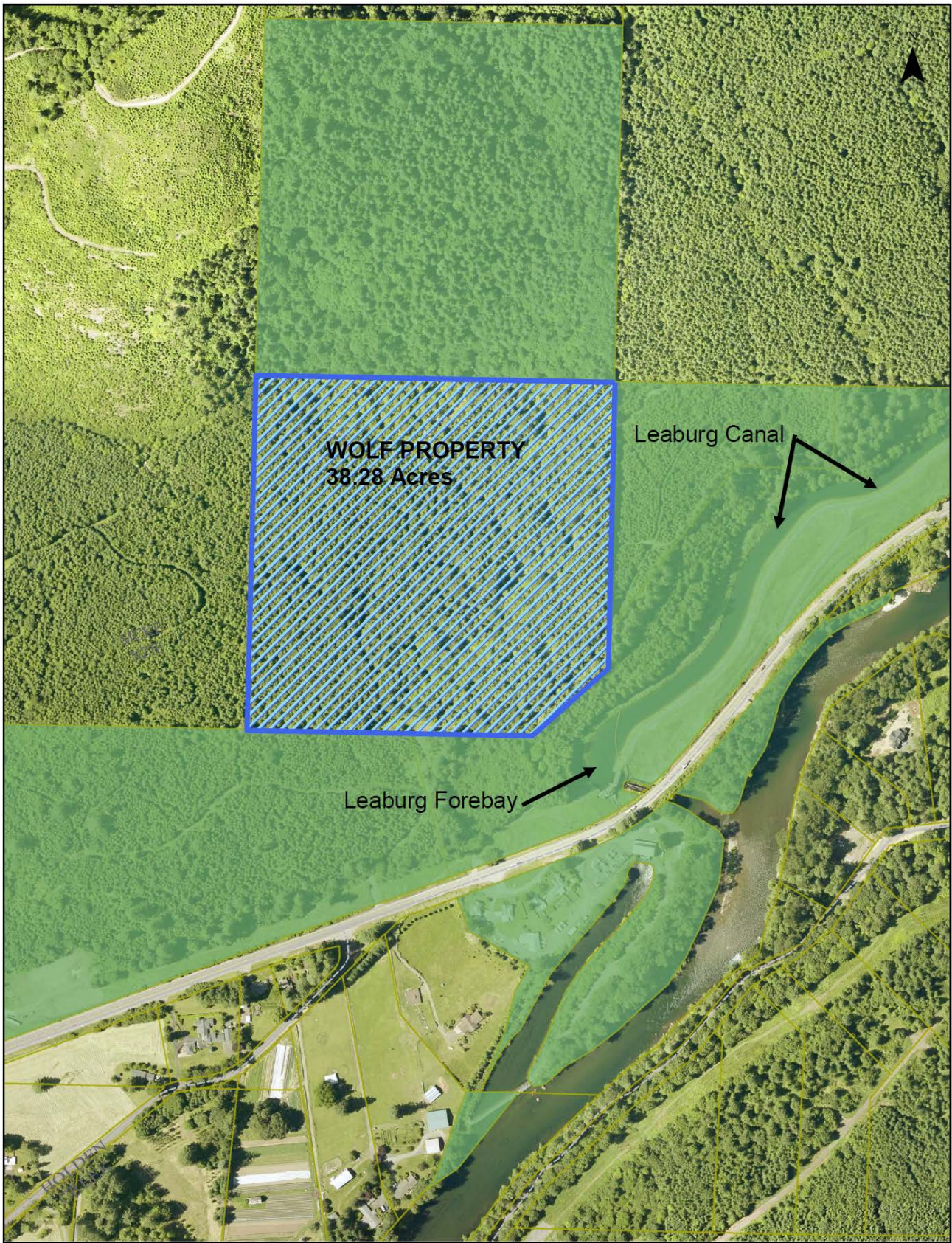
**Recommendation**

Management recommends the Board adopt Resolution No. 1921.

**Requested Board Action**

Approve Resolution No. 1921, authorizing the General Manager to execute the purchase of a 38.28-acre parcel along the Leaburg Canal.







**RESOLUTION NO. 1921  
AUGUST 2019  
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 August 6, 2019; and

**WHEREAS**, the Board has considered the acquisition of a 38.28 acre property abutting the Leaburg Canal to enable EWEB to own, control and manage sloped timberland that has existing EWEB infrastructure and monitoring equipment and is situated above and adjacent to the Leaburg Canal forebay and is adjacent to other timberland owned and managed by EWEB for dam safety purposes; 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 Leaburg Dam Safety Program; and

**WHEREAS**, the Board has determined 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 6<sup>th</sup> day of August, 2019.

THE CITY OF EUGENE, OREGON  
Acting by and through the  
Eugene Water & Electric Board

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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 August 6<sup>th</sup>, 2019 Regular Board Meeting.

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Assistant Secretary

EXHIBIT 1

PROPERTY DESCRIPTION

The Northwest quarter of the Southeast quarter of Section 9, Township 17 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon.

EXCEPTING that part conveyed to the City of Eugene by deed recorded December 26, 1928, in Book 160, Page 442, Lane County Oregon Deed Records, in Lane County, Oregon.