

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 13-05-21-08

IN THE MATTER OF APPROVING A NEW INTERGOVERNMENTAL COOPERATIVE IMPROVEMENT AGREEMENT WITH THE STATE OF OREGON AND THE CITY OF EUGENE TO FACILITATE REPLACEMENT OF THE INTERSTATE-5 BRIDGE OVER THE WILLAMETTE RIVER AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT.

**WHEREAS**, Lane County owned and operated the Day Island Sanitary Landfill from 1963 to 1974,

**WHEREAS**, Lane County transferred ownership of the Day Island Sanitary Landfill property to the City of Eugene in 1993,

**WHEREAS**, Lane County remains generally liable for environmental damages of the former landfill,

**WHEREAS**, the Oregon Department of Transportation requires temporary use of the former landfill property as a staging area for construction of a replacement Interstate-5 Bridge over the Willamette River,

**WHEREAS**, for purposes only of the State's use of the aforementioned property under the proposed Agreement, The State will be considered the City of Eugene's Agent pursuant to the 1993 Alton Baker Park IGA, thereby relieving County of liability for environmental damages caused by the State's actions, subject to the limitations set forth in Article XI, Section 7, of the Oregon Constitution and the Oregon Tort Claims Act,

**WHEREAS**, in 2009, The State of Oregon, Lane County, and the City of Eugene entered into an Intergovernmental Agreement to define the roles and responsibilities of the Parties regarding the States's temporary use of the Whilamut Natural Area of Alton Baker Park for construction of the project. That this agreement expired in 2012, and a new Agreement is needed to facilitate continuing construction of the project,

**NOW THEREFORE, BE IT HEREBY ORDERED**, that Lane County approves a new Intergovernmental Cooperative Improvement Agreement with the State of Oregon and the City of Eugene to facilitate replacement of the Interstate-5 Bridge over the Willamette River, and it is further

**ORDERED**, that the County Administrator is authorized to execute the Agreement.

Adopted this 21st day of May, 2013.

APPROVED AS TO FORM  
Date 5-10-13 Lane County

OFFICE OF LEGAL COUNSEL

  
Chair, Lane County Board of Commissioner