

Lane County Clerk
Lane County Deeds & Records

2025-032598

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CITY FILE NO. _____
APPROVED AND ACCEPTED BY
CITY OF EUGENE, OREGON
DATE: 10-1-25
[Signature]
Deputy City Recorder

Space above this line for Recorder's use.

After recording, return to:

Grantee

Oregon DEQ
165 E. 7th Avenue., Suite 100
Eugene, Oregon 97401
Attention: Don Hanson

Grantor

City of Eugene
500 East 4th Avenue, Suite 302
Eugene, OR 97401
Attention: Sarah Medary

**STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

DEQ No. 25-06

City of Eugene

**AMENDMENT 1 TO
ORDER ON CONSENT**

Respondent.

The Director of the Oregon Department of Environmental Quality ("DEQ") hereby issues this Amendment 1 to this Order on Consent and the First Addendum to the Order on Consent No. 25-06 ("Order on Consent"). Except as modified by this Amendment 1, the terms and conditions, including defined terms, of the Order on Consent remain in full force and effect.

1. The following sentence is deleted from Subsection 3.D: Notwithstanding the merger of the two parcels, the parties intend for the existing Order on Consent for the MGP Parcel to apply solely to the pre-acquisition portion of the MGP Parcel, as shown in the legal description in the Order on Consent, DEQ No. 21-02, and for the Site Management Plan (“SMP”) and the Easement in Equitable Servitude (“EES”) under this Order on Consent to apply solely to the portion of the Property as described in Exhibit A of the EES shown in Exhibit D. This sentence shall be replaced with: Notwithstanding the merger of the two parcels, the parties intend for the existing Order on Consent for the MGP Parcel to apply solely to the pre-acquisition portion of the MGP Parcel, as shown in the legal description in the Order on Consent, DEQ No. 21-02. The Site Management Plan (“SMP”) shall apply to the Property as set forth in Exhibit B to this Consent Order, and the Easement in Equitable Servitude (“EES”) shall apply solely to the portion of the Property as described in Exhibit A of the EES shown in Exhibit D.

2. Subsection 3.G is deleted and replaced with:

In late October 2010, during trenching for a utility line, a 6,500 gallon steel UST was discovered and decommissioned by removal near or on the southern edge of the Property. Diesel contamination associated with the tank resulted in DEQ opening leaking underground storage tank (LUST) file 20-10-1128. There is conflicting information regarding the location of the UST and it is not known whether it was located on the southern portion of the P-B Property or on adjacent real property. Approximately 66 tons of petroleum contaminated soil was removed from the site and disposed of off-site at a landfill. Soil samples collected for the University of Oregon from the tank pit and from borings completed north of the UST on the Property detected mainly diesel range hydrocarbons, polynuclear aromatic hydrocarbons (“PAHs”) and volatile organic compounds (“VOC”) constituents, including naphthalene and benzene. One sample, from the base of the UST excavation, from 12 feet below ground, contained petroleum at levels that exceeded DEQ’s construction worker risk-based concentration (RBC), by a factor of about 2 times. Some of the soil boring samples also detected diesel in deep soils near the water table at 17 feet at low concentrations, below applicable RBCs. Groundwater samples collected from the borings at the Property

contained trace levels of semi-volatile organics that are likely attributable to the UST release. Future possible risks to excavation/construction workers from this contamination could be managed by employing safe work practices in accordance with the DEQ approved Site Management Plan (SMP). The LUST project remains open in DEQ's database.

Historical contamination on the P-A portion of the Property was the result of petroleum products and byproducts of the adjacent MGP site impacting soil and groundwater at the Property. MGP waste contains petroleum related constituents including PAHs, VOCs, benzene, toluene, ethylbenzene, xylenes, cyanide and mercury.

3. Subsection 3.I is deleted and replaced with:

The DEQ files show that residual contamination is present on the P-A portion of the Property. At the time of the NFA determinations in 2001, 2010, and 2015, the known contaminant concentrations at the P-A Riverbank portion were below applicable screening levels for site receptors. Deeper contamination on the P-A Upland exceeded DEQ RBCs for construction and excavation workers. In its 2010 NFA for the P-A Upland portion DEQ noted that risks to future excavation/construction workers could be managed by employing safe work practices in accordance with the DEQ approved Site Management Plan (SMP). A formal deed restriction, or easement and equitable servitudes (EES) was not recorded on the P-A Upland parcel.

4. Subsection 3.J is deleted

5. Subsection 3.K is renumbered as Subsection 3.J

6. Subsection 3.L is renumbered as Subsection 3.K

7. Subsection 3.M is renumbered as Subsection 3.L

8. Exhibit C (Scope of Work) text is deleted and replaced with:

The City of Eugene (City) will take the following actions at the Property:

1. The City will execute the Easement and Equitable Servitude attached as Exhibit D to the Order on Consent at Parcel P-A (restricted property, Figure 1), that creates the following restrictions on the restricted property:

- a. Groundwater wells may not be installed, and groundwater may not be withdrawn for use at the Property.
 - b. Construction of buildings that are designed and/or used for interior human workspace without further investigation or vapor resistant construction.
 - c. Residential Use. DEQ must approve any change in use to residential purposes.
2. City will revise and update the November 2009 Site Management Plan (SMP) for the Property.
 - a. The revised SMP will be submitted to DEQ for review and approval.

City will implement and follow the revised SMP at the restricted property.

STIPULATED, AGREED, and APPROVED FOR ISSUANCE:

Respondent, City of Eugene

By: The City of Eugene

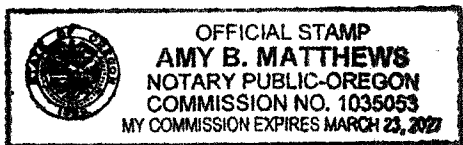
Its: City Manager

By: 
Sarah Medary, City Manager

Date: 10/1/25

STATE OF OREGON)
 Lane) ss.
County of ~~Multnomah~~)

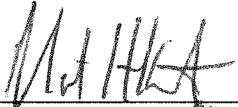
The foregoing instrument is acknowledged before me this 1st day of October, 2025, by Sarah Medary, of The City of Eugene, on its behalf.
City Manager




NOTARY PUBLIC FOR OREGON

STIPULATED, AGREED, and SO ORDERED:

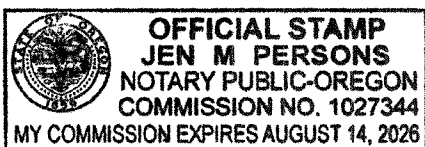
State of Oregon, Department of Environmental Quality

By: 
[Name] Michael H. Kortenbelt
[Title] Acting Land Quality Administrator

Date: Sept 26, 2025

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument is acknowledged before me this 26th day of September, 2025, by Michael Kortenbelt of the Oregon Department of Environmental Quality, on its behalf. as Acting Land Quality Administrator




NOTARY PUBLIC FOR OREGON

Legal Description of the Property

All those lands described in the Final Judgement of Case No. 89469, filed on June 26, 1968, in Reel 164, Page 757, Circuit Court of the State of Oregon, Lane County, lying West of the following described line: **Beginning** at a point on the northerly boundary of that piece of land described in the final judgement of Case No. 89469, filed on June 26, 1968, in Reel 164, Pages 757, Circuit Court of the State of Oregon, Lane County, said point being North 376.05 feet and East 2543.80 feet, more or less, from the South-Southeast corner of the Eugene Skinner Donation Land Claim No. 64, Township 17 South, Range 3 West of the Willamette Meridian; said point also being North 334.11, more or less, from the intersection of the west bank of the Mill Race and the ordinary high water mark; **Thence** South 334.11 feet, more or less to the intersection of the southerly ordinary high water mark of the Willamette River with the west bank of the Mill Race; **Thence**, along said Mill Race west bank South 16°01'23" West 350.86 feet to a 5/8" iron rod; **Thence** leaving said Mill Race west bank North 72°27'56" West 534.02 feet to a 5/8" iron rod; **Thence** South 23°38'33" West 143.14 feet to a 5/8" iron rod set at the northerly right-of-way of the Central Oregon and Pacific Railroad.

Exception:

All submerged Willamette River land, and any submersible Willamette River land, that is owned by the State of Oregon.