

Oregon Parks and Recreation Commission

September 18, 2024

Agenda Item:	4a	Action
Public Comment Allowed:	Yes	
Topic:	Mt. Pisgah – Timber Rights	
Presented by:	Jennifer Elson, Property Agent	

In 1973 ODOT’s Parks and Recreation Division acquired a 2,244-acre property known as Mount Pisgah Regional Park and immediately gave it to Lane County on a 99-year lease for development and management. In 1982 this property was transferred to Lane County in fee title, with 50% of the timber value being reserved by ODOT’s Parks and Recreation Division. This park is currently named Howard Buford Recreation Area (HBRA).

Lane County has requested the remaining timber rights be transferred to them. Wanting to honor the requirements of the deed, Lane County seeks approval for timber management tasks from the state, but it is unclear who has authority to grant permission; ODOT or OPRD.

Although it could be argued that OPRD holds title to the 50% timber value (having taken title as “ODOT, Parks and Recreation Division”), it has been customary for ODOT to quitclaim Parks Division property to OPRD. This creates a paper trail and eliminates the possibility of anyone in the future construing this as a possible cloud on title.

The “50% timber value” clause in the deed is a permanent remnant of a temporary requirement and should be relinquished to Lane County. When this project started in the early 1970s, the Bureau of Outdoor Recreation (BOR) required any income from the sale or rental of structures, the sale of timber, and the lease or rental of the land during the development period be used to reduce the cost of that development (per BOR Manual 2/14/70). If there was income that caused state expense to fall below half of total project costs, BOR would need to be reimbursed. This requirement was captured in the pre-purchase agreement, the 99-year lease, and the deed, as the property was still under development in 1982. The development phase has been complete for some time now, the costs have long been finalized, and this ceased to be a requirement.

As ODOT has agreed to quitclaim the timber rights to OPRD, as the timber rights reversionary clause has outlived its intended purpose, and as Lane County has a sound resource management plan for HBRA, staff recommends relinquishment of all timber rights, allowing Lane County the autonomy they need to effectively operate their park.

Staff requests Commission approval for OPRD to accept any and all timber rights ODOT holds in Howard Buford Recreation Area and to transfer any and all timber rights to Lane County.

Prior Action by Commission: None

Action Requested: Approve accepting transfer of Mt. Pisgah timber rights from ODOT, then transfer all timber rights to Lane County.

Attachments: None

Prepared by: Jennifer Elson