

August 14, 2016

Chronology of the Creation and Use of the Public Square in Eugene, Oregon

August 14, 1848: The region known as the “Oregon Country” becomes an official Territory of the United States. A legislative body was created and convened in Oregon City, then Capital of the Oregon Territory.

January 29, 1851: Lane County is created by the Territorial Legislature. No seat of government is designated at this time for the new county. The county is named after Joseph Lane, the first Governor of the Oregon Territory.

January 12, 1853: Oregon Territory Legislature gives permission to Lane County to hold an election on June 5, 1853 so that inhabitants of the county can vote to determine the location of a permanent seat of justice.

June 5, 1853: The vote to determine the seat of justice in Lane County takes place. Four parcels of land are offered to the voters for selection. Three of the parcels are in Eugene, a 40-acre piece by Charnel Mulligan, a 40-acre piece by Eugene F. Skinners, and a similar size piece by Prior Blair. The fourth piece is in what is now the City of Springfield.

June 6, 1853: Eugene F. Skinner founds Eugene City by creating first plat of city.

June 14, 1853: Prior to a final decision on the election, both Charnel Mulligan and Eugene Skinner sign documents of obligation regarding their 40-acre donations, saying they “shall execute and make good and sufficient warrantee deeds to the Board of County commissioners of the County of Lane to and for the use of the said County.”

June 24, 1853: The County Commissioners canvass results of the election. Mulligan’s parcel receives the most votes. The results are officially recorded in Commissioners’ Journal on July 6.

July 5, 1853: Prior to the official recording of the election results, a survey of both Skinner and Mulligan’s donated parcels is ordered and the layout of the lots and blocks for the city is created by the County Commissioners. Quoting from the Commissioners Journal, “Lots to be eighty feet front by one hundred and sixty feet back, said blocks to contain eight lots, two lots to the quarter and alleys crossing at the center of said blocks; said alleys to be fourteen feet wide. Streets to run north and south; to be sixty-six feet wide.” On this same day, the county clerk was ordered to employ a carpenter to build a 16 foot by 20 foot clerk’s office on Mulligan’s 40-acre donation.

July 6, 1853: The results of the vote are officially recorded. Charnel Mulligan's donation was to top vote getter. Second was Prior Blair's donation. The following comes from the Commissioners' Journal of that day:

"WHEREAS, in canvassing the vote polled at said election in pursuance of said act it appeared that no one place received a majority of all the votes cast at said election, the Board of Commissioners proceeded to ascertain and determine the votes polled for places within an extent of two miles, and upon proper measurement it appearing that the point voted for as ' Prior Blair's Donation ' received one hundred and five (105) votes; and the point voted for as ' Mulligan's Donation' having received one hundred and thirty-four (134) votes, are within said extent of two miles, being two hundred and thirty-nine (239) to one hundred and fifty-five (155) votes for all others; and there being a majority of votes cast at said election, and said 'Mulligan's Donation*' having the highest number of votes, the commissioners proceeded to locate in accordance with the provisions of said [act] the permanent seat of justice for Lane county **within one mile of said point having the highest number of votes;** and no other donation being offered they located the seat of justice for Lane county upon said donation of Mulligan and the acceptance of a bond executed in favor of said Board of Commissioners for said county from Charnel Mulligan and E. F. Skinner, in the sum of five thousand dollars annexed to their several names with good and sufficient security to be paid in good and lawful money to make and execute certain deeds for forty acres of land each to said county for the use of Lane county."

We see in this journal excerpt that while Mulligan's donation (which is the area now bordered by 8th Street, 11th Street, Pearl Street, and Olive Street) is clearly the election winner as the permanent seat of justice in Lane County, bonds of five thousand dollars are requested for both Mulligan's donation and Skinner's donation (which is the area now bordered by 5th Street, 8th Street, Pearl Street, and Olive Street). These two pieces are contiguous. The clause "within one mile of said point having the most votes" gives the Commissioners quite a bit of leeway and must be, at least, one reason why Skinner's donation also requires the five thousand dollar bond.

July 1853: The before mentioned "16 foot by 20 foot clerk's office" is built on the block currently bordered by what is now Broadway (then 9th Street), 10th Street, Olive Street, and Willamette Street. This is very clearly on Mulligan's donation. **This is the original seat of Justice in Lane County.** (This very same building now sits beside the Lane County Historical Museum on the Lane County Fairgrounds. The sign outside this exhibit correctly describes the location as at 10th and Willamette, but incorrectly labels this site as on Skinner's donation. For reasons not clear there will continue to be a misconception about who's property was designated as the original seat of justice in Lane County.)

August 30, 1854: This is the date that Skinner and Mulligan sign their obligation to donate 40-acres each to the creation of Eugene City. It will not be officially recorded

until April 12, 1856. The paragraph below is an excerpt from that document and contains the first mention of the conditions of these donations:

“The condition of the above obligation is such that whereas in consequence of the result of an election held in said county Lane on the fifth day of June AD 1853 in conformity with an act of the institutional legislature of Oregon judged January the 12th AD 1853 for the purpose of enabling the people of said county of Lane to locate permanently the seat of justice of said county. It becomes necessary for the Board of Commissioners of said county to locate said seat of justice within one mile of the point voted for at said election which point was on the land claim of Charnel Mulligan. Where (as for) the said Charles Mulligan and the above bound Eugene F. Skinner did then and there, for and in consideration of and on the condition that the permanent seat of justice for said county of Lane be located there on donate to said Board of County Commissioners and their successors in office. And through them to the people of said county for the use and benefit of said county as a seat of justice there in. The certain tract or parcel of their land claims embraced within the limits of which is now known as Eugene City and occupied by said county of Lane as their seat of justice said donation to contain forty acres each and bounded by the limits aforesaid. When for said Board of Commissioners ordered that the bond of said Skinner and Mulligan be accepted and that the seat of justice of aforesaid be permanently locations said donations.”

Though it was recorded on June 24 of 1853 that Mulligan’s donation won the vote and the clerk’s office was there located, both donations are included in this document of August 30, 1854. It must be concluded that the County Commissioners did consider both 40-acre parcels to be as one. In other words, the eighty acres, bordered by what are now 5th Street, 11th Street, Pearl Street, and Olive Street, were at this time established as the location of the permanent seat of justice in Lane County. Why it took eighteen months for this document to be recorded is not clear.

December 7, 1854: On this day, the County Commissioners delineate a 400 foot by 400 foot square of property, in the center of the two forty-acre parcels donated by Skinner and Mulligan, specifically for “public use” as the seat of justice in Lane County. This “public square in Eugene City,” as the Commissioners designate it, is delineated below in an excerpt from the Commissioners’ Journal.

“Beginning at the center of the southeast quarter of block number ten according to the original survey and plat of Eugene City; thence west to the center of the southwest quarter of block eleven; thence north to the center of the northwest quarter of block eight; thence east to the center of the northeast quarter of block nine; thence south to the place of beginning.”

It should be noted that the rest of the two 40-acre donations, Mulligan's and Skinner's, will be sold off to finance the early stages of the creation of the city of Eugene.

(It doesn't help matters that the block designations used in the delineation of the "public square" are incorrect. The physical layout of the "public square" should include blocks 7, 8, 11, and 12—not 8, 9, 10, and 11. This is corrected in 1896.)

January 15, 1855: By this time, the original clerk's office, the one at the Lane County Museum, which then acted as the courthouse, has been deemed too small for the needs of the County, and a new Lane County courthouse is completed on this day in January 1855. It is located in the exact center of the piece designated as the "public square" and right on the line between the two original donated parcels. In other words, the honor of having the courthouse on one or the other donated pieces of property will be shared by Skinner and Mulligan.

May 17, 1855: This is when the warranty deed for Skinner's donation is written. This document is important as it further delineates the purpose of the "public square:"

For the consideration of one Dollar to us in hand paid and upon consideration that the Public Square as located by the Honorable County Commissioners Court of Lane County in the Territory of Oregon at their Dec Term, One Thousand Eight Hundred and Fifty four be and remain as by them located at said Term. And further that the Court House be built in the center of said Square. The place agreed upon by said Board of Commissioners as appears of record in the office of the Commissioners Court of said County of Lane approved and signed by their chairman at the April Term of said Court A.D. 1854. We hereby give and donate to Joseph Davis &

This document then asserts, as a condition of the deed, that the County Court House must be located in the "center" of the "public square." At the time of the writing of the document, the courthouse was already there—in the center of the public square and 8th Street and Oak Street do not extend through the square.

February 11, 1856: This is the date when the warranty deed for Mulligan's donation is written. It contains no mention of the "public square," however, it does say that the seat of justice is partially located on his donated parcel, meaning the courthouse that was built on the dividing line between Mulligan's and Skinner's donations.

Mulligan's warranty deed is recorded very soon after it was written on March 28, 1855 and Skinner's warranty deed, which was written more than seven months before Mulligan's, is not recorded until March 14, 1862—almost seven years after it was written. It is not clear why this happened.

February 14, 1859: Oregon is admitted to the Union as the thirty-third state.

December 15, 1864: Eugene Skinner dies. He is survived by his wife Mary Skinner. Charnel Mulligan will live until May 29, 1899.

September 10, 1869: At this time, there is a desire to extend 8th Street and Oak Street through the public square. The County Courthouse sits right where they will intersect and needs to be moved. The County Commissioners override the restriction placed on Skinner's warranty deed that says the courthouse must be in the center of the "public square" and decide to physically lift the courthouse up and move it half a block north to the south end of the block bordered by Eighth Street, East Park Street, North Park Street, and Oak Street. This is where the County administration offices are today. The courthouse will be rebuilt twice more and will never again be in the location designated by Skinner's warranty deed.

1875: The City Hall, Jail, and Fire House are built on south park blocks.

1885: The public square is defined by the building of four streets around its perimeter—North Park, South Park, West Park, and East Park.

March, 1896: Following the directives of the County Commissioners, Paul Brattain corrects error in original description of the public square.

1897: J.E. Davis files a suit against Lane County for extending 8th Street and Oak Street through the public square, saying that the street extension goes against the original intent of the square's creation.

1898: The courthouse that was moved from the center of Eighth Street to the south end of block bounded by Pearl Street, Oak Street, Eighth Street, and Seventh Street is torn down and rebuilt in the same place.

1899: Judge J.W. Hamilton dismisses J. E. Davis' suit against Lane County.

October 20, 1909: The County Commissioners determine that the City Hall and the City Jail, both on the northwest quadrant of the public square, are in violation of the original donation deed of Eugene and Mary Skinner and order them to be torn down.

September 4, 1915: The Eugene Public Market opens. This is the original Lane County Farmers Market. A small shed is built on the western edge on northwest quadrant of the square.

November, 1921: Due to increased business at the Eugene Public Market the old shed is torn down and a new structure is built in the same locaton. It is 30 feet wide and 169 feet deep, holds 54 vendors. It fronts on 8th Street and extends down along the east side of West Park Street.

June 6, 1925: Market needs and business continue to grow. A second new building is opened at the market on this day. It sits along side the first building. It is 24 feet wide and 165 feet long. The market now has room for 80 vendors.

August, 1929: The Eugene Public Market, again with increasing business and space needs, moves from the public square to the corner of Charnelton and Broadway.

November 8, 1954: District Attorney Eugene Venn expressed his opinion on the Mulligan and Skinner deed restrictions to the County Commissioners in a six-page memo titled “regarding possible allocation of County property to the City of Eugene to be used in connection with a proposed City Library, the specific property being the Southeast Park block located in the public square.” This amounted to a review of the opinion issued by Judge Chrisman that city buildings cannot be on the public square. District Attorney Venn’s remarks were the most detailed on the subject to date, and he offered four ways that the language of the original deeds, which do prevent the sale of the property, could allow other kinds of arrangements between public entities. Venn’s suggestions included “a special general election by the voters of Lane County,” the County making the City a gift of the property for public use, a 99-year lease, and a joint agreement between the City and the County. He concluded the memo by adding that “it is the opinion of this office that the language used in the Mulligan deed is non-restrictive in nature and that claims asserted on the basis of this language could be successfully defeated should litigation arise.”

July 25, 1958: Lane County vacates North Park Street and East Park Street in preparation for building the Butterfly Parking Lot and a new County Courthouse.

1958: The Butterfly Parking Lot is built on the northwest quadrant of the public square.

May 4, 1959: The Eugene Public Market is closed down. Competition from regional grocery stores spells the end for this incarnation of the farmers market.

1959: The Courthouse built in 1898 is demolished. A new courthouse is built at the north end of the block bounded by 7th Street, 8th Street, Oak Street, and Pearl Street. It is placed outside the original delineation of the public square. This is the courthouse we use today.

1970: Butterfly Parking Lot is used for Saturday Market for eight years

October 5, 1970: Title Officer Boyd Steele writes letter to Eugene Urban Renewal group explaining restrictions and encumbrances associated with Park blocks.

1970s: The County Administration offices are added to the block bounded by 8th Street, 7th Street, Oak Street, and Pearl Street.

1972: Property that holds the Butterfly Parking Lot is designated at tax lot 9500.

1980: Lane County Farmers Market opens with four vendors on the Butterfly Parking Lot.

July 12, 1983: Memo is written by Bob Ezell, Lane County Surveyor, to County Commissioners explaining creation of the public square and the sale of the lots around the public square during the 1850s and 1860s.

August 16, 1988: Lane County gives the City of Eugene the southwest and southeast quadrants of the public square, citing the need for more efficient public service delivery systems.

May 25, 2007: Circuit Court Administrator David Factor writes a letter to the County Commissioners, the Mayor of Eugene, and the City of Eugene Manager expressing the Lane County Circuit Court's objection to selling the northwest quadrant of the public square to the City of Eugene as a location for a new City Hall.

November 29, 2011: City of Eugene Manager Jon Ruiz writes a letter to Lane County Administrator Liane Richardson proposing the demolition of the Butterfly Lot parking structure is demolished so that the Lane County Farmers Market can expand onto that space.

June 3, 2014: Lane County Commissioners and Eugene City Council hold joint public hearing regarding proposed exchange of properties. The City of Eugene offers Lane County the east half of the City Hall Block (bordered by 7th Avenue, 8th Avenue, Pearl Street, and High Street) for east half of block bordered by 7th Avenue, 8th Avenue, Oak Street, and Willamette Street (the Butterfly Parking Lot property).

July 25, 2014: In a memo to the Board of County Commissioners, regarding the legality of a land exchange between Lane County and the City of Eugene, County Administrator Steve Mokrohisky wrote the following:

“County Counsel (Andy Clark) met with the City Attorney (Glenn Klein) to discuss whether the relevant deeds contain any use or conveyance limitations relating to the butterfly lot or the other land conveyed to the county by the Skinner deed. Respective counsel discussed two issues: (1) whether use of the butterfly lot is limited to courthouse purposes or is it amenable to other public uses, and (2) whether the county courthouse is required to remain on some portion of the 40 acres of land deeded to the county by the Skinners in the 1850's. Without going into the specifics of the legal analysis at this time, there do not appear to be any limitations in the deeds that would make the contemplated land exchange impossible.”

This statement essentially verifies what City Attorney Eugene Venn wrote in his 1954 memo; “It is the opinion of this office that the language used in the Mulligan deed is non-restrictive in nature and that claims asserted on the basis of this language could be successfully defeated should litigation arise.”