

W. 17.a.

AGENDA COVER MEMORANDUM

Agenda Date: November 12, 2003

DATE: October 28, 2003

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: PUBLIC HEARING/ORDER: IN THE MATTER OF AUTHORIZING THE TRANSFER TO THE CITY OF EUGENE FOR PUBLIC PURPOSES SURPLUS COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP #18-04-08-00-00200 (ADJACENT TO 29323 GIMPL HILL ROAD, EUGENE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE TRANSFER TO THE CITY OF EUGENE FOR PUBLIC PURPOSES SURPLUS COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP #18-04-08-00-00200 (ADJACENT TO 29323 GIMPL HILL ROAD, EUGENE)
2. **ISSUE/PROBLEM:** The City of Eugene has submitted a request to the county for the transfer of the subject property. It will be used by the City for park purposes in conjunction with its Ridgeline Trail project. The city has offered \$5,000 in consideration for the transfer. The transfer would occur pursuant to ORS 271.330.

Dr. Gordon Dorn, owner of property adjacent to the subject property (tax lot 209) has submitted a tentative offer for the subject. Dr. Dorn has offered to pay \$7,000 - \$15,000 for the subject depending on any restrictions the county may include in a deed (i.e., no dwellings can be built).

3. DISCUSSION:

3.1 Background

The subject parcel is 2.29 acres, zoned F2, lies outside the Urban Growth Boundary and has been determined to be a legal lot of record by the Land Management Division. The subject is on a wooded hillside with 30% - 60% slopes. The assessed value of the subject is \$10,231.

The subject does not have documented legal access. The subject would likely be developable if it had access. The estimated value range of the subject, assuming it had access, is \$70,000 - \$100,000.

The subject parcel was first acquired through tax foreclosure in June 1965. It was sold by the county in April, 1966. The subject was again foreclosed upon by the county in May, 1988. It was offered at a Sheriff's Sale on January 12, 1989 with a minimum bid of \$3,300.

The City has purchased property adjoining the subject to be used for its Ridgeline Trail project (a trail along the outskirts of the city from Southeast Eugene to Southwest Eugene). Acquisition of the subject parcel would allow the City greater flexibility in designing and constructing the project as well as providing a scenic buffer. The City is requesting that the county transfer the subject to them for minimal consideration as the county's contribution to the project.

Property Management staff has, in the past, had discussions with Dr. Dorn, an adjoining owner of the subject, concerning a possible sale. Previous discussions did not get to the point of offers being presented. Dr. Dorn was made aware of the City's interest and the public hearing on the City's request to acquire the property. Dr. Dorn has expressed concerns about access to the trail, trespass on his property and increased liability should the City acquire the subject. Dr Dorn has indicated that he is not interested in developing the property but would leave it in its natural state. Dr. Dorn, in a faxed letter received October 28th, has indicated he is willing to purchase the subject property in a price range of \$7,000 - \$15,000 with a final price subject to negotiations based on any deed restrictions the county may require concerning the ability to develop the property.

County Parks staff did view the property for possible use in the county park system. Park's staff was not interested in the subject for county purposes but did recommend it come under the jurisdiction of the city to enhance the Ridgeline Trail.

3.2 Analysis

As the parcel does not have legal access, interest by prospective buyers has been limited (it has been on Property Management's inventory list of available property for sale). In order to obtain legal access if an adjoining owner was unwilling to grant it, a buyer would need to petition the courts for a "Way of Necessity" pursuant to ORS Chapter 376. The process can be complicated, time consuming and costly.

A sale of the subject to an adjoining owner who can provide access could yield the greatest consideration assuming the adjoining owner was interested in purchasing the property and willing to negotiate with the county for consideration that represented a fair proportion of the properties value with access. Sales of similar buildable vacant property in the area have ranged from \$100,000 - \$150,000.

In similar circumstances in the past, the county has entered into purchase option agreements with prospective buyers. This reduces the risk to the buyer by allowing them time to determine if building permits can be secured. Assuming that the subject property would be worth \$80,000 if it could be developed it would not be unreasonable for the county to request \$25,000 - \$30,000 as consideration.

The City of Eugene will be using the property for park purposes which will serve all the citizens of Lane County. One of the issues for the Board to determine is if the public benefit of having the subject property used as park land exceeds the greater monetary benefit from a sale to a private party (at its current assessed value, the subject property would also generate approximately \$200 annually in tax revenue if it remained undeveloped).

The transfer to the City of Eugene can occur pursuant to ORS 271.330 which provides for transferring county property to other governmental entities. The statute requires a public hearing be held prior to any decision by the Board and that the property be used for public purposes for a minimum of 20 years (after 20 years the public use restriction would expire).

Revenue received from the sale of tax foreclosed property, after the county is reimbursed its costs for maintenance and supervision, is disbursed to the taxing districts in the same manner as property taxes. The \$5,000 in consideration offered by the City would reimburse the county's costs and return revenue to the taxing districts. The county would receive its portion of revenue based on its status as a taxing district.

3.3 Alternatives/Options

- A. Transfer the property to the City of Eugene for \$5,000 pursuant to ORS 271.330(1). This would allow the City of Eugene to use the property for any public purpose –

parks or otherwise – for a minimum of 20 years. The city would own the property free and clear of the public use restriction upon expiration of the 20 year period.

- B. Direct staff to negotiate a sale with a private purchaser.
 - C. Negotiate with the City of Eugene for greater consideration or provide them with an opportunity to match other offers.
-
- D. Reject all offers and direct staff to offer the subject at the Sheriff's sale of county property.

3.4 Recommendation

It is recommended that alternative "A" be implemented and the property transferred to the City of Eugene for \$5,000 in consideration. The high value of Dr. Dorn's informal offer is \$15,000. Staff is of the opinion that the public benefit of maintaining the property as park land exceeds the \$10,000 additional consideration that would be received by a sale to a private party.

3.5 Timing

None.

- 4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property transferred to the City of Eugene.
- 5. **ATTACHMENTS:**
 - Letter from City of Eugene
 - Letter from Dr. Dorn
 - Email from County Park's Staff
 - Map of City of Eugene Ownership adjoining Subject Property
 - Plat Map
 - Board Order
 - Quitclaim Deed

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. IN THE MATTER OF AUTHORIZING THE TRANSFER TO THE CITY OF EUGENE FOR PUBLIC PURPOSES SURPLUS COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP #18-04-08-00-00200 (ADJACENT TO 29323 GIMPL HILL ROAD, EUGENE)

WHEREAS this matter now coming before the Lane County Board of Commissioners and said Board ~~deeming it in the best interest of Lane County to transfer to the City of Eugene the following real property~~ which was acquired through tax foreclosure, to wit:

Beginning at a point 755.7 feet South of the NE corner of the SE ¼ of the NE ¼ of Section 8, Township 18 South, Range 4 West of the Willamette Meridian; thence Southeasterly to a point which bears South 191.4 feet and East 264.0 feet of the East ¼ corner of said Section 8; thence West 264.0 feet to the East line of Section 8; thence along said Section line North 755.7 feet to the point of beginning (map # 18-04-08-00-00200)

WHEREAS said real property is owned by Lane County and not in use for County purposes and

WHEREAS the City of Eugene has requested the transfer so the property may be used in conjunction with adjacent city parkland to develop a hiking trail for public use and

WHEREAS ORS 271.330 provides for such transfers pursuant to a public hearing and

WHEREAS a public hearing was held on the matter on November 12, 2003 with notice of said public hearing published on October 27 and November 3, 2003 in the "Eugene Register-Guard", a newspaper of general circulation in Lane County

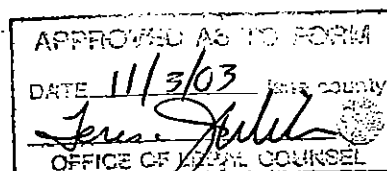
IT IS HEREBY ORDERED that, pursuant to ORS 271.330, the real property identified as Assessor's map # 18-04-08-00-00200 be transferred to the City of Eugene for consideration of \$5,000 and that the Quitclaim Deed be executed by the Board with said deed containing a restriction that the property be used for public purposes pursuant to said statute.

IT IS FURTHER ORDERED that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 2003

Peter Sorenson, Chair
Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING THE TRANSFER TO THE CITY OF EUGENE FOR PUBLIC PURPOSES SURPLUS COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP #18-04-08-00-00200 (ADJACENT TO 29323 GIMPL HILL ROAD, EUGENE)



QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No. _____ of the Board of County Commissioners of Lane County, releases and quitclaims to:

CITY OF EUGENE

all its right, title and interest in that real property situated in Lane County, State of Oregon, described as:

Beginning at a point 755.7 feet South of the NE corner of the SE 1/4 of the NE 1/4 of Section 8, Township 18 South, Range 4 West of the Willamette Meridian; thence Southeasterly to a point which bears South 191.4 feet and East 264.0 feet of the East 1/4 corner of said Section 8; thence West 264.0 feet to the East line of Section 8; thence along said Section line North 755.7 feet to the point of beginning (map # 18-04-08-00-00200)

This transfer is made pursuant to ORS 271.330(1) and is conditioned upon continued use of the property by grantee for public purposes for a minimum of twenty (20) years from the date of transfer.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS. 30.930.

The true and actual consideration for this transfer is: \$5,000

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2003 personally appeared _____

_____, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Notary Public for Oregon

My Commission Expires _____

After recording, return to/taxes to:
City of Eugene
777 Pearl Street
Eugene, OR 97401



Public Works
Engineering

City of Eugene
858 Pearl Street
Eugene, Oregon 97401
(541) 682-5291
(541) 682-5032 Fax
(541) 682-5245 TTY

September 4, 2003

Jeff Turk, Property Management Officer
Lane County Management Services
125 East Eighth Avenue
Eugene, Oregon 97401

RE: County-owned 18-04-08, TL #200; 2.29 acres located of Gimpl Hill Road

Dear Jeff:

As you know from previous discussions, the City of Eugene's Parks and Open Space Division has acquired several parcels of property in the vicinity of the County owned parcel referenced above for the Ridgeline Trail project. The referenced parcel is within the Urban Growth Boundary and was apparently acquired by the County in a tax foreclosure some years ago.

In order for the project to develop a suitable trail and to maintain a minimum corridor width, the City respectfully proposes to purchase the referenced property.

Please refer to the attached map. Please notice that the referenced property is triangularly shaped (limited functional utility) and has no legal or physical access (landlocked). The parcel is contiguous to City-owned Ridgeline Trail parcels.

The City proposes to pay \$5,000 plus any costs to acquire the referenced parcel. It is the hope of the City that the County Board of Commissioners will see this transfer as an opportunity to participate the Ridgeline Trail project.

Please let me know if I can provide you with any further information or answer any questions.

Yours truly,

Lloyd Williams
Real Property Officer

29323 Gimpl Hill Rd.
Eugene, OR 97402
541-302-2703
Fax:

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 682-4290

To: Mr. Jeff Turk
Of: Department of Management-Lane County
From: Dr. Gordon Dorn
Client/Matter: Property #18-04-08-00-00200
Date: October 28, 2003

Dear Mr. Turk:

I am prepared to offer Lane County between \$7,000 and \$15,000, depending on the restrictions that apply to this piece of property. You claim that the land is worth \$100,000 is absurd. Eugene does everything possible to discourage growth and further assumes that one could build on this property. Under those conditions, the interested party would have to have access to my "private road" to build their home—I will grant no access for public or private construction. You also indicated that one should consider "public" access. **Whatever happened to the rights of the property owner who pays their taxes on a timely basis for 10 years?**

Should Lane County agree to my minimum proposal, the land will be set aside as F2 and will not be developed during my lifetime. By doing so, I will be able to protect the animals, trees and plants on the property without the trespassers who might, inadvertently, encounter our German shepherd and sheltie while we are training them for "Hospital Therapy, obedience and tracking". I can envision a person violating OUR property and get bite by a racoon or injury himself/herself while hiking and then I could be held liable. Will Eugene provide me with insurance to cover this event? Will Eugene guarantee that they will not declare "Emanate Domain" to use my 1 mile driveway to access this property?

My offer relieves you of holding the land at your expense and assures you of a property tax income—Eugene offers nothing in return.

Once we have agreed upon a "reasonable" price, I will complete the form and send a Certified Check of 20% of the agreed upon price and the remainder will be paid in full within 30 days.

Respectfully,


Dr. Gordon Dorn

* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 541-302-2703.

TURK Jeff R

From: RISLEY Jake S
Sent: Friday, August 08, 2003 11:28 AM
To: TURK Jeff R; FAY Rich
Cc: RICHARDSON Philip S; RINER Andrea G
Subject: Tax Lot 18048000200

Categories: NoHTML

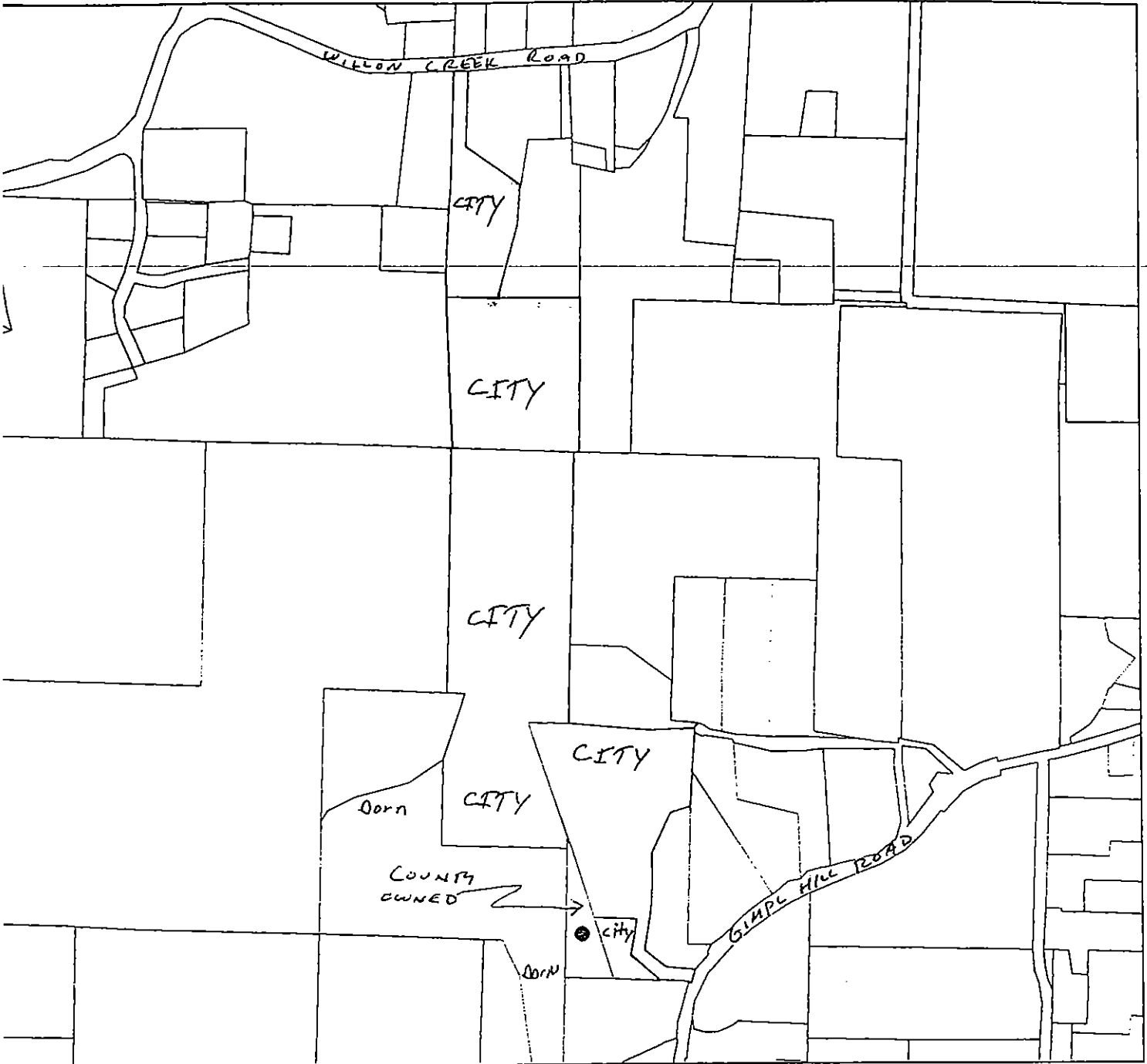
Jeff and Rich,

Earlier this year I met with Phillip Richardson, Landscape Architect with the City of Eugene Parks and Recreation Department, to look at this wooded site located off Gimple Hill Road. I do not see any reason for Lane County Parks to acquire the property for our parks purposes, but I do see value in donating it to the City to enhance their trail improvement efforts. The City would like to move forward with their trail planning efforts and would like to know if they can include this piece in their planning process. I realize that this is not Lane County Parks property but we have worked cooperatively with a variety of public agencies to support their efforts for regional trail system improvements and this is a good opportunity to show our support for their efforts. My recommendation is to ensure that the City acquire this piece through donation or a reasonable sales transaction rather than sell it to a private landowner for development.

Jake

inty-owned 18-04-08-00, TL #200

2003



TY OWNED - EXISTING
RIDGELINE
TRAIL
PROPERTY

 Taxlots

800 0 800 1600 Feet



Caution: this map is based
on imprecise source data,
subject to change, and for
general reference only.

