

AGENDA COVER MEMORANDUM

W. 9. B. 2

Agenda Date: December 1, 2004

DATE: November 16, 2004

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO FREDDIE RANDLE MENTZE (MAP # 17-02-17-00-01319, ADJACENT TO 89363 HILL ROAD, SPRINGFIELD)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO FREDDIE RANDLE MENTZE (MAP # 17-02-17-00-01319, ADJACENT TO 89363 HILL ROAD, SPRINGFIELD)

2. **ISSUE/PROBLEM:** Mr. Mentze, the adjoining property owner, has submitted an offer of \$700 for the subject property. The sale would be pursuant to ORS 275.225 which provides for selling county property without first being offered at a public sale (auction).

The Board is being asked to accept or reject the offer.

3. **DISCUSSION:**

3.1 Background

The subject parcel was acquired through property tax foreclosure in September, 1998. The subject is .02 acres, zoned E40 (Exclusive Farm Use), and has an assessed value of \$500.

The property is part of a drainage ditch serving Mohawk Rd. The Public Works Department has secured an additional drainage easement from Mr. Mentze and has approved the sale of the subject property to him.

3.2 Analysis

The subject property has minimal market value and can best be used by an adjoining owner.

ORS 275.225 provides for selling County owned real property at private sale which has an assessed value under \$5,000 and is not suited for the placement of a dwelling under current zoning and building ordinances. Notice of a proposed sale of the subject was published in the Register Guard on Friday, October 29, 2004. The County may sell the subject not less than 15 days from the date of publication of the notice. The subject parcel has a current assessed value of \$500 and qualifies for private sale pursuant to ORS 275.225.

3.3 Alternatives/Options

1. Sell the parcel to Mr. Mentze pursuant to his offer.
2. Reject the offer and direct staff to negotiate other sale terms than those offered.
3. Offer the parcel at a public auction.
4. Retain the parcel in county inventory.

3.4 Recommendation

It is recommended that Mr. Mentze's offer be accepted and the property sold.

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 sold.
5. **ATTACHMENTS:**
Board Order
Quitclaim Deed
Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING THE SALE
OF SURPLUS COUNTY OWNED REAL
PROPERTY TO FREDDIE RANDLE MENTZE
(MAP # 17-02-17-00-01319, ADJACENT TO 89363
HILL ROAD, SPRINGFIELD)

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 sell the following real property which was acquired through tax foreclosure, to wit:

See Attached Exhibit "A"

WHEREAS said real property is owned by Lane County and not in use for County purposes, and sale of said property would benefit Lane County by its return to the tax roll, and

WHEREAS said real property is assessed under \$5,000 on the most recent tax roll and is unsuited for the placement of a dwelling and

WHEREAS notice of the County's intent to sell said real property was published on October 29, 2004 in the Eugene Register-Guard and sale of said real property shall occur 15 days after publication of said notice

IT IS HEREBY ORDERED that, pursuant to ORS 275.225 and ORS 275.275, the real property be sold to Freddie Randle Mentze for \$700, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$650
General Fund	(124-5570260-436521)	50

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 _____, 20____.

Bobby Green, Chair, Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO
FREDDIE RANDLE MENTZE (MAP # 17-02-17-00-01319, ADJACENT TO 89363 HILL ROAD,
SPRINGFIELD)

Exhibit "A"

Legal Description for 17-02-17-00-01319

Lane County/Mentze

Beginning at a point being North 455.14 feet and West 2,687.26 feet from a stone marking the Northeast corner of the William N. Griffith Donation Land Claim No. 77 in Section 17, Township 17 South, Range 2 West of the Willamette Meridian, said point being in the Northwesternly right of way line of County Road No. 321 at 60 feet wide; thence along Northwesternly right of way line of County Road No. 321 South $57^{\circ} 09' 41''$ West 115.88 feet to a point on the Easterly right of way line of Weyerhaeuser Co. Railroad; thence along the arc of a taper curve right (the chord of which curve bears North $12^{\circ} 03' 23''$ East 27.10 feet to a point of tangency); thence North $12^{\circ} 05'$ East 52.68 feet; thence leaving said right of way South $79^{\circ} 20' 59''$ East 82.08 feet to the point of beginning, in Lane County, Oregon. EXCEPTING THEREFROM that portion conveyed to Lane County for Old Mohawk Road per deed recorded at Reel 1486, Reception No. 8750387 and also EXCEPTING THEREFROM any other portion of the herein described property lying within the right of way of the county road.

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:

Freddie Randle Mentze

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

See Attached Exhibit "A"

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 \$700.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2004 personally appeared _____,
_____, _____, _____,

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

Notary Public for Oregon

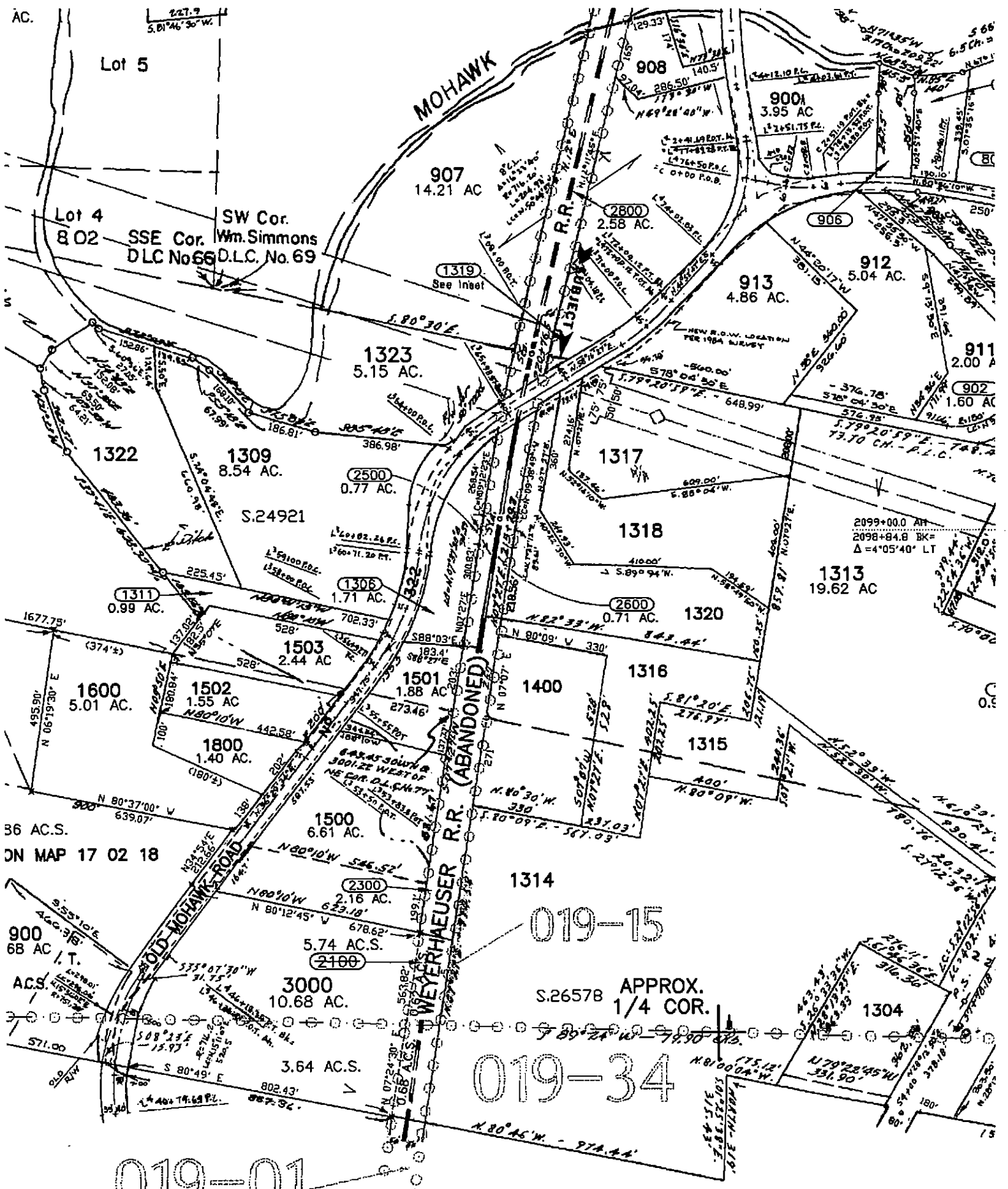
My Commission Expires _____

Freddie Randle Mentze
89363 Hill Road
Springfield, OR 97478

Exhibit "A"

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Lane County/Mentze

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AC.

Lot 5

Lot 4
8 02

SW Cor.
SSE Cor. Wm. Simmons
DLC No 66 D.L.C. No. 69

907
14.21 AC

2800
2.58 AC.

900
3.95 AC

912
5.04 AC.

913
4.86 AC.

911
2.00 AC

902
1.60 AC

1323
5.15 AC.

1309
8.54 AC.

2500
0.77 AC.

1322

1311
0.99 AC.

1600
5.01 AC.

1502
1.55 AC

1800
1.40 AC.

1503
2.44 AC

1305
1.71 AC.

1501
1.88 AC

1400

1316

1320

1315

1314

019-15

019-34

019-01

SEE MAP 17 02 20