

W. S. E. L.

AGENDA COVER MEMORANDUM

Agenda Date: June 2, 2004

DATE: May 18, 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 CREG WESTENSKOW, FORMER OWNER OF RECORD (MAP #16-05-09-00-00504, 26451 HALL ROAD, JUNCTION CITY)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO CREG WESTENSKOW, FORMER OWNER OF RECORD (MAP #16-05-09-00-00504, 26451 HALL ROAD, JUNCTION CITY)

2. **ISSUE/PROBLEM:** Mr. Westenskow is the former owner of record of the subject property. The subject property was his residence at the time of foreclosure. Mr. Westenskow wishes to repurchase the property pursuant to ORS 275.180 and LM 21.425(4). The proposed purchase price is \$13,700 which includes all taxes, including those which would have been due for the current year, interest and penalties that were owed on the property at the time it was acquired by the County plus an additional 10% thereon.

3. **DISCUSSION:**

3.1 Background

The County acquired title to the subject property due to tax foreclosure in September, 2003. The subject is 14 acres, zoned E40 and is improved with a 1,300 square foot dwelling built in 1932 which is in fair – poor condition. The total assessed value of the land and dwelling is \$125,000. Mr. Westenskow has secured a loan from a former lien holder to complete the transaction.

3.2 Analysis

As Mr. Westenskow is the former owner of record, the property can be sold to him pursuant to ORS 275.180 and Lane Manual 21.425(4). ORS 275.180 provides for selling foreclosed property back to the owner of record at any time but for not less than the amount of taxes, interest and penalties owing on the property at the time the County acquired title plus 6% interest thereon until the time the property is sold. Lane Manual 21.425(4) qualifies ORS 275.180 by requiring one of three conditions to exist for a sale to the former owner of record. Those conditions are that either the property was the residence of the former owner at the time of the foreclosure or an error was made by the Assessor in placing the property on the foreclosure list or that the former owner was physically or mentally incapacitated during the foreclosure period. The subject property was the residence of Mr. Westenskow at the time of foreclosure thereby satisfying one of the requirements of Lane Manual.

The county is not obligated to sell the property back to a former owner nor is it required to sell it for the minimum amount required by statute. The Board can sell it for any price it deems appropriate above the minimum required.

The Board has in the past sold property back to the former owner of record when the stipulations of Lane Manual have been met. The sale price has generally been for the minimum required by ORS 275.180 plus taxes owed for the current year and an additional 10% (the additional 10% insures that the taxing districts will be made whole after program expenses are deducted). The proposed \$13,700 sale price does exceed the minimum required pursuant to ORS 275.180.

3.3 Alternatives/Options

1. Sell the property to Mr. Westenskows for the minimum amount pursuant to ORS. 275.180 plus taxes which would have been owed for the current year plus 10% thereon (\$13,700).
2. Sell the property to Mr. Westenskow for an amount greater than #1 above.
3. Reject selling the property back to the former owner and offer the property at a Sheriff's sale which would yield consideration of approximately \$125,000.

3.4 Recommendation

It is recommended that alternative #1 be implemented. There are no underlying reasons - such as money the County has put into the property for upkeep, repairs, etc. - for selling the property above the amount proposed except for any policy decisions by the Board.

It is further recommended that the Property Management Officer be authorized to sign any closing documents as an escrow agent may be used to close the transaction.

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 to Mr. Westenskow.

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 CREG WESTENSKOW, FORMER OWNER OF RECORD (MAP #16-05-09-00-00504, 26451 HALL ROAD, JUNCTION CITY)

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:

Beginning at a point 492.0 feet West of the SE corner of the James R. McAttee Donation Land Claim No. 56, Township 16 South, Range 5 West of the Willamette Meridian, and running thence West 369.8 feet; thence North 1765.5 feet; thence East 369.8 feet; thence South 1765.5 feet to the point of beginning, in Lane County, Oregon (map # 16-05-09-00-00504)

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 the purchaser is the former owner of record of said real property

IT IS HEREBY ORDERED that pursuant to ORS 275.180, ORS 275.275 and Lane Manual 21.425 the real property be sold to Creg Westenskow for \$13,700, that the Quitclaim Deed be executed by the Board, that the Property Management Officer of the County be authorized to sign closing documents and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$13,160
General Fund	(124-5570260-436521)	540

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

APPROVED AS TO FORM

Date 5-20-04 Lane County,



COUNCIL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO CREG WESTENSKOW, FORMER OWNER OF RECORD (MAP #16-05-09-00-00504, 26451 HALL ROAD, JUNCTION CITY)

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:

Creg Westenskow

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

Beginning at a point 492.0 feet West of the SE corner of the James R. McAttee Donation Land Claim No. 56, Township 16 South, Range 5 West of the Willamette Meridian, and running thence West 369.8 feet; thence North 1765.5 feet; thence East 369.8 feet; thence South 1765.5 feet to the point of beginning, in Lane County, Oregon (map # 16-05-09-00-00504)

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 \$13,700.00

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

After recording, return to/taxes to:
Creg Westenskow
26451 Hall Rd.
Junction City, OR 97448

My Commission Expires _____

069

88.52 A.C.S.

Lot 5 32.10

Lot 4 16.09

069-19

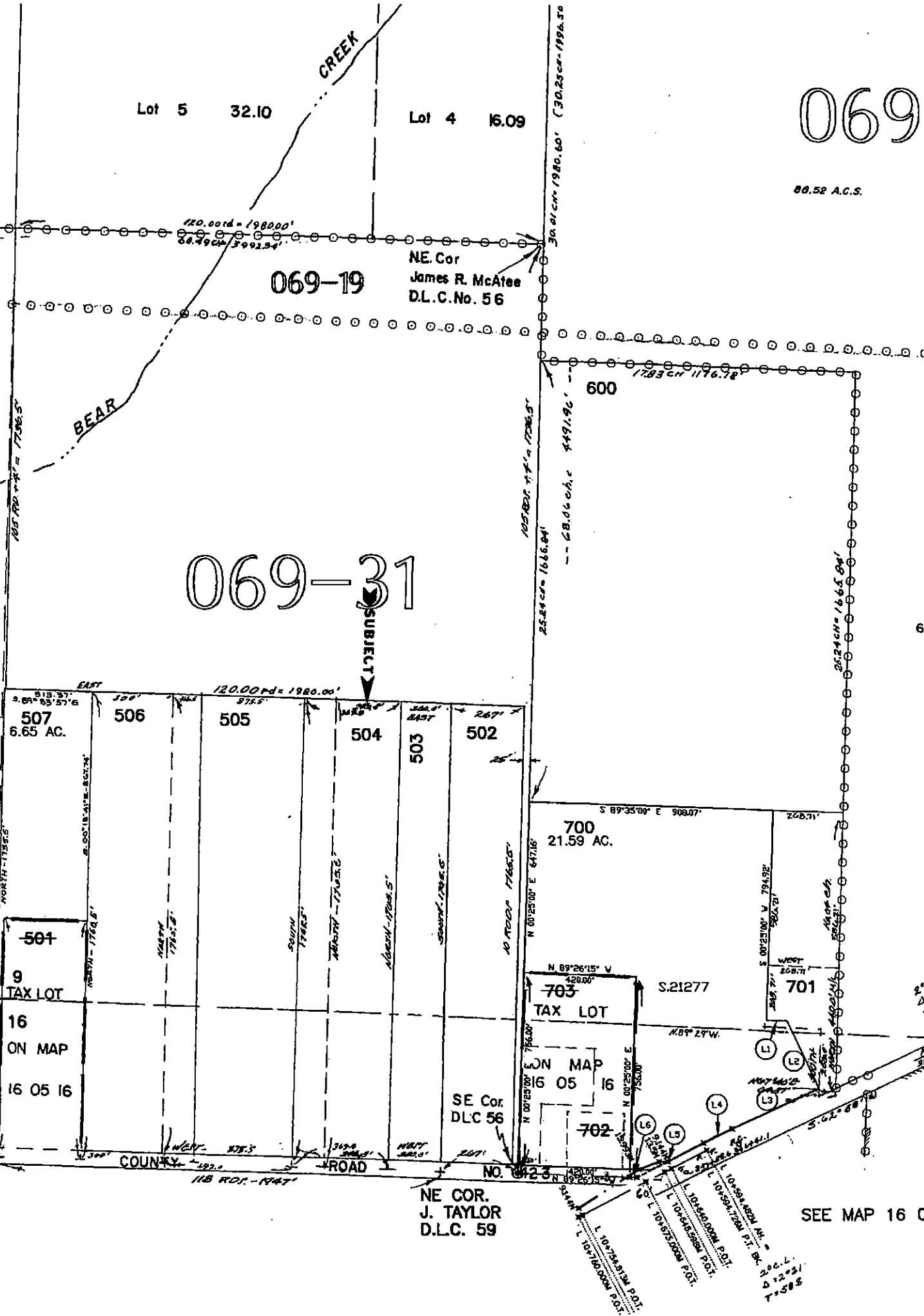
NE. Cor
James R. McAtee
D.L.C.No. 56

600

069-31

SUBJECT

SEE MAP 16 05 08



500

507
6.65 AC.

506

505

504

503

502

700
21.59 AC.

501

9
TAX LOT

16
ON MAP

16 05 16

703
TAX LOT

16 05 16

702

701

NE COR.
J. TAYLOR
D.L.C. 59

SEE MAP 16 0