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## **AGENDA COVER MEMO**

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**DATE:** September 21, 2004

**TO:** Lane County Board of Commissioners

**DEPARTMENT:** Public Works

**PRESENTED BY:** Frank Simas  
Right of Way Manager

**AGENDA ITEM TITLE:** In The Matter of Accepting the Offer from Eric A. Eakin and Betty L. Bissell to Purchase the Property Located at 88660 McVay Highway, Eugene, Oregon.

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### **I. MOTION**

THAT THE ORDER BE APPROVED ACCEPTING THE OFFER FROM ERIC A. EAKIN AND BETTY L. BISSELL, FOR THE PURCHASE OF THE PROPERTY LOCATED AT 88660 MCVAY HIGHWAY, EUGENE, OREGON.

### **II. ISSUE OR PROBLEM**

Lane County owns the house and lot at 88660 McVay Highway, Tax Lot 18-03-11-30, 1800, in Eugene, Oregon. This property has been declared surplus to the County's needs and is a Road Fund asset. Eric A. Eakin and Betty L. Bissell have presented Lane County with an offer to purchase the property.

### **III. DISCUSSION**

#### **A. Background:**

In 2000, Lane County purchased this entire property for \$80,000. It was done in anticipation of a road project realigning McVay Highway to the west, away from the intersection of 30<sup>th</sup> Avenue and Interstate-5. The road project has been cancelled and the property is no longer needed.

B. Analysis:

The property is an approximate 9,000 sq. ft. lot located just north of the intersection of 30<sup>th</sup> Avenue and Interstate-5. It is situated at the corner of McVay Highway and Fir Cove Road. The parcel is zoned RC, Rural Commercial, and is improved with a 1,359 sq. ft. house that was constructed in 1946. The parcel is served by a private well and on-site septic system.

The property was offered at Sheriff's Sale on August 27, 2004 for \$95,000. No bids were received. Eric A. Eakin and Betty L. Bissell have presented a cash offer in the amount of \$86,000, to be financed by the proceeds of a loan. The offer is subject to obtaining said loan before November 15, 2004, as well as a favorable Level 1 Environmental Report, which will be paid for by the purchasers.

The sale of this property is consistent with the Adopted Lane County Strategic Plan, Section B1(c), which states "Lane County will conduct an inventory of all of its land and facilities and holdings, including leased space where the County is the lessee or lessor", and will "Identify the value of each holding, the current use, the long-term use identified currently (if any), size, location, zoning, and restrictions and the potential for lease, sale or other revenue generation" the Plan further states, in part, "Lane County will establish policy and decide the disposition or retention of assets and will develop a master plan for existing and future facilities".

This property is not being used by Lane County and no future use is contemplated.

C. Alternatives/Options

1. Approve the sale of this property to Eric A. Eakin and Betty L. Bissell for \$86,000 in accordance with the terms described above.
2. Reject the offer and propose a counteroffer.
3. Reject the offer and continue to hold the property as a road fund asset.

D. Recommendations

It is recommended that the Board approve this Order, sign the Quitclaim Deed, and authorize the execution of the Offer to Purchase. This course of action will enable the County to realize the value of this asset, return the property to the tax rolls, and relieve the County of any further management responsibility and liability.

**IV. IMPLEMENTATION/FOLLOW-UP**

The executed Quitclaim Deed will be returned to Public Works staff for further processing. Upon completion, the proceeds will be distributed to the Road Fund.

**V. ATTACHMENTS:**

Quitclaim Deed  
Map

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON**

**ORDER NO.**

**(IN THE MATTER OF ACCEPTING THE  
(OFFER FROM ERIC A. EAKIN AND  
(BETTY L. BISSELL TO PURCHASE THE  
(PROPERTY LOCATED AT 88660 MCVAY  
(HIGHWAY, EUGENE, OREGON.**

**WHEREAS**, this matter now coming before the Board of County Commissioners of Lane County, and the Board determining it is necessary and in the public interest to sell the parcel of County-owned land at 88660 McVay Highway, Eugene, Oregon; and

**WHEREAS**, Lane County purchased this property for \$80,000 in 2000 specifically for the McVay Highway realignment project; and

**WHEREAS**, the road improvement project has been cancelled and the property has been declared surplus to the County's needs; and

**WHEREAS**, the property was offered for \$95,000 at a Sheriff's sale on August 27, 2004, and no bids were received; and

**WHEREAS**, Eric A. Eakin and Betty L. Bissell have made an offer of \$86,000 for the property, contingent upon obtaining a loan, to close no later than November 15, 2004;

**THEREFORE BE IT ORDERED**, that said Offer to Purchase from Eric A. Eakin and Betty L. Bissell be accepted.

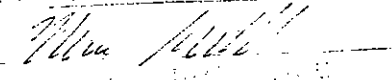
**IT IS FURTHER ORDERED** that the County Commissioners sign the Quitclaim Deed needed to accomplish the conveyance of this property and authorize the execution of the Offer to Purchase.

**IT IS FURTHER ORDERED** that this order be entered into the records of the Board of County Commissioner's Journal of Administration of Lane County, Oregon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

APPROVED AS TO FORM

Date 9-28-04 Lane County



Chair

Lane County Board of Commissioners

After Recording Return to, and  
Send Tax Statements to:  
Eric A. Eakin  
88660 McVay Highway  
Eugene, Oregon 97405

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

**QUITCLAIM DEED**

**LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter called **GRANTOR**, for the true and actual consideration of Eighty Six Thousand Dollars, does hereby release and quitclaim to **ERIC A. EAKIN** and **BETTY L. BISSELL**, all its right, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Northwest one-quarter of the Southwest one-quarter (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 11, Township 18 South, Range 3 West of the Willamette Meridian, Lane County, Oregon and being all that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded June 23, 2000, Recorder's Reception Number 2000035937, LANE COUNTY OREGON DEED RECORDS; and being described as follows:

"Beginning at the Northwest corner of Lot 2 in the Plat of Fir Cove, as platted and recorded in Book 9, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon, in Sections 10 and 11, Township 18 South, Range 3 West of the Willamette Meridian; run East 109.2 feet; thence South 17° 46' East, 95.55 feet; thence West 138.36 feet to the West line of said Lot 2; thence North 91.0 feet to the place of beginning, being part of said Lot 2, in Lane County, Oregon.

EXCEPT that portion conveyed to the State of Oregon, by deed recorded October 7, 1960, Reception No. 12153, Lane County Oregon Deed Records, in Lane County, Oregon.

ALSO EXCEPT that portion conveyed to the State of Oregon, by deed recorded August 6, 1949, in Book 399, Page 610, Lane County Oregon Deed Records, in Lane County, Oregon."

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 INTEREST TO THE PROPERTY SHOULD CHECK WITH THE 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 O.R.S. 30.930.



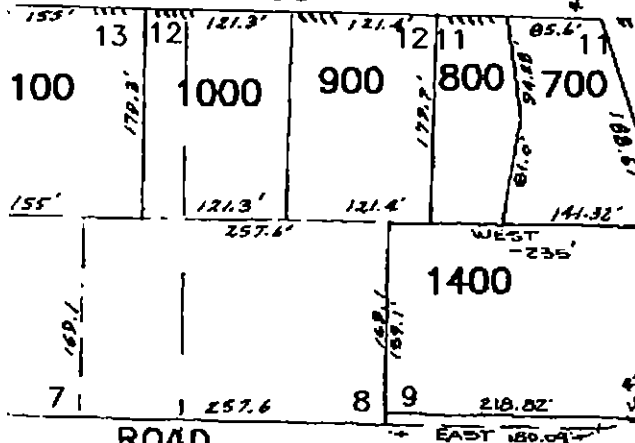
1/4 COR.

019-14

OAD NO. 1129

Tax Lotted

Map 18 0



Subject

Tax Lotted on  
Map 18 03 10 4

019-14

019-14  
SOUTHERN

Lot 10

9.6

PACIFIC  
HIGHWAY

2300

2500

SE COR. A.B. CORNER  
2602  
2601  
S.2862

019-14

N 71° 06' 37" W  
50.39