

W. S. A.

AGENDA COVER MEMO

DATE: March 30, 2005

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works, Parks Division

PRESENTED BY: Todd Winter, Division Manager

AGENDA ITEM TITLE: **IN THE MATTER OF DESIGNATING A TAX FORECLOSED PROPERTY, APPROXIMATELY 80 ACRES, LOCATED IN GLENADA SOUTH OF FLORENCE AS PARKLAND PURSUANT TO LANE MANUAL 21.435(3) LOCATED OUTSIDE OF A CITY'S LIMITS WITHIN LANE COUNTY, OREGON.**

I. MOTION

Move to authorize designating a tax-foreclosed property as parkland pursuant to Lane Manual 21.435(3) located outside of a city's limits within Lane County, Oregon.

II. ISSUE OR PROBLEM

The Lane County Parks Division operates from revenues outside of the County General Fund. The Parks Division is a Special Revenue Fund, which receives 45% of its yearly revenue from County Car Rental Tax pursuant to Section 4.250 of Lane Code. The remainder of Division funding is received through user fees (29%), support through Oregon State Parks & Oregon State Marine Board (19%) and grants/partnerships (10%). With the rising cost of employee benefits, health care and the rate of inflation, the Division is experiencing annual business costs rising at 6% per year while income is increasing annually at only 3%. This business reality has forced the Division to explore new opportunities to enhance revenue sources for the Division. One option is to expand revenue-generating amenities within existing parks such as campground and/or moorage facilities. This option presents it's own challenge as local cash matches must be used to leverage project funds from other sources, such as the Local Government Grant program. Having depleted capital reserves and contingency funds in previous years, the Division is seeking ways to generate a capital pool of money that could be used to develop revenue sources that would enhance the Division's revenue generating capabilities.

III. DISCUSSION

A. Background

On September 15, 2004 staff presented to the Board a feasibility report pertaining to county tax foreclosed properties being designated as parkland and then sold with the proceeds to be used for parks purposes. The Board directed staff to prepare a proposal that would outline a procedure for proceeding forward at a measured pace by first designating only one or two properties as parkland with those parcels lying outside of a city's limits. This approach will provide the Board

and staff with the experience of implementing the policy and to review procedures for future designations.

The Board also directed staff to create a procedure, which would facilitate this process for review and approval by the Lane County Policies and Procedures Committee. On October 5, 2004 the Policies and Procedures Committee voted unanimously to proceed and further directed staff to work with County Counsel and Property Management to present to the Board a final proposal for Lane Manual changes pertaining to the designation of tax foreclosed properties to be deemed as parkland, per ORS, for adoption.

The Policies and Procedures Committee further directed staff to compile a letter to be sent to the taxing districts that included the proposed Lane Manual procedure, outline of the Parks proposal and how it impacts the current program managed by Lane County Property Management. This correspondence was sent to all taxing districts in Lane County on December 16, 2004. In addition, a second letter was sent to all taxing districts on January 25, 2005 recalling attention to the letter that was sent to the taxing districts on December 16, 2004 and indicating that the Parks Division would be presenting the lane manual changes to the Board for adoption on February 2, 2005. The letter also outlined avenues for public comment to the Board prior to the Division's proposal to the Board for adoption. On February 2, 2005 the Board voted unanimously to approve the order and thereby amended Chapter 21 of the Lane Manual to add provisions for the designation of county forests, parks, and recreational areas and disposition of sale proceeds (LM21.435). After selection of a proposed tax foreclosed property for designation as parkland, the Parks Division placed the designated property proposal as an item on the Housing Policy Board agenda. The Housing Policy Board reviewed the proposed property designation at their April 4th, 2005 meeting in the McNutt Room at Eugene City Hall. The proposed Glenada property appeared to be of no interest to the Housing Policy Board.

B. Analysis

As a result of several meetings attended by Lane County Parks Division staff and Lane County Property Management, having given consideration to the environment, the overall benefit to the County and the financial needs of the affected departments, a tax foreclosed property has been selected for review by the Board who may, by order, designate and set aside the tax foreclosed property located in Lane County for county forest, public park, or recreational uses (LM 21.435). The property is located just South of Florence, Oregon. For exact location and detail see Exhibit A – Title Report.

The property selected has been off the tax rolls since 2002. The majority of the terrain on the property described is a dune with forested area covering approximately 35% of the remaining property; see Attachment A – aerial photo. Although the property is platted, it is a continuous 80 acres and is referred to as a single property. Purchasing interest has been for the entire property as a whole as opposed to a subdivided sale. The Division believes the proceeds from the sale of this property (the property has not been appraised) will potentially provide funding for the Division consistent with its intent to develop additional revenue sources. Additionally, subsequent change of ownership will place the property back on the tax rolls and therefore provide benefit to the County with additional funds being paid into the County General Fund.

No environmental issues appear to be present on the described property. There is an adjoining land owner who has requested that a portion of the tax foreclosed property be offered to him for sale as an area for a drain field which would assist in the development of his property. If the designation is approved, the Parks Division will thereafter manage the property and we would

anticipate a meeting with the property owner. There exists a small 600 sq. ft. A-frame structure located on the property. Although this property was foreclosed a citizen currently occupies the dwelling. The Division is fully informed with regard to this specific situation and is confident that we can rectify the situation.

C. Alternatives/Options

1. Approve the designation of a tax-foreclosed property as parkland pursuant to Chapter 21 of the Lane Manual.
2. Do not approve the designation.

D. Recommendations

Parks Division recommends option 1.

E. Timing

If the designation is approved the Parks Division will begin working on preparing the property for sale while working with Property Management to offer the property in an upcoming Sheriff's sale.

IV. IMPLEMENTATION

The property designated under LM 21.435(3) would be sold pursuant to ORS 275.330 following the statutory process and requirements.

V. ATTACHMENTS

Exhibit A – Title Report
Attachment B- Aerial Photo

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.) **IN THE MATTER OF DESIGNATING A TAX FORECLOSED**
) **PROPERTY, APPROXIMATELY 80 ACRES, LOCATED**
) **IN GLENADA SOUTH OF FLORENCE AS**
) **PARKLAND PURSUANT TO LANE MANUAL 21.435(3) LOCATED**
) **OUTSIDE OF A CITY'S LIMITS WITHIN LANE COUNTY,**
) **OREGON**

WHEREAS, ORS 275.330 allows the designation of tax foreclosed properties as county forests, parks, and recreational areas; and

WHEREAS, Lane Manual 21.435 allows the designation of tax foreclosed properties as county forests, parks, and recreational areas; and

WHEREAS, the property to be designated has completed those requirements set forth in LM 21.430; and

WHEREAS, the property is located outside the corporate limits of a city: and


WHEREAS, due consideration has been given to the environment, the overall benefit to the County and the affected departments: and

WHEREAS, the Parks Division has consulted with Property Management in the selection of this property; **NOW THEREFORE IT IS HEREBY**

ORDERED that the tax-foreclosed property, approximately 80 acres, described in Exhibit A be designated as parkland pursuant to Lane Manual 21.435(3) located outside of a city's limits within Lane County, Oregon.

DATED this _____ day of _____ 2005

Anna Morrison, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date <u>4-5-05</u> lane county

_____ OFFICE OF LEGAL COUNSEL

MAIN OFFICE

1570 MOHAWK BLVD. • SPRINGFIELD, OR 97477
P.O. BOX 931 • SPRINGFIELD, OR 97477
PHONE: 541.741.1981
FAX: 541.741.0619



BRANCH OFFICE

1509 WILLAMETTE ST. • EUGENE, OR 97401
P.O. BOX 10211 • EUGENE, OR 97440
PHONE: 541.687.9794
FAX: 541.687.0924

SUPPLEMENTAL TITLE REPORT

February 10, 2005

ELT-46563-A

2/18/05

Post-It™ brand fax transmittal memo 7671		# of pages • <i>20</i>
To <i>Todd Winter</i>	From <i>Jeff Turk</i>	
Co.	Co. <i>Lane Co.</i>	
Dept. <i>Parks</i>	Phone # <i>4174</i>	
Fax # <i>2007</i>	Fax #	

Lane County
125 East 8th Avenue
Eugene, Oregon 97401
Attn: Jeff Turk

Estimated Premium for:	
PARTIAL BILLING	\$200.00
5 Additional Chains @ \$100.00 ea.	\$500.00
TOTAL	\$700.00

Dear Jeff:

We are prepared to write Title Insurance covering the following described premises to-wit:

Lots 1 through 13 inclusive, Block 1, AMENDED PLAT OF SOUTH FLORENCE
ADDITION TO GLENADA, as platted and recorded in Book 2, Page 13, Lane County Oregon
Plat Records, in Lane County, Oregon.

Showing fee simple title as of February 5, 2005, at 8:00 a.m., vested in:

LANE COUNTY

Subject to the usual printed exceptions, and

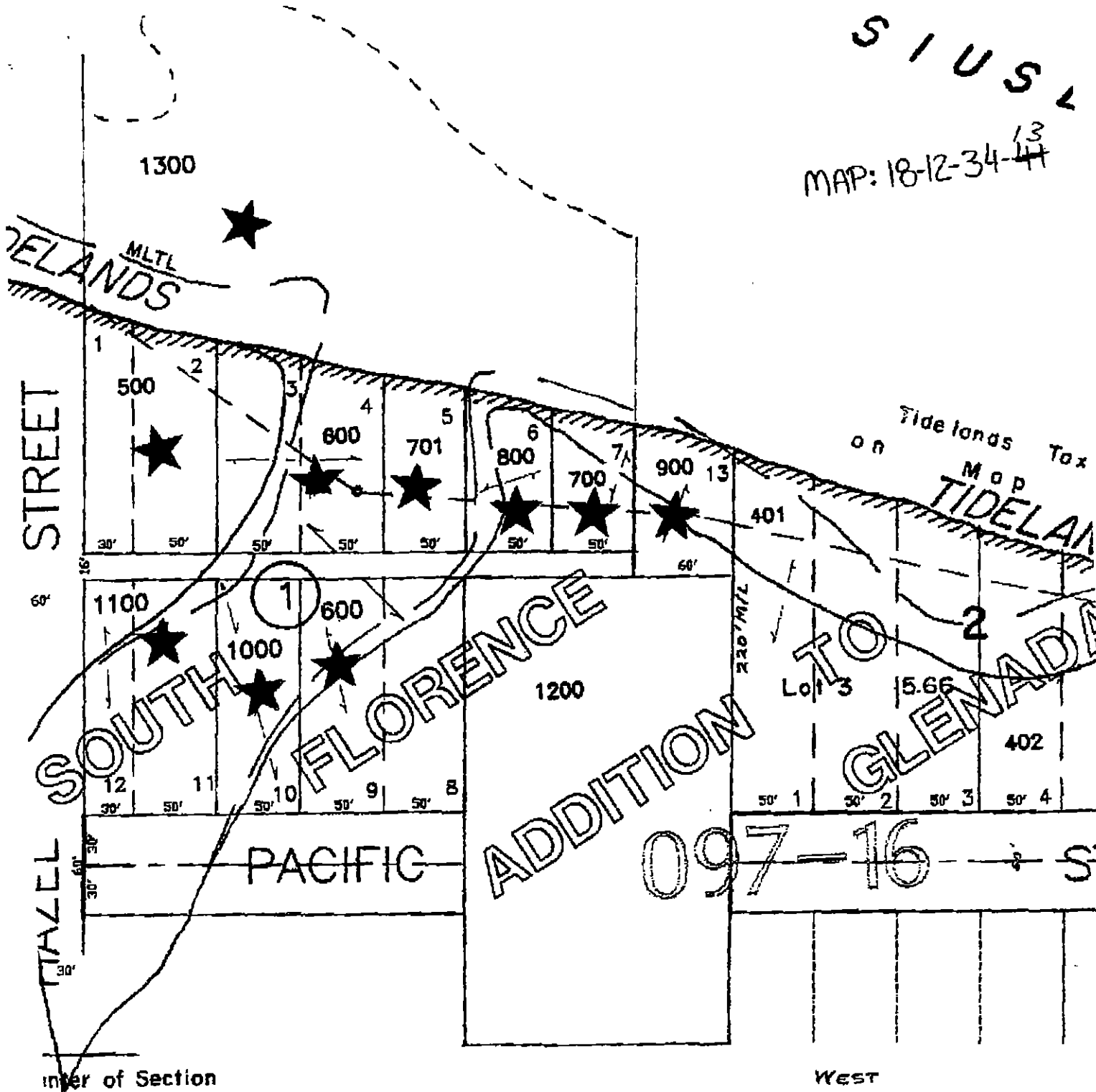
1. The real property taxes for the fiscal year 2004-2005 are exempted by virtue of county ownership. The company assumes no liability should the exempt status be lifted and taxes levied:

- Map No. 18-12-34-13-00701, Code 97-04, Account No. 1364890 (no tax due).
- Map No. 18-12-34-13-01300, Code 97-22, Account No. 0979599 (no tax due).
- Map No. 18-12-34-13-00500, Code 97-23, Account No. 0803823, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.
- Map No. 18-12-34-13-00600, Code 97-23, Account No. 0803831, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.
- Map No. 18-12-34-13-00700, Code 97-23, Account No. 0803849, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.
- Map No. 18-12-34-13-00800, Code 97-23, Account No. 0803856, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

CONTINUED

S I U S

MAP: 18-12-34-4¹³



18-12-34-13

THIS MAP IS TO ASSIST
LOCATING PROPERTY
THE COMPANY ASSUMES
LIABILITY FOR INACCURAC

COURTESY OF
EVERGREEN LAND TITLE CO
741-1981

MAIN OFFICE

1570 MOHAWK BLVD. • SPRINGFIELD, OR 97477
P.O. BOX 931 • SPRINGFIELD, OR 97477
PHONE: 541.741.1981
FAX: 541.741.0619



BRANCH OFFICE

1509 WILLAMETTE ST. • EUGENE, OR 97401
P.O. BOX 10211 • EUGENE, OR 97440
PHONE: 541.687.9794
FAX: 541.687.0924

PRELIMINARY TITLE REPORT

December 2, 2004

ELT-46563-B

Lane County
125 East 8th Avenue
Eugene, Oregon 97401
Attn: Jeff Turk

Dear Jeff:

We are prepared to write Title Insurance covering the following described premises to-wit:

All of Blocks 10, 22 and 32, COLTER'S ORIGINAL ADDITION TO GLENADA, as platted and recorded in Book 4, Page 84, Lane County Oregon Plat Records, in Lane County, Oregon, and all of Blocks 1, 11, 12, 13, 23, 24, 25, 26, 27, EXCEPTING THEREFROM Lots 22 and 23 of said Block 27, AMENDED PLAT OF COLTER'S ADDITION TO GLENADA, as platted and recorded in Book 6, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon.

Showing fee simple title as of November 19, 2004, at 8:00 a.m., vested in:

LANE COUNTY

Subject to the usual printed exceptions, and

1. The real property taxes for the fiscal year 2004-2005 are exempted by virtue of county ownership. The company assumes no liability should the exempt status be lifted and taxes levied. (Map No. 18-12-34-24-00100, Code 97-22, Account No. 0804219; Map No. 18-12-34-24-00200, Code 97-22, Account No. 0804227; Map No. 18-12-34-24-00300, Code 97-22, Account No. 0804235; Map No. 18-12-34-24-00400, Code 97-22, Account No. 0804243; Map No. 18-12-34-24-00500, Code 97-22, Account No. 0804250; Map No. 18-12-34-24-00600, Code 97-22, Account No. 0804268; Map No. 18-12-34-24-00700, Code 97-22, Account No. 0804276; Map No. 18-12-34-24-00800, Code 97-22, Account No. 0804284; Map No. 18-12-34-24-00900, Code 97-22, Account No. 0804292; Map No. 18-12-34-24-01100, Code 97-22, Account No. 0804318; Map No. 18-12-34-24-01200, Code 97-22, Account No. 0804326; Map No. 18-12-34-24-01300, Code 97-22, Account No. 0804334; Map No. 18-12-34-24-01400, Code 97-22, Account No. 0804342)

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ELT - 46563-B

Page 2

2. Rights of the public and of governmental bodies in and to that portion of that portion of the premises herein described lying below the high water mark of the Siuslaw River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.

3. Any adverse claim based upon the assertion that the location of the Siuslaw River has moved and that any portion of the subject property has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

4. Easement, including the terms and provisions thereof, by instrument Recorded June 24, 1936, Reception No. 43213, Lane County Oregon Records.

5. Right-of-Way Easement, granted to the Central Lincoln People's Utility District, a municipal corporation, including the terms and provisions thereof, by instrument Recorded June 9, 1954, Reel 39D, Reception No. 31333, Lane County Oregon Records.

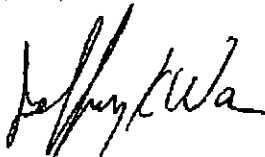
NOTE: The address of the property to be insured herein is: NOT KNOWN.

NOTE: Said property lies outside the city limits, therefore, is not subject to city liens.

Very truly yours,

EVERGREEN LAND TITLE COMPANY
HOME OFFICE

By:



Jeffrey K. Walker
Advisory Title Officer

NO LIABILITY IS ASSUMED HEREUNDER UNTIL POLICY IS ISSUED AND PREMIUM PAID. IF FOR ANY REASON THE REPORT IS CANCELLED, A MINIMUM CANCELLATION FEE OF \$200.00 WILL BE CHARGED.

MAIN OFFICE

1570 MOHAWK BLVD. • SPRINGFIELD, OR 97477
P.O. BOX 931 • SPRINGFIELD, OR 97477
PHONE: 541.741.1981
FAX: 541.741.0619



BRANCH OFFICE

1509 WILLAMETTE ST. • EUGENE, OR 97401
P.O. BOX 10211 • EUGENE, OR 97440
PHONE: 541.687.9794
FAX: 541.687.0924

PRELIMINARY TITLE REPORT

December 2, 2004

ELT-46563-C

Lane County
125 East 8th Avenue
Eugene, Oregon 97401
Attn: Jeff Turk

Dear Jeff:

We are prepared to write Title Insurance covering the following described premises to-wit:

All of Blocks 2 through 8 inclusive, Lots 1 through 8 inclusive and Lots 11 through 24 inclusive of Block 9, and all of Block 14, Lots 1 through 4 inclusive and Lots 9 through 24 inclusive of Block 15, and all of Block 16, Lots 1 through 6 inclusive and Lots 9 through 24 inclusive of Block 17, and all of Blocks 18 and 19, Lots 1 through 12 inclusive and Lots 15 through 24 inclusive of Block 20, and all of Blocks 21 and 28 through 31 inclusive, AMENDED PLAT OF COLTER'S ADDITION TO GLENADA, as platted and recorded in Book 6, Page 25, Lane County Oregon Plat Records, in Lane County, Oregon.

Showing fee simple title as of November 19, 2004, at 8:00 a.m., vested in:

LANE COUNTY

Subject to the usual printed exceptions, and

1. The real property taxes for the fiscal year 2004-2005 are exempted by virtue of county ownership. The company assumes no liability should the exempt status be lifted and taxes levied. (Map No. 18-12-34-31-03200, Code 97-22, Account No. 0804672; Map No. 18-12-34-31-02000, Code 97-22, Account No. 0804557; Map No. 18-12-34-31-01900, Code 97-22, Account No. 0804540, Map No. 18-12-34-31-01800, Code 97-22, Account No. 0804532, Map No. 18-12-34-31-00100, Code 97-22, Account No. 0804359; Map No. 18-12-34-31-03000, Code 97-22, Account No. 0804656; Map No. 18-12-34-31-03100, Code 97-22, Account No. 0804664; Map No. 18-12-34-31-02100, Code 97-22, Account No. 0804565; Map No. 18-12-34-31-01700, Code 97-22, Account No. 0804524, Map No. 18-12-34-31-00300, Code 97-22,

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ELT - 46563-C

Page 2

Exception No. 1 continued ...

Account No. 0804375; Map No. 18-12-34-31-00200, Code 97-22, Account No. 0804367, Map No. 18-12-34-31-02800, Code 97-22, Account No. 0804631; Map No. 18-12-34-31-02300, Code 97-22, Account No. 0804581; Map No. 18-12-34-31-02200, Code 97-22, Account No. 0804573; Map No. 18-12-34-31-01300, Code 97-22, Account No. 0804482; Map No. 18-12-34-31-01400, Code 97-22, Account No. 0804490; Map No. 18-12-34-31-00500, Code 97-22, Account No. 0804391; Map No. 18-12-34-31-02700, Code 97-22, Account No. 0804623; Map No. 18-12-34-31-02400, Code 97-22, Account No. 0804599; Map No. 18-12-34-31-01100, Code 97-22, Account No. 0804466; Map No. 18-12-34-31-00800, Code 97-22, Account No. 0804425; Map No. 18-12-34-31-00700, Code 97-22, Account No. 0804417; Map No. 18-12-34-31-00600, Code 97-22, Account No. 0804409; Map No. 18-12-34-31-02600, Code 97-22, Account No. 0804615; Map No. 18-12-34-31-01000, Code 97-22, Account No. 0804458; Map No. 18-12-34-31-00900, Code 97-22, Account No. 0804433; Map No. 18-12-34-31-00999, Code 97-22, Account No. 0804441)

2. Right-of-Way Easement, granted to the Central Lincoln People's Utility District, a municipal corporation, including the terms and provisions thereof, by instrument Recorded June 9, 1954, Reel 39D, Reception No. 31333, Lane County Oregon Records.

NOTE: The address of the property to be insured herein is: NOT KNOWN.

NOTE: Said property lies outside the city limits, therefore, is not subject to city liens.

Very truly yours,

EVERGREEN LAND TITLE COMPANY
HOME OFFICE

By:



Jeffrey K. Walker
Advisory Title Officer

NO LIABILITY IS ASSUMED HEREUNDER UNTIL POLICY IS ISSUED AND PREMIUM PAID. IF FOR ANY REASON THE REPORT IS CANCELLED, A MINIMUM CANCELLATION FEE OF \$200.00 WILL BE CHARGED.

NE 1/4 SW1/4 Sec 34 T.18 S. R.12 W.W.M.

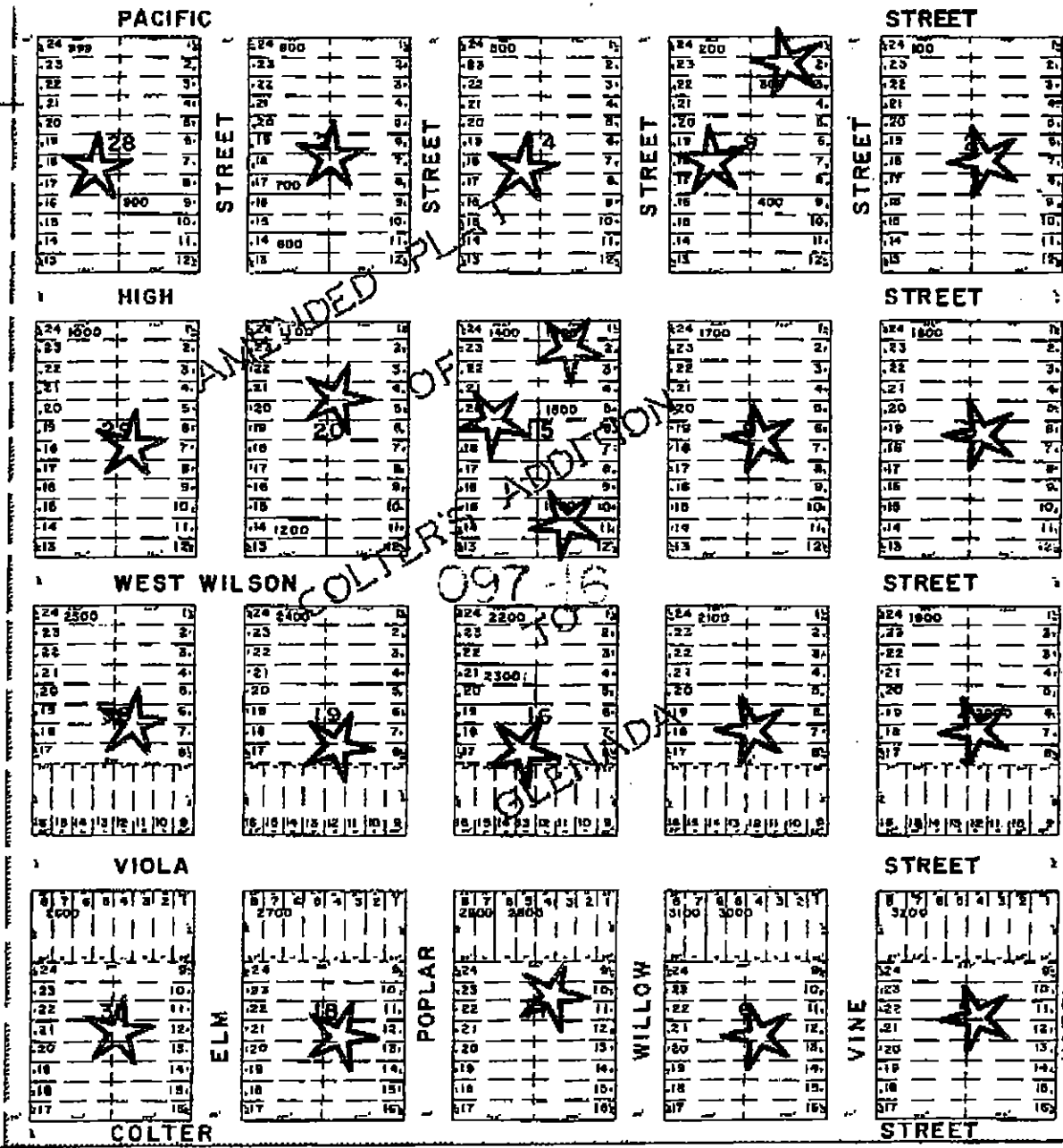
LANE COUNTY

1"=100'

See Map 18 12 34 2 4

818 Map 18 12 34

818 Map 18 12 34 2 4



See Map 18 12 34

18-12-34-31

MAIN OFFICE

1570 MOHAWK BLVD. • SPRINGFIELD, OR 97477
P.O. BOX 931 • SPRINGFIELD, OR 97477
PHONE: 541.741.1981
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BRANCH OFFICE

1509 WILLAMETTE ST. • EUGENE, OR 97401
P.O. BOX 10211 • EUGENE, OR 97440
PHONE: 541.687.9794
FAX: 541.687.0924

SUPPLEMENTAL TITLE REPORT

February 10, 2005

ELT-46563-D

Lane County
125 East 8th Avenue
Eugene, Oregon 97401
Attn: Jeff Turk

Dear Jeff:

We are prepared to write Title Insurance covering the following described premises to-wit:

All of Block 16 and Lots 8 through 12 inclusive of Block 15, GLENADA, as platted and recorded in Book W, Page 261, Lane County Oregon Plat Records, in Lane County, Oregon.

Showing fee simple title as of February 5, 2005, at 8:00 a.m., vested in:

LANE COUNTY

Subject to the usual printed exceptions, and

1. The real property taxes for the fiscal year 2004-2005 are exempted by virtue of county ownership. The company assumes no liability should the exempt status be lifted and taxes levied:

Map No. 18-12-34-41-04200, Code 97-23, Account No. 0805091, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-41-04300, Code 97-23, Account No. 0805109, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-41-04400, Code 97-23, Account No. 0805117, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-41-04600, Code 97-23, Account No. 0805042, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-41-04700, Code 97-23, Account No. 0805034, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

CONTINUED

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Page 2

2. Right-of-Way Easement, granted to the Central Lincoln People's Utility District, a municipal corporation, including the terms and provisions thereof, by instrument Recorded June 9, 1954, Reel 39D, Reception No. 31333, Lane County Oregon Records.

NOTE: The address of the property to be insured herein is: NOT KNOWN.


NOTE: Said property lies outside the city limits, therefore, is not subject to city liens.

NOTE: SUPPLEMENTED TO UPDATE REPORT AND REMOVE OLD EXCEPTION NO. 3.

Very truly yours,

EVERGREEN LAND TITLE COMPANY
HOME OFFICE

By:



Jeffrey K. Walker
Advisory Title Officer

NO LIABILITY IS ASSUMED HEREUNDER UNTIL POLICY IS ISSUED AND PREMIUM PAID. IF FOR ANY REASON THE REPORT IS CANCELLED, A MINIMUM CANCELLATION FEE OF \$200.00 WILL BE CHARGED.

MAIN OFFICE

1570 MOHAWK BLVD. • SPRINGFIELD, OR 97477
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PHONE: 541.741.1981
FAX: 541.741.0619

**BRANCH OFFICE**

1509 WILLAMETTE ST. • EUGENE, OR 97401
P.O. BOX 10211 • EUGENE, OR 97440
PHONE: 541.687.9794
FAX: 541.687.0924

PRELIMINARY TITLE REPORT

December 2, 2004

ELT-46563-E

Lane County
125 East 8th Avenue
Eugene, Oregon 97401
Attn: Jeff Turk

Dear Jeff:

We are prepared to write Title Insurance covering the following described premises to-wit:

All Tide lands between the Northerly extension of the East and West lines and fronting and abutting the following described property, to-wit:

Lots 3, 4, 5 and 6 and the West ½ of vacated Alder Street in Block 5, GLENADA, as platted and recorded in Book W, Page 261, Lane County Oregon Deed Records, in Lane County, Oregon.

Showing fee simple title as of November 19, 2004, at 8:00 a.m., vested in:

LANE COUNTY

Subject to the usual printed exceptions, and

1. The real property taxes for the fiscal year 2004-2005 are exempted by virtue of county ownership. The company assumes no liability should the exempt status be lifted and taxes levied. (Map No. 18-12-34-41-01200, Code 97-22, Account No. 1087186)
2. Rights of the public and of governmental bodies in and to that portion of that portion of the premises herein described lying below the high water mark of the Siuslaw River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.

CONTINUED

3. Any adverse claim based upon the assertion that the location of the Siuslaw River has moved and that any portion of the subject property has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

4. Evergreen Land Title Company cannot determine from the public records if said property has access.

NOTE: The address of the property to be insured herein is: NOT KNOWN.

NOTE: Said property lies outside the city limits, therefore, is not subject to city liens.

Very truly yours,

EVERGREEN LAND TITLE COMPANY
HOME OFFICE

By:



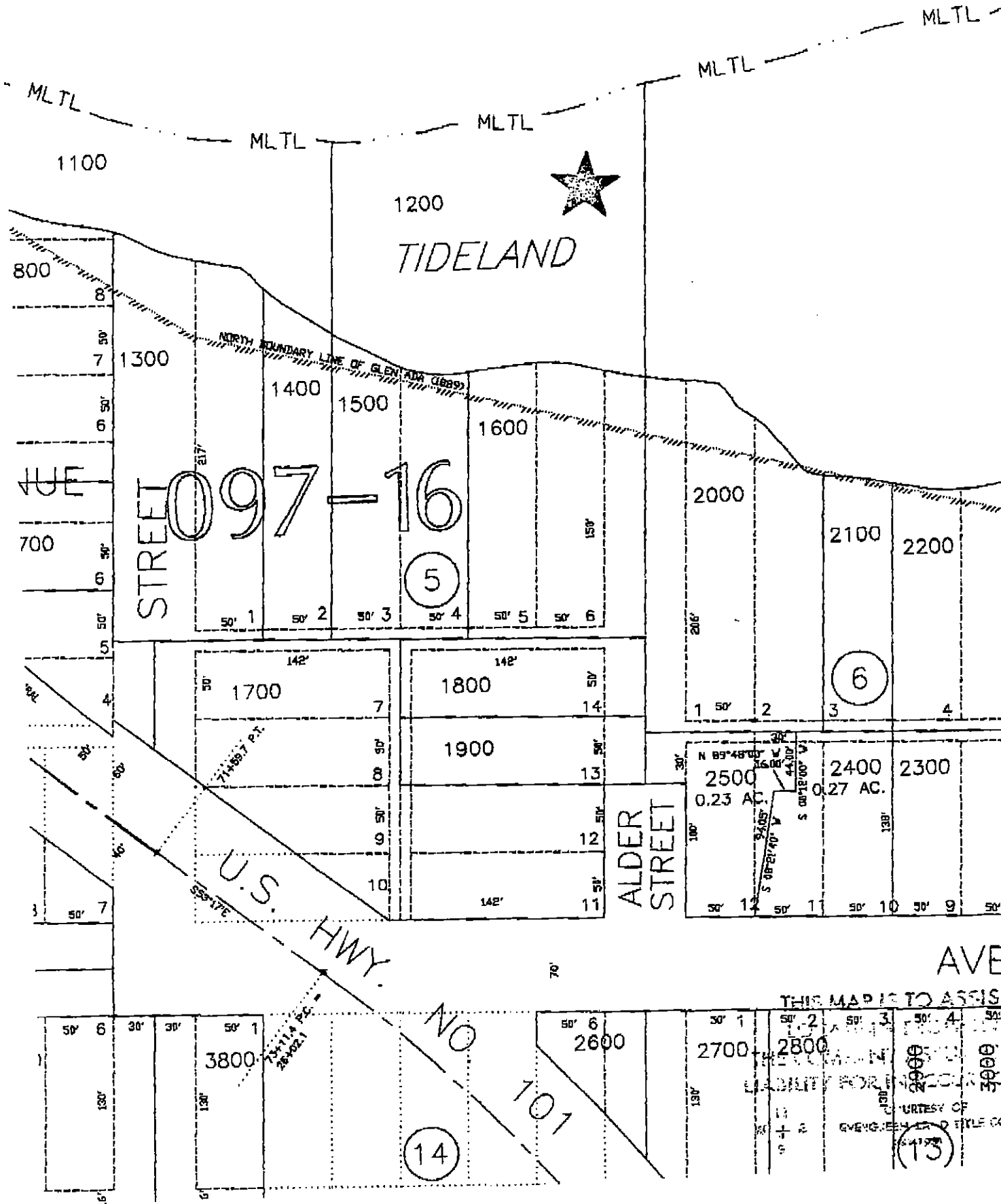
Jeffrey K. Walker
Advisory Title Officer

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LAW

RIVER

MAP: 18-12-34-41



MAIN OFFICE

1570 MOHAWK BLVD. • SPRINGFIELD, OR 97477
 P.O. BOX 931 • SPRINGFIELD, OR 97477
 PHONE: 541.741.1981
 FAX: 541.741.0619

**BRANCH OFFICE**

1509 WILLAMETTE ST. • EUGENE, OR 97401
 P.O. BOX 10211 • EUGENE, OR 97440
 PHONE: 541.687.9794
 FAX: 541.687.0924

SUPPLEMENTAL TITLE REPORT

February 10, 2005

ELT-46563-F

Lane County
 125 East 8th Avenue
 Eugene, Oregon 97401
 Attn: Jeff Turk

Dear Jeff:

We are prepared to write Title Insurance covering the following described premises to-wit:

SEE ATTACHED

Showing fee simple title as of February 4, 2005, at 8:00 a.m., vested in:

LANE COUNTY

Subject to the usual printed exceptions, and

1. The real property taxes for the fiscal year 2004-2005 are exempted by virtue of county ownership. The company assumes no liability should the exempt status be lifted and taxes levied:

Map No. 18-12-34-42-01800, Code 97-22, Account No. 0805448, 2004-2005, a lien in the amount of \$56.00 (Fire Patrol District Principal and Surcharge), plus interest is unpaid.

Map No. 18-12-34-42-01700, Code 97-22, Account No. 0805430 (no tax due).

Map No. 18-12-34-42-02900, Code 97-22, Account No. 0805570 (no tax due).

Map No. 18-12-34-42-00600, Code 97-23, Account No. 0805315, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-01200, Code 97-23, Account No. 0805372, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-01299, Code 97-23, Account No. 0805380, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-01900, Code 97-23, Account No. 0805455, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

CONTINUED

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ELT - 46563-F

Page 2

Exception No. 1 continued ...

Map No. 18-12-34-42-02000, Code 97-23, Account No. 0805463, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-02100, Code 97-23, Account No. 0805471, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-02200, Code 97-23, Account No. 0805489, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-02300, Code 97-22, Account No. 0805497, 2004-2005, \$56.00 (Fire Patrol District Principal and Surcharge), paid in full.

Map No. 18-12-34-42-02500, Code 97-23, Account No. 0805539, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-02700, Code 97-23, Account No. 0805554, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-02800, Code 97-23, Account No. 0805562, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03000, Code 97-23, Account No. 0805588, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03096, Code 97-23, Account No. 0805596, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03097, Code 97-23, Account No. 0805604, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03098, Code 97-23, Account No. 0805612, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03099, Code 97-23, Account No. 0805620, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03100, Code 97-23, Account No. 0805638, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03200, Code 97-23, Account No. 0805646, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03297, Code 97-23, Account No. 0805653, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03298, Code 97-23, Account No. 0805661, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03299, Code 97-23, Account No. 0805679, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03300, Code 97-23, Account No. 0805687, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03400, Code 97-23, Account No. 0805695, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

Map No. 18-12-34-42-03500, Code 97-23, Account No. 0805703, 2004-2005, \$18.00 (Fire Patrol District Principal), paid in full.

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2. Right-of-Way Easement, granted to the Central Lincoln People's Utility District, a municipal corporation, including the terms and provisions thereof, by instrument Recorded June 9, 1954, Reel 39D, Reception No. 31333, Lane County Oregon Records.
3. Right-of-Way Easement, granted to the Central Lincoln People's Utility District, a municipal corporation, including the terms and provisions thereof, by instrument Recorded June 24, 1954, Reel 40D, Reception No. 32509, Lane County Oregon Records.
4. Deed of Trust, including the terms and provisions thereof, executed by Nevada Warwick Corporation, as Grantor(s), to Cascade Title Co., as Trustee, for the benefit of Elwin L. Heiny and Henriette A. Heiny, husband and wife, as Beneficiary, Dated January 27, 1989, Recorded January 31, 1989, Reel 1557R, Reception No. 89-05043, Official Records of Lane County, Oregon, given to secure payment of a Note for \$19,900.00.

The beneficial interest in said Deed of Trust was assigned to Virginia Warwick, Brent Bayard Warwick, Vivien Warwick, Elizabeth Warwick and Robin Warwick, by assignment, Recorded March 19, 1998, Reel 2397R, Reception No. 98-19344, Lane County Oregon Records.

NOTE: Affects Lots 1 and 2 of Block 6 only. The statute of limitations will remove this lien on February 1, 2009.

5. Easement Agreement, including the terms and provisions thereof, between Lane County, a political subdivision of the State of Oregon, and John A. Maitland and Laura A. Maitland, by instrument Recorded December 29, 2003, Reception No. 2003-123170, Lane County Oregon Records.

NOTE: The address of the property to be insured herein is: NOT KNOWN.

NOTE: Said property lies outside the city limits, therefore, is not subject to city liens.

NOTE: SUPPLEMENTED TO UPDATE REPORT AND ADD NOTE TO EXCEPTION NO. 4.

Very truly yours,

EVERGREEN LAND TITLE COMPANY
HOME OFFICE

By:



Jeffrey K. Walker
Advisory Title Officer

NO LIABILITY IS ASSUMED HEREUNDER UNTIL POLICY IS ISSUED AND PREMIUM PAID. IF FOR ANY REASON THE REPORT IS CANCELLED, A MINIMUM CANCELLATION FEE OF \$200.00 WILL BE CHARGED.

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Legal Description

Lots 1, 2, 3, 4, 11 and 12 of Block 3, and all of Block 4, EXCEPTING that portion showing as reserved on said plat, and all of Block 5, and Lots 1, 2, 10, 11 and 12 of Block 6, and all of Block 7, 8, 9 and 10, AMENDED PLAT OF SOUTH FLORENCE ADDITION TO GLENADA, as platted and Recorded in Book 2, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO: All of Block 17, and Lots 3 through 12 inclusive of Block 18, and Lots 13, 14, 15 and 16 of Block 19, GLENADA, as platted and recorded in Book W, Page 261, Lane County Oregon Plat Records, in Lane County, Oregon.

6-1-2008 10 41 BLM 12 10:00 EUG 10/31/08

