

W. A. C. 2

AGENDA COVER MEMO

DATE: July 21, 2005

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas
Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Authorizing the Sale of County-Owned Real Property Located on the Southeast Side of North 19th Street and Marcola Road in Springfield, Identified as Tax Lot 17-03-25-13-00500.

I. MOTION

THAT THE ORDER BE ADOPTED AUTHORIZING THE SALE OF COUNTY OWNED PROPERTY TO JOHN R. SOOY AND MARY P. SOOY AND AUTHORIZING THE EXECUTION OF THE QUITCLAIM DEED IN CONNECTION WITH SAID SALE.

II. ISSUE OR PROBLEM

The Sooy's are optionees under a Lease and Option Agreement with Lane County concerning the County-owned property located at North 19th Street and Marcola Road, and are electing to exercise their option rights as provided in the agreement.

III. DISCUSSION

A. Background:

The Sooy's entered into a Lease and Option Agreement with Lane County pursuant to Order 02-05-8-15 on May 8, 2002. Because a lawsuit had been filed by an adjoining owner regarding some title restrictions affecting the subject property, the Sooy's were not able to exercise their option rights during the term of the initial Lease and Option Agreement and its extension term, and were granted a renewal of the agreement pursuant to Order 03-12-17-9 on December 17, 2003. All pending litigation has now been resolved, and in accordance with the terms of the Lease and Option Agreement, the Sooy's were given notice on March

17, 2005, that they had 60 days in which to exercise their option rights. They subsequently requested an extension of time to exercise the option in order to resolve pending zoning issues, and agreed to pay to Lane County interest on the purchase price at the rate of 8.75 percent until the option was either exercised or terminated. This extension was granted per Order 05-5-11-10 on May 11, 2005.

The Sooy's have given notice that they wish to exercise the option to purchase at the agreed price of \$220,000, with a projected closing date of August 30, 2005, and the Quitclaim Deed will need to be executed on behalf of Lane County for deposit in escrow.

B. Analysis:

Execution of the Quitclaim Deed and sale of the property for \$220,000 is in accordance with the terms of the Lease and Option Agreement and extensions thereof. Upon close of escrow, the proceeds from the sale will be deposited in the Road Fund.

C. Alternatives/Options

1. Approve the sale of this parcel in accordance with the terms of the Lease and Option Agreement, and authorize the execution of the Quitclaim Deed for deposit in escrow.

D. Recommendations

Option 1.

IV. IMPLEMENTATION/FOLLOW-UP

Upon execution by the Board, the Quitclaim Deed will be transmitted to the title company for deposit in escrow. Upon close of escrow, the proceeds will be distributed to the Road Fund.

V. ATTACHMENTS

Quitclaim Deed

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

ORDER NO:

**(IN THE MATTER OF AUTHORIZING THE
(SALE OF COUNTY-OWNED REAL PROPERTY
(LOCATED ON THE SOUTHEAST SIDE OF
(NORTH 19TH STREET AND MARCOLA ROAD
(IN SPRINGFIELD, IDENTIFIED AS TAX LOT
(17-03-25-13-00500.**

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, to wit:

Tax Lot 500 on the most recent Lane County Assessor's Map No. 17-03-25-13; and

WHEREAS, said real property was acquired by purchase for the Marcola Road/Mohawk Connector project and not by tax foreclosure; and

WHEREAS, said real property is owned by Lane County, and it not needed for any public purpose, and the sale of said property would benefit Lane County by its return to the tax roll; and

WHEREAS, the property was offered at a Sheriff's Sale on August 3, 2001, and no bids were received; and

WHEREAS, John R. Sooy and Mary P. Sooy subsequently entered into a Lease and Option Agreement with Lane County which conveyed to them an option to purchase the property for \$220,000; and

WHEREAS, the Sooy's now wish to exercise the right to purchase the property in accordance with the terms of the Lease and Option Agreement;

IT IS HEREBY ORDERED that, pursuant to ORS 275.200 and 275.030 (2), the real property be sold to John R. Sooy and Mary P. Sooy for \$220,000 cash, that the Quitclaim Deed be executed by the Board, and that the proceeds be deposited in the Road Fund upon close of Escrow.

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 _____, 2005.

APPROVED AS TO FORM

Date 7-26-05 lane county


OFFICE OF LEGAL COUNSEL

Chair,
Board of County Commissioners

After Recording Return to, and
Send Tax Statements to:
John R. Sooy and Mary P. Sooy
3815 Winslow Ave.
Springfield, OR 97477-7908

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 **220,000.00 dollars**, does hereby release and quitclaim to **JOHN R. SOOY and MARY P. SOOY**, all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the B.B. Powers Donation Land Claim Number 81 in the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 25, Township 17 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that property described in those certain deeds to LANE COUNTY, a political subdivision of the State of Oregon, recorded June 21, 1946, in Book 323, Pages 601 and 602 and March 18, 1952, in Book 456, Pages 480 and 481, LANE COUNTY OREGON DEED RECORDS, said parcel being all that portion that was vacated by The Board of County Commissioners of Lane County by Order 72-4-19-17 described as follows:

“Beginning at a point on the Easterly right of way line of Mohawk Road portion of the Mohawk Road Interchange (Eugene-Springfield Highway), said point being opposite and 40.0 feet distant Southerly from Engineers’ Centerline Station MK 9+69.76 P.O.C., also said point being 439.23 feet North and 101.85 feet East of the Southeast corner of the William C. Spencer Donation Land Claim No. 50, Township 17 South, Range 3 West, Willamette Meridian; thence North 19° 39’ 04” West, 118.08 feet; thence North 1° 46’ 55” East, 102.70 feet; thence North 49° 15’ 15” East, 51.57 feet to a point opposite and 60.0 feet distant Southerly from Engineers’ Centerline Station L 46+35.00 P.O.T. of Mohawk Road – 19th Street relocation; thence South 88° 06’ 55” East, 145.00 feet; thence North 88° 20’ 28” East, 257.39 feet to a point opposite and 40.0 feet distant Southerly from Engineers’ Centerline Station MK 4+39.63 P.O.C.; thence on a 532.96 foot radius curve left (the long chord of which curve bears South 58° 16’ 44” West, 475.84 feet) a distance of 493.12 feet to the place of beginning.

Containing 0.87 acre, more or less, in Lane County, Oregon.

The bearings used herein are based on the description in Order 72-4-19-17 vacating a portion of County Road Number 1287 and filed in Lane County Commissioner’s Journal, Reel 61, Page 8.

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.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day of _____, 20____.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 20____, personally appeared _____

who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____