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**AGENDA COVER MEMO**

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**DATE:** July 27, 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  
Adjacent to Northwest Expressway on Filbert Avenue, Identified as Tax  
Lot 17-04-23-44 4000.

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**I. MOTION**

THAT THE ORDER BE ADOPTED ACCEPTING THE OFFER FROM DONALD J. SCHMALE AND CAROL M. SCHMALE TO PURCHASE A PARCEL OF COUNTY OWNED PROPERTY ON FILBERT AVENUE, ADJACENT TO NORTHWEST EXPRESSWAY.

**II. ISSUE OR PROBLEM**

An offer has been received from Donald J. Schmale and Carol M. Schmale to purchase a County owned lot just south of their residence at 778 Filbert Avenue, Eugene.

**III. DISCUSSION**

**A. Background:**

Lane County owns several small lots on Filbert Avenue, in the River Road area of Eugene. They were originally purchased for the right-of-way of the Northwest Expressway, and the lots are remnants of those acquisitions. The Schmales live directly north and have submitted an offer for the lot that adjoins their residence. It is the largest of the lots, and contains 7,325 sq. ft. The property is zoned residential, there are no improvements on the site, and the property is a Road Fund asset.

**B. Analysis:**

Mr. and Mrs. Schmale have offered \$55,500 cash for this lot. We advertised the property in the newspaper and received numerous inquiries, but only one other offer, for a lesser amount. We also viewed several transactions of unimproved lots in this area. The offer is concluded to represent market value. The prospective purchasers understand they are buying it "as-is". The property is not being used by Lane County, and no future use is contemplated.

A sale will allow the Road Fund to realize the income from the sale of this asset, return the property to the tax rolls, and free the County from any further liability or management responsibilities

Pursuant to ORS 275.030 (2), Lane County can sell real property on a direct basis as long as it was not acquired by tax foreclosure, and if it is deemed to not be in the best interest of the County to sell the property through the Sheriff's Sale process (ORS 275.120, 275.140 to 275.160, and 275.180 to 275.260). This property was acquired by purchase. It has been previously offered at a public Sheriff's Sale, and no bids were received.

The property was exposed to the market through newspaper classified and legal advertising and the current offer under consideration is the highest offer received.

**C. Alternatives/Options**

1. Approve the sale of this parcel.
2. Reject the offer and retain ownership.

**D. Recommendations**

It is recommended that the Board accept the offer, the parcel be sold and the Bargain and Sale Deed be executed.

**IV. IMPLEMENTATION/FOLLOW-UP**

Upon approval by the Board, the Bargain and Sale Deed will be executed and returned to Public Works Staff to finalize the transaction. The deed will be recorded, and proceeds distributed to the Road Fund.

**V. ATTACHMENTS**

Bargain and Sale Deed  
Map

IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

ORDER NO:

(IN THE MATTER OF AUTHORIZING THE  
(SALE OF COUNTY OWNED REAL PROPERTY  
(ADJACENT TO NORTHWEST EXPRESSWAY  
(ON FILBERT AVENUE, IDENTIFIED AS TAX  
(LOT 17-04-23-44 4000.

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:

A 7,325 sq. ft. portion of Tax Lot 4000 on the most recent Lane County Assessor's Map No. 17-04-23-44; and

WHEREAS, said real property was acquired by purchase for the Northwest Expressway 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 September 18, 1995, and no bids were received; and

WHEREAS, it is not deemed to be in the best interest of the County to sell and convey the property in the manner provided under ORS 275.120, 275.140 to 275.160, and 275.180 to 275.260; and

WHEREAS, notice of the County's intent to sell said real property was published on June 12, 2005 and June 19, 2005 in the legal section of the *Eugene Register-Guard*, a local paper of general circulation;

IT IS HEREBY ORDERED that, pursuant to ORS 275.030 (2), the real property be sold to Donald J. Schmale and Carol M. Schmale for \$55,500.00 cash, that the Bargain and Sale Deed be executed by the Board and that the proceeds be disbursed as follows:

Road Fund	(225-3632-446120-010)	\$55,500.00
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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.

RESOLVED AND ORDERED

8-5-05



\_\_\_\_\_  
Chair,  
Board of County Commissioners

After Recording Return to, and  
Send Tax Statements to:  
Donald J. Schmale and Carol M. Schmale  
778 Filbert Avenue  
Eugene, Oregon 97404

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

**BARGAIN AND SALE DEED**

**LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter called **GRANTOR**, for the true and actual consideration of Forty Eight Thousand Dollars, hereby conveys to **DONALD J. SCHMALE** and **CAROL M. SCHMALE** all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast one-quarter (SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded May 17, 1965, on Reel 265, Recorder's Reception Number 3592, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45, in Township 17 South, Range 4 West of the Willamette Meridian, and running thence South 48° 52' East, 824.8 feet, thence along the center of Park Avenue North 88° 45' East, 637.5 feet, thence South 300 feet to the northeast corner of this tract and running West 232.6 feet to the east line of a tract deeded to Kjeld Christensen recorded in Volume 143, on Page 428, Lane County Oregon Deed Records, thence South 8° West along said east line 72.8 feet to the easterly line of the railroad right of way, thence South 48° 52' East along said railroad right of way 167 feet, thence North 41° 08' East at a right angle to said right of way 200 feet to the center of a roadway known as Filbert Avenue, thence North 48° 52' West along said centerline 20.3 feet, thence North 21.3 feet to the place of beginning, in Lane County, Oregon."

**EXCEPTING THEREFROM:** A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established by the Lane County Surveyors Office per County Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of a Brass Cap marking the southwest corner of the Benjamin Davis Donation Land Claim Number 45 in Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47° 14' 31" East, 3,971.49 feet to Engineers' Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

The bearings used for the above described exception are based upon the Oregon Coordinate System of 1927, South Zone.



17-04-23-42  
TL 6400

C.W. & AGNES C.  
RICHARDS

15.0 80.0  
90.0  
S 89°48'53" E

17-04-23-42  
TL 6601

97.11 100  
N 88° 22' 31" W  
40.60 90.0

**FILBERT**

17-04-23-42  
TL 6100

17-04-23-44  
TL 3900

TO LC  
REEL 265-D/  
3592

17-04-23-44  
TL 4100  
LANE COUNTY  
OWNED

TO LC  
REEL 276-D/  
25605

17-04-23-44  
TL 4200  
LANE COUNTY  
OWNED

TO LC  
REEL 275-D/  
22368

17-04-23-44  
TL 4300  
LANE COUNTY  
OWNED

TO LC  
REEL 277-D/  
28270

TO LC  
REEL 2  
25606

W  
C  
730-R  
815

S 47° 14' 31" E

**NORTHWEST EXPRESSWAY**

**PACIFIC RAILROAD TRACKS**

**FILBERT AVE**

S 42° 45' 8"