

W. 7.9.

AGENDA COVER MEMO

DATE: February 2, 2005
TO: Lane County Board of Commissioners
DEPT.: Public Works/Parks Division
PRESENTED BY: Todd Winter/Parks Division Manager

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF AMENDING CHAPTER 21 OF THE LANE MANUAL TO ADD PROVISION FOR THE DESIGNATION OF COUNTY FORESTS, PARKS, AND RECREATIONAL AREAS AND DISPOSITION OF SALE PROCEEDS (LM 21.435)

I. MOTION

MOVE APPROVAL OF THE ORDER IN THE MATTER OF AMENDING CHAPTER 21 OF THE LANE MANUAL TO ADD PROVISION FOR THE DESIGNATION OF COUNTY FORESTS, PARKS, AND RECREATIONAL AREAS AND DISPOSITION OF SALE PROCEEDS (LM 21.435)

II. ISSUE OR PROBLEM

Board has directed staff to establish a procedure to be added to the Lane Manual that would add provision for tax foreclosed properties to be designated as parklands and then sold with the proceeds to be used for parks purposes (per ORS 275.320 - .330)

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.

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If the Board approves the Order, the Parks Division will begin evaluation of tax foreclosed property inventory and work with property management to identify potential property for designation.

III. IMPLEMENTATION/FOLLOW-UP

Upon approval of the order the Parks Division will select, and present to the Board for approval, tax foreclosed property for designation within the next thirty days.

V. ATTACHMENTS

Order

Letter to Taxing Districts

271.330 and ORS 456.355-456.370. The Division shall duly publish notice of the hearing on the transfer for two successive weeks, before the hearing, and shall prepare the ordinance and appropriate agenda materials.

(f) At the conclusion of the hearing, the Board shall make a decision as to whether to grant or deny the request, based solely on its determination and judgment as to what is in the best interest of the public. Approval of any request shall be on such terms and conditions as deemed appropriate by the Board, and may be for consideration or for no consideration.

(5) Transfer. If approved, the transfer of title shall occur by quitclaim deed, which may provide, if so directed by the Board, that title shall revert to the County if the property ceases to be used for low-income housing purposes during a specified time period. If the requesting entity desires a bargain and sale deed, such a deed shall be provided if a title report from a title insurance company selected by the County shows clear title and the requesting entity pays for the title insurance policy; the deed may also include a reversionary clause. Terms and conditions imposed by the Board or at its direction not appropriate to a deed shall be contained in a development agreement between the County and the entity. These may include conditions of development appropriate to the project, and elements and consequences of default.

(6) Fees. There is no fee for a request pursuant to LM 21.430(3). The requesting entity shall tender with its request pursuant to LM 21.430(4) a non-refundable administrative fee of \$400 for processing the request. In addition, the requesting entity shall pay for the out-of-pocket costs of the transfer, including but not limited to the publication costs, and recording fees.

(7) Other Properties/Other Uses. The Board recognizes that ORS 271.330 permits donation of property acquired in some manner other than through tax foreclosure, and further that it permits donation to municipal or nonprofit corporations for social services or child care purposes. Should a municipal or nonprofit corporation desire to have the Board consider donation of property obtained by any manner for statutorily-identified purposes, the same process as described above should generally be followed. The ordinance shall specify the public benefit of the transfer, any restrictions deemed reasonable by the Board, any necessary repayment of constitutionally dedicated funds used in the acquisition or improvement of the property and the source of repayment, and the appraised value of the property if it is not tax-foreclosed property.

(8) The provisions of LM 21.430(1)-(7) above are discretionary and not mandatory, despite the use of directory language ("shall" or "will"). Regardless of these provisions, the County specifically reserves the right to schedule a Sheriff's sale or sell any particular piece(s) of property at such time and in such manner as the Board deems in the County's best interest. *(Revised by Order No. 93-3-9-6, Effective 3.9.93)*

21.435 Designation of County Forests, Parks, and Recreational Areas

(1) Upon the completion of those requirements set forth in LM 21.430, the Director of the Department of Management Services may, in consultation with the Parks Manager, prepare a list of foreclosed properties to be designated and set aside for county forests, parks, and recreation areas. Only properties outside the corporate limits of a city shall be considered for inclusion on the property list.

(2) In preparing the property list, due consideration shall be given to at least the following:

- (a) Environmental issues;
- (b) Overall benefit to the County;
- (c) Financial needs of the affected departments.

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Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
21.435 Lane Manual

21.435

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To: Lane County Taxing Districts
From: Todd Winter, Division Manager *T.W.*
Date: December 16, 2004
Subject: Tax Foreclosed Properties Designated As Parkland

On September 15, 2004 staff presented to the Lane County Board of Commissioners a report outlining the feasibility of County tax foreclosed properties being designated as parkland and then sold with the proceeds to be used for park purposes (per ORS 275.320 - .330). 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 to proceed and further directed staff to work with County Counsel 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 (please see the enclosed).

The current system, administered by Lane County Property Management, that distributes surplus funds each year to the ninety-two taxing districts in Lane County, will remain unchanged. The process we will be proposing will only allow properties to be designated from existing inventory. Once designated as parkland, all expenses associated with the properties will become the sole responsibility of the Lane County Parks Division. The taxing districts will not receive surplus sale proceeds from foreclosed properties sold by the Parks Division.

If you have any questions feel free to contact me at 682-2000.

Enclosures