

AGENDA COVER MEMORANDUM

W.9.C.1.

Agenda Date: November 30, 2005

DATE: November, 16, 2005

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO RANDALL JOHNSON FOR \$500 (MAP # 19-12-27-14-03200, SOUTH OF 4890 DARLINGS LP., DUNES CITY)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO RANDALL JOHNSON FOR \$500 (MAP # 19-12-27-14-03200, SOUTH OF 4890 DARLINGS LP., DUNES CITY)

2. **ISSUE/PROBLEM:** Mr. Johnson has submitted an offer of \$500 for the subject property. The Board is being asked to consider the offer for acceptance.

3. **DISCUSSION:**

3.1 Background

The subject parcel was acquired through property tax foreclosure in 1979. The subject is .10 acre and is zoned RR2. The legal description of the property describes the property as lying between the high and low water marks of Tsiltcoos Lake and also within a public driveway of the Tsiltcoos Lake Club Plat. The property is not developable. Mr. Johnson is a neighboring owner and wishes to acquire an interest in the property.

3.2 Analysis

The property is described as being below the high water mark of Tsiltcoos Lake. The Division of State Lands has jurisdiction/ownership over lands lying below the high water marks of navigable bodies of water and would have jurisdiction over the subject property.

This was explained to Mr. Johnson (Mr. Johnson has purchased other foreclosed properties from the county).

ORS 275.225 provides for selling County owned real property at private sale which has an assessed value under \$5,000 and is not suited for the placement of a dwelling under current zoning and building ordinances. Notice of a proposed sale of the subject was published in the Register Guard on October 21, 2005. The County may sell the subject not less than 15 days from the date of publication of the notice. The subject parcel has a current assessed value of \$640 and qualifies for private sale pursuant to ORS 275.225.

3.3 Alternatives/Options

1. Sell the parcel to Mr. Johnson pursuant to his offer.
2. Negotiate other sale terms than those offered.
3. Retain the parcel in county inventory.

3.4 Recommendation

It is recommended that Mr. Johnson's offer be accepted and the property sold.

3.5 Timing

None.

4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property sold.
5. **ATTACHMENTS:**
Board Order
Quitclaim Deed
Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING THE
SALE OF SURPLUS COUNTY OWNED REAL
PROPERTY TO RANDALL JOHNSON FOR
\$500 (MAP # 19-12-27-14-03200, SOUTH OF
4890 DARLINGS LP., DUNES CITY)

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 which was acquired through tax foreclosure, to wit:

Beginning at the Southeast corner of Lot 40, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Book 3, Page 13, Lane County Oregon Plat Records; thence East along the South line as designated on said Plat between lots 39 and 40 to the Southwest corner of Lot 39; thence South to the extra low water mark; thence West along the extra low water mark to a point directly South of the Southeast corner of Lot 40; thence North to the Southeast corner of Lot 40, the place of beginning.

WHEREAS said real property is owned by Lane County and not in use for County purposes, and sale of said property would benefit Lane County by its return to the tax roll, and

WHEREAS said real property is assessed under \$5,000 on the most recent tax roll and is unsuited for the placement of a dwelling and

WHEREAS notice of the County's intent to sell said real property was published on October 21, 2005 in the Eugene Register-Guard and sale of said real property shall occur 15 days after publication of said notice

IT IS HEREBY ORDERED that, pursuant to ORS 275.225 and ORS 275.275, the real property be sold to Randall Johnson for \$500, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:


Foreclosure Fund	(228-5570270-446120)	\$450
General Fund	(124-5570260-436521)	50

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 _____, 20____.

APPROVED AS TO FORM

Date: 11-21-05 lane county


OFFICE OF LEGAL COUNSEL

Anna Morrison, Chair, Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO
RANDALL JOHNSON FOR \$500 (MAP # 19-12-27-14-03200, SOUTH OF 4890 DARLINGS LP., DUNES
CITY)

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No. _____ of the Board of County Commissioners of Lane County, releases and quitclaims to:

R. Johnson

all its right, title and interest in that real property situated in Lane County, State of Oregon, described as:

Beginning at the Southeast corner of Lot 40, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Book 3, Page 13, Lane County Oregon Plat Records; thence East along the South line as designated on said Plat between lots 39 and 40 to the Southwest corner of Lot 39; thence South to the extra low water mark; thence West along the extra low water mark to a point directly South of the Southeast corner of Lot 40; thence North to the Southeast corner of Lot 40, the place of beginning (19-12-27-14-03200).

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 FEE TITLE TO THE PROPERTY SHOULD CHECK WITH 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 ORS. 30.930.

The true and actual consideration for this transfer is \$500.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2005 personally appeared _____,

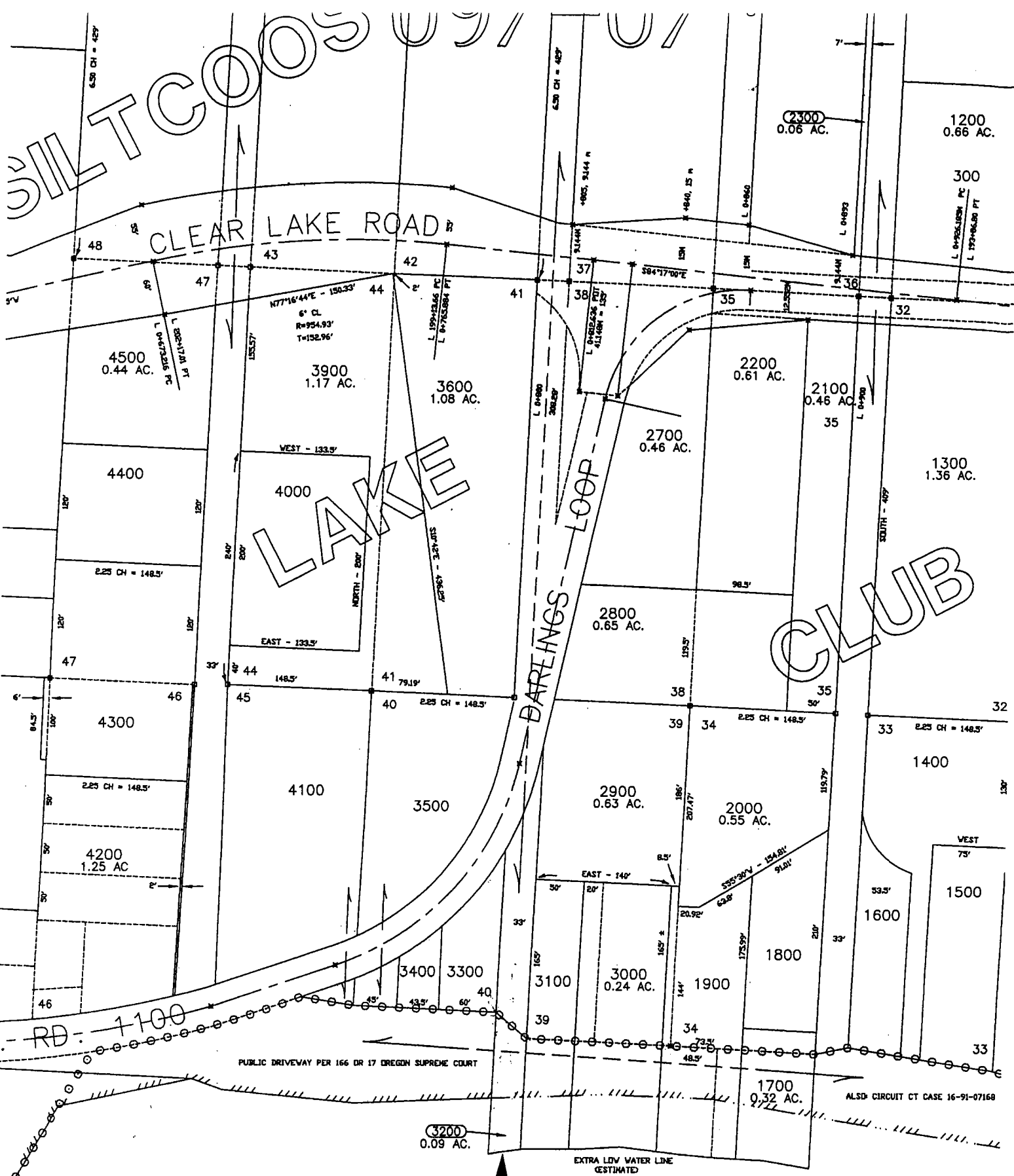
_____, _____, _____, _____,

_____, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Notary Public for Oregon

My Commission Expires _____

After recording, return to/taxes to
Randall Johnson
PO Box 2116
Florence, OR 97439



097-02

↑ SUBJECT

TSILTCOOS LAKE

SEE MAP 19 27 27 40