

W.9.E.3.

AGENDA COVER MEMO

DATE: November 7, 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 Three Parcels of County Owned Real Property Adjacent to Northwest Expressway on Filbert Avenue, Identified as Tax Lots 17-04-23-44 4800, 4900 & 5000.

I. MOTION

THAT THE ORDER BE ADOPTED ACCEPTING THE OFFER FROM TIMOTHY W. MURPHY AND DALE K. DICK TO PURCHASE THREE PARCELS OF COUNTY OWNED PROPERTY ADJACENT TO THE NORTHWEST EXPRESSWAY ON FILBERT AVENUE, IDENTIFIED AS TAX LOTS 17-04-23-44 4800, 4900 & 5000.

II. ISSUE OR PROBLEM

An offer has been received from Timothy W. Murphy and Dale K. Dick to purchase three contiguous County-owned lots on Filbert Avenue.

III. DISCUSSION

A. Background:

Lane County owns a row of small lots fronting upon Filbert Avenue in the River Road area of Eugene. They were originally purchased as right-of-way for the Northwest Expressway, and the lots are remnants of those acquisitions. The parcels contain approximately 6,300 sq. ft. each, and a city sewer line is nearby. There are no improvements on the lots.

B. Analysis:

Timothy W. Murphy and Dale K. Dick have offered \$127,500 cash for all three lots. Lane County recently sold two lots located slightly north for \$41,500 each. The lots were advertised in the *Register-Guard* from October 30, 2005 to November 6, 2005, and no other offers were received. Consequently, this offer is concluded to represent market value. The prospective purchasers understand they are purchasing the property "as-is".

The land is not being utilized by Lane County, and no future public use is contemplated. A sale will allow the Road Fund to realize the income from the sale of these assets, return the properties 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. These lots were acquired by purchase. It has been offered at a public Sheriff's Sale, and no bids were received.

C. Alternatives/Options

1. Accept the offer and approve the sale of these lots.
2. Reject the offer and retain ownership of the land.

D. Recommendations

It is recommended that the Board accept the offer, the lots be sold, and the Quitclaim Deeds be executed.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval by the Board, the three Quitclaim Deeds will be executed and returned to Public Works Staff to complete the transaction. The deeds will be recorded, and the sale proceeds distributed to the Road Fund.

V. ATTACHMENTS

Three Quitclaim Deeds
Map

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

ORDER NO:

**(IN THE MATTER OF AUTHORIZING THE
(SALE OF THREE PARCELS OF COUNTY
(OWNED REAL PROPERTY ADJACENT TO
(NORTHWEST EXPRESSWAY ON FILBERT
(AVENUE, IDENTIFIED AS TAX LOTS
(17-04-23-44 4800, 4900, & 5000.**

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 Lots 4800, 4900 and 5000 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, a cash offer of \$42,500 per parcel has been received from Timothy Murphy and Dale Dick; and

WHEREAS, the property was offered at a Sheriff's Sale on September 18, 1995, and no bids were received; and

WHEREAS, an advertisement for sale was placed in the *Eugene Register-Guard*, a local paper of general circulation, from October 30, 2005 to November 6, 2005; and

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

IT IS HEREBY ORDERED that, pursuant to ORS 275.030 (2), the real property be sold to Timothy Murphy and Dale Dick for \$127,500.00 cash, that the three Quitclaim Deeds be executed by the Board, and that the proceeds be disbursed as follows:

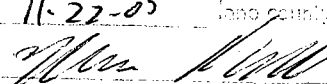
Road Fund	(225-3632-446120-010)	\$127,500.00
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IT IS FURTHER ORDERED that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 2005.

Chair,
Board of County Commissioners

APPROVED AS TO FORM

FILED 11-22-05 Lane County

OFFICE OF CLERK OF COUNTY

After Recording Return to, and
Send Tax Statements to:
Timothy W. Murphy and Dale K. Dick
c/o 38874 Dexter Road
Dexter, Oregon 97431

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 Forty Two Thousand Five Hundred Dollars, does hereby release and quitclaim to **TIMOTHY W. MURPHY** and **DALE K. DICK**, 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 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 June 1, 1964, on Reel 243, Recorder's Reception Number 57439, 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, 637.5 feet, thence South 322 feet, thence South 48° 52' East 735 feet to the beginning or initial point of this description and the Northwest corner thereof and running thence South 41° 08' West 200 feet to the Easterly right of way line of the S.P.R.R., thence South 48° 52' East along said right of way 96 feet, thence North 41° 08' East 200 feet, more or less to the center of a roadway, thence North 48° 52' West 96 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.

The parcel of land to which this description applies contains 0.14 of an acre, more or less.

Grantor retains all existing, future or potential common law or statutory abutters easements of access where the above described parcel is contiguous with the northeasterly right of way line of Northwest Expressway.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 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 _____, 2005.

LANE COUNTY,
a political subdivision of the State of Oregon

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2005, 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: _____

After Recording Return to, and
Send Tax Statements to:
Timothy W. Murphy and Dale K. Dick
c/o 38874 Dexter Road
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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 March 18, 1975, on Reel 734, Recorder's Reception Number 7509755, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at a point 1397.30 feet South and 1884.46 feet East of the Southwest corner of the Benjamin Davis D.L.C. No. 45 in Township 17 South, Range 4 West, Willamette Meridian; run thence South 41° 08' West 200.0 feet to the Northeasterly right of way of the Southern Pacific Railroad; thence along said right of way South 48° 52' East 96.0 feet; thence North 41° 08' East 200.0 feet; thence North 48° 52' West 96.0 feet to the Point 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:

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"Beginning at a point 1460.45 feet South and 1956.77 feet East of the Southwest corner of the Benjamin Davis D.L.C. No. 45, Township 17 South, Range 4 West, Willamette Meridian; run thence South 41° 08' West 200.0 feet to the Northeasterly right-of-way of Southern Pacific Railroad; thence along said right-of-way line South 48° 52' East 96.0 feet; thence North 41° 08' East 200.0 feet; thence North 48° 52' West 96.0 feet to the Point of Beginning in Lane County, Oregon."

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