

W. 4. a.

AGENDA COVER MEMORANDUM

Agenda Date: September 14, 2005

DATE: August 31, 2005
TO: Board of County Commissioners
DEPARTMENT: Management Services
PRESENTED BY: Jeff Turk, Property Management Officer
Todd Winter, Parks Manager

SUBJECT: PUBLIC HEARING/ORDER/ IN THE MATTER OF AUTHORIZING SELLING COUNTY PROPERTY THAT HAS BEEN DESIGNATED AS PARKLAND AND IDENTIFIED AS ASSESSOR'S MAP NO. 17-04-24-21-08100 AND COMMONLY KNOWN AS 115 E. HILLCREST, EUGENE

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE SELLING COUNTY PROPERTY THAT HAS BEEN DESIGNATED AS PARKLAND AND IDENTIFIED AS ASSESSOR'S MAP NO. 17-04-24-21-08100 AND COMMONLY KNOWN AS 115 E. HILLCREST, EUGENE

2. **ISSUE/PROBLEM:** Pursuant to Order No. 05-08-24-19, tax foreclosed property located at 115 E. Hillcrest, Eugene, was designated as county parkland. The Parks Division and Property Management Division have identified the property as a resource to be sold with sale revenue to be used for park purposes. Before the Board can authorize selling property designated as parkland a public hearing must be held.

The St. Vincent de Paul Society of Eugene (SVDP) has offered \$50,000 to obtain the property for the purpose of providing low-income housing.

3. **DISCUSSION:**

- 3.1 Background

The subject property was acquired through tax foreclosure in September, 2003. The property consists of a 2300 sq. ft. house (plus a full, unfinished basement) built in 1925 residing on a half acre lot. The property adjoins a City of Eugene bike path and the City's park along the Willamette River (tax lot 8200 on attached map).

The house is in fair-poor condition and has been subject to incidents of vandalism with windows broken and damage done to the interior walls, fixtures and flooring. SVDP estimates that \$80,000 will be needed to rehabilitate the structure. The current assessed value of the property is \$160,000 and it is estimated that the property would sell for that amount at a Sheriff's sale.

Pursuant to ORS 275.320, the property was designated as county parkland by Order No. 05-08-24-19. The designation was in conformance with Lane Manual 21.435 which sets out policies for designation of tax foreclosed property as parkland. Lane Manual 21.435 was drafted and implemented as a result of the Board's direction to use tax foreclosed property as a revenue source for the Parks Division.

ORS 275.330 provides for selling designated parkland upon a finding by the Board that it is in the best interest of the county to do so. The statute also requires a public hearing before the Board can take action to sell designated parkland.

If SVDP were to acquire the property from the county it would use the property to provide an affordable home ownership opportunity to a qualified family (at or below 80% of the median income for the area). In addition, SVDP would proceed with partitioning the lot and construct an additional house on the property also to be used for a qualifying low-income family

A preliminary title report for the property shows a clean title except for a \$1,400 improvement lien by the City of Eugene for sewer line installation.

3.2 Analysis

The Board has given staff direction, which was set forth in Lane Manual 21.435, to identify tax foreclosed property for designation as parkland pursuant to ORS 275.320 with the intent to then sell such designated property pursuant to ORS 275.330. Proceeds from the sale would be used for the maintenance and/or improvement of existing parkland as required by the statute.

Before property designated as parkland can be sold a public hearing is required. The statute does not require that an offer for the property be in hand prior to authorizing its sale. The statute provides for selling park property at a public (auction) or private sale. Authorizing that a designated park property can be sold does not obligate the Board to sell it or to accept any particular offer. The Board was informed of SVDP's interest in property at the time action was taken to designate it as parkland. The required notice for the public hearing has been published in the Register-Guard on August 29th and again on September 5th.

As required by Lane Manual 21.430, a public hearing on SVDP's request for the property is also scheduled for September 14th after the hearing on the matter of authorizing selling the property.

3.3 Alternatives/Options

- A. The Board can proceed with authorizing selling the property. The Board would then be able to accept an offer it deemed appropriate or offer the property at a public auction.
- B. The Board can refrain from authorizing selling the property. It then would remain in the county's inventory of land managed by the Parks Division with the Parks Division responsible for expenses incurred in managing the property.

3.4 Recommendation

It is recommended that Option A be pursued.

3.5 Timing

A sale of the property can occur, either at a public or private sale, after the Board has approved selling it.

- 4. **IMPLEMENTATION/FOLLOW-UP:** A public hearing on SVDP's request for the property has been scheduled for September 14th. The Board can take action to transfer the property to them at that time if it desires. If the Board chooses not to transfer the property to SVDP, it can provide direction to staff on the procedure it wishes to use to sell the parcel.
- 5. **ATTACHMENTS:**
 - Board Order
 - Tax Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING SELLING
COUNTY PROPERTY THAT HAS BEEN
DESIGNATED AS PARKLAND AND
IDENTIFIED AS ASSESSOR'S MAP NO. 17-04-
24-21-08100 AND COMMONLY KNOWN AS
115 E. HILLCREST, EUGENE

WHEREAS Lane County owned property identified as Map No. 17-04-24-21-08100, commonly known as 115 E. Hillcrest, Eugene, OR, has been designated as county parkland pursuant to Order No. 05-08-24-19, and

WHEREAS ORS 275.330 provides for selling such designated property, and

WHEREAS in conformance with ORS 275.330 a public hearing on the matter was held on September 14, 2005 after notice of said hearing was duly published and

WHEREAS due consideration was given to testimony provided and, after hearing said testimony, the Board has deemed to be in the best interest of the County to sell said designated parkland

IT IS HEREBY ORDERED that pursuant to ORS 275.330 that county owned real property identified as Assessor's Map No. 17-04-24-21-08100 and more particularly described in attached Exhibit "A" may be sold, alienated or otherwise conveyed at either a public or private sale subject to acceptance of an offer by the Board and that any proceeds from a sale be used as required by ORS 275.330.

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 9-1-05 Lane County



OFFICE CLERK

Anna Morrison, Chair
Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING SELLING COUNTY PROPERTY THAT HAS BEEN
DESIGNATED AS PARKLAND AND IDENTIFIED AS ASSESSOR'S MAP NO. 17-04-24-21-08100
AND COMMONLY KNOWN AS 115 E. HILLCREST, EUGENE

Beginning at a point 76.52 feet West of the Southeast corner of that certain tract described in Deed Dated March 18, 1927, by Medora Rossman to B. E. Rayburn, Recorded in Book 153, Page 274, Lane County Oregon Deed Records, which real estate is also described as follows: from a point 13.585 chains North 17° West of a point 72.91 chains East of the Southwest corner of the Benjamin Davis and wife Donation Land Claim No. 45, Notification No. 2244, in Section 24, Township 17 South, Range 4 West of the Willamette Meridian, run North 17° West 38.61 feet; thence West 21 feet; thence North 17° West 729.87 feet to the Point of Beginning; thence run East 640.48 feet; thence North 267.07 feet to the Place of Beginning; and thence West 150 feet along the South line of the said 4 acre tract; thence run North 267.07 feet to the North line of said 4 acre tract; thence run East 150 feet along the North line of said 4 acre tract, to a point 76.52 feet West of the Northeast corner of said 4 acre tract; thence South 267.07 feet to the Place of Beginning, in Lane County, Oregon.

ALSO the East 76.52 feet of the following described tract of land in Lane County State of Oregon, to-wit: from a point 13.585 chains North 17° 00' West of a point 72.91 chains East of the Southwest corner of the Benjamin Davis and wife Donation Land Claim No. 45, Notification No. 2244, in Section 24, Township 17 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon; thence run North 17° 00' West 38.61 feet; thence West 21 feet; thence North 17° 00' West 729.87 feet to the Point of Beginning; thence run East 640.48 feet; thence North 267.07 feet; thence West 722.04 feet; thence South 17° 00' East 279.27 feet to the Place of Beginning, in Lane County, Oregon.

EXCEPT: Tax Lot 8000 by Volume 236, Page 615 in 1943.

ALSO: Beginning at a point in the center of a certain 30 foot lane known as Hillcrest Avenue, said point being 15.0 feet North and 50.52 feet West of the Northeast corner of Lot 10, Block 2, PLAT OF OAKLEIGH, in Section 24, Township 17 South, Range 4 West of the Willamette Meridian, said point also being the Southeast corner of a certain 1 acre tract of land, recorded in the name of Hiram C. Burr, in Volume 236, Page 615, Lane County Oregon Deed Records; from said point run thence West 7.4 feet; thence North 267.07 feet to the North line of a certain 4 acre tract, the deed of which is Recorded in Volume 153, Page 274, Lane County Oregon Deed Records; thence East 7.4 feet along said North line; thence South 267.07 feet to the Place of Beginning, being a part of said 4 acre tract, said Township and Range, in Lane County, Oregon.

EXCEPT the South 26.90 feet to Lane County for Hillcrest Avenue.

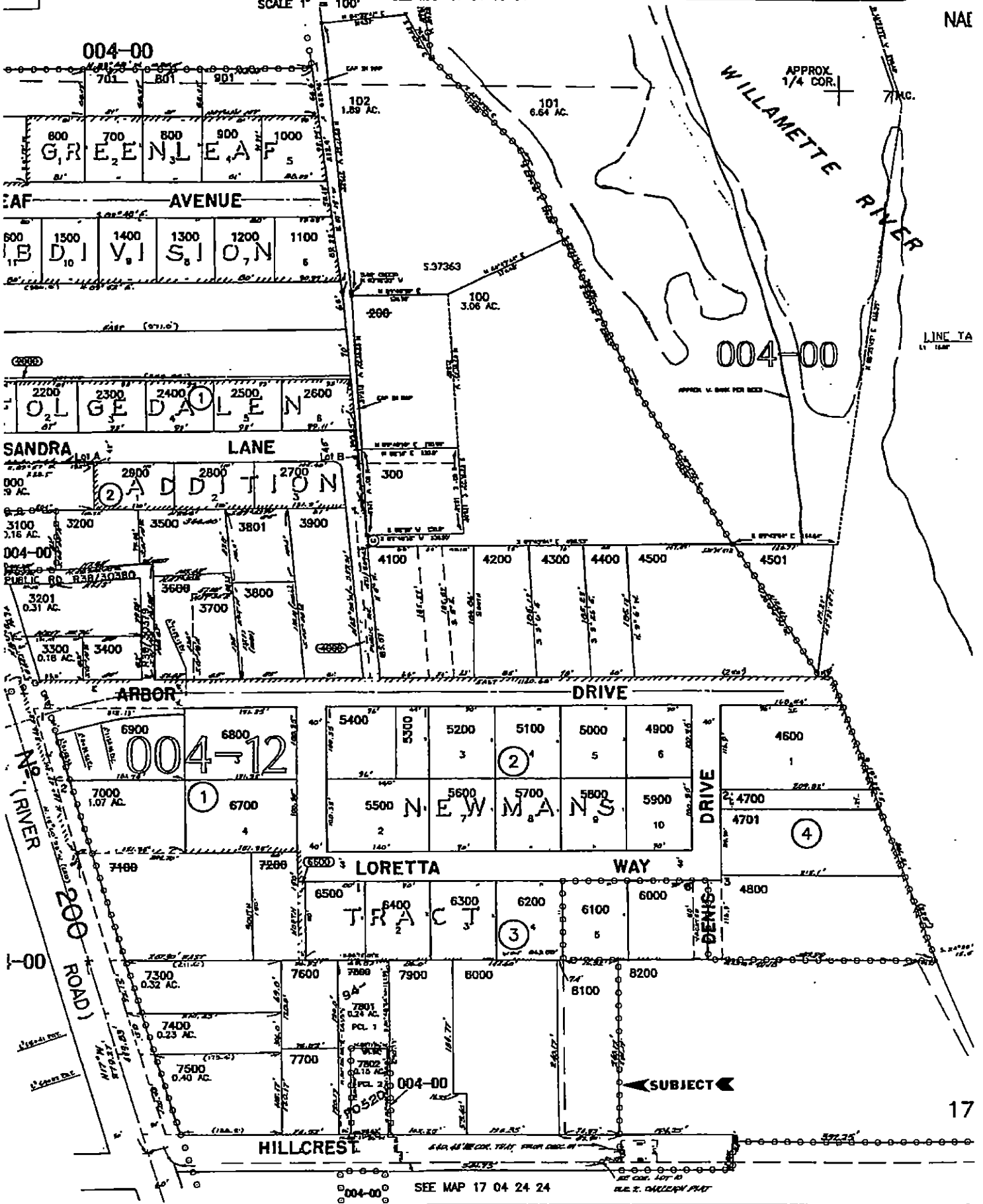
NE1/4 NW1/4 SEC. 24 T.17S. R.4W. W.M.
LANE COUNTY

SCALE 1" = 100' SEE MAP 17 04 13 34

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SEE MAP 17 04 24 24