

W. 8. C. 3.

AGENDA COVER MEMO

DATE: June 7, 2006
TO: Lane County Board of Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Frank Simas
Real Property Manager
AGENDA ITEM TITLE: In the Matter of Authorizing the Sale of Two Parcels of County-Owned Real Property on Royal Avenue, Identified as Tax Lots 17-04-27-22-04500 & 17-04-27-22-04599.

I. MOTION

THAT THE ORDER BE ADOPTED ACCEPTING THE OFFER FROM G & R BUILDING CONCEPTS, INC. TO PURCHASE TWO PARCELS OF COUNTY OWNED PROPERTY ON ROYAL AVENUE, IDENTIFIED AS TAX LOTS 17-04-27-44 4500 & 4599.

II. ISSUE OR PROBLEM

An offer has been received from G & R Building Concepts, Inc. to purchase two contiguous County-owned lots at the corner of Royal Avenue and Ruskin Street in Eugene, Oregon.

III. DISCUSSION

A. Background:

Lane County has amassed numerous parcels of land in the Royal Avenue area around the Beltline intersection. They were originally acquired as right-of-way to realign Royal Avenue to the south to facilitate a bridge that would pass over Beltline Highway. However, ODOT decided to elevate Beltline Highway instead, and so it passes over the old alignment

of Royal Avenue. These two lots are remnants of the acquisitions made back in the 1970s. They contain approximately 0.25 acre each. There are no improvements on the lots other than some large conifers.

B. Analysis:

G & R Building Concepts, Inc. has offered \$150,000.00 cash for both lots. We subsequently advertised the lots in the *Register-Guard* from April 23, 2006 to April 30, 2005 for \$179,000. No other offers were received. Consequently, this offer is concluded to represent market value. The prospective purchaser understands that they are purchasing the property "as-is".

The land is not being utilized by Lane County and, as the Royal Avenue Overpass has been constructed, no future public use is contemplated either. 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 in 1978.

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

Option 1

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval by the Board, the two Bargain and Sale 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

Two Bargain and Sale Deeds
Attachment 1 (Map)

After Recording Return to, and
Send Tax Statements to:
G & R Building Concepts, Inc.
1135 Cal Young Road
Eugene, Oregon 97401

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 Seventy Five Thousand Dollars, conveys to **G & R BUILDING CONCEPTS, INC.**, all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Northwest one-quarter of the Northwest one-quarter (NW ¼ NW ¼) of Section 27, 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 23, 1978, on Reel 898, Recorder's Reception Number 7819160, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at a point 327.2 feet South 89° 30' East of the Northwest corner of Section 27, Township 17 South, Range 4 West of the Willamette Meridian, and running thence South 150.0 feet; thence South 89° 30' East 72.5 feet; thence North 150.0 feet; thence North 89° 30' West 72.5 feet to the point of beginning in Lane County, Oregon."

The parcel of land to which this description applies contains 0.25 of an acre, more or less.

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 _____, 2006.

LANE COUNTY,
a political subdivision of the State of Oregon

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2006, 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:
G & R Building Concepts, Inc.
1135 Cal Young Road
Eugene, Oregon 97401

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 Seventy Five Thousand Dollars, conveys to **G & R BUILDING CONCEPTS, INC**, all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Northwest one-quarter of the Northwest one-quarter (NW ¼ NW ¼) of Section 27, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded April 12, 1978, on Reel 903, Recorder's Reception Number 7824248, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at a point 399.7 feet South 89° 30' East of the Northwest corner of Section 27, Township 17 South, Range 4 West of the Willamette Meridian; and running thence South 150.0 feet; thence South 89° 30' East 72.5 feet; thence North 150.0 feet; thence North 89° 30' West 72.5 feet to the place of beginning in Lane County, Oregon."

The parcel of land to which this description applies contains 0.25 of an acre, more or less.

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 _____, 2006.

LANE COUNTY,
a political subdivision of the State of Oregon

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
County of Lane) ss.

On _____, 2006, 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:

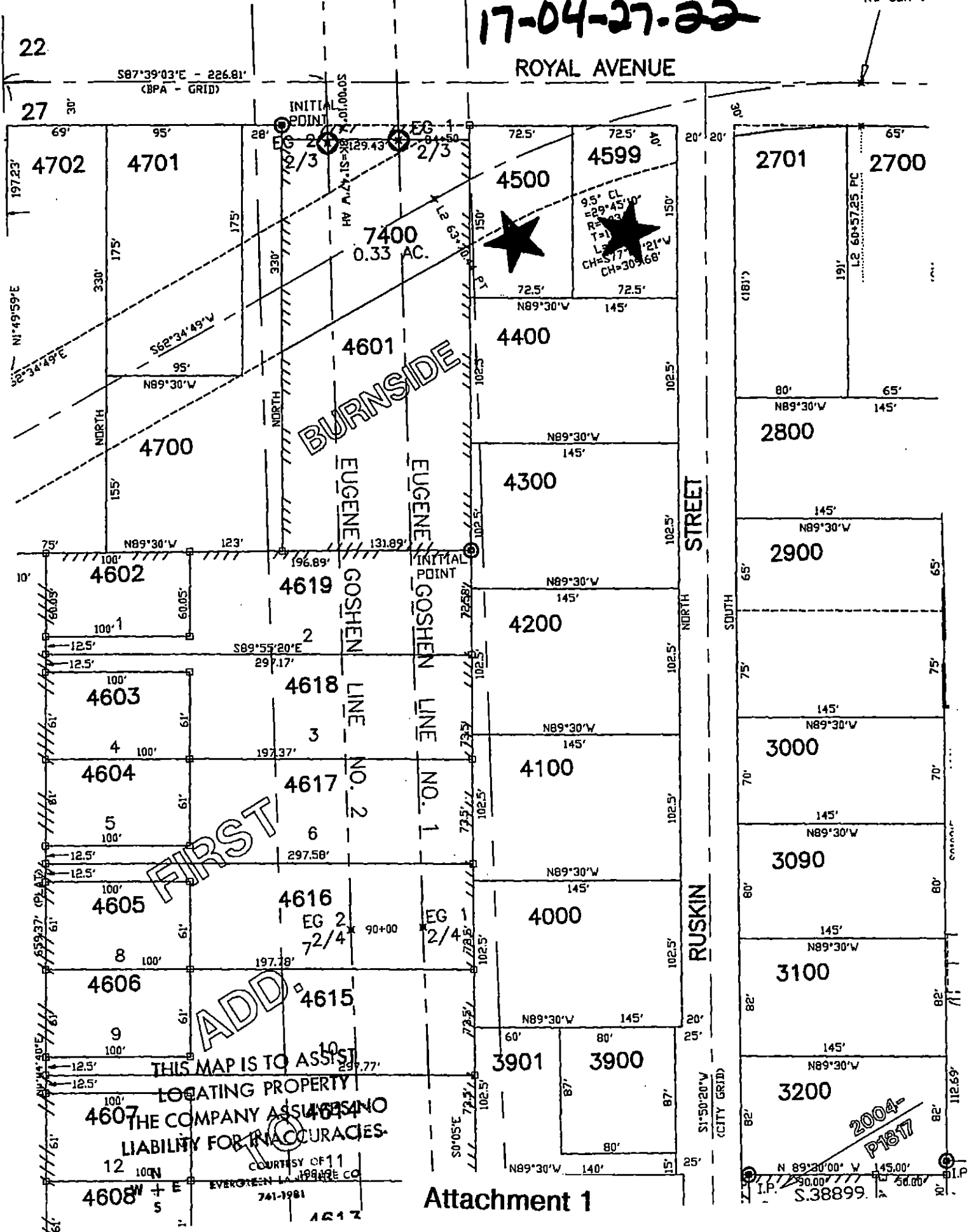
Notary Public for Oregon

My Commission Expires: _____

17-04-27-22

601.97' E
NW COR

ROYAL AVENUE



FIRST ADD

THIS MAP IS TO ASSIST
LOCATING PROPERTY
THE COMPANY ASSUMES NO
LIABILITY FOR INACCURACIES.

COURTESY OF 11
EVERETTEN LA 189422 CO
761-1981

2004-
P1817

Attachment 1

N 89°30'00" W 145.00'
I.P. 90.00' 56.00'
S.38899.

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO:

(IN THE MATTER OF AUTHORIZING THE
(SALE OF TWO PARCELS OF COUNTY
(OWNED REAL PROPERTY ON ROYAL
(AVENUE, IDENTIFIED AS TAX LOTS
(17-04-27-22-04500 & 17-04-27-22-04599

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 Lot 4500 and Tax Lot 4599 on the most recent Lane County Assessor's Map No. 17-04-27-22; and

WHEREAS, said real property was acquired by purchase for the Royal Avenue/Beltline Highway Overpass Project and not by tax foreclosure; and

WHEREAS, a cash offer of \$150,000.00 has been received from G & R Building Concepts, Inc.; and

WHEREAS, an advertisement for sale was placed in the *Eugene Register-Guard*, a local paper of general circulation, from April 23, 2006 to April 30, 2006; 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 now therefore

IT IS HEREBY ORDERED that, pursuant to ORS 275.030 (2), the real property be sold to G & R Building Concepts, Inc. for \$150,000.00 cash, that the two Bargain and Sale Deeds be executed by the Board, and that the proceeds be disbursed as follows:

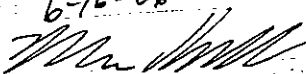
Road Fund	(225-3632-446120-010)	\$150,000.00
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IT IS FURTHER ORDERED that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 2006.

Bill Dwyer, Chair
Board of County Commissioners

APPROVED AS TO FORM

Date: 6-16-06

OFFICE OF CLERK

After Recording Return to, and
Send Tax Statements to:

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 **Sixty Thousand and no/100 dollars, (\$60,000.00)**, does hereby release and quitclaim to M & M Land Company, L.L.C., all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

Parcels of land lying in the B.B. Powers Donation Land Claim Number 81 in the Southwest one-quarter of the Northeast one-quarter (SW ¼ NE ¼) of Section 25, Township 17 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, and being all of that property described in those certain deeds to LANE COUNTY, a political subdivision of the State of Oregon, recorded June 21, 1946, in Book 323, Pages 601 and 602 and March 18, 1952, in Book 456, Pages 481 and 482, LANE COUNTY OREGON DEED RECORDS, said parcels described as follows:

“All that portion of an 80 foot right-of-way lying South of the North line of the B. B. Powers Donation Lane Claim, Notification No. 4387, being 40 feet from and parallel to the following described center line; Beginning at a point on the East line of the William C. Spencer Donation Land Claim No. 50, Notification No. 3265, Township 17 South, Range 3 West, Willamette Meridian, said point being North 0° 05' 30" West 368.76 feet from the Southeast corner of said Claim; running thence North 29° 09' East 225.54 feet to the beginning of a 16° curve to the right, with a radius of 359.12 feet and a central angle of 60° 46'; thence along said curve to the right 376.07 feet to a point in the center of County Road No. 278 and on the North line of the B. B. Powers Donation Land Claim.”

ALSO: “Beginning at a point in the East line of the William Spencer Donation Land Claim, Notification #3265, Township 17 South, Range 3 West, Willamette Meridian, said point being 286.42 feet North 0° 01½' West from the Southeast corner of said Claim; From said beginning point run North 0° 01½' West 463.82 feet to the Northwest corner of the B. B. Powers Donation Land Claim, said Township and Range; thence South 89° 50' East 550.08 feet; thence South 0° 10' West 40.0 feet; thence on the arc of a 533.0 foot radius curve to the left (the long chord of which bears South 58° 39' West, 541.0 feet) a distance of 567.5 feet; thence South 29° 09' West 169.9 feet to the place of beginning, being a part of the B. B. Powers Donation Land Claim, Except that tract of land conveyed to Lane County for road purposes, described in Volume 323, Page 601, Lane County, Oregon, Deed Records, and excepting right-of-way of Mohawk County Road.”

EXCEPT: That portion of the above described tracts as previously conveyed by LANE COUNTY, a political subdivision of the State of Oregon, in that certain deed recorded on August 26, 2005, Recorder's Reception Number 2005-067197, LANE COUNTY OREGON DEED RECORDS.

Containing 1.10 acres, more or less, in Lane County, Oregon.

This entire parcel as described is currently within the rights of way of Marcola Road and 19th Street, and is subject to the jurisdiction of the CITY OF SPRINGFIELD, a Municipal Corporation of the State of Oregon.

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 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 _____, 2006.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2006, 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: _____

PER JASON S.S. & D.
4/13/06
JES

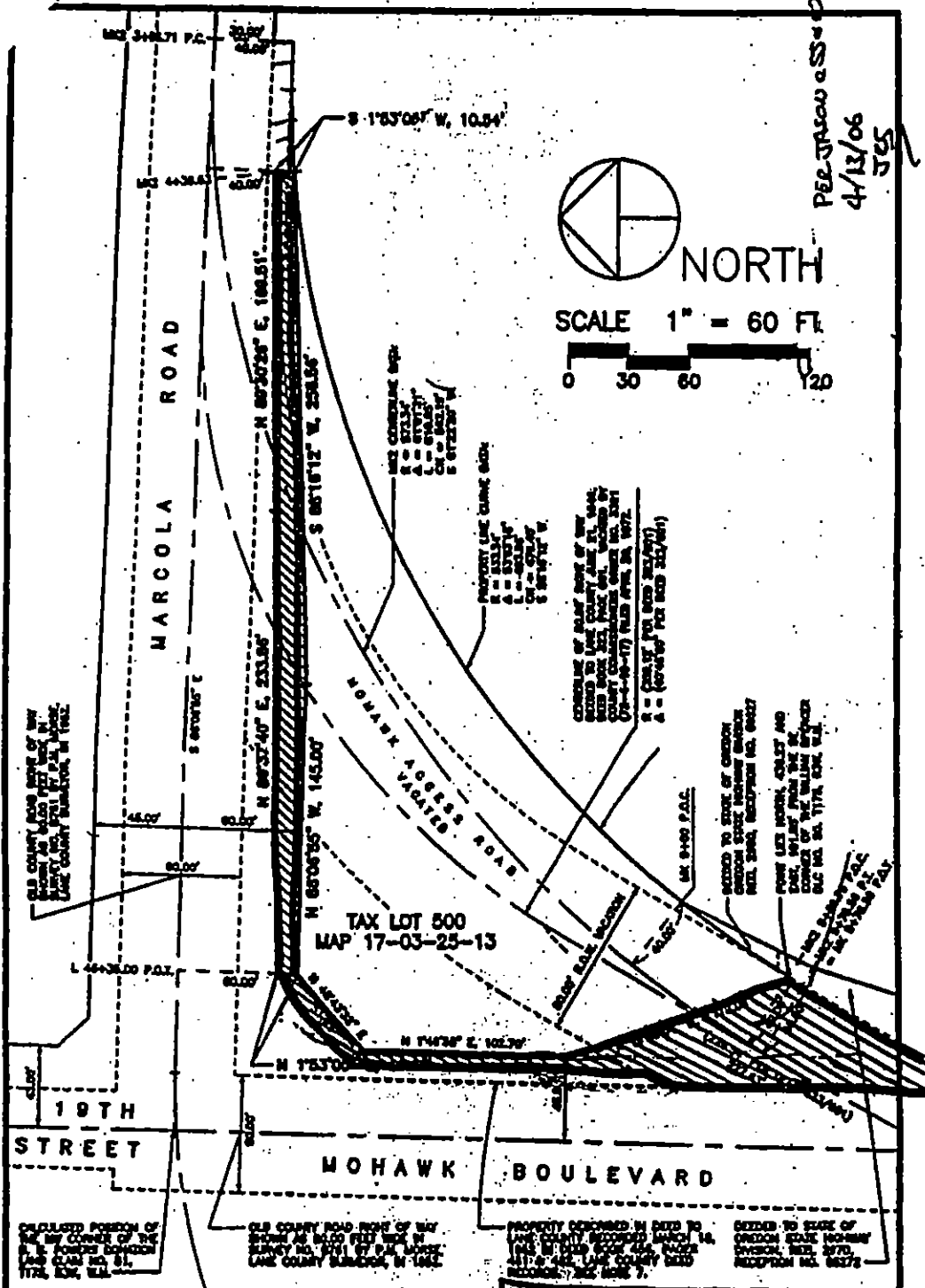



EXHIBIT MAP OF:
PROPOSED RIGHT-OF-WAY VACATION
 FOR: CIRCLE H, LLC
 MAP 17-03-25-13; TAX LOT 500
 SPRINGFIELD, LAKE COUNTY, OREGON
 JOB #06-6404 MARCH 13, 2006

TOTAL: 11,479 sq ft

LEGEND
 DENOTES AREA OF PROPOSED RIGHT-OF-WAY VACATION

SS & W Inc.-Engineers
 SURVEYORS & PLANNERS
 2360 Colmont Way, Suite 106 • Eugene, Oregon 97401 • (541) 344-3383

ATTACHMENT 1

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

Order No.

(**IN THE MATTER OF AUTHORIZING THE**
(**SALE OF COUNTY OWNED REAL**
(**PROPERTY LOCATED AT THE SOUTHEAST**
(**CORNER OF THE INTERSECTION OF**
(**MARCOLA AND MOHAWK ROADS, AND**
(**IDENTIFIED AS TAX MAP 17-03-25-(13, A**
(**PORTION OF TAX LOT 500**

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:

An approximate 11,479 sq. ft. remainder portion of Tax Lot 500 on the most recent Lane County Assessor's Map No. 17-03-25-13; and

WHEREAS, said real property was acquired by purchase for the realignment of Marcola Road/Mohawk Connector project and not by tax foreclosure; and

WHEREAS, the parcel has been appraised for \$60,000.00 and a cash offer in this amount has been received from M & M Land Company L.L.C.; and

WHEREAS, the property is a remnant portion of a parcel that was surrendered to the City of Springfield for road purposes, with Lane County retaining the fee interest and it is not needed for any public purpose by either agency, now or in the foreseeable future; and

WHEREAS, the sale of said property would benefit Lane County and the City of Springfield by its return to the tax rolls; and therefore

IT IS HEREBY ORDERED that, pursuant to ORS 275.030 (2), the real property be sold to M & M Land Company, L.L.C. for \$60,000.00 cash, that the Quitclaim Deed be executed by the Board, and that the proceeds be deposited in the Road Fund upon close of Escrow.

Road Fund	(225-3632-446120-010)	\$60,000.00
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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 _____, 2006.

Bill Dwyer, Chair
Board of County Commissioners

APPROVED AS TO FORM

6-16-06

CHIEF OF CLERK