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AGENDA COVER MEMO

DATE: June 7, 2006

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 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.

I. MOTION

THAT THE ORDER BE ADOPTED AUTHORIZING THE SALE OF COUNTY OWNED PROPERTY TO M & M LAND COMPANY, L.L.C., AND AUTHORIZING THE EXECUTION OF THE QUITCLAIM DEED IN CONNECTION WITH SAID SALE.

II. ISSUE OR PROBLEM

M & M Land Company L.L.C. is the owner of Tax Lot 17-03-25-13-00500. This Tax Lot adjoins a portion of Lane County fee-owned right of way that Lane County surrendered to the City of Springfield in the early 1980s with the transfer of jurisdiction for Marcola Road and 19th Street. M & M wishes to acquire a portion of this fee-owned right of way that is no longer needed for right of way use by either the City of Springfield or Lane County in order to develop it in connection with their adjoining property.

III. DISCUSSION

A. Background

The subject property is the fee simple interest in a portion of the right-of-way that was acquired by Lane County in 1952 for the Marcola Road/Mohawk Connector

project. Upon completion of the realignment project, a generally triangular-shaped parcel remained at the inside of what was formerly a curve connecting Mohawk/19th Street with Marcola Road. When the realignment was completed these two streets formed a 90 degree intersection, and the area of the former right of way on the inside of the curve was vacated, thereby becoming surplus County-owned land. The area needed for the right of way for the street intersection was surrendered to the City of Springfield in connection with the transfer of maintenance jurisdiction. The surrender of jurisdiction left the fee ownership with Lane County, subject to the public right of use for a public street.

The triangular remnant not surrendered to the City was sold by the County in August 2005 to John R. and Mary P. Sooy, in accordance with Order 05-8-10-4. The Sooy's subsequently resold the parcel to the M & M Land Company, L.L.C.

The road project is complete and the City of Springfield and Lane County staff have determined that there is an irregular-shaped area lying adjacent to the boundaries of the M & M property that is no longer needed for use as right of way by the City of Springfield and that can be vacated to allow its sale and development for private use. This area is shown on the map marked "Attachment 1", and it contains approximately 11,479 s. f. County staff completed an appraisal of the land and valued the parcel at \$60,000.00. M & M Land has agreed to purchase it for this amount, provided that the vacation process can be successfully completed by the City of Springfield. M & M has agreed to apply for the vacation and to pay all expenses in connection with the proceedings.

In order to resolve any question of ownership of the underlying fee to the area that will remain as City right of way after the vacation should the streets be realigned or vacated, the proposed deed description has been drawn to include land out to the center of both streets in the area of the intersection that was originally acquired for County road purposes. This legal description includes a total of approximately 1.1 acres, but only 11,479 s. f. of this will not be subject to the rights of the public for street purposes once the vacation has been completed.

This more comprehensive deed description will clarify the public records, eliminate the need for the County to administer any remnants in the future, and it will also not affect the City's continued use of the land for street right of way purposes.

B. Analysis

Execution of the Quitclaim Deed and sale of the property for \$60,000 in accordance with the staff appraisal of the site and at the agreed-upon sales price, will return the property to the tax roll and allow it to be developed for productive use. Upon receipt of verification that the City of Springfield has

approved vacation of the parcel, escrow will be closed and the proceeds from the sale will be deposited in the Road Fund.

C. Alternatives/Options

1. Approve the sale of this parcel pursuant to O.R.S. 275.030 (2) and in accordance with the agreed-upon sales price and subject to the purchasers obtaining a vacation of the area by the City of Springfield.
2. Reject the terms of the sale as outlined above.

D. Recommendations:

Option 1.

IV. Implementation/Follow-Up

Upon execution by the Board, the Quitclaim Deed will be transmitted to the title company for deposit in escrow. Upon verification of vacation of the area by the City of Springfield and close of escrow, the proceeds will be distributed to the Road Fund.

V. Attachments

Quitclaim Deed
Attachment 1 (Map)