

W. B. E. I.

AGENDA COVER MEMORANDUM

Memorandum Date: May 23, 2007

Agenda Date: June 6, 2007

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 FOR \$100 TO THE CITY OF SPRINGFIELD (MAP NO. 17-02-34-23-00400, WITHIN 60TH STREET RIGHT OF WAY AT "E" STREET, SPRINGFIELD)

1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$100 TO THE CITY OF SPRINGFIELD (MAP NO. 17-02-34-23-00400, WITHIN 60TH STREET RIGHT OF WAY AT "E" STREET, SPRINGFIELD)

2. **AGENDA ITEM SUMMARY:**

The subject property is 30' x 300'. The property was designated to be deeded to the County for road purposes in the plat of THURSTON ACRES (platted in 1959). The property lies within the right of way of 60th Street in Springfield. The City of Springfield wishes to acquire the property to clear up title issues and finalize dedication of a portion of 60th Street.

3. **BACKGROUND/IMPLICATIONS OF ACTION:**

A. **Board Action and Other History**

The subject property was acquired through tax foreclosure in 1980. It has a current assessed value of \$500. The subject was designated as "Parcel A" in the 1959 plat of THURSTON ACRES with a notation that it was to be deeded to Lane County for right of way. The deeding of the property and subsequent dedication did not occur and the property was foreclosed upon.

The City of Springfield will incorporate the subject into the 60th Street right of way.

Policy Issues

ORS 275.225 provides for selling foreclosed property via private sale without first being offered at a public auction provided the parcel is assessed under \$5,000 and is not suitable for placement of a dwelling.

C. Board Goals

A sale of the property would be consistent with the Board's goals of utilizing tax foreclosed property for public benefit.

Financial and/or Resource Considerations

The \$100 proposed purchase price will cover publication costs and other incidental costs of transferring the property.

E. Analysis

The subject property is designated for use as right of way in the subdivision plat and therefore cannot be used for another purpose at this time. The subject lies within a portion of 60th Street and transferring the property to the City of Springfield will clear up title issues and allow the City to initiate improvements to the Street and bike path.

The sale would occur pursuant to ORS 275.225. The statute requires notice to be published of the intent to sell a qualified parcel with action on the sale not to be taken by the Board until 15 days from the date of publication. Notice was published in the *Register-Guard* on May 21, 2007.

F. Alternatives/Options

1. Sell the property to the City of Springfield as presented.
2. Transfer the property to the City pursuant to ORS 271.330. This statute provides for transferring County property to other public entities provided the property is used for public purposes for a minimum of 20 years. The process requires a public hearing to be held before the transfer occurs. The process would require additional expenditures and use of County staff time compared with a sale pursuant to ORS 275.225 as proposed.

V. TIMING/IMPLEMENTATION

The City of Springfield will proceed with incorporating the subject property into the existing right of way upon receiving a Quitclaim deed from the County.

VI. RECOMMENDATION

It is recommended that option 1 be pursued.

VII. FOLLOW-UP

Upon the Board's approval, the Property Management Officer will finalize the sale.

VII. ATTACHMENTS

Board Order
Quitclaim Deed
Assessor's Map
Subdivision Plat
Aerial Photo

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 FOR \$100 TO THE CITY OF SPRINGFIELD (MAP NO. 17-02-34-23-00400, WITHIN 60TH STREET RIGHT OF WAY AT "E" STREET, SPRINGFIELD)

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:

Lot "A", THURSTON ACRES, as platted and recorded in Book 29, Page 5, Lane County Oregon Plat Records.

WHEREAS said real property was designated for use as right of way in the plat of Thurston Acres and

WHEREAS, said real property is within the corporate limits of the City of Springfield and said City will incorporate said property into the existing 60th Street right of way 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 May 21, 2007 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 the City of Springfield for \$100, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$50
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 _____, 2007.

APPROVED AS TO FORM

Faye Stewart, Chair, Board of County Commissioners

Date 5-27-07 lane county

OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$100 TO THE CITY OF SPRINGFIELD (MAP NO. 17-02-34-23-00400, WITHIN 60TH STREET RIGHT OF WAY AT "E" STREET, SPRINGFIELD)

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:

CITY OF SPRINGFIELD

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

Lot "A", THURSTON ACRES, as platted and recorded in Book 29, Page 5, Lane County Oregon Plat Records (map no.17-02-34-23-00400) .

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/DOES 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 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 ORS. 30.930 AND INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true and actual consideration for this transfer is \$100

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

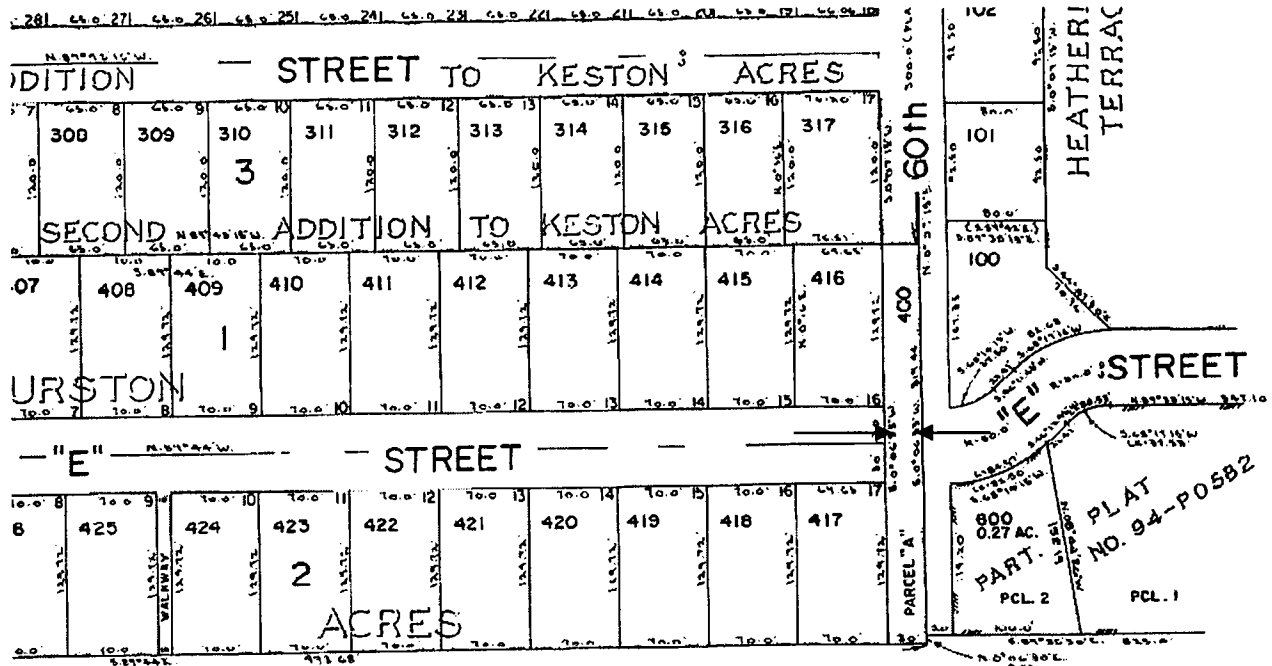
On _____, 2007 personally appeared _____

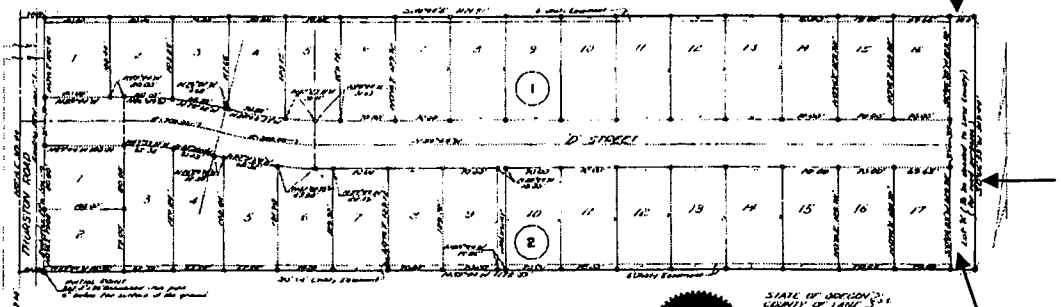
_____, _____, _____, _____

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

After recording, return to/taxes to:
City of Springfield
225 Fifth St.
Springfield, OR 97477

Notary Public for Oregon
My Commission Expires _____





THURSTON ACRES
SEC. 33-34-T17S-R2W-WM
LANE COUNTY, OREGON
SCALE: 1"=60' NOVEMBER 1959



STATE OF OREGON
COUNTY OF LANE
I, Surveyor, do hereby certify that the above plat was duly filed for record in the office of the County Clerk of Lane County, Oregon, on this 23rd day of November, 1959, at 10:00 A.M., and that the same is a true and correct copy of the original as shown to me by the person presenting the same for record.

SURVEYORS AFFIDAVIT

I, Surveyor, do hereby certify that I am a duly licensed Surveyor in the State of Oregon, and that I have personally surveyed the above described land, and that the same is a true and correct copy of the original as shown to me by the person presenting the same for record.



DEDICATION

I, the undersigned, do hereby dedicate to the public use of the State of Oregon, the above described land, and that the same is a true and correct copy of the original as shown to me by the person presenting the same for record.

APPROVAL

LANE COUNTY PLANNING COMMISSION
Commissioner *John E. Rogers*
Secretary *Richard C. Smith*

LANE COUNTY OFFICIALS
Commissioner *John E. Rogers*
County Auditor *John E. Rogers*
County Clerk *John E. Rogers*

DESCRIPTION

The above described land is a portion of the land owned by the State of Oregon, and is being dedicated to the public use of the State of Oregon.

ACKNOWLEDGEMENT

I, the undersigned, do hereby acknowledge the above described land, and that the same is a true and correct copy of the original as shown to me by the person presenting the same for record.



