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AGENDA COVER MEMORANDUM

Memorandum Date: October 17, 2007

Agenda Date: October 31, 2007

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING A LOT LINE ADJUSTMENT AND SALE OF A PORTION OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$4,500 TO STEVEN S. REAVES (MAP NO. 18-03-02-32 TAX LOTS 700 AND 701, ADJACENT TO 1495 HARBOR DR. SPRINGFIELD)

1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE A LOT LINE ADJUSTMENT AND SALE OF A PORTION OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$4,500 TO STEVEN S. REAVES (MAP NO. 18-03-02-32 TAX LOTS 700 AND 701, ADJACENT TO 1495 HARBOR DR. SPRINGFIELD)

2. **AGENDA ITEM SUMMARY:**

It has been discovered that Mr. Reaves has encroached on a portion of County owned property. A formal lot line adjustment procedure with the City of Springfield, and subsequent sale to Mr. Reaves of the encroached upon area is being proposed. Mr. Reaves is the owner of tax lot 500.

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

A. **Board Action and Other History**

The subject parcels were acquired through tax foreclosure. Tax lot 700 was acquired in 1986. Tax lot 701 was acquired in 1987. Each has a current assessed value of \$499

Tax lot 700 is approximately 1,300 sq. ft. (.03 acres). Tax lot 701 is approximately 37,000 sq. ft. (.85 acres) with almost all of the area being a pond. The tax lots were one property at one time until the smaller 700 was separated out in 1976. The two tax lots comprise one platted lot in the Filbert Grove subdivision. The lot was noted on the plat as being reserved with a 30' wide floodway easement.

Mr. Reaves initiated contact with the County concerning the encroachment onto County property when he was in the planning process of replacing the manufactured dwelling on his

property with a new, site built dwelling. A preliminary review of aerial photos and an on site inspection indicated the likelihood of an encroachment.

Ensuing discussions with Mr. Reaves yielded a preliminary verbal agreement that the County would secure a survey to determine the extent of the encroachment then, subject to approval from the Board, proceed with a lot line adjustment with the City of Springfield. The consideration paid by Mr. Reaves for the encroached upon property would include the cost of the survey, cost of the lot line adjustment process and value of the property.

A survey has been completed by the County Surveyor. The survey confirmed the encroachment with a portion of the manufactured dwelling being on County property along with a utility shed and the fence line also extending onto County property. Approximately 3,100 sq. ft. of County property has been encroached upon. The survey also revealed an encroachment of 1,100 sq. ft. by tax lot 400 (a letter explaining the encroachment has been sent to the owner of tax lot 400 but no response has yet been received).

The encroachment occurred prior to Mr. Reaves purchasing the property in 1996. County appraisal records indicate that a manufactured dwelling has been on tax lot 500 (Mr. Reave's property) since 1978. Mr. Reaves acquired the property as it is today with respect to the encroachments.

In conjunction with discussions with Mr. Reaves, the Willamalane Park and Recreation District was contacted to see if they had interest in acquiring from the County the remainder of tax lot 701. The Dorris Ranch property, owned by Willamalane, abuts tax lot 701 with approximately ½ of the pond being on Willamalane's property. Greg Hyde, planning and development manager for Willamalane, indicated that the park district is very interested in acquiring tax lot 701 from the County once the encroachment issues have been resolved. Final approval would be required from the district's board.

B. 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 to return tax foreclosed property to private ownership and the tax roll.

Financial and/or Resource Considerations

All costs associated with doing a lot line adjustment will be paid for by Mr. Reaves.

E. Analysis

The subject parcels, even with the encroached upon area included, would not be suitable for the placement of a dwelling as the amount of usable land not underwater and not encumbered with the drainage easement would be insufficient..

An adverse possession claim for the encroached upon property is unlikely to be successful as ORS 275.027 protects Counties against such claims.

The encroached upon area is the only flat area of the subject parcels that is useable as it is outside the pond area. The encroached upon area does add significant utility to Mr. Reaves' property as it provides yard space. Willamalane has indicated that it would be beneficial to have the additional flat area but would still accept the remaining property without it.

Currently, a portion of the manufactured dwelling lies within County owned property – tax lot 700 (this may be why the tax lot was separated in 1976). The remainder of the encroached area is open space except for a small utility shed. It would be possible to only sell tax lot 700 and have Mr. Reaves remove the utility shed and move the fence line.

F. Alternatives/Options

1. Proceed with a lot line adjustment and sale of the entire area encroached upon with a sale price of \$4,500.
2. Proceed with a lot line adjustment and sale of only tax lot 700.
3. Proceed with a lot line adjustment and sale under other terms as directed by the Board.
4. Reject doing a lot line adjustment and retake possession of the encroached upon area. This would likely require legal action by the County.

V. TIMING/IMPLEMENTATION

No timing issues are present.

VI. RECOMMENDATION

It is recommended that option 1 be pursued.

VII. FOLLOW-UP

Upon the Board's approval, the Property Management Officer will proceed with initiating the lot line adjustment process with the City of Springfield after receiving the required consideration from Mr. Reaves.

VII. ATTACHMENTS

Board Order
Plat Map
Survey noting encroachment
Aerial Photo

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING A LOT LINE ADJUSTMENT AND SALE OF A PORTION OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$4,500 TO STEVEN S. REAVES (MAP NO. 18-03-02-32 TAX LOTS 700 AND 701, ADJACENT TO 1495 HARBOR DRIVE, SPRINGFIELD)

WHEREAS Lane County acquired through tax foreclosure real property identified as Assessor's Map No. 18-03-02-32, tax lots 700 and 701 and

WHEREAS it has been determined by virtue of a survey that an encroachment has occurred onto said real property by Steven Reaves, owner of tax lot 500 and

WHEREAS the Board has determined that it is in the best interest of the County to rectify said encroachment by effecting a lot line adjustment and conveying said encroached upon area to Mr. Reaves

IT IS HEREBY ORDERED that, pursuant to ORS 275.225 and ORS 275.275, the Property Management Officer is authorized to initiate a lot line adjustment with the City of Springfield and Steven S. Reaves for a portion of County owned real property identified as Assessor's Map No. 18-03-02-32, tax lots 700 and 701 with said portion being approximately 3,100 square feet and further identified in attached "Exhibit A"; that the Property Management Officer is authorized to execute an application for said lot line adjustment and other required documents to effect said lot line adjustment; that the Board shall execute a Quitclaim Deed conveying said portion of County owned real property to Steven S. Reaves subject to receipt of \$4,500 as consideration for said conveyance with said consideration disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$4,300
General Fund	(124-5570260-436521)	200


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

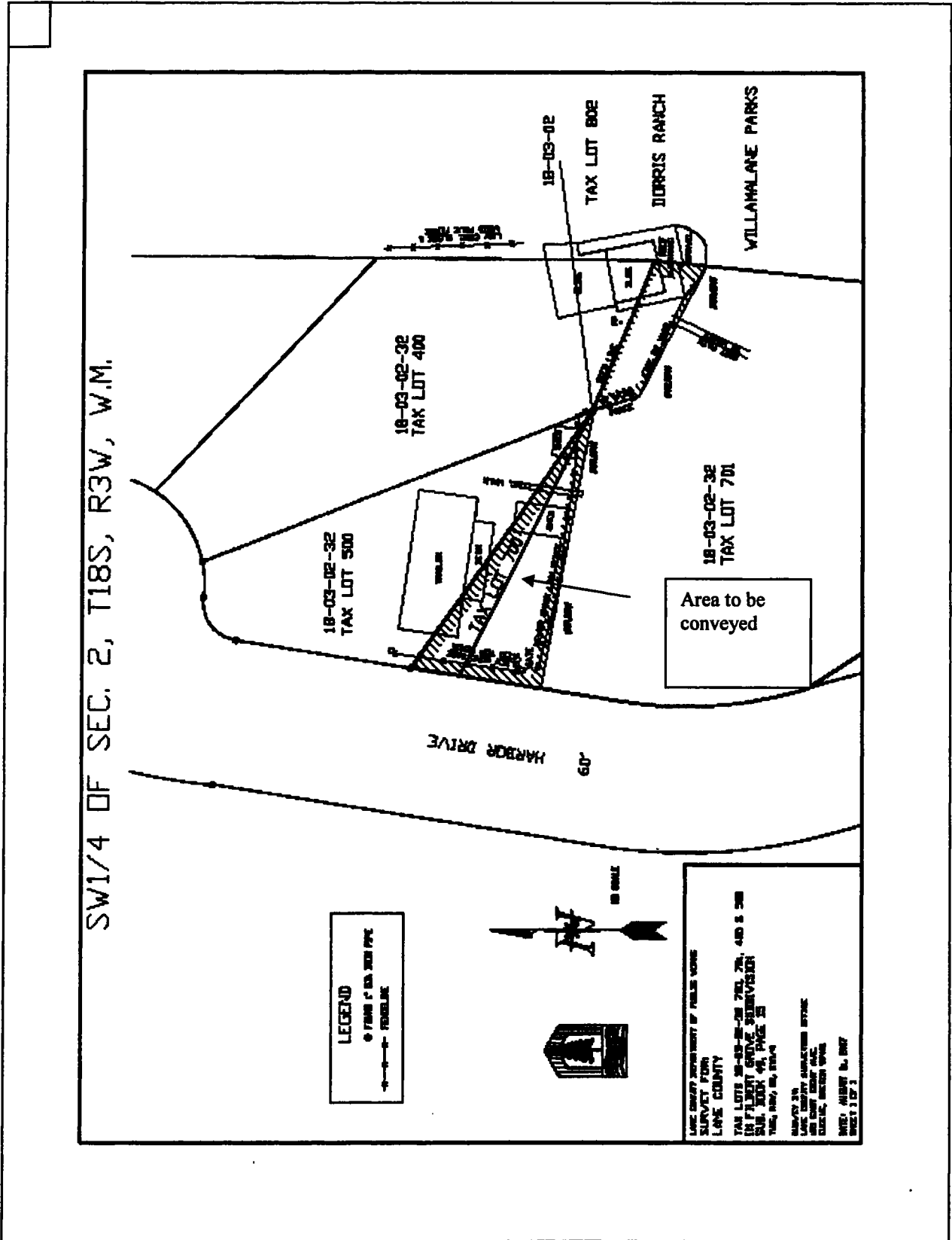
Date 10-22-07 lane county


OFFICE OF LEGAL COUNSEL

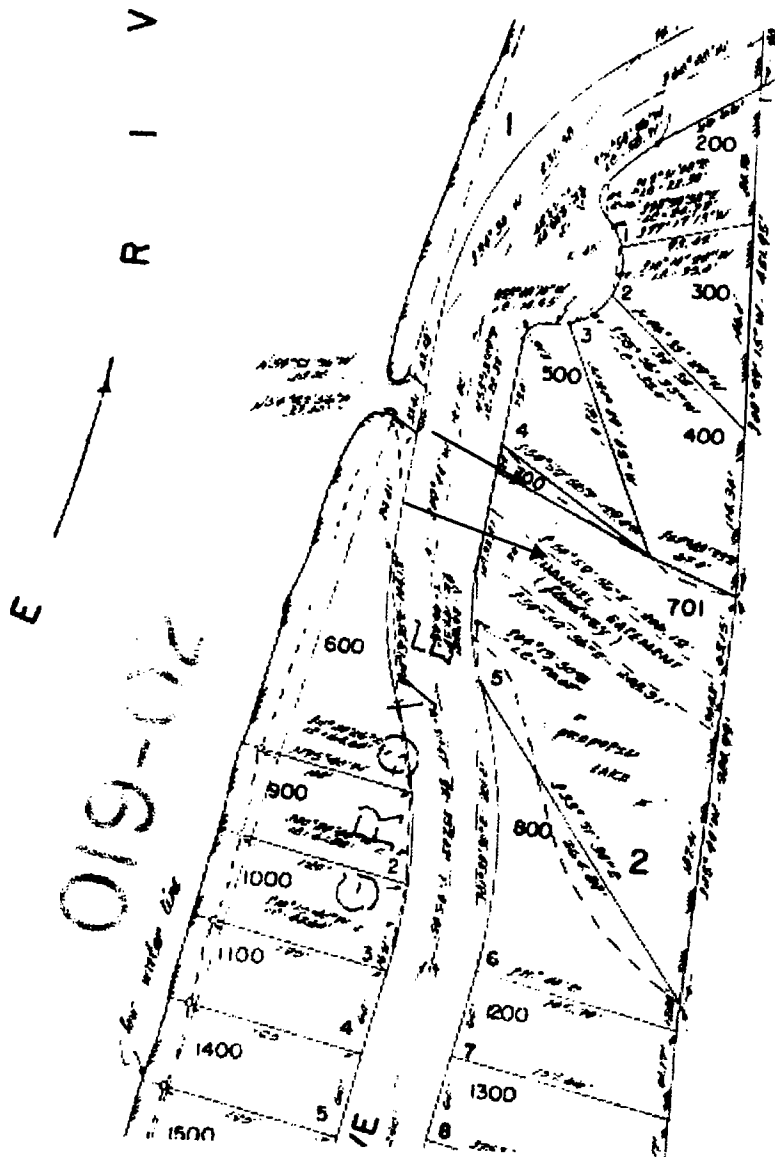

Faye Stewart, Chair, Board of County Commissioners

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EXHIBIT "A"







See Map 1B 03 02