

AGENDA COVER MEMORANDUM

Memorandum Date: March 25, 2009

Agenda Date: April 8, 2009

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO EDWARD AND DEBRA COSTA FOR \$6,000 (MAP NO. 18-12-26-31-06400, ADJACENT TO 2160 HWY. 126, FLORENCE)

1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO EDWARD AND DEBRA COSTA FOR \$6,000 (MAP NO. 18-12-26-31-06400, ADJACENT TO 2160 HWY. 126, FLORENCE)

2. **AGENDA ITEM SUMMARY:**

The Costa's have submitted an offer of \$6,000 for the subject property. The parcel is a General Fund property with proceeds of a sale going to the General Fund.

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

- A. **Board Action and Other History**

The subject parcel is .02 acres (871 sq. ft.) and is located on the South side of Hwy. 126 near the junction of Hwy. 101 in Florence. The parcel is located in the Highway District zone. The Costa's own tax lots 6100 and 6101 across the vacated alley from the subject.

The Dept. of Assessment and Taxation (A&T) had the subject property listed as being part of the Costa's property and owned by them. Rob Ward, a surveyor doing work on the Costa's property, discovered that the subject parcel was owned by the County.

Mr. Ward researched deeds from the 1930's in which the County purchased, from private parties, lots 1-4 in Gallagher's subdivision (4 separate purchases for \$25 each). The County then sold to the State of Oregon in 1940 the portion of those parcels lying North of Hwy. 126. The subject property is the remnant of those parcels sold to the State that lies South of the Hwy.

The deeds showing the County's purchases was presented to the cartographers in A&T. The cartographers then assigned a tax account and tax lot number (6400) to the subject and listed the County as the owner in the A&T data base. This process occurred over the past few months and although the County has been listed as the owner, the subject has not yet been given an assessed value. A value will not be assigned by A&T until after July 1.

B. Policy Issues

Pursuant to LM 21.425 the County shall dispose of County property not otherwise needed for public purposes thereby returning the property to the tax role.

ORS 275.030 provides for selling property not acquired by tax foreclosure to be sold via private sale pursuant to ORS 271.310 provided the Board deems it to be in the best interest of the County to do so (normal process would be to first offer the property at a Sheriff's sale).

C. Board Goals

A sale of the property would be consistent with the Board's goals to return surplus property to private ownership and the tax roll.

D. Financial and/or Resource Considerations

The revenue received from a sale of the subject property would be deposited in the General Fund of the County to be used at the Board's discretion.

E. Analysis

The subject property lies within the Costa's property and would be of little value and use to another party. Selling the subject to the Costa's will clear up any title issues they may have with their property. The \$6,000 sale price was based on the Assessor's value of the Costa's property (approximately \$7.00/sq. ft.)

F. Alternatives/Options

1. Accept the Costa's offer.
2. Reject the offer and direct staff to negotiate additional consideration.
1. Reject the offer and offer the subject parcel at a future Sheriff's sale.

4. RECOMMENDATION

It is recommended that the Costa's offer be accepted.

5. TIMING/IMPLEMENTATION

No timing issues are present.

6. FOLLOW-UP

Upon approval by the Board, the Quitclaim deed will be executed and the property sold.

7. ATTACHMENTS

Board Order
Quitclaim Deed
Plat Map

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 TO
EDWARD AND DEBRA COSTA FOR \$6,000 (MAP NO. 18-
12-26-31-06400, ADJACENT TO 2160 HWY. 126, FLORENCE

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 purchase, to wit:

That portion of lots 1-4, inclusive, Block 57 of GALLAGHER'S PART OF FLORENCE, lying Southerly of Highway 126.

WHEREAS said real property is owned by Lane County and not in use for County purposes, and sale of said property would benefit Lane County by its return to the tax roll, and

WHEREAS said real property was acquired through purchase pursuant to deeds recorded in Book 175, Pages 496 and 497 and Book 183, Pages 22 and 37 and

WHEREAS pursuant to ORS 275.030(2) the Board has deemed it to be in the best interest of the County not to sell said real property as provided for in ORS Chapter 275

IT IS HEREBY ORDERED that, pursuant to ORS 275.030(2) and ORS 271.310(1) the real property described above be sold to Edward T. Costa Sr. and Debra M. Costa for \$6,000, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

General Fund

(124-5570260-446120)

\$6,000

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____.

Peter Sorenson, Chair, Board of County Commissioners

APPROVED AS TO FORM

Date 3-30-09 lane county


OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO
EDWARD AND DEBRA COSTA FOR \$6,000 (MAP NO. 18-12-26-31-06400, ADJACENT TO 2160 HWY. 126,
FLORENCE

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:

Edward T. Costa Sr. and Debra M. Costa, Husband and Wife

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

That portion of lots 1-4, inclusive, Block 57, of GALLAGHER'S PART OF FLORENCE, as recorded in Volume 30, Page 12, Lane County Oregon Plat Records, lying Southerly of Highway 126.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007

The true and actual consideration for this transfer is: \$6,000.00

LANE COUNTY BOARD OF COMMISSIONERS

This space reserved for recording sticker

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2009 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:
Edward T. Costa Sr. & Debra M. Costa
2130 Hwy. 126
Florence, OR 97439

Notary Public for Oregon
My Commission Expires _____

