

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 ACCEPTING A BID TENDERED FOR SURPLUS COUNTY OWNED REAL PROPERTY AT A SHERIFF'S SALE ON MARCH 16, 2009 AND EXECUTING THE QUITCLAIM DEED

1. **PROPOSED MOTION:** THE BOARD AUTHORIZES ACCEPTING A BID TENDERED FOR SURPLUS COUNTY OWNED REAL PROPERTY AT A SHERIFF'S SALE ON MARCH 16, 2009 AND EXECUTING THE QUITCLAIM DEED

2. **AGENDA ITEM SUMMARY:**

Pursuant to Order No. 09-2-3-2, an auction of surplus, County owned real property was held in Harris Hall on March 16, 2009. A bid of \$3,150 was received from Beverly Stewart for a .30 acre parcel on Winberry Creek Rd (minimum bid was \$1,000). The matter is being presented to the Board for acceptance or rejection of the bid.

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

A. Board Action and Other History

Pursuant to the Order authorizing the sale, 15 parcels were to be offered. Prior to the sale, four parcels were removed (the Property Management Officer was given authority to remove parcels under the Order). Three of the parcels were removed at the request of the Public Works Dept. The parcels removed were:

16-01-18-34-06400 – the parcel is .84 acres located on the Mohawk River at the junction of Marcola and Wendling Rds. The Public Work's Dept. had agreements with the McKenzie Watershed Council and the Marcola Water District for cleaning up the property and removing non-native vegetation. These groups, as well as the Marcola School District and the Lion's Club, are interested in acquiring the parcel for use by the community. They will discuss the matter and bring an acquisition proposal to the County in the near future. The parcel had a minimum bid of \$49,000.

16-25-28-00-04200 – the parcel is .08 acres with frontage on Gate Creek on Gate Creek Rd. near Vida. The Public Works Dept. asked to retain the parcel for possible future use for riparian restoration. The parcel had a minimum bid of \$1,000.

17-35-02-00-00206 – the parcel is .82 acres with approximately 700 ft. of frontage along the McKenzie River near Vida (the parcel is 50 ft. wide). The parcel likely is not suitable for a dwelling due to setback requirements for a septic system (minimum of 50ft. from the river). The Public Works Dept. requested the removal of the parcel for riparian restoration needs. EWEB has expressed an interest in the parcel for similar needs. The parcel had a minimum bid of \$15,000.

21-01-36-33-00700 – the parcel is .08 acres located near Culp Creek. The parcel does not have documented legal access. The parcel was removed after discussions with the adjoining property owners over actual ownership of the parcel. A private sale to one of the adjoiners was approved by the Board at the March 18th meeting.

Of the remaining 11 parcels one received a bid – a .30 acre non-buildable strip along Winberry Creek. Beverly Stevens was the successful bidder at \$3,150 (minimum bid was \$1,000). The parcel is identified as map # 19-15-16-00-01200.

Parcels that remained unsold include 10 acres on Sears Rd. that was foreclosed upon for land use violations and a 10 acre parcel on Taylor Rd. in Florence that has been designated as Park property. These parcels will continue to be marketed through the private sale process.

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.

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.

Financial and/or Resource Considerations

The revenue received from a sale of the subject property would go towards funding the Property Management program.

E. Analysis

Ms Stewart's bid conforms with the terms of the auction and there is no apparent reason for it to be rejected.

F. Alternatives/Options

1. Accept Ms. Sterwart's bid.
2. Reject the bid and re-offer the parcel at a future sale.

V. TIMING/IMPLEMENTATION

No timing issues are present.

VI. RECOMMENDATION

It is recommended that the bid be accepted.

VII. FOLLOW-UP

Upon approval of the sale, the Quitclaim Deed will be executed by the Board and staff will close the transaction.

VII. ATTACHMENTS

Board Order;
Quitclaim Deed
Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF ACCEPTING A BID TENDERED FOR
SURPLUS COUNTY OWNED REAL PROPERTY AT A
SHERIFF'S SALE ON MARCH 16, 2009 AND EXECUTING
THE QUITCLAIM DEED

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:

See Attached Exhibit "A"

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

WHEREAS pursuant to Order No. 09-2-3-2 property identified as Assessor's Map No. 19-15-16-00-01200 was offered at a Sheriff's sale on March 16, 2009 and

WHEREAS, the bid received for said real property was above the \$1,000 minimum set by the Board of County Commissioners

IT IS HEREBY ORDERED that pursuant to ORS Chapter 275 the \$3,150 bid submitted by Beverly E. Stewart for property identified as map no. 19-15-16-00-01200 be accepted; that the Board shall execute the Quitclaim Deed conveying said property and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$2,950
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 _____, 20____.

APPROVED AS TO FORM

Peter Sorenson, Chair
Lane County Board of Commissioners

Date 3-30-09 lane county


OFFICE OF LEGAL COUNSEL

IN THE MATTER OF ACCEPTING A BID TENDERED FOR SURPLUS COUNTY OWNED REAL PROPERTY
AT A SHERIFF'S SALE ON MARCH 16, 2009 AND EXECUTING THE QUITCLAIM DEED

EXHIBIT "A"

LEGAL DESCRIPTION MAP NO. 19-15-16-00-01200

Beginning at a point in the center of County Rd. #25, 696.54 feet North and 772.02 feet West of the SW corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 19 South, Range 1 East of the Willamette Meridian, said beginning point being the Northwesterly corner of the tract of land which was conveyed by that certain deed to Edgar J. Udell and June M. Udell, his wife, under Clerk's File # 36694, Lane County Oregon Deed Records (corrected and reconveyed) and running thence along the centerline of said road: N $25^{\circ} 11'$ W, 168.0 feet; thence N $86^{\circ} 35'$ W, 127.75 feet to the center of Winberry Creek; thence upstream, along the center of said creek 168.0 feet; thence S $86^{\circ} 36'$ E 127.5 feet to the place of beginning, in Lane County, Oregon . EXCEPTING THEREFROM, any portion of said property lying within the right-of-way of the County Road.

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:

Beverly E. Stewart

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

See Attached Exhibit "A"

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: \$3,150

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:
Beverly E. Stewart
32209 Fox Hollow Rd.
Eugene, OR 97405

Notary Public for Oregon
My Commission Expires _____

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PROX.
2. SEC.

071-00

