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AGENDA CHECKLIST

Account Code 268 5570270

AGENDA INFORMATION TO BE SUBMITTED TO THE BOARD OFFICE:

One Title Memo
(See APM CH.1, Sec. 2) (Photo-copy of Agenda Checklist is acceptable)

Agenda Packet
One Original/Hard Copy plus One As-Complete-As-Possible copy e-mailed to Lane County Agenda Review mailbox

Material Due
Due by 5 pm Wednesday preceding the week it will be approved for inclusion on the agenda. (Check Future Agenda for due dates.)

AGENDA TITLE: **IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO RENE AND LYNNE FABRICANT FOR \$500 (MAP # 18-03-09-33-04800, ADJACENT TO 3859 VINE MAPLE ST., EUGENE)**

DEPARTMENT **MS**

CONTACT **JEFF TURK** EXT **4174**

AGENDA DATE: **12/2/2009**

THIS ITEM WILL INVOLVE:

- Consent Calendar
 - ORDER/Resolution
 - Ordinance/Public Hearing
 - Report
 - Discussion & Action
 - 1st Reading
 - 2nd Reading
 - 3rd Reading
 - Appointments
 - Committee Reports
 - Discussion Only
 - Public Comment Anticipated? Yes No
- Estimated Time _____

NOTE: DEPARTMENT MANAGER MUST SIGN OFF BEFORE SUBMITTING TO BOARD OFFICE

Department Manager: DB Date 11/18/09
PBB 11.17.09

Legal Staff-Review by: MK Date 11-20-09

Management Staff-Review by: dy Date 11-24-09

Human Resources-Review by (if required): _____ Date _____

Yes No File Note Attached?

Yes No Information for Agenda Setting Committee Only?

Yes No To be Distributed with Packets

INDICATE OTHER DIVISIONS/DEPARTMENTS THAT REQUIRE COPIES OF APPROVED ORDER

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AGENDA COVER MEMORANDUM

Memorandum Date: November 18, 2009

Agenda Date: December 2, 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 RENE AND LYNNE FABRICANT FOR \$500 (MAP # 18-03-09-33-04800, ADJACENT TO 3859 VINE MAPLE ST., EUGENE)

1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO RENE AND LYNNE FABRICANT FOR \$500 (MAP # 18-03-09-33-04800, ADJACENT TO 3859 VINE MAPLE ST., EUGENE)

2. **AGENDA ITEM SUMMARY:**

An offer of \$500 has been submitted for the subject property. The offer is being forwarded to the Board for consideration of acceptance or rejection.

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

A. **Board Action and Other History**

The subject parcel was acquired through tax foreclosure in 1983. The subject is a very small, (250 sq. ft.) triangular shaped parcel lying between tax lots 4700 and 4900. The subject is landlocked. The parcel was likely created due to survey discrepancies between two separate subdivisions that border the subject. The subject parcel has an assessed value of \$500.

The Fabricant's own tax lot 4700 which adjoins the subject. A letter was sent to the other adjoining owner - tax lot 4900 - informing them of the Fabricant's offer and providing them an opportunity to comment on any issues concerning the subject and to submit a competing offer if also interested in purchasing the property. No response has been received.

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 275.225 provides for selling property via private sale without first being offered at a public auction provided the parcel has a real market value of less than \$15,000 per the Assessor and is not suitable for placement of a dwelling under current land use regulations. Notice of the County's intent to sell the subject parcel pursuant to ORS 275.225 was published in the Register-Guard on November 3, 2009. The County can sell the parcel 15 days after the date notice was published.

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 go towards funding the Property Management program.

E. Analysis

As the subject parcel is landlocked and does not have legal access it can be best used by the adjoining owner.

F. Alternatives/Options

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

4. **RECOMMENDATION**

It is recommended that the 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 transaction will be completed.

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 RENE AND LYNNE FABRICANT FOR \$500 (MAP # 18-03-09-33-04800, ADJACENT TO 3859 VINE MAPLE ST., EUGENE)

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:

See Attached Exhibit "A"

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 is assessed under \$15,000 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 November 3 2009 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 above described real property be sold to Rene Fabricant and Lynne C. Fabricant for \$500 that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$500
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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

Date 11-20-09 lane county

Peter Sorenson, Chair, Board of County Commissioners


OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO RENE AND LYNNE FABRICANT FOR \$500 (MAP # 18-03-09-33-04800, ADJACENT TO 3859 VINE MAPLE ST., EUGENE)

Exhibit "A"

**Legal Description
18-03-09-33-04800**

Beginning at a point on the Southeasterly corner of Lot 5, Block I, KANDEDA, as platted and recorded in Book 68, Page 11, Lane County Oregon Plat Records, said point also being on the North line of Lot 5, Block 4, SECOND ADDITION TO VISTA VILLA as platted and recorded in Book 56, Page 8, Lane County Oregon Plat Records thence; North $52^{\circ} 53' 55''$ East 45.79 feet, more or less, to a point on the Westerly line of Lot 11, Block 4, THIRD ADDITION TO VISTA VILLA as platted and recorded in Book 62, page 24, Lane County Oregon Plat Records thence; Southerly along said Westerly line of Lot 11, Block 4 THIRD ADDITION TO VISTA VILLA to the Southwesterly corner thereof thence; Westerly along the North line of Lot 5, Block 4, SECOND ADDITION TO VISTA VILLA 11.12', more or less, to the Southeasterly corner of Lot 5, Block 1, KANDEDA and the POINT OF BEGINNING, all in Lane County Oregon.

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:

Rene Fabricant and Lynne C. Fabricant

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: \$500.00

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:
Rene and Lynne C. Fabricant
3859 Vine Maple St
Eugene, OR 97405

Notary Public for Oregon
My Commission Expires _____

