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**AGENDA COVER MEMORANDUM**

**Memorandum Date: April 22, 2009**

**Agenda Date: May 6, 2009**

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**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 FOR \$7,500 TO THE KING FAMILY, LLC (MAP NO. 18-11-08-00-00201, ADJACENT TO 87657 PORTAGE WAY, FLORENCE)

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1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$7,500 TO THE KING FAMILY, LLC (MAP NO. 18-11-08-00-00201, ADJACENT TO 87657 PORTAGE WAY, FLORENCE)

2. **AGENDA ITEM SUMMARY:**

Kay King, on behalf of the King Family, LLC, has submitted an offer of \$7,500 for the subject parcel. The offer is higher than one submitted by Raymond Taylor.

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

A. **Board Action and Other History**

The subject parcel is approximately .75 acre with frontage along the North Fork of the Siuslaw. The subject is a legal lot, zoned F2 and is within the 100 year flood hazard zone. The ability of the parcel to be developed with a dwelling is questionable given setback requirements for well and septic from the river (and from each other) and that the subject is underwater much of the time during winter and early spring.

The subject was recently offered at a Sheriff's sale on March 16, 2009 with a minimum bid of \$49,000. The assessed value is \$130,000 however, this is based on the Assessor listing the subject as being 4.44 acres and suitable for a dwelling. Prior to the Sheriff's sale, Gene Wobbe, a licensed surveyor in Florence, was contracted with to review recent surveys done on properties abutting the subject to estimate the area of the subject. Mr. Wobbe estimated the subject parcel contained 1/2 to 3/4 of an acre.

Ms. King owns tax lot 800 which adjoins the subject. Ms. King had been under the impression that the subject parcel was part of her ownership.

Raymond Taylor, owner of tax lot 700 across the river from the subject, was first to submit an offer on the subject for \$7,350 (Mr. Taylor and Ms. King both attended the auction and both had discussed a purchase of the subject after the sale with staff). Ms. King then offered \$7,500. Mr. Taylor was informed of Ms. King's offer and chose not to submit a counter offer.

Prior to the Sheriff's auction, parks director Todd Winter did review the subject for possible retention for park's use but determined that the subject was not suitable for such use.

**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 275.200 provides for selling property via private sale, without notice, that has been offered at a Sheriff's sale but remained unsold. The property cannot be sold for less than 15% of the minimum bid set at the Sheriff's sale. The minimum acceptable offer for the subject is \$7,350.

**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 provide funding for the Property Management Program.

**E. Analysis**

It is questionable that the subject parcel can be developed with a dwelling. It would require expenditure of funds to apply for permits and procure a survey with no guarantee that a building permit would be secured. Ms. King, as the adjoining property owner, may be able to secure a lot line adjustment with the subject parcel thereby adding additional area to it. Again, this would require expenditure of funds with no certainty of securing development permits.

The subject does have value as a recreation site estimated in the range of \$5,000 - \$10,000.

**F. Alternatives/Options**

1. Accept Ms. King's 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. Retain the parcel for possible future public use.

**4. RECOMMENDATION**

It is recommended that Ms. King'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 FOR \$7,500 TO THE KING FAMILY, LLC (MAP NO. 18-11-08-00-00201, ADJACENT TO 87657 PORTAGE WAY, 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 tax foreclosure, to wit:

*That portion of Government Lot 14 in Section 8, Township 18 South, Range 11 West of the Willamette Meridian, that lies Northerly and Easterly of County Road No. 406 and lies Southerly and Easterly of the North Fork of the Siuslaw River.*

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 offered at a Sheriff's sale on March 16, 2009 with a minimum bid of \$49,000 and

WHEREAS said real property did not receive a bid and remained unsold at the close of said Sheriff's sale

IT IS HEREBY ORDERED that, pursuant to ORS 275.200 the real property described above be sold to King Family LLC for \$7,500, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$7,300
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 \_\_\_\_\_, 20\_\_\_\_.

APPROVED AS TO FORM

\_\_\_\_\_  
Peter Sorenson, Chair, Board of County Commissioners

Date 4-23-09 lane county

[Signature]  
OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$7,500 TO THE KING FAMILY, LLC (MAP NO. 18-11-08-00-00201, ADJACENT TO 87657 PORTAGE WAY, 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:

**King Family LLC**

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

That portion of Government Lot 14 in Section 8, Township 18 South, Range 11 West of the Willamette Meridian, that lies Northerly and Easterly of County Road No. 406 and lies Southerly and Easterly of the North Fork of the Siuslaw River (map no. 18-11-08-00-00201)

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: \$7,500.00

**LANE COUNTY BOARD OF COMMISSIONERS**

*This space reserved for recording sticker*

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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:  
King Family LLC  
PO Box 219  
Florence, OR 97439

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires \_\_\_\_\_

