

W. G. E. 1.

AGENDA COVER MEMORANDUM

Memorandum Date: Sept 2, 2009

Agenda Date: Sept. 16, 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 FOR \$2,000 TO GRANT AND JAMIE REESE (MAP NO. 17-06-30-00-00102, ADJACENT TO 22306 HWY 126, NOTI)

1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$2,000 TO GRANT AND JAMIE REESE (MAP NO. 17-06-30-00-00102, ADJACENT TO 22306 HWY 126, NOTI)

2. **AGENDA ITEM SUMMARY:**

Mr. and Mrs. Reese have submitted an offer of \$2,000 for the subject property. The matter is being brought to the Board for acceptance or rejection of the offer.

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

A. Board Action and Other History

The subject parcel is .66 acres, is zoned F2 and has an assessed value of \$11,350. The subject was acquired through tax foreclosure in September, 2007. It was offered at a Sheriff's sale on March 16, 2009 with a minimum bid of \$5,000. No bids were 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 275.200 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.

C. Board Goals

A sale of the property would be consistent with the Board's goal 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

Given the subject property's size and topography it is unlikely that it can be improved with a dwelling. Poodle Creek runs through the property which is a class I stream requiring a 100' setback for a dwelling and septic drainfield. There is a small area at the top of the property near Hwy. 126 that is flat enough for a dwelling before the property drops down to the creek but the flat area would be within the 100' setback area and would also be within the setback area of both Hwy. 126 and Noti Lp. which border the parcel. The legal lot of record status of the subject also has not been determined.

The property can be improved with accessory type structures such as workshops, storage sheds, etc.

Prior to the March 16th Sheriff's sale, notices of the sale were sent to adjoining property owners. None have contacted the Property Management office concerning the subject parcel.

F. Alternatives/Options

1. Accept the Reese'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. RECOMMENDATION

It is recommended that the Reese'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
\$2,000 TO GRANT AND JAMIE REESE (MAP NO. 17-
06-30-00-00102, ADJACENT TO 22306 HWY 126, NOTI)

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 was offered at a Sheriff's sale on March 16, 2009 with a minimum bid of \$5,000 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 in attached Exhibit "A" be sold to Grant D. Reese and Jamie D. Reese for \$2,000, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$1,800
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____.

Peter Sorenson, Chair, Board of County Commissioners

APPROVED AS TO FORM

Date 9-2-09 lane county


OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR
\$2,000 TO GRANT AND JAMIE REESE (MAP NO. 17-06-30-00-00102, ADJACENT TO 22306 HWY 126, NOTI)

EXHIBIT "A"

LEGAL DESCRIPTION

17-06-30-00-00102

Beginning at the SE corner of the E. W. Bagby and wife DLC #37, Notification #5022, in Section 29, Township 17 S, Range 6 West of the Willamette Meridian; thence along the South line of said Bagby DLC #37 West 124.40 chains to the TRUE POINT OF BEGINNING; thence North to a point on the Southerly right of way line of the Oregon State Route "F", Hwy. 126; thence Southeasterly along said hwy. right of way line to a point on the South line of the above said Bagby DLC #37; thence along said DLC line West to the TRUE POINT OF BEGINNING, all in Lane County, Oregon. EXCEPTING THEREFROM any portion of the herein described property lying within a public right of way.

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:

Grant D. Reese and Jamie D. Reese

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: \$2,000.00

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:
Grant D. & Jamie D. Reese
PO Box 1352
Veneta, OR 97487

Notary Public for Oregon
My Commission Expires _____

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