

W.S.F.4.

Memorandum Date: 5/6/2010
Order Date: 6/09/2010

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Frank Simas, Right of Way Manager
AGENDA ITEM TITLE: **In the Matter of Authorizing the Sale of a Parcel of County-owned Surplus Road Fund Property Identified as Tax Lot 8800 on Lane County Assessor's Map 21-35-16-14.**

I. MOTION

THAT THE ORDER BE APPROVED AUTHORIZING THE SALE OF A PARCEL OF SURPLUS COUNTY-OWNED ROAD FUND PROPERTY IDENTIFIED AS TAX LOT 8800 ON LANE COUNTY ASSESSOR'S MAP 21-35-16-14.

II. AGENDA ITEM SUMMARY

Patrick Waldynski desires to purchase a parcel of county-owned Road Fund property located on Douglas Street in Oakridge. The parcel is no longer needed for use by Lane County, and the sale of such property may be authorized pursuant to ORS 275.030(2).

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

This parcel is one of two contiguous County-owned properties located on Douglas Street in Oakridge that were used for road maintenance material and equipment storage by Lane County Road Maintenance from the 1950's until construction and occupancy of the Dexter shop facility in the 1990's. The parcel is shown on the aerial photo and Assessor's Map excerpt on Attachment 1.

Tax Lot 8800 is improved with a low-quality, 3,300 square foot metal sided and roofed shop. Since the opening of the Dexter facility, the shop has been infrequently used for sand and gravel storage, but the condition of the structure has severely deteriorated. Metal roof and siding panels have fallen or been blown off the structure and the County has received complaints of feral cats occupying

the building. The poor condition, size and approximate 32 foot height of the structure are inconsistent with and detract from surrounding residential development.

Right of Way Management staff has completed an appraisal of the property. The property is zoned for Low-Density Residential use and is located in an area comprised of older residential development. Removal of the structure would be required in order to develop the site to its estimated Highest and Best use. The appraisal concluded a site value, "as vacant", of \$12,000, with a "cost-to-cure" to remove the existing structure estimated at \$6,000, or approximately \$2.00 per square foot.

Terms of the sale are to be \$12,000 cash, with \$6,000 to be held in escrow and returned to the purchaser upon verification by County personnel that the structure has been demolished and removed within 6 months of the date of closing. The property is to be conveyed "as-is" with no warranty as to the condition of the property or any improvements thereon. Mr. Waldynski owns a residence bordering the north side of the parcel and is familiar with all conditions existing or that might affect the property and its use. In addition, he is employed as a seasonal construction contractor for the U.S. Forest Service in Oakridge and indicates he possesses the skills, knowledge and equipment needed to remove the structure. If Mr. Waldynski does not demolish the building within the agreed on 6-month time limit, he has agreed to forfeit and release the funds held in escrow to the County. The amount held in escrow should be a strong inducement to complete the demolition and removal of the dilapidated structure would constitute a community benefit. The property was advertised for 2 consecutive weeks in the Oakridge newspaper and Mr. Wadlynski was the only bidder.

If the property is not sold to Mr. Waldlynski, the County will incur continued costs for securing and maintaining the structure. In addition, the County could be held liable for any damage caused by falling metal panels and personnel costs for removal of feral cats.

B. Policy Issues

This parcel is not needed for any known current or prospective use by Lane County. Sale of the property will return it to the Tax Roll and eliminate future expenses and potential liability in connection with its management. Removal of the structure by the purchaser will save the County costs in terms of either personnel expense or contractor costs for demolition.

C. Board Goals

This proposal addresses the Goals related to Resource Planning and allocation and the use of the funds derived from the sale will be consistent with the Goals

stated in the Strategic Plan with regard to Road Fund Priorities.

D. Financial and/or Resource Considerations

This property is a Road Fund asset, and upon receipt of the funds they will be returned to the Road Fund.

E. Analysis

This parcel is not needed for County use now or in the foreseeable future. The sale of the property will return it to the tax roll and the revenue from the sale will benefit the Road Fund and the citizens of Lane County.

F. Alternatives/Options

1. Approve the Order authorizing the execution of the Bargain and Sale Deed.
2. Reject the Order and direct staff otherwise.

IV. RECOMMENDATION

Option 1.

V. TIMING/IMPLEMENTATION

Upon execution, the Bargain and Sale Deed will be placed in escrow. When all conditions necessary for closing have been fulfilled, the escrow will be closed and the proceeds will be deposited in the Road Fund. Within 6 months of closing and upon confirmation by staff that the structure has been removed, the \$6,000 held in escrow will be returned to the purchaser.

VI. FOLLOW-UP

N/A

VII. ATTACHMENTS

Bargain and Sale Deed
Attachment 1-Map and Aerial Photo

After Recording Return to, and
Send Tax Statements to:

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

BARGAIN AND SALE DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order Number _____ of the Board of County Commissioners of Lane County, hereinafter called GRANTOR, for the true and actual consideration of **Six Thousand and no/100 dollars, (\$6,000.00) and other good and valuable consideration**, conveys to Patrick Waldynski, all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast one-quarter of the Northeast one-quarter (SE ¼ NE ¼) of Section 16, Township 21 South, Range 3 East of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded December 12, 1972, on Reel 616, Recorder's Reception Number 32147, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Lot Eleven (11) in block Fifty Three (53), FIRST ADDITION TO OAKRIDGE, Lane County, Oregon."

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day of _____, 20____.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 20____, personally appeared _____

who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

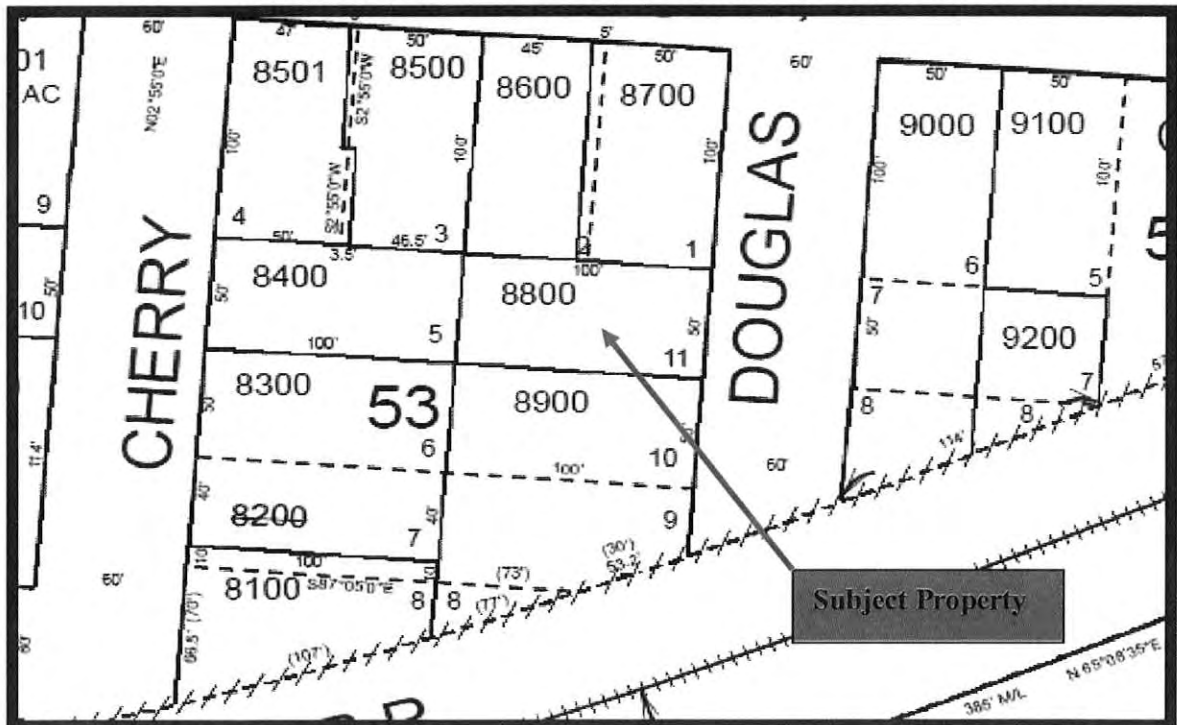
Notary Public for Oregon

My Commission Expires: _____

ATTACHMENT 1



LANE COUNTY ASSESSOR'S MAP 21-35-16-14



**IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON**

ORDER NO.

(**IN THE MATTER OF AUTHORIZING**
(**THE SALE OF COUNTY-OWNED**
(**SURPLUS ROAD FUND PROPERTY**
(**IDENTIFIED AS TAX LOT 8800 ON**
(**LANE COUNTY ASSESSOR'S MAP 21-**
(**35-16-14.**

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 property, to wit:

An approximate 0.11 acre parcel located on Douglas Street, Oakridge and identified as Tax Lot 8800 on Lane County Assessor's Tax Map 21-35-16-14; and

WHEREAS, said real property was acquired by purchase for road purposes and not by tax foreclosure; and

WHEREAS, Patrick Waldynski has offered to purchase the property for \$12,000, provided that \$6,000 of the purchase price be held in escrow and returned to him upon completion of demolition of a dilapidated building located on the property within six (6) months from the date of transfer of title to the property and has agreed to release and forfeit the retained funds if demolition is not completed as agreed; and

WHEREAS, ORS 275.030 (2) allows the sale of property in the manner provided in ORS Chapter 271 if the real estate was not acquired by foreclosure for nonpayment of real property taxes and if the Board deems it not to be in the best interest of the county to sell and convey in the manner provided under ORS 275.120, 275.140 to 275.160 and 275.180 to 275.260; and

WHEREAS, said property was advertised for sale for two successive weeks in a local newspaper serving the local area of Oakridge, which yielded no other parties interested in purchasing, and the Sheriff's process outlined in ORS Chapter 275 would involve additional expenses to the county and the bids received from said process may be less than what Mr. Waldynski has offered for the property, and it is therefore deemed not to be in the best interest of the county sell and convey in the manner provided under ORS 275.120, 275.140 TO 275.160 AND 275.180 TO 275.260; and

WHEREAS, said real property is not needed for any public purpose and the sale of said property would benefit Lane County by its return to the tax rolls and is therefore in the best interest of the County to do so; and therefore

IT IS HEREBY ORDERED that pursuant to ORS 275.030 (2), the real property be sold to Patrick Waldynski for \$12,000 cash, with \$6,000 returned to the purchaser upon demolition and removal of the existing shop, that the bargain and sale deed be executed by the Board and that the proceeds be disbursed as follows:

Road Fund

(225-3632-446120-101)

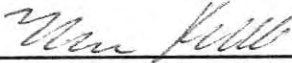
\$6,000

IT IS ALSO FURTHER ORDERED that this Order shall be entered into the records of the Board of Commissioners of the County.

EFFECTIVE DATE: this _____ day of _____, 2010.

APPROVED AS TO FORM:

Date: 6-2-10



Lane County Office of Legal Counsel

Chair
Board of County Commissioners