

W.S.F.I.

## AGENDA COVER MEMORANDUM

Memorandum Date: August 18, 2010

Agenda Date: September 1, 2010

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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 TO THE CITY OF EUGENE FOR \$1.00. MAP #s 17-04-17-14-00300 (ADJACENT TO N. TERRY & TREVON ST., EUGENE), 17-04-17-41-03100 (WALKWAY OFF OF SUGARPINE CIRCLE, EUGENE) AND 17-04-17-41-04716 (WALKWAY BETWEEN AMIRANTE & CODY ST., EUGENE)

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**PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE CITY OF EUGENE FOR \$1.00. MAP #s 17-04-17-14-00300 (ADJACENT TO N. TERRY & TREVON ST., EUGENE), 17-04-17-41-03100 (WALKWAY OFF OF SUGARPINE CIRCLE, EUGENE) AND 17-04-17-41-04716 (WALKWAY BETWEEN AMIRANTE & CODY ST., EUGENE)

2. **AGENDA ITEM SUMMARY:**

The subject parcels have been dedicated for public use as bike paths, walkways and utility easements in their respective subdivisions and were incorrectly foreclosed upon by the County. Deeding the parcels to the City of Eugene will clear up title issues.

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

A. **Board Action and Other History**

Tax lots 300 and 3100 were acquired through tax foreclosure in November, 1987. Both parcels are located within the Maywood Subdivision. Tax lot 4716 was acquired in March, 1992 also through tax foreclosure and is within the Seychelles West II Subdivision.

Tax lot 300 is designated as Parcel B in the plat of the subdivision and was dedicated to the public as a public utility easement. Tax lot 3100 is noted as Parcel A in the subdivision plat as was dedicated to the public as a pedestrian walkway and bikepath. Tax lot 4716 is

designated as Parcel A in its subdivision and was also dedicated as a pedestrian walkway and bikepath.

Tax lot 300 is adjacent to the A2 drainage channel (which is also dedicated for public use). The City of Eugene initially requested transfer of this parcel (and 2 other right of way owned parcels also on the A2 channel) in anticipation of developing a bike path along it. Maintenance issues also were a factor as the City maintains the property along the channel and owning tax lot 300 would simplify clean up efforts.

It was brought to the City's attention that tax lot 300 was technically under the City's jurisdiction as it had been dedicated to the public in the plat. It was proposed that the County transfer tax lot 300 to the City to clear up title issues. The City also agreed to include tax lots 3100 and 4716 as they were in a similar situation.

**B. Policy Issues**

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 August 16<sup>th</sup>, 2010. 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 reduce the inventory of tax foreclosed property.

**D. Financial and/or Resource Considerations**

Staff time devoted to the issue has been under 2 hours.

**E. Analysis**

All of the subject parcels have been dedicated for public use in their respective plats. The situation is similar to the public dedication of a street or road. As the parcels are located within the City of Eugene they would fall under the City's jurisdiction.

The Assessor's office did not pick up on the public dedication of the parcels and incorrectly retained the developer of the subdivision as the owner and assigned a tax lot and tax account number to them. Taxes weren't paid and the parcels proceeded through the foreclosure process.

Transferring the parcels to the City would clear up ambiguities concerning ownership, maintenance and use of the parcels.

**F. Alternatives/Options**

1. Proceed with the transfer to the City for \$1.00 as proposed.
2. Proceed with the transfer to the City pursuant to ORS 271.330. This statute provides for transfer of County property to another public entity with the provision that the property be used for a public purpose for a minimum of 20 years. A public hearing is also required before a transfer could be approved. As the subject parcels are already dedicated for public use and effecting a transfer pursuant to ORS 271.330 as opposed to 275.225 requires additional staff time and publication costs, it does not seem necessary to use this statute.

**4. RECOMMENDATION**

It is recommended that the parcels be transferred to the City of Eugene for \$1.00 pursuant to ORS 275.225.

**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 Maps; Subdivision Plat.

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 THE CITY OF EUGENE FOR \$1.00. MAP #s 17-04-17-14-00300 (ADJACENT TO N. TERRY & TREVON ST., EUGENE), 17-04-17-41-03100 (WALKWAY OFF OF SUGARPINE CIRCLE, EUGENE) AND 17-04-17-41-04716 (WALKWAY BETWEEN AMIRANTE & CODY 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 properties have been dedicated and accepted for public use in the Maywood and Seychelles West II subdivision plats and

WHEREAS Lane County inappropriately foreclosed on said properties for non payment of property taxes and

WHEREAS it is deemed to be in the best interests of Lane County to transfer said properties to the City of Eugene to clarify ownership and use of said properties 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 properties was published on August 16, 2010 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 real property described in Exhibit A be sold to the City of Eugene for \$1.00, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$1.00
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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\_\_\_\_.

\_\_\_\_\_  
William Fleenor, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE CITY OF EUGENE FOR \$1.00. MAP #s 17-04-17-14-00300 (ADJACENT TO N. TERRY & TREVON ST., EUGENE), 17-04-17-41-03100 (WALKWAY OFF OF SUGARPINE CIRCLE, EUGENE) AND 17-04-17-41-04716 (WALKWAY BETWEEN AMIRANTE & CODY ST., EUGENE)

APPROVED AS TO FORM

Date 8-20-10 lane county

  
OFFICE OF LEGAL COUNSEL

**Exhibit "A"**

**Legal Description**

**17-04-17-14-00300: Tract "B", MAYWOOD, as platted and recorded in File 73, Slides 223-224 Lane County Oregon Plat Records.**

**17-04-17-41-03100: Tract "A", MAYWOOD, as platted and recorded in File 73, Slides 223-224 Lane County Oregon Plat Records.**

**17-04-17-41-04716: Parcel "A", Block 1, SEYCHELLES WEST II, as platted and recorded in File 72, slides 160—161 Lane County Oregon Plat Records.**

**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:

**CITY OF EUGENE, a Municipal Corporation**

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

**Tracts "A" and "B", MAYWOOD, as platted and recorded in File 73, Slides 223-224 Lane County Oregon Plat Records. ALSO, Parcel "A", Block 1, SEYCHELLES WEST II, as platted and recorded in File 72, slides 160—161 Lane County Oregon Plat Records.**

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009

The true and actual consideration for this transfer is: \$1.00

**LANE COUNTY BOARD OF COMMISSIONERS**

*This space reserved for recording sticker*

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STATE OF OREGON     )  
                                  ) ss  
COUNTY OF LANE     )

On \_\_\_\_\_, 2010 personally appeared \_\_\_\_\_,

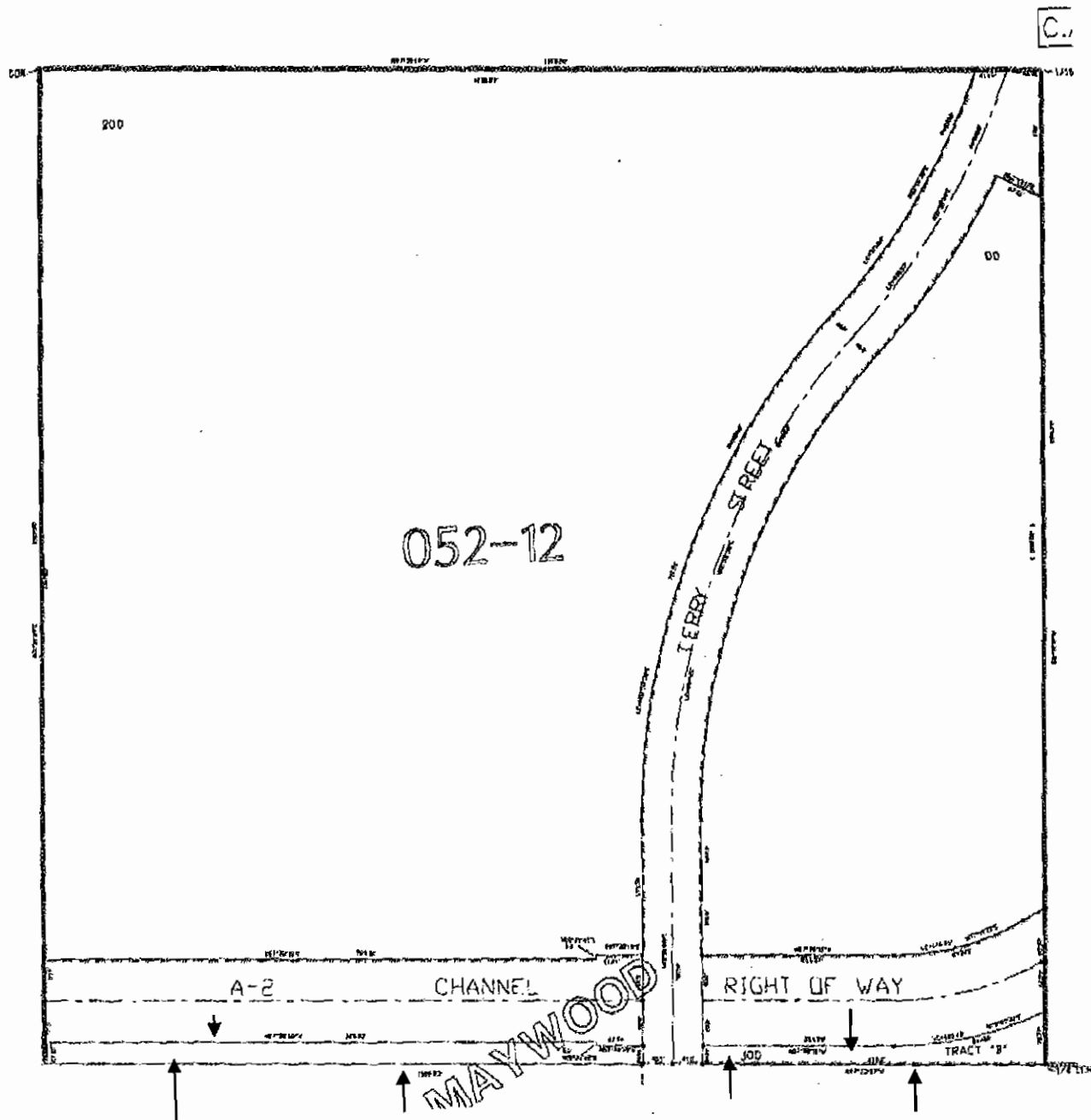
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

After recording, return to/taxes to:

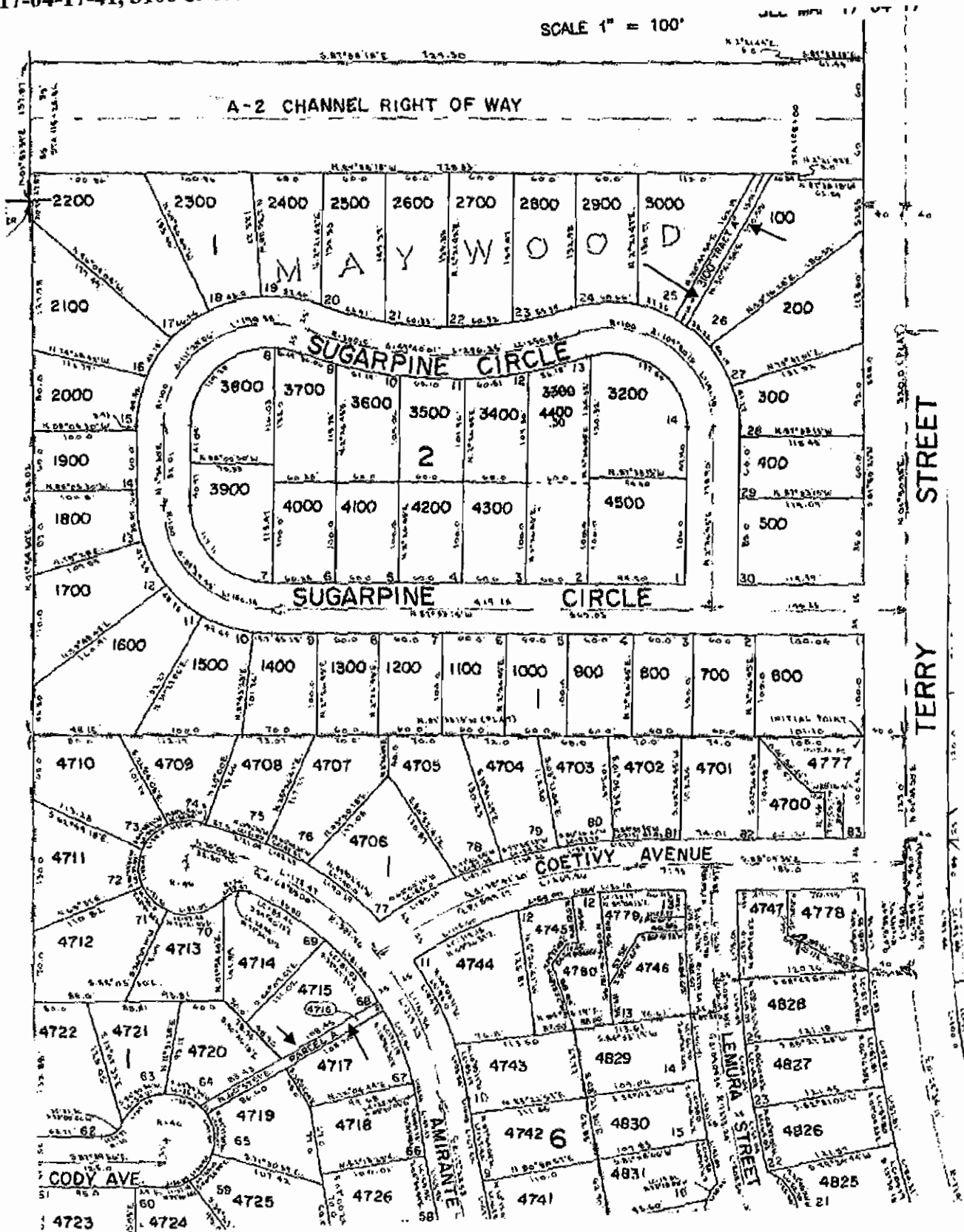
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires \_\_\_\_\_

17-04-17-14-00300



17-04-17-41, 3100 & 4716

SCALE 1" = 100'







# MAYWOOD

A SUBDIVISION IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE  
SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 17 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN  
CITY OF EUGENE LAND COUNTY OREGON

## DEDICATION

KNOW ALL MEN THAT NuPacific Company, an Oregon Corporation, and Wildish Land Company, an Oregon Corporation, are owners of the property described hereon and that they do layout and subdivide said property as shown on the annexed plat, and they do hereby dedicate to the Public forever the streets, easements, bike paths, pedestrian ways, Tracts 'A' and 'B' and the A' Channel Right-of-Way as shown thereon.  
NUPACIFIC COMPANY

and land surveyor being duly sworn on oath, say that  
the monuments to the land as shown on the annexed  
plat are as follows: 1. 1/2" Iron Pipe set 6 inches below the surface  
10 feet and 51° 40' 25" W 518.00 feet from a 2" Iron