

W.9.2.

AGENDA COVER MEMORANDUM

Agenda Date: August 27, 2003

DATE: August 11, 2003

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: PUBLIC HEARING/ORDER: IN THE MATTER OF AUTHORIZING THE TRANSFER TO THE CITY OF EUGENE SURPLUS COUNTY OWNED REAL PROPERTY IDENTIFIED AS MAP NO. 17-04-13-31 TAX LOTS 101 AND 201 (SOUTH OF OWOSSO DRIVE NEAR OWOSSO BIKE PATH)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE TRANSFER TO THE CITY OF EUGENE SURPLUS COUNTY OWNED REAL PROPERTY IDENTIFIED AS MAP NO. 17-04-13-31 TAX LOTS 101 AND 201 (SOUTH OF OWOSSO DRIVE NEAR OWOSSO BIKE PATH)
2. **ISSUE/PROBLEM:** The City of Eugene has submitted a request to the county for the transfer of the subject property. It will be used by the City for park purposes as it is located adjacent to City park and bike path property (to the North and South). The city is requesting the transfer be made without consideration.
3. **DISCUSSION:**

3.1 Background

The subject parcels were acquired through tax foreclosure in June 1972. Tax lot 101 is approximately .71 acres and has an assessed value of \$500. Tax lot 201 is .24 acre and also has an assessed value of \$500. The parcels are unimproved with the majority of their area located below the high water mark of the Willamette River. The parcels are zoned for parks and open space use by the City.

3.2 Analysis

The parcels do not have any value with respect to commercial or residential development. They would compliment the City's park and bike path system along the river and can best be utilized by the City.

The transfer would occur pursuant to ORS 271.330(1). The statute provides for the transfer of county property to a governmental body, provided the property is used for public purposes for not less than 20 years (after 20 years the public use restriction would expire).

The City was also interested in acquiring the property West of the subject parcels that is shown as a Public Road on the Assessor's map. The road is unimproved and not in use. It was accepted and dedicated by the county at the same time the Camelot subdivision was (1965). As the road is within the City's limits, it is under their jurisdiction. Should the City proceed with vacating the road, the East half of the vacated area would attach to the subject parcels and the West half to the subdivision lots.

3.3 Alternatives/Options

- A. Transfer the property pursuant to ORS 271.330(1). This would allow the City of Eugene to use the property for any public purpose, – parks or otherwise – for a minimum of 20 years. The city would own the property free and clear of the public use restriction upon expiration of the 20 year period.
- B. Transfer the property as in "A" above but extend the requirement for public use to perpetuity or some other period beyond the 20 year statutory minimum. This would require the city to petition the county to remove the public use restriction should the city wish to sell the property or otherwise use it for a non public purpose upon expiration of the initial 20 year period. There may be consideration that the county could receive, or other conditions the county may wish to impose, in exchange for removal of the condition (notwithstanding changes in statutes, any revenue received would be disbursed to the taxing districts).
- C. Deny the City of Eugene's request and retain the parcels in inventory or offer them at a future Sheriff's sale.

3.4 Recommendation

It is recommended that alternative "A" be implemented.

3.5 Timing

None.

4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property transferred to the City of Eugene.
5. **ATTACHMENTS:**
 - Letter from City of Eugene
 - Board Order
 - Quitclaim Deed
 - Plat Map



**Public Works
Engineering**

June 30, 2003

Jeff Turk
Property Management Officer
Lane County Management Services
125 East Eighth Avenue
Eugene, OR 97401

City of Eugene
858 Pearl Street
Eugene, Oregon 97401
(541) 682-5291
(541) 682-5032 Fax
(541) 682-5245 TTY

Dear Jeff:

Our Parks and Open Space Division is in the process of re-mapping and updating the records of City Park inventory. During this process we found three unimproved County owned sites, in the vicinity of the Owosso Street Bridge and bike path. By this letter the City asks the County to consider, and if acceptable, please proceed with the appropriate processes to transfer the ownership of the property to the City. The City presently owns the adjacent property to the north and south of the County sites and currently maintains the bike bridge and bike path for public use. In the best interest of serving the public and maintaining the site, it would seem the City would be the most appropriate jurisdiction for ownership, use and management of these sites. We understand the County acquired this property through a tax foreclosure in 1970 and it is excess property.

The two tax lots are shown on Lane County Assessor records as map 17-04-13-31, tax lots 101 and 201. To the west of these sites, the third parcel is shown as public road R268/10301

Pursuant to ORS 275.330, the City of Eugene wishes to make a formal request asking Lane County to transfer the above referenced sites to the City of Eugene.

I am assuming the transfer of the public road would be handled by the surveyor's office. However if this is something you would be involved in transferring, we ask that you please also process that site for transfer. Please advise how we may help you through the process. Please don't hesitate to call or email either Vickie Barnts or me. You may reach me at 682-5264 or Vickie at 682-5714.

Thank you in advance.

Sincerely,



Russ Royer
Senior Real Property Officer

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. IN THE MATTER OF AUTHORIZING THE TRANSFER TO THE CITY OF
EUGENE SURPLUS COUNTY OWNED REAL PROPERTY IDENTIFIED AS
MAP NO. 17-04-13-31 TAX LOTS 101 AND 201 (SOUTH OF OWOSSO DRIVE
NEAR OWOSSO BIKE PATH)

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 transfer to the City of Eugene 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

WHEREAS the City of Eugene has requested the transfer so the property may be used in conjunction with adjacent city parkland and

WHEREAS ORS 271.330 provides for such transfers pursuant to a public hearing and

WHEREAS a public hearing was held on the matter on August 27, 2003 with notice of said public hearing published on August 13 and August 20, 2003 in the "Eugene Register-Guard", a newspaper of general circulation in Lane County

IT IS HEREBY ORDERED that, pursuant to ORS 271.330, the real property be transferred to the City of Eugene without monetary consideration and that the Quitclaim Deed be executed by the Board with said deed containing a restriction that the property be used for public purposes pursuant to said statute.

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 _____, 2003

APPROVED AS TO FORM

Date 8-18-03 lane county


OFFICE OF LEGAL COUNSEL

Peter Sorenson, Chair
Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING THE TRANSFER TO THE CITY OF EUGENE SURPLUS
COUNTY OWNED REAL PROPERTY IDENTIFIED AS MAP NO. 17-04-13-31 TAX LOTS 101 AND 201
(SOUTH OF OWOSSO DRIVE NEAR OWOSSO BIKE PATH)

EXHIBIT "A"

Parcel I (17-04-13-31-00101)

Beginning at the intersection of the North line of County Survey #12 and the center line of County Road #200 (River Road), said point being 42.72 chains East of the Northeast corner of said County Survey #12, which is 7.30 chains North of the Southwest corner of the Joseph Davis Donation Land Claim #48, Township 17 South, Range 4 West, Willamette Meridian; run thence 16° 48' 10" East along the center of said River Road 92.36 feet; thence South 00° 06' 10" East 208.00 feet; thence North 89° 53' 50" East 2096.31 feet, which is the Southeast corner of a tract of land conveyed to Lane County by Reel 268, Instrument #10301, for public road; thence along the East right-of-way North 20° 11' 15" East 161.82 feet; thence along the arc of a 676.20 foot radius curve right (the long chord of which bears North 23° 10' 30" East 70.48 feet); thence North 26° 09' 45" East 444.33 feet to the true point of beginning; thence

SW'ly along the Easterly right-of-way line to a point that intersects the North line of a tract of land described in Reel 232, Instrument #36002; thence

East along the North line of said tract in Reel 232, Instrument #36002 to the left bank of the Willamette River; thence

NE'ly along the left bank to a point East of the true point of beginning; thence

West to the point of beginning, all in Lane County, Oregon.

Parcel II (17-04-13-31-00201)

Beginning at the intersection of the North line of County Survey #12 and the center line of County Road #200 (River Road), said point being 42.72 chains East of the Northeast corner of said County Survey #12, which is 7.30 chains North of the Southwest corner of the Joseph Davis Donation Land Claim #48, Township 17 South, Range 4 West, Willamette Meridian, run thence South 16° 48' 10" East along the center line of said River Road 92.36 feet; thence South 00° 06' 10" East 208.00 feet; thence North 89° 53' 50" East 2096.31 feet to the true point of beginning; thence

N. 89° 53' 50" E. 179.05' thence

North 208.00' thence

West to the East

right-of-way line of Public Road described in Reel 268, Instrument #10301; thence

SW'ly along the Easterly right-of-way to the point of beginning, all in Lane County, Oregon.

Containing more or less

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

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

See Attached Exhibit "A"

This transfer is made pursuant to ORS 271.330(1) and is conditioned upon continued use of the property by grantee for public purposes for a minimum of twenty (20) years from the date of transfer.

THIS INSTRUMENT WILL 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 APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS. 30.930.

The true and actual consideration for this transfer is use of the property for public purposes.

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2003 personally appeared _____

_____, _____, _____, _____

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

Notary Public for Oregon

My Commission Expires _____

After recording, return to/taxes to:
City of Eugene
777 Pearl Street
Eugene, OR 97401

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West to the East

right-of-way line of Public Road described in Reel 268, Instrument #10301; thence

SW'ly along the Easterly right-of-way to the point of beginning, all in Lane County, Oregon.

Containing more or less

17 04 13 3 1

$$1'' = 100'$$

OWOSSO DRIVE

County Road No. 1179

STREET

IVANHOE AVENUE

HERITAGE AVENUE

ROSEWOOD AVENUE

NORMAN AVENUE

CAMELOT

SUBJECT

CANCELLED

COPPING

See Map 17 04 13

See Map 17 Q4 13 3 4