

T. G. C. L.

AGENDA COVER MEMORANDUM

Agenda Date: November 26, 2003

DATE: November 10, 2003

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO JAN J. WHEELER AND MARY L. WHEELER (MAP # 21-02-00-00-00300, LOCATED AT THE END OF KEIZER CREEK ROAD, COTTAGE GROVE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO JAN J. WHEELER AND MARY L. WHEELER (MAP # 21-02-00-00-00300, LOCATED AT THE END OF KEIZER CREEK ROAD, COTTAGE GROVE)
2. **ISSUE/PROBLEM:** Mr. and Mrs. Wheeler have submitted an offer of \$1,800 for the subject property. Does the Board wish to accept the offer?
3. **DISCUSSION:**

3.1 Background

The subject property was acquired through tax foreclosure in 1957. The property is approximately 2 acres and is zoned F1. The subject is likely a legal lot of record. It has an assessed value of \$914. No merchantable timber is present.

The Wheeler's own the property West of the subject (tax lot 100). The subject was at one time owned by Mr. Wheeler's grandfather. Weyerhaeuser owns the property East of the subject (tax lot 400). Weyerhaeuser was contacted about the availability of the property but was not interested in purchasing it.

3.2 Analysis

While the subject is likely a legal lot of record, the current F1 zoning prohibits development of the property for residential purposes. The subject could best be used by an adjoining owner as additional plottage.

ORS 275.225 provides for selling County owned real property at private sale which has an assessed value under \$5,000 and is not suited for the placement of a dwelling under current zoning and building ordinances. Notice of a proposed sale of the subject was published in the Register Guard on October 27, 2003. The County may sell the subject not less than 15 days from the date of publication of the notice. The subject parcel has a current assessed value of \$914 and qualifies for private sale pursuant to ORS 275.225.

3.3 Alternatives/Options

The Board can reject the offer and direct staff to continue negotiations for greater consideration or offer the parcel at a future Sheriff's sale.

3.4 Recommendation

It is recommended that the offer be accepted.

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 will be sold.
5. **ATTACHMENTS:**
 - Board Order
 - Quitclaim Deed
 - Tax 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 TO JAN J. WHEELER
AND MARY L. WHEELER (MAP # 21-02-00-00-00300,
LOCATED AT THE END OF KEIZER CREEK ROAD,
COTTAGE GROVE)

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:

Beginning at the Southeast corner of the Northwest quarter of Section 8, Township 21 South, Range 2 West of the Willamette Meridian thence; West 305.00 feet thence; Northeasterly 456.00 feet more or less to the East line of said Northwest quarter of Section 8 at a point 366 feet North of the Northeast corner of said Northwest quarter; thence South 366.00 feet more or less following along said East line of said Northwest quarter to the place of beginning, in Lane County, Oregon (21-02-00-00-00300)

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 is assessed under \$5,000 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 property was published on October 27, 2003 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 identified as Assessor's map # 21-02-00-00-00300 be sold to Jan. J. Wheeler and Mary L. Wheeler for \$1,800, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$1,750
General Fund	(124-5570260-436521)	50

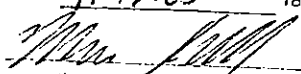
IT IS FURTHER ORDERED, that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 20____.

Peter Sorenson, Chair
Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO JAN J. WHEELER AND MARY L. WHEELER (MAP # 21-02-00-00-00300, LOCATED AT THE END OF KEIZER CREEK ROAD, COTTAGE GROVE)

APPROVED AS TO FORM

Date 11-17-03 lane county,


LEGAL COUNSEL

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:

Jan J. Wheeler and Mary L. Wheeler, Husband and Wife

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

Beginning at the Southeast corner of the Northwest quarter of Section 8, Township 21 South, Range 2 West of the Willamette Meridian thence; West 305.00 feet thence; Northeasterly 456.00 feet more or less to the East line of said Northwest quarter of Section 8 at a point 366 feet North of the Northeast corner of said Northwest quarter; thence South 366.00 feet more or less following along said East line of said Northwest quarter to the place of beginning, in Lane County, Oregon (21-02-00-00-00300)

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 \$1,800.00

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:

After recording, return to/taxes to:
Jan J. and Mary L. Wheeler
PO Box 89
Cottage Grove, OR, 97424

Notary Public for Oregon
My Commission Expires _____

acc **idp 7 us**

