

W. 7-E. 1-

AGENDA COVER MEMORANDUM

Agenda Date: October 29, 2003

DATE: October 15, 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 MICHAEL AND DENA TRUDELL FOR \$3,000 (MAP # 16-01-18-40-00100, ADJACENT TO 38482 WENDLING ROAD, MARCOLA)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO MICHAEL AND DENA TRUDELL FOR \$3,000 (MAP # 16-01-18-40-00100, ADJACENT TO 38482 WENDLING ROAD, MARCOLA)
2. **ISSUE/PROBLEM:** Mr. and Mrs. Trudell have submitted an offer of \$3,000 for the subject property. The offer is being presented to the Board for consideration of acceptance.
3. **DISCUSSION:**

3.1 Background

The subject property was acquired through tax foreclosure in September 2001. It is .58 acres, zoned RR5 and is unimproved. The parcel does not have documented legal access. It has an assessed value of \$12,000.

The subject was offered at a Sheriff's sale on December 9, 2002 with a minimum bid of \$7,000. No bids were received.

The Trudell's own property adjoining the subject – tax lots 101, 201 and 300. When the Trudell's purchased their property, the subject property was to be included in the sale. However, the seller (an heir to the original owner) could not produce a prior deed with a legal description of the subject showing ownership of the property. The title company involved with the transaction also could not locate in its records a recorded deed that

uniquely described the subject property. Research by Property Management staff also did not uncover a unique document for the subject although a legal description similar to the subject's was found in a deed conveying an adjoining property. It appears Assessment and Taxation set up the subject as a unique tax lot in the 1950s based on the sales of adjoining parcels.

It is unknown at this time whether the subject would qualify as a legal lot of record or not. Preliminary discussions with Don Nickell in Land Management indicated that some documentation describing the subject as a unique parcel would be required.

3.2 Analysis

As the legal lot status of the subject cannot be ascertained at this time due to the inability to locate proper documentation, the ability to develop the parcel with a dwelling is unknown. Regardless, an adjoining owner can best utilize the subject as only an adjoining owner can provide legal access.

Pursuant to ORS 275.200, property that did not sell at a Sheriff's sale can be sold at private sale without further notice but for not less than 15% of its minimum bid at the Sheriff's sale. The \$3,000 offer meets the requirements of ORS 275.200.

3.3 Alternatives/Options

- A. The Board can accept the offer.
- B. The offer can be rejected with staff directed to continue negotiations.
- C. The property can be offered again at a future Sheriff's sale.

3.4 Recommendation

It is recommended that the Trudell's 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
MICHAEL AND DENA TRUDELL FOR \$3,000 (MAP # 16-
01-18-40-00100, ADJACENT TO 38482 WENDLING
ROAD, MARCOLA)

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 convey 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 parcel was offered at a Sheriff's sale on December 9, 2002 with a minimum bid of \$7,000 and

WHEREAS no bids were received for said parcel and it remained unsold at the close of said sale

IT IS HEREBY ORDERED that pursuant to ORS 275.200 and ORS 275.275, the parcel identified as Assessor's map # 16-01-18-40-00100 be sold to Michael and Dina Trudell for \$3,000, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$2,916.00
General Fund	(124-5570260-436521)	84.00

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 MICHAEL AND DENA TRUDELL FOR \$3,000 (MAP # 16-01-18-40-00100, ADJACENT TO 38482
WENDLING ROAD, MARCOLA)

APPROVED AS TO FORM

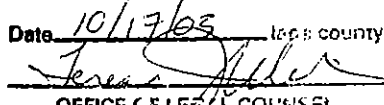
Date 10/17/03 Lane County

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

**LANE COUNTY/TRUDELL
MAP # 16-01-18-40-00100**

All that property lying in the SE ¼ of Section 18, Township 16 S, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the NE corner of the 66 acre farm now owned by J. W. Hines which said farm is commonly known as the Mrs. W. P. Riggs farm, the said beginning point being the NW corner of the Nelson Bush farm and being about 1 mile NE of Marcola, Oregon, near the Wendling Highway; thence South 4 rods; thence West 309.67 feet more or less, parallel with the North line of said Riggs farm to a point 4 rods North and 4 rods West of the North inner corner of said Riggs farm thence; North 60.67 feet parallel with and 4 rods distant from the fence running North and South to connect the 2 North lines of said Riggs farm, to a point 4 rods South of the Northerly line of said Riggs Farm; thence West parallel to and 4 rods distant from the Northerly North line of said Riggs farm to the East line of the county road known as Wendling Highway; thence Northerly along the East line of said Wendling Highway to the Northerly North line of said Riggs Farm; thence East 390.80 feet, more or less, along the Northerly North line of said Riggs farm to the Northerly Northeast corner of said Riggs farm; thence South 60.67 feet, more or less along the line of said farm to the inner North corner of said farm; thence East 243.67 feet along the North line of said farm to the place of beginning.

EXCEPTING THEREFROM:

That portion deeded to Bernard W. Young and May Young by instrument recorded April 26, 1947 in Book 346, Page 517, Lane County Oregon Deed Records.

That portion deeded to Bernard W. Young, a single man, by instrument recorded in Book 197, Page 209 Lane County Oregon Deed Records.

That portion deeded to Wilson Young and Mildred Young by instrument recorded on December 9, 1950 in Book 428, Page 653, Lane County Oregon Deed Records.

That portion as described in instrument recorded in Reel 328, Reception No. 64267.

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:

Michael and Dena Trudell

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

See Attached Exhibit "A"

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 \$3,000.00

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:

Notary Public for Oregon

My Commission Expires _____

After recording, return to/taxes to:
Michael and Dena Trudell
38482 Wendling Rd.
Marcola, OR 97454

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S.W. Cor. Gray Heirs
DLC No. 40

8.945 Ch. = 557.37'

N.W. Cor. Nelson Busc

ROAD

LOT 1

SUBJECT

2001-

P1497

079-02

INITIAL POINT

600
5.53 AC.
3.75 AG.

610
5.11 AC.

612
5.10 AC.
PCL2

611
6.42 AC.
PCL1

607

606

603

604

