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AGENDA COVER MEMO

DATE: March 4, 2004

TO: Lane County Board of Commissioners

DEPT.: Public Works

PRESENTED BY: Frank Simas
Right-of-Way Manager

AGENDA ITEM TITLE: In the Matter of Accepting the Offer From the City of Veneta, a Municipal Corporation, to Purchase County Owned Property Formerly Used as Lane County Public Works Zone 4 Shop Site.

I. MOTION

THAT THE BOARD ORDER BE ADOPTED ACCEPTING THE OFFER FROM THE CITY OF VENETA TO PURCHASE THE FORMER ZONE 4 SHOP FACILITY SITE.

II. ISSUE OR PROBLEM

An offer of \$178,200.00 has been received from the City of Veneta for the purchase of the former County Shop Facility at 24974 Bolton Hill Road. The City is requesting to finance the purchase with a five-year note payable to Lane County in annual installments beginning July 1, 2004. The note will accrue interest at 6% per year and is to be secured with a Deed of Trust.

III. DISCUSSION

A. Background/Findings

The property is a level, 4.22-acre parcel located at the south end of the town of Veneta. It was purchased by Lane County from the Western Lane Forest Protective Association. The property was conveyed by Warranty Deed with no restrictions. Subsequently, Lane County developed and used approximately two-thirds of the site as the Zone 4 Public Works Shop Site and stock-pile site. Since 1988, the vacant westerly portion of the site was leased to Territorial Sports, Inc. for their use as baseball, soccer and softball fields for the youth of the community.

When Board approval was given to merge the Junction City and Veneta maintenance zones and to purchase land for the construction of a new shop facility on Jeans Road, the intent was that the proceeds from the sale of the former site would help offset the cost of the new site. Now that the new shop facility has been completed and occupied, this property is no longer needed for County use.

The entire 4.22-acre site is currently zoned by the City of Veneta as Public Facilities and Parks (PFP), but the underlying zoning is General Residential (GR). It has been determined that the

site could be rezoned to its highest and best use as General Residential without much difficulty at a cost of approximately \$1,000. The City of Veneta, under the direction of the mayor and Veneta City Council, has written a letter and signed an "Offer to Purchase" at the property's appraised value based on its highest and best use of residential development property.

The City plans to use the site as its Public Works yard and to continue the use of the westerly portion of the site as ball fields. An appraisal has been completed with an indicated value of \$178,200 for the site as residential development property, including the depreciated value of a sand shed on the property and deducting the value of a 5-foot strip of land along the northern boundary of the property that is to be retained for future road improvements. A Phase I Environmental Site Assessment, showing no environmental problems, has also been completed on the site. Both the Environmental Site Assessment and the Appraisal have been read and approved by the Veneta City Council.

B. Analysis

ORS 271.310(1) gives the County the authority to sell directly to another governmental body, whenever the public interest may be furthered, without the need for a public auction. No public advertisements or hearings are required.

The offer is for the full market value per the approved appraisal. The terms are deemed satisfactory for the County's financial needs. A 5-foot strip of land along the northern boundary of the property is retained and will be dedicated for the future right-of-way needs of Bolton Hill Road.

C. Alternatives/Options

1. Approve the offer as outlined above.
2. Reject the offer and give staff direction as to disposition of the property.

D. Recommendations

It is recommended that the Board approve the Order authorizing acceptance of the offer and the execution of the attached Quitclaim Deed.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval by the Board, staff will process the Quitclaim Deed and supporting documents for necessary signatures and process the sale through escrow to closure.

V. ATTACHMENTS

Letter Offer
Map
Quitclaim Deed

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

ORDER NO.

(IN THE MATTER OF ACCEPTING
(THE OFFER FROM THE CITY OF
(VENETA, A MUNICIPAL
(CORPORATION, TO PURCHASE
(COUNTY OWNED PROPERTY
(FORMERLY USED AS LANE
(COUNTY PUBLIC WORKS ZONE 4
(SHOP SITE.

THIS MATTER now coming before the Board of County Commissioners of Lane County, and said Board deeming it in the best interest of Lane County to sell the former Veneta shop site; and

WHEREAS, the property is no longer needed for this purpose, it has been declared surplus to the County's needs, and a new maintenance facility has been constructed at another location; and

WHEREAS, the Board of County Commissioners finds in accordance with ORS 271.310(1), that the public interest will be furthered by the sale of the property known as the Public Works Zone 4 Shop site, to the City of Veneta, a municipal corporation; and

WHEREAS, an offer to purchase has been received from the City of Veneta for the full appraised value of \$178,200, payable in five annual installments beginning on July 1, 2004 at an interest rate of 6%, to be secured by a Note and Deed of Trust on the real property:

NOW THEREFORE, it is ordered that Tax Lot 100 on Lane County Assessors Map #17-06-36-44 be sold to the City of Veneta in accordance with the above terms via the Quitclaim Deed attached hereto; and


IT IS FURTHER ORDERED that this Order shall be entered in the records of the Board of County Commissioners' Journal of Administration, Lane County, Oregon.

DATED this _____ day of _____, 2004.

Chair,
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 3-15-04 Lane County




CLERK OF COUNTY COMMISSIONERS



REAL PROPERTY PURCHASE AGREEMENT
FOR PROPERTY LOCATED AT
24974 BOLTON HILL ROAD
VENETA, OREGON

It is agreed that the City of Veneta (Buyer) would like to purchase the real property owned by Lane County (Seller) known as 24974 Bolton Hill Road (Tax Lot 17-06-36-44-00100) on the following terms and conditions:

1. The purchase price to be \$178,200.00.
2. Purchase price includes all structures currently on the property, except for the above-ground diesel storage tank to be removed by the County.
3. Interest to be at 6% per annum on the outstanding principal balance, with principal and interest payments to be paid in five annual payments of approximately \$43,000 on July 1 of each year with the first payment to be on July 1, 2004. (More exact payments to be calculated at time of closing.)
4. It is acknowledged that Lane County will be reserving a 5-foot strip of land along Bolton Hill Road for future right-of-way needs.
5. Lane County will transfer ownership of the property by Quitclaim Deed.
6. Sale of this property will be processed through an escrow with Evergreen Land Title Company.
7. City of Veneta City Council has received a copy and has read and approved the APPRAISAL REPORT of THE OLD VENETA ZONE SHOPS by Douglas K. Freeman, Real Property Officer for Lane County Public Works dated November 7, 2003.
8. City of Veneta City Council has received a copy and has read and approved the PHASE I ENVIRONMENTAL SITE ASSESSMENT on Public Property at 24974 Bolton Hill Road, Veneta, Oregon.
9. City of Veneta acknowledges that consummation of this sale must be approved through Board Order by the Lane County Commissioners.

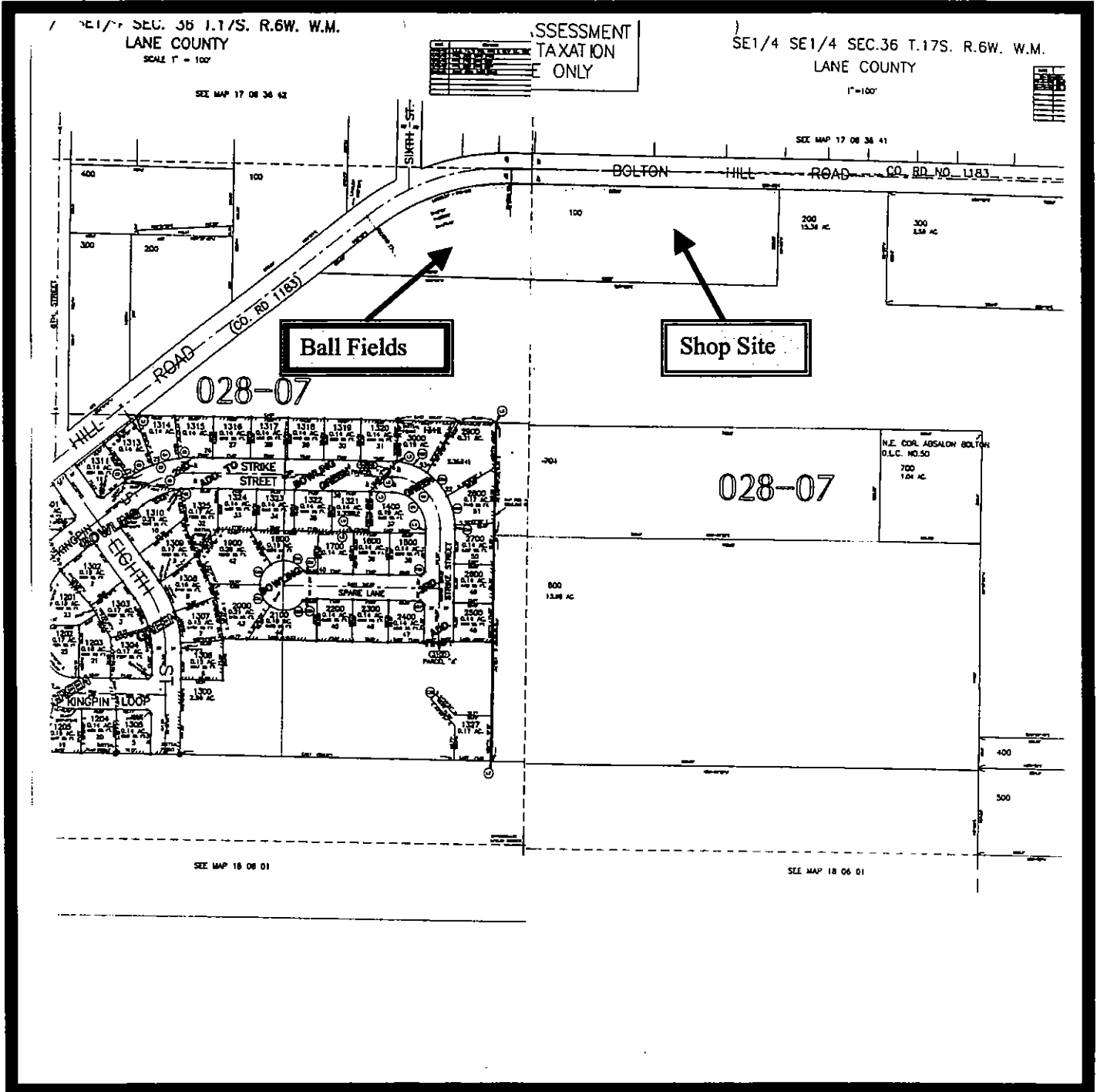


TIM BROOKER
MAYOR OF CITY OF VENETA



**OLD ZONE 4 PUBLIC WORKS SHOP SITE
LOCATED AT 24974 BOLTON HILL ROAD
VENETA, OREGON**

ASSESSOR'S TAX MAP #17-06-36-44-00100



After Recording Return to, and
Send Tax Statements to:
City of Veneta
Public Works Department
88184 Eighth Street
Veneta, Oregon 97487

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called **GRANTOR**, for the true and actual consideration of One Hundred Seventy Eight Thousand Two Hundred Dollars, does hereby release and quitclaim to the **CITY OF VENETA**, a municipal corporation of the State of Oregon, all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast one-quarter (SE ¼) of Section 36, Township 17 South, Range 6 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded July 13, 1967, on Reel 354, Recorder's Reception Number 91326, LANE COUNTY OREGON DEED RECORDS, being described as follows:

Beginning at a point on the proposed Southerly right of way line of Bolton Hill Road, 35.0 feet South 0°35' West from Engineers' Centerline Station L 7+80.00 of the relocated Bolton Hill Road, said Point of Beginning also being 1315.19 feet North and 807.04 feet West from the Southeast corner of Section 36, Township 17 South, Range 6 West, Willamette Meridian; run thence South 0°35' West, 215.00 feet; thence North 89°25' West, 978.90 feet to a point being 35 feet from the centerline of the relocated Bolton Hill Road; thence North 52°27' East, 195.25 feet; thence along the arc of a 442.46 foot radius curve right (the chord of which bears North 71°31' East, 289.08 feet) a distance of 294.48 feet; thence South 89°25' East, 552.10 feet to the Point of Beginning in Lane County Oregon.

The bearings used herein are based on County Survey File Number 30430, on file in the Lane County Surveyors Office.

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 INTEREST TO THE PROPERTY SHOULD CHECK WITH THE 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 O.R.S. 30.930.

IN WITNESS WHEREOF, the undersigned have executed this instrument on behalf of Lane County this _____ day of _____, 2004.

LANE COUNTY,
a political subdivision of the State of Oregon

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2004, 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: _____