

WAB 1

AGENDA COVER MEMORANDUM

Agenda Date: September 29, 2004

DATE: September 14, 2004

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 MARDIA CLOUTIER FOR \$20,000 (MAP # 17-11-30-40-02300, ADJACENT TO 06697 MERCER VIEW DRIVE, FLORENCE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO MARDIA CLOUTIER FOR \$20,000 (MAP # 17-11-30-40-02300, ADJACENT TO 06697 MERCER VIEW DRIVE, FLORENCE)

2. **ISSUE/PROBLEM:** Two offers have been received for the subject property and are being presented to the Board for consideration of acceptance. Offers have been received from:

Mardia Cloutier, \$20,000 cash to be paid upon closing.

Daniel Murphy, \$15,000 cash to be paid upon closing.

3. **DISCUSSION:**

3.1 Background

The subject property was acquired through tax foreclosure. It is a 1.25 acre parcel in the Enchanted Valley Highlands subdivision (platted in 1972) near Mercer Lake in the Florence area. The parcel is zoned RR1 and has an assessed value of \$31,626.

The property is very steep with approximately half having 50% - 75% slopes and half having 25% - 50% slopes. The steepness of the parcel will make it difficult to develop with

a dwelling due to the feasibility of locating a suitable home site and obtaining septic approvals.

The subject property was offered at a Sheriff's sale on December 9, 2002 with a minimum bid of \$15,000 and remained unsold at the close of the sale. The property has received inquiries since the Sheriff's sale but no offers had been submitted.

Mr. Murphy was first to submit his \$15,000 offer which was received on September 6th. A representative of Ms. Cloutier's inquired about the property on September 7th and was informed of Mr. Murphy's \$15,000 offer. Ms. Cloutier's \$20,000 offer was received on September 9th. Mr. Murphy was informed of Ms. Cloutier's offer and was given the opportunity to submit a counter offer which Mr. Murphy chose not to do. Both parties have remitted 20% of their offering price in the form of a cashier's check as a deposit.

3.2 Analysis

ORS 275.190 provides for the Board to accept the "highest and best" offer. In this instance, with both offers being for cash, Ms. Cloutier's offer is superior. Mr. Murphy was given the opportunity to submit a counter offer and chose not to do so.

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 \$20,000 offer meets the requirements of ORS 275.200.

3.3 Alternatives/Options

- A. Accept Ms. Cloutier's \$20,000 offer.
- B. Reject Ms. Cloutier's offer and direct staff to continue negotiations for additional consideration.
- C. Reject the offer and offer the property again at a future Sheriff's sale.

3.4 Recommendation

It is recommended that Ms. Cloutier'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:**
Submitted Offer Sheets
Board Order
Quitclaim Deed
Tax Map

OFFER TO PURCHASE SURPLUS LANE COUNTY OWNED REAL PROPERTY

Name of Offerer (print): Marda Cloutier

Address of Offerer: 3342 Buckingham Ave.
Eugene, OR 97401
(As wanted to appear on Deed)
(For tax statement purposes)

Offer to purchase County owned real property described as follows, to wit:

17-11-30-40-02300
(Identify by Assessor's map and tax lot number)

Amount of Offer: \$ 20,000.00
Receipt of (all) (20%) in CASH OR CERTIFIED
CHECK is attached to offer: \$ 4,000.00
Final balance due of \$ 16,000.00

to be paid in cash, or in installments where ORS 275.190 applies, if offer is accepted.
(Offer to be accepted or rejected within 90 days from date of offer.)

Payable as follows: Cash on closing

NOTE: Lane County reserves the right to accept or reject any and all offers.

The undersigned as offerer agrees to the terms set forth in the "Terms of Sale" (attached hereto), which are incorporated herein by reference and made a part hereof and agrees to pay Lane County the sum indicated above as the "Amount of Offer."

The deposit shall be applied to the purchase price for the item on which the undersigned is the successful offerer. In the event the successful offerer fails to pay the balance due in the time specified, all rights of the offerer in said real property shall cease and all right, title, and interest in said real property shall continue to remain vested in Lane County, free of any claims or equity in the undersigned offerer or those claiming through him/her, and Lane County shall retain the deposit as liquidated damages for failure of offerer to complete purchase.

I hereby agree to purchase the above property and to pay the price of \$ 20,000.00 as specified above.

Marda Cloutier
Signature of Offerer

Marda Cloutier
Print Name of Offerer

3342 Buckingham
Address of Offerer
Eugene, OR 97401

344-7648 953-8726 (cell)
Phone: (home) (work)
9/9/04
Date

OFFER TO PURCHASE SURPLUS LANE COUNTY OWNED REAL PROPERTYName of Offerer (print): DANIEL JOHN MURPHY
(As wanted to appear on Deed)Address of Offerer: PO BOX 346 YACHTS OREGON 97498
(For tax statement purposes)

Offer to purchase County owned real property described as follows, to wit:

17-11-30-40-02300
(Identify by Assessor's map and tax lot number)

Amount of Offer:

Receipt of (all) (20%) In CASH OR CERTIFIED

CHECK is attached to offer:

Final balance due of

\$ 15,000.00\$ 3,000.00\$ 12,000.00to be paid in cash, or in installments where ORS 275.190 applies, if offer is accepted.
(Offer to be accepted or rejected within 90 days from date of offer.)Payable as follows: THREE THOUSAND DOLLARS DOWN. TWELVE THOUSAND DUE AT CLOSE.**NOTE:** Lane County reserves the right to accept or reject any and all offers.

The undersigned as offerer agrees to the terms set forth in the "Terms of Sale" (attached hereto), which are incorporated herein by reference and made a part hereof and agrees to pay Lane County the sum indicated above as the "Amount of Offer."

The deposit shall be applied to the purchase price for the item on which the undersigned is the successful offerer. In the event the successful offerer fails to pay the balance due in the time specified, all rights of the offerer in said real property shall cease and all right, title, and interest in said real property shall continue to remain vested in Lane County, free of any claims or equity in the undersigned offerer or those claiming through him/her, and Lane County shall retain the deposit as liquidated damages for failure of offerer to complete purchase.

I hereby agree to purchase the above property and to pay the price of \$ 15,000.00 as specified above.

Signature of Offerer

DANIEL J. MURPHY
Print Name of Offerer

Address of Offerer

P.O. BOX 346
105 HWY 101 SOUTH
YACHTS, OR 97498

Phone: (home)

(work)

Date

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
MARDA CLOUTIER FOR \$20,000 (MAP # 17-11-30-40-
02300, ADJACENT TO 06697 MERCER VIEW DRIVE,
FLORENCE)

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:

Lots 11 and 12, Block 1, ENCHANTED VALLEY HIGHLANDS, as platted and recorded in Volume 62, Page 22, Lane County Oregon Plat Records, Lane County, Oregon. TOGETHER WITH: That portion of vacated Starlite Drive adjacent and inuring thereto by Vacation Proceedings recorded December 27, 1976, Reception No. 76-68315, Official Records of Lane County, Oregon

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 \$15,000 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 be sold to Marda Clotier for \$20,000, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$19,870.00
General Fund	(124-5570260-436521)	130.00


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____.

APPROVED AS TO FORM

Date 9-17-04 lane county

Bobby Green, Chair, Board of County Commissioners


CLERK OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY
TO MARDA CLOUTIER FOR \$20,000 (MAP # 17-11-30-40-02300, ADJACENT TO 06697 MERCER VIEW
DRIVE, FLORENCE)

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:

Marda Cloutier

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

Lots 11 and 12, Block 1, ENCHANTED VALLEY HIGHLANDS, as platted and recorded in Volume 62, Page 22, Lane County Oregon Plat Records, Lane County, Oregon (map # 17-11-30-40-02300).

TOGETHER WITH: That portion of vacated Starlite Drive adjacent and inuring thereto by Vacation Proceedings recorded December 27, 1976, Reception No. 76-68315, Official Records of Lane County, Oregon.

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 \$20,000.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2004 personally appeared _____,

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

Notary Public for Oregon

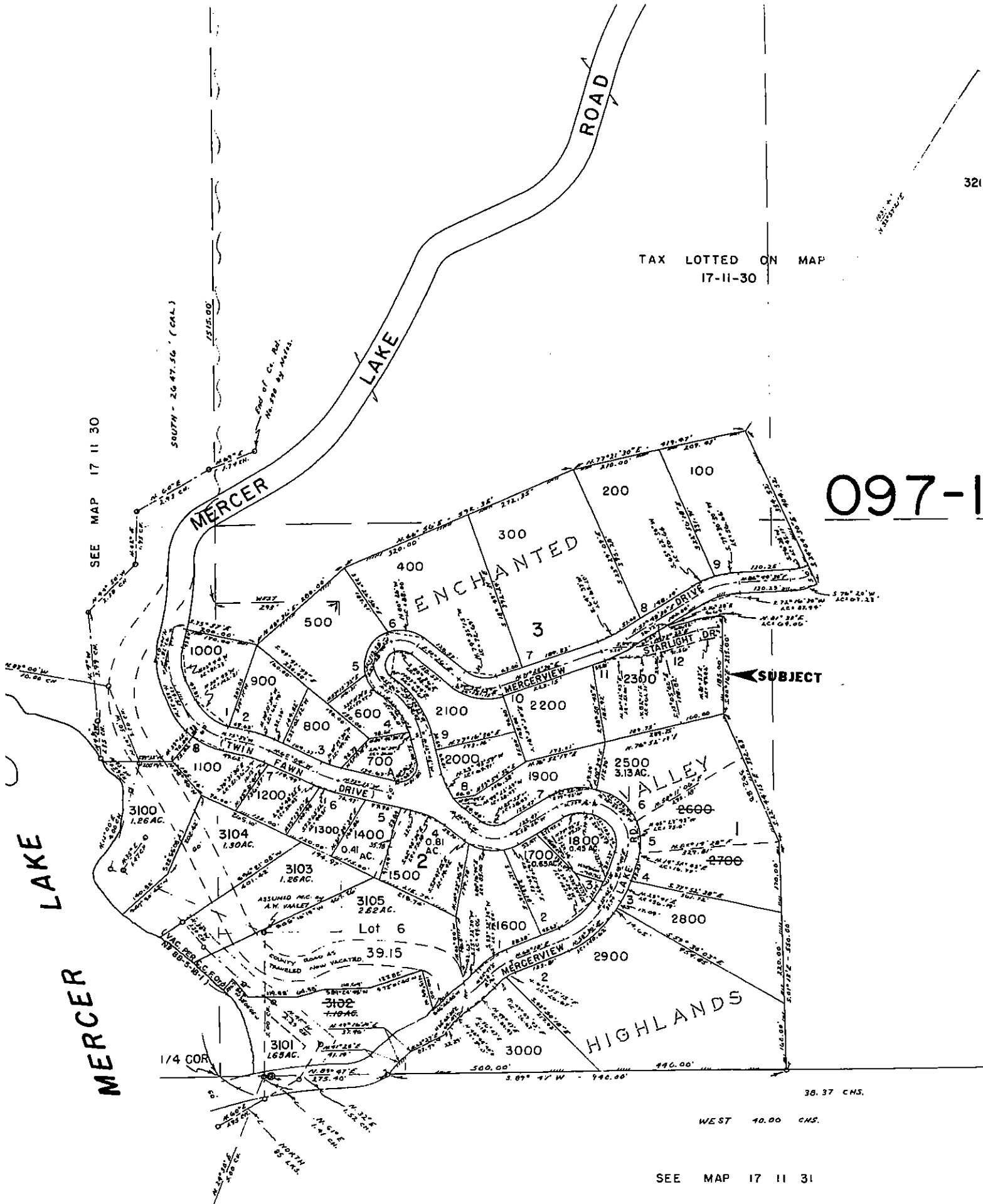
My Commission Expires _____

After recording, return to/taxes to:
Marda Cloutier
3342 Buckingham
Eugene, OR 97401

TAX LOTTED ON MAP
17-11-30

097-1

SEE MAP 17 11 30



SEE MAP 17 11 31