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## AGENDA COVER MEMORANDUM

**Agenda Date: August 3, 2005**

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**DATE:** July 19, 2005  
**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 # 19-11-30-30-00201, ACROSS FROM 83065 SILTCOOS STATION RD., WESTLAKE)

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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 # 19-11-30-30-00201, ACROSS FROM 83065 SILTCOOS STATION RD., WESTLAKE)
2. **ISSUE/PROBLEM:** Two offers have been received for the subject parcel. A \$4,000 offer was received from Mark and Patricia Immel on April 28, 2005 (owners of tax lot 202 across the road from the subject). The Immel's offer was presented to the Board on May 11, 2005. Formal action on the offer was tabled at that time pending further discussion about the desirability of first designating the subject as park property prior to selling it.

Ms. Cloutier submitted her \$20,000 offer on July 21, 2005. The offer was received after staff had initially prepared an agenda memo to again have the Immel's offer considered by the Board at the August 3<sup>rd</sup> meeting.

3. **DISCUSSION:**

- 3.1 Background

The subject property was acquired through tax foreclosure in May, 1992. It is 2.45 acres, zoned RR5 and is unimproved. It has an assessed value of \$16,748. The parcel was offered at a Sheriff's sale on January 25, 1993 with a minimum bid of \$9,860 and did not receive any bids.

It is very unlikely the parcel can be developed with a dwelling. The parcel is mostly marsh and wetlands and is designated as wetlands on the National Inventory of Wetlands. A Land Management Division staff report on the parcel (1992) indicates that the parcel lacks

sufficient highland area to site a dwelling or to install a septic system. Any attempt to add fill to the property would require approval of the county, Division of State Lands and the Army Corp. of Engineers.

The railroad right of way separates the parcel from Siltcoos Lake.

When the Immel's \$4,000 offer was presented to the Board on May 11<sup>th</sup> the Board discussed the possibility of first designating the subject property as park land before accepting the offer. The matter was tabled without any formal action on the offer pending further discussions with Todd Winter, parks manager, about the feasibility of designating low value sales as park land. Those discussions have since taken place with a consensus that single sales under \$50,000 would not be considered for designation as parks at this time.

When Ms. Cloutier presented her \$20,000 offer on July 21<sup>st</sup>, staff had already completed and forwarded to County Administration an agenda memo for the August 3<sup>rd</sup> Board meeting for the Board to again consider the Immel's \$4,000 offer. Ms. Cloutier was informed of that. Staff also informed Ms. Cloutier of the unlikelihood of developing the parcel with a dwelling and was given a copy of the LMD report. Ms. Cloutier still wished to submit her offer

Ms. Cloutier had previously purchased a county property in September, 2004 for \$20,000. Staff had not had any contact with her since that sale was completed. Staff is of the opinion that Ms. Cloutier had no knowledge of the Immel's offer before submitting hers.

### 3.2 Analysis

As no formal action was taken by the Board when the Immel's \$4,000 offer was first presented on May 11<sup>th</sup>, the Board can consider Ms. Cloutier's offer. No formal county policy exists addressing the timing of when offers for private sales be submitted such as the Board not considering any offers after a previously submitted one has been scheduled on the agenda. Instances have occurred in the past where the Board did not consider an offer submitted after a previously made offer was scheduled on the agenda and its details had been available to the public.

Sale of the subject property will occur pursuant to ORS 275.200. ORS 275.190 states that "All sales made under ORS 275.110 – 275.250 shall be to the highest and best bidder...". The statute seems to indicate that the Board would be obligated to accept the \$20,000 offer over the \$4,000. Instances have occurred where the Board has rejected a higher offer over a lower one as the lower one was deemed to be the "best" offer. An example of such an instance would be the acceptance of a lower, all cash offer over a higher offer to be paid on an installment contract over a period of years.

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. The Board can accept Ms. Cloutier's \$20,000 offer.
- B. The offer can be rejected and the property offered again at a future Sheriff's.

### 3.4 Recommendation

It is recommended that Ms. Cloutier's \$20,000 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  
MARDA CLOUTIER FOR \$20,000 (MAP # 19-11-30-30-  
00201, ACROSS FROM 83065 SILTCOOS STATION RD.,  
WESTLAKE)

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:

*Beginning at a point 1659.3 feet North and 240.8 feet East of the Southwest corner of Section 30, Township 19 South, Range 11 West of the Willamette Meridian, said point being on the Westerly right-of-way boundary of the county road; thence North 74° 27' West 136.1 feet to the Easterly right-of-way boundary of the Willamette Pacific Railroad; thence along said railroad right-of-way boundary on a 3° curve left, the long chord of which bears North 2° 42' West 318.5 feet; thence South 84° 10' East 371.3 feet to said Westerly county right-of-way boundary; thence along said westerly county right-of-way boundary South 38° 29' East 133.5 feet; thence South 24° 55' West 112.0 feet; thence South 89° 15' West 186.0 feet; thence South 34° 10' West 132.0 feet to the Point of Beginning, Lane County Oregon (19-11-33-30-00201). EXCEPTING THEREFROM any portions thereof lying in the county road.*

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 January 25, 1993 with a minimum bid of \$9,860 and 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 Cloutier 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)	\$19,950.00
General Fund	(124-5570260-436521)	50.00

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

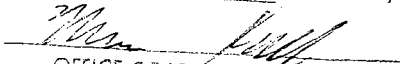
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Anna Morrison, Chair  
Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO  
MARDA CLOUTIER FOR \$20,000 (MAP # 19-11-30-30-00201, ACROSS FROM 83065 SILTCOOS STATION  
RD., WESTLAKE)

APPROVED AS TO FORM

Date 7-25-05 lane county

  
OFFICE OF 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:

## MARDA CLOUTIER

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

*Beginning at a point 1659.3 feet North and 240.8 feet East of the Southwest corner of Section 30, Township 19 South, Range 11 West of the Willamette Meridian, said point being on the Westerly right-of-way boundary of the county road; thence North 74° 27' West 136.1 feet to the Easterly right-of-way boundary of the Willamette Pacific Railroad; thence along said railroad right-of-way boundary on a 3° curve left, the long chord of which bears North 2° 42' West 318.5 feet; thence South 84° 10' East 371.3 feet to said Westerly county right-of-way boundary; thence along said westerly county right-of-way boundary South 38° 29' East 133.5 feet; thence South 24° 55' West 112.0 feet; thence South 89° 15' West 186.0 feet; thence South 34° 10' West 132.0 feet to the Point of Beginning, Lane County Oregon (19-11-33-30-00201). EXCEPTING THEREFROM any portions thereof lying in the county road.*

**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 \_\_\_\_\_, 2005 personally appeared \_\_\_\_\_,

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

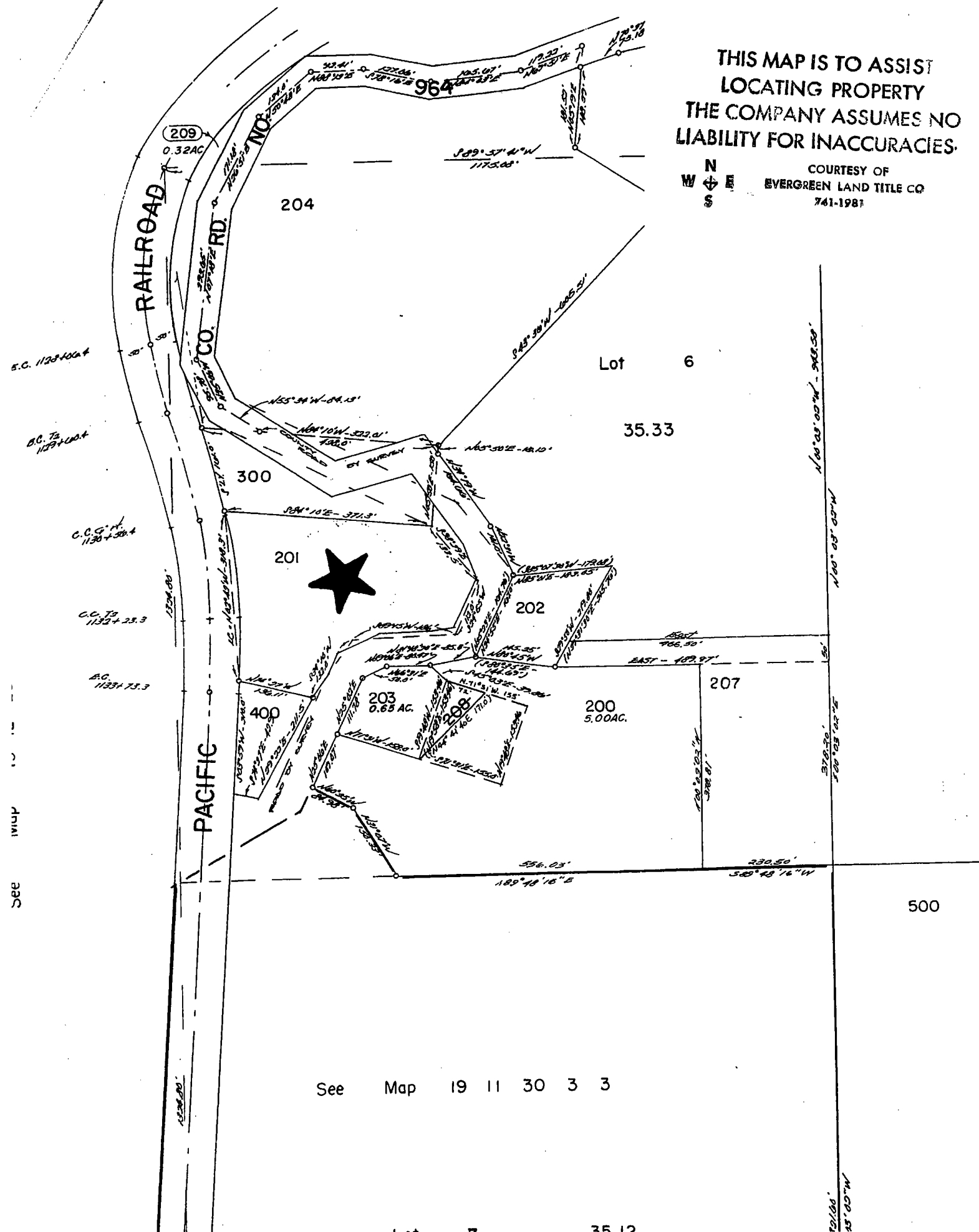
After recording, return to/taxes to:  
Marda Cloutier  
3342 Buckingham Ave.  
Eugene, OR 97401

**Notary Public for Oregon**

My Commission Expires \_\_\_\_\_

**275.190 Cash or installment sale; rights and liabilities of installment purchaser.** (1) All sales made under ORS 275.110 to 275.250 shall be to the highest and best bidder for cash or, in the discretion of the county court, for not less than 10 percent of the purchase price in cash, the remainder to be paid under written agreement with the purchaser in equal installments over a term not exceeding 20 years from the date of sale, all deferred payments to bear interest from the date of sale at a rate set by the county court, payable annually. In advertising for bids, the county shall state whether the sale will be made for cash or by installment agreement. If by installment agreement, the county shall also state the term and the rate of interest to which the county will agree.

W N E  
S  
COURTESY OF  
EVERGREEN LAND TITLE CO  
741-1981



See Map 19 11 30 3 3