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AGENDA COVER MEMO

AGENDA DATE: May 18, 2005
TO: Board of County Commissioners
DEPARTMENT: Public Works/Land Management Division
PRESENTED BY: Jeff Towery, Land Management Manager
Marc Kardell, Assistant County Counsel
AGENDA TITLE: ORDER/ IN THE MATTER OF RELEASING A LIEN ON REAL PROPERTY LOCATED AT 87576 CEDAR FLAT ROAD, SPRINGFIELD, OREGON (TAX LOT NUMBER 17 01 32 30 00600)



I. MOTION

APPROVE THE BOARD ORDER RELEASING A LIEN ON REAL PROPERTY LOCATED AT 87576 CEDAR FLAT ROAD, SPRINGFIELD, OREGON (TAX LOT NUMBER 17 01 32 30 00600).

II. ISSUE OR PROBLEM

Shall the Board of Commissioners adopt an order releasing a lien on 87576 Cedar Flat Road?

III. DISCUSSION

A. Background

The Land Management Division initiated a compliance action (CA02-0158) on the subject property on May 28, 2002 resulting from trash and debris, inoperable vehicles, solid waste and tires, mobile home placement without a permit. The owner was Donald Archey. Mr. Archey did not comply and the case proceeded. Fines were assessed beginning on September 20, 2002. Mr. Donald Archey passed away on September 24, 2002 and thereafter LMD began corresponding with Mr. Archey's estate. A lien in the amount of \$17,520 was filed on June 6, 2003. Since that time, Mr. Archey's son Darin Archey has brought the property into compliance, which required cleaning up the property, moving fencing, and abating certain methamphetamine contamination. In January, 2005, Darin Archey's attorney requested that the lien be released, raising several legal issues.

B. Analysis

After review of the legal issues with the Board in executive session, County Counsel

proceeded to negotiate a settlement with Mr. Darin Archey. The proposal before the Board is the estate would pay half of the lien amount (without interest), or \$8,760. This is within the parameters previously presented.

Lane Code contains no delegation of authority to settle enforcement liens; therefore this item is presented to the Board for approval.

C. Alternatives

1. Adopt the Order.
2. Decline to adopt the Order.

E. Recommendations

Staff recommends that the Board support Option Number 1.

IV. IMPLEMENTATION/FOLLOW-UP

Upon Board action, a satisfaction and release of lien will be prepared and filed, upon receipt of the \$8,760.

V. ATTACHMENTS

Attachment A – Board Order

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF RELEASING A LIEN ON
REAL PROPERTY LOCATED AT 87576 CEDAR
FLAT ROAD, SPRINGFIELD, OREGON (TAX
LOT NUMBER 17 01 32 30 00600)

The Board of County Commissioners of Lane County orders as follows:

WHEREAS a lien has been filed on behalf of Lane County against property located at 87576 Cedar Flat Road, Springfield, Oregon (Tax Lot Number 17 01 32 30 00600), and

WHEREAS, said lien was the result of certain failures to comply with Lane Code Chapter 5 by the former owner of said property, and

WHEREAS, the person responsible for those matters which resulted in the property being out of compliance passed away, and the decedent's estate has responsibly brought the property into compliance, and

WHEREAS, there have existed certain contested legal issues between the parties, and

WHEREAS, in light of the fact that the property is now in compliance, the Board of Commissioners finds it to be in the best interests of the public to settle said lien with the estate of Donald Archy for the sum of \$8,760.00;

NOW, THEREFORE, it is hereby ordered that County Counsel is authorized to sign a satisfaction and release of lien for property located at 87576 Cedar Flat Road, Springfield, Oregon (Tax Lot Number 17 01 32 30 00600) upon receipt of \$8,760.00.

Adopted this _____ day of _____ 2005.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 5-10-05 Lane County



OFFICE OF LEGAL COUNSEL