

W. G. D. !

AGENDA COVER MEMORANDUM

Agenda Date: June 21 2006

DATE: June 5, 2006

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 BRAN D. NELSON FOR \$10,000 (MAP # 17-04-32-00-01700, ADJACENT TO 87941 LAPORTE DR., EUGENE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO BRAN D. NELSON FOR \$10,000 (MAP # 17-04-32-00-01700, ADJACENT TO 87941 LAPORTE DR., EUGENE)
2. **ISSUE/PROBLEM:** Mr. Nelson has submitted an offer of \$10,000 for the subject property. The offer is being presented for consideration of acceptance or rejection.
3. **DISCUSSION:**

3.1 Background

The subject property was acquired through tax foreclosure in July, 1970. The subject is a 102' x 181' unimproved lot, is within the Urban Growth Boundary of Eugene and is zoned low density residential. The subject has an assessed value of \$10,933. The subject was offered at a Sheriff's sale on July 13, 1986 with a minimum bid of \$5,000 and remained unsold at the close of the sale.

Mr. Nelson owns the adjoining property to the South (tax lot 1800). A recent survey secured by Mr. Nelson indicates that there is an encroachment by Mr. Nelson onto the county's property of approximately 20'. The encroachment consists of a garage/shop and a portion of Mr. Nelson's drainfield. The house on Mr. Nelson's property was built in 1950. Mr. Nelson purchased his property in 1981. Recent surveys of other properties on LaPorte Dr. also indicate that property lines are off 20'.

Sanitary sewer services are not available to the subject. Development would require a septic system which the subject likely would not qualify for (regardless of Mr. Nelson's encroachment) given its size and the water table being at ground level.

The file on the subject indicates that the right-of-way dept. requested to retain the subject property as a possible wetland mitigation site for county road projects in the area which might require replacement of wetlands. Right-of-way staff have been contacted and have indicated they do not need to have the subject property retained in county inventory.

3.2 Analysis

As the property cannot be developed at this time it has minimal value. Selling the property to Mr. Nelson also alleviates the issue of the encroachment (which occurred prior to Mr. Nelson's ownership). The county could agree to doing a lot line adjustment with Mr. Nelson for the encroachment area or granting an easement for the encroachment area. The county would then retain ownership of the remaining area. As the remaining area still would not be developable, no advantage is seen in doing this.

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 offer meets the requirements of ORS 275.200.

3.3 Alternatives/Options

- A. The Board can accept the \$10,000 offer.
- B. The offer can be rejected with direction to continue negotiations
- C. The offer can be rejected and the property again offered at a future Sheriff's sale.
- D. The county can agree to a lot line adjustment or easement for the encroachment area.

3.4 Recommendation

It is recommended that Mr. Nelson's \$10,000 offer be accepted (option A).

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 BRAN D. NELSON FOR \$10,000
(MAP # 17-04-32-00-01700, ADJACENT TO 87941
LAPORTE DR., EUGENE)

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 sell 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 July 13, 1986 with minimum bid of \$5,000 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 Bran D. Nelson for \$10,000, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

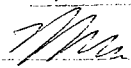
Foreclosure Fund	(228-5570270-446120)	\$9,950.00
General Fund	(124-5570260-436521)	50.00

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____.

APPROVED AS TO FORM

Date 6-12-06 Lane County


OFFICE OF LEGAL COUNSEL

Bill Dwyer, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO
BRAN D. NELSON FOR \$10,000 (MAP # 17-04-32-00-01700, ADJACENT TO 87941 LAPORTE DR., EUGENE)

EXHIBIT "A"

LEGAL DESCRIPTION

17-04-32-00-01700

Beginning at a point on the East line of the SW $\frac{1}{4}$ of Section 32, Township 17 South, Range 4 West of the Willamette Meridian, N. $00^{\circ} 17'$ W. 2519.88 feet from the South $\frac{1}{4}$ Section corner; thence N. $00^{\circ} 17'$ W. 102.24 feet along the East line of said SW $\frac{1}{4}$ to the South line of County Road No. 323; thence N. $88^{\circ} 52'$ W. 181.25 feet along the South line of said County Road; thence S. $00^{\circ} 17'$ 102.24 feet; thence S. $88^{\circ} 52'$ E. 181.25 feet to the point of beginning, in Lane County, Oregon.

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:

BRAN D. NELSON

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

See Attached Exhibit "A"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL/DOES 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 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 ORS. 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true and actual consideration for this transfer is \$10,000.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2006 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:
Bran D. Nelson
87941 LaPorte Dr.
Eugene, OR 97402

EXHIBIT "A"

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