

AGENDA COVER MEMORANDUM**Memorandum Date: July 18, 2007****Agenda Date: August 1, 2007**

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE SPLAWN FAMILY TRUST FOR \$1,500 (MAP NO. 15-04-16-00-00300 LOCATED NORTH OF HWY. 99 NEAR HARRISBURG BRIDGE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE SPLAWN FAMILY TRUST FOR \$1,500 (MAP NO. 15-04-16-00-00300 LOCATED NORTH OF HWY. 99 NEAR HARRISBURG BRIDGE)

2. **AGENDA ITEM SUMMARY:**

At the June 20, 2007 Board meeting direction was requested from the Board concerning disposition of the subject property with alternatives being selling it to the adjoining owner or a non-adjoining owner that had submitted an offer. The Board directed staff to negotiate a sale with the adjoining owner and is now being presented with a \$1,500 offer for consideration.

3. **BACK ROUND/IMPLICATIONS OF ACTION:**

- A. **Board Action and Other History**

The subject property was acquired through tax foreclosure in 1967. It has a current assessed value of \$10,400, is listed as being 3.18 acres and is zoned EFU. In June, 1985 the subject parcel was offered at a Sheriff's sale with a minimum bid of \$6,600. The parcel did not sell and has remained in inventory since that time.

The parcel was at one time within a channel of the Willamette River. Changes in the river's flow created the parcel.

Ownership of the subject parcel was not clear and the Dept. of Assessment & Taxation listed the owner as “Unknown” and the property was eventually foreclosed upon.

A boundary conflict between the subject parcel and Mr. Splawn’s property (tax lot 100) is a concern as Mr. Splawn’s boundary is described as the “meander line of the river”. Mr. Splawn, having farmed the subject property since 1964 believed it was his.

Robert Laterno (did not own adjoining property) had submitted an offer of \$5,000 for the subject. After discussing the matter the Board directed Property Management staff to negotiate a sale to Mr. Splawn, the adjoining owner, with consideration of \$1,000 - \$2,000 being deemed acceptable. Given the uncertainties of property boundaries and changes in the flow of the river, the Board determined that an offer from Mr. Splawn would be the “highest and best” offer received for the subject parcel.

Policy Issues

ORS 275.200 provides for selling County property at private sale, without public notice if a property has been offered at a Sheriff’s sale and remained unsold after the sale. The subject property would be eligible for a private sale.

ORS 275.190 provides for the County to accept the “highest and best” offer for a property. This language provides for discretion by the Board to accept a lower monetary offer if other factors are deemed to make it the best offer.

C. Board Goals

A sale of the property would be consistent with the Board’s goals of returning tax foreclosed property to the tax roll.

Financial and/or Resource Considerations

Revenue from the sale of tax foreclosed properties is distributed to all of the taxing districts after program costs are first deducted and retained by the County.

E. Analysis

The subject property appears to have been within a channel of the Willamette River at one time. The flow of the channel was minimized by the placement of revetments along the bank of the river (the revetments were placed by the State Highway Department).

Deeds prior to 1951 conveyed the property adjoining the subject (tax lots 100 & 400) by describing them by their Government Lot number (Government Lots were created by GLO surveyors for land along bodies of water, the boundaries were the meander lines of those bodies of water). As the boundaries of Government Lots are the meander lines of the body of water the Lots adjoin, the County’s property would not be included in a conveyance as it was

within the meander lines of the Government Lots on either side of it (Lots 7 & 10 on the tax map). When a metes and bounds description was later used to convey tax lot 100 with the area of the County's parcel included and then excluded in a subsequent deed, A&T then set up a tax account and tax lot for the area that was omitted and listed the property as having an unknown owner. Without a listed owner of record, tax statements could not be sent.

It is possible that Mr. Splawn could make a successful argument that based on the description of his property (the meander line of the river) the subject property is owned by him.

F. Alternatives/Options

1. Sell the property to Mr. Splawn for his \$1,500 offer.
2. Reject Mr. Splawn's offer and direct staff to negotiate different terms.

V. TIMING/IMPLEMENTATION

Property Management staff will proceed based on direction given by the Board.

VI. RECOMMENDATION

It is recommended that Mr. Splawn's offer be accepted.

VII. FOLLOW-UP

Property Management staff will finalize the transaction upon approval by the Board.

VII. 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
THE SPLAWN FAMILY TRUST FOR \$1,500 (MAP
NO. 15-04-16-00-00300 LOCATED NORTH OF HWY.
99 NEAR HARRISBURG BRIDGE)

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 June 13, 1985 with minimum bid of \$6,600 and remained unsold at the close of the sale and

Whereas due to possible conflicts with property boundaries between said real property and the property of the Splawn Family Trust the Board has determined the Trust's offer is the highest and best offer received

IT IS HEREBY ORDERED that pursuant to ORS 275.200 and ORS 275.275, the parcel be sold to the Splawn Family Trust for \$1,500, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$1,300.00
General Fund	(124-5570260-436521)	200.00

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____.

Faye Stewart, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE
SPLAWN FAMILY TRUST FOR \$1,500 (MAP NO. 15-04-16-00-00300 LOCATED NORTH OF HWY. 99 NEAR
HARRISBURG BRIDGE)

EXHIBIT "A"

Beginning at the one-quarter corner between Sections 9 and 16, Township 15 South, Range 4 West of the Willamette Meridian, thence North 89° 30' West 331.0 feet; thence South 0° 06' East 1325.4 feet to the True Place of Beginning; thence South 89° 47' East 105.7 feet, more or less; thence South 15° West 157.5 feet, more or less; thence South 07° East to the Northerly line of U.S. Highway 99 East; thence Westerly along said Northerly line to a point that bears South 09° 59' East 991.4 feet and North 89° 47' West 116.5 feet from the Point of Beginning; thence North 09° 59' West 991.4 feet; thence South 89° 47' East 116.5 feet to the Point of Beginning, all in Lane County Oregon.

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:

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

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 INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

LANE COUNTY BOARD OF COMMISSIONERS

On _____, 2007 personally appeared _____,

My Commission Expires _____

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Beginning at the one-quarter corner between Sections 9 and 16, Township 15 South, Range 4 West of the Willamette Meridian, thence North 89° 30' West 331.0 feet; thence South 0° 06' East 1325.4 feet to the True Place of Beginning; thence South 89° 47' East 105.7 feet, more or less; thence South 15° West 157.5 feet, more or less; thence South 07° East to the Northerly line of U.S. Highway 99 East; thence Westerly along said Northerly line to a point that bears South 09° 59' East 991.4 feet and North 89° 47' West 116.5 feet from the Point of Beginning; thence North 09° 59' West 991.4 feet; thence South 89° 47' East 116.5 feet to the Point of Beginning, all in Lane County Oregon.

