

W. A. A. I.

AGENDA COVER MEMORANDUM

Memorandum Date: January 31, 2007

Agenda Date: February 14, 2007

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$600 TO BRIAN AND ELLEN COUGHRAN (PORTION OF MAP NO. 17-04-12-20-00101 EAST OF 1090 RIVER LOOP #1 EUGENE)

1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$600 TO BRIAN AND ELLEN COUGHRAN (PORTION OF MAP NO. 17-04-12-20-00101 EAST OF 1090 RIVER LOOP #1 EUGENE)

2. **AGENDA ITEM SUMMARY:**

The subject property is a 15' x 155' strip that adjoins property owned by the Coughran's - tax lot 104 (not their residence). The Coughlin's wish to subdivide their property and are in the process of annexing the property to the City of Eugene. The Coughlin's wish to include the subject property in the annexation as it will be used to provide access and eventually dedicated as a public road (the subject currently provides access to tax lot 104).

3. **BACKGROUND/IMPLICATIONS OF ACTION:**

A. Board Action and Other History

The subject property was acquired through tax foreclosure in 1974. At the time of the foreclosure, the property included all of the area noted as tax lot 101 on the Assessor's map. The property has a current assessed value of \$497.

In 1998, pursuant to Order 98-7-29-15, the County dedicated the Northern 211' of the subject for public road purposes and transferred it to the City of Eugene (the road is Zane Lane). The area adjoining the Coughlin's property was not included in the dedication.

In 1995 the County granted a sewer line easement to the City over the subject. In 1984 a power line easement over the subject was granted to EWEB.

The County had retained the property over the years as the Public Works Dept. expected it may be needed for public road purposes. Public Works has been apprised of the possible sale and has no objections.

B. Policy Issues

ORS 275.225 provides for selling foreclosed property via private sale without first being offered at a public auction provided the parcel is assessed under \$5,000 and is not suitable for placement of a dwelling.

Lane Manual 21.425(1) states that the County shall sell tax foreclosed property not needed for public purposes.

C. Board Goals

A sale of the property would be consistent with the Board's goals to return tax foreclosed property to private ownership and the tax roll.

Financial and/or Resource Considerations

The \$600 proposed purchase price will more than cover publication costs and other incidental costs of transferring the property.

E. Analysis

The subject property was initially set aside for "road purposes" when tax lot 104 was created and deeded in 1966 however, it was not included in the legal description of the deed and continued to be taxed as a separate parcel until it was foreclosed upon.

The subject property appears that it may also be used by tax lots 800 and 801 for access. Letters were sent to the owners of these parcels explaining the Coughlin's interest in acquiring the subject. The owner's of tax lot 800 did respond to the letter and indicated they did not have an issue with the property being sold. No response has been received from the owners of tax lot 801.

The sale would occur pursuant to ORS 275.225. The statute requires notice of the intent to sell a qualified parcel to be published with action on the sale not to be taken by the Board until 15 days from the date of publication. Notice was published in the *Register-Guard* on January 23, 2007.

F. Alternatives/Options

1. Sell the property to the Coughlin's as presented.
2. The County could first dedicate the parcel as right of way. The "right of way" would transfer to the City of Eugene upon annexation of the Coughlin's property.
3. Retain the parcel.

V. TIMING/IMPLEMENTATION

The Coughlin's anticipate having their property considered for annexation to the City at the April 7th, 2007 hearing by the Boundary Commission

VI. RECOMMENDATION

It is recommended that option 1 be pursued. Pursuing option 2 would put unnecessary costs and use of staff time to effect a dedication as right-of-way.

VII. FOLLOW-UP

Upon the Board's approval, the Property Management Officer will finalize the sale.

VII. ATTACHMENTS

Board Order
Quitclaim Deed
Plat 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 FOR \$600 TO BRIAN
AND ELLEN COUGHRAN (PORTION OF MAP NO. 17-04-12-
20-00101 EAST OF 1090 RIVER LOOP #1 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:

Beginning at a point on the East boundary line of the Lawrence Poindexter DLC #52, In Township 17 South, Range 4 West of the Willamette Meridian 676.8 feet South of the Northeast corner of said claim, and running thence: West 30.00 feet thence: South 00° 30' East 211.00 feet parallel with the East line of said claim thence: East 15.00 feet parallel with the North line of said claim to the TRUE POINT OF BEGINNING thence; South 00° 30' East 155.00 feet parallel with the East line of said claim thence; east 15.00 feet parallel with the North line of said claim to the East line thereof thence; North 00° 30' East 155.00 feet along the East line of said claim thence; West 15.00 feet to the TRUE POINT OF BEGINNING, all in 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 real property is assessed under \$5,000 on the most recent tax roll and is unsuited for the placement of a dwelling and

WHEREAS notice of the County's intent to sell said real property was published on January 23, 2007 in the Eugene Register-Guard and sale of said real property shall occur 15 days after publication of said notice

IT IS HEREBY ORDERED that, pursuant to ORS 275.225 and ORS 275.275, the real property be sold to Brian and Ellen Coughran for \$600, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$550
General Fund	(124-5570260-436521)	50

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 _____, 2007.

APPROVED AS TO FORM

Date 2-5-07 lane county

Faye Stewart, Chair, Board of County Commissioners



OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR
\$600 TO BRIAN AND ELLEN COUGHRAN (PORTION OF MAP NO. 17-04-12-20-00101 EAST OF 1090 RIVER
LOOP #1 EUGENE)

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)).

My Commission Expires _____

EXHIBIT "A"

Legal Description, Lane County to Coughran Map # 17-04-12-20-00101

Beginning at a point on the East boundary line of the Lawrence Poindexter DLC #52, In Township 17 South, Range 4 West of the Willamette Meridian 676.8 feet South of the Northeast corner of said claim, and running thence: West 30.00 feet thence: South 00° 30' East 211.00 feet parallel with the East line of said claim thence: East 15.00 feet parallel with the North line of said claim to the TRUE POINT OF BEGINNING thence; South 00° 30' East 155.00 feet parallel with the East line of said claim thence; east 15.00 feet parallel wit the North line of said claim to the East line thereof thence; North 00° 30' East 155.00 feet along the East line of said claim thence; West 15.00 feet to the TRUE POINT OF BEGINNING, all in Lane County, Oregon.

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