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AGENDA COVER MEMORANDUM

Memorandum Date: February 28, 2007

Agenda Date: March 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 \$100 TO THE CITY OF SPRINGFIELD (MAP NO. 17-02-34-12-00443, ADJACENT TO 1075 65TH ST., SPRINGFIELD)

1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$100 TO THE CITY OF SPRINGFIELD (MAP NO. 17-02-34-12-00443, ADJACENT TO 1075 65TH ST., SPRINGFIELD)

2. **AGENDA ITEM SUMMARY:**

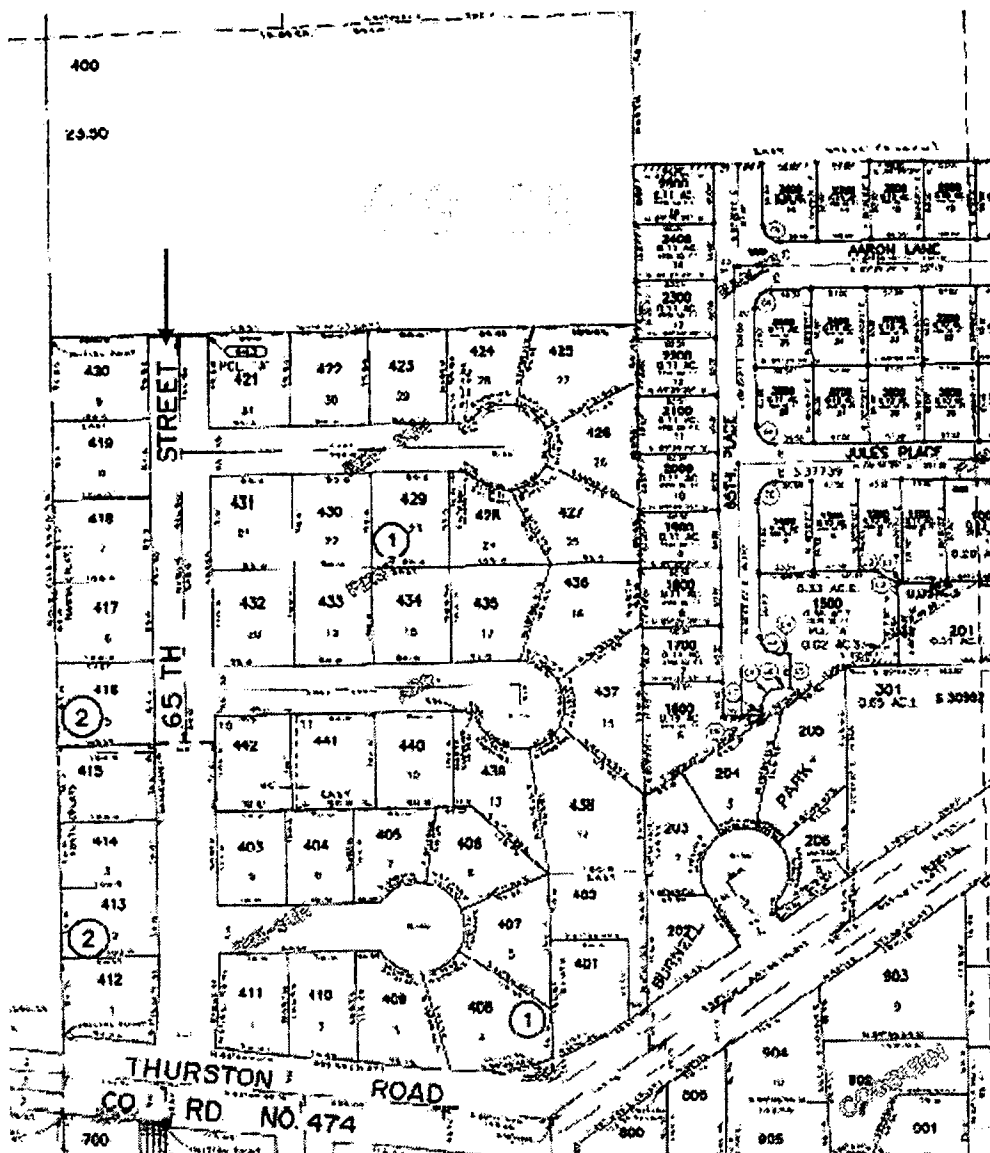
The subject property is a 1 foot wide "reserve strip" that the City of Springfield will dedicate as right of way.

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

A. Board Action and Other History

The subject property was acquired through tax foreclosure in 1983. The subject is a 1' wide reserve strip at the end of 65th St. in Springfield. It has an assessed value of \$499.

Inclusion of reserve strips were a required condition for approval of subdivisions by planning departments. Reserve strips were a mechanism to prevent legal access to undeveloped areas beyond an approved subdivision as the reserve strip was not yet dedicated as public right of way. This insured that development beyond the reserve strip would occur pursuant to the criteria required by the affected planning jurisdiction (city or county). Upon approval of the new subdivision, the reserve strip would be released by the planning department and officially become dedicated right of way.



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.

C. Board Goals

A sale of the property would be consistent with the Board's goals of utilizing tax foreclosed property for public benefit.

Financial and/or Resource Considerations

The \$100 proposed purchase price will cover publication costs and other incidental costs of transferring the property.

E. Analysis

Reserve strips were noted as such in plats and/or the developer executed a deed for them to the local jurisdiction with planning responsibility. A reserve strip is right of way that has yet to be dedicated and is owned by the jurisdiction with planning authority and should not have been assessed. Often however, particularly if the reserve strip was only noted in the plat, the Dept. of Assessment and Taxation continued to assess property taxes and they were foreclosed upon.

The owner of tax lot 400 (North of the subject) wishes to develop their property. The reserve strip is blocking access to tax lot 400. If not for the tax foreclosure, the City of Springfield would "release" the reserve strip and it would become public right of way. The tax foreclosure adds a cloud to the title of the subject property. Quitclaiming the subject to the City would remove the cloud, allow the City to release the reserve strip and allow development to proceed.

The sale would occur pursuant to ORS 275.225. The statute requires notice to be published of the intent to sell a qualified parcel 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 February 12, 2007.

F. Alternatives/Options

1. Sell the property to the City of Springfield as presented.
2. Transfer the property to the City pursuant to ORS 271.330. This statute provides for transferring County property to other public entities provided the property is used for public purposes for a minimum of 20 years. The process requires a public hearing to be held before the transfer occurs. The process would require additional

expenditures and use of County staff time compared with a sale pursuant to ORS 275.225 as proposed.

V. TIMING/IMPLEMENTATION

The City of Springfield will proceed with releasing the reserve strip upon receiving a Quitclaim deed from the County.

VI. RECOMMENDATION

It is recommended that option 1 be pursued.

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 \$100 TO THE CITY
OF SPRINGFIELD (MAP NO. 17-02-34-12-00443, ADJACENT
TO 1075 65TH ST., SPRINGFIELD)

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:

Parcel "A", BEE-SUN, FIRST ADDITION, as platted and recorded in File 68, Slide 27, Lane County Oregon Plat Records.

WHEREAS said real property is a "reserve strip" and not in use for County purposes 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 February 12, 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 the City of Springfield for \$100, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$50
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 2-28-07 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 \$100 TO THE CITY OF SPRINGFIELD (MAP NO. 17-02-34-12-00443, ADJACENT TO 1075 65TH ST., SPRINGFIELD)

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 _____,

After recording, return to/taxes to:
City of Springfield
225 Fifth St.
Springfield, OR 97477

Notary Public for Oregon

My Commission Expires _____