

T.3.D.1.

AGENDA COVER MEMORANDUM

Memorandum Date: November 7, 2007

Agenda Date: November 21, 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 FOR \$6,000 TO CURTIS J. HUBELE AND DEANNA R. HUBELE (MAP NO. 18-12-15-00-01200, EAST OF THE MARINERS VILLAGE P.U.D. COMMON AREA OFF RHODODENDRON DRIVE, FLORENCE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$6,000 TO CURTIS J. HUBELE AND DEANNA R. HUBELE (MAP NO. 18-12-15-00-01200, EAST OF THE MARINERS VILLAGE P.U.D. COMMON AREA OFF RHODODENDRON DRIVE, FLORENCE)

2. **AGENDA ITEM SUMMARY:**

The Hubele's have submitted a \$6,000 offer for the subject property. The offer is being presented to the Board for acceptance or rejection.

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

A. Board Action and Other History

The subject property was acquired through tax foreclosure in 1998. The subject is 60' x 310' and is within the city limits of Florence. The subject has an assessed value of \$7,876. The subject was offered at a Sheriff's sale in October, 1999 with a minimum bid of \$6,000, did not sell and has remained in inventory since that time.

The subject parcel does not have documented legal access. It also appears that the subject is not a legally created parcel pursuant to land use law (an official legal lot verification has not been done).

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 is eligible for a private sale.

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.

D. 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 does not have documented legal access (the buyer is aware of this). To obtain access, a buyer would need to secure an easement over private property. Even if legal access was secured the subject parcel is likely not developable with a dwelling as it may not be a lot of record.

The subject is within the city limits of Florence with city services available (water, sewer, drainage) however the services are available from Rhododendron Dr. approximately 500' to the west of the subject. Again, access for these services would need to be secured with an easement over private property.

Adjoining owners have not expressed an interest in acquiring the subject property.

F. Alternatives/Options

1. Sell the property to the Hubele's for the \$6,000 offer.
2. Direct staff to negotiate different terms.
3. Offer the parcel at a future auction.

V. TIMING/IMPLEMENTATION

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

VI. RECOMMENDATION

It is recommended that the \$6,000 offer be accepted.

VII. FOLLOW-UP

If the offer is accepted, Property Management staff will finalize the transaction.

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 FOR \$6,000 TO CURTIS J. HUBELE AND DEANNA R. HUBELE (MAP NO. 18-12-15-00-01200, EAST OF THE MARINERS VILLAGE P.U.D. COMMON AREA OFF RHODODENDRON DRIVE, FLORENCE)

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:

The West 60.0 feet of the South 310.0 feet of the Northeast quarter of the Southwest quarter of Section 15, Township 18 south, Range 12 West of the Willamette Meridian, 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 parcel was offered at a Sheriff's sale on October 4th, 1999 with minimum bid of \$6,000 and remained unsold at the close of the sale

IT IS HEREBY ORDERED that pursuant to ORS 275.200 and ORS 275.275, the parcel be sold to Curtis J. Hubele and Deanna R. Hubele for \$6,000 that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$5,773.00
General Fund	(124-5570260-436521)	227.00

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

APPROVED AS TO FORM

Date 11-7-07 lane county


OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$6,000 TO CURTIS J. HUBELE AND DEANNA R. HUBELE (MAP NO. 18-12-15-00-01200, EAST OF THE MARINERS VILLAGE P.U.D. COMMON AREA OFF RHODODENDRON DRIVE, FLORENCE)

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:

Curtis J. Hubele and Deanna R. Hubele, husband and wife

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

The West 60.0 feet of the South 310.0 feet of the Northeast quarter of the Southwest quarter of Section 15, Township 18 south, Range 12 West of the Willamette Meridian, in Lane County, Oregon. (18-12-15-00-01200)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT 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, 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 ORS 197.352.

The true and actual consideration for this transfer is \$6,000.00

LANE COUNTY BOARD OF COMMISSIONERS

This space reserved for recording sticker

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2007 personally appeared _____,

_____, _____, _____, _____,

_____, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

After recording, return to/taxes to:
Curtis J. & Deanna R. Hubele
241 NE Azalea Dr.
Corvallis, OR 97330

Notary Public for Oregon
My Commission Expires _____

