

W.3.C.1.

## AGENDA COVER MEMORANDUM

**Memorandum Date: October 24, 2007**

**Agenda Date: November 7, 2007**

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**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 TAX FORECLOSED COUNTY OWNED REAL PROPERTY FOR \$895.20 TO THE STATE OF OREGON ACTING BY AND THROUGH ITS PARKS AND RECREATION DEPARTMENT (MAP # 18-12-34-00-00600 LOCATED IN GLENADA AND FORMELY MAP # 18-12-34-24-01000)

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1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE THE SALE OF TAX FORECLOSED COUNTY OWNED REAL PROPERTY FOR \$895.20 TO THE STATE OF OREGON ACTING BY AND THROUGH ITS PARKS AND RECREATION DEPARTMENT (MAP # 18-12-34-00-00600 LOCATED IN GLENADA AND FORMELY MAP # 18-12-34-24-01000)

2. **AGENDA ITEM SUMMARY:**

The subject parcel was recently acquired through tax foreclosure. Through a prior agreement with the State the subject parcel was designated to be transferred to the State's Parks and Recreation Dept. as part of the sale of the 80 acre Glenada Dunes park property owned by the County.

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

**A. Board Action and Other History**

The subject parcel was acquired through tax foreclosure in October 2007. The parcel is 50' x 100' and is zoned NR (Natural Resource).

The subject parcel is surrounded by the NR zoned portion of the 80 acre Glenada property that is being sold to the State. Pursuant to Order 06-11-21-4 the Board authorized the Public Works Dept. to acquire the subject parcel (as well as 5 other parcels) so it could be included in the sale to the State. A purchase of the subject could not be negotiated with the owner. At the time of negotiations the property was in the redemption period of the tax foreclosure process and it was determined to let the process run its course with the County acquiring the property if the subject parcel was not redeemed.

Pursuant to Order 07-6-6-7 a sale agreement for the 80 acre Glenada property was entered into with the State. The agreement included the subject parcel if it was acquired by the County through tax foreclosure. The agreement also provided that the State would pay \$895.20 less if the subject parcel was redeemed and not acquired by the County.

**B. Policy Issues**

ORS 275.070 provides for selling County property, foreclosed or otherwise, to the State “at such price and on such terms as the county governing body may deem to be for the best interests of the county”.

**C. Board Goals**

A sale of the property would be consistent with the Board’s goal of selling the 80 acre Glenada property to the State’s Park and Recreation Dept.

**D. Financial and/or Resource Considerations**

The \$895.20 consideration will be revenue to the tax foreclosure program.

**E. Analysis**

In April, 2005, pursuant to Order 05-4-13-2 and ORS 275.320, the Board designated as County park land approximately 80 acres of tax foreclosed property in the Glenada area South of Florence. The designation was made with the intent of then selling the property pursuant to ORS 275.330 with proceeds of a sale designated for park’s use as required by the statute. The statute also requires that a public hearing be held before the Board can sell property that has been designated as park land. Such a hearing for the 80 acre Glenada property was held on February 7, 2006.

The subject property was not included in the April, 2005 Order designating the 80 acres as park land (the foreclosure process had not yet begun on the subject) nor was it one of the parcels included in the February 7, 2006 public hearing.

The sale agreement with the State, which includes the subject parcel, was authorized pursuant to ORS 275.330 which provides for selling County property that has been designated as park land. As the subject parcel has not been designated as park land and has not been through the statutorily required process to sell park land, it would not be appropriate to include it in the current sale agreement with the State unless: a) the Board goes through the process of designating the subject property as park land and then holds the required public hearing before authorizing its sale or; b) authorize a sale as a tax foreclosed property pursuant to ORS 275.070 and include language in the Order that the sale will occur pursuant to the terms of the current sale agreement for the 80 acres.

If the subject remains a tax foreclosed property and is not designated as park land \$895.20 of the proceeds received from the State will go to the tax foreclosure program and not to the Parks division. The matter of whether to first designate the subject as park land was discussed with Park's Manager Todd Winter. Mr. Winter and I agreed that the additional cost and additional time to go through the process of designating the subject property as park land would not be a net benefit to the Park's Division. Additional costs to designate and then sell the subject property as park land include publication costs for the hearing (\$200), title report (\$225) as well as additional staff and Board time.

**F. Alternatives/Options**

1. Sell the subject property to the State as a tax foreclosed property with the \$895.20 in proceeds going to the tax foreclosure program. The sale would occur pursuant to the current agreement with the State for the 80 acre Glenada property.
2. Go through the process of first designating the subject property as park land, hold the required public hearing before the subject property can be sold as park land then authorize a sale pursuant to the current terms of the sale agreement with the State for the 80 acre Glenada property.

**V. TIMING/IMPLEMENTATION**

A vacation hearing to vacate the platted streets within the 80 acre Glenada property is scheduled for November 20, 2007. It would be beneficial to resolve the sale of the subject parcel before the vacation hearing.

**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  
Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF  
TAX FORECLOSED COUNTY OWNED REAL PROPERTY  
FOR \$895.20 TO THE STATE OF OREGON ACTING BY AND  
THROUGH ITS PARKS AND RECREATION DEPARTMENT  
(MAP # 18-12-34-00-00600 LOCATED IN GLENADA AND  
FORMELY MAP # 18-12-34-24-01000)

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

WHEREAS ORS 275.070 provides for the sale of County owned real property to the State of Oregon and

WHEREAS the Board wishes to include said real property in the sale of the 80 acre Glenada Dunes property authorized by Order 07-6-6-7

IT IS HEREBY ORDERED that, pursuant to ORS 275.070 and ORS 275.275, the real property be sold for \$895.20 to the State of Oregon, by and through its Parks and Recreation Dept., that said sale shall occur pursuant to the terms of the sale agreement with the State authorized in Order 07-6-6-7 and that the proceeds received for the subject property be distributed as follows:

Foreclosure Fund	(268-5570270-446120)	\$685.20
General Fund	(124-5570260-436521)	210.00

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 \_\_\_\_\_, 2007.

APPROVED AS TO FORM

\_\_\_\_\_  
Faye Stewart, Chair, Board of County Commissioners

Date 10-26-07 lane county

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OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF TAX FORECLOSED COUNTY OWNED REAL PROPERTY FOR \$895.20 TO THE STATE OF OREGON ACTING BY AND THROUGH ITS PARKS AND RECREATION DEPARTMENT (MAP # 18-12-34-00-00600 LOCATED IN GLENADA AND FORMELY MAP # 18-12-34-24-01000)

## **EXHIBIT "A"**

### **Legal Description for 18-12-34-00-00600**

**Lots 22 and 23 of Block 27, of the vacated AMENDED PLAT OF COLTER'S ADDITON TO GLENADA, as platted and recorded in Book 6, Page 25, LANE COUNTY OREGON PLAT RECORDS, in Lane County, Oregon as vacated in FINAL ORDER 07-4-4-12, BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY and recorded April 12, 2007 on Recorder's Reception No. 2007-024368, LANE COUNTY OREGON DEED RECORDS, Lane County Oregon.**

APPROX.  
1/4 COR.

200  
120 AC

600  
67.85 AC

400  
8 AC

25

24

# RIVER

**STREET**

26

10/15/54

12

TIDE LANDS

5107

STREE

7

INTEREST

13

10

**PACIFIC**

28

12

14

9

2

## HIGH

2

1

10

8

3

WILSON

3

11

224

**7**

4

**VIOLA**

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