

W.3.D.2.

## AGENDA COVER MEMORANDUM

**Memorandum Date:** September 19, 2007

**Agenda Date:** October 3, 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 SURPLUS COUNTY OWNED REAL PROPERTY FOR \$1,500 TO TONY AND MARY ELIZABETH DENN (MAP # 17-04-01-32 TAX LOTS 2715 AND 2731, ADJACENT TO 670 RIVER LOOP 2, EUGENE)

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1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$1,500 TO TONY AND MARY ELIZABETH DENN (MAP # 17-04-01-32 TAX LOTS 2715 AND 2731, ADJACENT TO 670 RIVER LOOP 2, EUGENE)

2. **AGENDA ITEM SUMMARY:**

The Denn's have submitted a \$1,500 offer to purchase the subject parcels which adjoin their parcel – tax lot 2600.

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

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

The subject parcels were acquired through tax foreclosure. Tax lot 2715 was acquired in 1992. Tax lot 2731 was acquired in 1987. Each have a current assessed value of \$497.

Tax lot 2715 is a 10' x 100' strip lying on the East side of the Denn's property. It appears to be a remnant from when the subdivision East of the subject was platted.

Tax lot 2731 is 25' x 70'. It is noted as "Lot A" in the Third Addition to Cinderella Park subdivision and is noted as a drainage easement on the plat and is not suitable for placement of a dwelling. The subject is on the West side of the Denn's property.

- B. **Policy Issues**

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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 \$1,500 proposed purchase price will more than cover publication costs and other incidental costs of transferring the property.

**E. Analysis**

The subject parcels are not suitable for placement of a dwelling, have minimal utility and can best be used by an adjoining owner as additional plottage.

The Denn's are aware of the drainage easement on tax lot 2731 and the limitations it puts on the use of the parcel.

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 Sunday, September 9, 2007.

**F. Alternatives/Options**

1. Sell the property as presented.
2. Reject the offer and direct staff to negotiate different terms.
3. Retain the parcel.

**V. TIMING/IMPLEMENTATION**

No timing issues are present.

**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  
\$1,500 TO TONY AND MARY ELIZABETH DENN  
(MAP # 17-04-01-32 TAX LOTS 2715 AND 2731,  
ADJACENT TO 670 RIVER LOOP 2, 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:

**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 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 September 9, 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 Tony and Mary Elizabeth Denn for \$1,500, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$1,300
General Fund	(124-5570260-436521)	200

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 9-21-07 lane county

  
OFFICE OF LEGAL COUNSEL

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

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR  
\$1,500 TO TONY AND MARY ELIZABETH DENN (MAP # 17-04-01-32 TAX LOTS 2715 AND 2731,  
ADJACENT TO 670 RIVER LOOP 2, EUGENE)

## **EXHIBIT "A"**

Legal Description for 17-04-01-32, Tax Lots 2715 & 2731

### **Parcel 1(tax lot 2715)**

Beginning at a point on the North line of the B W Poindexter Donation Land Claim No. 57, Township 17 South, Range 4 West of the Willamette Meridian 1629.10 ft. S. 89° 30' E. from the NW corner thereof thence; S. 89° 30' E. 10.00 ft.; thence S. 0° 23' 40" W. 100 ft.; thence N. 89° 30' W. 10.00 ft.; thence N. 0° 40" E. 100 ft. TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of lying within a public right of way.

### **Parcel 2 (tax lot 2731)**

Lot "A", Block 5, THIRD ADDITION TO CINDERELLA PARK, as platted and recorded in Book 64, Page 4, Lane County Oregon Plat Records.

**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:

**Tony and Mary Elizabeth Denn**

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

**See Attached Exhibit "A"**

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 \$1,500.00

**LANE COUNTY BOARD OF COMMISSIONERS**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:  
Tony and Mary Elizabeth Denn  
266 Wedgewood Dr.  
Eugene, OR 97404

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires \_\_\_\_\_

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