

W.3.C.1.

Memorandum Date: August 27, 2007
Order Date: September 19, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas, Right of Way Manager

AGENDA ITEM TITLE: IN THE MATTER OF AUTHORIZING THE SALE OF THREE PARCELS OF COUNTY-OWNED SURPLUS ROAD FUND REAL PROPERTY LOCATED ON FILBERT AVENUE, EUGENE, AND IDENTIFIED AS TAX LOTS 17-04-23-44- 4600, 4601 AND 4700

I. MOTION

THAT THE ORDER BE ADOPTED AUTHORIZING THE SALE OF THREE PARCELS OF COUNTY OWNED SURPLUS ROAD FUND PROPERTY, IDENTIFIED AS TAX LOTS 17-04-23-44 4600, 4601 & 4700.

II. AGENDA ITEM SUMMARY

G & R Building Concepts, Inc. wishes to purchase three parcels of county-owned Road Fund property located on Filbert Avenue, Eugene.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Lane County owns a row of narrow lots fronting upon Filbert Avenue in the River Road area of Eugene. They were originally purchased as right of way for the Northwest Expressway, and these lots are remnants of those acquisitions. The parcels contain approximately 4,356 s. f. (T. L. 4600), 1,742 s. f. (T. L. 4601) and 7,840 s. f. (T. L. 4700). There are no improvements on the lots, but there is a city sewer line nearby.

B. Policy Issues

This parcel is not needed for any known current or prospective use by Lane County. Sale of the property will return it to the tax rolls and should eliminate future expenses in connection with its management.

C. Board Goals

This proposal addresses the Goals related to Resource Planning and Allocation and the use of the funds derived from the sale will be consistent with the Goals stated in the Strategic Plan with regard to Road Fund Priorities.

D. Financial and/or Resource Considerations

This property is a Road Fund asset, and upon receipt of the funds, they will be returned to the Road Fund.

IV. ANALYSIS

G & R Building Concepts, Inc. has offered \$111,000.00 cash for these lots. Although they have been historically tax lotted as three separate parcels, they only constitute two building lots. An existing drainage course runs west-to-east through the middle of Tax Lot 4601, and a drainage easement in favor of the County will be retained from the conveyance to allow for future maintenance.

Lane County has sold six lots on this street over the last two years, ranging from a low of \$41,500 to a high of \$55,500. G & R Building Concepts, Inc. has offered \$59,000 for one of these buildable lots, and \$52,000 for the other. This neighborhood is outside of the City of Eugene but inside its Urban Growth Boundary. Filbert Avenue is a private gravel street lacking curbs, gutters, and sidewalks. This offer is concluded to represent market value. The property is being sold "as-is".

Pursuant to ORS 275.030 (2), Lane County can sell real property on a direct basis as long as it was acquired and not by tax foreclosure, and if the Board determines that it would not be in the best interests of the County to sell and convey this property through a Sheriff's sale.

This property has been offered for sale in the past and no acceptable bids were received. It is not anticipated that the proceeds of a Sheriff's sale of these parcels would be increased in an amount to justify the additional staff time and advertising costs necessary in order to conduct a Sheriff's sale.

V. ALTERNATIVES/OPTIONS

The Board has the option to:

1. Accept the offer and authorize the execution of the Quitclaim Deed.
2. Reject the offer and retain ownership of the land.

VI. TIMING/IMPLEMENTATION

If the Board accepts this offer and authorizes the sale of the lots, the transaction will need to be closed by Public Works Staff.

VII. RECOMMENDATION

Option 1.

VIII. FOLLOW-UP

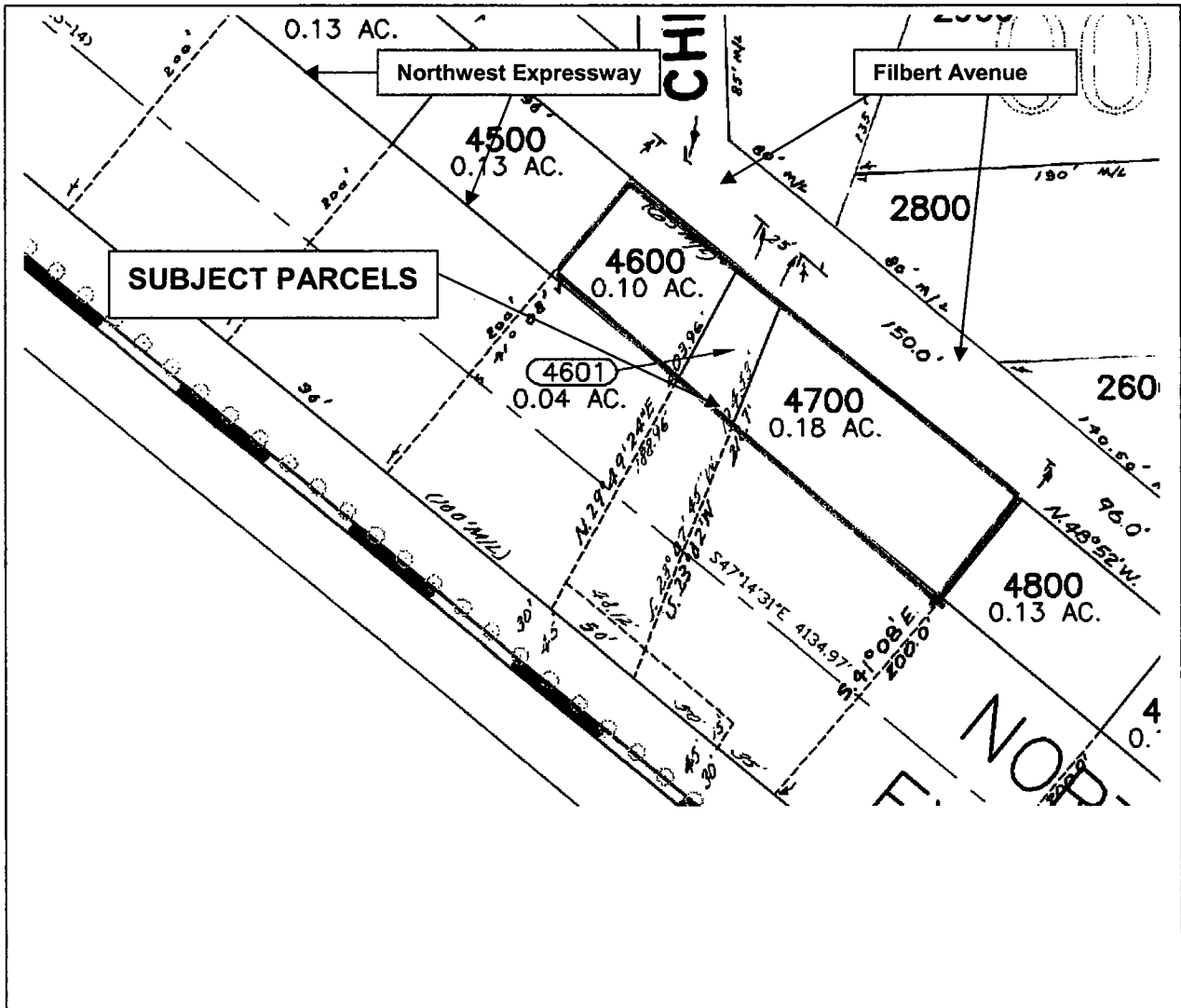
Upon receipt of the funds from the buyer, the deed will be recorded, and the sale proceeds distributed to the Road Fund.

IX. ATTACHMENTS

Quitclaim Deed
Map

ATTACHMENT 1

Map Showing Parcels on
Filbert Avenue Proposed For Sale



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO.

(
(**IN THE MATTER OF AUTHORIZING THE**
(**SALE OF THREE PARCELS OF COUNTY**
(**OWNED REAL PROPERTY ON FILBERT**
(**AVENUE, IDENTIFIED AS TAX LOTS 17-**
(**04-23-44 4600, 4601 & 4700**

WHEREAS, this matter now coming before the Lane County Board of Commissioners, and the Board deeming it to be in the best interest of Lane County and the public to sell the following real property, to wit:

Tax Lots 4600, 4601 and 4700 on the most recent Lane County Assessor's Map No. 17-04-23-44; and

WHEREAS, said real property was acquired by purchase in conjunction with the Northwest Expressway Project and not by tax foreclosure; and

WHEREAS, a cash offer of \$111,000.00 has been received from G & R Building Concepts, Inc.; and

WHEREAS, said real property is owned by Lane County, and it is not needed for any public purpose, and the sale of said property would benefit Lane County by its return to the tax rolls; and

WHEREAS, ORS 275.030(2) allows the sale of property in the manner provided in ORS Chapter 271 if the real estate was not acquired by foreclosure for nonpayment of real property taxes and if the Board determines that it would not be in the best interests of the County to sell and convey this property through a Sheriff's sale; and

WHEREAS, it would not be in the best interests of the County to sell and convey this property through a Sheriff's sale, as it has previously been offered at a Sheriff's sale and no acceptable bids were received and it is not anticipated that a Sheriff's sale would yield enough additional revenue to cover the additional costs associated with a Sheriff's sale; **NOW, THEREFORE**,

IT IS HEREBY ORDERED that, pursuant to ORS 275.030 (2), the real property be sold to G & R Building Concepts, Inc. for \$111,000.00 cash, that the Quitclaim Deed be executed by the Board, and that the proceeds be disbursed as follows:

Road Fund	(225-3632-446120-010)	\$111,000.00
-----------	-----------------------	--------------

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

Date 9-6-07 lane county


OFFICE OF LEGAL COUNSEL

Faye Stewart, Chair
Board of County Commissioners

After Recording Return to, and
Send Tax Statements to:
G & R Building Concepts, Inc.
Walter A. Drew
1135 Cal Young Road
Eugene, OR 97401

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called GRANTOR, for the true and actual consideration of **ONE HUNDRED ELEVEN THOUSAND AND NO/100 dollars (\$111,000.00)**, does hereby release and quitclaim to **G & R BUILDING CONCEPTS, Inc.**, hereinafter called GRANTEE, all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

PARCEL 1: A parcel of land lying in the Southeast one-quarter of the Southeast one-quarter (SE ¼ SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, by that certain deed recorded March 25, 1975, on Reel 735, Recorder's Reception Number 7510720, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at a point 1235.47 feet South and 1699.18 feet East of the Southwest corner of the Benjamin Davis D.L.C. No. 45 in Township 17 South, Range 4 West, Willamette Meridian; run thence South 23° 02' West 210.70 feet to the Northeasterly right of way of Southern Pacific Railroad; run thence along said right of way South 48° 52' East 85.0 feet; thence North 41° 08' East 200.0 feet; thence North 48° 52' West 150.00 feet to the Point of Beginning in Lane County, Oregon."

EXCEPTING THEREFROM: A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established in Lane County Board of Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of the Brass Cap marking the southwest corner of the Benjamin Davis Donation Land Claim Number 45, in Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47° 14' 31" East, 3,971.49 feet to Engineers' Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

PARCEL 2: A parcel of land lying in the Southeast one-quarter of the Southeast one-quarter (SE ¼ SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, by that certain deed recorded December 12, 1975, on Reel 772, Recorder's Reception Number 7554596, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at a point 1179.57 feet South and 1634.66 feet East of the Southwest corner of the Benjamin Davis D.L.C. No. 45 in Township 17 South, Range 4 West, Willamette Meridian; run thence South 41° 08' West 200.00 feet to the Northeasterly right of way of the Southern Pacific Railroad; thence along said right of way South 48° 52' East 100.0 feet; thence North 29° 49' 24" East 203.96 feet; thence North 48° 52' West 60.0 feet to the Point of Beginning in Lane County, Oregon."

EXCEPTING THEREFROM: A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established and filed in Lane County Board of Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of the Brass Cap marking the southwest corner of the Benjamin Davis Donation Land Claim Number 45, in Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47° 14' 31" East, 3,971.49 feet to Engineers' Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

PARCEL 3: A parcel of land lying in the Southeast one-quarter of the Southeast one-quarter (SE ¼ SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, by that certain deed recorded December 28, 1978, on Reel 962, Recorder's Reception Number 7884446, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at a point in the center line of Filbert Avenue that is the most northerly corner of land described in the deed to Mildred C. Peebles, recorded in Book 370, Page 139, Lane County Records; thence South 23°07'45" West along the northwesterly line of last said land and also the southeasterly line of land described in said deed dated August 18, 1961, a distance of 194.53 feet to a point in a line parallel with and distant 45.0 feet northeasterly, measured at right angles, from the original located center line of Southern Pacific Transportation Company's main track (Springfield Jct.-Harrisburg); thence North 48°52' West along said parallel line 48.12 feet to a point in the northwesterly line of land described in said deed dated August 18, 1961; thence North 29°49'24" East along last said line 188.96 feet to a point in said center line of Filbert Avenue; thence South 48°52' East along last said center line, 25.00 feet to the point of beginning, containing an area of 0.16 of an acre, more or less."

EXCEPTING THEREFROM: A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established and filed in Lane County Board of Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of the Brass Cap marking the southwest corner of the Benjamin Davis Donation Land Claim Number 45, in Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47°

14' 31" East, 3,971.49 feet to Engineers' Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

The bearings used for the above described exceptions are based upon the Oregon Coordinate System of 1927, South Zone.

The total area of land contained within the three (3) above described parcels is 0.32 of an acre, more or less.

All of the above described parcels are subject to easements of record.

Reserving unto LANE COUNTY a PERMANENT DRAINAGE EASEMENT to allow for the continuing maintenance of a drainage facility upon portions of the aforescribed parcels and being described as follow:

A parcel of land lying in the Southeast one-quarter of the Southeast one-quarter (SE 1/4 SE 1/4) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of those tracts of land conveyed to LANE COUNTY by those certain deeds recorded December 12, 1975, on Reel 772, Recorder's Reception Number 7554596, December 28, 1978, on Reel 962, Recorder's Reception Number 7884446 and March 25, 1975, on Reel 735, Recorder's Reception Number 7510720, LANE COUNTY OREGON DEED RECORDS, included in a strip of land lying on the northeasterly side of the centerline of the Northwest Expressway (County Road Number 2240); the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 385+00.00 POT, said station being 1317.10 feet South and 1487.75 feet East of the Brass Cap marking the Southwest Corner of the Benjamin Davis Donation Land Claim Number 45, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; run thence South 47° 14' 31" East, 500.00 feet to Engineers' Centerline Station L 390+00.00 POT and there ending, all in Lane County, Oregon.

The widths in feet of the strip of land herein described are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON N'EAST'LY SIDE OF C/LINE</u>
L 385+92.00 POT	L 385+88.00 POT	60 ft tapering back on a straight line to 140 ft
L 385+88.00 POT	L 386+18.04 POT	140 ft
L 386+18.04 POT	L 386+22.04 POT	140 ft tapering on a straight line to 60 ft.

The parcel of land to which this description applies lies easterly of and outside the easterly right of way line of the Northwest Expressway (County Road Number 2240) and contains 0.06 of an acre, more or less.

The bearings used herein are based on the alignment of the Northwest Expressway as surveyed by Lane County in 1991 and recorded in County Survey File Numbers 31621 through 31623, said bearing based on the Oregon Coordinate System, NAD 27, South Zone.

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 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 INTEREST 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 O.R.S. 30.930.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day of _____, 2007.

LANE COUNTY, a political subdivision of the State of Oregon

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2007, personally appeared _____

who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____