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## AGENDA COVER MEMORANDUM

**Memorandum Date:** September 12, 2007

**Agenda Date:** September 26, 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 \$1,250 TO PAUL AND BRENDA POLLARD (MAP NO. 21-35-16-11, TAX LOTS 5300 AND 5301, ADJACENT TO 48429 3<sup>RD</sup> STREET, OAKRIDGE)

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1. **PROPOSED MOTION:** THE BOARD MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$1,250 TO PAUL AND BRENDA POLLARD (MAP NO. 21-35-16-11, TAX LOTS 5300 AND 5301, ADJACENT TO 48429 3<sup>RD</sup> STREET, OAKRIDGE)

2. **AGENDA ITEM SUMMARY:**

The Pollard's have submitted a \$1,250 offer to purchase the subject parcels which adjoin their parcel – tax lot 5400.

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

**A. Board Action and Other History**

The subject parcels were acquired through tax foreclosure in 1984. The parcels are small, irregularly shaped remnants of platted subdivision lots and are located at the intersection of Westoak Rd. and 3<sup>rd</sup> St. in Oakridge. Tax lot 5300 is .01 acre and has an assessed value of \$499. Tax lot 5301 is .11 acre and has an assessed value of \$940. The parcels are steep with a drainage channel running through them and are not suitable for placement of a dwelling.

**B. 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.

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 \$1,250 proposed purchase price will more than cover publication costs and other incidental costs of transferring the property.

**E. Analysis**

The subject parcels became small remnants due to construction of public streets. The file on the parcels indicates they were being held for right of way purposes. The Right of Way Management division of Public Works has been notified of the offer for the subject parcels and has indicated that the parcels no longer need to be retained by the County.

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 Friday, September 7, 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 \$1,250  
TO PAUL AND BRENDA POLLARD (MAP NO. 21-35-16-11,  
TAX LOTS 5300 AND 5301, ADJACENT TO 48429 3<sup>RD</sup>  
STREET, OAKRIDGE)

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:

*That part of Lots 5,6,7 and 8, Block 36, FIRST ADDITION TO OAKRIDGE, as platted and recorded in Book C, Page 192, Lane County Oregon Plat Records lying South of County Road No. 798 and North of 3<sup>rd</sup> Street.*

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 7, 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 Paul and Brenda Pollard for \$1,250, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$1,050
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

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

Date 9-18-07 lane county

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OFFICE OF LEGAL COUNSEL

N THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$1,250 TO PAUL AND BRENDA POLLARD (MAP NO. 21-35-16-11, TAX LOTS 5300 AND 5301, ADJACENT TO 48429 3<sup>RD</sup> STREET, OAKRIDGE)

**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:

**Paul and Brenda Pollard**

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

*That part of Lots 5,6,7 and 8, Block 36, FIRST ADDITION TO OAKRIDGE, as platted and recorded in Book C, Page 192, Lane County Oregon Plat Records lying South of County Road No. 798 and North of 3<sup>rd</sup> Street (Map No. 21-35-16-11, tax lots 5300, 5301).*

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 \$1,250.00

**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:  
Paul and Brenda Pollard  
78219 High Prairie Rd.  
Oakridge, OR 97463

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

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

