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## AGENDA COVER MEMORANDUM

**Memorandum Date: March 4, 2009**

**Agenda Date: March 18, 2009**

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**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 TO VICTOR AND JESSICA RASMUSSEN FOR \$400 (MAP # 21-01-36-33-00700, ADJACENT TO 39921 BRICE CREEK ROAD, CULP CREEK)

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**PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO VICTOR AND JESSICA RASMUSSEN FOR \$400 (MAP # 21-01-36-33-00700, ADJACENT TO 39921 BRICE CREEK ROAD, CULP CREEK)

1. **AGENDA ITEM SUMMARY:**

The Rasmussen's have submitted an offer of \$400 for the subject property. The Rasmussen's own tax lot 801 which adjoins the subject.

The subject property is included in the properties scheduled to be auctioned at a Sheriff's sale on March 16, 2009. Approving a private sale would require the property being removed from the auction.

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

A. **Board Action and Other History**

The subject parcel was acquired through tax foreclosure in September, 2007. The subject is .08 acres and has an assessed value of \$501. Delinquent taxes owing at the time of its foreclosure were \$38.00.

The subject does not have legal access and is a portion of abandoned railroad right of way. A small creek bisects the property and the property is underwater much of the year.

The Rasmussen's purchased their property in 2008. Their property was represented to include the subject parcel with the subject being included in the fenced area of the Rasmussen's property (since at least the mid 1980's per the adjoining owner to the east).

The adjoining owner east of the subject property is aware of its possible sale to the Rasmussen's and has stated that he does not have any issues with the Rasmussen's purchasing it.

The subject parcel is one of the parcels scheduled to be offered at a Sheriff's auction on March 16, 2009 with a minimum bid of \$1,000. The sale was approved pursuant to Order 09-2-3-2. The Order provided for the Property Management Officer removing any particular parcel from the sale. As this agenda item will be before the Board after the auction date the subject property will have been removed from the auction pursuant to the Order.

**B. Policy Issues**

Pursuant to LM 21.425 the County shall dispose of County property not otherwise needed for public purposes thereby returning the property to the tax role.

ORS 275.225 provides for selling property via private sale without first being offered at a public auction provided the parcel has a real market value of less than \$15,000 per the Assessor and is not suitable for placement of a dwelling under current land use regulations. Notice of the County's intent to sell the subject parcel pursuant to ORS 275.225 was published in the Register-Guard on February 26<sup>th</sup>. The County can sell the parcel 15 days after the date notice was published.

**C. Board Goals**

A sale of the property would be consistent with the Board's goals to return surplus property to private ownership and the tax roll.

**Financial and/or Resource Considerations**

The revenue received from a sale of the subject property would go towards funding the Property Management program.

**E. Analysis**

The parcel can best be used by an adjoining owner. The lack of legal access to the parcel and its small size makes it unlikely that parties other than an adjoining owner would have interest in acquiring the subject.

**F. Alternatives/Options**

1. Accept the Rasmussen's offer.
2. Reject the offer and direct staff to negotiate additional consideration.
3. Reject the offer and offer the subject parcel at a future Sheriff's sale.

**V. TIMING/IMPLEMENTATION**

No timing issues are present.

**VI. RECOMMENDATION**

It is recommended that the parcel be sold to the Rasmussen's per their offer.

**VII. FOLLOW-UP**

The parcel will be removed from the March 16<sup>th</sup> Sheriff's sale. A sale to the Rasmussen's will be closed pending the Board's approval.

**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 TO  
VICTOR AND JESSICA RASMUSSEN FOR \$400 (MAP #  
21-01-36-33-00700, ADJACENT TO 39921 BRICE  
CREEK ROAD, CULP CREEK)

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 \$15,000 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 February 26, 2009 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 Victor and Jessica Rasmussen for \$400, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$200
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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Peter Sorenson, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO  
VICTOR AND JESSICA RASMUSSEN FOR \$400 (MAP # 21-01-36-33-00700, ADJACENT TO 39921 BRICE  
CREEK ROAD, CULP CREEK)

APPROVED AS TO FORM  
Date 3/6/09  
212  
OFFICE OF LEGAL COUNSEL

# EXHIBIT "A"

## OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OLD NUMBER		OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON		CO. 3	
MAP NO. 21 01 36 3 3	TAX LOT NO. 700	SECTION 36	TOWNSHIP 21	RANGE 13	W.M.
ACCOUNT NUMBER		ADDITION		CITY	
LOT NO.	BLOCK NO.				

LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
	DATE OF ENTRY	DEED NUMBER	
Beginning at a point which is South 49°38' East 674.7 feet from the intersection of the Northerly right of way line of the O. P. & E. Railroad and the Section line between Sections 35 and 36, Township 21, South, Range 1 West of the Willamette Meridian; said point of intersection being North 0°29' West 878.0 feet from the Southwest corner of said Section 36; thence along said Northerly right of way boundary	1978 wd	R876/78970	
North 49°38' West 149.3 feet; thence	1972 wd	R602/17501	
North 40°22' East, 146 feet to the centerline of an unnamed slough of Brice Creek; thence along the centerline of said slough	1973 wd	R640/24269	
South 43°13' East 118.6 feet; thence	1978 wd	R876/78491	
South 49°38' East 42 feet to a point North 40°22' East of the point of beginning; thence	1980 wd	R1025/58230	
South 40°22' West to the point of beginning in Lane County, Oregon.	2000 wd	CLQT141	
EXCEPT THEREFROM, beginning at a point which is the Southwest corner of Section 36, Township 21 South, Range 1 West of the Willamette Meridian; thence			
South 87°21'6" East 73.60 feet along the South line of said Section; thence			
North 40°22' East 519.28 feet to the Southerly right of way line of the Oregon and Southeastern Railroad at a point opposite to and 50.0 feet distance Southerly from centerline Station 1033+99.5 of said Railroad; thence			
North 49°38' West 107.30 feet along said right of way line; thence S40°22'W 507.60 ft--S 0°29' E 74.80 to West line			
South 0°29' East 74.80 feet along said West line to point of beginning excepting therefrom the right of way of the County Road as now located across the property.			
ALSO EXCEPT THEREFROM beginning at a point which is South 87°22' East 73.6 feet and North 40°22' East 619.28 feet from the Southwest corner of Section 36, Township 21 South, Range 1 West, Willamette Meridian; thence			
North 40°22' East 95 feet; thence			
North 24°13' West 118.60 feet; thence			
South 40°22' West 146.0 feet; thence			
Continued...			

## OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

**OLD NUMBER**

MAP NO. 22 01 36 3 3

TAX LOT NO.	700
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SECTION 36

TOWNSHIP 21

RANGE \_\_\_\_\_ W.M.

**INDENT EACH NEW COURSE TO THIS POINT**

### LEGAL DESCRIPTION

DEED RECORD

DATE OF ENTRY

DEED NUMBER

ACRES  
REMAINING

South 49°38' East 107.30 feet to the point of beginning in Section 36, Township 21 South, Range 1 West of the Willamette Meridian in Lane County, Oregon.  
Containing more or less  
(Subject to Mineral Rights per Vol. 196/26 1938)

0.10

**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:

**Victor and Jessica Rasmussen**

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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007

The true and actual consideration for this transfer is: \$400.00

*This space reserved for recording sticker*

**LANE COUNTY BOARD OF COMMISSIONERS**

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

STATE OF OREGON     )  
                                  ) ss  
COUNTY OF LANE     )

On \_\_\_\_\_, 2009 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:  
Victor & Jessica Rasmussen  
39921 Brice Creek Rd.  
Culp Creek, OR 97427

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires \_\_\_\_\_

# EXHIBIT "A"

## OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

OLD NUMBER		931-800		CO. 3	
MAP NO. 21 01 36 3 3	TAX LOT NO. 700	SECTION 36	TOWNSHIP 21	RANGE 11	S. W. M.
ACCOUNT NUMBER		ADDITION		CITY	
LOT NO.	BLOCK NO.				

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
		DATE OF ENTRY	DEED NUMBER	
	Beginning at a point which is South 49°38' East 674.7 feet from the intersection of the Northerly right of way line of the O. P. & E. Railroad and the Section line between Sections 35 and 36, Township 21, South, Range 1 West of the Willamette Meridian; said point of intersection being North 0°29' West 878.0 feet from the Southwest corner of said Section 36; thence along said Northerly right of way boundary	1978 wd	R876/78970	
	North 49°38' West 149.3 feet; thence	1972 wd	R602/17501	
	North 40°22' East, 146 feet to the centerline of an unnamed slough of Brice Creek; thence along the centerline of said slough	1973 ss	R640/24269	
	South 43°13' East 118.6 feet; thence	1978 wd	R876/78491	
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	South 40°22' West to the point of beginning in Lane County, Oregon.			
	EXCEPT THEREFROM, beginning at a point which is the Southwest corner of Section 36, Township 21 South, Range 1 West of the Willamette Meridian; thence			
	South 87°21'6" East 73.60 feet along the South line of said Section; thence			
	North 40°22' East 519.28 feet to the Southerly right of way line of the Oregon and Southeastern Railroad at a point opposite to and 50.0 feet distance Southerly from centerline Station 1033+99.5 of said Railroad; thence			
	North 49°38' West 107.30 feet along said right of way line; thence S40°22'W 507.60 ft--S 0°29' E 74.80 to West line			
	South 0°29' East 74.80 feet along said West line to point of beginning excepting therefrom the right of way of the County Road as now located across the property.			
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	North 40°22' East 95 feet; thence			
	North 24°13' West 118.60 feet; thence			
	South 40°22' West 146.0 feet; thence			
	Continued...			



**OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES**  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

OLD NUMBER		SECTION 36		TOWNSHIP 21 S.	RANGE 1W	W.M.
MAP NO. 22 01 36 33	TAX LOT NO. 700	ACCOUNT NUMBER				
INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING		
		DATE OF ENTRY	DEED NUMBER			
	South 49°38' East 107.30 feet to the point of beginning in Section 36, Township 21 South, Range 1 West of the Willamette Meridian in Lane County, Oregon. Containing more or less (Subject to Mineral Rights per Vol. 196/26 1938)			0.10		

045-02

801  
0.49 AC

700  
0.09 AC

600  
0.59 AC

1800  
0.06 AC

500

400  
0.75 AC

300  
0.06 AC

200  
1.23 AC

900  
3.98 AC

201  
0.91 AC

ROAD

NO 1089

Memorandum Date: 2/20/09  
Order Date: 3/18/09

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works

**PRESENTED BY:** Mike Russell, Senior Engineering Associate

**AGENDA ITEM TITLE:** ORDER/IN THE MATTER OF RATIFYING APPLICATIONS SUBMITTED BY PUBLIC WORKS FOR GRANT FUNDING UNDER THE NATIONAL HISTORIC BRIDGE PRESERVATION PROGRAM FOR DEADWOOD, LAYNG, PENGRA, STEWART, AND WENDLING COVERED BRIDGES AND DELEGATING CONTRACT SIGNATURE AUTHORITY TO THE COUNTY ADMINISTRATOR IN THE EVENT OF SUCCESSFUL APPLICATIONS.

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**I. MOTION**

Move approval of Board Order ratifying the applications submitted by Public Works for grant funds under the National Historic Covered Bridge Preservation (NHCBP) Program and authorizing the County Administrator to sign the contract in the event of a successful application.

**II. AGENDA ITEM SUMMARY**

Due to short timelines, the Department is asking the Board to review the applications that have already been submitted to ODOT for inclusion in the state submittal of projects under the NHCBP Program.

Lane County reviewed current covered bridge needs and submitted five applications for Deadwood, Wendling, and Pengra covered bridges for re-roofing and Layng and Stewart covered bridges for rehabilitation work planned for FY 09-10. The projects request NHCBP funds to help defray the costs associated with proposed work.

The project cost for each bridge is estimated in the table below.

Bridge Name	Brief Description of Work	Requested Grant Amount 89.73%	Local Agency Match 10.27%	Total Project Costs
Deadwood	Re-roof	\$179,460	\$20,540	\$200,000
Wendling	Re-roof	\$179,460	\$20,540	\$200,000
Pengra	Re-roof	\$179,460	\$20,540	\$200,000
Layng	Rehabilitation	\$897,300	\$102,700	\$1,000,000
Stewart	Rehabilitation	\$728,608	\$83,392	\$812,000
	<b>TOTALS</b>	<b>\$2,164,288</b>	<b>\$247,712</b>	<b>\$2,412,000</b>

If one or more grant application is successful, staff is asking the Board to delegate contract signature authority to the County Administrator for the contract that would be forthcoming.

### **III. BACKGROUND/IMPLICATIONS OF ACTION**

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

In the past the Board has expressed the desire to seek grant opportunities to help defray the costs of maintaining covered bridges. The Public Works Department has submitted applications to this program annually and has been successful in getting some projects funded.

#### **B. Policy Issues**

Through adoption of the Lane County Transportation System Plan, the Board has established that maintenance of the road system is a core priority for the use of the Road Fund and Department resources. Any additional revenue that can be generated from grant opportunities frees up the Road Fund for other needs.

#### **C. Board Goals**

This action supports the Strategic Plan overall goal to protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure. (*Lane County Strategic Plan 2001-2005, pg. 13*)

Generally, this action supports Strategic Plan Core Strategy D4 - Pursue intergovernmental revenue and private donations by applying for federal money for the project.

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

The financial implications of not taking action on this item are that the expenditure

of Road Fund resources that could not be used for other priorities will have to be used. With award of this grant, Road Fund resources can go to fund other priorities that otherwise would need to wait for adequate funding.

Stewart Covered Bridge is an off-system non-road fund eligible structure. Therefore, if awarded, the Department will seek other sources for the match like state tourism or parks grants. This will require staff to return to the Board and seek approval for submittal.

#### **E. Analysis**

In order to satisfy APM Chapter 1, Section 2A, Issue I, the following is the list of questions that need to be answered when a Board agenda item relates to approval of a grant or any project or proposal with limited duration funding.

**1. What is the match requirement, if any, and how is that to be covered for the duration of the grant?**

For this program the match requirement is 10.27% of the total project cost. This amount will come from the Road Fund. For Stewart Covered Bridge, the Department will have to seek other sources for the match.

**2. Will the grant require expenditures for Material and Services or capital not fully paid for by the grant?**

The project will be completed by County forces and is expected to be fully reimbursable according to the match split (89.73/10.27)

**3. Will the grant funds be fully expended before county funds need to be spent?**

Yes. This will be covered under a reimbursement agreement where the Road Fund will be used to reimburse the State for project costs according to the match split (89.73/10.27).

**4. How will the administrative work of the grant be covered if the grant funds don't cover it?**

Grant funds will cover this activity in proportion to the match split (89.73/10.27).

**5. Have grant stakeholders been informed of the grant sunseting policy so there is no misunderstanding when the funding ends? Describe plan for service if funding does not continue.**

The grant is a one-time, project specific allocation that will need to be completed within the agreed to timeline. There is no expectation that there will be continued funding.

**6. What accounting, auditing and evaluation obligations are imposed by the grant conditions?**

A final report is required under the grant conditions. The report will include a description of the work completed, financial summary, photo documentation and any historical information about the structure.

**7. How will the department cover the accounting, auditing and evaluation obligations? How are the costs for these obligations covered, regardless whether they are in the department submitting the grant or a support service department? Does the department acknowledge that the county will need to cover these costs and it is an appropriate cost incurred by support service departments?**

These activities will be managed by Public Works staff utilizing, among other tools, the cost accounting system, Field Engineering staff and Road Maintenance staff. Costs associated with these activities will be covered by the grant according to the match split (89.73/10.27).

**8. Are there any restrictions against applying the county full cost indirect charge?**

No.

**9. Are there unique or unusual conditions that trigger additional county work effort, or liability, i.e., maintenance of effort requirements or supplanting prohibitions or indemnity obligations?**

In dealing with ODOT on other projects, we have worked out language for these subjects that has been acceptable to both parties. We anticipate the same to be true for this grant.

**10. Grants involving technology issues require Information Services department review and approval prior to submission to the Board to ensure compatibility with existing county systems and development tools.**

This is not an IS related project.

**11. Information Services department sign-off is required for all agenda items requesting funding for new or enhanced computer applications/systems that will interface with existing county systems/infrastructure.**

This is not an IS related project.

**12. If this is a grant funded computer/software applications project,  
a. Who is the project sponsor? Who will assume responsibility for the new system after it is developed? Not Applicable**

**b. Who will actually develop the new system/application? Not Applicable**

**c. What will happen to the software application/system after the grant funding has ended? Not Applicable**

**d. Who will pay for ongoing maintenance and staff costs, if any? Not Applicable**

**f. Alternatives/Options**

The Board's options are to approve the motion stated above, to deny the motion, or to take some other course of action.

**V. TIMING/IMPLEMENTATION**

Upon award of grant, which should be known before December 2009, an interagency agreement will be forthcoming from ODOT. It is anticipated that project construction will commence in 2010.

**VI. RECOMMENDATION**

Staff is recommending that the Board approve the motion.

**VII. FOLLOW-UP**

At this point we are awaiting the results of the project selection process to determine if the proposed project application was successful. If awarded, staff will coordinate with ODOT to implement the project and establish the agreement to complete the project. If the application for Stewart Covered Bridge is successful, we will seek other funding to satisfy the County's match requirement. This will require staff to return to the Board regarding this single item.

**VII. ATTACHMENTS**

- Board Order

- 2009 National Covered Bridge Preservation Program Grant Applications