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**AGENDA COVER MEMORANDUM**

**Memorandum Date: April 29, 2009**

**Agenda Date: May 13, 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 LISA KEPHART AND ARNOLD EPERIAM FOR \$600 (MAP NO. 21-03-05-01-00500, ADJACENT TO 78016 HWY. 99, COTTAGE GROVE)

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1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO LISA KEPHART AND ARNOLD EPERIAM FOR \$600 (MAP NO. 21-03-05-01-00500, ADJACENT TO 78016 HWY. 99, COTTAGE GROVE)

2. **AGENDA ITEM SUMMARY:**

An offer of \$600 has been submitted for the subject property. The offer is being forwarded to the Board for consideration of acceptance or rejection.

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

A. **Board Action and Other History**

The subject parcel was acquired through tax foreclosure in September, 1993. The subject is 20'x 110' and has an assessed value of \$501. The subject is outside the city limits and urban growth boundary of Cottage Grove and is zoned RR5.

The parcel is not suitable for placement of a dwelling. The parcel had been the site of a communications tower which is no longer present.

Ms. Kephart and Mr. Eperiam own tax lot 502 which adjoins the subject. Robert Orenick, owner of tax lot 200 East of the subject, was informed of the offer and does not have any issues with a purchase by Ms. Kephart and Mr. Eperiam.

**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 April 28, 2009. 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.

**D. 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**

Ms. Kephart's property (tax lot 502) and the subject were one parcel up until 1987 . At that time, the property was sold but the area of the subject was omitted from the sale. This created two unique parcels and technically may have been an illegal partition which would cause Ms. Kephart's property not to be a legal lot of record. This could cause an issue in securing development permits in the event replacement of the house on her property was needed. By purchasing the subject, the original legal lot would be reconstituted.

**F. Alternatives/Options**

1. Accept the 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.

4. **RECOMMENDATION**

It is recommended that the offer be accepted.

5. **TIMING/IMPLEMENTATION**

No timing issues are present.

6. **FOLLOW-UP**

Upon approval by the Board, the Quitclaim Deed will be executed and the transaction will be completed.

7. **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 LISA KEPHART AND ARNOLD EPERIAM FOR \$600 (MAP NO. 21-03-05-01-00500, ADJACENT TO 78016 HWY. 99, COTTAGE GROVE)

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 April 28, 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 above described real property be sold to Lisa Kephart and Arnold Eperiam for \$600, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$400
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

APPROVED AS TO FORM

Date 4.30.09 lane county

  
OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO LISA KEPHART AND ARNOLD EPERIAM FOR \$600 (MAP NO. 21-03-05-01-00500, ADJACENT TO 78016 HWY. 99, COTTAGE GROVE)

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**21-03-05-10-00500**

Beginning at the NE corner of the James Chapin DLC #40 in Section 5, Township 21S, Range 3W of the Willamette Meridian; run thence North 61° West 794.0 feet to the West right of way line of Hwy. 99; thence South 29° West 589.0 feet along said West right of way line to the TRUE POINT OF BEGINNING; run thence North 61° West 110.0 feet; thence North 29° East 20.0 feet; thence South 61° East 110.0 feet; thence South 29° West to the TRUE POINT OF BEGINNING, all in Lane County, Oregon.

**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:

**Lisa Kephart and Arnold Epriam**

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: \$600.00

**LANE COUNTY BOARD OF COMMISSIONERS**

*This space reserved for recording sticker*

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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:  
Lisa Kephart & Arnold Eperiam  
78016 Hwy 99  
Cottage Grove, OR 97424

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

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