

W.S.H.I.

AGENDA COVER MEMORANDUM

Memorandum Date: December 23, 2009

Agenda Date: January 6, 2010

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 RONALD MANN, KIM LARSEN AND GREGORY HICKS FOR \$800 (MAP # 19-12-14-10-00300, ADJACENT TO 84463 GREEN GATE RD., DUNES CITY)

1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO RONALD MANN, KIM LARSEN AND GREGORY HICKS FOR \$800 (MAP # 19-12-14-10-00300, ADJACENT TO 84463 GREEN GATE RD., DUNES CITY)

2. **AGENDA ITEM SUMMARY:**

An offer of \$800 has been submitted for the subject property. The offer has been submitted by the group developing the Woahink Ridge Estates subdivision in Dunes City. The buyers have represented that they will develop the subject property as a road and then transfer the property to Dunes City for dedication.

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 1981. The subject is .11 acre (20' x 235') and has an assessed value of \$500. The subject parcel was originally 17 acres with portions sold over time leaving the current configuration that was foreclosed upon.

The subject parcel is located at the terminus of that portion of Green Gate Rd. that was declared a "gateway" by the County Court in 1940. The subject parcel is not part of the designated gateway as it was not included in the legal description describing the gateway.

Green Gate road continues as a private road South of the portion designated as a gateway providing access to several properties however, the subject parcel intersects the gateway

portion and the private portion and property owners must cross the subject parcel to access their properties.

The purchasers are developing the property North of the subject into a residential subdivision (tax lot 1400). In discussions between the developers and Dunes City, it was determined that it would be best for the developers to acquire the subject property, develop it as a road and then transfer the property to Dunes City.

The Board will recall that the developers gated the gateway portion of Green Gate Rd. that runs through their property causing considerable distress to the property owners who use the road and created animosity between citizens, Dunes City and the developers. To ensure a similar situation does not occur with the subject parcel, County staff negotiated with the buyers to include a provision in the deed ensuring that the property must be used to provide access.

County staff has sent letters to the property owners that cross the subject property to access their property explaining the potential sale and that language would be included in the deed to ensure the subject property continued to provide access. Several owners contacted the Property Management office with each expressing agreement to a sale provided access to their property was ensured.

B. Policy Issues

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 September 27, 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 assist in resolving access issues for the affected property owners.

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

Dunes City and the developers of the Woahink Estates subdivision have come to an understanding concerning approval of the subdivision which includes public access for the properties lying South of the subject property and development of the subject property as a

road to be given to Dunes City and subsequently dedicated as a public right-of-way. Including language in the deed requiring use of the subject property for access is a precautionary measure to ensure continued access in the event development is delayed.

F. Alternatives/Options

1. Accept the offer.
2. Reject the offer and direct staff to negotiate different terms such as direct conveyance to Dunes City.

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
RONALD MANN, KIM LARSEN AND GREGORY HICKS
FOR \$800 (MAP # 19-12-14-10-00300, ADJACENT TO 84463
GREEN GATE RD., DUNES CITY)

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:

Beginning at a point which is on the North line of Section 14, Township 19 South, Range 12 West of the Willamette Meridian 1320.0 feet West of the Northeast corner of said Section; thence South 11° 15' East 20.0 feet; thence East 237.83 feet; thence North 10° West 20.0 feet, more or less, to the said North Section line; thence West 234.3 feet to the Point of Beginning, all in Lane County, Oregon.

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 September 27, 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 for \$800 to Roger G. Mann, Kim Larsen and Gregory Hicks as tenants in common, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$600
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____.

APPROVED AS TO FORM

Date 12-23-09 lane county

Chair, Board of County Commissioners



OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO
RONALD MANN, KIM LARSEN AND GREGORY HICKS FOR \$800 (MAP # 19-12-14-10-00300, ADJACENT
TO 84463 GREEN GATE RD., DUNES CITY)

QUITCLAIM DEED

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:

Ronald G. Mann, Kim Larsen, Gregory Hicks as tenants in common

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

SEE ATTACHED EXHIBIT "A"

This transfer is conditioned upon no building or structure (including but not limited to gates or fences) being built or placed on the property, and that the property be used solely for public utilities and public access purposes, until such time as the property may be conveyed to the City of Dunes City. This condition runs with the land, and is binding upon Grantee, its heirs, assigns, or successors in interest, excepting therefrom the City of Dunes City. The herein conveyed property shall revert to Grantor without any act of or by said Grantor, if said property is not used in a manner consistent with the condition herein set forth. Upon transfer of this property to the City of Dunes City, this condition shall be void and of no effect.

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: \$800

LANE COUNTY BOARD OF COMMISSIONERS

This space reserved for recording sticker

[illegible]

On _____, 2010 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:

Ronald Mann
PO Box 2389
Florence, OR 97439

Notary Public for Oregon
My Commission Expires

LEGAL DESCRIPTION
19-12-14-10-00300
LANE COUNTY/MANN

Beginning at a point which is on the North line of Section 14, Township 19 South, Range 12 West of the Willamette Meridian 1320.0 feet West of the Northeast corner of said Section; thence South 11° 15' East 20.0 feet; thence East 237.83 feet; thence North 10° West 20.0 feet, more or less, to the said North Section line; thence West 234.3 feet to the Point of Beginning, all in Lane County, Oregon.

