

AGENDA COVER MEMORANDUM

W. 10. E. 1.

Agenda Date: March 30, 2005

DATE: March 16, 2005

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 TO MICHAEL L. AND COLLEEN P. OHRAN (MAP # 18-12-02-30-01202, ADJACENT TO 88187 HIGHWAY 101, FLORENCE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO MICHAEL L. AND COLLEEN P. OHRAN (MAP # 18-12-02-30-01202, ADJACENT TO 88187 HIGHWAY 101, FLORENCE)

2. **ISSUE/PROBLEM:** Mr. and Mrs. Ohran have submitted an offer of \$3,500 for the subject property. The Board is being asked to accept or reject the offer.

3. **DISCUSSION:**

3.1 Background

The subject parcel was acquired through property tax foreclosure in September, 2003. It is a .33 acre lot, zoned F2 and located North of Florence on Hwy. 101. It is a platted lot in the Kinsey Tract subdivision. The subject has a current assessed value of \$621.

The Ohran's own the adjacent property to the South, tax lot 1201, which is improved with a dwelling. It appears that their garage encroaches on the county's property.

The Ohran's purchased tax lot 1201 in 1999. The seller at the time owned both tax lots 1201 and 1202 (subject parcel). The Ohran's believed the sale was to include both parcels, however, the deed conveying the property to the Ohran's only included the legal description for tax lot 1201. The subject parcel, tax lot 1202, remained in the seller's name and was subsequently foreclosed upon by the county.

Although the subject parcel is a platted lot, its size prevents adequately placing a septic system on the site and therefore being developed with a dwelling.

3.2 Analysis

The property does not have any development potential with respect to a dwelling and can best be used by an adjoining owner.

ORS 275.225 provides for selling County owned real property at private sale which has an assessed value under \$5,000 and is not suited for the placement of a dwelling under current zoning and building ordinances. Notice of a proposed sale of the subject was published in the Register Guard on February 21, 2005. The County may sell the subject not less than 15 days from the date of publication of the notice. The subject parcel has a current assessed value of \$621 and qualifies for private sale pursuant to ORS 275.225.

3.3 Alternatives/Options

1. Sell the parcel as per the Ohran's offer.
2. Negotiate other sale terms than those offered.
3. Offer the parcel at a future Sheriff's sale.

3.4 Recommendation

It is recommended that the offer be accepted and the property sold.

3.5 Timing

None.

4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property sold.

5. **ATTACHMENTS:**

Board Order
Quitclaim Deed
Letter from Mr. & Mrs. Ohran
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 MICHAEL L. AND COLLEEN P. OHRAN (MAP # 18-12-02-30-01202, ADJACENT TO 88187 HIGHWAY 101, FLORENCE)

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:

Lot 3, KINSEY TRACT, as platted and recorded in Book 15, Page 8, Lane County Oregon Deed Records, Lane County, Oregon. EXCEPTING THEREFROM that parcel described in a deed to the State of Oregon, by and through its Department of Transportation by instrument recorded May 9, 1985, Reception No. 8516617, Lane County Deed Records, Lane County, Oregon (map # 18-12-02-30-01202)

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 February 21, 2005 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 Michael L. and Colleen P. Ohran for \$3,500, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$3,445
General Fund	(124-5570260-436521)	55

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____.

Anna Morrison, Chair, Lane County Board of Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO MICHAEL L. AND COLLEEN P. OHRAN (MAP # 18-12-02-30-01202, ADJACENT TO 88187 HIGHWAY 101, FLORENCE)

3-17-05
[Handwritten signatures]

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:

MICHAEL L. AND COLLEEN P. OHRAN

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

Lot 3, KINSEY TRACT, as platted and recorded in Book 15, Page 8, Lane County Oregon Deed Records, Lane County, Oregon. EXCEPTING THEREFROM that parcel described in deed to the State of Oregon, by and through its Department of Transportation by instrument recorded May 9, 1985, Reception No. 8516617, Lane County Deed Records, Lane County, Oregon (map # 18-12-02-30-01202)

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 TITLE TO THE PROPERTY SHOULD CHECK WITH 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 ORS. 30.930.

The true and actual consideration for this transfer is \$3,500.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

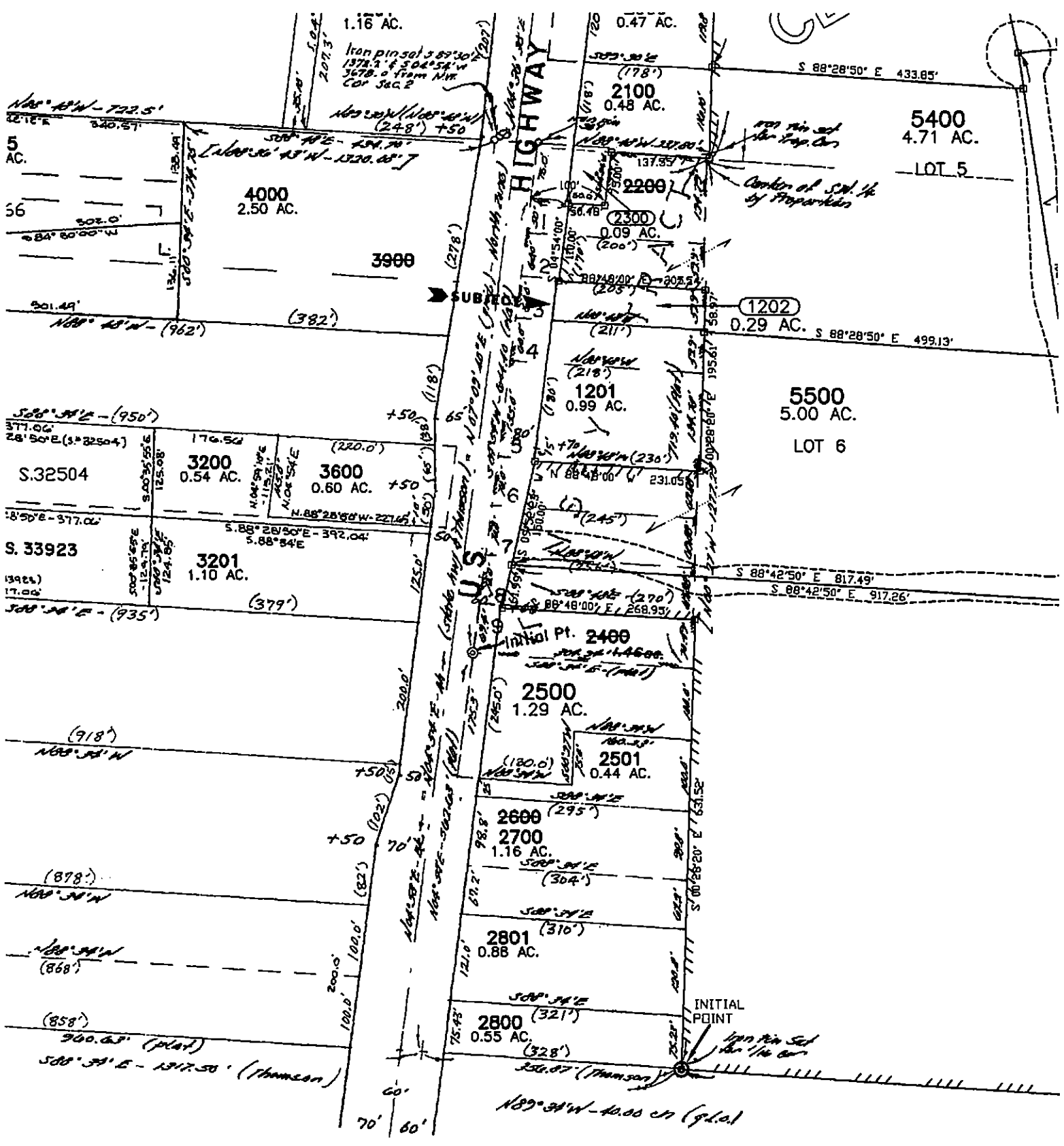
On _____, 2005 personally appeared _____,

_____, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:


Notary Public for Oregon

My Commission Expires _____

After recording, return to/taxes to:
Michael L. & Colleen P. Ohran
PO Box 23,
Florence, OR 97439



SEE MAP 18 12 11



MICHAEL L. OHRAN
P.O. BOX 23
FLORENCE, OR 97439
PHONE / FAX (541) 997-7023

2/4/2005

Mr. Jeff Turk
Property Management Officer
Lane County, Or 97401

Dear Mr. Turk

My name is Michael L. Ohran in April 1999 my wife and I purchased a very neglected abandoned older home located at 88187 Hwy. 101 in Florence Or.

EXHIBIT A

Tax lot 1201 map # 18 12 02 30 01201

Its owner had abandoned the home sometime earlier, due to a divorce. I had only the real estate agent to deal with because the owner (Mrs. Robin Pope) was not living in the area. The home was in disrepair 7 abandon refrigerators and 12 loads of garbage to the dump. I had asked the realtor where the property boundaries were at the time he said he wasn't sure. He assumed after looking at all the junk piled on the north side of the garage the property started someplace north of all the junk. Never speaking to the owner (Mrs. Pope) we were not sure at the time.

The transaction closed and all was ok I thought, till a development called the "CLEAR LAKE MEADOWS" began to develop to the east of my property. I was mailed notices and a small map of the area from the

county, which I noticed the lot north was included in their plat.

EXSIBIT B: CLEAR LAKE MEADOWS header from their map. Which say lots 1, 2, 3, 6, 7, and 8 of the KINSEY TRACTS

So I just assumed that they the developer owned it. But later at the end of 2004 I was given a later map that showed they didn't include lot 1202 in there map and development. This caused me to investigate who did own the lot which I found out the LANE COUNTY had foreclosed on the lot because of back property taxes. At this time I researched the best I could and found the that had been owned by Mrs. Pope and that she as I understand it paid it off with the moneys I had given her to buy the house on lot 1201.

It is my opinion that she did not pay the taxes is because she **(1)** Did not think she owned it anymore or **(2)** The notices never found her because of her moving around.

I have the opinion now that the Title company failed to include that portion of her property because it had a different lot number and account number. And never was told to look for a second number.

The problem I have now is the garage was built right over the line of lot 1202 and the eves of the garage look like they even hang over onto the other portion. I am asking the commissioners to allow me to purchase an additional 10 feet off the lot 1202 to protect my interest from future litigation with a future owner of the property. Or second option is to pay all fees and penalties on the parcel and buy at a somewhat reduced rate the 59.9 feet of the lot 1202.

In closing I would like to thank the Commissioners and Mr. Jeff Turk for your time and help in this matter.



Michael L. Ohran

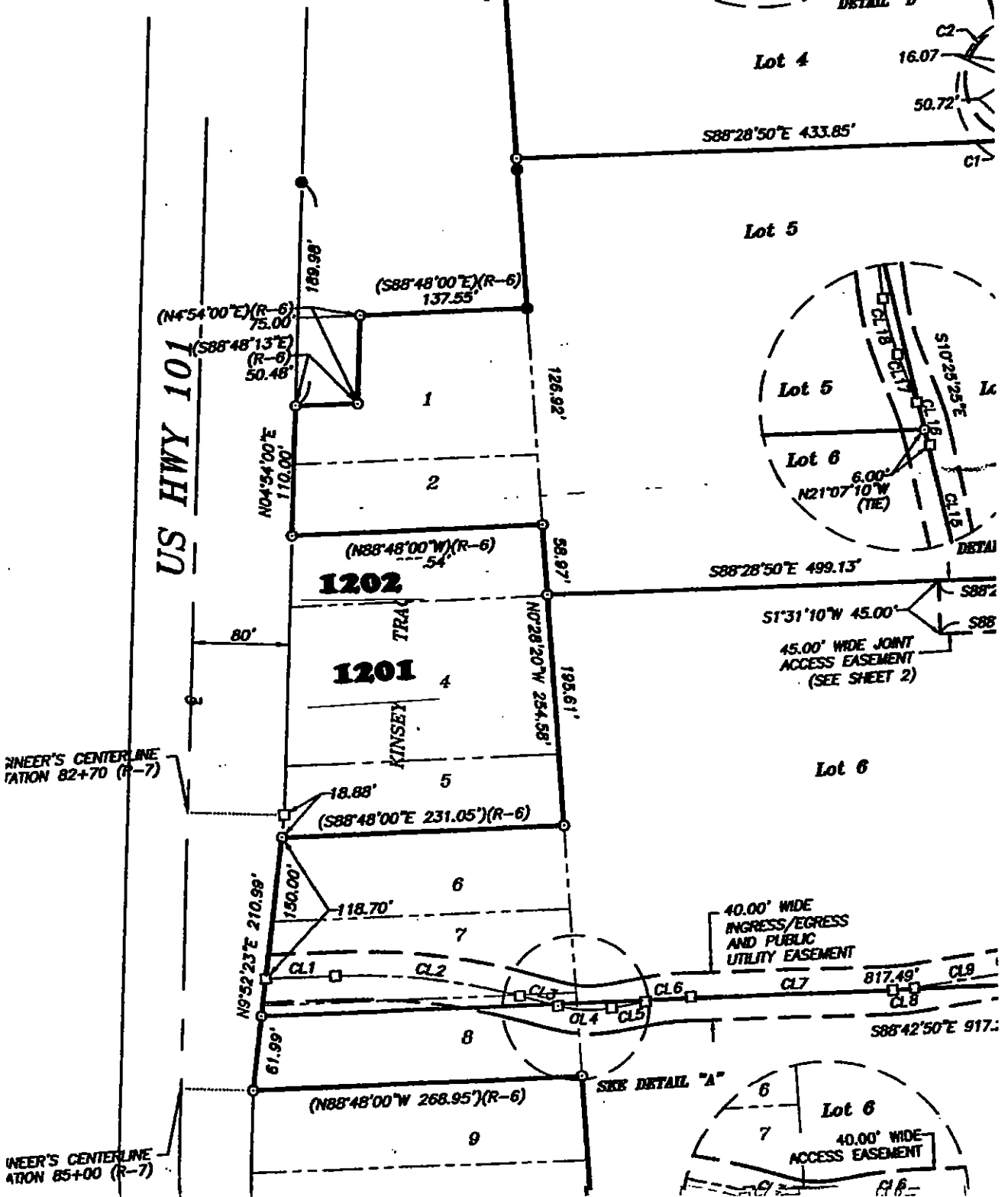
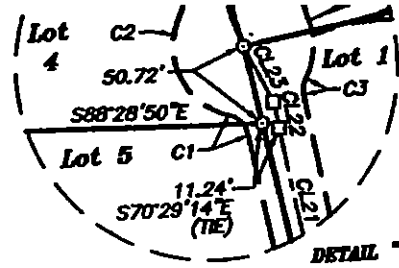


EXHIBIT : A

Plot Plan

Subdivision KINSEY TRACT

Lot 445 Block _____

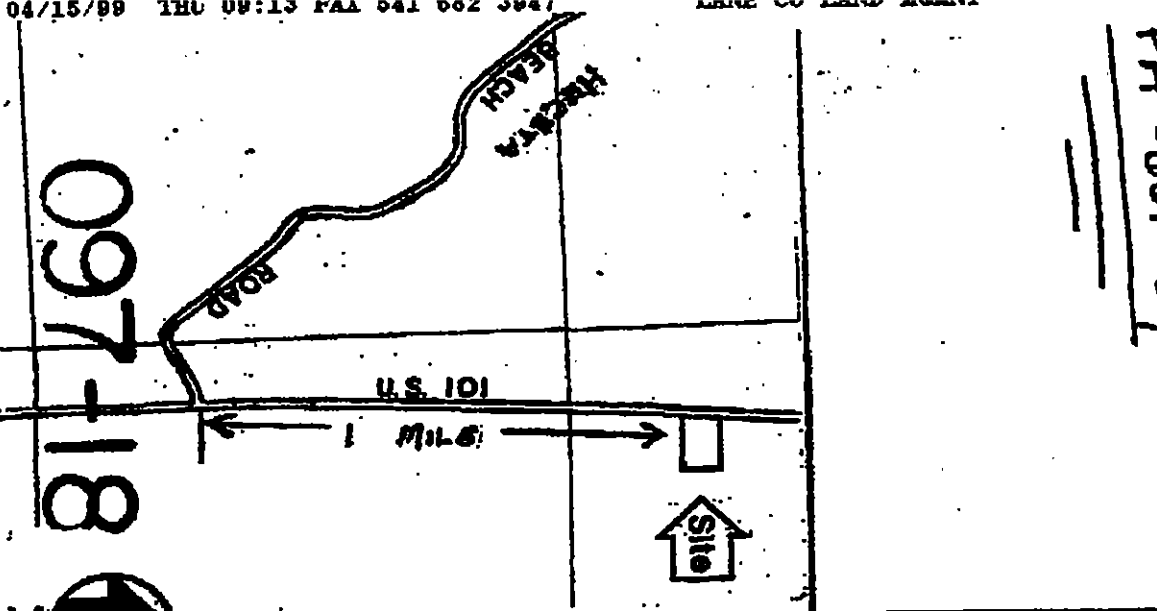
ATTN: Roger Hollis

PA-661-84

Permit # _____ For _____
Permit # _____ For _____
Permit # _____ For _____
Permit # _____ For _____

SCALE 1" = 50'

04/15/99 THU 09:13 FAX 041 002 0947



097-18

U.S. Hwy 101
195'

