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AGENDA COVER MEMO

DATE: September 15, 2005

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas
Real Property Manager

AGENDA ITEM TITLE: In the Matter of Authorizing the Sale of Two Parcels of County Owned Real Property Adjacent to Northwest Expressway on Filbert Avenue, Identified as Tax Lots 17-04-23-44 4100 & 4200.

I. MOTION

THAT THE ORDER BE ADOPTED ACCEPTING THE OFFER FROM JOEL S. KREINDEL TO PURCHASE TWO PARCELS OF COUNTY OWNED PROPERTY ADJACENT TO THE NORTHWEST EXPRESSWAY ON FILBERT AVENUE, IDENTIFIED AS TAX LOTS 17-04-23-44 4100 & 4200.

II. ISSUE OR PROBLEM

An offer has been received from Joel S. Kreindel to purchase two contiguous County-owned lots on Filbert Avenue in Eugene.

III. DISCUSSION

A. Background:

Lane County owns a row of small lots fronting upon Filbert Avenue in the River Road area of Eugene. They were originally purchased as right-of-way of the Northwest Expressway, and the lots are remnants of those acquisitions. Each of these parcels contain approximately 6,200 s.f., and a city sewer line is nearby. There are no improvements on the lots.

B. Analysis:

Mr. Kreindel has offered \$41,500 cash for each of the two lots. The lot directly north recently sold for \$55,500, but it is larger and more desirable. We advertised the lots in the *Register-Guard* from September 3, 2005 to September 11, 2005, and no higher offers were received. Consequently, this offer is concluded to represent market value. The prospective purchaser understands that he is purchasing the property "as-is".

The land is not being utilized by Lane County, and no future public use is contemplated. A sale will allow the Road Fund to realize the income from the sale of these assets, return the properties to the tax rolls, and free the County from any further liability or management responsibilities.

Pursuant to ORS 275.030 (2), Lane County can sell real property on a direct basis as long as it was not acquired by tax foreclosure. This property was acquired by purchase. It has previously been offered at a public Sheriff's Sale, and no bids were received.

C. Alternatives/Options

1. Accept the offer and approve the sale of these lots.
2. Reject the offer and retain ownership.

D. Recommendations

It is recommended that the Board accept the offer, the lots be sold, and the Quitclaim Deeds be executed.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval by the Board, the two Quitclaim Deeds will be executed and returned to Public Works Staff to finalize the transaction. The deeds will be recorded, and proceeds distributed to the Road Fund.

V. ATTACHMENTS

Quitclaim Deeds
Map

**IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON**

ORDER NO:

**(IN THE MATTER OF AUTHORIZING THE SALE
(OF TWO PARCELS OF COUNTY OWNED REAL
(PROPERTY ADJACENT TO NORTHWEST
(EXPRESSWAY ON FILBERT AVENUE,
(IDENTIFIED AS TAX LOTS 17-04-23-44 4100 &
(4200.**

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, to wit:

An approximate 6,200 sq. ft. portion of Tax Lot 4100 and an approximate 6,200 sq. ft. portion of Tax Lot 4200 on the most recent Lane County Assessor's Map No. 17-04-23-44; and

WHEREAS, said real property was acquired by purchase for the Northwest Expressway Project and not by tax foreclosure; and

WHEREAS, said real property is owned by Lane County, and it is not needed for any public purpose, and the sale of said property would benefit Lane County by its return to the tax roll; and

WHEREAS, the property was offered at a Sheriff's Sale on September 18, 1995, and no bids were received; and

WHEREAS, it is not deemed to be in the best interest of the County to sell and convey the property in the manner provided under ORS 275.120, 275.140 to 275.160 and 275.180 to 275.260; and

WHEREAS, an advertisement for sale was placed in the *Eugene Register-Guard*, a local paper of general circulation, from September 3, 2005 to September 11, 2005; and

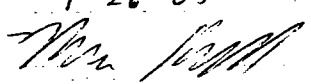
IT IS HEREBY ORDERED that, pursuant to ORS 275.030 (2), the real property be sold to Joel Kreindel for \$83,000.00 cash, that the two Quitclaim Deeds be executed by the Board, and that the proceeds be disbursed as follows:

Road Fund	(225-3632-446120-010)	\$83,000.00
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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 _____, 2005.

APPROVED / CERTIFIED

9-26-05


Chair,
Board of County Commissioners

After Recording Return to, and
Send Tax Statements to:
Joel S. Kreindel
611 Rosewood Avenue
Eugene, Oregon 97404

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called Grantor, for the true and actual consideration of Forty One Thousand Five Hundred Dollars, releases and quitclaims to **JOEL S. KREINDEL**, all of its interest in that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast one-quarter (SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded November 9, 1965, on Reel 276, Recorder's Reception Number 25605, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

"Beginning at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45, Township 17 South, Range 4 West of the Willamette Meridian, and running thence South 48° 52' East, 824.8 feet, thence North 88° 45' East along the center of Park Avenue 637.5 feet, thence South 322 feet, thence South 48° 52' East, 20 feet to the beginning or initial point for the description of this tract and the Northwest corner thereof, and running thence South 41° 08' West, 200 feet to the Easterly right of way line of the S.P.R.R. right of way, thence along said right of way line South 48° 52' East, 96 feet, thence North 41° 08' East, 200 feet, thence North 48° 52' West, 96 feet to the place of beginning, in Lane County, Oregon."

EXCEPTING THEREFROM: A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established by the Lane County Surveyors Office per County Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of a Brass Cap marking the southwest corner of the Benjamin Davis Donation Land Claim Number 45 in Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47° 14' 31" East, 3,971.49 feet to Engineers' Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

The bearings used for the above described exception are based upon the Oregon Coordinate System of 1927, South Zone.

The parcel of land to which this description applies contains 0.14 of an acre, more or less.

Grantor retains all existing, future or potential common law or statutory abutters easements of access where the above described parcel is contiguous with the northeasterly right of way line of Northwest Expressway.

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 INTEREST TO THE PROPERTY SHOULD CHECK WITH THE 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 O.R.S. 30.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day of _____, 2005.

LANE COUNTY,
a political subdivision of the State of Oregon

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2005, personally appeared _____

who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed.
Before me:

Notary Public for Oregon
My Commission Expires: _____

After Recording Return to, and
Send Tax Statements to:
Joel S. Kreindel
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Eugene, Oregon 97404

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Commissioner

Commissioner

Commissioner

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Commissioner

STATE OF OREGON)
) ss.
County of Lane)

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Before me:

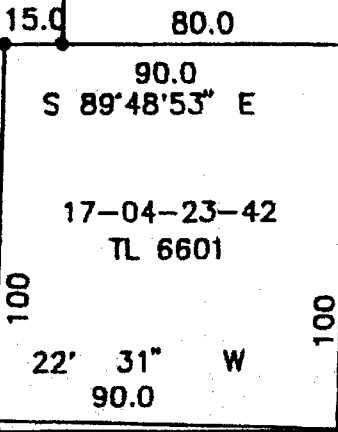
Notary Public for Oregon
My Commission Expires: _____

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N 66°28'20" E

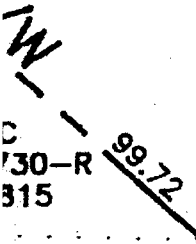
TL 6300

17-04-23-42
TL 6400

C.W. & AGNES C.
RICHARDS



17-04-23-42
TL 6100



TO LC
REEL 265-D/
3592

17-04-23-44
TL 4000
LANE COUNTY
OWNED

17-04-23-44
TL 3900

TO LC
REEL 276-D/
25605



TO LC
REEL 275-D/
22368

17-04-23-44
TL 4300
LANE COUNTY
OWNED

TO LC
REEL 277-D/
28270

TO LC
REEL 27
25606

NORTHWEST EXPRESSWAY
R/W
PACIFIC RAILROAD TRACKS

WILBERT

WILBERT

