

W.3.E.1.

AGENDA COVER MEMORANDUM

Memorandum Date: March 19, 2008

Agenda Date: April 2, 2008

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 FOR \$5,200 TO JAMES AND STEFANIE SUESS (MAP NO. 15-04-07-00-00900, ADJACENT TO 96378 ADAMS LANE, JUNCTION CITY)

1. **PROPOSED MOTION:** TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$5,200 TO JAMES AND STEFANIE SUESS (MAP NO. 15-04-07-00-00900, ADJACENT TO 96378 ADAMS LANE, JUNCTION CITY)

2. **AGENDA ITEM SUMMARY:**

The Seuss's have submitted the highest offer of two offers received for the subject property.

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

A. **Board Action and Other History**

The subject parcel was acquired by the County pursuant to a purchase for \$200 in March, 1917. Conveyance was made with a Warranty Deed. The parcel is approximately 60' x 335' (.5 acre). It is zoned EFU and is likely a lot of record however the property would not qualify for placement of a dwelling pursuant to the requirements of the EFU zone.

Research into the acquisition did not indicate a reason for the purchase. The Right-of-Way Management Division of Public Works does not have any records noting that the parcel was acquired for road purposes.

Mr. Seuss owns and resides at tax lot 800 which adjoins the subject to the East. Mr. Seuss expressed an interest in purchasing the subject parcel and initially submitted an offer of \$1,500.

As the subject parcel had not previously been offered at a public auction, letters were sent to other owners of property adjoining the subject informing them of Mr. Seuss's offer.

David Bradley, owner of tax lot 700, was also interested in acquiring the subject parcel for possible use as additional access (Mr. Bradley has access via an easement on Adams Lane which is a private road). Tax lot 700 is a commercial, agricultural processing facility and Mr. Bradley does not reside on the property. Mr. Bradley submitted an offer of \$3,000 (the offer was made with knowledge of Mr. Seuss's offer).

Mr. Seuss was informed of Mr. Bradley's offer. It was also suggested to Mr. Seuss that perhaps he and Mr. Bradley could collaborate on the purchase with Mr. Seuss purchasing the subject and granting an access easement to Mr. Bradley. Mr. Seuss was open to the possibility and said he would contact Mr. Bradley.

The parties did not wish to work together on a purchase. At that point I requested that they each submit their "final and best" offers in writing to me by March 14, 2008. It was explained to them that their offers would be presented to the Board for either acceptance or rejection of any or all offers with a recommendation that the highest monetary offer be accepted.

The Seuss's submitted an offer of \$5,200. Mr. Bradley submitted an offer of \$4,662. Each offer included the required 20% deposit.

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 \$15,000 per the Assessor and is not suitable for placement of a dwelling (the maximum value for a private sale limit was increased to \$15,000 from \$5,000 at the last legislative session).

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

Given that the property was purchased by the County proceeds from a sale would go to the General Fund.

E. Analysis

The subject parcel is not suitable for placement of a dwelling and can best be used by an adjoining owner as additional plottage.

Each party was agreeable to the “final and best” offer process and understood that their final offers would be submitted to the Board without additional opportunity to submit counter offers.

The highest monetary offer should be the sole consideration for acceptance of the offers. There are no underlying issues, such as the need for access, to further qualify one offer from the other as being the “highest and best” (ORS 275.190 requires sales to be to the “highest and best bidder”).

Notice of the County’s intent to sell the subject parcel was published in the Register-Guard on January 20, 2008. Pursuant to ORS 275.225, the Board can authorize a sale of the subject after 15 days from the publication date.

F. Alternatives/Options

1. Accept the Seuss’s offer as it is the highest monetary offer.
2. Reject both offers and direct staff to offer the property at a future auction.
3. Reject both offers and direct staff to solicit counter offers from the parties.

V. TIMING/IMPLEMENTATION

No timing issues are present.

VI. RECOMMENDATION

It is recommended that option 1 be pursued.

VII. FOLLOW-UP

Upon the Board’s approval, the Property Management Officer will finalize the sale.

VII. ATTACHMENTS

Board Order
Quitclaim Deed
1917 Warranty Deed
Plat Map

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No 05-7-13-7 of the Board of County Commissioners of Lane County, releases and quitclaims to:

James and Stefanie Suess

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

Beginning at a point 7.10 chains West of a point 20 feet West of a point on the East line of Lot 16 of the Plat of Noraton in Section 7, Township 15 South, Range 4 West of the Willamette Meridian, 19.45 chains South of the Northeast corner of said Lot and run thence S 0° 25' W 5.20 chains to the center of the County Road; thence N 64° 45' W 1.0 chains; thence N 0° 25' E 5.335 chains; thence E 0.90 chains to the place of beginning. EXCEPTING THEREFROM any portion lying within the County Road(map No.15-04-07-00-00900)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352 SECTIONS 2, 3 AND 5 TO 22 OF THIS 2007 ACT. 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 APPROVED USES, 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 197.352 SECTIONS 2, 3 AND 5 TO 22 OF THIS 2007 ACT.

The true and actual consideration for this transfer is \$5,200.00

LANE COUNTY BOARD OF COMMISSIONERS

This space reserved for recording sticker

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2008 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:
James & Stefanie Suess
96378 Adams Lane
Junction City, OR 97448

Notary Public for Oregon
My Commission Expires _____

WARRANTY DEED

21570

This instrument with force, full effect and validity shall be in full force and effect from the date hereof.

for and in consideration of the sum of Five Hundred Dollars to him paid, do hereby bargain, sell and convey unto Lane County the following described premises, to-wit: Beginning at a point 7.10 chs. West of a point 20 feet west of a point on the east line of Lot 16 of the Plat of No. 100 in Sec 7 T. 13 S. R. 4 W., S. 4. 19--3 chs. South of the Northeast corner of said Lot and running thence S 0°25' W 5.80 chs. to the center of the County Road, thence W 64°45' W 100.00 chs., thence W 0°25' E 5.735 chs., thence East 8.90 chs. to the place of beginning, containing 0.50 acres of land in Sec 7, T. 13 S., R. 4 W., S. 4. Lane County, Oregon.

To HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Lane County heirs and assigns forever.

And the said E. L. HUSTON and Sarah E. Huston do hereby covenant to and with the said Lane County

heirs and assigns, that he is the owner in fee simple of said premises and that they are free from all incumbrances.

and that he will warrant and defend the same from all lawful claims whatsoever.

In Witness Whereof, E. L. HUSTON and Sarah E. Huston on this 20th day of August A. D. 1917

In the presence of J. P. Myer, E. L. Huston, Sarah E. Huston, William H. ... (Signatures and names of witnesses)

Notary Public Fred C. A. ... COUNTY OF LANE ... Be it remembered, that on this 20th day of August 1917 personally came before me, a Justice of the Peace in and for said county and State, the within named E. L. Huston, and Sarah E. Huston his wife

to me personally known to be the identical persons described in and who executed the within instrument, and acknowledged me that executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and seal this 20th day of August 1917 Otto A. Myer Notary Public for Oregon J. P. for Fred C. A. My Commission expires 1922

Filed for Record Mar 11, 1917, 4:07 P.M. By Deputy Sheriff ... County Cl

