

W. S. D. 2

AGENDA COVER MEMORANDUM

Memorandum Date: December 22, 2010

Agenda Date: January 5, 2011

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 CRAIG H. BONTLY FOR \$2,000 (MAP # 17-04-35-43-02800, ADJACENT TO 2892 WEST 18TH AVENUE, EUGENE)

1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO CRAIG H. BONTLY FOR \$2,000 (MAP # 17-04-35-43-02800, ADJACENT TO 2892 WEST 18TH AVENUE, EUGENE)

2. **AGENDA ITEM SUMMARY:**

Mr. Bontly has submitted an offer of \$2,000 for the subject property which adjoins his property. Mr. Bontly's offer exceeds the \$1,500 offer submitted by Annie Maggs-Foster who also owns property adjoining the subject. 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 1996. The subject is .11 acres and is essentially a steep cut-bank on the South side of 18th at the intersection of Oakpatch Rd. The property is not suitable for the placement of a dwelling and has an assessed value of \$898. The subject property has not previously been offered at a Sheriff's sale. Adjoining owners of the subject property were contacted subsequent to the foreclosure but did not wish to pursue a purchase at that time (adjoining properties have since changed ownership).

The subject property is a portion of an old road that was in the original 1908 plat of the City View Park subdivision. The road was formally vacated by the City of Eugene in 1969 with the vacated portions of the road going to the adjoining owners.

The Assessor's map shows a narrow strip of the subject property lying between W. 18th Ave. and tax lot 2000 (Mr. Bontly's property). The existence of this strip may technically

block legal access to W. 18th Ave. from tax lot 2000. This was confirmed by Mr. Bontly as he indicated this was an issue with the title company when he purchased tax lot 2000 in 1997.

The cartographers in the Assessor's office were asked to review the legal description of the subject property to confirm that the strip truly existed. It was their opinion that it does.

Annie Maggs-Foster and Charles Foster own tax lot 6405 which also adjoins the subject. Ms. Foster inquired about the availability of the subject as she and her husband were in the process of developing their property with a dwelling. Ownership of the subject would provide better access and a housing area for equipment during construction. The Foster's submitted an offer of \$1,500.

Ms. Foster was informed of the County's concern that the subject property may cut off legal access to tax lot 2000; that the County would contact the owner of tax lot 2000 to apprise them of the matter and that the County may require that an access easement be in place before selling the property to someone other than the owner of tax lot 2000. Ms. Foster was agreeable to the stipulations.

A letter was sent to Mr. Bontly, owner of tax lot 2000. Mr. Bontly was concerned about the access issue and also wished to submit an offer for the property. He has submitted an offer of \$2,000. Mr. Bontly also indicated that he would be agreeable to working with the Fosters to allow them to use the subject property during construction of their dwelling.

Ms. Foster was informed of Mr. Bontly's offer and has chosen not to submit a counter offer.

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 November 26, 2010. 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

The parcel can best be used by an adjoining owner given that it cannot be improved with a dwelling. Both adjoining owners have had equal opportunity to submit offers and counter offers. Mr. Bonty has submitted the highest and best offer and has expressed a willingness to work with the Foster's to allow them to use the property during construction of their dwelling.

F. Alternatives/Options

1. Accept Mr. Bonty's 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 CRAIG H. BONTLY FOR \$2,000 (MAP # 17-04-35-43-02800, ADJACENT TO 2892 WEST 18TH AVENUE, EUGENE)

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 November 26, 2010 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 Craig H. Bontly for \$2,000, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$1,800
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 _____, 2011

Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO CRAIG H. BONTLY FOR \$2,000 (MAP # 17-04-35-43-02800, ADJACENT TO 2892 WEST 18TH AVENUE, EUGENE)

APPROVED AS TO FORM

Date 12-22-10 lane county

OFFICE OF LEGAL COUNSEL

Exhibit "A"
Legal Description
17-04-35-43-02800

▼ All of the following contiguous to that parcel described in R698/29870.

A tract of land situated in the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Sec 2, Twp 18 S, R 4 W, WM & being parallel with & 30 feet south of the center line of 18th Ave as established by the City of Eugene & recorded on page 34, Book 1009 of the City of Eugene Street Location Records; said tract being more particularly described as follows:

Commencing at the most E'ly corner of Lot 38 AMENDED PLAT OF HAWKINS HEIGHTS as platted and recorded in Book 17, Page 7, of Lane County Plat Records, Lane County, Oregon; said most E'ly corner also being the intersection of the W'ly margin of 19th Ave with the S'ly margin of 18th Ave; run thence
S87°26'24"W along & upon the N'ly margin of said lot 38, 92.49 feet to the True Point of Beginning of this description; from said true point of beginning, continue thence
S87°26'24"W 148.74 ft to a point on the arc of a 173.29 foot radius curve, (the long chord of which bears N65°53'17"W 152.09 feet) run thence along & upon said curve a distance of 168.98 feet; thence
S89°15'W 25.26 feet; thence
N1°31'W 106.81 feet; thence
N52°43'W 30.59 feet to a point on a 230.44 foot radius curve, (the long chord of which bears N65°49'W 104.84 ft) run thence along & upon said curve 105.64 ft; thence
N0°19'W 5.00 ft more or less to a point on the arc of a 270.00 foot radius curve right (the long chord of which bears S58°46'E 195.22 ft); said curve being the S'ly right-of-way line of 18th Ave as established by the City of Eugene & recorded in location book #1009, page 34; run thence along & upon said right-of-way 199.74 ft to a point of reverse curve having a radius of 330.00 ft (the long chord of which bears S64°39'40"E 297.17 ft); run thence along & upon said curve (being aforesaid right of-way) a distance of 308.20 ft to the true point of beginning of this description; all in Lane County Oregon.

▼ (Said Instrument R698/29870 is described as follows: Beginning at a point on the North line of Sec 2, Twp 18 S, R 4 W, WM, 636.3 ft East of the $\frac{1}{2}$ corner of the North line of Sec 2, & running thence N1°04'W 199.00 ft to the center of the County Rd, thence along the center of the County Rd on a 146.19 foot radius curve right (the chord of which bears S57°26'E 143.20 ft) a distance of 149.65 ft, thence S2°16'E 122.00 ft to a point on the North line of Sec 2, thence

West 121.8 ft to the place of beginning, in Lane County, Oregon.

EXCEPT: that part lying within the description in the deed to the county, a political subdivision, recorded 2/15/27, in Book 150, page 566, Lane County Oregon Deed Records,

ALSO EXCEPTING: that part conveyed to Lane County Oregon for relocation of County Rd #227, by deed recorded 5/12/54, clerk's filing #29377, Lane County Oregon Deed Records.

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:

Craig H. Bontly

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009

The true and actual consideration for this transfer is: \$2,000.00

LANE COUNTY BOARD OF COMMISSIONERS

This space reserved for recording sticker

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2011, 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:
Craig H. Bontly
2892 W. 18th Ave.
Eugene, OR 97402

Notary Public for Oregon
My Commission Expires _____

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