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AGENDA COVER MEMORANDUM

Memorandum Date: June 8, 2011

Agenda Date: June 22, 2011

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: PUBLIC HEARING/ORDER: IN THE MATTER OF AUTHORIZING THE TRANSFER, FOR \$500 CONSIDERATION, OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE DEXTER SANITARY DISTRICT – MAP NO. 19-01-16-20-01100, ADJACENT TO 38863 MATHEWS DRIVE, DEXTER

1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE TRANSFER, FOR \$500 CONSIDERATION, OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE DEXTER SANITARY DISTRICT – MAP NO. 19-01-16-20-01100, ADJACENT TO 38863 MATHEWS DRIVE, DEXTER

2. **AGENDA ITEM SUMMARY:**

The main sewer line serving the Dexter Sanitary District bisects the subject property. The sanitary district wishes to acquire the property to facilitate management of the sewer line.

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

A. Board Action and Other History

The subject parcel was acquired through tax foreclosure in 1955. It is a 50' x 160' lot in a platted subdivision and zoned RR1. The assessed value is \$16,535.

The property was being retained by the County for right of way purposes for possible connection to Minick Road and/or for reconfiguration of Mathews Dr. and access to Hwy. 58.

In June, 1982, pursuant to Order 6-16-2, the County granted a temporary construction easement on the property to the Dexter Sanitary District for the purpose of locating, designing and surveying a community sewer facility (the sewer line was constructed with BLOC grants facilitated by the County's Economic Development Dept.). The temporary easement expired July 1, 1983.

It appears that a permanent easement for the sewer line was not granted by the County as research has not yielded a Board Order or recorded easement subsequent to the temporary easement. This may have been due to the fact that the County was retaining the parcel for road purposes.

The sanitary district became interested in acquiring the property to facilitate work it will be doing on the line. The property will provide a staging area for equipment. The project is expected to take 2 years for completion.

The Transportation Planning division of the Public Works Dept. was contacted to see if there was still a need to retain the property. Phil Fields, Engineering Analyst, indicated via email that there is no longer a need to retain the property.

B. Policy Issues

ORS 271.330(1) provides for transferring County property to a municipal corporation for public purposes provided the property is used for public purposes for a minimum of 20 years. Transfers can include tax foreclosed property with or without consideration. The statute also requires that a public hearing be held before the Board takes action on the transfer.

Lane Manual 21.425(1) also provides for retention of County property if it can be used by a governmental body for public purposes at a future date.

C. Board Goals

A transfer would be consistent with the Board's goal to utilize County property for public purposes.

D. Financial and/or Resource Considerations

The consideration paid by the sanitary district will cover the costs of the transfer.

E. Analysis

Due to the presence of the sewer line the property has minimal value as no permanent structures could be built. Even without the sewer line, the size of the property would not allow for sighting of a well and septic system to accommodate a dwelling. Assuming the Board would grant a permanent easement for the sewer line if it wished to sell the property at auction, such easements typically provide an area 10' – 20' on either side of the line for maintenance purposes. As the lot is 50' wide, little room would remain for placement of a permanent structure.

The property could be used for grazing livestock, agriculture of any other purpose that would not interfere with the sewer district's ability to access the line if necessary. It is estimated that the value would be \$ 2,000 if sold to an adjoining owner or other third party.

The adjoining owners to the East and West of the property are aware of the district's interest in acquiring the property. The neighbor to the East did express some concern if the district were to use the property as a permanent staging area for equipment (the district intends to use the property as a staging area for approximately 2 years during their construction project). The adjoining owners did not express an interest in purchasing the property at this time.

F. Alternatives/Options

1. Transfer the parcel to the Dexter Sanitary District for \$500 consideration as requested.
2. Grant a permanent easement for the line to the district and retain the property for future County use or sale.

4. RECOMMENDATION

It is recommended that Option 1 be implemented.

5. TIMING/IMPLEMENTATION

No timing issues are present.

6. FOLLOW-UP

Upon approval by the Board, the Quitclaim deed will be executed and the property transferred to the Dexter Sanitary District.

7. ATTACHMENTS

Board Order
Quitclaim Deed
Board Order Granting Temporary Easement
Temporary Easement
Letter From the Dexter Sanitary District
Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING THE TRANSFER,
FOR \$500 CONSIDERATION, OF SURPLUS COUNTY
OWNED REAL PROPERTY TO THE DEXTER
SANITARY DISTRICT - MAP NO. 19-01-16-20-01100,
ADJACENT TO 38863 MATHEWS DRIVE, DEXTER

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 transfer the following real property which was acquired through tax foreclosure, to wit:

Lot 28, HART PARK, as platted and recorded in Book 14, Page 20, Lane County Oregon Plat Records, Lane County Oregon.

WHEREAS, the main sewer line of the Dexter Sanitary District bisects the property and

WHEREAS said real property is owned by Lane County and not in use for County purposes, and the transfer of said property would benefit the citizens of Lane County and

WHEREAS a public hearing was held on the matter on June 22, 2011 with notice of said hearing duly published in the "Eugene Register Guard" on June 6, 2011 and June 13, 2011.

IT IS HEREBY ORDERED that, pursuant to ORS 271.330 and Lane Manual 21.430, the real property described above, and also identified as Assessor's map # 19-01-16-20-01100, be transferred to the Dexter Sanitary District for \$500 consideration, that the Quitclaim Deed be executed by the Board and that said deed include conditions as required by statute that the property shall be used for public purposes for a minimum of 20 years from the date of transfer or be subject to reversion to the County.

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.

Faye Stewart, Chair, Board of County Commissioners

APPROVED AS TO FORM

Date 6-9-11 lane county



OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AUTHORIZING THE TRANSFER, FOR \$500 CONSIDERATION, OF SURPLUS COUNTY
OWNED REAL PROPERTY TO THE DEXTER SANITARY DISTRICT - MAP NO. 19-01-16-20-01100,
ADJACENT TO 38863 MATHEWS DRIVE, DEXTER

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:

Dexter Sanitary District

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

Lot 28, HART PARK, as platted and recorded in Book 14, Page 20, Lane County Oregon Plat Records, Lane County Oregon (map # 19-01-16-20-01100).

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: \$500.00

This transfer is made pursuant to ORS 271.330 and is conditioned upon use of the herein conveyed property by Grantee for public purposes for a minimum of 20 years from the date of transfer. The herein conveyed property is subject to reversion to Grantor if said property is not used in a manner consistent with the conditions of its transfer.

LANE COUNTY BOARD OF COMMISSIONERS

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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:
Dexter Sanitary District
PO Box 90, Dexter, OR 97431

Notary Public for Oregon
My Commission Expires _____

114 208 832

ORIGINAL

FILED

IN THE BOARD OF COUNTY COMMISSIONERS OF LAMAR COUNTY, MISSISSIPPI

SUN 25 1982

D. M. PHILLIPS, Secretary of the Dept. of Social Services of Lamar County

IN THE MATTER OF THE ESTATE OF ...

That the Board of County Commissioners of Lamar County, Mississippi, hereby...

Resolved, That the Board of County Commissioners of Lamar County, Mississippi...

That the Board of County Commissioners of Lamar County, Mississippi...

That the Board of County Commissioners of Lamar County, Mississippi...

That the Board of County Commissioners of Lamar County, Mississippi...

That the Board of County Commissioners of Lamar County, Mississippi...

BOARD OF COUNTY COMMISSIONERS

THOMAS H. KESTER

Handwritten notes and signatures at the bottom left.

Handwritten notes in a box at the bottom right.

6-25-82

W. S. ...

8218720

AT O'Clock

JUN 26 1982

TEMPORARY CONSTRUCTION EASEMENT

D. M. FENWOLD Director of the Dept. of Internal Services of Lane County

LANE COUNTY, a political subdivision of the State of Oregon, GRANTOR hereby grants to DEXTER SANITARY DISTRICT, a municipality of the State of Oregon, GRANTEE, a Temporary Construction Easement for the purpose of locating, surveying and designing a Community Sewer Facility on the following described real property in Lane County, Oregon:

Assessors Map No. 19-01-16-2, Tax Lot No. 1100, Legally described as:

Lot 28, Hart Park as plotted and recorded in Book 14, Page 20, Lane County, Oregon plat records, in Lane County, Oregon.

1) The Easement for inspection and valuation shall include the ability of contractors working for or on behalf of the GRANTEE either directly or under an inter-governmental agreement to enter the premises at reasonable times and after notice to the owner for the purpose of inspecting existing sanitary systems, lines or surveying the new systems or lines. Any and all such work shall be done at no cost to the GRANTOR.

2) The GRANTEE may use such roads as exist on the above-described properties for access for all purposes mentioned herein, and if no road exists, shall use a route as shall occasion the least damage and inconvenience to the GRANTOR. The GRANTOR agrees not to erect any structure or excavate or substantially add to or diminish the ground cover within ten (10) feet of any septic/interceptor tank or drainfield facilities or within five (5) feet of any service lines installed by the District.

3) The Easement shall expire July 1, 1983.

4) GRANTOR makes no warranty as to title. GRANTEE shall defend, indemnify and hold GRANTOR harmless from any claims arising from this easement or GRANTEE's use of the premises.

The rights, conditions and provisions of this easement shall be binding upon the heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have subscribed their names this 26th day of June, 1982.

BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON.

Handwritten signatures of Gerald H. Rust, Jr., James L. Freeman, and another commissioner.



State of Oregon ss. County of Lane

APPROVED AND FORWARDED: 6-28-82. Notary Public seal.

On June 16, 1982, personally appeared the above-named Gerald H. Rust, Jr., James L. Freeman, and another County Commissioners of Lane County, and acknowledge the foregoing instrument to be their voluntary act. Before me:

Signature of Notary Public for Oregon.

6/24/84 My Commission Expires

Dexter Sanitary District

P.O. Box 90 • Dexter, Oregon 97431

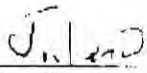
April 12, 2011

Jeff Turk
Property Management Office
Lane County Management Services
125 East Eighth Avenue
Eugene, OR 97401

RE: Property 19-01-16-20-01100

This letter is a request that Lane County transfer the title to the above listed lot to the Dexter Sanitary District in accordance with ORS 271.330.

The property will be used for public purposes by the District for at least twenty years.



John Kiest
Board President
Dexter Sanitary District

Date 4/12/2011

