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AGENDA COVER MEMORANDUM

Memorandum Date: March 16, 2011

Agenda Date: March 30, 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 FOR \$1,000 TO THE LINDA S. AND DONALD E. WOLFORD REVOCABLE LIVING TRUST DATED APRIL 4, 2008 (MAP # 18-12-14-13-01200, ADJACENT TO 87180 MUNSEL LAKE RD., FLORENCE)

1. **PROPOSED MOTION:** IT IS MOVED TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$1,000 TO THE LINDA S. AND DONALD E. WOLFORD REVOCABLE LIVING TRUST DATED APRIL 4, 2008 (MAP # 18-12-14-13-01200, ADJACENT TO 87180 MUNSEL LAKE RD., FLORENCE)

2. **AGENDA ITEM SUMMARY:**

The Wolford's have submitted of \$1,000 for the subject property. 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 1975. The subject is a 4' x 154' strip that runs along the Southern boundary of the Wolford's property (tax lot 1400). The subject has an assessed value of \$501. The strip appears to have been created due to omissions in the legal descriptions of surrounding parcels when they were created from one larger parcel.

As the subject has not previously been offered at a public sale, a letter was sent to the owners of tax lot 1200, which also adjoins the subject, to inform them of the Wolford's offer and to provide them an opportunity to address any concerns they may have or to also submit an offer if they were interested in purchasing the subject. The owners (Mark and Kathy Metzler) have not contacted the County (the letter was mailed February 10th).

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 March 7, 2011. 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 subject property would be best used by an adjoining owner.

F. Alternatives/Options

1. Accept the offer.
2. Reject the offer and direct staff to negotiate additional consideration.

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 THE LINDA S. AND DONALD E. WOLFORD REVOCABLE LIVING TRUST DATED APRIL 4, 2008 (MAP # 18-12-14-13-01200, ADJACENT TO 87180 MUNSEL LAKE RD., 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:

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 March 7, 2011 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 The Linda S. and Donald E. Wolford Revocable Living Trust dated April 4, 2008 for \$1,000, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$1,000
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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 _____, 20____.

Faye Stewart, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO THE LINDA S. AND DONALD E. WOLFORD REVOCABLE LIVING TRUST DATED APRIL 4, 2008 (MAP # 18-12-14-13-01200, ADJACENT TO 87180 MUNSEL LAKE RD., FLORENCE)

APPROVED AS TO FORM

Date 3-16-11 lane county

[Signature]
OFFICE OF LEGAL COUNSEL

Exhibit "A"

**Legal Description
18-12-14-13-01300**

Beginning at a point which bears North 385 feet and N 89° 27'W 21.5 feet from the SE corner of the SW ¼ of the NE ¼ of Section 14, Township 18S, Range 12 West of the Willamette Meridian thence; North 4.0 feet thence; West 154.0 feet thence; South to a point N 89° 27'W of the point of beginning, thence; S 89° 27'E 154.25 feet to THE POINT OF BEGINNING, all in Lane County, Oregon. EXCEPTING THEREFROM, any portion lying within the right of way of the County Road.

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:

LINDA S. AND DONALD E. WOLFORD REVOCABLE LIVING TRUST DATED APRIL 4, 2008

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: \$1,000.00

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:
Linda & Donald Wolford
87180 Munsel Lake Rd.
Florence, OR 97439

Notary Public for Oregon
My Commission Expires _____

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