

W.10.C.2

AGENDA COVER MEMORANDUM

Agenda Date: April 26, 2006

DATE: April 10, 2006

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO WYNN L. CASTLEMAN FOR \$2,300 (MAP # 21-35-08-00-02000, SOUTH OF 47938 WESTOAK RD., OAKRIDGE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO WYNN L. CASTLEMAN FOR \$2,300 (MAP # 21-35-08-00-02000, SOUTH OF 47938 WESTOAK RD., OAKRIDGE)
2. **ISSUE/PROBLEM:** Mr. Castleman has submitted an offer of \$2,300 for the subject properties. The offer is being presented for consideration of acceptance or rejection.
3. **DISCUSSION:**

3.1 Background

The subject property was acquired through tax foreclosure in September, 2004. The subject is a 90' x 60' unimproved lot, zoned RR5 and has an assessed value of \$23,000 (the property was improved with a dwelling until 1997 when it burnt down). The subject was offered at a Sheriff's sale on June 20, 2005 with a minimum bid of \$15,000 and remained unsold at the close of the sale.

Further investigation of the subject after the sale indicates that it cannot be improved with a dwelling under current land use regulations due to sanitation requirements – not enough area to site septic, drainfield and well (the former house on the property used a cesspool). Additionally, setback requirements from Westoak Rd. (30ft.) and a creek behind the property would not leave sufficient area for a dwelling. It may be possible to erect a utility structure such as a garage or storage building.

Mr. Castleman does not own an adjoining property (he does live in the area). He has indicated he would seek land use approvals to erect a utility building and/or to use the property as a camping site for a recreational vehicle.

Mr. Castleman is employed by Lane County as part time, temporary help at the Oakridge transfer station.

Mr. Castleman has secured a title report on the subject which did not reveal any defects to title.

3.2 Analysis

Pursuant to ORS 275.200, property that did not sell at a Sheriff's sale can be sold at private sale without further notice but for not less than 15% of its minimum bid at the Sheriff's sale. The offer meets the requirements of ORS 275.200.

No adjoining owner has come forward to purchase the property (notice of the June, 2005 Sheriff's sale was sent to adjoining owners). A sale to Mr. Castleman will remove the property from county inventory and return it to private ownership and the tax roll.

3.3 Alternatives/Options

- A. The Board can accept the \$2,300 offer.
- B. The offer can be rejected with direction to continue negotiations
- C. The offer can be rejected and the property again offered at a future Sheriff's sale.

3.4 Recommendation

It is recommended that Mr. Castleman's offer be accepted (option A).

3.5 Timing

None.

- 4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property will be sold.
- 5. **ATTACHMENTS:**
 - Board Order
 - Quitclaim Deed
 - Area Map
 - Tax 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 WYNN L. CASTLEMAN FOR \$2,300 (MAP # 21-35-08-00-02000, SOUTH OF 47938 WESTOAK RD., OAKRIDGE)

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 parcel was offered at a Sheriff's sale on June 20, 2005, 2004 with minimum bid of \$15,000and

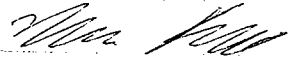
WHEREAS no bids were received for said parcel and it remained unsold at the close of said sale

IT IS HEREBY ORDERED that pursuant to ORS 275.200 and ORS 275.275, the parcel be sold to Wynn L. Castleman for \$2,300, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$1,880.00
General Fund	(124-5570260-436521)	420.00

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____.

APPROVED AS TO FORM
 APR 17 2006

 OFFICE OF CLERK OF COUNTY

Bill Dwyer, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO WYNN L. CASTLEMAN FOR \$2,300 (MAP # 21-35-08-00-02000, SOUTH OF 47938 WESTOAK RD., OAKRIDGE)

EXHIBIT "A"

LEGAL DESCRIPTION

21-35-08-00-02000

Commencing at a point where the Southerly right of way line of the County Road (commonly referred to as the Old Military Road) intersects with the East Section line of Section 8, township 21 South, range 3 East of the Willamette Meridian, and running thence along said Southerly right of way line of said road Southwesterly 930 feet to THE TRUE POINT OF BEGINNING of the within described tract of land thence; Easterly 60.0 feet on a line perpendicular to said County Road thence; on a 90 degree angle to the right (and parallel with said County Road) 90.0 feet thence; on a 90 degree angle to the right 60.0 feet to the Southerly right of way line of said County Road thence; Northerly 90.0 feet along said right of way line to THE TRUE POINT OF BEGINNING of the within described tract, being a tract of land 60 feet by 90 feet, all in the Northeast $\frac{1}{4}$ of Section 8, township 21 South, Range 3 East of the Willamette Meridian, Lane County Oregon.

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:

WYNN L. CASTLEMAN

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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL/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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS. 30.930 AND T INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true and actual consideration for this transfer is \$2,300.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2006 personally appeared _____,
_____, _____, _____,

_____, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Notary Public for Oregon

My Commission Expires _____

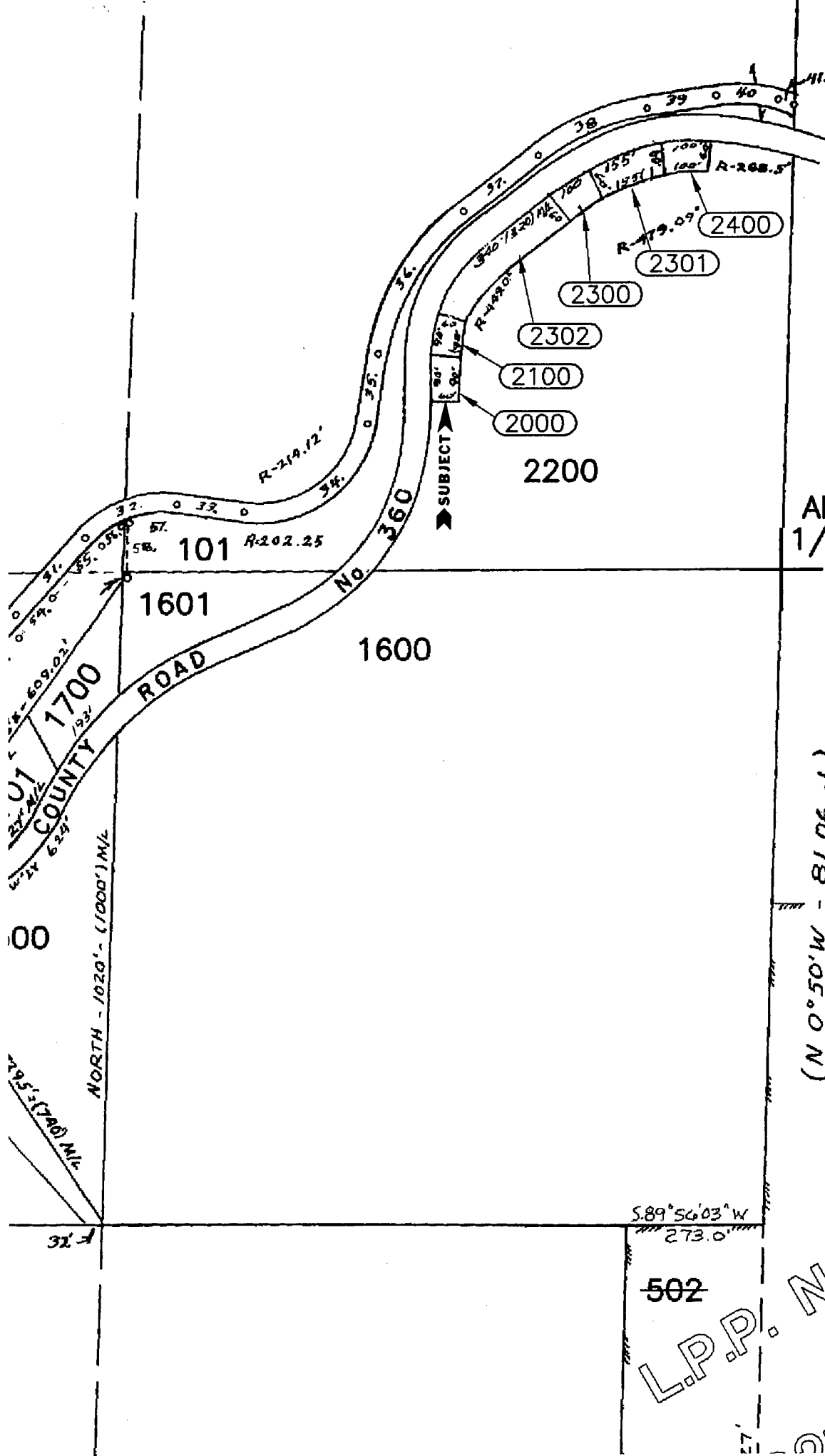
After recording, return to/taxes to:
Wynn L. Castleman
PO Box 109
Oakridge, OR 97463

EXHIBIT "A"

LEGAL DESCRIPTION

21-35-08-00-02000

Commencing at a point where the Southerly right of way line of the County Road (commonly referred to as the Old Military Road) intersects with the East Section line of Section 8, township 21 South, range 3 East of the Willamette Meridian, and running thence along said Southerly right of way line of said road Southwesterly 930 feet to THE TRUE POINT OF BEGINNING of the within described tract of land thence; Easterly 60.0 feet on a line perpendicular to said County Road thence; on a 90 degree angle to the right (and parallel with said County Road) 90.0 feet thence; on a 90 degree angle to the right 60.0 feet to the Southerly right of way line of said County Road thence; Northerly 90.0 feet along said right of way line to THE TRUE POINT OF BEGINNING of the within described tract, being a tract of land 60 feet by 90 feet, all in the Northeast $\frac{1}{4}$ of Section 8, township 21 South, Range 3 East of the Willamette Meridian, Lane County Oregon.



APPROX.
1/4 COR.

- 1.
2. S. 81° 34'
- 3.
4. S. 74° 23'
- 5.
6. S. 89° 24'
- 7.
8. S. 82° 24'
9. S. 82° 21'
- 10.
11. N 74° 35'
- 12.
13. N 25° 40'
- 14.
15. S 86° 47'
- 16.
17. N 65° 25'
- 18.
19. N 85° 08'
- 20.
21. S 67° 10' 5"
- 22.
23. N 71° 51' 3"
- 24.
25. N 80° 59'
- 26.
27. N 66° 19' 2"
- 28.
29. N 42° 58' 3"
- 30.
31. N 38° 56' 5"
- 32.
33. S 83° 46' E
- 34.
35. N 06° 48' 5"
- 36.
37. N 50° 35' 24"
- 38.
39. N 78° 56' 45"
- 40.
41. S 73° 19' 15"
42. S 72° 14' E
43. N 84° 23' E
44. N 71° 26' E
45. N 71° 01' E
46. N 7° 01' E

L.P.P. NO.
502