

W. S. C. I.

**AGENDA COVER MEMORANDUM**

**Memorandum Date: September 20, 2006**

**Agenda Date: October 4, 2006**

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**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 TO PETER AND REBECCA KOVACH FOR \$110,000 (MAP # 18-03-20-00-02001, ADJACENT TO 5255 WEST AMAZON DR.)

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1. **PROPOSED MOTION: THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO PETER AND REBECCA KOVACH FOR \$110,000 (MAP # 18-03-20-00-02001, ADJACENT TO 5255 WEST AMAZON DR.)**

2. **AGENDA ITEM SUMMARY:**

The Board is being asked to accept or reject a \$110,000 offer for County owned real property submitted by Peter and Rebecca Kovach.

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

**A. Board Action and Other History**

The subject property was recently offered at a Sheriff's sale on September 11, 2006 with a minimum bid of \$130,000 and remained unsold at the close of the sale.

The Kovach's own property adjoining the subject (tax lot 2000) and submitted their offer the day following the Sheriff's sale. Other parties also expressed an interest in the subject property but declined to submit offers exceeding the Kovach's. The Kovach's offer is for cash (no contract).

The subject property was acquired through tax foreclosure in September, 1992. It is 1.3 acres and has an assessed value of \$54,781. Title and access issues had encumbered the

property preventing an earlier sale. Time and court actions have resolved these issues. While there is legal access to the subject property the access has yet to be developed.

**B. Policy Issues**

Pursuant to LM 21.425, it is the policy of Lane County to dispose of county property not needed for public purposes.

**C. Board Goals**

Pursuant to item B2 [c] of the Strategic Plan (Resource Planning and Allocation) the county is to assess its real property assets and utilize them in a manner that is beneficial to the county.

**D. Financial and/or Resource Considerations**

Revenue from the sale of tax foreclosed property is first used to offset costs of the Property Management Program (personnel costs, maintenance costs, management costs). Remaining funds are then disbursed to all of the taxing districts. The County receives approximately 9% of the funds disbursed to the taxing districts from the sale of foreclosed property. Revenue will continue to be received in the form of property taxes as the subject property will be returned to the tax roll.

**E. Analysis**

The subject property does present some development issues with respect to access and hookups with water and sewer lines. The property was well advertised prior to the September 11<sup>th</sup> auction and numerous inquiries for it were received prior to and after the sale. Given these circumstances, the Kovach's offer is fair.

ORS 275.200 provides for selling County owned real property at private sale which has not sold at an auction provided the sale price is not less than 15% of the minimum bid set at the auction. The subject property meets the requirements for a private sale.

**F. Alternatives/Options**

1. Sell the subject parcel pursuant to the Kovach's offer.
2. Direct staff to negotiate other sale terms than those offered
3. Reject the offer and offer the property at a future Sheriff's sale.

**V. TIMING/IMPLEMENTATION**

Upon passage of the motion by the Board, staff will process a Quitclaim Deed for execution by the Board.

**VI. RECOMMENDATION**

It is recommended that the motion be passed thereby returning the property to the tax roll and providing revenue to the county and taxing districts from sale proceeds.

**VII. FOLLOW-UP**

Upon receipt of the executed deed, Property Management staff will contact the buyer and proceed with closing the transaction.

**VII. 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 PETER AND REBECCA KOVACH FOR \$110,000 (MAP # 18-03-20-00-02001, ADJACENT TO 5255 WEST AMAZON DR.)

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 was offered at a Sheriff's sale on September 11, 2006 with a minimum bid of \$130,000 and did not receive any bids and remained unsold at the close of said sale

IT IS HEREBY ORDERED that, pursuant to ORS 275.200 and ORS 275.275, the real property be sold to Peter and Rebecca Kovach for \$110,000, that the Quitclaim Deed be executed and that the proceeds be disbursed as follows:

Foreclosure Fund	(268-5570270-446120)	\$109,844
General Fund	(124-5570260-436521)	156

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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Bill Dwyer, Chair, Board of County Commissioners

APPROVED:  
9-21-06  
*[Handwritten Signature]*

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO PETER AND REBECCA KOVACH FOR \$110,000 (MAP # 18-03-20-00-02001, ADJACENT TO 5255 WEST AMAZON DR.)

EXHIBIT A

Sunny Hollow 5<sup>th</sup> Addition – East half of Tract No. 6: Beginning at a point on the Southeasterly line of a 60.0 foot wide roadway known as West Drive 1027.83 feet South and 1531.47 feet East of the Northwest corner of Section 20, in Township 18 South, Range 3 West of the Willamette Meridian; and run thence along the Southerly line of West Drive South 46° 46' West 155.79 feet; thence on the arc of a 2321.83 foot radius curve right (the chord of which bears South 47° 16' 30" West 41.15 feet), a distance of 41.16 feet; thence South 26° 44' East 581.64 feet; thence North 43° 15' East 152.43 feet to the Southerly and Westerly line of a 60.0 foot wide road known as Canyon Drive; thence along said line on the arc of a 111.85 foot radius curve right (the chord of which bears North 24° 23' 15" West 111.81 feet), a distance of 117.08 feet; thence North 5° 36' East 61.0 feet; thence on the arc of a 219.11 foot radius curve left (the chord of which bears North 7° 19' West 97.96 feet), a distance of 98.79 feet; thence North 20° 14' West 69.87 feet; thence on the arc of a 542.96 foot radius curve left (the chord of which bears North 31° 44' West 216.50 feet), a distance of 217.96 feet; thence North 43° 14' West 46.4 feet to the Place of Beginning, in Lane County, Oregon.

EXCEPT: Beginning at a point being 1027.83 feet South and 1531.47 feet East of the Northwest corner of Section 20, Township 18 South, Range 3 West of the Willamette Meridian, said point being on the Southwesterly margin of Canyon Drive; thence along said margin South 43° 14' East 46.40 feet; thence continuing along said margin along the arc of a 542.96 foot curve right (the chord of which curve bears South 31° 44' East 216.50 feet), a distance of 217.96 feet; thence leaving said margin South 54° 16' West 223.65 feet; thence North 26° 44' West 239.38 feet to the Southeasterly margin of West Drive; thence along said margin along the arc of a 2321.83 foot curve left (the chord of which curve bears North 47° 16' 30" East 41.15 feet), a distance of 41.16 feet; thence continuing along said margin North 46° 46' East 155.79 feet to the Point of Beginning, in 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:

**Peter and Rebecca Kovach**

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 197.352. 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

The true and actual consideration for this transfer is \$110,000.00

**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 \_\_\_\_\_

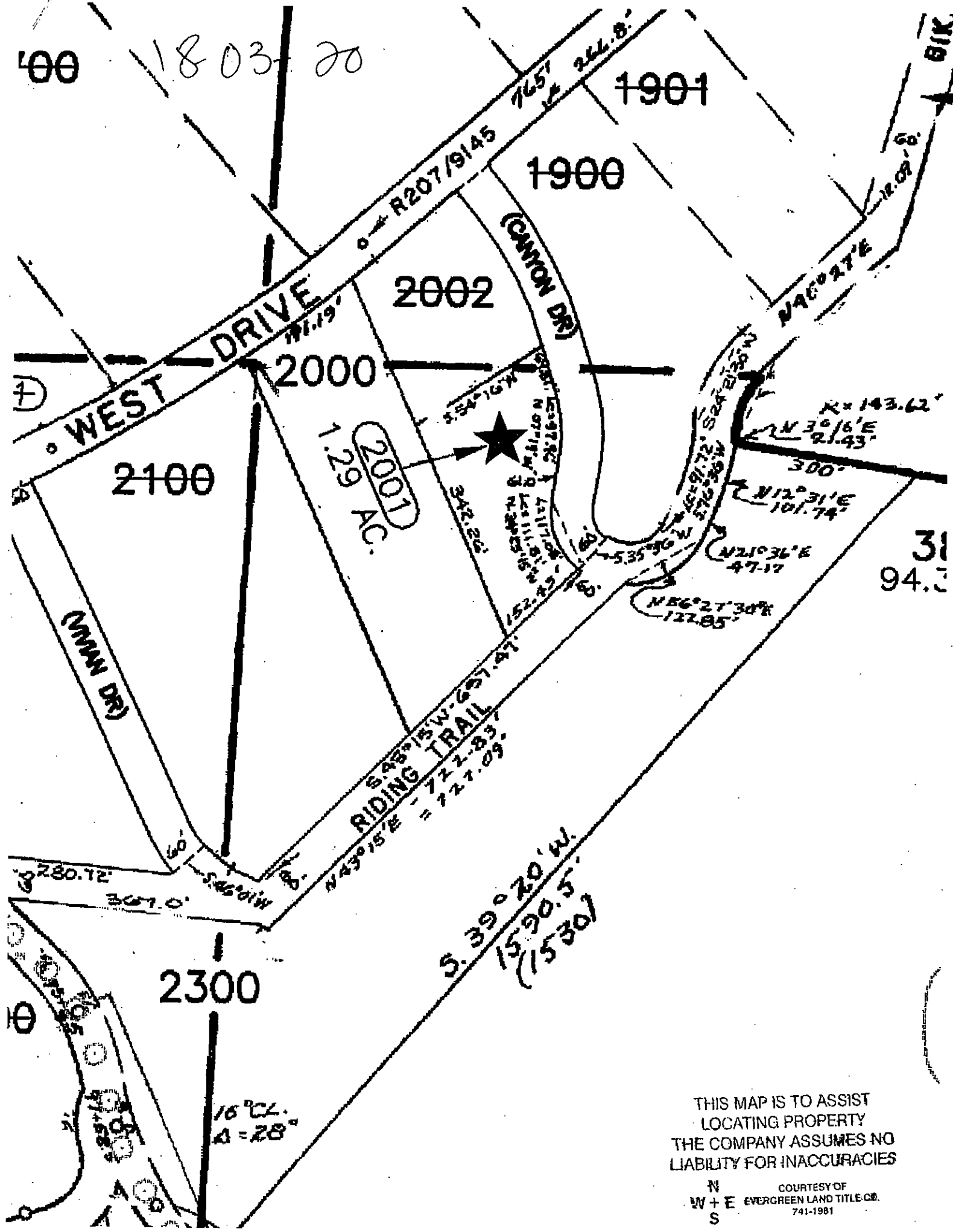
After recording, return to/taxes to:  
Peter & Rebecca Kovach  
5255 W. Amazon Dr.  
Eugene, OR 97405

My Commission Expires \_\_\_\_\_

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1803 20

1901

1900

2002

2000

2100

1.29 AC.

31  
94.5

2300

THIS MAP IS TO ASSIST  
LOCATING PROPERTY  
THE COMPANY ASSUMES NO  
LIABILITY FOR INACCURACIES

N  
W + E  
S

COURTESY OF  
EVERGREEN LAND TITLE CO.  
741-1981

16° CL.  
Δ = 28°