
TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas, Right of Way Manager

AGENDA ITEM TITLE: In The Matter of Authorizing the Execution of a Warranty Deed and Related Documents Regarding the Sale of a Portion of County-Owned Surplus Road Fund Property Located at 11 River Avenue, Eugene, to Lane Transit District.

I. **MOTION**

THAT THE ORDER BE APPROVED AUTHORIZING EXECUTION OF THE WARRANTY DEED AND OTHER DOCUMENTS NECESSARY TO CONVEY THE PROPERTY.

II. **AGENDA ITEM SUMMARY**

Lane Transit District wishes to purchase a portion of surplus Lane County Road Fund property located at 11 River Avenue, Eugene.

III. **BACKGROUND/IMPLICATIONS OF ACTION**

A. **Board Action and Other History**

By Order 07-8-29-12, the Board authorized the County Administrator to sign an Intergovernmental Agreement (IGA) with Lane Transit District (LTD) regarding the sale of a portion of County-owned surplus Road Fund property located at 11 River Avenue, Eugene. This property has been under lease to LTD since 1977 and has been used as the River Road Transit Station.

In connection with the sale of the property and in accordance with the Proposed IGA, authorization was also given for the completion of a Land Partition in order to retain a portion of the County-owned property that could be leased to produce a revenue stream to help support Road Fund operations in the future.

The major elements of the IGA that was authorized by the Board included the assumption that a Land Partition would be required in order to sell to LTD the land needed for the continued use as a transit station and for the retention by Lane County of the lease "pad".

When additional research and analysis was completed, it became apparent that there were four existing legal lots within the Lane County property; therefore a Partition of the property was not required. Instead, a portion of the property could be conveyed and a portion retained utilizing only a Property Line

Adjustment involving a shift of the property lines between two of the lots (Tract 1 and Tract 2 on the map identified as Exhibit D to Attachment 1). This property line adjustment was a simpler and less time-consuming process than a partition and it has now been completed. The reconfiguration of the property lines resulted in a total of 82,890 square feet of land that can be sold to LTD, and a parcel 20,830 square feet in size to be retained by Lane County to be leased. The parcel proposed to be sold to LTD is identified as Tracts 2, 3 and 4 on Exhibit D.

B. Policy Issues

This property is not needed for use by Lane County now or in the foreseeable future. ORS 271.310 and ORS 275.030 provide for direct sales of such property if the property was not acquired by foreclosure for non-payment of property taxes and the county governing body deems it not to be in the best interest of the county to sell and convey the property by means of a Sheriff's auction.

The Transit Station serves the citizens of Lane County and the City of Eugene, and a direct sale of the property will allow its continued use as a Transit Station.

Board Goals

This project addresses the County Goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development."

C. Financial and/or Resource Considerations

This property is a Road Fund asset, and upon close of escrow, the proceeds from the sale will be deposited in the Road Fund.

D. Analysis

Two appraisals of the property have been completed: one by Lane County staff and one by an independent appraiser commissioned by LTD. At the time the appraisals were undertaken, the property survey had not yet been completed and the exact sizes of both the proposed sale and lease portions of the property were not known. The independent appraisal valued the 78,753 square foot proposed sale parcel at \$2,200,000, or \$28.00 per square feet overall. The staff appraisal valued the entirety of the property at \$2,900,000, but this estimate included the proposed lease property (to be retained and identified as Tract 1 on Exhibit A) which is estimated to have a market value of approximately \$675,000.

The parcel proposed to be sold to LTD includes a strip of land containing approximately 3,594 square feet that is now used as the access for LTD riders accessing the parking area of the transit station. This area will continue to be used as the access under the present station configuration, and it will also serve as the access for the proposed leased parcel. LTD has agreed to a sales price for Tracts 2, 3, and 4 on Exhibit D of \$2,231,800, and has also agreed to grant Lane County a perpetual easement for ingress and egress and private utility purposes, to benefit the retained parcel, and to be responsible for the continuing maintenance of the paving and other improvements located within the easement area.

One of the conditions precedent to closing is the issuance of a "No Further Action" (NFA) letter by the Oregon Department of Environmental Quality relating to the completion of a cleanup of the effects of a gasoline leak on a neighboring property that occurred in 1989. It is anticipated that this will be received prior to the projected closing date of May 7, 2008. LTD's financing is conditioned upon receipt of this letter from DEQ, but if the letter is not received by the projected closing date, LTD has agreed to pay rent in the amount of \$100.00 per day up to the date of closing or the expiration of the agreement.

In order to complete this transaction, it is necessary that the Board authorize the following:

- a. Execution of the Property Line Adjustment Deed that will legally adjust the boundary between Tracts 1 and 2.
- b. Authorize the County Administrative Officer to sign all documents necessary for closing of the transaction through escrow.
- c. Authorize the execution of the Warranty Deed conveying the property to LTD.

E. Alternatives/Options

1. Approve Order authorizing the execution of the Declaration of Property Line Adjustment and Warranty Deed and authorize the County Administrative Officer to sign documents necessary for the closing of the transaction through escrow.
2. Deny the Order and direct staff otherwise.

V. TIMING/IMPLEMENTATION

If the Board approves the Order, Public Works staff will place the documents in escrow. When all conditions necessary for closing have been satisfied, the proceeds from the sale will be deposited in the Road Fund.

VI. RECOMMENDATION

Option 1.

VII. FOLLOW-UP

N. A.

VII. ATTACHMENTS

Board Order with Attachment 1
Declaration of Property Line Adjustment with Exhibits A through D
Warranty Deed

**IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON**

Resolution and Order No.

(**IN THE MATTER OF AUTHORIZING THE**
(**EXECUTION OF A WARRANTY DEED AND**
(**RELATED DOCUMENTS REGARDING THE**
(**SALE OF A PORTION OF COUNTY-OWNED**
(**SURPLUS ROAD FUND PROPERTY**
(**LOCATED AT 11 RIVER AVENUE, EUGENE,**
(**TO LANE TRANSIT DISTRICT**

WHEREAS, by Order 07-8-29-12 the Board authorized an Intergovernmental Agreement (IGA) with Lane Transit District (LTD) regarding the sale of surplus Lane County Road Fund Property located at 11 River Avenue, Eugene; and

WHEREAS, the IGA proposed the sale of a portion of the County-owned parcel to LTD for continued use as the River Road Transit Station and the retention of the remainder said real property to be leased to provide revenue for the Road Fund, and

WHEREAS, the County parcel consisted of 4 legal lots, and it was necessary to adjust the boundary between two of the lots identified as Exhibit "A" on Attachment 1 in order to optimize the size of the parcels for the intended use; and

WHEREAS, LTD has tentatively agreed to purchase the sale property, more particularly described as Exhibit "C" on Attachment 1 containing approximately 74,494 square feet for \$2,231,800, to grant to Lane County a perpetual easement for ingress and egress and private utility purposes to serve the County-retained parcel, to be responsible for maintenance of the paving and other improvements within the easement area and with the terms of the sale to be cash at closing of escrow; and

WHEREAS, the parcel to be retained by Lane County is more particularly described as Exhibit "B" on said Attachment 1; and

WHEREAS, said property was acquired by purchase for street and road right of way and not by tax foreclosure; and

WHEREAS, ORS 271.310 and ORS 275.030 provide for the direct sale of such property if the property of the governing body deems it not in the best interest of the County to sell by means of a Sheriff's sale; and

WHEREAS, a direct sale to LTD will allow continued use of the site and its improvements as a transit station for the benefit of citizens of Lane County,

NOW THEREFORE,

IT IS HEREBY RESOLVED that the proposed terms of the sale are approved.

IT IS HEREBY ORDERED that, in accordance with the terms of the IGA and pursuant to ORS 275.030 (2), that the Warranty Deed and Property Line Adjustment Deed be executed and placed in

escrow, that the County Administrative Officer be authorized to sign any and all documents necessary for the closing of the transaction and that upon receipt of the proceeds they be deposited in the Road fund.

IT IS ALSO FURTHER ORDERED that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 2008.

APPROVED AS TO FORM:

Date: 4-16-08



Lane County Office of Legal Counsel

Faye Stewart, Chair
Board of County Commissioners

ATTACHMENT 1

EXHIBIT "A" LEGAL DESCRIPTION FOR REVISED BOUNDARY LINE

Beginning at a point on the Southerly right-of-way of County Road No. 1353 (known as Beltline Road) as said road was surveyed in 1964, opposite and 95 feet distant Southerly of Engineer's Centerline Station L128+05.00, said point also being 2371.57 feet South and 1466.10 feet West of the South Southeast corner of the L. Poindexter Donation Land Claim No. 52, in Section 12, Township 17 South, Range 4 West of the Willamette Meridian; thence South 53°53'15" West 102.16 feet; thence South 38°58'37" West 115.43 feet; thence South 19°10'08" West 240.36 feet to the north margin of River Avenue; thence along said north margin South 82°42'13" West 114.44 feet to the True Point of Beginning; thence leaving said north margin bearing North 19°58'39" East 160.27 feet; thence South 79°37'51" West 178.13 feet; thence South 10°21'12" East 34.26 feet; thence South 78°49'17" West 21.63 feet to the east bound on-ramp of said County Road No. 1353 (known as Beltline Road) and there ending, all in Lane County, Oregon.

EXHIBIT "B" LEGAL DESCRIPTION FOR REVISED TRACT 1 PROPERTY

Beginning at a point on the Southerly right-of-way of County Road No. 1353 (known as Beltline Road) as said road was surveyed in 1964, opposite and 95 feet distant Southerly of Engineer's Centerline Station L128+05.00, said point also being 2371.57 feet South and 1466.10 feet West of the South Southeast corner of the L. Poindexter Donation Land Claim No. 52, in Section 12, Township 17 South, Range 4 West of the Willamette Meridian; thence South 53°53'15" West 102.16 feet; thence South 38°58'37" West 115.43 feet; thence South 19°10'08" West 240.36 feet to the north margin of River Avenue; thence along said north margin South 82°42'13" West 114.44 feet to the True Point of Beginning; thence continuing South 82°42'13" West 123.09 feet to the easterly margin of River Road; thence along said easterly margin (being common to east bound on-ramp of said County Road No. 1353, known as Beltline Road) North 07°10'02" East 21.88 feet; and North 12°13'47" West 76.32 feet; thence leaving said east margin bearing North 78°49'17" East 21.63 feet; thence North 10°21'12" West 34.26 feet; thence North 79°37'51" East 178.13 feet; thence South 19°58'39" West 160.27 feet to the True Point of Beginning, all in Lane County, Oregon.

EXHIBIT "C" LEGAL DESCRIPTION FOR REVISED TRACT 2 PROPERTY (Including other adjacent tracts under common ownership)

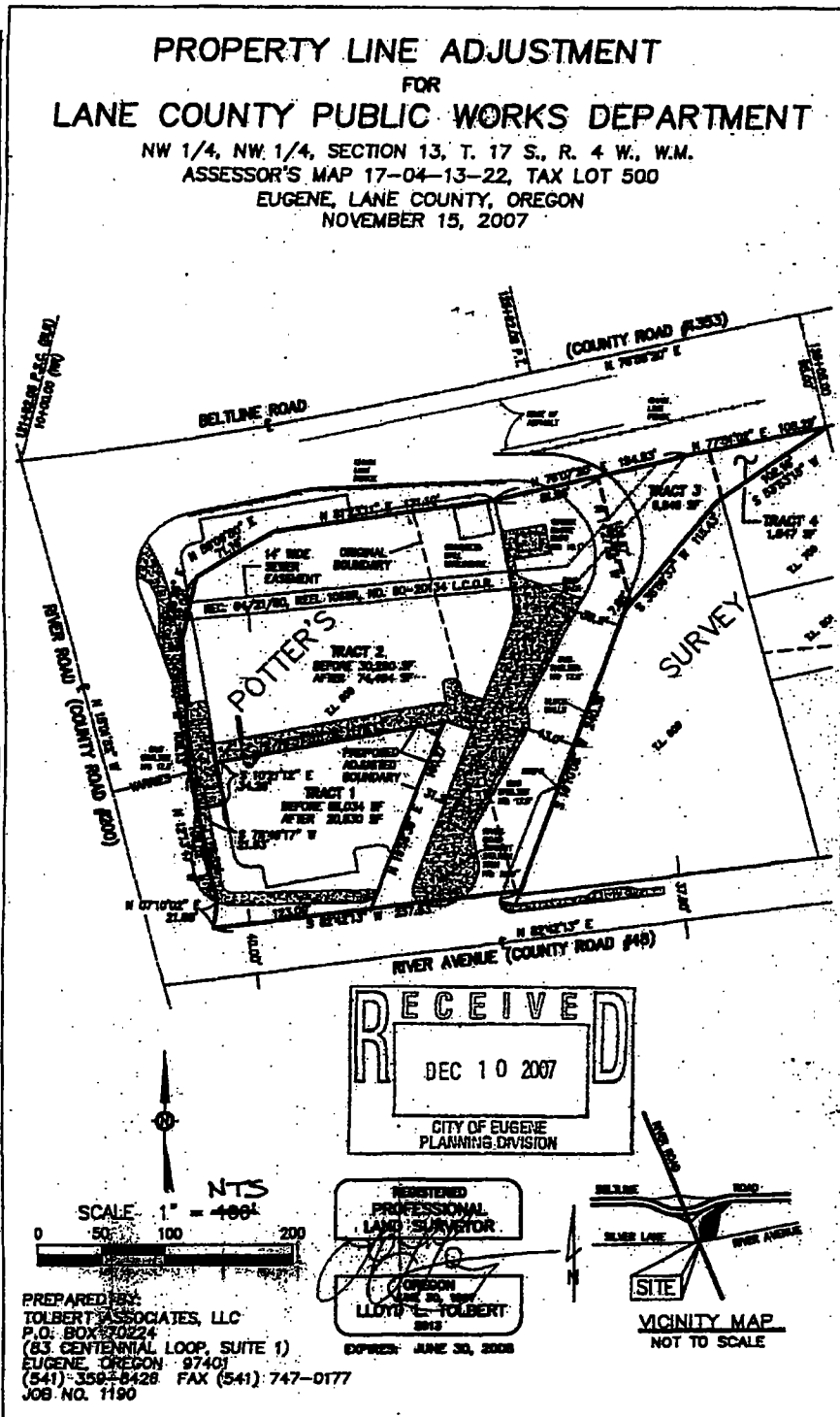
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IN THE MATTER OF AUTHORIZING THE EXECUTION OF A WARRANTY DEED AND RELATED DOCUMENTS REGARDING THE SALE OF A PORTION OF COUNTY-OWNED SURPLUS ROAD FUND PROPERTY LOCATED AT 11 RIVER AVENUE, EUGENE, TO LANE TRANSIT DISTRICT

EXHIBIT "D"

Property Line Change

Planning & Development
Planning Division



Lot Number(s)

Assessor's Map(s)

File number LA 0755 *Approved 12/25/07 -BW*

LOCATED AT 11 RIVER AVENUE, EUGENE, TO LANE TRANSIT DISTRICT

After Recording Return to, and
Send Tax Statements to:
Lane Transit District
P.O. Box 7070
Eugene, OR 97401
Attn: Stefano Viggiano

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

WARRANTY DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No. _____ or the Board of County Commissioners, hereinafter called **GRANTOR**, for the true and actual consideration of \$2,231,800.00, conveys and warrants to **LANE TRANSIT DISTRICT**, a municipal corporation in the State of Oregon the following described real property free of liens and encumbrances, except specifically as set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Easements of record, if any, affecting title, which may appear in the public record, including those shown on any recorded plat of survey.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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.

**“EXHIBIT A”
LEGAL DESCRIPTION
LANE COUNTY TO LANE TRANSIT DISTRICT
TAX LOT 17-04-13-22-00500 (por.)**

That certain real property situated in Section 13, Township 4 South, Range 4 West Willamette Meridian, and more particularly described as follows:

Beginning at a point on the Southerly right-of-way of County Road No. 1353 (known as Beltline Road) as said road was surveyed in 1964, opposite and 95 feet distant Southerly of Engineer's Centerline Station L128+05.00, said point also being 2371.57 feet South and 1466.10 feet West of the South Southeast corner of the L. Poindexter Donation Land Claim No. 52, in Section 12, Township 17 South, Range 4 West of the Willamette Meridian; thence South 53°53'15" West 102.16 feet; thence South 38°58'37" West 115.43 feet; thence South 19°10'08" West 240.36 feet to the north margin of River Avenue; thence along said north margin South 82°42'13" West 114.44 feet; thence leaving said north margin bearing North 19°58'39" East 160.27 feet; thence South 79°37'51" West 178.13 feet; thence South 10°21'12" East 34.26 feet; thence South 78°49'17" West 21.63 feet to the east bound on-ramp of said County Road No. 1353 (known as Beltline Road); thence North 12°13'47" West 29.70 feet; thence North 04°01'07" West 108.13 feet; thence North 12°26'26" East 52.04 feet; thence North 58°06'50" East 71.16 feet; thence North 81°23'11" East 171.10 feet; thence North 76°07'20" East 154.83 feet; thence North 77°51'02" East 108.29 feet to the Point of Beginning, all in Lane County, Oregon.

After Recording Return to, and
Send tax statements to:
Lane County Public Works
Right of Way Management Section
3040 N. Delta Highway
Eugene, Oregon 97408

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

DECLARATION OF PROPERTY LINE ADJUSTMENT

Lane County, a political subdivision of the State of Oregon, hereinafter referred to as "OWNER", is the owner of two contiguous tracts of real property located in Section 13 of Township 17 South, Range 4 of the Willamette Meridian being referred to herein as Tract 1 and Tract 2. Lane County acquired ownership of Said Tract 1 and tract 2 properties via Vacation Order No. 3535 filed September 2, 1976 in Lane County Oregon Deeds and Records. OWNER is setting forth this declaration to set an adjusted boundary line between said Tract 1 and Tract 2 to comply with Lane County Land Use Regulations and the provisions of ORS 92.190(4).

The Tract 1 property is shown on Assessor's Map 17-04-13-22 as a portion of Tax Lot 500. The legal description for said Tract 1 property prior to this adjustment is contained within a Warranty Deed dated August 11, 1906, Book 72, Page 278 and a Warranty Deed dated March 29, 1909, Book 78, Page 513 of the Lane County Oregon Deed Records.

The Tract 2 property is shown on Assessor's Map 17-04-13-22 as a portion of said Tax Lot 500. The legal description for said Tract 2 property prior to this adjustment is contained within that certain Warranty Deed dated October 18, 1945, Book 300, Pages 662-663, Reception No. 160704 of the Lane County Oregon Deed Records.

By and through this instrument, OWNER does hereby set forth and declare its intent to establish an adjusted property line between the foregoing properties as described above. The legal description, which depicts the adjusted property line, is described on attached Exhibit "A".

Following this property line adjustment, the description of the Tract 1 property is described on attached Exhibit "B".

Following this property line adjustment, the description of the Tract 2 and adjacent tracts under common ownership are described on attached Exhibit "C".

That portion of the legal description which depicts the adjusted line is underlined on said Exhibits. A depiction of said property line adjustment is shown on attached Exhibit "D" as approved per City of Eugene Planning Action LA 07-55.

The true and actual consideration for this conveyance is for good and valuable consideration.

DECLARATION OF PROPERTY LINE ADJUSTMENT

DECLARANT: Lane County, a political subdivision of the State of Oregon

After recording return to: Lane County Public Works Department
Right of Way Management Section
3040 N. Delta Highway
Eugene, Oregon 97408

DECLARATION OF PROPERTY LINE ADJUSTMENT

Page 1 of 4

TL 17-04-13-22-00500

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EXHIBIT "B" LEGAL DESCRIPTION FOR REVISED TRACT 1 PROPERTY

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EXHIBIT "C" LEGAL DESCRIPTION FOR REVISED TRACT 2 PROPERTY (Including other adjacent tracts under common ownership)

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DECLARATION OF PROPERTY LINE ADJUSTMENT

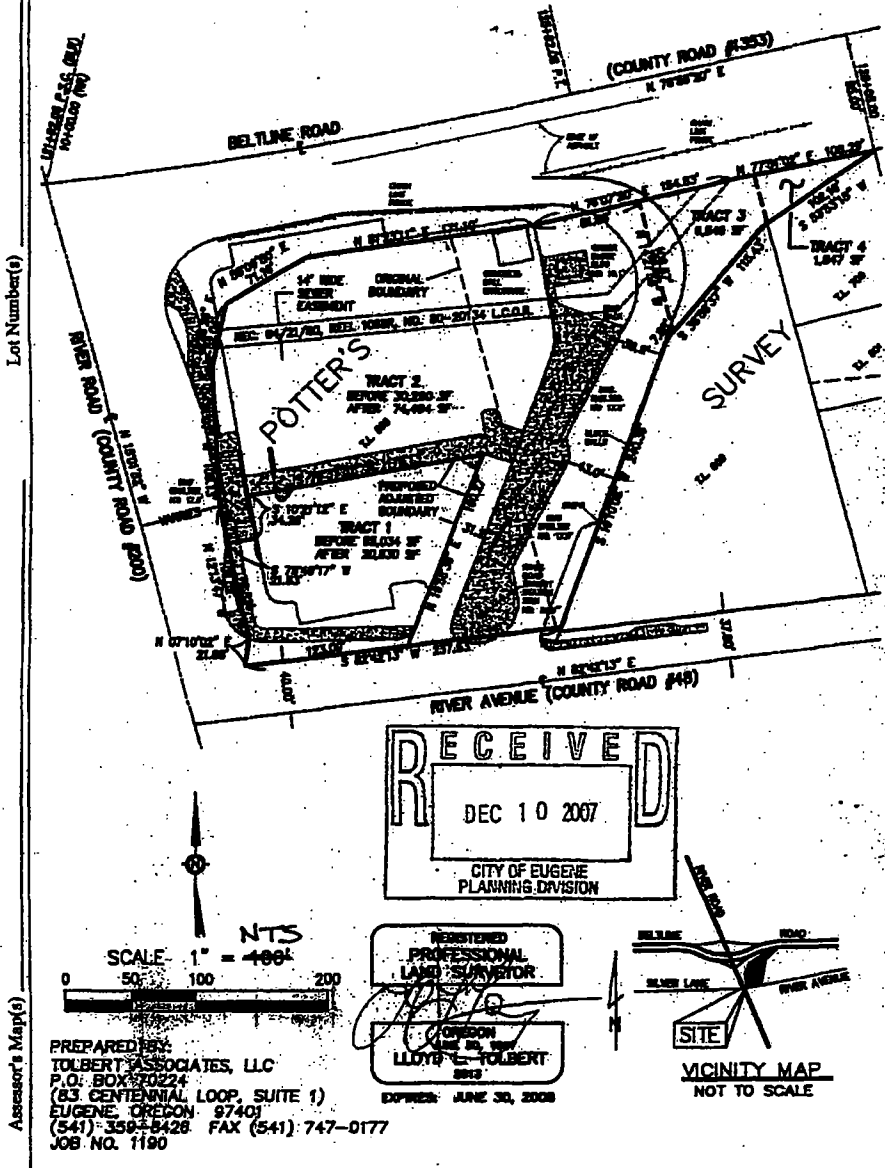
EXHIBIT "D"

Property Line Change

Planning & Development
Planning Division

PROPERTY LINE ADJUSTMENT
FOR
LANE COUNTY PUBLIC WORKS DEPARTMENT

NW 1/4, NW 1/4, SECTION 13, T. 17 S., R. 4 W., W.M.
ASSESSOR'S MAP 17-04-13-22, TAX LOT 500
EUGENE, LANE COUNTY, OREGON
NOVEMBER 15, 2007



File number LA 07-55 Approved 12/25/07 -BLW

DECLARATION OF PROPERTY LINE ADJUSTMENT