

T. 3. E. 2.

Memorandum Date: July 26, 2008  
Order Date: August 20, 2008

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**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 Sale of County-owned Road Fund Real Property Identified as a Portion of Lane County Assessor's Tax Lot 2700 on Map 17-03-17 to the State of Oregon.

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**I. MOTION**

Move approval of the Order.

**II. AGENDA ITEM SUMMARY**

The State of Oregon has requested to purchase a parcel of County-owned Road Fund surplus property located at the southwest quadrant of the Beltline Highway/Coburg Road Interchange in order to expand the existing eastbound off-ramp from Beltline Highway to Coburg Road and to construct an extension of the existing sound wall for the benefit of adjacent residential areas.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

Lane County purchased the subject property in connection with the construction of Beltline Highway in 1961. Jurisdiction over Beltline Highway (now OR 569) was later transferred to the State of Oregon, but the transfer did not include the 5.7 acre subject property located at the south side of Beltline and just westerly of Coburg Road because it was located outside the established right of way limits of the highway. A map depicting the boundaries of the subject parcel is attached and marked as Attachment 1.

**B. Policy Issues**

This property is not needed for use by Lane County now or in the foreseeable future. Sale to the State of Oregon will assist the Oregon Department of Transportation (ODOT) in improving the flow of traffic with the Beltline Highway corridor.

**C. 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.”

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

Sale of this Road Fund asset will avoid future expense associated with the maintenance of this property. Because is it a Road Fund asset, the proceeds of the sale if approved by the Board, will be returned to the Road Fund.

**IV. Analysis**

ORS 271.310 provides that whenever the public interest may be furthered, a political subdivision may convey all or any part of its interest to a governmental body or private individual or corporation. The statute specifies that consideration for the transfer may be cash or real property or both. The State's offer to purchase the property is in the amount of \$1,043,000.00, based on an ODOT staff appraisal with an effective date of March 17, 2008. The appraisal has been reviewed by Lane County staff and the conclusion of value was found to be adequately supported at the upper end of the range of value based on the cited market data.

All expenses in connection with the transaction will be paid by the State of Oregon.

**V. Alternatives/Options**

1. Approve the Order and resolution authorizing the sale of the above-referenced property to the State of Oregon, authorizing the execution of the attached Warranty Deed and authorizing the County Administrative Officer to sign all documents in connection with the closing of the transaction.
2. Deny the Order and direct staff otherwise.

**VI. TIMING/IMPLEMENTATION**

Upon execution by the Board, the Warranty Deed will be placed in escrow. Upon close of escrow, the proceeds from the sale will be deposited in the Road Fund.

**VII. RECOMMENDATION**

Option 1.

**VIII. FOLLOW-UP**

N. A.

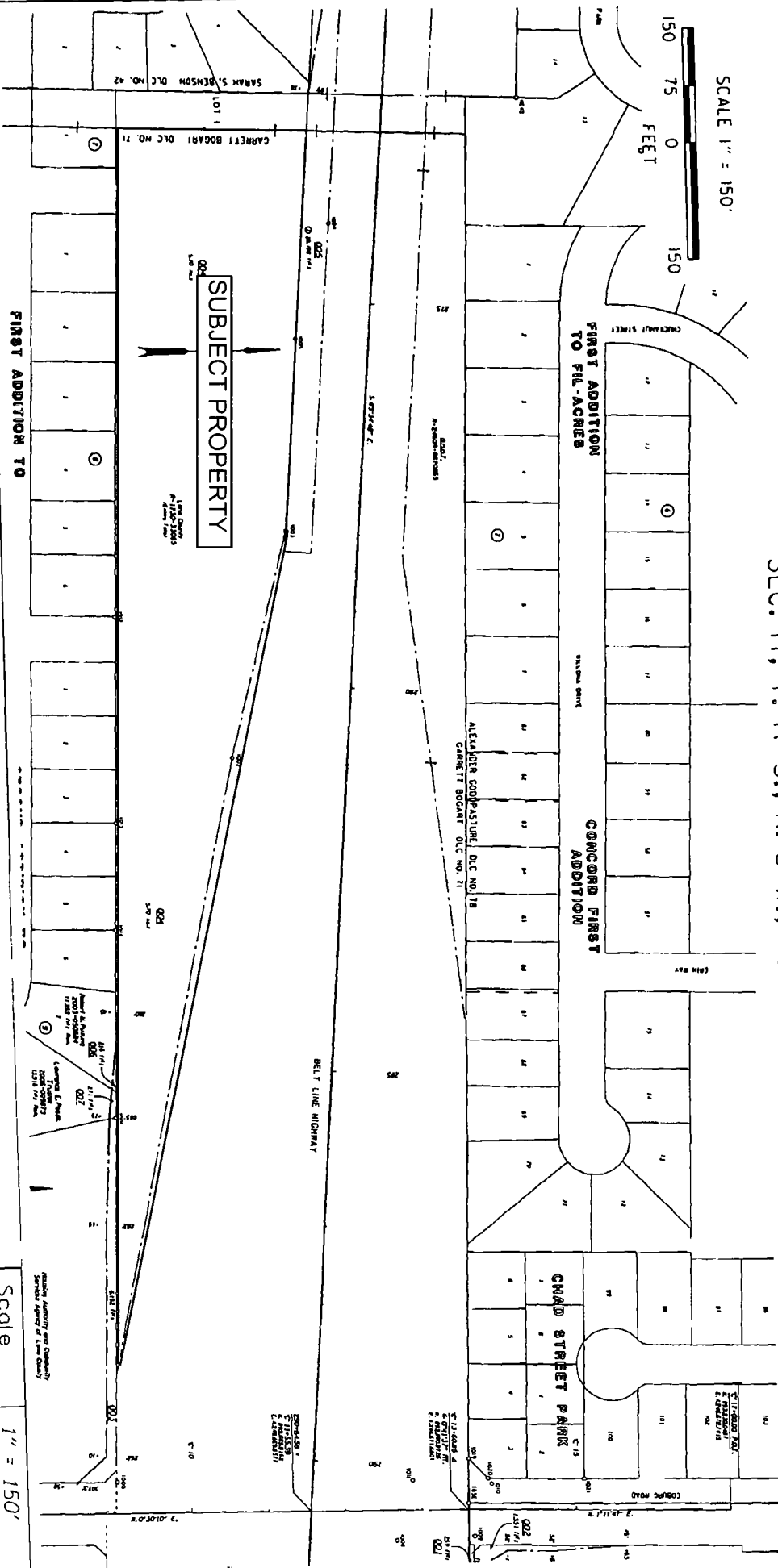
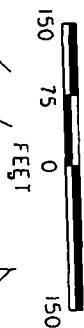
**IX. ATTACHMENTS**

Attachment 1 – Property Map

Warranty Deed

SEC. 17, T. 17 S., R. 3 W., W.M.

SCALE 1" = 150'



OREGON DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY**  
 ENGINEERING  
 SKETCH MAP

Section	OR69: Belt Line Hwy @ Coburg Rd Interchange	Scale	1" = 150'
Highway	Belt Line	Date	1/14/2008
County	Lane	File	7353 004
Purpose	R/W Purchase	See Drawing 11B-1-24	

ATTACHMENT 1-PROPERTY MAP

**WARRANTY DEED**

LANE COUNTY, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of \$1,043,000.00 does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the property described on Exhibit "A" dated 1/14/2008 attached hereto and by this reference made a part hereof.

**TOGETHER WITH** all abutter's rights of access, if any, between the above-described parcel and Grantor's remaining real property.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Map and Tax Lot #: 17-03-17-00-2700

Property Address: no situs address

**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 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 197.352.**

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**LANE COUNTY, a political subdivision of the State of Oregon**

ATTEST:

\_\_\_\_\_  
County Clerk

By \_\_\_\_\_  
Chairperson

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner

STATE OF OREGON, County of \_\_\_\_\_

Dated \_\_\_\_\_, 20\_\_\_\_\_. Personally appeared \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_,

who, being sworn, stated that they are the Chairperson, County Commissioners and County Clerk of Lane County, a political subdivision of the State of Oregon, and that this instrument was voluntarily signed on behalf of the County by authority of an order of the Board of Commissioners. Before me:

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires \_\_\_\_\_

Accepted on behalf of the Oregon Department of Transportation

**Fee**

A parcel of land lying in the Garrett Bogart D.L.C. No. 71 and Lot 1 of Section 17, Township 17 South, Range 3 West, W.M., Lane County, Oregon and being a portion of that property described in that Warranty Deed to Lane County, recorded May 24, 1961 on Reel 173D, Instrument No. 33065 of Lane County Official Records; the said parcel being that portion of said property lying Southerly of and adjoining the Southerly right of way line of the Belt Line Highway.

EXCEPT therefrom that property described in that Bargain and Sale Deed to the City of Eugene, for the use and benefit of the Eugene Water & Electric Board, recorded June 22, 1966 on Reel 289D, Instrument No. 51756 of Lane County Official Records.

This parcel of land contains 5.70 acres, more or less.

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

**Resolution and Order No.**

( **IN THE MATTER OF AUTHORIZING THE**  
( **SALE OF COUNTY-OWNED ROAD FUND**  
( **REAL PROPERTY IDENTIFIED AS A**  
( **PORTION OF LANE COUNTY ASSESSOR'S**  
( **TAX LOT 2700 ON MAP 17-03-17 TO THE**  
( **STATE OF OREGON**

**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, to wit: a portion of Lane County Assessor's Tax Lot 2700 on Map 17-03-17; and

**WHEREAS**, said real property was acquired by purchase in connection with the construction of Beltline Highway in 1961, and not by foreclosure; and

**WHEREAS**, said real property is not needed by Lane County for any public purpose now or in the foreseeable future; and

**WHEREAS**, said property is needed by the State of Oregon acting by and through the Oregon Department of Transportation (ODOT) in connection with the Beltline Highway/Coburg Road Interchange project; and

**WHEREAS**, ODOT has agreed to pay \$1,043,000.00 for the approximate 5.7 acre County-owned surplus Road Fund Property; and

**WHEREAS**, the board finds it is in the best interest of the County to sell said property to the State of Oregon for use in said project, and such sales are permitted pursuant to ORS 275.070;  
**NOW THEREFORE**,

**IT IS HEREBY RESOLVED AND ORDERED** that the Board authorize the execution of the Warranty Deed in favor of the State of Oregon, and that the County Administrative Officer be authorized to sign all documents in connection with the closing of the transaction through escrow,

**IT IS FURTHER RESOLVED** that upon close of escrow and 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: 7-31-08

  
Lane County Office of Legal Counsel

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Faye Stewart, Chair  
Board of County Commissioners