

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

ORDER NO. 12-09-19-03

(In the Matter of Authorizing the Sale of a Parcel of
(County-owned Surplus Road Fund Property
(Identified as Tax Lots 2000 and 2100 on Lane
(County Assessor's Map #17-04-07

WHEREAS, Lane County owns the property located at 28456 Kokkeler Road, Eugene, more specifically identified as Tax Lots 2000 and 2100 on Lane County Assessor's Tax Map #17-04-07; and

WHEREAS, said real property was acquired by purchase for road purposes and not by tax foreclosure; and

WHEREAS, Earl Cavin has offered to purchase the property for \$120,000, cash at closing; and

WHEREAS, ORS 275.030 (2) allows the sale of property in the manner provided in ORS Chapter 271 if the real estate was not acquired by foreclosure for nonpayment of real property taxes and if the Board determines that the public interest will be furthered; and


WHEREAS, said real property is not needed for any public purpose, and the sale of said property would benefit Lane County by its return to the tax rolls and is therefore in the best interest of the County to do so; **NOW THEREFORE**

IT IS HEREBY ORDERED that pursuant to ORS 275.030 (2), the real property be sold to Earl Cavin for \$120,000, that the Bargain and Sale Deed in the form shown on the attached Exhibit A be executed by the Board, and that the proceeds be disbursed as follows:

Road Fund (225-3632-446120-101) \$120,000

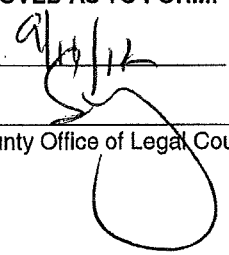
IT IS FURTHER ORDERED that this Order shall be entered into the records of the Board of Commissioners of Lane County, Oregon.

ENACTED this 19th day of September, 2012.


Sid Leiken, Chair
Board of County Commissioners

APPROVED AS TO FORM:

Date: 9/19/12


Lane County Office of Legal Counsel

Memorandum Date: 8/28/12
Order Date: 9/19/12

TO: Board of Lane County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: David L. Brown, Construction Services Manager

AGENDA ITEM TITLE: In the Matter of Authorizing the Sale of a Parcel of County-owned Surplus Road Fund Property Identified as Tax Lots 2000 and 2100 on Lane County Assessor's Map #17-04-07

I. MOTION

THAT THE ORDER BE APPROVED AUTHORIZING THE SALE OF A PARCEL OF SURPLUS COUNTY-OWNED ROAD FUND PROPERTY IDENTIFIED AS TAX LOTS 2000 AND 2100 ON LANE COUNTY ASSESSOR'S MAP #17-04-07.

II. AGENDA ITEM SUMMARY

Earl Cavin has made an offer to purchase the real property at 28456 Kokkeler Road, Eugene. The property is no longer needed by Lane County, and a sale may be authorized pursuant to ORS 275.030(2).

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In 1974, Lane County improved Clear Lake Road and realigned a section of the road near the airport to the south. To facilitate this realignment, several large tracts of land were purchased. Part of this land was used for the realignment of Clear Lake Road and part of it was used to construct a new connector known as Childers Road. The balance of the land is now being offered for sale.

This property consists of 9.7 acres and is bisected by Clear Lake Road, with 3.6 acres lying north of the road and approximately 6.1 acres lying to the south. Both tax lots are zoned E-40. The center of the A-2 channel forms the western and southern boundaries. The entire property is shown on the aerial photo and assessors map labeled Attachment #1.

There is an old mobile home on the northern parcel along with a well and a defunct septic system. The mobile home is of little or no value, although it does serve to preserve the existing homesite as a legal use.

The Right of Way Management staff has tried to sell this property for over four years. Several "For Sale" signs were posted, ads were run in the Register-Guard, and hundreds of telephone calls have been processed. The property was originally put on the market for \$259,000 in 2008, and the asking price has been lowered several times. It is presently offered for \$149,000. Two offers have been received and processed over the years, one for \$135,000 and the second for \$120,000. In both cases, the buyers were unable to perform. The most recent offer is from Earl Cavin in the amount of \$120,000 for the site.

B. Policy Issues

This parcel is not needed for any known current or prospective use by Lane County. Sale of the property will return it to the tax rolls, eliminate the need to mow and maintain it, and eliminate any further liability concerns.

C. Board Goals

This proposal addresses the Goals related to Resource Planning and Allocation, and the use of the funds derived from the sale will be consistent with the goals stated in the Strategic Plan with regard to Road Fund Priorities.

D. Financial and/or Resource Considerations

This property is a Road Fund asset, and upon closing, the funds will be deposited into the Road Fund.

E. Analysis

This parcel is not needed for County use now or in the foreseeable future. The sale of the property will return it to the tax rolls and the revenue will benefit the Road Fund and the citizens of Lane County.

F. Alternatives/Options

1. Approve the Order authorizing the execution of the Bargain and Sale Deed.
2. Reject the Order and direct staff to an alternative course of action.

IV. RECOMMENDATION

Option 1

V. TIMING/IMPLEMENTATION

Upon approval and execution of the Bargain and Sale Deed, staff will obtain the funds from the purchaser and record the deed. The proceeds of the sale will be deposited in the Road Fund.

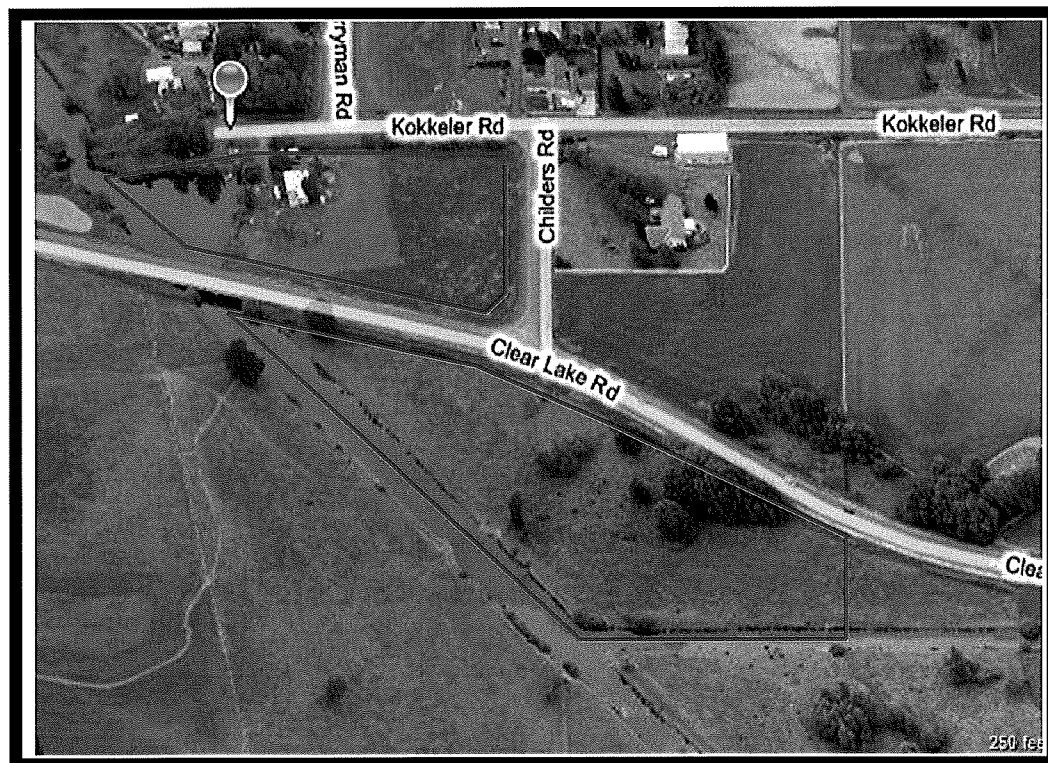
VI. FOLLOW-UP

No follow-up by the Board of County Commissioners or County staff is required.

VII. ATTACHMENTS

Exhibit A - Bargain and Sale Deed
Attachment #1 - Map and Aerial Photo

Kokkeler Road/Tax Lots 2000 & 2100
Map #17-04-07



After recording return to,
and send tax statements, to:
Earl Cavin
3125 Elmira Road
Eugene, Oregon 97402

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

BARGAIN AND SALE DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No. 12-09-19-03 of the Board of County Commissioners of Lane County, hereinafter called Grantor, for the true and actual consideration of One Hundred Twenty Thousand Dollars, conveys to **EARL CAVIN**, hereinafter called Grantee, all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Northeast one-quarter of the Southwest one-quarter (NE ¼ SW ¼) of Section 7, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded June 7, 1974, on Reel 693, Recorder's Reception Number 7424473, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

Beginning at a point opposite and 45 feet distance Southerly of the 1973 alteration of Clear Lake Road Engineers' Centerline Station L² 27+07.78 P.O.C., said point being South 814.30 feet and West 949.70 feet of the brass cap marking the center of Section 7, Township 17 South, Range 4 West, Willamette Meridian; thence along the arc of a 999.93 foot radius curve right, (the chord of which bears North 54°52'45" West, 142.87 feet), a distance of 143.00 feet to a point opposite and 45 feet distance southerly of Engineers' Centerline Station L² 25+71.22 P.C. of said Clear Lake Road; thence North 50°46'56" West, 258.03 feet along said Clear Lake Road; thence along the arc of a 909.93 foot radius curve left, (the chord of which bears North 54°46'15" West, 126.59 feet), a distance of 126.69 feet to a point opposite and 45 feet southerly of Engineers' Centerline Station L² 21+80.24 P.O.C. of said Clear Lake Road; thence South 1°51'46" West, 469.01 feet along the West line of said parcel of land conveyed to Lane County, to a point on the centerline of the "A-2 Channel - Beltline to Clear Lake" unit as surveyed in 1968 by the U.S. Department of Agriculture, Soil Conservation Service; thence along the Centerline of said A-2 Channel, South 34°55'38" East, 22.54 feet; thence continuing along the Centerline of said A-2 Channel, South 88°16'56" East, 418.74 feet; thence North 1°14'21" East, 181.50 feet along the Westerly line of a parcel of land conveyed to the City of Eugene as recorded on Reel 507-R, Recorder's Reception Number 27926, Lane County Oregon Deed Records, to the Point of Beginning all in Lane County, Oregon.

Also: A parcel of land lying in the Northwest one-quarter of the Southwest one-quarter (NW ¼ SW ¼) of Section 7, Township 17 South, Range 4 West, Willamette Meridian, and being all of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded December 6, 1974 on Reel 719, Recorder's Reception Number 7451551, Lane County Oregon Deed Records, said parcel being described as follows:

Beginning at a point on the East-West one-quarter section line of Section 7, Township 17 South, Range 4 West, Willamette Meridian, said point being North 88°24'19" West, 1353.01 feet from the brass cap marking the center of said Section 7; run thence South 1°51'46" West along the West line of the tract of land conveyed to C.W. Kokkeler, Trustee, by that certain deed recorded on Reel 530-R, Recorder's Reception Number 45916, Lane County Oregon Deed Records, 432.04 feet to a point on the Northerly right of way of relocated Clear Lake Road, said point being opposite and 45 feet distance Northerly of Engineers' Centerline Station L² 21+32.51 P.O.C.; thence South 1°51'46" West, 570.86 feet to a point on the centerline of the "A-2 Channel – Beltline to Clear Lake" unit, as surveyed in 1968 by the U.S. Department of Agriculture, Soil Conservation Service; thence North 34°55'38" West, 866.31 feet along the centerline of said A-2 Channel to Engineers' Centerline Station 246+48.57, said station being the point of intersection of the centerline of said A-2 Channel and the centerline of said relocated Clear Lake Road at Engineers' Centerline Station L² 16+07.12; thence North 34°55'38" West, 330 feet, more or less, to the centerline of the traveled County Road No. 234 (commonly known as Clear Lake Road); thence Easterly along the centerline of said traveled County Road Number 234, 730 feet, more or less, to the Point of Beginning in Lane County, Oregon.

EXCEPT: Those portions conveyed to Lane County, a political subdivision of the State of Oregon, by those certain deeds recorded June 7, 1974 on Reel 693, Recorder's Reception Numbers 7424470 and 7424471, Lane County Oregon Deed Records.

The parcel of land to which this description applies contains 9.70 acres, more or less.

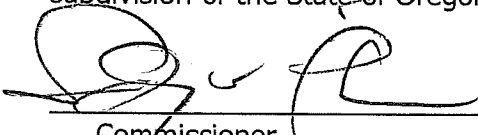
The bearings used herein are based on the Oregon Coordinate System (NAD 27), South Zone.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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

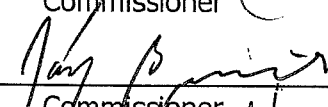
PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 24~~th~~ day of September, 2012.

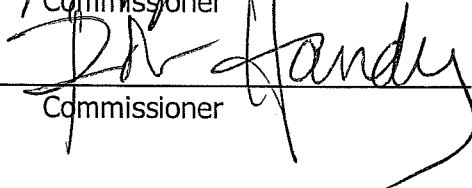
LANE COUNTY, a political
subdivision of the State of Oregon



Commissioner



Commissioner



Commissioner

Commissioner


Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On September 24, 2012, personally appeared Sid Leiken,
Jay Boziewicz, Rob Hardy

who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:





Notary Public for Oregon
My Commission Expires: 5/30/16