Memorandum Date: April 5, 2023
Order Date: April 25, 2023

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services

PRESENTED BY: Mikeal J. Blommé, Lane County Surveyor

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF THE DISPOSITION OF LANE COUNTY OWNED REAL PROPERTY LOCATED ON GLORY DRIVE, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS TO COMPLETE THE DISPOSITION. (17-04-23-42-03500).

I. MOTION

MOVE TO APPROVE THE ORDER TO DISPOSE LANE COUNTY OWNED REAL PROPERTY LOCATED ON GLORY DRIVE, IDENTIFIED AS MAP AND TAX LOT 17-04-23-42-03500, AND TO AUTHORIZE THE LANE COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS NECESSARY TO COMPLETE THE DISPOSITION.

II. AGENDA ITEM SUMMARY

The Board is being asked to allow Public Works Right of Way Services Staff to dispose of the Lane County owned real property identified as map and tax lot number 17-04-23-42-03500 in accordance with ORS 271.310 which allows for the sale of real estate not being used for County purposes, and authorize the County Administrator to execute any necessary documents to facilitate the disposition.

III. BACKGROUND / IMPLICATIONS OF ACTION

A. Board Action and Other History

The property proposed to be disposed is a parcel of County owned surplus Road Fund property located at the west side of Glory Drive in Eugene, Oregon. The property is a 0.11 acre site zoned R1, Low-Density Residential, and the site is unimproved.

Lane County acquired Tax Lot 3500 in 1968 to facilitate the construction of Northwest Expressway and is recorded in that certain Warranty Deed recorded on Reel 408-R, Recorder's Reception No. 39723. Soon after acquiring Tax Lot 3500, Lane County dedicated a portion of

the land it owned along Glory Drive as a public road in 1969. (Glory Drive was created by sequential conveyances as land was parceled out). The dedication is described in metes and bounds and is 30 feet wide. In 1971, Lane County accepted and created County Road No. 1772, Northwest Expressway, as a 120' wide "Throughway," which incorporated the south 2/3rds of map and tax lot 17-04-23-42-3500, creating a remnant lot under Lane County ownership in its current configuration.

Lane County has received complaints of illegal camping on the property, and has taken action to evict the trespassers. The property has since been cleaned up in preparation for disposal.

Lane County Right of Way Services listed the property for sale on Craigslist for $30,000 for approximately 2 months. There was one inquiry regarding the listing, but no reasonable offer has been made.

Lane County Public Works Management and Staff have evaluated the property for potential County uses. It has been determined this property does not fit the criteria for other public needs.

B. Policy Issues

Oregon Revised Statutes (ORS) 271.310 allows the transfer or lease of real property owned by a political subdivision if the real property is not needed for public use. It has been determined the sale of this property meets those criteria.

Pursuant to ORS 275.030(2), a County may sell and convey real estate owned by the County in a manner provided in ORS Chapter 271 if the real estate was not acquired by foreclosure for nonpayment of real property taxes, and the County governing body deems it is not in the best interest of the County to sell and convey in the manner provided under ORS 275.120, ORS 275.140 – 275.160, and ORS 275.180 – 275.260.

Pursuant to ORS 93.808 and Lane Manual 21.010.005D.1, authority to approve the conveyance and recordation of an instrument conveying title or interest to Lane County is delegated to the Right of Way Manager or Property Management Officer for transactions not greater than $50,000 in value.

Pursuant to Lane Manual 21.010.020B.2, the County Administrator is authorized to negotiate the sale of real property having a true cash value of fifty thousand dollars ($50,000) or less, if the County has no present or future need of the property as determined by the County Administrator, subject to Board approval. Such negotiations may only occur after the property has been offered for sale through procedures defined in ORS Chapter 275.

C. Board Goals

This proposal is in line with Strategic Priority 3, Robust Infrastructure. The proceeds from the sale of this County owned property will be redistributed into the Lane County Road Fund, which will ultimately be used to improve the safety of Lane County's transportation and operations facilities.

D. Financial and/or Resource Considerations

The subject real property was acquired with Road Funds. All net proceeds will be redistributed back into the Road Fund.

E. Health Implications

There are no health implications.

F. Analysis

Lane County Staff have determined the County owned real property as described in the Order is not needed for public purposes, and the public interest will be furthered by disposing the property in the manner outlined above.

Analysis indicates that the property is legally and physically developable. Therefore, the highest and best use is residential. Based on an "Estimate of Value" by the Right of Way Section in May of 2022, the value of the County owned property is approximately $30,000.

G. Alternatives / Options

The Board of County Commissioners has the option to:

1. Approve the motion allowing Public Works Right of Way Services Staff to dispose the County owned real property in accordance with ORS 271.310 and authorize the County Administrator to execute any necessary documents related to its disposition.

2. Deny the motion and direct staff otherwise.

IV. RECOMMENDATION

Staff recommends the Board support Option Number 1, allowing Public Works Right of Way Services Staff to dispose the County owned real property in accordance with ORS 271.310 and authorize the County Administrator to execute any necessary documents related to its disposition.

V. TIMING / IMPLEMENTATION

Timing is not important.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order to dispose the County owned real estate, staff will proceed accordingly. Upon accepting a reasonable offer, staff will work with the purchaser and County Administrator to close the transaction.

VII. ATTACHMENTS

Order with Exhibit:
Map of Real Property – Exhibit "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-04-25-08	ORDER / IN THE MATTER OF THE DISPOSITION OF LANE COUNTY OWNED REAL PROPERTY LOCATED ON GLORY DRIVE, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS TO COMPLETE THE DISPOSITION. (17-04-23-42-03500).

WHEREAS, Lane County owns real property located on Glory Drive, map and tax lot 17-04-23-42-03500, in Eugene, Oregon; and

WHEREAS, the County owned real property was acquired through the use of Road Funds, and is not being used or needed for transportation purposes; and

WHEREAS, Public Works Staff has determined it is in the best interest of the public to sell the County owned real property at fair market value; and

WHEREAS, ORS 271.310 provides the transfer or lease of real property owned or controlled by a political subdivision if the real property is not needed for public use or whenever the public interest may be furthered, and the sale of this County owned real property meets the criteria set forth in ORS 271.310; and

WHEREAS, the Board is of the opinion that selling the County owned real property is in the best interest of the public.

NOW, THEREFORE, the Board of Commissioners of Lane County **ORDERS** as follows:

1. Public Works Right of Way Services Staff are authorized to list and negotiate the sale of the County owned real property located on Glory Drive, map and tax lot 17-04-23-42-03500, Eugene, Oregon, at fair market value.

2. The County Administrator is authorized to execute any documents necessary to complete the sale.

3. All net proceeds from the sale of the real property are to be redistributed into the Lane County Road Fund.

4. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration.

ADOPTED this 25th day of April, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

EXHIBIT "A"

COUNTY ROAD FUND PROPERTY

Lane County Trans Map, GIS

17-04-23-42-03500