



Memorandum Date: April 13, 2023

Order Date: May 2, 2023

TO: Board of County Commissioners

DEPARTMENT: County Administration - Operations

PRESENTED BY: Kellie Hancock, Property Management Officer

AGENDA ITEM TITLE: ORDER/In the Matter of Authorizing a Sheriff's Sale of Surplus County Owned Real Property on June 14, 2023, and Delegating Authority to the Property Management Officer to Remove Any Particular Property from the Sale if Determined to be in the County's Best Interest

I. MOTION

Move to authorize a Sheriff's sale of surplus county owned real property on June 14, 2023, and delegating authority to the Property Management Officer to remove any particular property from the sale if determined to be in the county's best interest.

II. AGENDA ITEM SUMMARY

The Property Management Officer has identified properties surplus to the needs of the County that can be sold and returned to the tax roll. Per ORS 275.110, the Board shall enter an order directing the Sheriff to make sale thereof, fix the minimum price and set terms and conditions of the sale. A sale date of June 14, 2023, is being proposed with the sale taking place in Harris Hall at the Lane County Courthouse beginning at 11:00am.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Properties to be sold are shown on Exhibit A. Parcels 1-9 were acquired through tax foreclosure. Parcel 10 is a Road Fund property, being sold in cooperation with the Public Works Division.

The minimum bid amounts are a total of all back and current taxes due, interest, penalties and administrative fees. If costs were incurred to clean-up the property prior to auction, those costs are included in the minimum bid amount as well.

Pursuant to Lane Manual 21.010.025, properties were disclosed to the Housing Policy Board to inform non-profit agencies and public entities that they may be available for affordable housing purposes on January 9, 2023, at a HPB meeting. Emails were sent directly to municipalities that have parcels located within the incorporated area of their municipality during the first two weeks of January 2023 for consideration of transfer per ORS 271.330. The properties were shared within the County for advisement of easements or land protections through Public Works. Non-profits have been informed of the opportunity to request a transfer of the tax-foreclosed properties. Properties with interest from any entity were removed from the sale. The properties that were determined to be surplus and would most appropriately be transferred back into private ownership are listed on the attached Exhibit A.

The following is a brief summary of proposed terms of the sale:

Properties will be sold “as-is” with no warranties or guarantees as to their ability to be used for any particular purpose or as to the condition of title. Conveyance will be by Quitclaim Deed. A 20% deposit of the minimum bid amount will be required within 24 hours of the close of the auction for successful bidders. The balance of the sale price will be due within 14 days of acceptance of the bids by the Board. No contract terms are being offered.

B. Policy Issues

Pursuant to Lane Manual 21.010.020, it is policy to dispose of County-owned lands not needed for public purpose. All properties being offered at auction have been analyzed and considered for County use or transfer. Municipalities and non-profits have been informed of the opportunity to request a transfer of property per ORS 271.330. A sheriff’s sale is required to sell real property per ORS 275.110, when the Board determines it to be in the best interest of the County.

C. Board Goals

Offering these properties for sale is in line with Board goals to support healthy and vibrant communities. Properties have been considered for public use and would best be utilized under private ownership due to location, size and other influential factors.

D. Financial and/or Resource Considerations

The Tax Foreclosure Program is self-funded from the sale of tax foreclosed properties. After program expenses are deducted, revenue from the sale of foreclosed properties is disbursed in a manner similar to property taxes, per statute.

E. Health Implications

By returning these properties to the tax roll, the Board is contributing to a healthier neighborhood and more vibrant community.

F. Analysis

The properties being proposed for sale have no identified public use and would best be utilized under private ownership. Properties have been analyzed and considered for public use or transfer to surrounding municipalities and non-profits, when appropriate.

Minimum bids for the parcels were set by totaling all back taxes, administrative fees and interest due. Any expenses incurred in preparing the parcels for sale are also included in the minimum bid amount. Conveyance will be “as-is” by quitclaim deed, with no warranties expressed or implied.

Delegating authority to the Property Management Officer to remove any of the parcels from the sale after it has been authorized by the Board allows for their quick removal should it be warranted due to issues which may arise, such as ownership conflicts, advertising mistakes or the like. Without such delegated authority, a Board Order would be required.

G. Alternatives/Options

The following options are available to the Board:

1. Authorize the sale as presented.
2. Authorize a sale with different terms, properties, minimum bids, auction dates or times.
3. Refrain from having a sale at this time.

IV. RECOMMENDATION

Staff recommends Option 1 above.

V. TIMING/IMPLEMENTATION

Statute requires notice of the sale to be published once each week for four weeks prior to the sale.

VI. FOLLOW-UP

If a sale is authorized, staff will follow-up to provide notice of the sale in the local newspaper and on the Lane County website.

VII. ATTACHMENTS

Board Order

Property List

Sale Notice to be Published

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-05-09-01

IN THE MATTER OF AUTHORIZING A
SHERIFF'S SALE OF COUNTY OWNED
REAL PROPERTY ON JUNE 14, 2023,
AND DELEGATING AUTHORITY TO
THE PROPERTY MANAGEMENT
OFFICER TO REMOVE ANY
PARTICULAR PROPERTY FROM THE
SALE IF DETERMINED TO BE IN THE
COUNTY'S BEST INTEREST.

WHEREAS, the Property Management Department has identified county owned surplus property that would best be utilized under private ownership; and

WHEREAS, ORS 275.110 requires that surplus county owned real property be sold via a sheriff's sale; and

WHEREAS, ORS 275.030, 275.110-275.160 and 275.190 dictate the procedures for a sale;

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

1. The Lane County Sheriff shall conduct a sale of real property shown on the attached Exhibit A, June 14, 2023, beginning at 11:00am, inside Harris Hall at the Public Service Building in Eugene, Oregon, with terms of the sale being established as set forth in Exhibit B.
2. The Property Management Officer is authorized to remove any particular property from the sale if determined to be in the best interest of the County.

ADOPTED this 9th day of May, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

Exhibit A; 2023 Tax Foreclosure Auction

<u>Parcel</u>	<u>Map and Tax Lot</u>	<u>Real Market Value*</u>	<u>Minimum Bid</u>	<u>Size (acres)</u>	<u>Zoning</u>	<u>Property Description / Address**</u>
1	17-12-35-23-01000	\$39,240	\$2,384	0.25	RR1	Approximately 5402 Sand Dune Park Dr, Florence; vacant land
2	18-12-34-42-02400	\$63,282	\$1,521	0.32	RR2	Approximately 4975 Barrett Creek Lane, Florence; vacant land
3	18-12-23-31-03000	\$55,340	\$4,548	0.08	CV	253 Outer Drive, Coast Village, Florence; Older trailer onsite, needs property utility upgrades, HOA \$230/mo
4	16-07-18-46-01401	\$37,715	\$2,506	0.11	RR2	Approximately 92752 Triangle Lake Resort Road; vacant land
5	19-03-20-00-00505	\$82,801	\$5,000	0.53	RR5	Approximately 32085 Deberry Road, Creswell
6	21-35-10-33-04000	\$43,031	\$8,500	0.22	R1	Approximately 76757 Bugle Loop, Oakridge; vacant lot, backs up to Circle Bar golf course
7	17-04-22-14-03301	\$129,716	\$25,000	0.27	C2	Approximately 1510 Hwy 99N; land locked; intended use for adjacent owner
8	21-35-16-31-03500	\$2,728	\$1,200	0.05	C3	Approximately 48076 Highway 58, Oakridge; vacant land
9	21-35-16-32-02900	\$2,117	\$1,000	0.04	C3	Approximately 48072 Highway 58, Oakridge; vacant land
10	17-04-23-42-03500	\$500	\$25,000	0.11	R1	Approximately 812 Glory Drive, Eugene; vacant land

*Per Lane County Assessor Roll 2022

**Approximate addresses are given as a courtesy and are not legal addresses

EXHIBIT "B"

NOTICE OF SALE OF SURPLUS LANE COUNTY-OWNED REAL PROPERTY

NOTICE IS HEREBY GIVEN in accordance with the provisions of ORS 275.110 and 275.120 and pursuant to an Order made on the ____ day of _____, 2023, the Board of Commissioners of Lane County, Oregon, directed the sale of real property acquired by Lane County through foreclosure, purchase or otherwise. The Board of Commissioners fixed the minimum price for which each property will be sold, and directed the real properties be sold in accordance with the provisions of the Order on the 14th day of June at 11:00am in Harris Hall, located in the Lane County Courthouse/ Public Service Building, 125 East Eighth Avenue, Eugene, Oregon. The parcels of real property described will be sold for not less than the minimum price set opposite each piece and/or parcel of real property. Terms of the sale are as follows: Properties are sold on an **AS IS, WHERE IS, WITH ALL FAULTS** basis without warranty or guarantee, expressed or implied, as to the physical/environmental condition of the property, location of property boundaries, condition of title, whether lots were legally created according to Oregon Land Use law, existence of legal access or the ability to acquire permits for building, subsurface, sewerage or other development rights under Oregon Land Use law. Conveyance will be by **QUITCLAIM DEED**. Each parcel may be subject to claims or liens of a municipal corporation or other liens of record. Accordingly, each parcel should be thoroughly investigated by prospective bidders to judge the condition of the property, seeking professional help if necessary. The Board of Commissioners reserves the right to withdraw any of the properties from the sale at any time prior to, or at the time of, the sale. Also, the Board of Commissioners reserves the right to accept or reject any or all bids. All information is presumed from reliable sources. If an error is detected, the parcel may be removed at the time of the sale and offered again at a later date. Title insurance, if any, will be at the option and expense of the purchaser. This notice will be published once each week for four consecutive weeks prior to the date of sale in the Register-Guard, a newspaper of general circulation in Lane County.

ADDITIONAL TERMS

1. All parcels will be sold for cash only. No contract terms are offered.
2. A 20% deposit of the minimum bid amount is due at the time of the auction. Properties which sell above the minimum bid will still only require a 20% deposit of the minimum bid amount. Failure to remit the required deposit before the close of the auction will void your bid and the property will be re-offered for bid at the sale.
3. PAYMENT MUST BE MADE WITH CASH, CASHIER'S CHECKS OR CERTIFIED BANK CHECK PAYABLE TO LANE COUNTY. **NO PERSONAL CHECKS, BUSINESS CHECKS OR CREDIT/DEBIT CARDS WILL BE ACCEPTED.**
4. Any balance remaining after the sale is due and payable within 14 days after bids are accepted by the Board of County Commissioners and the County is prepared to deliver the Quitclaim Deed (2-6 weeks from auction date).
5. **NO REFUNDS OF DEPOSITS WILL BE MADE IF THE BIDDER FAILS TO COMPLETE THE TRANSACTION** when the County is prepared to close. If a bid is not accepted by the County Commissioners or otherwise rejected by the County, deposits will be refunded.
6. All bidders will register prior to bidding.
7. All raises must be in increments of \$50 or more.

For questions or further assistance, contact Lane County Property Management Division at (541) 682-3859.

Information also available on the Web at <https://lanecounty.org/propertymanagement>