



Memorandum Date: August 1, 2023

Order Date: August 22, 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 September 28, 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 September 28, 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 sealed bid auction is being proposed with bids being accepted through September 26 at 4:00pm. Bids will be opened live on September 28, 2023, in Harris Hall at the Lane County Courthouse beginning at 2:00pm. The opening of the bids will be broadcast live and also available for viewing later from the County website.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Historically, an oral auction format has been used to sell surplus County owned property. After careful consideration and research, a sealed bid auction format is being proposed to the Board. This format has been shown to be more successful with a sole facilitator and will aid in the organization of the auction. No additional supplies are needed to complete a sealed bid auction. Bids will be opened live on

the County's YouTube channel, with the video posted on the County's website for future viewing.

The bid form will be available on the website, by email and mailed upon request. Sealed bids can be dropped off at the Assessment and Taxation Office in the Public Service Building and in the drop box on Pearl Street, east of the Public Service Building. Bids can also be mailed but must be received no later than September 26, 2023 at 4:00pm.

Properties to be sold are shown on Exhibit A. All parcels were acquired through tax foreclosure. 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 winning 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. While an auction is required, the format can vary.

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. A sealed bid auction has cost advantages for a sole facilitator. After program expenses are deducted, revenue from the sale of foreclosed properties is documented and then disbursed in a manner similar to property taxes, per current 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. Email notifications will be sent and sealed bids will begin to be accepted.

VII. ATTACHMENTS

Board Order

Exhibit A; Property List

Exhibit B; Legal Notice of Sale

Bid Form

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-08-22-09

IN THE MATTER OF AUTHORIZING A
SHERIFF'S SALE OF SURPLUS
COUNTY OWNED REAL PROPERTY
ON SEPTEMBER 28, 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; and

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

1. The Lane County Sheriff shall conduct a sealed bid auction of real property listed on Exhibit A, attached hereto and incorporated herein by reference, and in the manner described in Exhibit B, attached hereto and incorporated herein by reference.
2. The Property Management Officer is authorized to remove any particular property from the sale if doing so is determined by the Property Management Officer to be in the best interest of the County.

ADOPTED this 22nd day of August, 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</u>
23A01	17-12-35-23-01000	\$39,240	\$2,500	0.25	RR1	Sand Dune Park Dr, Florence; vacant land; HOA approx. \$360 annual
23A02	18-12-34-42-02400	\$63,282	\$5,000	0.32	RR2	Barrett Creek Lane, Florence; vacant land
23A03	18-12-23-31-03000	\$55,340	\$15,000	0.08	CV	253 Outer Drive, Coast Village, Florence; Older trailer onsite, HOA approx. \$230/month
23A04	16-07-18-46-01401	\$37,715	\$2,700	0.11	RR2	Triangle Lake Resort Road; vacant land
23A05	19-03-20-00-00505	\$82,801	\$5,000	0.53	RR5	Deberry Road, Creswell
23A06	21-35-10-33-04000	\$43,031	\$8,500	0.22	R1	Bugle Loop, Oakridge; vacant lot, backs up to Circle Bar golf course
23A07	17-04-22-14-03301	\$129,716	\$25,000	0.27	C2	Hwy 99N; land locked; intended use for adjacent owner
23A08	21-35-16-31-03500	\$2,728	\$2,200	0.05	C3	Highway 58, Oakridge; vacant land; parcels sold together
	21-35-16-32-02900	\$2,117		0.04		
23A09	18-04-03-44-00200	\$73,580	\$20,000	0.37	R-1	Warren St, Eugene; vacant land
23A10	17-04-32-11-00600	\$164,000	\$180,000	8.77	E1	Industrial Land; sold together, no individual sale of parcels
	17-04-32-12-00101	\$234,325		12.52		
	17-04-32-12-00102	\$366,638		20.35		

*Per Lane County Assessor Roll 2022

EXHIBIT "B"

NOTICE OF SHERIFF'S SALE OF LANE COUNTY REAL PROPERTY SEALED BID AUCTION

NOTICE IS HEREBY GIVEN that the Sheriff of Lane County, Oregon, will offer for sale to the best and highest bidder the County owned real property described below.

TIME AND DATE OF SALE: BID OPENING BEGINNING AT 2:00 PM, Thursday, September 28, 2023

PLACE OF SALE: 125 E. 8th Ave, Eugene, Oregon. No public admittance, staff only

PUBLIC BROADCAST via Lane County YouTube Channel at

www.lanecounty.org/cms/One.aspx?portalId=3585881&pageId=7842434

BIDDING PROCEDURE: Bids must be submitted on County bid forms, available in person at the Lane County Assessment & Taxation office, located in the basement of the Public Service Building at 125 E. 8th Ave, Eugene, or printed from the Property Management page of the County website at www.lanecounty.org/cms/one.aspx?pageId=4185225

Or mailed upon request. Sealed bid forms **MUST** be received by Lane County no later than 4:00pm on September 26, 2023. Bids received after that time will not be considered. Bids should be in a sealed envelope and labeled: **FOR SEALED BID AUCTION, SEPT. 28, 2023, Parcel #23A__**. Hand deliver or mail sealed bid to Lane County, Assessment and Taxation Office, 125 E. 8th Ave, Eugene, Oregon 97401.

<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</u>
23A01	17-12-35-23-01000	\$39,240	\$2,500	0.25	RR1	Sand Dune Park Dr, Florence; vacant land; HOA approx. \$360 annual
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23A10	17-04-32-11-00600	\$164,000	\$180,000	8.77	E1	Industrial Land; sold together, no individual sale of parcels
	17-04-32-12-00101	\$234,325		12.52		
	17-04-32-12-00102	\$366,638		20.35		

*Per Lane County Assessor Roll 2022

BOARD ORDER DIRECTING THE SALE:

JURISDICTION AND LEGAL AUTHORITY: ORS 275.110-275.160; ORS 275.330

Terms of Sale: All parcels are sold for cash only. No financing is offered. A 20% deposit of the winning bid amount is due on the day of the bid opening for successful bidders. Payment must be made in cash or with cashier's check only. No checks or credit cards are accepted. 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.



LANE COUNTY SEALED BID FORM

INSTRUCTIONS: READ THE FRONT AND BACK OF THIS FORM COMPLETELY. SIGN AND INITIAL WHERE INDICATED. PRINT CLEARLY AND LEGIBLY. ILLEGIBLE OR INCOMPLETE BIDS WILL BE REJECTED.

TIME AND PALCE OF AUCTION BID OPENING: 2:00 PM, Thursday, September 28, 2023

PLACE OF SALE: Eugene, Oregon – No public admittance, staff only

PUBLIC BROADCAST via Lane County YouTube Channel at
www.lanecounty.org/cms/One.aspx?portalId=3585881&pageId=7842434

BIDDER INFORMATION

1. NAME: _____
2. NAME, EXACTLY AS IT SHOULD APPEAR ON THE DEED, IF DIFFERENT THAN ABOVE:

3. MAILING ADDRESS, FOR PROPERTY TAX STATEMENT PURPOSES:

4. PHONE NUMBER: _____
5. EMAIL ADDRESS: _____

PROPERTY INFORMATION

1. MAP AND TAX LOT: _____
2. AUCTION LIST PARCEL NUMBER: _____
3. PROPERTY DESCRIPTION: _____

AMOUNT OF BID (TOTAL PURCHASE PRICE) \$ _____

The BIDDER AGREES TO AND ACKNOWLEDGES the terms and conditions outlined above and on the reverse side of this page and agrees to pay Lane County the sum indicated above as "Amount of Bid."

Bidder's Signature: _____

Date: _____

TERMS AND CONDITIONS

BIDDING PROCEDURE

SUBMITTAL: Bid must be submitted on this form. Bid must be received by Lane County no later than 4:00 PM, September 26, 2023. Bids received after that time will not be considered. Bid must be in a sealed envelope and clearly labeled: FOR SEALED BID AUCTION SEPT 28, 2023, **PARCEL #23A**_____

DELIVERY OPTIONS:

Hand delivery: LC ASSESSMENT AND TAXATION OFFICE, 125 E. 8th Ave, Eugene, in the basement of the Public Service Building, Information Desk

By mail: LC PROPERTY MANAGER, 125 E. 8th Ave, Eugene, OR 97401

Drop off: Tax payment box inside the Public Service Building and on Pearl Street, just east of the Public Service Building, 125 E. 8th Ave, Eugene, OR 97401.

Bidder's Initials: _____

ADDITIONAL TERMS AND CONDITIONS

DEPOSIT: At the conclusion of the bid opening, Lane County will notify you via phone **AND** email, if provided, if you are the successful bidder for this property. You will be required to deliver cash or a cashier's check (personal and business checks will NOT be accepted) in the amount of 20% of the bid offer. At that time, you will be issued a Sheriff's Certificate of Sale. If your deposit is not received by 2:00pm on the next business day following the bid opening, your bid will be forfeited, and the property will be offered to the next highest bidder.

BALANCE: The balance of the purchase price plus \$100 recording fee is due no later than 4:00 pm on the 5th business day following the bid opening. Only cash or certified funds will be accepted. Successful bids will be presented to the Lane County Board of Commissioners for acceptance, a Quitclaim Deed will be executed, recorded and delivered to the successful bidder. If bidder fails to pay the full purchase price within the time and in the manner set forth above, bidder's rights, title and interest in the property shall cease and ownership shall remain vested in Lane County. Any monies deposited by bidder shall be retained by Lane County.

Properties are sold on an "as is, where is" basis. The sale of this property is subject to any existing easements, restrictions, reservations or special assessments. Conveyance will be made by Quitclaim Deed. No warranty or guarantee, expressed or implied, is made regarding condition of title (encumbrances, liens, easements, etc.), ability to use a property for any particular purpose pursuant to Oregon land use law, existence of legal access, location of property boundaries or any other matter concerning a property. Lane County does not offer title insurance or a title report on tax foreclosed properties. It is recommended that before making an offer, the bidder fully investigates the property.

Bidder's Initials: _____