Memorandum Date: September 11, 2023
Agenda Date: October 10, 2023

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TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Right of Way

PRESENTED BY: Mike Davis, Right of Way Agent 2

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF COUNTY OWNED REAL PROPERTY FOR $100 IN CASH AND $8,500 IN BILLBOARD CREDIT TO TORREY-MEADOW, LLC. (17-04-33-40-00200).

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I. MOTION:

TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR $100 IN CASH AND $8,500 IN BILLBOARD CREDIT TO TORREY-MEADOW, LLC., MAP NO. 17-04-33-40, TAX LOT. 00200.

II. AGENDA ITEM SUMMARY:

Torrey-Meadow, LLC., has submitted an offer of $100 and $8,500 in Billboard Credit for the subject parcel. The offer is being forwarded to the Board for acceptance or rejection.

III. BACKGROUND/IMPLICATIONS OF ACTION:

A. Board Action and Other History

The property proposed to be sold is currently vacant, is landlocked, and is located adjacent to a Lane Transit District (LTD) Bus Station in a mostly commercial developed area along the south side of West 11th Avenue, and at the end (south side) of Randy Pape Belt Line Highway, and adjacent to Amazon Creek. The property is zoned I-2 (Light-Medium Industrial), WB (Wetland Buffer), and WP (Wetland Protection).

The property was purchased by Lane County in 1972 for the widening of West 11th Avenue. The portion not used for Right-of-Way is considered surplus County owned property and is not needed for transportation purposes.

In 2020, many transients set up camping on the property. Due to COVID restrictions, they were permitted to live there. This action caused many negative repercussions which caused numerous complaints from the public, and many violations. In 2022, there was a coordinated effort with Lane County Waste Management, the Lane County Sheriff's Department Inmate Work Crew, and the City of Eugene to evict the trespassers and clean up the area. During that process, there were over 10 (approximately) transients evicted. Hundreds of pounds of garbage and biohazardous materials were collected and disposed of. With the future proposed billboard development of this property, and private ownership, it will improve the surrounding neighborhood and waterway.

The last three years, Mike Davis, Right-of-Way Agent 2 has researched the potential uses of this property. As stated, this property is landlocked, has many wetland restrictions, and is surrounded by public entities. It appears the only possible development (highest and best use) of the property, is a billboard. Mike Davis reached out to Todd Torrey with Torrey-Meadow, LLC., in September of 2022 regarding the possible placement of a billboard.

In 2022, this property was offered to the City of Eugene and LTD to purchase with no interest by either party.

Mr. Torrey has had multiple discussions with the City of Eugene, ODOT, and LTD. He has invested approximately $2,000 working with wetland consultants and a land use attorney to determine the feasibility of billboard placement on the property.

After a year of research, Mr. Torrey from Torrey-Meadow, LLC., has offered $100 in cash, and $8,500 in billboard credit for Lane County. The $8,500 billboard credit will be used for the promotion of Lane County goals, events, or public service announcements.

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.

C. Board Goals

This sale is in line with Strategic Priority 3, Robust Infrastructure. The sale of the property would also be consistent with the Board's goal to return surplus Lane County property to the tax roll.

D. Financial and/or Resource Considerations

The $100 proceeds from the sale of this County owned property will be redistributed into the Lane County Road Fund. A $100 deposit was submitted by the buyer and an escrow account has been opened at Evergreen Land and Title. All closing costs and title insurance will be paid by buyer, and the net sale proceeds or credits will be submitted to the Lane County Road

Fund. Upon approval and execution of the attached Bargain and Sale Deed, Right of Way Services Staff will close the transaction at Evergreen Land and Title.

Please see Exhibits B and C for pricing, and defining the terms of the $8,500 billboard credit, and the reversion clause, if the placement of the billboard does not come to fruition.

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

E. Health Implications

There are no health implications.

F. Analysis

The property is zoned I-2 (Light-Medium Industrial), WB (Wetland Buffer), and WP (Wetland Protection). The buyer has done their due diligence to discover the only development possible would be the installation of a billboard.

G. Alternatives/Options

1. Sell the property per the $100 in cash and $8,500 billboard credit sale offer.

2. Reject the sale offer and direct staff to negotiate different terms.

3. Continue the matter for future consideration.

IV. RECOMMENDATION

It is recommended that Option 1 above be pursued.

V. TIMING/IMPLEMENTATION

No timing issues are present.

VI. FOLLOW-UP

Upon the Board's approval, the Right of Way services Staff will proceed with closing the sale.

VII. ATTACHMENTS

ORDER WITH EXHIBITS:
Exhibit A – "DRAFT" Unsigned Bargain and Sale Deed
Exhibit B – Copy of Original Sales Offer
Exhibit C – Copy of Original Billboard Pricing
Exhibit D – GIS/Aerial Map of the Property
Bargain and Sale Deed

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-10-10-05	ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF COUNTY OWNED REAL PROPERTY FOR $100 IN CASH AND $8,500 IN BILLBOARD CREDIT TO TORREY-MEADOW, LLC. (17-04-33-40-00200).

WHEREAS, the Lane County Board of Commissioners deems it in the best interest of Lane County to sell the following property, to wit:

> A parcel of land lying in the Southeast One-Quarter (SE ¼) of Section 33, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to Lane County, a political subdivision of the State of Oregon, by that certain warranty deed recorded June 26, 1972, on Reel 592R, Recorder's Reception Number 5528, Lane County Oregon Deed Records, Lane County, Oregon.

WHEREAS, the County owned real property was acquired in 1972 for the widening of West 11th Avenue using of Road Funds. The portion not used for Right-of-Way is considered surplus County owned property; and

WHEREAS, Torrey-Meadow, LLC., has offered to purchase the property for $100 in cash and $8,500 in billboard credit for Lane County to use for the promotion of Lane County goals, events, or public service announcements; and

WHEREAS, The County owned property has severe limitations on use or development due to restricted legal access, and environmental considerations; and

WHEREAS, Torrey-Meadow, LLC has had multiple discussions with City of Eugene, ODOT, and LTD, and has invested approximately $2,000 working with wetland consultants and a land use attorney to determine the feasibility of billboard placement on the property. The due diligence performed by the offeror has determined that the highest and best use of the property would be for billboard placement; and

WHEREAS, County Staff has determined that this property has no value for future transportation or other Public Works operation needs; and

WHEREAS, 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; and

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

1. The offer from Torrey-Meadow, LLC., in the amount of $100 in cash and $8,500 in billboard credit is accepted.

2. The Deed conveying said property to Torrey-Meadow, LLC. is signed by the Board.

3. Evergreen Land and Title, and Lane County Right of Way Staff is instructed to close the transaction and record the Deed.

4. The $100 sale proceeds are disbursed to the General Road Fund (225-3632-446120-101).

ORDERED this 10th day of October, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

EXHIBIT A

After Recording Return to, and
Send Tax Statements to:
Torrey-Meadow, LLC
P.O. Box 331
The Dalles, OR 97058

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

BARGAIN AND SALE DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called GRANTOR, for the true and actual consideration of **$100.00 dollars, and other valuable consideration**, conveys to **TORREY-MEADOW, LLC,** GRANTEE, all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast One-Quarter (SE ¼) of Section 33, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain warranty deed recorded June 26, 1972, on Reel 592R, Recorder's Reception Number 5528, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

Beginning at a point South 01°49'45" West 4[illegible]0 feet of Engineer's Centerline Station L143+28.00 P.O.T. of County Road No. 323 (known as West 11th Street) as said County Road was resurveyed in December, 1970, said point also being 18.34 feet South and 1160.09 feet West of the East one-quarter corner of Section 33, Township 17 South, Range 4 West, Willamette Meridian, Lane County, Oregon; run thence North 87°06'10" West 377.69 feet; thence South 75°06'10" East 222.0 feet; thence South 60°02'10" East 182.99 feet; thence North 01°49'45" East 129.44 feet to the point of beginning.

EXCEPTING THEREFROM: All portion of the above described lying within the right of way of West 11th Avenue.

Contains 0.39 acre, more or less.

DRAFT

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

EXHIBIT A

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day

of _____, 2023.

_____
Pat Farr, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2023, personally appeared _____

_____

_____

who, duly being sworn, did say that he is member 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 his voluntary act and deed. Before me:

DRAFT

_____
Notary Public for Oregon

My Commission Expires: _____

EXHIBIT B

PURCHASE SURPLUS LANE COUNTY OWNED REAL PROPERTY

Name of Offeror (print): Torrey-Meadow, LLC.
(As wanted to appear on Deed)

Address of Offeror: P.O. Box 331

The Dalles, OR 97058
(For tax statement purposes)

Offer to purchase Lane County owned real property described as follows, to wit:

Assessor's Map and Tax Lot No # 17-04-33-40-00200 (West 11th and Belt Line)

Amount of Offer & Closing Costs

Amount of Offer: **$100.00 / $8,500 Billboard Credit Plus closing costs.**

Deposit:
(offeror will submit deposit to Evergreen Land and Title) $100.00

Remaining Amount of Offer and Estimated Closing Costs: $8,500 of Billboard Credit

Escrow Fee:	$200.00
Title Insurance:	$200.00
Recording Fee:	$127.00
GSF Fee:	$ 10.00

Total Closing Costs $537.00

Final Balance Due upon Acceptance **$8,500 of Billboard Credit and closing costs**

The undersigned has offered and agrees to the terms set forth in the "Terms of Sale" (attached hereto), which are incorporated herein by reference and made a part hereof and agrees to pay Lane County the sum indicated above as the "Amount of Offer."

In the event the offeror fails to pay the balance due in the time specified, all rights of the offeror in said real property shall cease and all right, title, and interest in said real property shall continue to remain vested in Lane County, free of any claims or equity in the undersigned offeror or those claiming through him/her.

I hereby agree to purchase the above property and to pay the price of **$100 / $8,500 Billboard Credit** as specified above. Closing costs to be paid by Torrey-Meadow, LLC. Todd Torrey (Offeror).

T. Torrey - Member
Signature of Offeror

Torrey-Meadow, LLC.
Todd Torrey
Print Name of Offeror

P.O. Box 331, The Dalles, OR 97058
Address of Offeror

(541) 915-3942
Phone:

Sept. 6, 2023
Date

tjtorrey@comcast.net
Email

TERMS OF SALE

This offer must get the approval and acceptance from the Lane County Board of Commissioner's. Only the Lane County Board of Commissioner can legally accept offers on behalf of Lane County. Until such approval and acceptance is received, Lane County reserves the right to consider any and all offers received for any particular property.

Title insurance, all escrow and recording fees will be paid by the offeror. The transaction will be closed at Evergreen Land and Title.

All cash payments must be made in CASH, BUSINESS CHECK, OR CERTIFIED CHECK, payable to "Lane County".

The $8,500 of Billboard Credit will be issued to Lane County prior to the time of closing, in the form of a letter that summarizes the ordinary requirements of electronic or non-electronic billboard advertising, and which states the current rates charged and how the credit will be applied to advertising rental fees until the credit amount is exhausted. In addition, the Billboard Credit shall be utilized within 2 years from the date of billboard completion or Torrey-Meadow may elect to pay all or any balance in cash. The letter will include a statement that, if the property reverts to Lane County as provided in this offer before the credit amount is exhausted, the balance of the credit will be retained by the Offeror.

In the event the offeror fails to get all required permits and approvals for the billboard installation within 2 years of Board approval date, the property will revert to Lane County with no fees owed by either party. This reversionary interest is to be included in the deed issued by the County.

This property is sold on an **"as is, where is, with all faults"** basis. Lane County shall convey only such right, title and interest in said real property as is now vested in Lane County. Conveyance will be made by **Bargain and Sale 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. Title insurance will be provided, including a preliminary title report. It is the responsibility of the Offeror to thoroughly investigate the property prior to purchasing it from Lane County.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505.

EXHIBIT C

Lane County

Meadow Outdoor Advertising

Chris Zukin | 541-296-9684 | chrisz@meadowoutdoor.com

MEADOW
OUTDOOR ADVERTISING

RECOMMENDATIONS

City	Locations Descriptions	Current Rate	Size
Eugene	**1.** Unit #10013-A NF W 11th NL 300' W/O Bertelsen	$1,314	12'x24'
Eugene	**2.** Unit #10093-A WF I-105 NL 200' E/O Coburg Road Exit 2	$2,380	10'x30'
Eugene	**3.** Unit #10164-A NF Hwy 99W EL .4 mi. N/O Roosevelt Blvd.	$1,125	9'x27'
Eugene	**4.** Unit #TC-2011-B NF Garfield WL 200' S/O 7th	$1,525	9'x27'
Springfield	**5.** Unit #10102-B EF Hwy 126 (Main Street) NL 25' W/O 36th St	$1,080	7'x14'
Springfield	**6.** Unit #10119-A WF I-105 NL .3 mi W/O 52nd	$2,295	14'x40'
Springfield	**7.** Unit #10146-A SF 42nd St WL 3000' S/O I-105	$980	7'x14'

Chris Zukin | 541-296-9684 | chrisz@meadowoutdoor.com

MEADOW
OUTDOOR ADVERTISING

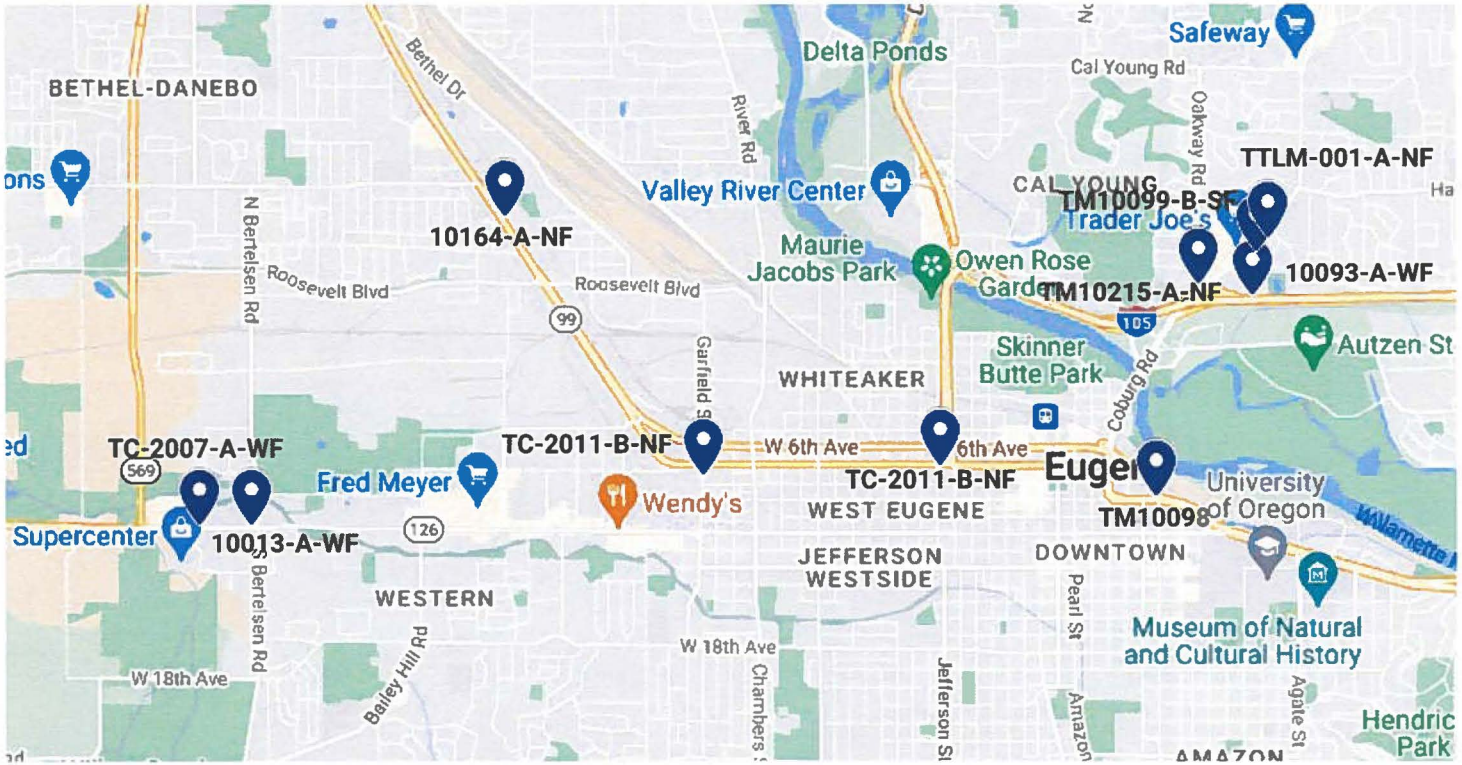
RECOMMENDATIONS

City	Digital Locations Descriptions	Current Weekly Rate / Spot 9 Weekly Rate	Size
Eugene	**1.** Unit #TC-2004-A WF 7th Ave SL 100' E/O Jefferson	$1,170 / NA	9'x27'
Eugene	**2.** Unit #TC-2007-A WF West 11th NL # Commerce St	$387 / NA	10'x22'
Eugene	**3.** Unit #TM10098-A WF E. Broadway NL 200' W/O Hilyard	$996 / NA	9'x27'
Eugene	**4.** Unit #TM10098-B EF E. Broadway NL 200' W/O Hilyard	$996 / NA	9'x27'
Eugene	**5.** Unit #TM10215-A NF Coburg Rd. WL 50' S/O Oakmont	$996 / $244	8'x25'
Eugene	**6.** Unit #TM10099-B SF Coburg Rd. EL 150' S/O Oakmont	$996 / NA	9'x27'
Eugene	**7.** Unit #TTLM-001-A NF Coburg Rd. EL 250' N/O Oakmont Way	$740/ $244	12'x20'
Springfield	**8.** Unit #TC-2027-A EF Main St. (Hwy 126) SL @ 28th St.	$311 / $102	10'x30'

Chris Zukin | 541-296-9684 | chrisz@meadowoutdoor.com

MEADOW
OUTDOOR ADVERTISING

Eugene & Springfield



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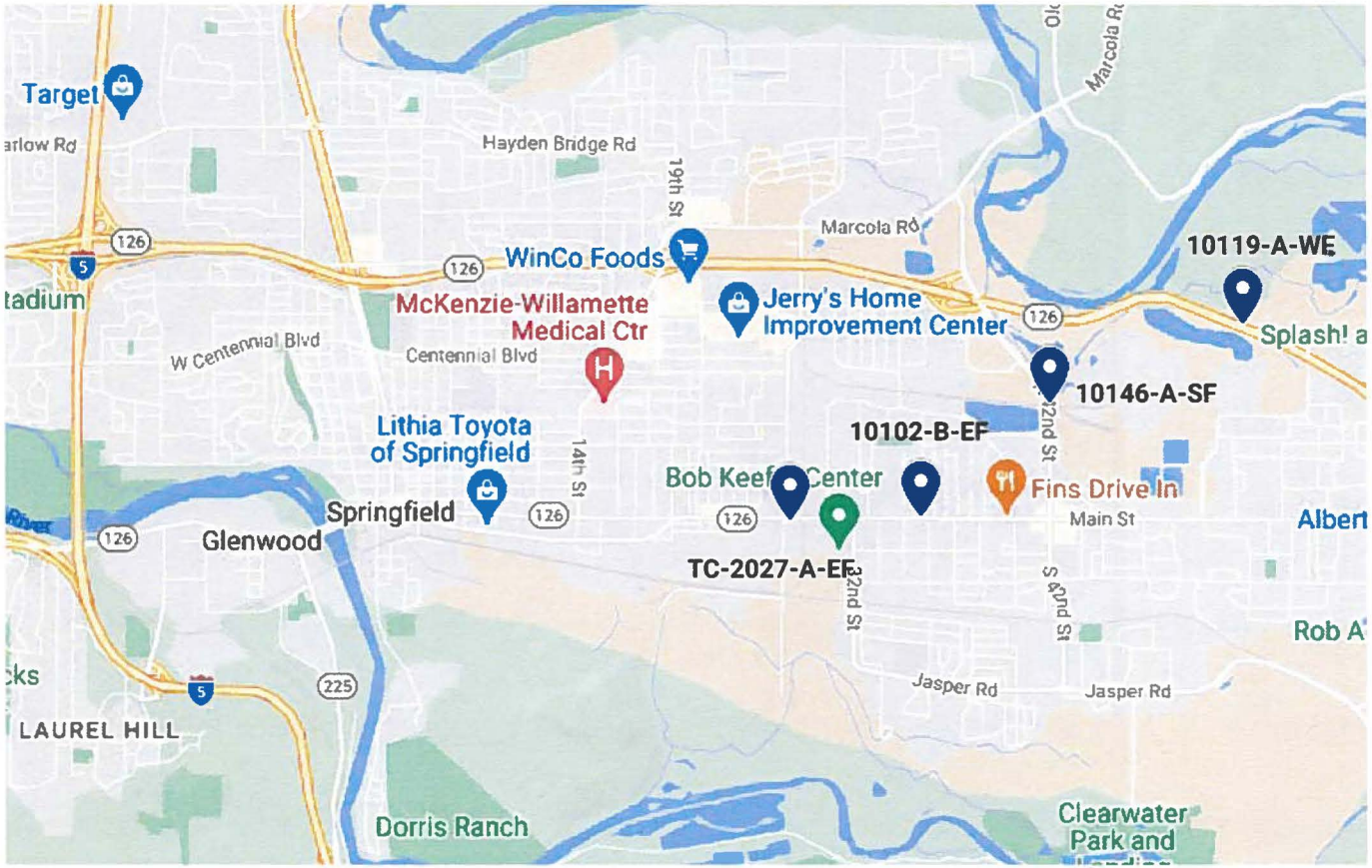
MEADOW
OUTDOOR ADVERTISING

Eugene & Springfield



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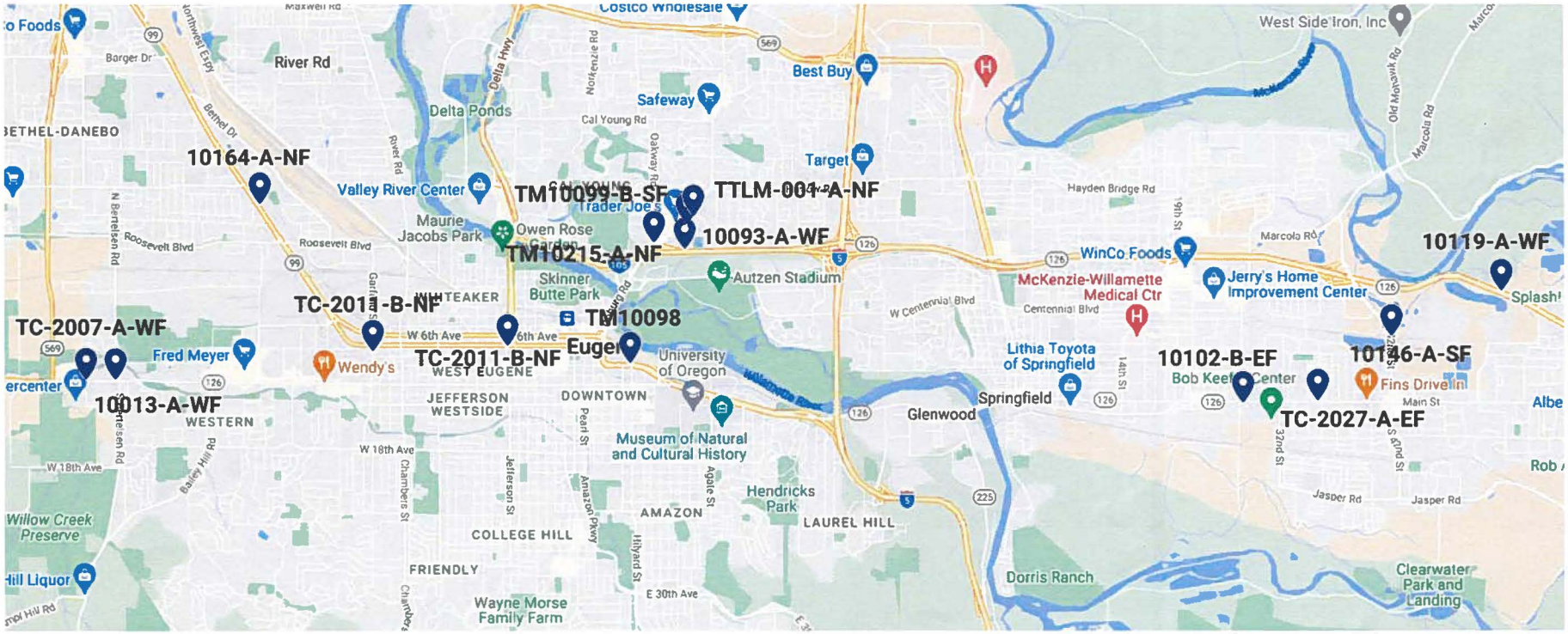
MEADOW
OUTDOOR ADVERTISING

Eugene & Springfield



Chris Zukin | 541-296-9684 | chrisz@meadowoutdoor.com

MEADOW
OUTDOOR ADVERTISING

Thank You!

Chris Zukin | 541-296-9684 | chrisz@meadowoutdoor.com

MEADOW
OUTDOOR ADVERTISING

EXHIBIT D

Map and Tax Lot: 17-04-33-40-00200

(Lane County Trans Map, GIS)

After Recording Return to, and
Send Tax Statements to:
Torrey-Meadow, LLC
P.O. Box 331
The Dalles, OR 97058

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

BARGAIN AND SALE DEED

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EXCEPTING THEREFROM: Any portion of the above described lying within the right of way of West 11th Avenue.

Contains 0.39 acre, more or less.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day

of _____, 2023.

_____
Pat Farr, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2023, personally appeared_____

_____

_____

who, duly being sworn, did say that he is member 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: _____