Memorandum Date: October 1, 2024
Agenda Date: October 22, 2024

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TO: Board of County Commissioners

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

PRESENTED BY: Mike Davis, Senior Right of Way Agent

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF AUTHORIZING THE RELINQUISHMENT OF COUNTY OWNED REAL PROPERTY TO THE CITY OF COTTAGE GROVE BY QUITCLAIM DEED, MAP NO. 20-03-29-34, TAX LOT 00100.

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I. MOTION:

APPROVE THE MOTION TO RELINQUISH COUNTY OWNED REAL PROPERTY TO THE CITY OF COTTAGE GROVE BY QUITCLAIM DEED, MAP NO. 20-03-29-34, TAX LOT 00100.

II. AGENDA ITEM SUMMARY:

Lane County Public Works is requesting relinquishment of Lane County owned property, Map and Tax Lot 20-03-29-34-00100, by Quitclaim Deed to the City of Cottage Grove. The request is being forwarded to the Board for acceptance or rejection.

III. BACKGROUND/IMPLICATIONS OF ACTION:

A. Board Action and Other History

The subject property is located within the Urban Growth Boundary and city limits of the City of Cottage Grove and adjacent to residential zoned properties. The County owned property is improved with a bridge and paving, zoned R1 (Single-Family Residential), is 0.75 acres in size, triangular in shape, with Silk Creek running through it.

Title to the property was deeded to Lane County by Quitclaim Deed Recorded on April 18, 1931, on Book 169, Page No. 479, and was accepted by the Lane County Board of Commissioners on the condition it be used for road purposes. A road and bridge exist within the property and provide access over Silk Creek from the northerly margin of Cottage Grove-Lorane Road to Cottage Grove Cemetery Road.

The adjacent roads to the subject property have been surrendered to the City of Cottage Grove. The subject property is part of the bridge and paving over Silt Creek and should be transferred to the City of Cottage Grove if the Board of Commissioners agree.

Lane County Right of Way Services sent a referral to Public Works staff. Staff responded the property was not needed for Public Works operations or transportation purposes.

B. Policy Issues

Pursuant to Lane Manual 21.010.015, it is the intent of the Board to utilize County-owned real property as a revenue source where possible, and to keep such property on the tax rolls where reasonable to do so. ORS 271.310 provides for the transfer or lease of real property owned or controlled by a political subdivision. The County may convey title when the land is not needed for public purposes or whenever the public interest may be furthered.

C. Board Goals

This divestment is in line with Strategic Priority 3, maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success.

The land will be relinquished to the City of Cottage Grove.

D. Financial and/or Resource Considerations

Upon approval and execution of the attached Quitclaim Deed, Right of Way Services Staff will close the transaction and deliver the deed to the City of Cottage Grove.

There are no proceeds to be redistributed into the Road Fund.

E. Health Implications

There are no health implications.

F. Analysis

Lane County Public Works has no further use for this property as the road infrastructure is under the maintenance jurisdiction of the City of Cottage Grove. Contact has been made with City Administration staff, and they agree this property should be transferred to the City of Cottage for road and right-of-way purposes.

G. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve divestment of property by Quitclaim Deed to City of Cottage Grove.

2. Reject the divestment and retain the property under County ownership.

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, Right of Way Services staff will complete the relinquishment.

VII. ATTACHMENTS

Order with Exhibits:
Exhibit A – GIS Aerial Map of the Subject Property
Exhibit B – "DRAFT" Quit Claim Deed to City of Cottage Grove
Executable Quitclaim Deed

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 24-10-22-05	IN THE MATTER OF AUTHORIZING THE RELINQUISHMENT OF COUNTY OWNED REAL PROPERTY TO THE CITY OF COTTAGE GROVE BY QUITCLAIM DEED, MAP NO. 20-03-29-34, TAX LOT 00100.

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

WHEREAS, the subject property was deeded to Lane County by Quitclaim Deed Recorded on April 18, 1931, on Book 169, Page No. 479, and was accepted by the Lane County Board of Commissioners on condition it be used for road purposes, and was not acquired through foreclosure; and

WHEREAS, Lane County Public Works is requesting relinquishment of Lane County owned property, Map and Tax Lot 20-03-29-34-00100, by Quitclaim Deed to the City of Cottage Grove; and

WHEREAS, Lane County Public Works staff has determined the subject property is not needed for Lane County transportation purposes; and

WHEREAS, upon Board approval, Lane County Public Works will relinquish County owned property to the City of Cottage Grove; 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

WHEREAS, this divestment is in line with Strategic Priority 3, maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success. The land will be relinquished to the City of Cottage Grove.

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

1. Divestment of property described in Quitclaim Deed Book 169, Page No. 479, to City of Cottage Grove IS APPROVED.

2. The Board Chair is authorized to sign the Quitclaim Deed to City of Cottage Grove Investments on behalf of the Board of Commissioners.

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

ORDERED this 22nd day of October, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

EXHIBIT A
LANE COUNTY OWNED SUBJECT PROPERTY
20-03-29-34-00100

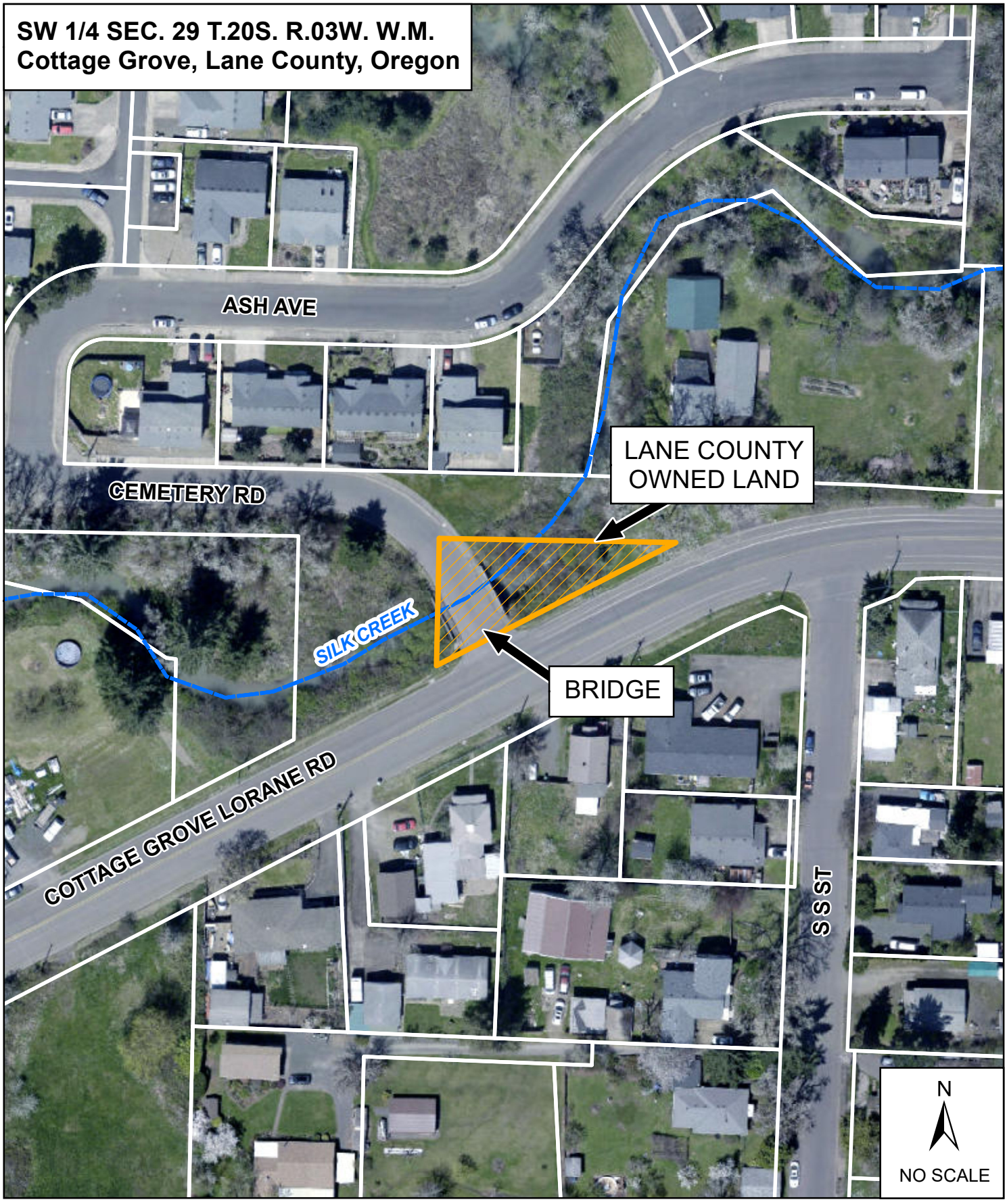

EXHIBIT B

After Recording Return to, and
Send Tax Statements to:
City of Cottage Grove
Finance Department
400 E. Main Street
Cottage Grove, Oregon 97424

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called GRANTOR, for the true and actual consideration of **0 (zero)** dollars, does hereby release and quitclaim to **CITY OF COTTAGE GROVE,** a municipal corporation of the State of Oregon, herein after called GRANTEE, all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

DRAFT

All that real property conveyed to Lane County by Quitclaim Deed on April 18, 1931, in Book 169, Page 479, Lane County Oregon Deed Records, Lane County, Oregon, more particularly described as follows:

Beginning at a point 90 feet South and 819.5 feet West of the Southeast corner of 1/2 Block #5, in D.G. McFarland's 5th Addition to Cottage Grove, Lane County, Oregon; thence South 25.33 feet; thence S68˚30'W 134.5 feet; thence S59˚50'W 81.0 feet, more or less, to a point on the West line of the Mildred Wallace property; thence North 113.8 feet; thence East 198.0 feet to the place of beginning in Lane County, Oregon.

Subject to any portion of the above-described real property located within the right of way of Cottage Grove-Lorane Road, County Road No. 445.

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

_____, 2024.

_____
Laurie Trieger, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2024, personally appeared Laurie Trieger, Chair of the Lane County Board of Commissioners, who being duly sworn, acknowledges that said instrument was signed and sealed on 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: _____

This conveyance is accepted and approved for recording on behalf of the City of Cottage Grove pursuant to ORS 93.808.

_____
Faye Stewart,
Public Works & Development Director

DRAFT

After Recording Return to, and
Send Tax Statements to:
City of Cottage Grove
Finance Department
400 E. Main Street
Cottage Grove, Oregon 97424

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called GRANTOR, for the true and actual consideration of **0 (zero)** dollars, does hereby release and quitclaim to **CITY OF COTTAGE GROVE,** a municipal corporation of the State of Oregon, herein after called GRANTEE, all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

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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 22nd day of October, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On October 22nd, 2024, personally appeared Laurie Trieger, Chair of the Lane County Board of Commissioners, who being duly sworn, acknowledges that said instrument was signed and sealed on 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:

OFFICIAL STAMP
CAMERON PIETILA
NOTARY PUBLIC - OREGON
COMMISSION NO. 1043396
MY COMMISSION EXPIRES JANUARY 04, 2028

Cameron Pietila
Notary Public for Oregon

My Commission Expires: Jan 04, 2028

This conveyance is accepted and approved for recording on behalf of the City of Cottage Grove pursuant to ORS 93.808.

Faye Stewart,
Public Works & Development Director