

WTEI

**AGENDA COVER MEMORANDUM**

**Agenda Date: September 5, 2001**

---

---

**DATE:** August 21, 2001  
**TO:** Board of County Commissioners  
**DEPARTMENT:** Management Services  
**PRESENTED BY:** Jeff Turk, Property Management Officer

**SUBJECT:** ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO GEORGE LEE FISHER (MAP # 16-45-30-40-00500, ADJACENT TO 50966 MCKENZIE HIGHWAY, VIDA)

---

---

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO GEORGE LEE FISHER (MAP # 16-45-30-40-00500, ADJACENT TO 50966 MCKENZIE HIGHWAY, VIDA)
2. **ISSUE/PROBLEM:** Mr. Fisher has submitted an offer of \$4,100 for the subject property. Does the Board wish to accept the offer.
3. **DISCUSSION:**

3.1 Background

The subject property was acquired through tax foreclosure in September, 1998. The property is approximately ½ acre and has a shell of a small cabin remaining on it (the cabin was built in the 1930s and is not useable). The parcel is zoned RR5 and is likely a legal lot of record (no official determination has been made by Land Management). The parcel does not border the river and does not have merchantable timber on it. It is unlikely that the property can be developed with a residence. Satisfying water and septic requirements would be extremely difficult. In addition, the State acquired control of the access rights to the property in 1956 when acquiring property for improvements to Hwy. 126.

Mr. Fisher owns tax lot 400 which adjoins the subject parcel to the North. Mr. Fisher has reviewed a preliminary title report which did not reveal any major encumbrances other than

the lack of access rights from the state. The adjoining owner to the South of the subject property was informed of Mr. Fisher's interest in the subject and does not have any desire to acquire the subject property.

The subject was offered at a Sheriff's sale on October 4, 1999 with a minimum bid of \$25,000 and remained unsold at the close of the sale. The subject has a current assessed value of \$26,445.

### 3.2 Analysis

As an adjoining owner, Mr. Fisher could best use the land as additional plottage to his existing homestead.

As the subject parcel has been through a Sheriff's sale and did not sell, it is eligible for private sale without further notice pursuant to ORS 275.200 provided that the sale price is not less than 15% of the minimum bid for which the parcel was offered at the Sheriff's sale. The proposed sale fulfills the requirements of ORS 275.200.

### 3.3 Alternatives/Options

The Board can reject the offer and direct staff to continue negotiations for greater consideration or re-offer the parcel at a future Sheriff's sale.

### 3.4 Recommendation

It is recommended that the offer be accepted.

### 3.5 Timing

None.

4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property will be sold.

5. **ATTACHMENTS:**

Board Order  
Quitclaim Deed  
Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO GEORGE LEE FISHER (MAP # 16-45-30-40-00500, ADJACENT TO 50966 MCKENZIE HIGHWAY, VIDA)

WHEREAS this matter now coming before the Lane County Board of Commissioners and said Board deeming it in the best interest of Lane County to convey the following real property which was acquired through tax foreclosure, to wit:

See Attached Exhibit "A"

WHEREAS said real property is owned by Lane County and not in use for County purposes, and sale of said property would benefit Lane County by its return to the tax roll, and

WHEREAS said parcel was offered at a Sheriff's sale on October 4, 1999 with a minimum bid of \$25,000 and

WHEREAS no bids were received for said parcel and it remained unsold at the close of said sale

IT IS HEREBY ORDERED that pursuant to ORS 275.200 and ORS 275.275, the parcel be sold to George Lee Fisher for \$4,100, that the Quitclaim Deed be executed by the Board and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$3,992.00
General Fund	(124-5570260-436521)	108.00

IT IS FURTHER ORDERED, that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO GEORGE LEE FISHER (MAP # 16-45-30-40-00500, ADJACENT TO 50966 MCKENZIE HIGHWAY, VIDA)

## Exhibit "A"

### PROPERTY DESCRIPTION

Beginning at a point in the center of Clapper Creek on the Southerly side of the McKenzie Highway, said point being 454.08 feet South and 73.5 West of an iron pipe, said iron pipe being 72 feet West of the quarter section corner on the East line of Section 30 in Township 16 South, Range 4 East of the Willamette Meridian, and running thence South 22° 24' West along the Southerly side of said highway 255.72 feet; thence South 15° 29' West 125.0 feet, thence South 14° 56' West 87.59 feet to an iron pipe driven on the Southerly side of the highway; thence South 72° 38' East 76.3 feet, more or less, to the right bank of the McKenzie River, thence following up said right bank to the center of Clapper Creek, thence up the center of Clapper Creek to the place of beginning, in Lane County, Oregon;

EXCEPTING THEREFROM the following described property: Beginning at the quarter section corner on the East line of Section 30 in Township 16 South, Range 4 East of the Willamette Meridian and run thence West 72.0 feet, thence South 9° 12' West 460.0 feet, thence South 22° 24' West 255.7 feet along the Easterly right of way line of the McKenzie Highway, thence South 15° 29' West 12.6 feet to the true point of beginning; from said point of beginning run thence along the Easterly right of way line of said highway South 15° 29' West 112.4 feet, thence South 14° 56' West 87.6 feet, thence leaving the highway and run South 72° 38' East 76.3 feet to the right bank of the McKenzie River, thence following up the right bank of said McKenzie River bearing North 22° 01' East 200.5 feet, thence leaving said River bank and run North 72° 38' West 100.0 feet to the point of beginning, in Lane County, Oregon;

ALSO EXCEPTING THEREFROM that part conveyed to the State of Oregon by and through its State Highway Commission be deed recorded November 29, 1956, Clerk's File No. 150, Lane County Oregon Deed Records, in Lane County, Oregon;

ALSO EXCEPTING THEREFROM any part lying Northerly of the center of Clapper Creek as established by Boundary Line Agreement recorded June 24, 1969, Clerk's File No. 70328, Lane County Official Records.

Map #16-45-30-40-00500

**QUITCLAIM DEED**

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No. \_\_\_\_\_ of the Board of County Commissioners of Lane County, releases and quitclaims to:

**George Lee Fisher**

all its right, title and interest in that real property situated in Lane County, State of Oregon, described as:

See Attached Exhibit "A"

**THIS INSTRUMENT WILL 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 APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS. 30.930.**

The true and actual consideration for this transfer is \$4,100.00

**LANE COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF OREGON    )  
                                  ) ss  
COUNTY OF LANE    )

On \_\_\_\_\_, 19 \_\_\_\_ personally appeared the above named County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act.  
Before me:

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires \_\_\_\_\_

After recording, return to/taxes to:  
George Lee Fisher  
PO Box 279  
Blue River, OR 97413

## Exhibit "A"

### PROPERTY DESCRIPTION

Beginning at a point in the center of Clapper Creek on the Southerly side of the McKenzie Highway, said point being 454.08 feet South and 73.5 West of an iron pipe, said iron pipe being 72 feet West of the quarter section corner on the East line of Section 30 in Township 16 South, Range 4 East of the Willamette Meridian, and running thence South 22° 24' West along the Southerly side of said highway 255.72 feet; thence South 15° 29' West 125.0 feet, thence South 14° 56' West 87.59 feet to an iron pipe driven on the Southerly side of the highway; thence South 72° 38' East 76.3 feet, more or less, to the right bank of the McKenzie River, thence following up said right bank to the center of Clapper Creek, thence up the center of Clapper Creek to the place of beginning, in Lane County, Oregon;

EXCEPTING THEREFROM the following described property: Beginning at the quarter section corner on the East line of Section 30 in Township 16 South, Range 4 East of the Willamette Meridian and run thence West 72.0 feet, thence South 9° 12' West 460.0 feet, thence South 22° 24' West 255.7 feet along the Easterly right of way line of the McKenzie Highway, thence South 15° 29' West 12.6 feet to the true point of beginning; from said point of beginning run thence along the Easterly right of way line of said highway South 15° 29' West 112.4 feet, thence South 14° 56' West 87.6 feet, thence leaving the highway and run South 72° 38' East 76.3 feet to the right bank of the McKenzie River, thence following up the right bank of said McKenzie River bearing North 22° 01' East 200.5 feet, thence leaving said River bank and run North 72° 38' West 100.0 feet to the point of beginning, in Lane County, Oregon;

ALSO EXCEPTING THEREFROM that part conveyed to the State of Oregon by and through its State Highway Commission be deed recorded November 29, 1956, Clerk's File No. 150, Lane County Oregon Deed Records, in Lane County, Oregon;

ALSO EXCEPTING THEREFROM any part lying Northerly of the center of Clapper Creek as established by Boundary Line Agreement recorded June 24, 1969, Clerk's File No. 70328, Lane County Official Records.

Map #16-45-30-40-00500

1/16 Cor.

1173.31' - 1/16 COR. TO W. A/W LINE OF OLD HIGHWAY

CENTER OF SEC. TO 1/16 COR.)

5.87°41'W 5.87°26'40"W

Proportions  
1/4 Cor.  
Sec. 30 29

068 00

**SUBJECT**

- Ⓐ 250' S. 2°45' W + 72' West of 1/4 Cor. Sec. 30/29
- Ⓑ 433'7" South + 118' 50" West of Pipe 72' West of 1/4 Cor. Sec. 30/29
- Ⓒ 900.44' South + 228.70' West of Pipe 72' West of 1/4 Cor. Sec. 30/29

See Map 16 45 29

1. S. 52°00'E - 40.70'
2. N. 44°33'E - 28.0'
3. N. 27°14'W - 27.0'
4. NORTH - 72.0'
5. S. 28°20'W - 30.12'
6. S. 26°20'W - 42.53'
7. S. 23°27'W - 107.29'
8. N. 87°26'40"E - 10.84'
9. S. 53°22'E - 25.77'
10. S. 79°09'40"E - 105.18'
11. S. 36°57'E - 42.02'
12. S. 15°22'E - 40.50'
13. S. 37°28'E - 40.65'
14. S. 4°16'E - 65.99'
15. S. 29°23'30"E - 60.10'
16. S. 05°28'30"E - 70.04'
17. S. 26°45'30"E - 70.02'
18. S. 76°50'N - 122.97'
19. East - 35.00'
20. S. 22° 55'E - 69.00'
21. N. 82°48'E - 36.00'

Lot 1 1962 ac.

Tax Lotted on Map 16 45 29

Lot 2 1.92 ac.

30 29

31 32

NOTES:  
M.C. 15 60.18 CH. E. OF S.W. SEC. COR. + 20.32 CH. W. OF S.E. SEC. COR.

N. 87° 20' 30" W FROM SURVEY SEC. COR.

(WALKER SURVEY 1984)  
1274 CH. 1/4 COR. TO SEC. COR.

See Map 16 45

© Section 3170a P.O.T.