



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of April 29, 2015

Please see directions for completing this document on the next page.

DATE: April 20, 2015

FROM: James Lewis Property & Facilities 541-385-1414

TITLE OF AGENDA ITEM:

Consideration of Board Signature of Order 2015-020, an Order for the Sale of Certain Real Property Acquired by Deschutes County.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

The attached list of properties (20 properties) are proposed for inclusion in the public auction of tax foreclosed and surplus County-owned land. ORS 275.110 provides that the Board will fix the minimum price for each parcel and the conditions and terms of sale.

As has been done in the past, we will offer financing for properties sold at \$20,000 or more. Property Management staff has worked with Legal Counsel, Community Development, Finance Department and the Sheriff's Office to prepare documents associated with the sale. The Community Development Department, Road Department, and the County Forester have reviewed the list of properties to be offered and find there is no reason to retain the land in county ownership.

The auction will begin at 10:00 a.m. Friday, June 26, 2015, in the Barnes Hearing Room.

FISCAL IMPLICATIONS:

If all the properties sell at the established minimum bid, the proceeds would be \$605,472.00. However, it is rare that all properties offered at auction are sold. Any properties that are not sold at the auction will be available for sale on a first come first served basis at the minimum bid price.

RECOMMENDATION & ACTION REQUESTED:

Staff recommends approval of Order 2015-020.

ATTENDANCE: James Lewis

DISTRIBUTION OF DOCUMENTS:

Copy to James Lewis

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order for the Sale of Certain Real
Property Acquired by Deschutes County

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*

ORDER NO. 2015-020

WHEREAS, Deschutes County has acquired title to certain real property, described in Exhibit "A," attached and incorporated by this reference, pursuant to real property tax foreclosure proceedings on file in the Circuit Court of the State of Oregon for Deschutes County and by other means, and

WHEREAS, foreclosure proceedings are completed, and tax deeds in the regular form have been executed by the Deschutes County Tax Collector and recorded in the Deed Records of Deschutes County pursuant to ORS 312.200 with respect to real properties acquired by tax foreclosure, and

WHEREAS, ORS 271.310 and 275.110 authorize the sale by the Board of County Commissioners of the real property acquired through real property tax foreclosure and other means, and

WHEREAS, the real property described in Exhibit "A," attached is not needed for County purposes and, thus, surplus, and

WHEREAS, it is in the best interests of the County to sell the real property described in Exhibit "A", and that the minimum price set forth after the description of each parcel be the minimum price for said sale; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. That the Deschutes County Sheriff hereby is authorized and directed, pursuant to ORS 275.120, to offer for sale the property described in Exhibit "A", attached hereto and by this reference incorporated herein, to the highest and best bidders, for cash, cashier's check or terms, or combination thereof, as determined by the Board of County Commissioners pursuant to ORS 275.190, but not less than the minimum bid hereby fixed, plus recording fees.

Section 2. That said sale is to be made at the Barnes Hearing Room, 1300 NW Wall Street, Bend, Oregon, beginning at 10:00 a.m. on Friday, June 26, 2015, and remaining open until 2:00 p.m. to allow for bidders to submit the appropriate purchase payment.

Section 3. That on the sale date, Bidders with the provisionally accepted high bid may leave the premises to obtain cash or cashier's checks but must return to the Barnes Hearing Room prior to 2:00 p.m., with no Bidder admittance after 2:00 p.m. allowed.

Section 4. That all sales shall be deemed conditional until such time as the Board of County Commissioners formally accepts or rejects said sale.

Section 5. That, if the Sheriff is unsuccessful in selling any real property listed in Exhibit "A" at said sale, said real property may be sold at private sale pursuant to ORS 275.200.

Section 6. That the Deschutes County Property Manager is authorized to take those actions reasonably calculated to efficiently and successfully conduct the aforementioned land sale, including deviation from or modification of sale procedures, when, in the opinion of the Property Manager, said deviations or modifications are justified and in accordance with all laws.

Section 7. That the Deschutes County Property and Facilities Director or the County Administrator is authorized and ordered to sign the Seller's Disclosure Statements and Sales Agreements for the County owned property to be sold at the June 26, 2015, public auction.

Section 8. That the promissory note and trust deed attached as Exhibit "B", attached and incorporated by this reference, shall be the documents authorized for sale of the properties eligible for County financing, as identified in Exhibit "A".

Dated this _____ day of April, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

TAMMY BANEY, Commissioner

EXHIBIT "A"

NOTICE OF SALE

By virtue of Order No. 2015-020 adopted by the Board of County Commissioners of Deschutes County, Oregon, on April 29, 2015, authorizing the sale of real property under ORS 271.310 and 275.110, notice is hereby given that, on **June 26, 2015**, at 10:00 a.m. in the Barnes Hearing Room, 1300 NW Wall Street, Bend, Oregon, the Sheriff or his designee shall proceed to sell, at public auction to the highest and best bidder, for cash, cashier's check or terms, or combination thereof, the right and title to and interest in of Deschutes County in the real property listed below:

Parcel ID	2015-01
Assessor Account	128104
Assessor Market Value	\$296,800.00
Map and Taxlot	141319A001300
Property Address	Unassigned Address, Almeter way, Terrebonne
Minimum Bid	\$20,000.00
Comments	Vacant, rural parcel. Zoned EFU-TE. Legal Lot status has not been determined.

Parcel ID	2015-02
Assessor Account	130285
Assessor Market Value	\$45,000.00
Map and Taxlot	151330BA01300
Property Address	3197 SW 45 th St., Redmond, OR 97756
Minimum Bid	\$40,000.00
Comments	Vacant, platted residential lot in the City of Redmond with paved street and utilities.

Parcel ID	2015-03
Assessor Account	150790
Assessor Market Value	\$170,000.00
Map and Taxlot	1611250001200
Property Address	64835 Bill Martin Rd, Bend, OR 97701
Minimum Bid	\$124,000.00
Comments	Vacant rural parcel. Includes Conditional Use Permit for nonfarm dwelling.

Parcel ID	2015-04
Assessor Account	242392
Assessor Market Value	\$10,000.00
Map and Taxlot	161316AC01300
Property Address	23010 Brushline Ct., Bend, OR 97701
Minimum Bid	\$8,000.00
Comments	Vacant platted lot in Pronghorn Destination Resort.

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Parcel ID 2015-05
Assessor Account 180241
Assessor Market Value \$13,420.00
Map and Taxlot 1811120000300
Property Address Unassigned Address, Century Drive (City of Bend)
Minimum Bid \$20,000.00
Comments Vacant land. May not have utility access.

Parcel ID 2015-06
Assessor Account 109835
Assessor Market Value \$82,765.00
Map and Taxlot 181136D005900
Property Address 59610 Navajo Circle, Bend, OR 97702
Minimum Bid \$47,200.00
Comments SOLD AS IS. Platted lot with older single family dwelling.

Parcel ID 2015-07
Assessor Account 180752
Assessor Market Value \$14,640.00
Map and Taxlot 181204D000990
Property Address Unassigned address (SE 9th St., Bend, OR
Minimum Bid \$4,800.00
Comments Vacant parcel. Will require a 10 foot right of way dedication along SE 9th St. with site development. Limited building area.

Parcel ID 2015-08
Assessor Account 115866
Assessor Market Value \$30,000.00
Map and Taxlot 201012C006300
Property Address 16849 Fontana Rd., Bend, OR 97707
Minimum Bid \$7,200.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2015-09
Assessor Account 137547
Assessor Market Value \$35,535.00
Map and Taxlot 201025B006600
Property Address 55467 Jamie Way, Bend, OR 97707
Minimum Bid \$4,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

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Parcel ID 2015-10
Assessor Account 137566
Assessor Market Value \$38,380.00
Map and Taxlot 201025B006700
Property Address 55473 Jamie Way, Bend, OR 97707
Minimum Bid \$4,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2015-11
Assessor Account 137565
Assessor Market Value \$44,175.00
Map and Taxlot 201025B006800
Property Address 55481 Jamie Way, Bend, OR 97707
Minimum Bid \$4,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2015-12
Assessor Account 137564
Assessor Market Value \$68,370.00
Map and Taxlot 201025B006900
Property Address 55483 Jamie Way, Bend, OR 97707
Minimum Bid \$4,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2015-013
Assessor Account 126233
Assessor Market Value \$23,210.00
Map and Taxlot 201130A002100
Property Address 17415 Cedar Ct., Bend, OR 97707
Minimum Bid \$4,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

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Parcel ID 2015-14
Assessor Account 126231
Assessor Market Value \$23,210.00
Map and Taxlot 201130A002300
Property Address 17455 Cedar Ct., Bend. OR 97707
Minimum Bid \$4,000.00
Comments Vacant platted residential lot. Area of high groundwater and septic denial. Buyer must treat wildfire fuels. Property may not be developable due to inability to place an on-site sanitary wastewater system.

Parcel ID 2015-15
Assessor Account 139489
Assessor Market Value \$36,130.00
Map and Taxlot 211016B008700
Property Address Unassigned Address (Corner of Park and Yoho Drives, La Pine)
Minimum Bid \$11,200.00
Comments Vacant, platted residential lot. Buyer must treat wildfire fuels.

Parcel ID 2015-16
Assessor Account 140643
Assessor Market Value \$60,300
Map and Taxlot 211029D003000
Property Address 52856 Sunrise Blvd., La Pine, OR 97739
Minimum Bid \$19,200.00
Comments SOLD AS IS. Platted legal lot with older single wide manufactured home.

Parcel ID 2015-17
Assessor Account 144183
Assessor Market Value \$307,675.00
Map and Taxlot 220901A003100
Property Address 14717 N. Sugar Pine Way, La Pine, OR 97739
Minimum Bid \$221,600.00
Comments SOLD AS IS. Partially constructed single family dwelling. Detached garage and shop. All permits expired. Property has a Federal Tax Lien of \$190,207.89 that will be settled by the County from the proceeds of the sale.

Parcel ID 2015-18
Assessor Account 141650
Assessor Market Value \$85,540.00
Map and Taxlot 221005A003500
Property Address 15500 Federal Rd., La Pine, OR 97739
Minimum Bid \$16,000.00
Comments SOLD AS IS. Platted legal lot with older double wide manufactured home

EXHIBIT "A"

Parcel ID	2015-19
Assessor Account	115298
Assessor Market Value	\$32,410.00
Map and Taxlot	221016B000414
Property Address	15656 6 th St., La Pine, OR 97739
Minimum Bid	\$20,000.00
Comments	Vacant, land. Had sand filter septic feasibility approved in 2006.

Parcel ID	2015-20
Assessor Account	152289
Assessor Market Value	\$53,660.00
Map and Taxlot	2219000001200
Property Address	Unassigned address (Frederick Butte Area)
Minimum Bid	\$22,272.00
Comments	Vacant rural land. May not have legal access. Surrounded by USA/BLM.

All prospective bidders shall register the day of the sale, or in person with the Deschutes County Property Manager any business day between June 17, 2015 and June 23, 2015 at 14 NW Kearney Avenue, Bend, Oregon, between the hours of 9:00 a.m. and 2:00 p.m.; by fax at (541) 317-3168; or by E-mail to james.lewis@deschutes.org, by providing a completed bidders registration form that includes bidder's legal name, physical address, mailing address and telephone number. Bidders must provide an acceptable picture I.D. on the day of the auction prior to bidding.

Prior to 2:00 p.m. June 26, 2015, the highest bidder will pay the full balance of bidder's provisionally accepted high bid in cash or cashier's check or, for properties on which financing is available per the above list, the following terms: either equal payments over 10 years with a fixed interest rate of 4.25%; or, down payment and second/final payment in 30 days; both with a nonrefundable cash down payment of not less than 20% of the purchase price, secured by a promissory note and trust deed. Copies of the complete contract terms may be found at www.deschutes.org or a copy will be provided at \$.25 per page upon request to the County Property Manager listed above.

On the sale date, Bidders with the provisionally accepted high bid may leave the premises to obtain cash or cashier's checks but must return to the Barnes Hearing Room prior to 2:00 p.m. No admittance after 2:00 p.m. will be allowed.

Cash is defined as all legal U.S. currency. Cashier's checks must be payable to Deschutes County Sheriff's Office. Cashier's checks must be drawn on a financial institution that is authorized to do business under the laws of Oregon or the United States. If any part of the purchase price is paid with a cashier's check the purchaser will be given a receipt in lieu of a certificate of sale until verification from the financial institution that final settlement has been made on the cashier's check. Upon receiving such verification, the purchaser will receive a certificate of sale. If any part of the purchase price is paid through the contract for terms, the purchaser will be given a certificate of sale that includes the terms and will be required to sign a promissory note for which a trust deed will be recorded.

The highest offer for any parcel that is equal to or exceeds the minimum bid price shall be conditionally accepted as of the close of bidding for that parcel. Upon conditional acceptance of an offer at the time of the sale, the sale as to that parcel shall be deemed closed. The Board of County Commissioners may authorize the sale of any real property not sold at this auction to be sold by

EXHIBIT "A"

private sale pursuant to ORS 275.200. Additionally, Deschutes County reserves the right to remove any property from the auction list at or before the auction.

ALL PARCELS ARE SOLD AS IS. Potential bidders should thoroughly investigate all aspects of a property prior to bidding. Deschutes County has not surveyed the aforementioned real properties and makes no representation as to boundaries, encroachments or encumbrances. Deschutes County does not guarantee or warrant that any parcel is buildable, suitable for septic system, has legal access, is vacant or is usable for any particular purpose. The County shall not warrant or defend the fee simple title of real property offered for sale to be free of defects or encumbrances, but will only sell and convey such interest as the County acquired by foreclosure or other means and holds at the time of sale. Furthermore, conveyance is subject to all valid, recorded easements, road right of way dedications and the right of any municipal corporation to purchase such property pursuant to State law and subject to the right of the Board of County Commissioners to reject any and all bids.

SOME PROPERTY WILL BE SOLD SUBJECT TO BUYER AGREEING TO ELIMINATE THE WILDFIRE FUELS.

SOME PROPERTY MAY BE SOLD SUBJECT TO BUYER AGREEING THAT SUCH PROPERTY IS UNDEVELOPABLE DUE TO THE INABILITY FOR AN ON-SITE SANITARY WASTEWATER DISPOSAL SYSTEM TO BE CONSTRUCTED.

An example of the Fuels Management Agreement is available for review on the Deschutes County website (www.deschutes.org) and at the office of Deschutes County Property Management, 14 NW Kearney Avenue, Bend, Oregon. Packets of tax lot maps may be viewed through the website address above or purchased from the Deschutes County Property Management Department at the above address. ***For information on the land sale auction, contact Deschutes County Property Management at (541) 330-4656.***

The sale location is wheelchair accessible. Materials are available in alternative formats. For the deaf or hard of hearing, an interpreter or assistive listening system will also be provided with 48 hours notice. To arrange for these services, please contact Risk Management at (541) 330-4631.

LARRY BLANTON
Deschutes County Sheriff

By _____,
_____, Civil Technician

Published in Bend Bulletin
Date of First and Successive Publications: May 27, June 3, June 10, 2015
Date of Last Publication: June 17, 2015

EXHIBIT "B"

All persons liable either now or hereafter for payment of this Note severally waive presentment, demand for payment and notice of nonpayment. This Note shall be the joint and several obligation of all persons liable for payment of this Note, and shall be binding upon them and their successors and assigns.

Any notice to Promisor provided for in this Note shall be given by mailing such notice by certified mail addressed to Promisor at the address set forth under Promisor's name, or to such other address as Promisor may designate by notice to Promisee. Any notice to Promisee shall be given by mailing such notice by certified mail, return receipt requested, to Promisee at the address set forth under Promisee's name, or at such other address as may have been designated by notice to Promisor.

This obligation is secured by a real estate Trust Deed, Deschutes County Document _____, with power of sale, of even date herewith, and is subject to all of the terms and conditions of such Trust Deed.

If this Note is placed in the hands of an attorney, Promisor agrees to pay the reasonable fee and expenses of such attorney even though no suit or action is instituted or no sale of the property has been directed under the terms of the real estate Trust Deed securing this obligation. Such fees, expenses and costs may, at Promisee's option, be added to the principal balance of this Note.

Failure to exercise any option to declare default or accelerate the balance due hereon shall not constitute a waiver of the right to exercise the same in the event of any subsequent default. Modification of the terms of payment of this Note made at the request of any person liable thereof shall not impair such person's liability or the liability of any other person now or hereafter liable for the payment hereof.

In the event that a building permit or a manufactured home placement permit is issued on the premises identified in the Trust Deed, this Note immediately becomes due and payable.

Promisor acknowledges that based upon Promisor's own inspection and investigation, Promisor is satisfied that the premises identified in the Trust Deed do not now contain any amounts of hazardous, toxic, radioactive or other substances for which a property owner or operator may be liable under state or federal environmental pollution or health and safety laws.

Accordingly, Promisor agrees that, as between Promisee and Promisor, Promisor will assume responsibility and liability and shall indemnify Promisee for any release or discharge of hazardous, toxic, radioactive or other dangerous substances regulated under state or federal pollution control laws found hereafter on, in or about the premises identified in the Trust Deed.

NOTICE TO THE PROMISOR

DO NOT SIGN THIS NOTE BEFORE YOU READ IT. THIS NOTE AUTHORIZES THE PROMISEE TO REFUSE TO ACCEPT PARTIAL PREPAYMENTS WHICH ARE NOT TENDERED ON THE DATE MONTHLY INSTALLMENTS ARE DUE AND WHICH ARE NOT IN THE AMOUNT OF THAT PART OF ONE OR MORE INSTALLMENTS WHICH WOULD BE APPLICABLE TO PRINCIPAL. CAUTION: READ BEFORE SIGNING.

EXHIBIT "B"

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.

PROMISOR:

Date: _____

PROMISEE:

DATED this _____ day of _____, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ATTEST:

ALAN UNGER, Vice Chair

Recording Secretary

TAMMY BANEY, Commissioner

