

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-04-17-03

IN THE MATTER OF AUTHORIZING THE SALE OF COUNTY ROAD FUND SURPLUS PROPERTY IDENTIFIED AS ASSESSOR'S MAP AND TAX LOT NO'S. 17-04-23-44-04300, 04400, AND 04500, EUGENE, OREGON, TO MONKEY HERO, LLC.

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

Approximately 0.41 acres of land identified as Tax Lot's 4300, 4400, and 4500 on Assessor's Map 17-04-23-44, being more particularly described on the attached Bargain and Sale Deed, Exhibit A; and

**WHEREAS**, ORS 275.200 provides for selling County property via a private sale provided it did not sell at a Sheriff's Sale. A private sale cannot be for less than 15% of the minimum bid for which it was offered at a Sheriff's Sale; and

**WHEREAS**, the land is not needed for Lane County Road purposes and Right of Way Staff and Management recommends the sale of the property; and

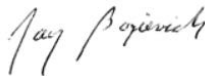
**WHEREAS**, Monkey Hero, LLC has offered to purchase the property in accordance with the terms and conditions of the Sales Agreement for the purpose of constructing three residential single family dwellings; and

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

1. The offer from Monkey Hero, LLC is hereby accepted and the sale is authorized.
2. The Board Chair to execute the Deed conveying said property to Monkey Hero, LLC.
3. Evergreen Land and Title and Lane County Right of Way staff is instructed to close the transaction and record the Deed.
4. The proceeds of the sale shall be directed into the Lane County Road Fund.

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

**ADOPTED** this 17th day of April, 2018



Jay Bozievich, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 4/15/18  
LANE COUNTY OFFICE OF LEGAL COUNSEL

**EXHIBIT A**

**After Recording Return and  
Send Tax Statements to:**  
Monkey Hero, LLC  
42941 Leaburg Drive  
Leaburg, OR 97489

RECORDING INFORMATION  
  
DO NOT WRITE IN THIS SPACE

**BARGAIN AND SALE DEED**

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order Number \_\_\_\_\_ of the Board of County Commissioners of Lane County, hereinafter called GRANTOR, for the true and actual consideration of **SIXTY THOUSAND DOLLARS and no/100 dollars, (\$60,000.00)** conveys to **MONKEY HERO, LLC**, hereafter called GRANTEE, all that real property situated in Lane County, State of Oregon, described as follows:

**PROPERTY 1:** Map 17-04-23-44-04300

A parcel of land lying in the Southeast one-quarter of the Southeast one-quarter (SE ¼ SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, by that certain deed recorded December 2, 1965 on Reel 277-D, Recorder’s Reception Number 28270, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

“Beginning at the Southwest corner of the Benjamin Davis D.L.C. No. 45, Twp. 17 South, Range 4 West of W.M. and running thence South 48° 52' East 824.8 feet; thence North 88° 45' East along the centerline of Park Avenue 637.5 feet, thence South 322 feet, thence South 48° 52' East 212 feet to the beginning or initial point for the description for this tract, and the Northwest corner thereof, and running thence South 41° 08' West 200 feet, to the Easterly right of way line of the Southern Pacific Rail Road, thence along said right of way South 48° 52' East 96 feet, thence North 41° 08' East 200 feet, thence North 48° 52' West 96 feet to the place of beginning, in Lane County, Oregon, excepting a 20 foot strip off the Northeast side thereof for a roadway and other public uses.”

**EXCEPTING THEREFROM:** A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established in Lane County Board of Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers’ Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of the Brass Cap marking the Southwest corner of the Benjamin Davis Donation Land Claim Number 45, in Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47° 14' 31” East, 3,971.49 feet to Engineers’ Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

**PROPERTY 2:** Map 17-04-23-44-04400

A parcel of land lying in the Southeast one-quarter of the Southeast one-quarter (SE ¼ SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, by that certain deed recorded November 9, 1965, on Reel 276-D, Recorder’s Reception Number 25606, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

“Beginning at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45 in Twp. 17 South, Range 4 West of the Willamette Meridian, and running thence South 48° 52'

## EXHIBIT A

East 824.8 feet; thence North 88° 45' East along the center of Park Avenue 637.5 feet; thence South 322 feet; thence South 48° 52' East 308 feet to the beginning or initial point for the description for this property and the Northwest corner thereof, and running thence South 41° 08' West 200 feet to the Easterly right of way line of the S.P.R.R.; thence along said right of way, South 48° 52' East 96 feet; thence North 41° 08' East 200 feet; thence North 48° 52' West 96 feet to the place of beginning, in Lane County, Oregon.”

**EXCEPTING THEREFROM:** A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established and filed in Lane County Board of Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of the Brass Cap marking the Southwest corner of the Benjamin Davis Donation Land Claim Number 45, in Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47° 14' 31" East, 3,971.49 feet to Engineers' Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

**PROPERTY 3: MAP 17-04-23-44-04500**

A parcel of land lying in the Southeast one-quarter of the Southeast one-quarter (SE ¼ SE ¼) of Section 23, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, by that certain deed recorded May 26, 1971, on Reel 533-R, Recorder's Reception Number 48200, LANE COUNTY OREGON DEED RECORDS, and being described as follows:

“Beginning at the Southwest corner of the Benjamin Davis Donation Land Claim No. 45, in Township 17 South) Range 4 West of the Willamette Meridian, Lane County, Oregon and run thence South 48° 52' East 824.80 feet; thence North 88° 45' East along the center of Park Avenue, 637.50 feet; thence South 322 feet; thence South 48° 52' East 404 feet to the beginning or initial point of this tract and the Northwest corner thereof; and run thence South 41° 08' West 200 feet to the Easterly right of way line of the Southern Pacific Railroad; thence along said right of way line South 48° 52' East 96 feet; thence North 41° 08' East 200 feet; thence North 48° 52' West 96 feet to the point of beginning, excepting a 20 foot strip off the Northeast side thereof for a roadway and other public uses.”

**EXCEPTING THEREFROM:** A strip of land 120 feet in width lying 60 feet on each side of the centerline of Northwest Expressway as established and filed in Lane County Board of Commissioners Final Order Number 93-8-25-14; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 375+79.13 POT, said station being 691.92 feet South and 811.62 feet East of the Brass Cap marking the Southwest corner of the Benjamin Davis Donation Land Claim Number 45, in Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, run thence South 47° 14' 31" East, 3,971.49 feet to Engineers' Centerline Station L 415+50.62 POT, and there ending, all in Lane County, Oregon.

The bearings used for Parcel 1, Parcel 2 and Parcel 3 are based on the unrecorded subdivision, “Brunner's Lakeside Plat,” filed in the Lane County Surveyor's Office, County Survey File Number 5873. The bearings used for the above described exceptions are based upon the Oregon Coordinate System of 1927, South Zone.

The total area of land contained within of the three (3) above described parcels is 0.41 of an acre, more or less.

**EXHIBIT A**

All of the above described parcels are subject to all rights of way, easements, covenants, restriction, and encumbrances of record

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 \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Jay Bozievich  
Chair, Lane County Board of Commissioners

STATE OF OREGON     )  
                                  )     ss.  
County of Lane        )

On \_\_\_\_\_, 20\_\_\_\_\_, personally appeared \_\_\_\_\_

\_\_\_\_\_  
who, duly being sworn, did say that they are members 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: \_\_\_\_\_