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RESOLUTION NO. 2017-17

**A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING AND
DIRECTING THE SALE OF CITY OWNED REAL PROPERTY**

RECITALS

- A. The City is the legal Owner of ten (10) real properties located in Lincoln City, Oregon, identified as follows:
- Tax lot # 06-11-35-CB-00100-00 Address: NE Sal La Sea Drive
 - Tax lot # 07-11-27-AB-00700-00 Address: 3230 SE Fleet Avenue
 - Tax lot # 07-11-27-CD-09900-00 Address: 4822 SW 48th Court
 - Tax lot # 07-11-27-CD-09800-00 Address: 4824 SW 48th Court
 - Tax lot # 07-11-27-DD-02700-00 Address: SE Lee Street
 - Tax lot # 07-11-27-DD-02900-00 Address: SE Lee Street
 - Tax lot # 07-11-34-DD-03200-00 Address: 1465 SW 69th Street
 - Tax lot # 07-11-15-AC-06500-00 Address: 1149 SE 3rd Street
 - Tax lot # 07-11-11-BB-04302-00 Address: Approx: 2500 NE Quay Ave
 - Tax lot: #07-11-11-BC-00100-00 Address: 2310 NE Reef Avenue
- B. On August 14, 2017, the Lincoln City City Council, at the Council Chambers at 801 SW Highway 101, Lincoln City, Oregon conducted an advertised public hearing on the proposed individual sale of the ten (10) real properties listed above, pursuant to ORS 221.725 and ORS 271.310.
- C. The advertised purpose of the sale, and the reason the City Council finds it necessary or convenient to sell the property, is to generate funds which may be used to buy or develop property suitable for workforce or affordable housing according to the goals stated in the Housing Needs Analysis adopted by Council on July 10, 2017. The properties are being sold to the highest bidder, as is, without restrictions, except those existing of record.
- D. The nature of the sale was advertised, and appraisal or other evidence of market value were fully disclosed and entered into the record at the public hearing on August 14, 2017.
- E. Pursuant to ORS 221.725, any resident of the City was provided with an opportunity to present oral or written testimony on the subject of the sale to the City Council at the public hearing.
- F. After hearing the staff report, public input, and due deliberation, Council made the findings set forth herein and directed the sale of the real properties identified below;

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN**
2 **CITY, AS FOLLOWS:**

3
4 **SECTION 1. RECITALS.** The above recitals are true and correct and are incorporated
5 herein by this reference.

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7 **SECTION 2. FINDINGS.**

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9 The Council finds and determines that the relevant statutory criteria to for disposition of real
10 property are found in or referenced in ORS Chapter 271 (specifically ORS 271.310) as well as
11 ORS 221.725.

12
13 **ORS 271.310. Transfer or lease of real property owned or controlled by political**
14 **subdivision; Procedure in case of qualified title.**

15
16 (1) Except as provided in subsection (2) of this section, whenever any political
17 subdivision possesses or controls real property not needed for public use, or whenever
18 the public interest may be furthered, a political subdivision may sell, exchange, convey
19 or lease for any period not exceeding 99 years all or any part of their interest in the
20 property to a governmental body or private individual or corporation. The
21 consideration for the transfer or lease may be cash or real property, or both.

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25 (4) Unless the governing body of a political subdivision determines under subsection (1)
26 of this section that the public interest may be furthered, real property needed for public
27 use by any political subdivision owning or controlling the property shall not be sold,
28 exchanged, leased or conveyed under the authority of ORS 271.300 to 271.360, except
29 that it may be exchanged for property which is of equal or superior useful value for
30 public use. Any such property not immediately needed for public use may be leased if,
31 in the discretion of the governing body having control of the property, it will not be
32 needed for public use within the period of the lease.

33
34 **221.725 Sale of city real property; publication of notice; public hearing.**

35
36 (1) Except as provided in ORS 221.727, when a city council considers it necessary or
37 convenient to sell real property or any interest therein, the city council shall publish a notice of
38 the proposed sale in a newspaper of general circulation in the city, and shall hold a public
39 hearing concerning the sale prior to the sale.

40 (2) The notice required by subsection (1) of this section shall be published at least once
41 during the week prior to the public hearing required under this section. The notice shall state
42 the time and place of the public hearing, a description of the property or interest to be sold,
43 the proposed uses for the property and the reasons why the city council considers it necessary
44 or convenient to sell the property. Proof of publication of the notice may be made as provided
45 by ORS 193.070.

46 (3) Not earlier than five days after publication of the notice, the public hearing concerning
47 the sale shall be held at the time and place stated in the notice. Nothing in this section

1 prevents a city council from holding the hearing at any regular or special meeting of the city
2 council as part of its regular agenda.

3 (4) The nature of the proposed sale and the general terms thereof, including an appraisal
4 or other evidence of the market value of the property, shall be fully disclosed by the city
5 council at the public hearing. Any resident of the city shall be given an opportunity to present
6 written or oral testimony at the hearing.

7 (5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement
8 under which the lessee has the right to buy the leased real property in accordance with the
9 terms specified in the agreement.

10
11 The Council finds that it has received all information necessary to make a decision based on the
12 Staff Report, public hearing testimony and the exhibits and evidence received.

13
14 The Council finds and determines that this proposal to sell the identified real properties meets all
15 applicable statutory minimum criteria for eligibility to sell real property, as more fully set forth
16 herein. Further the City Council finds and determines that the proposed disposition of real
17 property is deemed "necessary or convenient" to the City, and "furthers the public interest" as
18 the sale will build funds for workforce or affordable housing projects, consistent with the City's
19 2017 Housing Needs Analysis. The Council further finds and determines that the properties
20 identified in Section 3 below are not necessary for public use. The findings herein are supported
21 by competent substantial evidence in the whole record, incorporated herein by this reference.

22
23 **SECTION 3. ORDER.** Based on the above Findings set forth herein and based upon the
24 evidence in the whole record, the City Council hereby approves and directs the sale of the
25 following eight real properties:

- 26
- 27 • Tax lot # 07-11-27-AB-00700-00 Address: 3230 SE Fleet Avenue
 - 28 • Tax lot # 07-11-27-CD-09900-00 Address: 4822 SW 48th Court
 - 29 • Tax lot # 07-11-27-CD-09800-00 Address: 4824 SW 48th Court
 - 30 • Tax lot # 07-11-27-DD-02700-00 Address: SE Lee Street
 - 31 • Tax lot # 07-11-27-DD-02900-00 Address: SE Lee Street
 - 32 • Tax lot # 07-11-34-DD-03200-00 Address: 1465 SW 69th Street
 - 33 • Tax lot # 07-11-11-BB-04302-00 Address: Approx: 2500 NE Quay Ave
 - 34 • Tax lot: #07-11-11-BC-00100-00 Address: 2310 NE Reef Avenue


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36 The real property sale is delegated to the City Manager and City Attorney who are authorized
37 to execute such deeds and other documents necessary to complete the sale. The Manager and
38 Attorney are authorized to expend funds necessary to effectuate the sale, including but not
39 limited to purchase of real estate and title company services and products. All sales are subject
40 to approval, if needed, of applicable land use actions (e.g. partition). The real property sale is
41 subject to all encumbrances of record and the sale is for cash. If other consideration is offered
42 (exchange of real property), the Manager may return to Council in an advertised public hearing if
43 in the Manager's sole discretion the offer is worthy of consideration.

1 **SECTION 4. EFFECTIVE DATE** This resolution is effective as of the date of its adoption and
2 signature by the Mayor.

3
4 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 11th
5 day of September, 2017.

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11 DON WILLIAMS, MAYOR

12 ATTEST:

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16 CATHY STEERE, CITY RECORDER
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