

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2018-040

Resolution and Public Hearing Authorizing Transfer of Tax Foreclosed Property to the City of Portland Bureau of Environmental Services.

The Multnomah County Board of Commissioners Finds:

- a. On October 24, 2017, the County acquired ownership through foreclosure of delinquent tax liens of the subject property located in Multnomah County, described below.
- b. ORS 271.330 (1) authorizes the transfer of tax foreclosed property to a governmental body by a political subdivision provided the property is used for public purposes; the conveyance is subject to a reversionary interest retained by the grantor to ensure the property is used for a purpose consistent with the grant.
- c. The City of Portland Bureau of Environmental Services ("City") has requested, under ORS 271.330, the transfer of certain tax foreclosed property ("Property") which is more particularly described in the attached Earnest Money Agreement ("Agreement") between City and Multnomah County, attached and identified as Exhibit 1. It is in the County's interest to waive the reversionary interest as allowed under ORS 271.330 (5).
- d. The County's Tax Title Program published notice of this April 26, 2018, Public Hearing to consider the proposed transfer of the Property as required under ORS 271.330 (5).
- e. The public interest is best served by the County conveying the Property to the City and by waiving the reversionary interest.

The Multnomah County Board of Commissioners Resolves:

1. The Property is transferred to the City as requested for public purposes and the County waives its right to a reversionary interest.
2. The Chair is authorized is authorized to execute all documents necessary to complete the sale of the Property, including a deed of conveyance, that is in substantial conformance with the attached Agreement.

ADOPTED this 26th day of April, 2018.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Carlos Rasch*
Carlos Rasch, Assistant County Attorney

SUBMITTED BY: Marissa Madrigal, Director, Dept. of County Management

EXHIBIT 1

EARNEST MONEY AGREEMENT ("Agreement")

IT IS AGREED:

The City of Portland ("Purchaser"), a municipal corporation of the State of Oregon, hereby tenders a bank draft in the amount of Sixty Thousand Dollars (\$60,000) ("Earnest Money Deposit") to Multnomah County ("Seller"), a political subdivision of the State of Oregon, evidencing its good faith intent to purchase the following referenced real property ("the Property") from Seller, located at 15007 SE Foster Road, Portland Oregon (Tax Lot 300, 1S2E13CD, R193234 and Tax Lot 400 1S2E13CD, R193233) more particularly described in Exhibit A.

1. Purchaser agrees to pay Seller Six Hundred Thousand Dollars (\$600,000) ("Purchase Price") to purchase the Property. Closing is subject to approval of the sale by the Multnomah County Board of County Commissioners ("Approval"). If Approval is not received, the Earnest Money Deposit is refundable in full, notwithstanding any other provision of the Agreement.
2. Purchaser has, at its expense, engaged consultants, surveyors, and engineers of Purchaser's choosing to conduct a Phase I Environmental Assessment of the Property.
3. Property Sold "AS IS, WHERE IS." Buyer agrees that it has accepted and executed this Agreement on the basis of its Phase I Environmental Assessment of the Property; Seller makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, that the Property may have conformed to past, current, or future applicable zoning or building code requirements, the existence of soil and stability, past soil repair, soil additions, or conditions of soil fill of susceptibility to landslides, the sufficiency of any undershoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Buyer expressly acknowledges that the Property is being sold and accepted "AS IS, WHERE IS," and Buyer hereby unconditionally and irrevocably waives any and all actual or potential rights Buyer may have against Seller regarding any form of warranty, express or implied, of any kind or type, relating to the Property, except as may be set forth in this Agreement. Such waiver is absolute, complete, total, and unlimited in any way.
4. This agreement is contingent on the bridge to the Property being in a condition to bear the weight of automobiles and light vehicles comparable to similarly situated residential properties in the 97236 zip code.
5. If Purchaser provides written notice (e-mail to: tax.title@multco.us) to Seller that Purchaser will not purchase the Property by April 10, 2018, 1:00 pm PDT ("Contingency Deadline"), then Purchaser may, at its option and upon written notice to Seller, terminate this Agreement, in which case the Earnest Money Deposit shall be entirely refunded to Purchaser. (Exhibit B, "Invoice") If the Buyer does not provide written notice by the Contingency Deadline, then the

Earnest Money Deposit is non-refundable, but, fully applicable to the Purchase Price, except if Approval is not received. If the Buyer does not provide written notice by the Contingency Deadline, then Seller shall immediately remove it from the Public Sale approved by Multnomah County Board Order 2018-026, dated March 22, 2018. Moreover, Seller will not undertake any solicitations or agreements to sell or otherwise convey the property until after the Closing Date.

6. Closing will occur at a time of Buyer's choosing upon full payment of the Purchase Price after the Contingency Deadline and Approval, but, not later than May 22, 2018, 1:00 PM PDT ("Closing Date"). Property will be free of any personal property, debris, and, vehicles. Purchaser will pay Seller the Purchase Price less the Earnest Money Deposit per the Invoice and Seller will provide Purchaser a Bargain and Sale Deed to the Property which shall be executed for acceptance
7. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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.

City of Portland

By: Michael Ford

SA

Title: DIRECTOR, BIS

Date: 4/5/18

APPROVED AS TO FORM

Tracy Rios HRD

CITY ATTORNEY

Multnomah County

By: John Kim

Title: Clark

Date: 4/6/18

REVIEWED:

JENNY MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

BY Carla A. Kim

ASSISTANT COUNTY ATTORNEY

DATE 4/5/18

EXHIBIT A

LEGAL DESCRIPTION:

R193233 Legal Description: Beginning at 5/8 inch iron rod which is North 79°40'53" West 400.00 feet and South 0°14'00" West, 150.00 feet from the Northeast corner of Lot 2, JOHNSON CREEK PARK, located in Section 13, Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon; thence South 0°14'00" West, 486.19 feet along the West line of said Lot 2 to a 5/8 inch iron rod on the Northerly right-of-way line of SE Foster Road; thence along the arc of a 1462.40 foot radius curve to the right (the chord of which bears South 83°14'32" East, 99.41 feet) 99.43 feet to a 5/8 inch iron rod; thence North 41°55'15" East, 107.36 feet to a 5/8 inch iron rod; thence North 34°09'30" East 18.00 feet to a 5/8 inch iron rod; thence North 4°24'21" East 367.86 feet to a 5/8 inch iron rod; thence North 80°02'13" West, 210.00 feet to the point of beginning.

R193234 Legal Description: A tract of land in the Southeast one-quarter of Section 13, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, being a part of Lot 2, JOHNSON CREEK PARK, a duly recorded plat in said Multnomah County, said tract more particularly described as follows:

Beginning at a 5/8 inch iron rod at the Northeast corner of said Lot 2; thence South 00°14'00" West along the East line of said Lot 2, a distance of 294.37 feet to a 5/8 inch iron rod; thence North 89°46'00" West, 167.77 feet to a 5/8 inch iron rod; thence South 09°31'58" West, 132.58 feet to a 5/8 inch iron rod; thence South 08°49'33" East, 45.70 feet to the Northerly Southwest corner of Parcel III of that Survey recorded in Book 1803, Page 2348, Multnomah County Deed Records; thence South 63°30'42" East along the Northerly South line of said Parcel III, a distance of 180.64 feet to a 5/8 inch iron rod at the re-entrant corner thereof; thence South 00°14'00" West along the Southerly West line of said Parcel III, a distance of 80.54 feet to the Westerly Southeast corner of said Parcel III, being a point on the Northerly right-of-way line of SE Foster Road, a 60 foot right-of-way; thence North 78°24'12" West along said Northerly right-of-way line 204.95 feet to a 5/8 inch iron rod at the beginning of a 1,462.40 foot radius curve to the left; thence continuing along said Northerly right-of-way line, along the arc of said 1,462.40 foot radius curve, through a central angle of 02°56'56" (the chord of which bears, North 79°49'12" West, 75.26 feet) an arc length of 75.27 feet to a 5/8 inch iron rod at the Southerly corner of Parcel I of said Survey recorded in Book 1803, Page 2346, Multnomah County Deed Records; thence along the Westerly line of said Parcel I through the following courses: North 41°55'15" East, 107.36 feet to a 5/8 inch iron rod, North 34°09'30" East, 18.00 feet to a railroad spike, North 04°24'21" East, 367.86 feet to a 5/8 inch iron rod; North 80°02'13" West, 210.00 feet to a 5/8 inch iron rod; and North 00°14'00" East along the West line of Lot 2 of said JOHNSON CREEK PARK plat 150.00 feet to a 5/8 inch iron rod at the Northwest corner of said Lot 2; thence South 79°40'53" East along the North line of said Lot 2, a distance of 400.00 feet to the Northeast corner thereof and the point of beginning.

EXHIBIT B

Multnomah County

DART/Tax Title Program

PO Box 2716

Portland Oregon 97208

Phone 503-988-9824

NOTICES: tax.title@multco.us**TO:**

City of Portland

Bureau of Environmental Services

1120 SW Fifth Avenue, Room 1000

Portland, Oregon 97204

503-823-2605

INVOICE

INVOICE #[2018-01]

DATE: 4/02/2018

COMMENTS OR SPECIAL INSTRUCTIONS:

INVOICE FOR PURCHASE OF TAX FORECLOSED PROPERTY R193233 & R193234 LOCATED AT 15007 SE FOSTER RD. & 15007 WI/ SE FOSTER RD., PORTLAND OREGON 97236. **ALL SALES ARE SUBJECT TO FINAL APPROVAL BY THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS.** RECORDING AND POSSESSION BY MAY 22, 2018, 1:00 PM PDT.

QUANTITY	DESCRIPTION		TOTAL
Purchase Price Per Earnest Money Agreement Executed April 2, 2018 ("EMA")	Tax Title Property R193233 State ID 1S2E13CD-00400 Tax Title Property R193234 State ID 1S2E13CD-00300		\$600,000.00
EMA Deposit	Credit EMA Deposit Tax Title Receipt # _____		(\$60,000.00)

Make all checks payable to "Multnomah County".

NOTICES: tax.title@multco.us

CONTACT: Mike Sublett | Tax Title Program Coordinator | Multnomah County
Division of Assessment, Recording and Taxation | 501 SE Hawthorne Blvd., Rm.
175, Portland, OR 97214

michael.a.sublett@multco.us | O: 503.988.9824

<https://multco.us/taxtitle>

SUBTOTAL \$540,000.00

RECORDING *Multnomah County Responsibility*

TOTAL DUE \$540,000.00