

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-059

Approving Donation and Transfer of County Property to OUR GARDEN, INC, a Nonprofit Corporation, for Open Space, Park or Natural Areas for Perpetual Public Use

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired two unimproved lots (Property), approximately 25'x100' each, described in the attached Exhibit A, through foreclosure of delinquent tax liens in 1984 and 1989.
- b) In 1995, the County received a request to transfer the Property, but the request was later withdrawn because of title issues. On December 9, 1999, the Property was transferred to Portland Community Design for development as low-income housing.
- c) In February 2003, Portland Community Design dissolved as a corporation and the Property was deeded back to the County.
- d) Under MCC § 7.356, county property not needed for any public use by the County may be disposed of by sale, lease, donation or exchange as authorized by state law. The Property is not needed for any public use by the County.
- e) ORS 271.330 allows for transfer of real property to a nonprofit corporation for the creation of open space, parks or natural areas for perpetual public use. The County received a request from OUR GARDEN, INC, a nonprofit corporation, for such a transfer of the Property.
- f) The Department of Business and Community Services, Tax Title Division, recommends approval of the transfer in its report dated May 1, 2003 attached and identified as the "Agenda Placement Request" for this Resolution.
- g) Based on the report, it appears that the public interest will be served by donation and transfer of the Property to OUR GARDEN, INC, a nonprofit corporation, under ORS 271.330.

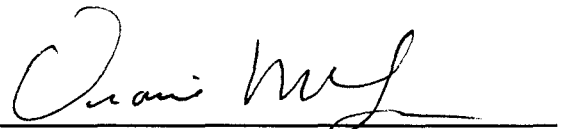
The Multnomah County Board of Commissioners Resolves:

1. The Property described in Exhibit A to the attached deed is donated and transferred without monetary consideration to OUR GARDEN, INC, a nonprofit corporation, provided that:
 - The Property is used only for the creation of open space, parks or natural areas for perpetual public use; and
 - Should the Property cease to be used as stated above, the interest of OUR GARDEN INC will automatically terminate and title will revert back to Multnomah County.
2. The Chair is directed to execute the attached deeds conveying the Property to OUR GARDEN, INC.

ADOPTED this 1st day of May 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra N. Duffy, Assistant County Attorney

EXHIBIT A (RESOLUTION)

OUR GARDEN, INC

PARCEL NO. 1:

Legal Description:

S ½ OF LOT 11, BLOCK 3, ALBINA HOMESTEAD

Multnomah County Deed No.: D031902

Tax Account No.: R102924

Type of Use: A Teaching Garden for the Community's Children

Taxes: \$128.66

Expenses: \$1725.90

PARCEL NO. 2:

Legal Description:

N ½ OF LOT 11, BLOCK 3, ALBINA HOMESTEAD

Multnomah County Deed No.: D031903

Tax Account No.: R102925

Type of Use: A Teaching Garden for the Community's Children

Taxes: \$5969.22

Expenses: \$989.76

After recording return to:
MULTNOMAH COUNTY
TAX TITLE 503 / 4TH FLR

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to OUR GARDEN INC, a nonprofit corporation of the State of Oregon, Grantee, the following real property, located in the City of Portland, Multnomah County, Oregon:

Provided that said property shall only be used and continue to be used by the Grantee for the creation of open space, parks or natural areas for perpetual public use, and should the property cease to be used in conformance with this restriction by the Grantee, the interests of the Grantee shall automatically terminate and title shall revert to the Grantor.

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 THE 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.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

REVIEWED:
AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 1st day of May 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

REVIEWED:
AGNES SOWLE, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

By Rev. Jeanne Walker, Executive Director

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

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