

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

PUBLIC HEARING and Resolution Approving Transfer of Tax Foreclosed Property to Other Governments for Non-Housing Public Purposes.

The Multnomah County Board of Commissioners Finds:

- a. ORS 271.330(1) and Multnomah County Code (MCC) Chapter 7 allow for transfer of tax foreclosed real property to governmental bodies provided the property is used for a public purpose.
- b. Tualatin Hills Park and Recreation District (THPRD) and the City of Portland (City) have requested, under ORS 271.330 and MCC Chapter 7, the transfer of certain tax foreclosed properties (the "Properties") for non-housing public purposes.
- c. THPRD has requested the transfer of two tax foreclosed properties, which are more particularly described in the proposed deed to THPRD, attached and identified as Exhibit 1.
- d. The City has requested two tax foreclosed properties, which is more particularly described in the proposed deed to the City, attached and identified as Exhibit 2.
- e. The County's Special Program Section published notice of the November 14, 2013, public hearing to consider the proposed transfer of the Properties as required under ORS 271.330 (5) and MCC § 7.407.
- f. The Properties are not needed for public use by the County and are eligible for transfer to governmental bodies for public purposes, and a transfer to these governmental bodies without monetary consideration will serve the public interest.

The Multnomah County Board of Commissioners Resolves:

1. The transfer of the Properties to THPRD and the City is in compliance with ORS 271.330 and MCC § 7.407(G) and is approved.
2. Each deed of conveyance must provide that the subject property be used and continue to be used for no less than 20 years for public purposes, and should the property cease to be used for public purposes, the interests of the Grantee shall automatically terminate and title shall revert to the County.
3. The County Chair on behalf of Multnomah County is authorized to execute deeds that are substantially in conformance with the deeds attached as Exhibits 1 and 2.

ADOPTED this 14th day of November, 2013.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Marissa Madrigal, Acting Chair

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

By _____
Courtney Lords, Assistant County Attorney

SUBMITTED BY:
Sherry Swackhamer, Interim Director, Dept. of County Management

Until a change is requested, all tax statements shall be sent to the following address:

Exhibit 1 to Resolution

(Grantee) TUALATIN HILLS PARK & RECREATION DISTRICT
%HAL BERGSMA
15707 SW WALKER RD
BEAVERTON, OR 97006-5941

After recording return to:
(Grantor) MULTNOMAH COUNTY SPECIAL PROGRAMS
501 SE HAWTHORNE BLVD
PORTLAND OR 97214

Bargain & Sale Deed D142389

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to Tualatin Hills Park and Recreation District, a municipal corporation of the State of Oregon, **Grantee**, the following described real property: See the attached Exhibit A.

Provided that said property shall be used and continue to be used by the Grantee for public purposes, and should this property cease to be used for public purposes by the Grantee, the interests of the Grantee shall automatically terminate and title shall revert to the Grantor.

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.

This transfer is without monetary consideration.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners, by authority of a Resolution of the Board, entered on November 14, 2013, by Resolution No. 2013-____; has caused this deed to be executed by the Chair of the County Board.

Dated this 14th day of November, 2013.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Marissa Madrigal, Acting Chair

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this ____day of November 2013, by Marissa Madrigal, to me personally known, as Acting Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Marina A. Baker
Notary Public for Oregon
My Commission expires: 7/14/2014

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

ACCEPTED:
TUALATIN HILLS PARK AND RECREATION DISTRICT

By _____
Courtney Lords, Assistant County Attorney
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By _____
Hal Bergsma, Director of Planning

EXHIBIT A (Deed D142389)

1. a. Legal Description:

A tract of land in the Northwest One-Quarter of the Northwest One-Quarter of Section 22 Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

All that part of a tract of land described in deed recorded March 2, 1955 in Book 1708 Page 509, Multnomah County Deed Records, lying Northwesterly of the curve at the most Northerly Northwest portion of the Southeasterly line of that tract of land described in deed recorded January 22, 1963 in Book 2151 Page 509, Multnomah County Deed Records and lying Southerly of the Westerly extension of the North line and Easterly of the Northerly extension of the West line of a tract described in deed recorded November 17, 1980 in Book 1484 Page 439, Multnomah County Deed Records

b. Tax Account No.: R501506.

2. a. Legal Description:

A tract of land in the Northwest One-Quarter of Section 22, Township 1 North, Range 1 West of the Willamette Meridian, Multnomah County, Oregon described as follows:

Commencing at the Northwest corner of said Section 22; thence S0°09'E , a distance of 250 feet along the West line of said Section 22; thence S89°33'E, a distance of 185.16 feet; thence S04°40'W, a distance of 158.45 feet to the P.C. of a curve and the true point of beginning; thence Southwesterly on a curve to the right, 46.88 feet along the arc to the P.T. of the curve (Delta = 59°16' Radius=45.32 feet); thence N63°56'E, 25.79 feet along the tangent of said curve to the P.I. of the curve; thence N04°40'E 25.79' feet along the tangent to the point of beginning.

b. Tax Account No.: R501518.

Until a change is requested, all tax statements shall be sent to the following address:

Exhibit 2 to Resolution

(Grantee) CITY OF PORTLAND, PARKS AND RECREATION
1120 SW 5th SUITE 1302
PORTLAND OR 97204-1912

After recording return to:

(Grantor) MULTNOMAH COUNTY SPECIAL PROGRAMS
501 SE HAWTHORNE BLVD
PORTLAND OR 97214

Bargain & Sale Deed D142390

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to City of Portland, a municipal corporation of the State of Oregon, **Grantee**, the following described real property: See the attached Exhibit A.

Provided that said property shall be used and continue to be used by the Grantee for public purposes, and should this property cease to be used for public purposes by the Grantee, the interests of the Grantee shall automatically terminate and title shall revert to the Grantor.

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.

This transfer is without monetary consideration.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners, by authority of a Resolution of the Board, entered on November ____, 2013, by Resolution No. 2013-__; has caused this deed to be executed by the Chair of the County Board.

Dated this ____ day of November, 2013.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Marissa Madrigal, Acting Chair

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this ____ day of November 2013, by Marissa Madrigal, to me personally known, as Acting Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Marina A. Baker
Notary Public for Oregon
My Commission expires: 7/14/2014

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

ACCEPTED:
CITY OF PORTLAND
PARKS AND RECREATION

By _____
Courtney Lords, Assistant County Attorney

By _____
Mike Abbate, Director

EXHIBIT A (Deed D142390)

1. a. Legal Description:

A tract of land in Section 23, Township 1 South, Range 2 East, of the Willamette Meridian, Multnomah County, Oregon, described as follows:

Beginning at a point in the center of S.E. Foster Road, which point is the Northwest corner of the land herein referred to as Bundy tract, conveyed by Dana to Bundy, by deed May 29, 1934 in Deed Book 252, page 119; thence Southerly along the West line of the Bundy tract, a distance of 671.4 feet to a point which is the beginning of the property to be conveyed; thence Easterly parallel with the center line of Foster Road, a distance of 176.6 feet to the East line of Bundy tract; thence Southerly along the East line of Bundy tract, a distance of 200 feet; thence Westerly to a point which is 196 feet South of the point of beginning; thence Northerly along the West line, a distance of 196 feet to the point of beginning.

b. Tax Account No.: R336913.

2. a. Legal Description:

A parcel of land lying in Lot 19, JOHNSON CREEK PARK, Multnomah County, Oregon; the said parcel being described as follows:

Beginning at the southwest corner of Lot 19; thence East along the South line of said Lot 19, 435 feet more or less to the Southwest corner of that certain tract described in deed of Joseph H Black recorded May 15, 1951 in Book 1476 page 331; thence North along the West line of said Black tract to the North line of Lot 19; thence Southwesterly in a straight line to the place of beginning. Subject to slope easement and rights of public in Barbara Welch Road #735.

ALSO except that tract of land conveyed to Millard F. Christner by Book 1436 on page 579 recorded in Multnomah County Deed Records on April 24, 1980.

b. Tax Account No.: R193284.