

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 05-190**

Authorizing Transfer of Two Tax Foreclosed Properties to Oregon Sustainable Agriculture Land Trust (OSALT) for Open Space for Perpetual Public Use

**The Multnomah County Board of Commissioners Finds:**

- a. MCC § 7.409 and 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.
- b. OSALT, a nonprofit corporation, has requested transfer of two tax foreclosed properties to create open space for perpetual public use. They propose to develop the parcels over the following two to three years into an urban orchard. Once the orchard is planted a series of workshops and classes for local residents will be conducted on how to maintain trees and soils, pruning, harvesting, preserving, etc.
- c. The Board finds that use of the property for an urban orchard and public educational activities qualifies as the creation of open space for perpetual public use as required by ORS 271.330 and MCC § 7.409.
- d. On October 27, 2005 the Board scheduled a public hearing for November 10, 2005, for consideration of the proposed transfer and directed the Multnomah County Tax Title Division (Division) to publish notice of the hearing. The Division published the notice as directed and as required by ORS 271.330 (5) and MCC § 7.410 (B).
- e. After holding the public hearing, the Board determined these properties are no longer needed by the County and are eligible for transfer for perpetual public use, and the transfer will serve the public interest and will be without monetary consideration.

**The Multnomah County Board of Commissioners Resolves:**

1. The properties described in Exhibit A to the attached Deed are transferred to OSALT, without a monetary consideration provided that the properties are used by OSALT as open space for perpetual public use. Should the properties cease to be used as open space for perpetual public use, any interest of OSALT is immediately and automatically terminated and fee title shall revert to the County.
2. The Chair is directed to execute the attached bargain and sale deed conveying the properties to OSALT.

ADOPTED this 10th day of November, 2005.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By 

Christopher D. Crean, Assistant County Attorney

Until a change is requested, all tax statements  
shall be sent to the following address:  
WILL NEWMAN  
OR SUSTAINABLE AGRICULTURE LAND TRUST  
PO BOX 1106  
CANBY OR 97013

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

**Bargain and Sale Deed D062033 for R139502-3 to OSALT, a Nonprofit Corporation**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to OREGON SUSTAINABLE AGRICULTURE LAND TRUST, a nonprofit corporation of the State of Oregon, Grantee, the following described two separate parcels of real property in Multnomah County, Oregon:

As described in the attached exhibit A.

Provided that said property shall be used by the Grantee for 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 immediately and automatically terminate and title shall revert to the Grantor.

The transfer is without monetary consideration.

**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.**

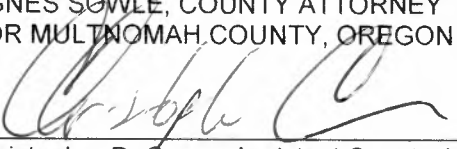
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 10th day of November 2005, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

ACCEPTED:

OSALT

By \_\_\_\_\_  
Will Newman

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 10th day of November 2005, 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.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

## EXHIBIT A

### DEED TO OREGON SUSTAINABLE AGRICULTURE LAND TRUST

#### **PARCEL NO. 1:**

Legal Description:

LOTS 14-17, EXC PT IN HWY, BLOCK 4, COOKS 2ND, in the City of Portland, Multnomah County, Oregon.

Tax Account No.: R139502

Multnomah County Deed No.: D062033

#### **PARCEL NO. 2:**

Legal Description:

LOT 18, EXC PT IN HWY, BLOCK 4, COOKS 2ND, in the City of Portland, Multnomah County, Oregon.

**Tax Account No.: R139503**

**Multnomah County Deed No.: D062034**