



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

May 11, 2023

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
Clackamas County

**Approval to Allow Purchase of 01042678 / 43E02 00600 by Beaver Creek Properties, LLC for \$2,000 pursuant to ORS 275.225. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	02/28/2023: BCC reviewed and approved the sale of 43E02 00600 to Beaver Creek Properties, LLC for \$2,000.		
<b>Performance Clackamas</b>	<p>1. The purpose of the Department of Transportation and Development (DTD) / Property Disposition program is to provide management and disposition of tax foreclosed properties and non-performing timberlands to Clackamas County, taxing entities and the public so they can benefit from the assets being re-purposed for public benefit or returned to the tax rolls.</p> <p>Conveying county-owned properties advances the goal of repurposing properties for public benefit or returning them to the tax rolls.</p> <p>2. Build public trust through good government by conducting property transactions in a transparent manner.</p>		
<b>Counsel Review</b>	Yes - NB 503-655-8364	<b>Procurement Review</b>	N/A
<b>Contact Person</b>	D'Anne Rome	<b>Contact Phone</b>	503-742-4384

**EXECUTIVE SUMMARY:**

Beaver Creek Properties, LLC (BP) desires to acquire Parcel 01042678 / 43E02 00600, a ¼ acre of property in the highlands region of Beaver Creek, which is bordered on 3 sides by other property they own. The 4<sup>th</sup> side of the parcel parallels S. Lower Highland Road. They have made an offer to purchase this small area of land owned by Clackamas County Department of Transportation and Development to continue their farming business they have on the adjoining land.

Parcel 01042678 / 43E02 00600 was received by tax foreclosure in 2011 for \$855.69 in delinquent taxes per deed 2011-066987. The parcel is adjacent to Lower Highland Rd. in Beaver Creek (no situs address assigned), and is approximately .25 acres (10,890 sf). This parcel abuts a public right of way, Lower Highland Rd, and staff has coordinated with possible

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impacted agencies about their potential future need for access. Transportation Maintenance and Transportation Construction viewed the property and determined they do not need to retain the site nor will it be needed for any future projects. They have however, requested the County retain five (5) feet of right of way along Lower Highland Road for future road purposes.

Public Notice of Intent to Sell 43E02 00600 was published in the Business Tribune April 11<sup>th</sup> through April 24<sup>th</sup>. No other offers were received.

**RECOMMENDATION:**

Staff recommends the Board of County Commissioners approve the attached Board Order and quit claim deed authorizing the sale of 43E02 00600 to Beaver Creek Properties, LLC for \$2,000 pursuant to ORS 275.225.

Respectfully submitted,

*Dan Johnson*

Dan Johnson, Director  
Department of Transportation & Development

Attachments:

1. 43E02 00600 Quit Claim Deed
2. 43E02 00600 Board Order

After recording return to:  
Clackamas County Department of Transportation  
150 Beavercreek Road, 3<sup>rd</sup> Floor  
Oregon City, OR 97045

Until a change is requested all taxes shall be sent to:  
Beavercreek Properties, LLC  
PO Box 2  
Beavercreek, OR 97004

### **QUITCLAIM DEED**

**CLACKAMAS COUNTY, OREGON**, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to Beavercreek Properties, LLC , Grantee, all its right, title and interest in that real property situated in Clackamas County, Oregon, and being described as follows:

*Commencing on the westerly line of section two (2) in township 4 south of range 3 east of the Willamette Meridian at a point in the southerly line of the county road leading from Oregon City to Highland and Springwater precincts where the said road crosses said westerly line; thence tracing the south line of said road in a Southeasterly direction about eight ' (8) rods to a stake; thence in a southwesterly direction about five (5) rods to a stake; thence in a northwesterly direction five (5) rods to the westerly line of said section two (2); thence north to the place of beginning containing one fourth acre being the same land deeded to said church by deed recorded in book U page 59 of the deed records for said county.*

*Subject to a permanent 5' wide right of way easement along the Lower Highland Rd. dedicated to Clackamas County for road purposes. The County shall not have any maintenance or repair responsibility for the easement property whatsoever. This easement inures to the benefit of and binds the parties hereto, their successors, assigns, heirs, devisees, administrators and executors.*

*The true and actual consideration being paid for this transfer is \$2,000. This amount excludes any amount for liens, mortgages, contract, indebtedness, or other encumbrances existing against the above-described real property to which the property remains subject or which the purchaser agrees to pay or assume.*

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, AND 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, AND SECTIONS 2 TO 9 AND 17 CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

*Clackamas County, Oregon approved by its Board of County Commissioners by Board Order Number 2023-\_\_\_\_\_.*

Date this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**CLACKAMAS COUNTY**

\_\_\_\_\_  
Tootie Smith, Chair,  
Clackamas County Board of County Commissioners

State of Oregon            }  
County of Clackamas       }

This document was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_ 2023,  
by Tootie Smith as Chair of the Clackamas County Board of County Commissioners.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving The  
Transfer of Real Property



Board Order No. \_\_\_\_\_

**Whereas**, this matter coming before the Board at this time, and it appearing that Clackamas County wishes to transfer all rights, title and interest in the real estate described as follows:

*Commencing on the westerly line of section two (2) in township 4 south of range 3 east of the Willamette Meridian at a point in the southerly line of the county road leading from Oregon City to Highland and Springwater precincts where the said road crosses said westerly line; thence tracing the south line of said road in a Southeasterly direction about eight ' (8) rods to a stake; thence in a southwesterly direction about five (5) rods to a stake; thence in a northwesterly direction five (5) rods to the westerly line of said section two (2); thence north to the place of beginning containing one fourth acre being the same land deeded to said church by deed recorded in book U page 59 of the deed records for said county.*

*Subject to a permanent 5' wide right of way easement along the road dedicated to Clackamas County. The County shall not have any maintenance or repair responsibility for the easement property whatsoever. This easement inures to the benefit of and binds the parties hereto, their successors, assigns, heirs, devisees, administrators and executors.*

**and**

**Whereas**, it further appearing that pursuant to ORS 275.225 and this Board has the authority to transfer real property owned by the County through foreclosure; and

**Whereas**, it further appearing that County staff have determined that this transfer of real property furthers the public interest and the sale price of \$2,000 is reasonable under the circumstances;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Clackamas County transfer by quitclaim deed the real estate described above for cash consideration in the amount of \$2,000.

**DATED** this \_\_\_\_ day of May , 2023.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary