



March 3, 2022

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Statutory Warranty Deed with the Clackamas County Historical Society

Purpose/Outcomes	Statutory Warranty Deed in which the Clackamas County Historical Society (CCHS) is deeding real property which is outlined in the attached document.
Dollar Amount and Fiscal Impact	\$1.00
Funding Source	General Fund dollars approved by the BCC in the 2021-22 budget cycle.
Duration	Becomes effective upon all signatures on the deed.
Strategic Plan Alignment	Honor, Utilize, Promote and Invest in our Natural Resources
Previous Board Action	No Previous Board Action
County Counsel Review	This Service Level Agreement has been reviewed and approved by A. Naylor on 2/22/22.
Procurement Review	No. Funding agreements are not reviewed by Procurement.
Contact Person	Nancy Bush x8893

BACKGROUND:

The Clackamas County Historical Society (“Historical Society”) operates the Museum of the Oregon Territory (“Museum”) that overlooks Willamette Falls. The Historical Society, through operation of the Museum, provides historical information about the land, how the Willamette Falls transformed the region’s industry, and houses Native American petroglyphs and artifacts, the original 1850 and 1851 San Francisco plat maps, a piece of the Willamette Meteorite, original belongings of Clackamas County’s earliest re-settlers, as well as thousands of other objects, photographs, and documents that reflect Clackamas County history and culture.

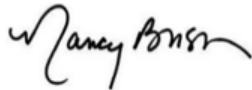
The Historical Society operates the Museum on real property primarily owned by Clackamas County. However, a small portion of the property upon which the Museum was built is owned by the Historical Society. The Historical Society has agreed to convey the small portion of property it owns to Clackamas County. Acceptance of this parcel will help unify title to the real property upon which the Museum sits, and avoid potential issues associated with a structure sitting on both County and privately-held real property.

The property to be transferred to Clackamas County is Parcel II of the Public Promenade, Oregon City, a subdivision plat of record, in the Southwest one-quarter of Section 31, Township 2 South, Range 2 East of the Willamette Meridian, in the City of Oregon City.

RECOMMENDATION:

Staff respectfully recommends approval and acceptance of the Statutory Warranty Deed.

Sincerely,

A handwritten signature in black ink that reads "Nancy Bush". The signature is written in a cursive, flowing style.

Nancy Bush
Clackamas County Operations Officer

<u>STATUTORY WARRANTY DEED</u>	
<p>GRANTOR: Clackamas County Historical Society 211 Tumwater Oregon City, OR 97045</p> <p>GRANTEE: Clackamas County Attn. County Administrator 2051 Kaen Rd. Oregon City, OR 97045</p> <p>After Recording Return To: Clackamas County Att. County Administrator 2051 Kaen Rd. Oregon City, OR 97045</p> <p>Until a change is requested, tax statements shall be sent to the following address: Clackamas County 2051 Kaen Rd. Oregon City, OR 97045</p>	

STATUTORY WARRANTY DEED

Clackamas County Historical Society (the “Grantor”), conveys and warrants to **Clackamas County**, a political subdivision of the State of Oregon (“Grantee”), and to its successors and assigns, the following described real property (the “Property”) free of encumbrances except as specifically set forth herein:

See Exhibits A, B, and C, attached hereto and incorporated herein.

Exhibit A: Legal description of the Property.

Exhibit B: Map illustrating the Property.

Exhibit C: Permitted encumbrances.

The true and actual consideration for this conveyance is \$1.00 and the agreement by Grantor and Grantee to comply with the terms and conditions of that certain Funding Agreement executed by and between the parties.

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,

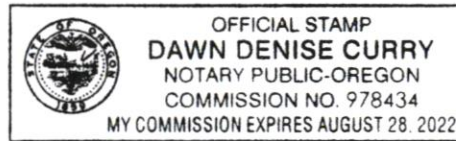
OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this ____ day of _____, 2022.

GRANTOR: Clackamas County Historical Society

By: Lynda K Myers
Its: President
C.C. H.S.

STATE OF OREGON)
) ss.
County of Clackamas)



On this 16th day of February, 2022 before me the undersigned, a notary public in and for such state, the foregoing instrument was acknowledged before me by Lynda Myers, as the President of the Clackamas County Historical Society.

Dawn Curry
Notary Public for Oregon

My Commission Expires: August 28, 2022

ACCEPTED BY GRANTEE:

COUNTY OF CLACKAMAS, STATE OF OREGON

By: _____
Title: _____

STATE OF OREGON)
) ss.
County of Clackamas)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2022, by _____, acting in his or her capacity as _____ for the County of Clackamas, State of Oregon.

Notary Public for _____
My Commission Expires: _____

BOARD OF COMMISSIONERS

FEB 22 2022

Exhibit A

Property Legal Description

PARCEL II:

Part of the Public Promenade, OREGON CITY, a subdivision plat of record, in the Southwest quarter of Section 31, Township 2 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning on the Easterly line of the Pacific Highway, and at a cross on the bed rock, said cross being the North corner of Lot 6, BLOCK 3 FALLS VISTA, and being the true point of beginning; thence North 34°27' East, along the Easterly line of the Pacific Highway, 35.00 feet; thence South 54°41' East, parallel with the Northerly line of BLOCK 3 FALLS VISTA, 72.00 feet; thence South 31°31'33" East 90.00 feet to the East corner of Lot 7, BLOCK 3 FALLS VISTA; thence North 54°41' West, along the Northeasterly line of said BLOCK 3 FALLS VISTA, 156.59 feet to the true point of beginning.

Exhibit B

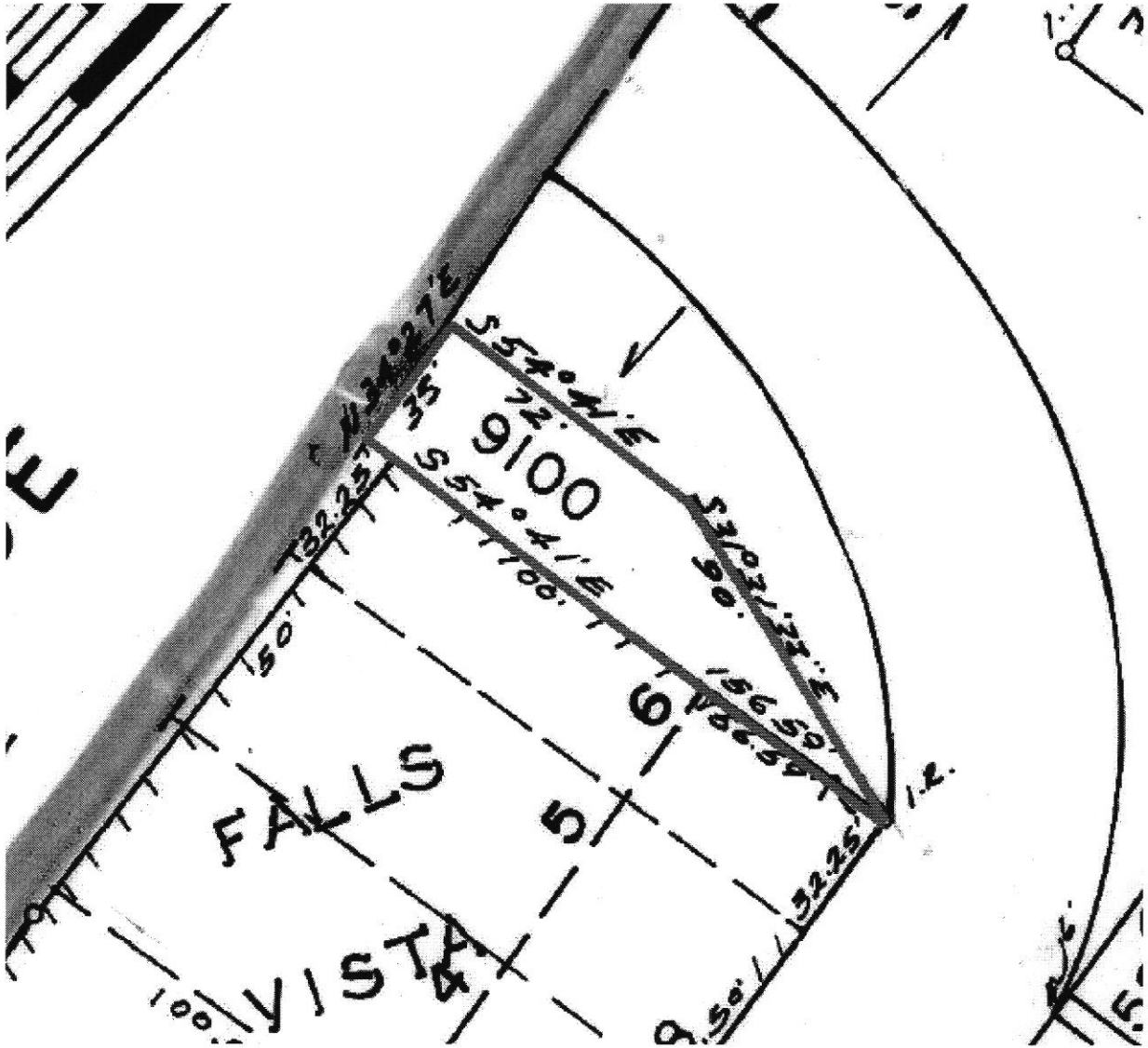


Exhibit C
Encumbrances

As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

1. The subject property is under public, charitable, fraternal, or religious organization ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: 00577067
Map No.: 22E31CA03600
Tax Account No.: 01422696
Map No.: 22E31CA03600A1
Tax Account No.: 00577584
Map No.: 22E31CA09100

2. City Liens, if any, in favor of the City of Oregon City.
3. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
4. Any easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by Ordinance No. 1120:

Recording Date: August 13, 1926
Recording No.: Book 185, Page 253
Affects: Parcel II

5. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 29, 1957
Recording No.: Book 534, Page 637
Affects: Parcel I

6. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income,

gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: October 8, 1984
Recording No: 84-035002

7. The effect, if any:

An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: PCS Site Agreement/Memorandum of PCS Site Agreement
Lessor: Clackamas County Historical Society, a nonprofit Oregon corporation
Lessee: Sprint Spectrum L.P., a Delaware limited partnership
Recording Date: December 31, 1996
Recording No: 96-095617

Note: Per above document, the final extension period expired May 22, 2021.

8. An unrecorded lease, including the terms and provisions thereof, between Clackamas County, Oregon, and Clackamas County Historical Society, an Oregon non-profit corporation, as disclosed by Clackamas County Assessment and Taxation records.

9. The right, title and interest of Wabasha Leasing LLC, as disclosed by Personal Property Tax Account No.: P0011689.

10. Rights of tenants, as tenants only, in unrecorded leaseholds.

11. Personal property taxes, if any.

--

Note: Please be advised that our search did not disclose any open Deeds of Trust of record.

Note: The Land lies within the Oregon City Downtown/North End Urban Renewal Urban Renewal Area and is subject to the terms and provisions thereof.

Note: Property taxes for the fiscal year shown below are not assessed due to use and occupancy by a non-profit organization.

Fiscal Year: 2021-2022
Amount: \$0.00
Levy Code: 062-057
Account No.: 00577067
Map No.: 22E31CA03600
Affects: Parcel I

Note: Property taxes for the fiscal year shown below are not assessed due to use and occupancy by anon-profit organization.

Fiscal Year: 2021-2022
Amount: \$0.00
Levy Code: 062-057
Account No.: 01422696
Affects: Parcel I

Note: Property taxes for the fiscal year shown below are not assessed due to use and occupancy by anon-profit organization.

Fiscal Year: 2021-2022
Amount: \$0.00
Levy Code: 062-057
Account No.: 00577584
Map No.: 22E31CA09100
Affects: Parcel II