



January 10, 2019

Board of County Commissioners
Clackamas County

Members of the Board:

Stephen L. Madkour
County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Assistants

Execution of a Quitclaim Deed Releasing an Interest in a Temporary
Slope Construction Easement – Clackamas Industrial Area

Purpose/Outcomes	Execute quitclaim deed to release interest in a temporary slope construction easement.
Dollar Amount and Fiscal Impact	None identified
Funding Source	N/A
Duration	Indefinitely
Previous Board Action	None
Strategic Plan Alignment	Build Public Trust Through Good Government
Contact Person	Nate Boderman, 503-655-8364
Contract No.	N/A

BACKGROUND:

As part of the pending sale of a portion of the Clackamas Industrial Opportunity Area (CIAO) property to the Oregon Bottle Recycling Cooperative (OBRC), the Development Agency is obligated to remove certain encumbrances affecting title to the property. One such encumbrance is a temporary slope construction easement that was recorded on November 10, 1981 as document No. 81-038746. By its terms, this easement was to automatically expire upon the completion of the Clackamas Industrial Area Local Improvement District. Development Agency staff have confirmed that no additional improvements associated with such a local improvement district remain to be completed. The title company has requested that the County execute the attached quitclaim deed to evidence that the temporary slope construction easement is no longer needed by the County.

The quitclaim deed included with this staff report would release any and all interest that Clackamas County may have in the easement described above. The quitclaim deed would release to the Development Agency any interest the County has in the property by virtue of the temporary slope construction easement. This release would then allow the Development Agency to complete the transfer of the property to OBRC free and clear of the encumbrance described above.

RECOMMENDATION:

Staff recommends the Board execute the attached quitclaim deed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nate Boderman", with a long horizontal flourish extending to the right.

Nate Boderman
Assistant County Counsel

After recording, return to: I
 Clackamas County I
 150 S. Beaver Creek Road I
 Oregon City, OR 97045 I
 I
Accepted By Clackamas County I
Development Agency I
 I
Agenda Date & Number: _____ I
OR I
Board Order Number: _____ I

STATUTORY QUIT CLAIM DEED

Clackamas County, a political subdivision of the State of Oregon (“Grantor”), releases and quit claims to the Clackamas County Development Agency, the urban renewal agency of Clackamas County (“Grantee”), all its right, title, and interest in and to its easements over, in, and under the real property described on the attached Exhibit A, which description by this reference is hereby incorporated herein as if set forth in full.

The easement was originally granted to Grantor by an instrument recorded on November 10, 1981, referenced as Document No. 81-038746 in the Clackamas County Deed Records.

The true consideration for this conveyance is the sum of \$0 dollars and other such good and valuable consideration. The easement is no longer necessary for use by 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.

DATED this _____ day of _____, 20__.

Clackamas County

BY: _____
Chair, Board of County Commissioners

NAME: _____

STATE OF OREGON)
)
County of Clackamas)

This instrument was acknowledged before me on _____, 20__ by
_____, authorized to act on behalf of Clackamas County, Grantor.

Notary for Oregon
My Commission expires: _____

ACCEPTED BY GRANTEE:
CLACKAMAS COUNTY DEVELOPMENT AGENCY

Chair

Date

STATUTORY QUIT CLAIM DEED
EXHIBIT A

Legal Description

A portion of that certain tract of land described in Clackamas County Deed Records 78-9691, further described as follows:

- A temporary slope easement for construction purposes, 5 feet wide, lying ~~west of and adjacent to the most westerly right-of-way line of Wilde Road.~~
- ~~Also, a temporary slope easement for construction purposes, 10 feet wide,~~ lying south of and adjacent to the most southerly right-of-way line of Capps Road from the northeast corner of said tract to a point which is westerly a distance of 255 feet. All located in Section 15, T. 2 S., R. 2 E. of the W. M., Clackamas County, Oregon.