



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING  
2051 KAEN ROAD | OREGON CITY, OR 97045

**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

March 19, 2020

Board of County Commissioners  
Board of North Clackamas Parks and Recreation District  
Clackamas County

Members of the Board:

Transfer of Park Properties Pursuant to the  
Settlement Agreement with the City of Happy Valley

<b>Purpose/Outcomes</b>	Transfer of parks properties as required by Settlement Agreement with the City of Happy Valley.
<b>Dollar Amount and Fiscal Impact</b>	One time settlement payment of \$14,300,000.00, the loss of approximately \$1.5 million in annual property taxes generated in Happy Valley, and the parks to be transferred as described below.
<b>Funding Source</b>	Funding provided by the North Clackamas Parks and Recreation District.
<b>Duration</b>	Effective immediately if approved.
<b>Previous Board Action</b>	Approval of Settlement Agreement on December 3, 2019.
<b>Counsel Review</b>	The deeds have been reviewed by County Counsel on March 11, 2020
<b>Strategic Plan Alignment</b>	Building public trust through good government.
<b>Contact Person</b>	Jeffrey D. Munns, Assistant County Counsel (503) 742-5984
<b>Contract No.</b>	N/A

**BACKGROUND:**

The Settlement Agreement with the City of Happy Valley in the lawsuits with the North Clackamas Parks and Recreation District included a term to transfer ownership, liability and maintenance of the following parks and properties to Happy Valley:

- Southern Lites Park
- Village Green Park
- Ashley Meadows Park
- Selected parcels in Mt. Talbert Nature Park (those owned by NCPRD and located within City limits)
- Mt. Scott Creek Trail
- Hidden Falls Nature Park

It was agreed that these properties would be transferred by Quitclaim Deed. These transactions must be completed within 30 days after the passage of the legislation that allows for Happy Valley to be withdrawn from the District. The legislation was signed by the Governor on February 27, 2020.

**RECOMMENDATION:**

Staff recommends the Board approve the transfer of these properties consistent with the settlement agreement on behalf of the North Clackamas Parks and Recreation District and on behalf of Clackamas County.

Respectfully submitted,

Jeffrey D. Munns  
Assistant County Counsel

**Until a change is requested,  
all tax statements will be sent to:**

Jason Tuck  
City Manager  
City of Happy Valley  
16000 SE Misty Dr.  
Happy Valley, OR 97086

**After recording return to:**

Jason Tuck  
City Manager  
City of Happy Valley  
16000 SE Misty Dr.  
Happy Valley, OR 97086

### **STATUTORY QUITCLAIM DEED**

North Clackamas Parks and Recreation District, a county service district, Grantor, releases and quitclaims to the City of Happy Valley, a municipal corporation, Grantee, all right, title, and interest in and to the following described real property:

**The property commonly known as Southern Lites Park and the easement upon Tract "A", "MARQUAM HEIGHTS", PLAT NO. 2862, to connect a portion of the Scott Creek Trail.**

Legal Description: Real Property in the County of Clackamas, State of Oregon, described as follows:

**The real property known as Tract B, SOUTHERN LITES NO. 2, in Clackamas County, Oregon.**

**Together with as Easement described in Clackamas County Recorder's document No. 2017-010934, more specifically described in "Exhibit A" below.**

The true consideration for this conveyance is other value given.

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.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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: March \_\_\_\_, 2020.

CLACKAMAS COUNTY  
BOARD OF COUNTY COMMISSIONERS  
Jim Bernard  
Sonia Fischer  
Ken Humberston  
Paul Savas  
Martha Schrader

---

Jim Bernard, Chair

Clackamas County, Oregon, Board of County Commissioners approved this item by Agenda Item Number \_\_\_\_\_ on March 19, 2020.

STATE OF OREGON        )  
  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jim Bernard, as Chair of the Clackamas County Board of County Commissioners, and as the Chair of the Board of the North Clackamas Parks and Recreation District, organized and operated under ORS Chapter 451.

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

**APPROVED AND ACCEPTED BY:**

CITY OF HAPPY VALLEY,  
a municipal corporation

\_\_\_\_\_  
Jason Tuck  
City Manager

STATE OF OREGON        )  
  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jason Tuck, City Manager for the City of Happy Valley, a municipal corporation.

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

## Exhibit A

A STRIP OF LAND, 20.00 FEET WIDE, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON, BEING A PORTION OF TRACT "A", "MARQUAM HEIGHTS", PLAT NO. 2862, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT "A", "MARQUAM HEIGHTS"; THENCE ALONG THE EAST LINE THEREOF, N.00°18'48" W., 129.33 FEET TO THE POINT-OF-BEGINNING; THENCE S.61°01'13"W., 29.14 FEET; THENCE S.80°37'26"W, 53.97 FEET; THENCE N.86°07'51"W., 47.90 FEET; THENCE N.80°07'14"W., 50.83 FEET; THENCE N.73°26'53"W., 34.85 FEET; THENCE 21.43 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 24°33'08" (THE LONG CHORD BEARS N.85°43'28"W., 21.26 FEET); THENCE S.81°59'59"W., 26.78 FEET; THENCE 70.83 FEET ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 40°34'55" (THE LONG CHORD BEARS N.77°42'34"W., 69.36 FEET); THENCE N.57°25'06"W., 3.90 FEET TO THE WEST LINE OF TRACT "A", "MARQUAM HEIGHTS"; THENCE ALONG SAID WEST LINE, N.00°17'36"W., 23.81 FEET; THENCE S.57°25'06"E., 16.83 FEET; THENCE 56.66 FEET ALONG THE ARC OF A 80.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 40°34'55" (THE LONG CHORD BEARS S.77°42'34"E., 55.49 FEET); THENCE N.81°59'59"E., 26.78 FEET; THENCE 30.00 FEET ALONG THE ARC OF A 70.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 24°33'08" (THE LONG CHORD BEARS S.85°43'28"E., 29.77 FEET); THENCE S.73°26'53"E., 33.69 FEET; THENCE S.80°07'14"E., 48.62 FEET; THENCE S.86°07'51"E., 44.53 FEET; THENCE N.80°37'26"E., 48.20 FEET; THENCE N.61°01'13"E., 36.62 FEET TO THE EAST LINE OF AFOREMENTIONED TRACT "A"; THENCE ALONG SAID EAST LINE, S.00°18'48"E., 22.79 FEET TO THE POINT-OF-BEGINNING, CONTAINING 6816 SQUARE FEET, MORE OR LESS.

**Until a change is requested,  
all tax statements will be sent to:**

Jason Tuck  
City Manager  
City of Happy Valley  
16000 SE Misty Dr.  
Happy Valley, OR 97086

**After recording return to:**

Jason Tuck  
City Manager  
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### **STATUTORY QUITCLAIM DEED**

North Clackamas Parks and Recreation District, a county service district, Grantor, releases and quitclaims to the City of Happy Valley, a municipal corporation, Grantee, all right, title, and interest in and to the following described real property:

**The property commonly known as Village Green Park.**

Legal Description: Real Property in the County of Clackamas, State of Oregon, described as follows:

**Tract B of SUNNYSIDE VILLAGE 3, in the County of Clackamas and State of Oregon.**

The true consideration for this conveyance is other value given.

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

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DATED: March \_\_\_\_\_, 2020.

CLACKAMAS COUNTY  
BOARD OF COUNTY COMMISSIONERS  
Jim Bernard  
Sonia Fischer  
Ken Humberston  
Paul Savas  
Martha Schrader

\_\_\_\_\_  
Jim Bernard, Chair

Clackamas County, Oregon, Board of County Commissioners approved this item by Agenda Item Number \_\_\_\_\_ on March 19, 2020.



STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jim Bernard, as Chair of the Clackamas County Board of County Commissioners, and as the Chair of the Board of the North Clackamas Parks and Recreation District, organized and operated under ORS Chapter 451.

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

**APPROVED AND ACCEPTED BY:**

CITY OF HAPPY VALLEY,  
a municipal corporation

\_\_\_\_\_  
Jason Tuck  
City Manager

STATE OF OREGON        )  
                                  ) ss.  
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### **STATUTORY QUITCLAIM DEED**

North Clackamas Parks and Recreation District, a county service district, Grantor, releases and quitclaims to the City of Happy Valley, a municipal corporation, Grantee, all right, title, and interest in and to the following described real property:

**The property commonly known as Ashley Meadows Park.**

Legal Description: Real Property in the County of Clackamas, State of Oregon, described as follows:

**Tract A of OREGON TRAILS ESTATES, in the County of Clackamas and State of Oregon.**

The true consideration for this conveyance is other value given.

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

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DATED: March \_\_\_\_\_, 2020.

CLACKAMAS COUNTY  
BOARD OF COUNTY COMMISSIONERS  
Jim Bernard  
Sonia Fischer  
Ken Humberston  
Paul Savas  
Martha Schrader

---

Jim Bernard, Chair

STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jim Bernard, as Chair of the Clackamas County Board of County Commissioners, and as the Chair of the Board of the North Clackamas Parks and Recreation District, organized and operated under ORS Chapter 451.

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

**APPROVED AND ACCEPTED BY:**

CITY OF HAPPY VALLEY,  
a municipal corporation

\_\_\_\_\_  
Jason Tuck  
City Manager

STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas     )

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### **STATUTORY QUITCLAIM DEED**

North Clackamas Parks and Recreation District, a county service district, Grantor, releases and quitclaims to the City of Happy Valley, a municipal corporation, Grantee, all right, title, and interest in and to the following described real property:

**The property commonly known as NCPRD owned, and partially owned, parcels within the Mount Talbert Nature Park.**

Legal Description: Real Property in the County of Clackamas, State of Oregon, described as follows:

**See "Exhibit A" below.**

The true consideration for this conveyance is other value given.

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

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DATED: March \_\_\_\_\_, 2020.

CLACKAMAS COUNTY  
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Jim Bernard, Chair

STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jim Bernard, as Chair of the Clackamas County Board of County Commissioners, and as the Chair of the Board of the North Clackamas Parks and Recreation District, organized and operated under ORS Chapter 451.

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

**APPROVED AND ACCEPTED BY:**

CITY OF HAPPY VALLEY,  
a municipal corporation

\_\_\_\_\_  
Jason Tuck  
City Manager

STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jason Tuck, City Manager for the City of Happy Valley, a municipal corporation.

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

## Exhibit A

**PARCEL 1** (Tax Lot 22E 03 01100) as last recorded in Clackamas County Recorder's document 98-000988: The Southwest one-quarter of the Northeast one-quarter and the Southeast one-quarter of the Northwest one-quarter of Section 3, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, EXCEPTING THEREFROM that portion lying within the boundaries of public roads.

ALSO EXCEPTING THEREFROM the following described property a tract of land in Section 3, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said initial point bearing South 89° 56' 08" West 1322.20 feet and North 00° 01' 00" West 30.50 feet from the Southeast corner Northeast one-quarter corner Section 3, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon; thence from said initial point North 00° 01' 00" West along said East line 1289.91 feet to the Northeast corner of the Southwest one-quarter of the Northeast one-quarter of said Section 3; thence North 89° 57' 18" West along the North line of the Southwest one-quarter of the Northeast one-quarter of said Section 3, 375.69 feet; thence leaving said North line, South 40° 05' 08" East, 193.00 feet; thence South 14° 39' 23" East, 243.65 feet; thence South 75° 20' 37" West, 108.22 feet; thence South 14° 39' 23" East, 15.00 feet; thence North 75° 20' 37" East, 108.22 feet; thence South 11° 24' 52" East, 86.25 feet; thence South 01° 11' 56" West 90.87 feet; thence North 88° 48' 04" West, 100.00 feet; thence North 01° 11' 56" East 5.96 feet to the point of curve left of a 422.00 foot radius curve; thence along the arc of said curve left through a central angle of 02° 52' 20", 21.15 feet (chord bears North 00° 14' 14" West, 21.15 feet); thence South 88° 19' 36" West, 44.00 feet to a point of nontangent curvature; thence Southeasterly along the arc of a 378.00 foot radius curve right (the radius point of which bears South 88° 19' 36" West) through a central angle of 02° 52' 20", 18.95 feet (chord bears South 00° 14' 14" East 18.95 feet); thence South 89° 33' 00" West, 84.59 feet; thence North 89° 57' 18" West, 150.00 feet; thence North 79° 06' 18" West, 157.31 feet; thence South 81° 56' 45" West 142.59 feet; thence South 16° 56' 14" West, 185.00 feet; thence South 28° 57' 44" East, 217.58 feet to a point of nontangent curvature; thence Southwesterly along the arc of a 56.00 foot radius curve left (the radius point of which bears South 28° 57' 44" East) through a central angle of 56° 06' 31", 54.84 feet (chord bears South 32° 59' 00" West, 52.67 feet); thence South 44° 24' 38" West, 66.63 feet; thence South 17° 30' 50" East 145.00 feet; thence North 88° 17' 57" East, 115.00 feet; thence South 29° 33' 54" East 95.00 feet; thence South 57° 49' 50" East 91.86 feet to the Northerly line of SE Mather Road, County Road No. 242; thence South 89° 00' 34" East along said Northerly line, 367.82 feet; thence South 89° 09' 34" East 218.12 feet to the initial point.

**PARCEL 2** (Taxlot 22E 03AB 00300 and 22E 03AB 00400) as last recorded in Clackamas County Recorder's document 98-000988: Part of the Northwest one-quarter of the Northeast one-quarter of Section 3; in Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as:

Beginning at the Northwest corner of that tract of land conveyed to Orris J. Fry and Bernice Craig Fry, his wife, by deed recorded April 17, 1944, in Book 323, page 429, Clackamas County Records, which beginning point is also Northwesterly, along the centerline of the Milwaukie-Foster County Road, 200.00 feet, more or less, from the intersection of said centerline, with the East line of the Northwest one-quarter of the Northeast one-quarter of said Section 3, from said beginning point; running thence Northwesterly, along the centerline of said road, 150.00 feet, more or less, to the most Westerly Northwest corner of that tract of land conveyed to Louis T. Birkenfeld and Ruth W. Birkenfeld, his wife, by deed recorded July 22, 1939, in Book 260, page 86, said records; running thence South 16° 00' West, along the West line of said Birkenfeld tract, to the Southwest corner of said tract, which is located on the South line of the Northwest one-quarter of the Northeast one-quarter of said Section 3; running thence East, on the 1116th Section line, 160.00 feet, more or less, to the Southwest corner of the aforementioned Fry tract; running thence North 16° 00' East, along the West line of said Fry tract, 1150.00 feet, more or less, to the point of beginning;



EXCEPTING THEREFROM that tract of land conveyed to Clackamas County by Deed recorded in Book 605, page 86.

**PARCEL 3** (Taxlot 22E 03C 00200) as last recorded in Clackamas County Recorder's document 98-113254: A parcel of land lying in the East one-half of the Southwest one-quarter and the Northwest one-quarter of the Southeast one-quarter of Section 3, Township 2 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a one-half inch iron pipe marking the Northwest corner of the tract of land patented to David Moll, et ux, by instrument recorded in Volume "M" at Page 421, Clackamas County Records, which corner is described in said Patent as being the Northwest corner of the East one-half of the Southwest one-quarter of said section and which tract is referred to of record as the Moll Homestead .Tract; thence South 0° 31' East along the West line of said Moll Tract, 1833.52 feet to a point in the center line of the Mather (County) Road; thence using a bearing of North 82° 28' East along the center line of said road, 597.05 feet to the Southwest corner of the tract conveyed to V. P. Koon by deed recorded in Book 542, page 696, thence using a bearing of North 4° 59' East (record shows North 7° 45' East) along the line of said Koon Tract, 20.49 feet to an iron rod set in the Northerly line of said Mather Road; thence continuing North 4° 59' East along the line of said Koon Tract, 749.31 feet to an iron rod set to mark the Northwest corner thereof; thence North 82° 28' East (record shows North 82° 45' East) along the Northerly line of said Koon tract, 849.00 feet to an iron rod set to mark the Northeast corner thereof at a point on the Easterly line of the tract conveyed to Frank M. Leslie as Tract 1, in Deed recorded in Book 542, page 694; thence using a bearing of North 4° 59' East (record shows North 7° 45' East) along the line of said Leslie Tract, 70.33 feet to an iron pipe set to mark the Southeast corner of a tract conveyed to Lee Cochran by Deed recorded in Book 260, page 448; thence North 82° 25' West, 324.00 feet to an iron pipe set to mark the Southwest corner of said Cochran Tract thence North 4° 59' East (record shows North 7° 45' East) along the West line of said Cochran Tract, 781.76 feet to an iron pipe set to mark the Northwest corner thereof at a point in the North line of aforesaid Moll Tract; thence West along the North line of said Moll Tract, 1268.01 feet to the point of beginning.

**PARCEL 4** (Taxlot 22E 03C 00300) as last recorded in Clackamas County Recorder's document 99-034952: A parcel of land in the Southwest one-quarter of Section 3, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows: Commencing at a 1/2 inch iron pipe at the Northeast corner of Parcel "A" of that certain tract of land described in deed to Specialty Concessions, Inc., recorded October 18, 1983, Fee No. 83 34830, said point also being located South 00° 08' 16" West 2099.98 feet from the Northeast corner of Section 4, Township 2 South, Range 2 East; thence South 00° 07' 38" West along the East line of said Parcel "A" 331.30 feet; thence South 01° 09' 51" East 243 feet, more or less, to the one-quarter section corner between Sections 3 and 4, also being the Northeast corner of Parcel III described in Deed to Specialty Concessions recorded June 24, 1982, Fee No. 82 17361 and the true point of beginning of the herein described tract of land; thence along the Northerly line of the Southwest one-quarter of said Section 3, Easterly 1320 feet, more or less, to the Northeast corner of the Northwest one-quarter of said Southwest one-quarter; thence along the Easterly line of said Northwest one-quarter of the Southwest one-quarter and along the Easterly line of Government Lot 1 of said Section 3, Southerly 1539.91 feet, more or less, to the most Easterly Northeast corner of that tract of land conveyed to Park Mountain, a joint venture recorded September 20, 1989, Fee No. 89 41980; thence along the Northerly line South 89° 57' 04" West 320.00 feet; thence North 62° 18' 38" West 129.97 feet; thence North 37° 40' 40" West 500.00 feet; thence North 62° 43' 39" West 416.13 feet to the most Northerly corner of said Park Mountain tract and, being the Southern most point of a tract of land conveyed to Park Mountain, an Oregon joint venture consisting of David L. Farr and Terry Goldbeck, recorded April 9, 1993, Fee No. 93 23205; thence along said Easterly line the following courses: North 08° 03' 11" East, a distance of 113.43 feet to an iron rod; North 32° 23' 17" West a distance of 53.67 feet to an iron rod; North 48° 52' 08" West, a distance of 250.28 feet to an iron rod to a point on the West line of Section 3; thence North 00° 09' 51" West along said section line, a distance of 560.00 feet to the true point of beginning.

**PARCEL 5** (Taxlot 22E 03AC 03800) as last recorded in Clackamas County Recorder's document 95-24680: See Plat No. 3182, Tract "A", CEDAR PARK No. 1, a duly recorded subdivision in Clackamas County, Oregon.

**PARCEL 6** (Taxlot 22E 03B 01300) as last recorded in Clackamas County Recorder's document 2010-039386: Tract "A", Partition Plat 2010-023, in the County of Clackamas, State of Oregon.

**PARCEL 7** (Taxlot 22E 03B 00400) as last recorded in Clackamas County Recorder's document 2011-075497: Part of Section 34, Township 1 South, Range 2 East of the Willamette Meridian, and part of Section 3, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point 1309.44 feet East of the section corner of Sections 3, 4, 33 and 34 in Townships 1 and 2 South, Range 2 East of the Willamette Meridian; thence running North 459.36 feet, more or less, to the center of the Milwaukie Damascus County Road; thence East along center line of road 340.56 feet to the West line of 50-acre tract described in deed of Wm. Boyd to Borsch, Sechtem, et al, in Book 28 of Deeds, Page 326, Records of Clackamas County, Oregon; thence South on the West line of the above-mentioned 50-acre tract, 1770.12 feet; thence West 340.56 feet; thence North 1356.96 feet to the place of beginning.

EXCEPT that portion thereof conveyed to Rudolph Greeger by deed recorded in Book 432, Page 34 7, Deed Records of Clackamas County, Oregon.

EXCEPTING THEREFROM that portion as described in Deed to Clackamas County recorded February 4, 1985, as Recorder's Fee No. 85-03714.

AND FURTHER EXCEPTING THEREFROM all of the above-described tract lying within the following: Beginning at a 5/8-inch iron rod with yellow plastic cap stamped "Compass Corp." at the intersection of the South line of relocated Sunnyside Road (33.00 feet from centerline) with the East line of PARK.SIDE, a plat of record in Clackamas County, Oregon; thence along a line parallel to and 33.00 feet South of the centerline of relocated Sunnyside Road North 86 degrees 14 minutes 20 seconds East, 133.93 feet to a point which is located South 03 degrees 45 minutes 40 seconds East, 33.00 feet from a found 5/8-inch iron rod with yellow plastic cap stamped "OSHD" in the centerline of relocated Sunnyside Road at station P.S. 533 + 49.28; thence continuing parallel with and 33.00 feet from the centerline of relocated Sunnyside Road along a curve of which the long chord bears North 87 degrees 34 minutes 06 seconds East, 397.61 feet (said centerline is more particularly described as follows: a 400-foot spiral curve, S=4 degrees, D=2 degrees) to a found 5/8-inch iron rod with yellow cap stamped "OSHD" at a point which is located South 00 degrees 14 minutes 20 seconds West, 33.00 feet from a found 5/8-inch iron rod with yellow plastic cap stamped "OSHD" in the centerline of relocated Sunnyside Road at station P.S.C. 537 + 49.28; thence continuing parallel with and 33.00 feet from the centerline of relocated Sunnyside Road 127 .66 feet along the arc of a 2831. 79 foot radius curve concave to the South through a central angle of 02 degrees 34 minutes 59 seconds (long chord bears South 88 degrees 28 minutes 10 seconds East, 127.65 feet) to a point on the West line of that parcel of land conveyed to Rudolph Groeger by quit claim deed recorded in Book 432, Page 347, Clackamas County Deed Records; thence along the West line of said Groeger parcel South 02 degrees 21 minutes 26 seconds West, 267 .39 feet; thence leaving the West line of said Groeger parcel South 19 degrees 27 minutes 53 seconds West, 46.40 feet; thence South 33 degrees 20 minutes 07 seconds West, 193.01 feet; thence South 50 degrees 56 minutes 04 seconds West 97.07 feet; thence South 61 degrees 35 minutes 27 seconds West, 58.64 feet; thence South 74 degrees 57 minutes 56 seconds West, 67.75 feet; thence South 64 degrees 05 minutes 55 seconds West, 54.39 feet; thence South 74 degrees 50 minutes 31 seconds West, 99.77 feet; thence South 69 degrees 09 minutes 32 seconds West, 190.02 feet to a point on the East line of the aforementioned plat of PARKSIDE; thence along the East line of said PARK.SIDE North 00 degrees 01 minutes 14 seconds East, 224.62 feet; thence North 01 degrees 23 minutes 03 seconds West, 449.53 feet to the point of beginning.

**PARCEL 8** (Taxlot 22E 03B 00500) as last recorded in Clackamas County Recorder's document 2011-075497: Part of the Southwest one-quarter of the Southwest one-quarter of Section 34, Township 1 South, Range 2 East of the Willamette Meridian, and part of the Northwest one-quarter of the Northwest one-quarter of Section 3, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is 14.77 chains East of the corner common to Sections 3, 4, 33 and 34, in Township 1 South and Township 2 South, Range 2 East of the Willamette Meridian; thence North 6.96 chains; thence East 5.07 chains; thence South 27.52 chains; thence West 5.07 chains; thence North 20.56 chains to the place of beginning.

SA VE AND EXCEPTING the following-described property: Beginning at the Northwest corner of the above-described tract; thence South 657.80 feet; thence East 132.26 feet; thence North 657.80 feet; thence West 132.26 feet to the place of beginning.

ALSO SAVE AND EXCEPT that portion in public roads.

ALSO EXCEPTING THEREFROM that portion conveyed to Clackamas County, a political subdivision of the State of Oregon by Deed recorded October 11, 1984, as Record's Fee No. 84-35483.

AND FURTHER EXCEPTING THEREFROM all that portion of the above-described tract lying within the following:

Beginning at a 5/8-inch iron rod with yellow plastic cap stamped "Compass Corp." at the intersection of the South line of relocated Sunnyside Road (33.00 feet from centerline) with the East line of PARK.SIDE, a plat of record in Clackamas County, Oregon; thence along a line parallel to and 33.00 feet South of the centerline of relocated Sunnyside Road North 86 degrees 14 minutes 20 seconds East, 133.93 feet to a point which is located South 03 degrees 45 minutes 40 seconds East, 33.00 feet from a found 5/8-inch iron rod with yellow plastic cap stamped "OSHD" in the centerline of relocated Sunnyside Road at station P.S. 533 + 49.28; thence continuing parallel with and 33.00 feet from the centerline of relocated Sunnyside Road along a curve of which the long chord bears North 87 degrees 34 minutes 06 seconds East, 397.61 feet (said centerline is more particularly described as follows: a 400-foot spiral curve, S=4 degrees, D=2 degrees) to a found 5/8-inch iron rod with yellow cap stamped "OSHD" at a point which is located South 00 degrees 14 minutes 20 seconds West, 33.00 feet from a found 5/8-inch iron rod with yellow plastic cap stamped "OSHD" in the centerline of relocated Sunnyside Road at station P.S.C. 537 + 49.28; thence continuing parallel with and 33.00 feet from the centerline of relocated Sunnyside Road 127 .66 feet along the arc of a 2831.79 foot radius curve concave to the South through a central angle of 02 degrees 34 minutes 59 seconds (long chord bears South 88 degrees 28 minutes 10 seconds East, 127.65 feet) to a point on the West line of that parcel of land conveyed to Rudolph Groeger by quit claim deed recorded in Book 432, Page 347, Clackamas County Deed Records; thence along the West line of said Groeger parcel South 02 degrees 21 minutes 26 seconds West, 267 .3 9 feet; thence leaving the West line of said Groeger parcel South 19 degrees 27 minutes 53 seconds West, 46.40 feet; thence South 33 degrees 20 minutes 07 seconds West, 193.01 feet; thence South 50 degrees 56 minutes 04 seconds West 97.07 feet; thence South 61 degrees 35 minutes 27 seconds West, 58.64 feet; thence South 74 degrees 57 minutes 56 seconds West, 67.75 feet; thence South 64 degrees 05 minutes 55 seconds West, 54.39 feet; thence South 74 degrees 50 minutes 31 seconds West, 99.77 feet; thence South 69 degrees 09 minutes 32 seconds West, 190.02 feet to a point on the East line of the aforementioned plat of PARK.SIDE; thence along the East line of said PARK.SIDE North 00 degrees 01 minutes 14 seconds East, 224.62 feet; thence North 01 degrees 23 minutes 03 seconds West, 449.53 feet to the point of beginning.

**PARCEL 9** (Taxlot 22E 03DB 00610) as last recorded in Clackamas County Recorder's document 2009-087738: TRACT A, WILLINGHAM HEIGHTS, in the County of Clackamas and State of Oregon

**All parcels subject to easements, covenants, conditions, restrictions, and reservations of record thereon.**

**Until a change is requested,  
all tax statements will be sent to:**

Jason Tuck  
City Manager  
City of Happy Valley  
16000 SE Misty Dr.  
Happy Valley, OR 97086

**After recording return to:**

Jason Tuck  
City Manager  
City of Happy Valley  
16000 SE Misty Dr.  
Happy Valley, OR 97086

### **STATUTORY QUITCLAIM DEED**

North Clackamas Parks and Recreation District, a county service district, Grantor, releases and quitclaims to the City of Happy Valley, a municipal corporation, Grantee, all right, title, and interest in and to the following described real property:

**The property commonly known as Hidden Falls Park.**

Legal Description: Real Property in the County of Clackamas, State of Oregon, described as follows:

#### **PARCEL I:**

**Parcel 9, partition plat no. 2017-032, in The City of Happy Valley, Clackamas County, Oregon, according to the official plat thereof recorded May 2, 2017 as Document No. 2017-29436.**

#### **PARCEL II:**

**Tract "E", HIDDEN FALLS NO. 3, in the City of Happy Valley, Clackamas County, Oregon, according to the official plat thereof recorded November 9, 2018 as Document No. 2018-068766.**

The true consideration for this conveyance is other value given.

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.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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: March \_\_\_\_\_, 2020.

CLACKAMAS COUNTY  
BOARD OF COUNTY COMMISSIONERS  
Jim Bernard  
Sonia Fischer  
Ken Humberston  
Paul Savas  
Martha Schrader

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Jim Bernard, Chair

Clackamas County, Oregon, Board of County Commissioners approved this item by Agenda Item Number \_\_\_\_\_ on March 19, 2020.

STATE OF OREGON        )  
  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jim Bernard, as Chair of the Clackamas County Board of County Commissioners, and as the Chair of the Board of the North Clackamas Parks and Recreation District, organized and operated under ORS Chapter 451.

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

**APPROVED AND ACCEPTED BY:**

CITY OF HAPPY VALLEY,  
a municipal corporation

\_\_\_\_\_  
Jason Tuck  
City Manager

STATE OF OREGON        )  
  ) ss.  
County of Clackamas     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of March, 2020, by Jason Tuck, City Manager for the City of Happy Valley, a municipal corporation.

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