



DAN JOHNSON
DIRECTOR

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

October 27, 2022

Board of County Commissioners
Clackamas County

Approval to Sell 21E36BA04500/00415152 to Mr. David Farrell for \$280. No County General Funds are involved.

Purpose/Outcome	Approval to sell 21E36BA04500/00415152 to Mr. David Farrell for \$280.
Dollar Amount and Fiscal Impact	\$280 in sale proceeds; the property will be returned to the tax rolls. No County General Funds are involved.
Funding Source	Private sale.
Duration	In perpetuity.
Previous Board Action/Review	Discussed in executive session on September 20, 2022. Approved to move forward at Issues Consent on October 25, 2022.
Strategic Plan Alignment	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. Conveying county-owned properties advances the goal of repurposing properties for public benefit or returning them to the tax rolls. 2. Build public trust through good government by conducting property transactions in a transparent manner.
Counsel Review	Date of Counsel review: 10/13/22 Name of County Counsel performing review: KR
Procurement Review	1. Was the item processed through Procurement? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> This item is a quitclaim deed.
Contact Person	Sarah Eckman, DTD Assistant Director, 503-894-3135 Kathleen Rastetter, Senior Asst. County Counsel, 503-742-5398
Contract No.	N/A

BACKGROUND: Parcel 00415152/ 21E36BA04500 was received by tax foreclosure in 2020 for \$241.01 in delinquent taxes per deed 2020-096496. The property is a small triangular piece that is not accessible by road. The nearest cross streets are Sunset Ave. & Reed St. in West Linn (no situs address assigned), and is approximately .01 acres. A map of the parcel is attached.

Recently, DTD/Property Disposition staff was contacted by Mr. Farrell indicating he would like to purchase this piece of land. It is fenced into his property and has been since before he purchased 2790 Sunset Ave. Mr. Farrell purchased 2790 Sunset Ave. in 2007 with the

understanding that his property included this small triangular piece of land in question. At the time of purchase he was presented with a survey from 1991 that reflected the new property lines including this area.

The 1991 survey was never transcribed into new a legal description when deeds were recorded and property transferred. 21E36BA04500 was not transferred into Mr. Farrell's name or combined with this lot. Subsequently, taxes have not been paid and the County foreclosed on the parcel.

Mr. Farrell has recently become aware of the error and has offered to purchase the property for \$280.00.

RECOMMENDATION: Staff respectfully recommends selling 00415152 / 21E36BA04500 to Mr. Farrell for \$280 via quitclaim deed, returning the property to the tax rolls.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development



Tax Lot Number 21E36BA04500

Parcel Number 00415152

Unimproved parcel located at
Reed St & S Reed St, Unincorporated Clackamas Co.,
97068

Zone R5: 0.01 Acres

Fire District: Tualatin Valley Fire & Rescue

Park District: Not in District

School District: West Linn/Wilsonville

Sewer: WES TRI-CITY

Water: West Linn

Latitude: +45.2131353 Longitude: -122.375915

**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. _____
Page 1 of 2

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:

A tract of land situated in the Northwest quarter of section 36, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being a part of Lot 8, Block 19, of the Plat of WINDSOR, Plat No. 41, Clackamas County Plat Records, being more particular describes as follows:

*Commencing at the northwest corner of said Lot 8, of said plat of WINDSOR, said northwest corner being on the southerly right-of-way line of Sunset Street, thence South 62°53'28" East on the said southerly right-of way line, a distance of 60.24 feet to the northwest corner of that tract of land described in Document No. 2014-050512, Clackamas County Deed Records; Thence leaving said southerly right-of-way line, South 21°56'37" West on the westerly line of said Document No. 2014-050512, a distance of 84.43 feet to a 5/8" iron rod with a yellow plastic cap stamped "Andy Parris & Associates PLS #2264 and the **True Point of Beginning** of the hereon described description; Thence South 86°21'08" West on the southerly line of Fee No. 2012-085620, Clackamas County Deed Records, a distance of 31.27 feet to a 5/8" iron rod with a yellow plastic cap stamped "Andy Parris & Associates PLS #2264 to the southerly line of said Document No. 2012-085620 and also being on the northerly line of said Document No. 2014-050512; thence on the northerly and westerly lines of said Document No. 2014-050512, South 62°54'07" East, a distance of 28.32 feet to angle point; Thence North 21°56'37" East, a distance of 16.05 feet to the point of beginning; **and***

Whereas, it further appearing that pursuant to ORS 271.310 and ORS 275.225 this Board has the authority to transfer real property owned by the County through foreclosure; and

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

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Board Order No. _____
Page 2 of 2

Whereas, it further appearing that County staff have determined that this transfer of real property furthers the public interest;

NOW THEREFORE, IT IS HEREBY ORDERED that Clackamas County transfer by quitclaim deed the real estate described above.

DATED this _____ day of October, 2022.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

After recording return to:
Clackamas County, Sarah Eckman/D. Rome
150 Beavercreek Road, STE 419
Oregon City, OR 97045

Until a change is requested all taxes shall be sent to:
David Farrell
2790 Sunset Ave.
West Linn OR 97068

QUITCLAIM DEED

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

A tract of land situated in the Northwest quarter of section 36, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being a part of Lot 8, Block 19, of the Plat of WINDSOR, Plat No. 41, Clackamas County Plat Records, being more particular describes as follows:

Commencing at the northwest corner of said Lot 8, of said plat of WINDSOR, said northwest corner being on the southerly right-of-way line of Sunset Street, thence South 62°53'28" East on the said southerly right-of way line, a distance of 60.24 feet to the northwest corner of that tract of land described in Document No. 2014-050512, Clackamas County Deed Records; Thence leaving said southerly right-of-way line, South 21°56'37" West on the westerly line of said Document No. 2014-050512, a distance of 84.43 feet to a 5/8"iron rod with a yellow plastic cap stamped "Andy Parris & Associates PLS #2264 and the **True Point of Beginning** of the hereon described description; Thence South 86°21'08" West on the southerly line of Fee No. 2012-085620, Clackamas County Deed Records, a distance of 31.27 feet to a 5/8" iron rod with a yellow plastic cap stamped "Andy Parris & Associates PLS #2264 to the southerly line of said Document No. 2012-085620 and also being on the northerly line of said Document No. 2014-050512; thence on the northerly and westerly lines of said Document No. 2014-050512, South 62°54'07" East, a distance of 28.32 feet to angle point; Thence North 21°56'37" East, a distance of 16.05 feet to the point of beginning.

The true and actual consideration being paid for this transfer is \$280. 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 2022-_____.

Date this the _____ day of _____ , 2022.

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 _____ 2022, by
_____.

Notary Public for Oregon
My Commission Expires: _____

COVER SHEET

- New Agreement/Contract
- Amendment/Change/Extension to _____
- Other _____

Originating County Department: _____

Other party to contract/agreement: _____

Description:

After recording please return to: _____

County Admin

Procurement

If applicable, complete the following:

Board Agenda Date/Item Number: _____