



SHERIFF'S SALE of CLACKAMAS
COUNTY SURPLUS PROPERTY
Public Oral Auction

Wednesday, November 8, 2023

9:15 am: Doors open

10 am: Auction begins

**Clackamas County Sheriff's Office Auditorium
9101 SE Sunnybrook Blvd.
Clackamas, OR**

Questions about the auction process?
Contact: D'Anne Rome, Property Agent Specialist
503-742-4384 or realpropertysurplus@clackamas.us



Dear Prospective Bidder:

Below is a Notice of Sale and listing of properties to be sold at the Sheriff's Sale of Clackamas County Surplus Property public oral auction:

NOTICE OF SALE AND ORAL AUCTION

Date: November 8, 2023

Location: Clackamas County Sheriff's Office
Auditorium, 9101 SE Sunnybrook Blvd,
Clackamas, OR

Time: Doors open at 9:15 a.m.
Auction begins promptly at 10 a.m.

Details: This is an oral auction; **no sealed bids will be accepted.**
Auction will be conducted in English and in U.S. currency only.
Clackamas County reserves the right to delete any parcel or parcels from the sale for any reason up to the time of sale.

Registration: To register, please go to www.clackamas.us/property and select "**Register for the Auction**".

CONDITIONS OF SALE:

All parcels are sold **as-is**. Clackamas County does not offer Title Insurance, and the County shall make no warranties or guarantees regarding the title of the property offered for sale but shall only sell and convey such interest as the County acquired by foreclosure or other means and holds at the time of sale.

TERMS:

20% of the listed minimum bid is due as a deposit at the time of sale. The balance shall be due and deposited with Clackamas County Property Disposition no later than Tuesday, November 14, 2023. See *Oral Public Auction Rules* below for more details.

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ORAL PUBLIC AUCTION RULES

1. **Minimum Bid/Deposit:** On the day of the auction, all participants should have in hand cash or a cashier's check equal to 20% of the minimum advertised price for each property they hope to acquire. Deposits are not refundable once accepted from the successful bidder, Acceptable forms of payment shall be cash or cashier's check only. Personal checks, business checks or money orders will not be accepted.

Cashier's checks should be made payable to: **Clackamas County**

2. **High Bid:** The property shall be sold to the highest bidder who meets or exceeds the minimum advertised price. All sales shall receive final authorization before execution of the deed. The Board of County Commissioners may authorize final sales or may delegate the authority to authorize final sales to a named representative of a County agency.
3. **Cash Sales:** All balances shall be due and payable to Clackamas County Property Disposition no later than Tuesday, November 14, 2023.
4. **No Bids:** If no acceptable bid is received at the public auction, the County may sell or transfer the parcel at a subsequent date pursuant to ORS Chapter 275.200(2).
5. **Pre-bid Inspections:** Bidder should thoroughly inspect property circumstances. Please refer to Bidder Advisories & Acknowledgements below for more details. Property is sold as-is. Bidder should check with the appropriate city or county planning department to verify approved uses. The Board of County Commissioners reserves the right to reject all bids. All properties offered and sold at auction are subject to all easements, conditions, and restrictions of record. No surveys are made or have been made pursuant to the established property lines. Properties may be partially dedicated for public purposes for use for roads, easements, or other purposes. Jurisdictional wetland may exist on the offered parcels. Development in wetlands may require permits from the Clackamas County Planning Division, the Oregon Division of State Lands, and/or the US Army Corps of Engineers. The buyer acknowledges this possibility and assumes responsibility for appropriate permits or other requirements. Purchaser acknowledges the responsibilities as the LANDOWNER under Forest Practice Rules, as described in ORS 527.665-710 and as per OAR Chapter 629, Division 600 through 699.
6. **Title Insurance:** Title Insurance is **not** provided by the County on properties being sold. The County shall not warrant or defend that titles are free of defects or encumbrances.

Sale Restrictions of Tax Foreclosed Properties

Oregon Revised Statute 275.088 governs sales of tax foreclosed real property to county officers, employees, and their family members and intermediaries. It is the sole responsibility of the bidder to determine if this statute applies to him or her.

For more information contact Clackamas County Property Disposition at 150 Beavercreek Rd., Oregon City, Oregon 97045, 503-742-4384.

ORS 275.088 - Sale to certain county officers or employees of real property acquired by foreclosure of tax lien; disposition of real property or proceeds of sale of real property acquired by an eligible purchaser.

1. As used in this section:
 - a. "Actual conflict of interest" has the meaning given that term under ORS 244.020.
 - b. "Bona fide purchaser" means a purchaser of a fee simple interest in a single property who acquires the property in an arm's-length transaction and for fair market value and adequate consideration.
 - c. "Discretionary action" means an action committed to the sound judgment and conscience of a county officer or a county employee, acting in the official capacity of the officer or employee.
 - d. "Ministerial action" means an action requiring obedience to specific instructions or law and allowing little or no discretion in its implementation.
2. An elected or appointed county officer as described in ORS 204.005, a family member of the officer or an intermediary of either may not purchase from the county, directly or indirectly, real property obtained by foreclosure of delinquent tax liens.
3. A county employee not included under subsection (2) of this section, a family member of the county employee or an intermediary of either may not purchase from the county, directly or indirectly, real property obtained by foreclosure of delinquent tax liens if the county employee has an actual conflict of interest related to the real property. An actual conflict of interest may be created under this section by the discretionary action of a county employee related to the foreclosure; sale or transfer of the real property by the county but is not created by the ministerial action of the county employee.
4. In addition to and not in lieu of a penalty or sanction that may apply under ORS chapter 244 (see below) or otherwise, if real property is purchased in violation of this section, the county officer or employee shall:
 - a. Transfer the real property to the county for the amount paid for the property less an amount for expenses incurred by the county; or
 - b. If the real property has been transferred by the county officer or employee to a bona fide purchaser, transfer to the county the amount received for the sale to a bona fide purchaser less the amount paid to obtain the property from the county.

ORS 244.350 Civil Penalties

1. The Oregon Government Standards and Practices Commission or the court under ORS 244.260 (8) may impose civil penalties not to exceed \$1,000 for violating any provision of this chapter or any resolution adopted pursuant thereto except that for violation of ORS 244.045 the commission may impose a civil penalty of not to exceed \$25,000.
2. The commission may also impose civil penalties not to exceed \$1,000 for violating any provision of ORS 192.660. However, a civil penalty may not be imposed under this subsection if the violation occurred because of the governing body of the public body acting upon the advice of the public body's counsel.
3. Any penalty imposed under this section is in addition to and not in lieu of any other penalty or sanction that may be imposed according to law, including removal from office. [1974 c.72 s.19; 19n c.588 s.10; 1987 c.360 s.3; 1993 c.743 s.29; 1993 c.747 s.2; 1997 c.750 s.2]

244.360 Forfeiture of twice financial benefit

The Oregon Government Standards and Practices Commission, in addition to civil penalties prescribed in ORS 244.350, may require any public official who has financially benefited the public official or any other person by violation of any provision of this chapter to forfeit twice the amount that the public official or any other person realized from violating any provision of this chapter. [1974 c.72 s.20; 1987c]

Bidder Advisories and Acknowledgments

Any potential bidder should thoroughly investigate all aspects of the property prior to bidding. Clackamas County Property Disposition does not guarantee or warrant that any parcel is usable for any particular purpose. Land use planning and building departments, local realtors, title companies and attorneys may be of some assistance in the investigation. Any comments on surplus property inventory are intended only to provide general information.

- Clackamas County will not warrant or defend the fee title to the property. All properties listed are subject to all easements, liens, conditions, and restrictions which might apply. It is the buyer's responsibility to determine the existence and validity of any ownership interest, easement, lien, condition, restriction, or other encumbrance on the property. Questions about validity of title should be referred to an attorney or a title insurance company prior to the sale. The buyer assumes all risks of defect in title.
- Clackamas County will not furnish a survey or provide title insurance in any form. Dimensions identified on maps or in other information are approximate and may or may not represent actual property boundaries.
- Clackamas County makes no warranty, express or implied, as to the existence of legal access to the property.
- Clackamas County makes no warranty, express or implied, as to the environmental condition of the property. Clackamas County has not conducted any environmental audit of the property offered for sale. The buyer takes the property as is and at their own risk. Clackamas County will not participate in any environmental or other cleanup of the property.
- After the property has been conveyed by Clackamas County to the buyer, the property will be placed on the County's property tax roll. Thereafter, the property will be subject to assessment for taxation unless otherwise exempt under Oregon law.
- All development on these properties is subject to existing zoning and land use laws, for example: residential development is not allowed outright in the Exclusive Farm Use (EFU) and Timber (TBR) zoning districts.
- These properties are foreclosure properties and therefore are considered legal lots of record (not necessarily buildable), unless otherwise noted; however, the date the property became a legal lot of record may, in some instances, affect development potential. Please check with appropriate planning agencies.
- To develop these properties a land use application must be submitted and approved by the appropriate county or city planning agency.
- It is important to review zoning codes for permitted uses and requirements. For land use or zoning information on those properties located within the jurisdiction of Clackamas County, please contact:
County Planning Division at 503-742-4500 or zoninginfo@clackamas.us
Clackamas County Building Codes at 503-742-4501 or <https://www.clackamas.us/building>
Permit history may be found at <https://accela.clackamas.us/citizenaccess/>
- Clackamas County Planning does not have any zoning information on properties located within city limits. For land use or zoning information on properties located within city limits, contact the appropriate city:
 - Canby, 503-266-7001
 - Estacada, 503-630-8286
 - Gladstone, 503-557-2766
 - Happy Valley, 503-783-3800
 - Lake Oswego, 503-635-0390
 - Milwaukie, 503-786-7630
 - Molalla, 503-829-7526
 - Oregon City, 503-657-0891
 - Sandy, 503-489-2160
 - Tualatin, 503-692-2000
 - West Linn, 503-657-0331
 - Wilsonville 503-682-4960

Bidder Advisories and Acknowledgments (cont'd)

- Any potential development allowable by zoning is subject to obtaining an approved method of sewage disposal (septic tank/drain field or sewer) and source of water.
 - For information regarding septic tank/drain field approvals, please contact: Clackamas County Septic/Onsite Wastewater Division, 503-742-4740 or soilsconcern@clackamas.us
 - For information regarding sewer connections, contact the appropriate sewer district.
 - For information on obtaining well permits, please contact: Oregon Water Resource Department at 503-986-0900 or <https://www.oregon.gov/owrd/pages/index.aspx>

- Any development within a floodplain may be subject to the requirements of the Clackamas County Floodplain Ordinance and/or Oregon State Regulations. Any development along the major rivers (i.e., Sandy, Clackamas, Salmon, Molalla, Tualatin, etc.) are also subject to the Principal Rivers Conservation Area Zoning Ordinance.

Please consider checking wetland and geologic hazard maps available online at: www.clackamas.us/gis and <http://cmap.clackamas.us/maps/cmap>.




DAN JOHNSON
DIRECTOR

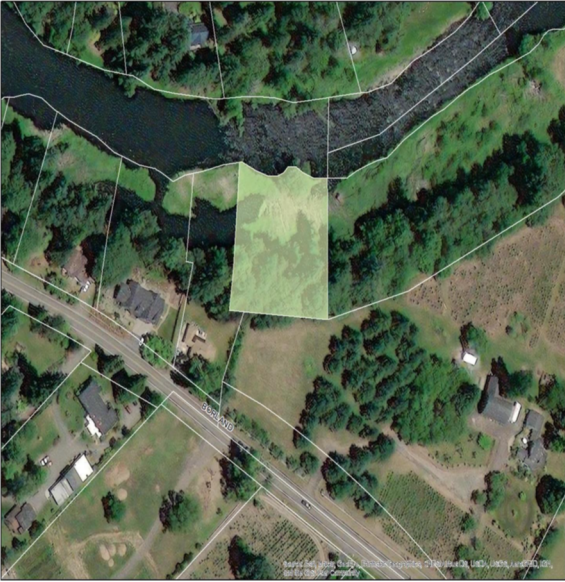

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Surplus Property for Auction, November 2023

Item #	Aerial View	Description	Assessed Real Market Value	Minimum Bid Amount	Deposit Amount - 20% of minimum bid
1		<p>Tax Lot Number: 21E34B 01600 Parcel Number: 05003538</p> <p>*Subject to Easements of 14 Adjacent Property Owners*</p> <p>Unimproved parcel located near SW Miken Lane, West Linn, 97068</p> <p>Zone RRFF: 14.77 Acres Fire District: Tualatin Valley Fire & Rescue Park District: Not in District School District: West Linn / Wilsonville Sewer: Not in District Water: Not in District</p> <p>Latitude: +45.350868 Longitude: -122.676825</p>	\$91,063	\$22,766	\$4,553

Item #	Aerial View	Description	Assessed Real Market Value	Minimum Bid Amount	Deposit Amount - 20% of minimum bid
2		<p>Tax Lot Number: 21E34B 01700 Parcel Number: 05014578</p> <p><i>*Subject to Easements of 14 Adjacent Property Owners*</i></p> <p>Unimproved parcel located near SW Borland Rd, West Linn, 97068</p> <p>Zone RRFF: 0.92 Acres Fire District: Tualatin Valley Fire & Rescue Park District: Not in District School District: West Linn / Wilsonville Sewer: Not in District Water: Not in District</p> <p>Latitude: +45.355540 Longitude: -122.682289</p>	\$57,316	\$14,329	\$2,866
3		<p>Tax Lot Number: 23E17 03500 Parcel Number: 05026564</p> <p>Unimproved parcel near SE Hwy 224 & Tong Rd., Damascus, 97089</p> <p>Zone EFU: 1.52 Acres Fire District: Clackamas RFPD #1 Park District: Not in District School District: North Clackamas Sewer: Not in District Water: Not in District</p> <p>Latitude: +45.397302 Longitude: -122.475350</p>	\$233,445	\$58,364	\$11,673



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