

Office of County Counsel

PUBLIC SERVICES BUILDING

Stephen L. Madkour

Assistants

2051 KAEN ROAD | OREGON CITY, OR 97045

BCC Agenda Date/Item:

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Hong Huynh
Caleb Huegel

February 29, 2024

Board of County Commissioners
Sitting as Board of Directors of the
North Clackamas Parks and Recreation District

Approval of a Quitclaim Deed with the Highland Summit Owner's Association to convey interest in property. No Fiscal Impact. No County General Funds are involved.

Previous Board	Briefed in Executive Session on January 30, 2024		
Action/Review	Briefed at Issues – February 27, 2024		
Performance	Which indicator of success does this item affect?		
Clackamas	Build public trust through good government.		
Counsel Review	Initials: JM	Procurement	N/A
		Review	
Contact Person	Jeffrey D. Munns	Contact Phone	503-742-5984

EXECUTIVE SUMMARY: The Highland Summit Owners' Association ("Association") owns a property known as "Tract E" located north of SE Highland Loop. The Association was conveyed, and has maintained, this land since 1999. However, there was an earlier attempted conveyance to the "North Clackamas Regional Parks & Recreation District."

This attempted conveyance was never accepted by the North Clackamas Parks and Recreation District. The property is approximately 3.5 acres of steeply sloped terrain. Staff have evaluated the property and have determined that there are no reasonably developed park uses for this property.

RECOMMENDATION: Staff recommends the Board approve and execute the Quitclaim Deed and delegate authority to Counsel's Office to complete any

necessary actions to complete this transaction.

Respectfully submitted,

Jeffrey D. Munns

Assistant County Counsel

For Filing Use Only

After recording return to:

Patrick T. Foran Wyse Kadish LLP 900 SW Fifth Avenue, Suite 2000 Portland, OR 97204

Send Tax Statements to:

Highland Summit Owners' Association c/o Shamrock Community Management 4905 SW Griffith Drive, Suite 202 Beaverton, OR 97005

QUITCLAIM DEED

Schnitzer Investment Corp., an Oregon Corporation, transferred title to Tract "E" of Highland Summit Subdivision Phase II to "North Clackamas Regional Parks and Recreation District" aka NORTH CLACKAMAS PARKS & RECREATION DISTRICT under a Bargain and Sale Deed, recorded on March 17, 1994, in the Clackamas County Official Records as Instrument No. 94-22593.

Schnitzer Investment Corp., an Oregon Corporation, transferred title to Tract "E" of Highland Summit Subdivision Phase II to HIGHLAND SUMMIT OWNERS' ASSOCIATION under a Quitclaim Deed recorded on January 22, 1999, in the Clackamas County Official Records as Instrument No. 99-06686.

HIGHLAND SUMMIT OWNERS' ASSOCIATION has held, controlled, owned, and maintained Tract "E" since at least 1999. NORTH CLACKAMAS PARKS & RECREATION DISTRICT has never exercised any interest in or control of Tract "E" and wishes to convey any interest it might have to HIGHLAND SUMMIT OWNERS' OWNERS ASSOCIATION to avoid any legal responsibility for Tract "E."

For good and valuable consideration, the receipt of which is hereby acknowledged, NORTH CLACKAMAS PARKS & RECREATION DISTRICT, Grantor, releases and quitclaims to HIGHLAND SUMMIT OWNERS' ASSOCIATION, Grantee, all right, title, and interest in and to the following described real property legally described as:

TRACT "E" HIGHLAND SUMMIT SUBDIVISION – PHASE II, in the County of Clackamas and State of Oregon.

Tract "E" is also depicted on Map No. 32E27 00300 with an Alternative Property No. of 22E03CD00163.

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:		_, 2023
		GRANTOR
		North Clackamas Parks & Recreation District
		By:
		Its:
STATE OF OREGON)	
County of) ss.)	
		_, 2023, this instrument was acknowledged before , of North Clackamas voluntary and lawful act and deed.
		NOTARY PUBLIC FOR OREGON
		My Commission Expires: