



DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 9, 2015

Development Agency Board
Clackamas County

Members of the Board:

**Transfer of Development Agency Surplus Property to
North Clackamas Parks and Recreation District**

Purpose/Outcomes	Surplus parcels will be transferred to NCPRD and incorporated into the Mt. Talbert Nature Area
Dollar Amount and Fiscal Impact	The Agency proposes to transfer the surplus parcels at no cost to the North Clackamas Parks and Recreation District
Funding Source	Not Applicable. No funding considered as a part of this property transaction
Safety Impact	The property will be maintained as Park Area by NCPRD, which will improve safety and protect natural resources
Duration	N/A
Previous Board Action	None
Contact Person	Dan Johnson, Assistant Director of Development, Clackamas County Department of Transportation and Development, 503.742.4325
Contract No.	N/A

BACKGROUND: The Development Agency owns two remnant parcels of property (Tax lots 22E03BB01200 and 22E03BB01100) on the south side of the intersection of SE 105th Ave and the Sunnybrook East Extension. The properties were originally acquired by the Agency in 1997 for road right-of-way for the Sunnybrook East Extension project.

The remnant properties are adjacent to the 224-acre Mt Talbert Nature Area that is owned and maintained by the North Clackamas Parks and Recreation District. NCPRD would like to acquire the parcels, along with an adjacent larger parcel owned by the Department of Transportation and Development. These parcels would enlarge and compliment the Nature Area, and it makes sense that the District would maintain the parcels as park land.

RECOMMENDATION: Staff recommends Board approval of the proposed transfer of surplus property at no cost to NCPRD; and recording of the deeds at no cost to the Development Agency.

Respectfully submitted,

Dan Johnson, Assistant Director of Development

For information on this issue or copies of attachments, please contact
Dan Johnson @ 503-742-4325

<u>BARGAIN AND SALE DEED</u>	
<p><u>GRANTOR:</u> Clackamas County Development Agency Development Services Building 150 Beaver Creek Road Oregon City, OR 97045</p> <p><u>GRANTEE:</u> North Clackamas Parks and Recreation District Development Services Building 150 Beaver Creek Road Oregon City, OR 97045</p> <p>After Recording Return To: Clackamas County Development Agency 150 Beaver Creek Road Oregon City, OR 97045</p> <p>Until a Change is Requested, Tax Statements shall be sent to the following address: North Clackamas Parks and Recreation District Development Services Building 150 Beaver Creek Road Oregon City, OR 97045</p>	<p>Agenda No: _____ and/or Board Order No: _____</p>

BARGAIN and SALE DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the CLACKAMAS COUNTY DEVELOPMENT AGENCY, the URBAN RENEWAL AGENCY OF CLACKAMAS COUNTY, OREGON, a corporate body politic (which, together with any successor public agency designated by or pursuant to law, is herein called the "Agency"), does hereby grant, bargain, sell and convey as grantor unto North Clackamas Parks and Recreation District, a county service district formed pursuant to ORS Chapter 451, (hereinafter the "Service District") as grantee and to its successors and assigns, all of the following described real property, with the tenements, hereditaments and appurtenances (the "Property") situated in the County of Clackamas, State of Oregon, to wit:

- See Exhibits A and B, attached hereto and incorporated herein.*
- Exhibit A: A 1 (one) page legal description of the Property.
- Exhibit B: A 1 (one) page map illustrating the Property.

This is a transfer of land from one entity of Clackamas County to another in an intergovernmental transfer. Other consideration than money was the true and actual consideration for this conveyance.

“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.”

[Signature and Acknowledgement on Following Page]

IN WITNESS WHEREOF, the Clackamas County Development Agency, the Urban Renewal Agency of Clackamas County has caused this instrument to be executed by duly elected officers this ____ day of _____, 2015.

CLACKAMAS COUNTY DEVELOPMENT AGENCY, the URBAN RENEWAL AGENCY OF CLACKAMAS COUNTY, a corporate body politic under ORS Chapter 457

By: _____
John Ludlow, Chair

STATE OF OREGON)
) ss.
County of Clackamas)

On this ____ day of _____, 2015 before me the undersigned, a notary public in and for such state, the foregoing instrument was acknowledged before me by John Ludlow, Chair, on behalf of the Clackamas County Development Agency.

Notary Public for Oregon
My Commission Expires: _____

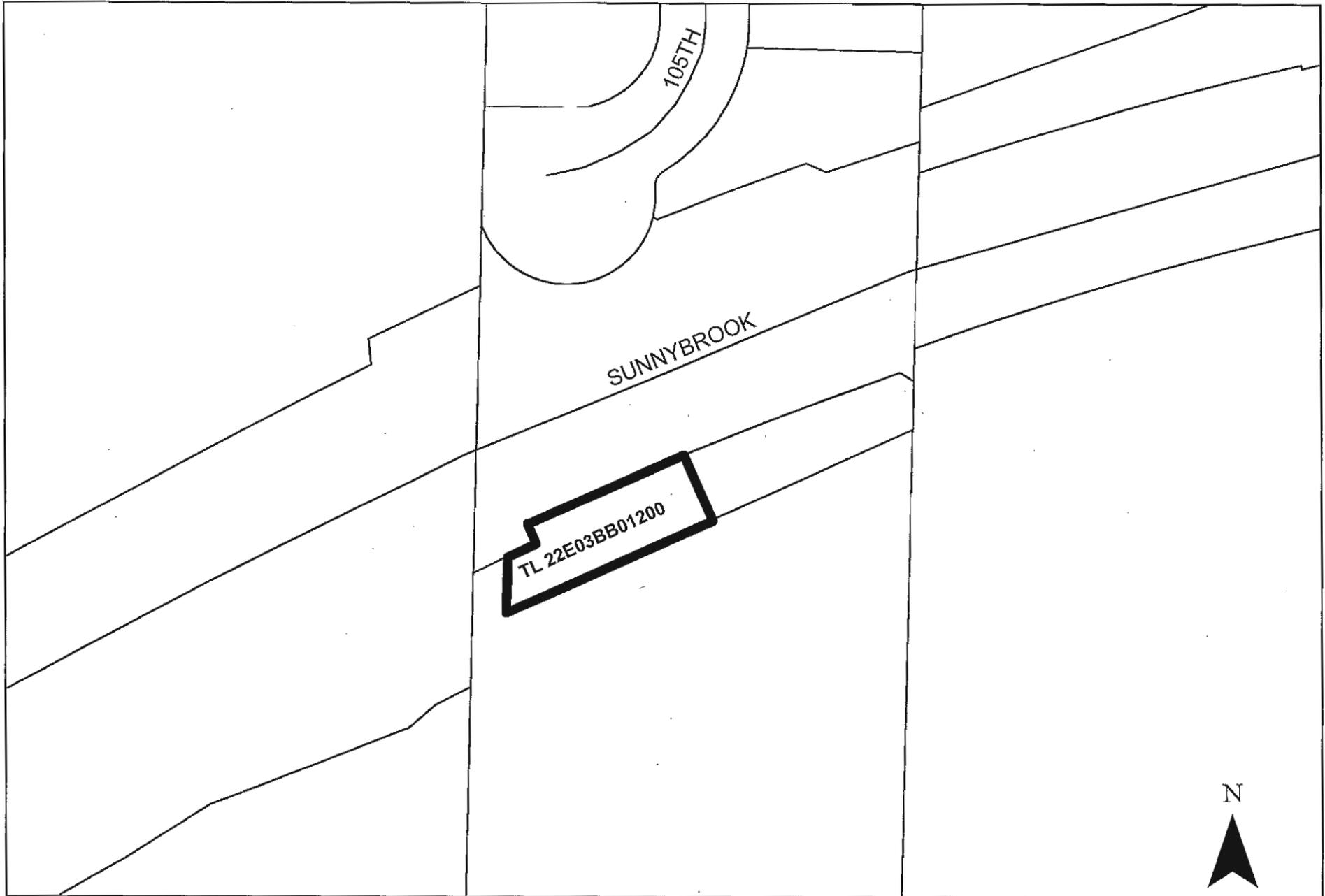
Exhibit A

Lot 7, Block 2, PARKSIDE, in the County of Clackamas and State of Oregon.

SUBJECT TO an easement created by instrument, including the terms and provisions thereof, recorded February 13, 2008, as Recorder's No. 2008-009748, records of Clackamas County, Oregon, in favor of Clackamas County, a political subdivision of the State of Oregon, for public road and right of way purposes.

EXHIBIT "B"

Tax Lot 22E03BB01200



5/28/2015

<u>BARGAIN AND SALE DEED</u>	
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By: _____
John Ludlow, Chair

STATE OF OREGON)
) ss.
County of Clackamas)

On this ____ day of _____, 2015 before me the undersigned, a notary public in and for such state, the foregoing instrument was acknowledged before me by John Ludlow, Chair, on behalf of the Clackamas County Development Agency.

Notary Public for Oregon
My Commission Expires: _____

Exhibit A

Lot 6, Block 2, PARKSIDE, in the County of Clackamas and State of Oregon.

SUBJECT TO an easement as shown on the recorded plat for sanitary sewer purposes, affecting the seven and one-half (7 ½) feet along the Northeast lot lines.

ALSO SUBJECT TO easements on the recorded plat as follows: "Five (5) foot utility easement along all side lot lines and rear lot lines."

ALSO SUBJECT TO declaration of conditions and restrictions, including the terms and provisions thereof, but deleting restrictions, if any, based on race, color, religion or national origin, executed by Jesse A. Johnson and Charles Fox, recorded April 28, 1978, as Recorder's Fee No. 78 17911, records of Clackamas County, Oregon.

ALSO SUBJECT TO regulations and assessments of PARKSIDE HOMEOWNERS ASSOCIATION, as set forth in declaration recorded April 28, 1978, as Recorder's Fee No. 79 17911, records of Clackamas County, Oregon.

ALSO SUBJECT TO an easement created by instrument, including the terms and provisions thereof, recorded May 22, 1979, as Recorder's Fee No. 79 21099, records of Clackamas County, Oregon, in favor of Portland General Electric Company, an Oregon corporation, for underground distribution line purposes, affecting the fifteen (15) feet of Northerly portion.

ALSO SUBJECT TO an easement created by instrument, including the terms and provisions thereof, recorded February 13, 2008, as Recorder's No. 2008-009748, records of Clackamas County, Oregon, in favor of Clackamas County, a political subdivision of the State of Oregon, for public road and right of way purposes.

ALSO SUBJECT TO all other easements, covenants, conditions, restrictions, and reservations of record.

EXHIBIT "B"

Tax Lot 22E03BB01100

