



Gary Barth
Director
BUSINESS AND COMMUNITY SERVICES
Development Services Building
150 Beaver Creek Road, Oregon City, OR 97045

July 6, 2015

Board of County Commissioner
Clackamas County

Members of the Board:

Approve a Board Order Amending Board Order 2015-32, Approved April 23, 2015 to Reflect a Correction in the Legal Description for the Government Distribution to Metro for the Newell Creek Conservation Efforts

Purpose/Outcomes	Amend Board Order 2015-32, Adopted on 4/23/15 to reflect correction in legal description.
Dollar Amount and Fiscal Impact	The transfer value of this parcel is \$10,080.00 and reflects the back taxes, interest, penalties and fees owed.
Funding Source	No new funding
Safety Impact	Metro will be assuming all responsibility once the file is transferred.
Duration	The transfer is to take place on or before August 1, 2015
Previous Board Action	The Board adopted Board Order 2015-32 on April 23, 2015.
Contact Person	Rick Gruen, Property Resources Manager 503-742-4345
Contract No.	N/A

BACKGROUND:

Clackamas County's Department of Assessment and Taxation annually forecloses on tax-delinquent properties. These properties are deeded to the County in lieu of uncollected taxes. Following the recording of the deed in the County's name, the management and disposition is then transferred to the Property Resources Division of the Department of Business and Community Services. Property Resources is tasked with managing, administering and dispersing of tax foreclosed real property assets in a cost effective manner that will provide a public benefit or return of property to the tax rolls. This includes the sale of properties through auction, private sale, and Government Transfers. The Board adopted Board Order 2015-32 on April 23, 2015 approving such a transfer to Metro.

That Board Order contained an incorrect legal description provided to the County by the Title Company. The attached Board Order amends BO 2015-32 to correct the legal description therein.

RECOMMENDATION:

Staff recommends the Board of County Commissioners approve the amendment to Board Order 2015-32 by approving the attached Board Order with the amended legal description.

Respectfully submitted,

Laura Jentner, BCS Deputy Director
Gary Barth

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

In the Matter of Government Distribution
Located at 32E 04C 00802
To Metro for the Newell Creek
Conservation Efforts and Amending Board
Order 2015-32 Adopted April 4, 2015



ORDER NO.

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This matter coming before the Board of County Commissioners at this time, and it appearing to the Board that the Government Distribution of the real property parcel listed below was acquired by Clackamas County by tax deed, gift or purchase, is not currently in use for County purposes, and is described as follows;

A tract of land situated in the Southwest one quarter of Section 4, and the Southeast one quarter of Section 5, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford patent Certification No. 613, described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford patent); thence North 17°12'00" East along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East along said Northerly line of Beavercreek Road, 105.14 feet to a point, said point being located at the intersection with a line that bears North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, from a point which lies South 79°42'00" East 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, Page 269; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim and along the Easterly line of said Wagner Tract, 831.67 feet to the Northeast corner of said Wagner Tract, said Northeast corner being witnessed by a 5/8 inch iron rod that bears North 79°42'00" West, 0.20 feet therefrom; thence North 79°42'00" West along the Northerly line of said Wagner Tract, 105.00 feet to said Easterly line of the Vance Donation Land Claim (being the Westerly line of said Swafford patent); thence North 17°12'00" East along said Vance Donation Land Claim line and the Swafford patent line, 194.96 feet to the point of beginning of the tract herein to be described; thence North 17°12'00" East 387.25 feet to the Northeast corner of said Vance Donation Land Claim, the same being set in the section line between Section 4 and 5 as per the Vance Donation Land Claim field notes of 1854; thence North 33°58'47" East 52.86 feet to the Southwest corner of the Latourette Donation Land Claim, the same being marked by a 7/8 inch Iron rod; thence North 88°50'12" East along said South line of the Latourette Donation Land Claim (being the North line of the Swafford patent) 292.23 feet to the intersection with a line that bears North 17°12'00" East parallel with said Vance Donation Land Claim from a point in the Northerly line of said Beavercreek Road which is South 80°19'00" East 190.00 feet from said point; thence South 17°12'00" West 509.93 feet; thence 72°48'00" west 179.61 feet; thence North 17°12'00" East 80.00 feet; thence

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North 72°48'00" West 50.00 feet; thence South 17°12'00" West 100.00 feet; thence North 72°48'00" West 63.00 feet to the point of beginning;

EXCEPTING THEREFROM all property included within the plats of BERRY HILL TOWNHOMES CONDOMINIUMS, STAGE 1; BERRY HILL TOWNHOMES CONDOMINIUMS, STAGE 2; and BERRY HILL TOWNHOMES CONDOMINIUMS, SUPPLEMENTAL PLAT OF STAGE 2 and portions dedicated for roadways.

TOGETHER WITH access as contained in document entitled Declaration of Easement recorded March 2, 1998, Recording No. 98-015919, Records of Clackamas County, Oregon;

ALSO TOGETHER WITH access as contained in document entitled Declaration of Easement recorded November 24, 1999, Recording No 99-110006, Records of Clackamas County, Oregon.

and;

IT FURTHER APPEARING to the Board, that the said real property was foreclosed upon by Clackamas County for non-payment of taxes; and,

IT FURTHER APPEARING to the Board that the above described real property fits into Metro's plan of action to conserve Newell Creek and should be transferred to Metro, therefore;

IT IS HEREBY ORDERED that the described property above be transferred to Metro for the Newell Creek Conservation Efforts; and

IT IS FURTHER ORDERED that the Director or Deputy Director of Business and Community Services, is hereby authorized to act as representative of the Board of County Commissioners in the acceptance and execution of all documents necessary for the sale.

DATED this 9th day of July, 2015

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary