



February 11, 2016

Board of County Commissioners
Clackamas County

Members of the Board:

Stephen L. Madkour
County Counsel

Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Assistants

Release of Reversionary Interest for Park in City of Lake Oswego

Purpose/Outcome	Release of reversionary interest due to condition being met
Dollar Amount and Fiscal Impact	None
Funding Source	None
Duration	Perpetual
Previous Board Action	Discussed in executive session
Strategic Plan Alignment	1. Build Public Trust through Good Government: County is following through and honoring a prior commitment. 2. Honor, utilize, promote and invest in our natural resources: Supports utilization of land as park space for county residents
Contact Person	Chris Storey, Assistant County Counsel
Contract No.	None

BACKGROUND:

Clackamas County conveyed, for no consideration, a piece of land located within the City of Lake Oswego for use of a public park in 2006 (the "Park"); a copy of the original deed is attached. As a condition of the conveyance, the County included two reversionary interests in the Park. The first is that the Park be designated a public park, and the second is that if the Park ceases to be used as a public park for a period greater than twelve months. In either case, if the condition is not met, then the Park would revert back to the ownership of the County.

Representatives of the City of Lake Oswego contacted the County requesting the release of the first reversionary interest, on the grounds that the City had taken all available steps to designate the Park as a public park space. After due investigation and discussion with the Board of County Commissioners, the County agrees with that conclusion. Therefore attached is a proposed Quitclaim Deed that, when duly executed and recorded, would release the first reversionary interest and affirm the continuation of the second.

RECOMMENDATION:

Staff respectfully recommends the Board approve execution of the proposed Quitclaim Deed by the Board Chair, County Administrator, or Deputy County Administrator.

Respectfully submitted,

Chris Storey
Assistant County Counsel

Attachments:

Original Deed conveying Land
Proposed Quitclaim Deed releasing one of two reversionary interests

<p><u>Name of Document For Recording:</u> Release of Reversionary Clause in Quitclaim Deed <u>Grantor:</u> Clackamas County, Attn: County Counsel, 2051 Kaen Rd., Oregon City, OR 97045 <u>Grantee:</u> City of Lake Oswego, Attn: CAO, PO Box 369, Lake Oswego, Oregon 97034 <u>Statutory Recordation Authority:</u> ORS 93.710(1). <u>After Recording, Return To:</u> City of Lake Oswego, Attn: CAO, PO Box 369, Lake Oswego, Oregon 97034</p>	<p>(For County Recording Use Only)</p>
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**RELEASE OF REVERSIONARY CLAUSE
IN QUITCLAIM DEED**

Grantor: Clackamas County, a political subdivision of the State of Oregon
Grantee: City of Lake Oswego, a political subdivision of the State of Oregon

Whereas, that certain Quitclaim Deed , executed by Grantor regarding certain real property known as Southwood Park II, legally described as Lot B, 767 SOUTHWOOD PARK #1, within Clackamas County, Oregon (the "Property") was duly recorded in the Official Records of Clackamas County, Oregon, at Fee No. 2006-089220 (the "Quitclaim Deed"); and

Whereas, said Quitclaim Deed contains two reversionary provisions, the first being a requirement that the City of Lake Oswego ("City") designate the Property as a city park ("Designation Requirement") and the second being that the Property continue to be used as a public park in perpetuity (the "Use Requirement"); and

Whereas, the Grantee has satisfied the requirements of the Designation Requirement, so that such reversionary clause is no longer operative; and

Now, Therefore, Grantor Clackamas County hereby declares that the reversionary interest relating to the Designation Requirement in the Quitclaim Deed is released, and is of no further effect; and

And Further, that, the reversionary interest relating to the Use Requirement restriction that the Property be used as a public park in perpetuity remains in full force and effect.

IN WITNESS WHEREOF, Clackamas County has hereunto executed this Release of Reversionary Clause in Quitclaim Deed on the date stated below.

<p>Grantor's Name: Clackamas County, by and through its Board of Commissioners</p> <p>By: _____ Title of Authorized Person:</p> <p>By: _____ Title of Authorized Person: Recording Secretary</p>
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State of Oregon)
) ss.
County of Clackamas)

On this _____ day of _____, 2016, before me the undersigned Notary Public, personally appeared John Ludlow and _____, each respectively personally known to me to be the person who executed the within instrument as Chair of the Board of County Commissioners and as Recording Secretary of the Board of County Commissioners, respectively, on behalf of Clackamas County, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Notary Signature	Notary Seal (Do not place seal over any portion of text or signature)
_____ Notary name: _____	

After recording return to:
Clackamas County Property Resources
9101 SE Sunnybrook Blvd.
Clackamas, OR 97015

COPY

Clackamas County Official Records
Sherry Hall, County Clerk

2006-089220

Until a change is requested all taxes shall be sent to:
City of Lake Oswego
PO Box 369
Lake Oswego, OR 97034



NO FEE

09/26/2006 04:16:47 PM

D-D Cnt=1 Stn=2 DIANNAW
This is a no fee document

SERIES #	
TITLE	
RETENTION	
EXP/COMPL DATE	
DESTROY	

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that Clackamas County, hereinafter referred to as the Grantor, releases and quitclaims to the city of Lake Oswego, Grantee, all right, title and interest in and to the following real property situated in Clackamas County, Oregon, to wit:

Lot B, 767 SOUTHWOOD PARK # 1, Clackamas County, State of Oregon.

This deed transferring the County's interest to the city of Lake Oswego is contingent on the property being designated for a public park in perpetuity. If this designation for a public park does not occur within a reasonable period of time, or if after designation, the public park use is discontinued for longer than twelve consecutive months and the property is not within the city limits of the city of Lake Oswego, the property shall revert back to Clackamas County control on the first day of the next consecutive month.

The true and actual consideration being paid for this conveyance is: \$ 0 dollars and 00/100 (\$0.00).

Statutory Land Use Disclaimer and Measure 37 Disclosure. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM AND FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004))."

Clackamas County, Oregon approved by its Board of County Commissioners by Agenda Item Number A.2.

Date this the 21st day of September, 2006.

BOARD OF COUNTY COMMISSIONERS

Cathy Sowa
Chair

Mary Raethke
Recording/Secretary

State of Oregon }
County of Clackamas } ss

Personally appeared Larry Sowa, who, being duly sworn, each for himself and not for the other, did acknowledge that he/she is a member of the Board of County Commissioners and said instruments to be his voluntary act and deed.



Mary E. Raethke
Notary Public for Oregon
My Commission Expires: 1-4-08

ACCEPTANCE FORM

The conveyance of property located at Map #21E6BB14200 is approved and accepted as to form and content by this agency.

PLEASE PRINT OR TYPE

Representative name __Stephan Lashbrook

Representative position __Acting City Manager

Agency name __City of Lake Oswego

Signature _____


Dated the _____ day of Sept, 2006

DEED RECORDING INFORMATION:

Grantor: Clackamas County

Grantee: City of Lake Oswego

Until further notice, taxes shall be sent to:

Attn: Finance Director

Address: P.O. Box 369

City, State, Zip: Lake Oswego, OR 97034

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