



March 3, 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

**A Quitclaim Deed Releasing an Interest in a Storm Water  
Detention Easement – Overlook Subdivision Lot 7, Plat No. 3348**

<b>Purpose/Outcomes</b>	<i>Execute quitclaim deed to release interest in a storm water detention easement.</i>
<b>Dollar Amount and Fiscal Impact</b>	<i>None identified</i>
<b>Funding Source</b>	<i>N/A</i>
<b>Duration</b>	<i>Indefinitely</i>
<b>Previous Board Action</b>	<i>None</i>
<b>Strategic Plan Alignment</b>	<i>1. Build public trust through good government.</i>
<b>Contact Person</b>	<i>Nate Boderman, 503-655-8364</i>
<b>Contract No.</b>	<i>None</i>

**BACKGROUND:**

In December of 1996, the plat for Overlook Subdivision was recorded in the Clackamas County Surveyor Office. A storm water detention easement was included on the plat, which encumbered a portion of Lot 7. The storm water facilities for this subdivision were re-designed, making the storm water detention easement over Lot 7 unnecessary. The current property owner has requested that the County and CCSD #1 release all rights and interest each may have in the storm water detention easement that encumbers his property. CCSD #1 has evaluated this proposal and has already executed a quitclaim deed releasing any interest that CCSD #1 may have in the easement.

A quitclaim deed is attached to this staff report that would release any and all interest that Clackamas County may have in the easement described above to the property owner of Lot 7, Overlook Subdivision.

Also attached to this staff report is a copy of the executed quitclaim deed from CCSD #1 to the property owner of Lot 7, Overlook Subdivision, along with a staff memorandum describing the transaction. CCSD #1 Rules and Regulations, Section 1.3 gives the Director of CCSD #1 the authority to relinquish the rights to easements.

**RECOMMENDATION:**

Staff recommends the Board execute the attached quitclaim deed.

Respectfully submitted,

Nate Boderman  
Assistant County Counsel

After recording, return to:	I
Clackamas County	I
150 S. Beaver Creek Road	I
Oregon City, OR 97045	I
	I
<b>Accepted By Clackamas County</b>	<b>I</b>
	<b>I</b>
<b>Agenda Date &amp; Number:</b> _____	<b>I</b>
<b>OR</b>	<b>I</b>
<b>Board Order Number:</b> _____	<b>I</b>

**STATUTORY QUIT CLAIM DEED**

Clackamas County, a political subdivision of the State of Oregon (“Grantor”), releases and quit claims to Michael Cebula, an individual (“Grantee”), all its right, title, and interest in and to its easements over, in, and under the real property described on the attached Exhibit A, which description by this reference is hereby incorporated herein as if set forth in full. See Attached.

The easements or portions thereof were originally granted to Grantor on Overlook Partition Plat No. 3348, Clackamas County and referenced in Instrument No. 97-076035, Clackamas County Deed Records.<sup>[ak1]</sup>

The true consideration for this conveyance is the sum of \$0 dollars and other such good and valuable consideration. The easement(s) is no longer necessary for use by the Grantor. This deed is given to merge title in Grantee.

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 Page Follows]*



STATUTORY QUIT CLAIM DEED  
EXHIBIT A

**Legal Description**

STORM WATER DETENTION EASEMENT situated on a tract of land situated in the southeast  $\frac{1}{4}$  of Section 3, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the most northerly corner of Overlook Partition Plat No. 3348, Lot 7 recorded by Clackamas County Surveyors Office, Clackamas County, Oregon and said northerly corner point being the TRUE POINT OF BEGINNING;

1. Thence, southerly S 00° 18' 12" E a distance of 50.00 feet to a point on the west line of said lot 7;
2. Thence, easterly on a line perpendicular to said west line of said lot 7, a distance of 50 feet more or less, to a point of intersection with the northeasterly line of said lot 7;
3. Thence, northwesterly N 48° 09' 37" W along said northeasterly line a distance of 71 feet more or less, to a point of intersection with the most northerly corner of said lot 7 and said point being the TRUE POINT OF BEGINNING.