

COPY

M. BARBARA CARTMILL
DIRECTOR



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

June 14, 2016

Board of County Commissioners
Clackamas County

Members of the Board:

A Resolution Directing the Disposition of Clackamas County
Development Agency Surplus Property at Public Oral Auction and
Acceptance of Clackamas County Development Agency Surplus Property

Purpose/Outcomes	Authorize the disposition of certain Development Agency Property and accept transfer of other Development Agency surplus property, reducing the Agency's property portfolio and facilitating the return of the property to the County tax rolls.
Dollar Amount and Fiscal Impact	All proceeds from property sales from the Industrial Area Development Plan property in excess of the actual expenses incurred by the County to operate the program will be distributed to the General Fund.
Funding Source	No General Fund resources are necessary to accept this property and no maintenance is anticipated to be necessary.
Duration	In perpetuity.
Previous Board Action	A Study Session with the Board of County Commissioners was held on April 7, 2015 to discuss this parcel. This property was included in a Board-approved the list of properties for sale at the Public Oral Auction (date, TBD).
Strategic Plan Alignment	Build Public Trust Through Good Government
Contact Person	Dan Johnson, Development Agency Manager 503.742.4325
Contract No.	N/A

BACKGROUND: The Development Agency owns a number of properties located within its various plan areas, most of which have been acquired for road right-of-way. Most of these properties are redeveloped through Disposition and Development Agreements. A small number of properties are either too small, have limited access, have topographical challenges, or have limited or no redevelopment potential for various reasons.

The Development Agency Board has determined that certain property in the Clackamas Town Center Plan Area to be surplus and has requested the Board of County Commissioners to direct

the Sheriff and the Department of Business and Community Services to sell the identified surplus property at Public Auction and to have all proceeds from the sale in excess of the actual expenses incurred by the County to operate the program to be distributed to the Development Agency. The property to be sold is described on the attached Exhibit "A".

While other urban renewal plans in Clackamas County provide that remnant parcels acquired for public right-of-way that are left over and not needed for each project are to be disposed of as excess property, the Clackamas Industrial Area Development Plan, as Amended September 27, 2007, does not have such a provision. The Clackamas Industrial Area Development Plan, as Amended September 27, 2007, does, however, provide that the Development Agency Board may dispose of real property to any other public agency. The remnant properties identified in the attached deeds are surplus and of little economic value and Development Agency staff remains concerned about the ongoing liability associated with these properties. Under the circumstances, the Development Agency staff proposes to transfer these remnants to the County at no charge.

It is assumed that the County will eventually offer these properties for sale through the regularly scheduled Public Auction. Property Resources Division is tasked with managing, administering and dispersing such parcels in a cost effective manner that will provide a County public benefit. No General Fund resources are currently allocated to this program. The properties will be sold at Public Auction, and the proceeds will be directed to the County, not the Development Agency, in consideration of the potential liability associated with ownership of these properties and the resources expended through the Public Auction process.

RECOMMENDATION: Staff recommends that the Board of County Commissioners:

- 1) direct the Sheriff and the Department of Business and Community Services to sell the surplus property identified on Exhibit "A" at Public Auction and to have all proceeds from the sale in excess of the actual expenses incurred by the County to operate the program be distributed to the Development Agency, and
- 2) accept ownership of those properties identified in the attached Quitclaim Deeds, all of which are located in the Clackamas Industrial Plan Area.

Respectfully submitted,



Dan Johnson, Assistant Director
Department of Transportation and Development

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

A Resolution Directing the
Disbursement of Clackamas County
Development Agency Surplus Property
at Public Oral Auction



Resolution No.

Page 1 of 2

WHEREAS, the real property parcel listed in the attached Exhibit "A" has been acquired by the Clackamas County Development Agency for road right-of-way;

WHEREAS, the Agency no longer needs the remnant property for road purposes or redevelopment and is therefore presumed surplus;

WHEREAS, the Clackamas Town Center Area Development Plan, as Amended June 16, 2005 provides that remnant parcels acquired for public right-of-way that are left over and not needed for each project are to be disposed of as excess property;

WHEREAS, the Development Agency Board found that designating that certain remnant property identified in the attached Exhibit "A" in the Clackamas Town Center Area Development Plan boundary as surplus is in the public's interest;

WHEREAS, the Development Agency Board specifically requested that the Board of County Commissioners direct the Sheriff and the Department of Business and Community Services to sell the surplus property at Public Auction and to have all proceeds from the sale in excess of the actual expenses incurred by the County to operate the program be distributed to the Development Agency;

NOW, THEREFORE, the Clackamas County Board of Commissioners does hereby resolve:

Section 1: The Sheriff and the Department of Business and Community Services shall sell the surplus property identified on Exhibit "A" at Public Auction and shall have all proceeds from the sale in excess of the actual expenses incurred by the County to operate the program be distributed to the Development Agency.

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

A Resolution Directing the
Disbursement of Clackamas County
Development Agency Surplus Property
at Public Oral Auction



Resolution No.

Page 2 of 2.

Section 2: The surplus property identified on Exhibit "A" shall be offered for sale for not less than the minimum price specified herein and in compliance with the applicable portions of ORS Chapter 275.110.

Dated this _____ day of _____, 2016

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

EXHIBIT 'A'

Clackamas County Surplus Real Estate Public Oral Auction
Development Services Building
Auditorium
150 Beaver Creek Rd., Oregon City, OR 97045
Fall 2016

*** Auction will be conducted in English and in U.S. currency only ***

Item #	Description	Assessed Real Market Value \$	Minimum Bid \$	Deposit Amount- 20% of the Minimum Bid
1	22E02BB00400, 22E02BB00500 and 22E02BB00600 Unimproved Land – off Sunnyside Road and 122 nd Avenue Lot 400 is approximately .24 Acres, lot 500 is approximately .09 Acres, and Lot 600 is approximately .36 Acres	\$140,745	\$35,187	\$7,038

Grantor: Clackamas County Development Agency	State of Oregon
Grantee: Clackamas County	
After Recording Return to: Clackamas County Engineering 150 Beaver Creek Rd. Oregon City, OR 97045	
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Clackamas County by Act of the Road Official Acceptance Date:
Road Name: _____ DTD Rd. File No.	Authorized by Clackamas County Ordinance No. 02-2009 Project:

QUITCLAIM DEED of FEE LAND
(Corporate or Non-Profit Grantor)

KNOW ALL PERSONS BY THESE PRESENTS, THAT, the Clackamas County Development Agency, (Grantor), for value received, hereby releases and quitclaims to Clackamas County, a political subdivision of the State of Oregon, (Grantee), its heirs, successors and assigns, all fee interest in that certain real property situated in Clackamas County, Oregon, and being more particularly described as follows:

See attached Exhibit A

This transfer of land is an intergovernmental transfer. Other consideration than money was the true and actual consideration for this conveyance.

Statutory Land Use Disclaimer: 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.

In witness whereof, the above named Grantor has hereunto set Grantor's hand to this document on this _____ day of _____ 2016.

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

By: _____
John Ludlow, Chair

Accepted this ____ day of _____, 2016.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

By: _____
John Ludlow, Chair

STATE OF OREGON)
) ss.
County of _____)

This instrument was signed and attested before me this _____ day of _____ 2016,
by John Ludlow, Chair, Clackamas County Development Agency.

Notary Public for State of Oregon

My Commission Expires: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was signed and attested before me this _____ day of _____ 2016,
by John Ludlow, Chair, Clackamas County Board of Commissioners.

Notary Public for State of Oregon

My Commission Expires: _____

S:RW/Lawnfield I/Mahar/RW Quitclaim - County to County Dev. Agency

EXHIBIT A

Tax Lot 22E16A01601

Parcel 1

A parcel of land lying in the North ½ of Section 16, Township 2 South, Range 2 East of the Willamette Meridian and being a portion of that property described in that Final Decree to Catherine Persons, and recorded 79-6-45P (Probate), Circuit Court Records of Clackamas County, Oregon; the said parcel being that portion included in a strip of land 30 feet in width lying on the West side of the Southern Pacific Railway Company right-of-way, more particularly described as follows:

Beginning at the 1" iron pipe on the west said railroad right-of-way at the northeast corner of that tract described in deed to Over-Land Manufacturing Company recorded February 7, 1975, as Recorders Fee No. 75-3257 Film Records that is S.3°30'W. 595.0 and S.89°20'E. 475.4 feet more or less from the ¼ corner between Sections 9 and 16, T.2S, R.2E, W.M.;

Thence N.7°E. along said railroad right-of-way 148.7 feet more or less to the northeast corner of said Probate Decree 79-6-45P;

Thence west along the north line of said Probate Decree 79-6-45P 30.2 feet more or less to a point that is 30 feet (when measured perpendicularly) from said railroad right-of-way;

Thence S.7°W. parallel to and 30 feet from said railroad right-of-way 148.7 feet more or less, to a point on the north line of said Fee No. 75-3257 that is 30 feet (when measured perpendicularly) from said railroad right-of-way;

Thence S.89°20'E, along said north line of Fee No. 75-3257 30.2 feet more or less to the point of beginning.

The parcel of land to which this description applies contains 0.10 Acres, more or less.

Parcel 2

A parcel of land lying in the North ½ of Section 16, Township 2 South, Range 2 East of the Willamette Meridian and being a portion of that property described in that Final Decree to Catherine Persons, and recorded 79-6-45P (Probate) Circuit Court Records of Clackamas County, Oregon; the said parcel being that portion included in a strip of land variable in width and lying on the West side of the Southern Pacific Railway Company right-of-way, more particularly described as follows:

Beginning at the 1" iron pipe on the west said railroad right-of-way at the northeast corner of that tract described in deed to Over-Land Manufacturing Company recorded February

7, 1975, as Recorders Fee No. 75-3257 Film Records that is S.3°30'W. 595.0 and S.89°20'E. 475.4 feet more or less from the ¼ corner between Sections 9 and 16, T.2S, R.2E, W.M.;

Thence N.7°E. along said railroad right-of-way 148.7 feet more or less to the northeast corner of said Probate Decree 79-6-45P;

Thence west along the north line of said Probate Decree 79-6-45P 30.2 feet more or less to a point that is 30 feet more or less to a point that is 30 feet (when measured perpendicularly) from the said railroad right-of-way;

Thence S.7°W. parallel to and 30 feet from said railroad right-of-way 113.4 feet more or less to a point that is 30 feet (when measured perpendicularly) from said railroad right-of-way at railroad station 577+80;

Thence S.35°30'W. 42.3 feet more or less to a point on the north line of said Fee No. 75-3257 that is 50 feet (when measured perpendicularly) from said railroad right-of-way;

Thence S.89°20'E along said north line of Fee No. 75-3257 50.5 feet more or less to the point of beginning.

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 0.01 Acres, more or less.

Tax Lot 22E16A01701

A parcel of land lying in the North ½ of Section 16, Township 2 South, Range 2 East of the Willamette Meridian and being a portion of that property described in that deed to L. Hazel Watson, and recorded as Recorders Fee Number 82-14084, Film Records of Clackamas County, Oregon; the said parcel being that portion included in a strip of land 180 feet in width and lying on the West side of the Southern Pacific Railway Company right-of-way more particularly described as follows:

Beginning at the 1" iron pipe on the West said railroad right-of-way at the northwest corner of that tract conveyed to Alfred E. Schmitz by deed recorded at Book 645, Page 785, Deed Records of Clackamas County, that is S.3°30'W. 595.0 feet and S.89°20'E. 475.4 feet more or less from the ¼ corner between sections 9 and 16, T.2S, R.2E, W.M.

Thence N.89°20'W. along the north line of said Book 645, Page 785 130.4 feet more or less to a point that is 130 feet (when measured perpendicularly) from said railroad right-of-way;

Thence S.7°W. parallel to and 130 feet from said railroad right-of-way 100.0 feet more or less, to a point on the south line of said Fee No. 82-14084;

Thence N.89°33'E. along said south line 131.3 feet more or less, to a point on the said railroad right-of-way at the southeast corner of said Fee No. 82-14084

Thence N.7°E. along said railroad right-of-way 100.0 feet more or less to the place of beginning.

The parcel of land to which this description applies contains 0.30 Acres, more or less.

Tax Lot 22E16A01801

A parcel of land lying in the North ½ of Section 16, Township 2 South, Range 2 East of the Willamette Meridian and being a portion of that property described in that deed to Emile Kalmeta, and recorded as Recorders Fee Number 87-27036, Film Records of Clackamas County, Oregon; the said parcel being that portion included in a strip of land variable in width and lying on the West side of Southern Pacific Railway Company right-of-way more particularly described as follows:

Beginning at a ½" iron rod on the West said railroad right-of-way at the northeast corner of that tract of land recorded as "Order No. 473222, Exhibit A" in said Fee No. 87-27036 that is S.3°30'W. 695.0 feet, thence S.89°20'E. 30.04 feet to an iron rod; thence S.87°17'E. 100.00 feet to an iron rod; thence S.87°17'E. 55.2 feet to an iron rod; thence N.89°33'E. 284.2 feet from the ¼ corner between Sections 9 and 16, T.2S, R.2E W.M.;

Thence S.7°W. along said railroad right-of-way 112.8 feet more or less to the S.E. corner of that tract conveyed to Alfred E. Schmitz by deed recorded at Book 645, Page 785, Deed Records of Clackamas County;

Thence N.89°20'W. tracing the south boundary of the said Schmitz tract 130.8 feet more or less to a point that is 130 feet (when measured perpendicularly) from said railroad right-of-way;

Thence N.7°E. parallel to and 130 feet from said railroad right-of-way 109.9 feet more or less to a point on the north line of said Fee No. 87-27036;

Thence N. 89°33'E. tracing said north line 131.3 feet more or less to the point of beginning.

The parcel of land to which this description applies contains 0.34 Acres, more or less.