



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING  
2051 KAEN ROAD OREGON CITY, OR 97045

July 21, 2016

**Stephen L. Madkour**  
County Counsel

Board of County Commissioners  
Clackamas County

**Kathleen Rastetter**  
**Chris Storey**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Christina Thacker**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
Assistants

Members of the Board:

Approval of  
Release of Deed Restriction

<b>Purpose/Outcomes</b>	Release Deed Restriction requiring "Public Purposes" to allow for sale of property previously deeded to the City of Lake Oswego in 1998.
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	Not applicable
<b>Duration</b>	Property sale closing August 1, 2016
<b>Previous Board Action</b>	Approval of agreement with City of Lake Oswego to share sale proceeds equally given in Executive Session on November 3, 2015.
<b>Strategic Plan Alignment</b>	N/A
<b>Contact Person</b>	Jeffrey D. Munns, 503-742-5984
<b>Contract No.</b>	None

**BACKGROUND:**

In 1998 Clackamas County conveyed a small parcel of land (approximately 604 square feet located at 2100 Wembley Pl., Lake Oswego) to the City of Lake Oswego for \$15.58. When this parcel was conveyed the County placed a deed restriction on the property that if it is not used for public purposes for a period exceeding one year the property shall revert to Clackamas County. The City of Lake Oswego has maintained this property for public purposes since conveyance.

The request from the City of Lake Oswego that Clackamas County release the deed restriction in exchange for receiving 50% of the sale proceeds was presented and approved in Executive session on November 3, 2015.

The City of Lake Oswego has now entered into a contract to sell this parcel to the neighboring land owner for \$24,339 and in consideration of Clackamas County releasing the "public purposes" restriction on the deed we have agreed to split the sale proceeds equally.

**RECOMMENDATION:**

Staff recommends the Board approve the Release of Deed Restriction.

Respectfully submitted,

Jeffrey D. Munns  
Assistant County Counsel

After recording return to:  
David Powell, City Attorney  
City of Lake Oswego  
PO Box 369  
Lake Oswego, OR 97034

Until a change is requested, all tax statements shall be sent to the following address:  
David Powell, City Attorney  
City of Lake Oswego  
PO Box 369  
Lake Oswego, OR 97034

**RELEASE OF DEED RESTRICTION**

CLACKAMAS COUNTY, OREGON a political subdivision of the State of Oregon **releases the public purposes restriction contained in Deed No. 98-045621**, in which Clackamas County, Oregon conveyed all its right, title and interest to that property situated in Clackamas County, Oregon to the CITY OF LAKE OSWEGO described as follows:

*Tract "C" OSWEGO PARK ESTATES, in the City of Lake Oswego, Clackamas County, and State of Oregon. Situs address: 2100 Wembley Pl., Lake Oswego, OR 97034.*

The true and actual consideration for this release is that Clackamas County, Oregon shall receive fifty percent (50%) of the net proceeds of the sale of the above described property.

Clackamas County, Oregon approved by its Board of County Commissioners by Agenda item number \_\_\_\_\_.

Dated this \_\_\_\_\_ day of July, 2016.

**Board of County Commissioners**

\_\_\_\_\_  
John Ludlow, Chair

State of Oregon            )  
                                  ) ss.  
County of Clackamas     )

Personally appeared John Ludlow, who, being duly sworn, did acknowledge that he is a member and chair of the Board of County Commissioners and said instrument to be his voluntary act and deed, on behalf of Clackamas County, pursuant to authority.

\_\_\_\_\_  
Mary Rathke  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_