

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real)
Property to Stephen Collard, Tamara Collard,)
John Holbrook and Marsha Holbrook)
)
[Tax Account No. 01-01 3212-032-00801])
_____)

ORDER NO. 35 - 2003

WHEREAS, on October 1, 1990, *nunc pro tunc* September 28, 1990, the Circuit Court of the State of Oregon for the County of Columbia entered of record the Judgment and Decree in *Columbia County v. Unknown Public, et al*, Case No. 90-2113; and

WHEREAS, on October 2, 1992, pursuant to that Judgment and Decree, Columbia County, a political subdivision of the state of Oregon, through a deed recorded in Deed Volume F92-7082, acquired certain foreclosed real property, including a certain parcel of land situated in the City of Scappoose; and

WHEREAS, this property is referred to as Tax Account No. 01-01 3212-032-00801 and is more particularly described as follows:

Beginning at a point which is South 0° 29' West 344.00 feet and South 89° 31' East 264.00 feet from the West quarter corner of Section 12, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, said point being on the Westerly right of way line of Jobin Lane; thence North 0° 29' East a distance of 100.00 feet; thence North 89° 31' West a distance of 13.7 feet to the TRUE POINT OF BEGINNING of the parcel herein described, said point being the Northeast corner of Parcel 1 of deed to Starla A. McNutt recorded September 22, 1982 in Book 244, page 380, Deed Records of Columbia County, Oregon; thence North 89° 31' West a distance of 160.0 feet; thence North 0° 29' East a distance of 10.00 feet; then North 89° 31' West a distance of 13.00 feet to a point which is South 0° 29' West 234.00 feet and South 89° 31' East 77.30 feet from said West quarter corner; thence North 4° 46' East a distance of 40.11 feet;

thence South 89° 31' East a distance of 165.0 feet to the Southeast corner of deed to Brent K. Balza and Robin F. Loyd, as recorded January 3, 1983, in Book 245, Page 652, Deed Records of Columbia County, Oregon; thence South 0° 29' West a distance of 50.00 feet to the true point of beginning, said point being the Northeast corner of said McNutt tract in Book 244, page 380, Deed Records of Columbia County, Oregon.

and

WHEREAS, the Board of County Commissioners deemed this property surplus to the County's needs, that the highest and best use would be to an adjoining property owner, and directed that letters be sent to the adjoining property owner(s) advising that the property would be placed for auction; and

WHEREAS, Stephen and Tamara Collard and John and Marshal Holbrook, adjacent property owners, approached the County with an offer to purchase the lot; and

WHEREAS, ORS 275.225 permits the County to sell county land by private sale, provided that the property is assessed at less than \$5,000 on the most recent assessment roll prepared for the County, and is unsuited for construction or placement of a dwelling under current zoning ordinances and building codes of the County; and

WHEREAS, the property has been assessed at \$4,400.00, and is unsuited for construction or placement of a dwelling; and

WHEREAS, pursuant to ORS 275.225, notice of private sale was published in a newspaper of general circulation on May 10, 2003, and more than 15 days has elapsed since publication of said notice; and

WHEREAS, no further offers have been received by the County pursuant to this notice; and

WHEREAS, on May 2, 2003, Stephen Collard, on behalf of Stephen and Tamara Collard and John and Marsha Holbrook, submitted a check to Columbia County in the amount of \$745.00, the sum of \$700.00 to purchase this parcel and the sum of \$45.00 to cover recording and handling fees;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 275.225, the Board authorizes the sale of the above-described property to Stephen and Tamara Collard and John and Marsha Holbrook, for \$700.00.
2. The Board of County Commissioners shall execute the Quitclaim Deed for Tax

Account No. 01-01 3212-032-00801 to Stephen W. Collard & Tamara J. Collard, husband and wife, and John L. Holbrook & Marsha R. Holbrook, husband and wife, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, for the sum of \$700, receipt of which is hereby acknowledged.

DATED this 28th day of May, 2003.

COMMISSIONERS

Approved as to form:

By: John R. Hylleberg
Office of County Counsel

BOARD OF COUNTY

FOR COLUMBIA COUNTY, OREGON

By: Joe Coraglia
Chair

By: John M. Bernhard
Commissioner

By: [Signature]
Commissioner

S:\COUNSEL\LANDS\321203200801\ORDER PRIVATE SALE.wpd

KNOW ALL MEN BY THESE PRESENTS, that the COUNTY OF COLUMBIA, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto Stephen W. Collard & Tamara J. Collard, husband and wife, and John L. Holbrook & Marsha R. Holbrook, husband and wife, hereinafter called Grantees, and unto their heirs, successors and assigns, all their right, title and interest in and to the following described parcel of real property situated in the County of Columbia, State of Oregon, described as follows, to wit: **Tax Account No. 01-01 3212-032-00801.**

The property is more specifically described as: see Exhibit A, attached.

The true and actual consideration for this conveyance is \$700.00.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

This conveyance is subject to the following exceptions, reservations and conditions:

- 1) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or C.C.C. roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

This conveyance is made pursuant to Board of County Commissioners Order No. 35 - 2003 adopted on May 28, 2003, and filed in Commissioners Journal at Book ___, Page ___.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ___ day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: _____
Commissioner

Approved as to form

By: _____
Office of County Counsel

By: _____
Commissioner

STATE OF OREGON)

County of Columbia)

ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on the ___ day of May, 2003, by Joe Corsiglia, Rita Bernhard and Anthony Hyde, as Commissioners of Columbia County, Oregon, on behalf of whom the instrument was executed.

Notary Public for Oregon
My Commission Expires: _____

GRANTOR'S NAME AND ADDRESS:

Board of County Commissioners
for Columbia County, Oregon
Columbia County Courthouse, Room 331
230 Strand
St. Helens, OR 97051

AFTER RECORDING RETURN TO GRANTEE:

C/o Stephen Collard
33022 SW Ivy Drive
Scappoose, OR 97056

[Until a change is requested, send all tax statements to
Grantee at above address].

EXHIBIT A**Tax Account No. 01-01 3212-032-00801**

Beginning at a point which is South 0° 29' West 344.00 feet and South 89° 31' East 264.00 feet from the West quarter corner of Section 12, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, said point being on the Westerly right of way line of Jobin Lane; thence North 0° 29' East a distance of 100.00 feet; thence North 89° 31' West a distance of 13.7 feet to the TRUE POINT OF BEGINNING of the parcel herein described, said point being the Northeast corner of Parcel 1 of deed to Starla A. McNutt recorded September 22, 1982 in Book 244, page 380, Deed Records of Columbia County, Oregon; thence North 89° 31' West a distance of 160.0 feet; thence North 0° 29' East a distance of 10.00 feet; then North 89° 31' West a distance of 13.00 feet to a point which is South 0° 29' West 234.00 feet and South 89° 31' East 77.30 feet from said West quarter corner; thence North 4° 46' East a distance of 40.11 feet; hence South 89° 31' East a distance of 165.0 feet to the Southeast corner of deed to Brent K. Balza and Robin F. Loyd, as recorded January 3, 1983, in Book 245, Page 652, Deed Records of Columbia County, Oregon; thence South 0° 29' West a distance of 50.00 feet to the true point of beginning, said point being the Northeast corner of said McNutt tract in Book 244, page 380, Deed Records of Columbia County, Oregon.

S:\COUNSEL\LANDS\321203200801\QUITCLAIM DEED.wpd