

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Selling to Mike Avent )  
Certain County-Owned Real Property )  
Known as Tax Account No. 05-08 )  
7405-000-02000 )  
\_\_\_\_\_ )

ORDER NO. 82 - 2003  
(To Execute and Deliver Quitclaim Deed)

WHEREAS, the County owns and wishes to sell a certain parcel of land that is known as Tax Account No. 05-08 7405-000-02000, Columbia County, Oregon, and that is more particularly described as:

Parcel 2 of Partition Plat No. 2003-26 as recorded October 29, 2003,  
under Columbia County Clerk's Fee No. 03-16922, Columbia County,  
Oregon

WHEREAS, pursuant to ORS 275.110 to 275.160, the County duly prepared and published a "Notice of Sale" and subsequently offered the parcel for sale at the Sheriff's auction held on October 15, 2002, for a minimum bid of \$64,720; and

WHEREAS, no bids were received at the Sheriff's sale for said parcel of land; and

WHEREAS, pursuant to ORS 275.200, the Board of County Commissioners for Columbia County, Oregon, may sell by private sale any lands the County has acquired in any manner, if any such lands remain unsold after attempts to sell such lands under ORS 275.120 to 275.160; and

WHEREAS, pursuant to ORS 275.200, Columbia County may sell this parcel at private sale without further notice at such price as the Board of Commissioners deems reasonable, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the Sheriff's sale; and

WHEREAS, subsequent to the auction held on October 15, 2002, Columbia County received two written offers to purchase the parcel; and

WHEREAS, on November 7, 2002, Columbia County held a telephonic auction whereby the two individuals submitting the written offers were invited to bid on the property; and

WHEREAS, John Slape, for himself and for and on behalf of Mike Avent, submitted the highest bid to purchase the parcel in the amount of \$72,000 plus \$45 in recording and handling fees, meeting the price requirement of ORS 275.200; and

WHEREAS, on November 7, 2002, John Slape submitted a check to Columbia County in the amount of \$7,245.00 representing the required down payment for purchase of this parcel and to cover the required handling and recording fees in the issuance of a quitclaim deed; and

WHEREAS, Columbia County made the determination that, before this sale could be consummated, a replat would need to be accomplished so that the parcel being sold was a legal lot of

record and, therefore, entered into an Agreement with the purchasers whereby the required interest of one percent (1%) per month on the unpaid balance would be waived for the period of February 1, 2003 through April 30, 2003, a copy of said Agreement attached hereto as Exhibit A and by this reference incorporated herein ; and

WHEREAS, the replat procedure was not completed and, consequently, Columbia County was not in a position to sell this property, until November 2003;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. On behalf of Columbia County, the Board accepts the offer submitted by John Slape and Mike Avent for the purchase of certain County-owned real property known as Tax Account No. 05-08 7405-000-02000.

2. The Board of County Commissioners hereby waives the interest of one percent (1%) per month due on the property from May 1, 2003 to the date of issuance of the Quitclaim Deed.

3. The Board of County Commissioners shall execute the Quitclaim Deed, attached hereto as Exhibit B and by this reference incorporated herein, conveying Tax Account No. 05-08 7405-000-02000 to Mike Avent for the sum of \$72,045, receipt of which is hereby acknowledged.

4. The Board of County Commissioners hereby authorizes Joe Corsiglia, Chair, to execute the remaining closing documents to complete the sale of this parcel.

DATED this 23<sup>rd</sup> day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John K. H. [Signature]  
Office of County Counsel

By: Joe Corsiglia  
Chair

By: [Signature]  
Commissioner

By: absent  
Commissioner

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EXHIBIT A

AGREEMENT

THIS AGREEMENT is made by and between Columbia County, a political subdivision of the state of Oregon, hereinafter "County", and John Slape and Mike Avent, hereinafter "Purchasers".

RECITALS

WHEREAS, County is the owner of that real property commonly known as Tax Account No. 7405-000-02000, and more particularly described as:

Tract 24, Clatskanie Drainage District, Columbia County, Oregon, excepting therefrom all that portion thereof conveyed to James River II, Inc., by Parcel 2 of deed recorded as Columbia County Clerk's Fee #89-0492.

WHEREAS, on November 7, 2002, Purchasers submitted an offer to purchase this property in the amount of \$72,000, plus recording and handling fees of \$45, which offer has been accepted by the County;

WHEREAS, the terms of the sale provided that payment may be deferred for sixty (60) days from the date of the sale if, on the date of the sale, the purchaser made a non-refundable earnest money/down payment in the amount of ten percent (10%), with the remainder to be paid within the sixty day period bearing interest at the rate of one percent (1%) simple interest per month or part of a month;

WHEREAS, on November 7, 2002, Purchasers submitted a cashier's check in the amount of \$7,245 representing the earnest money due, receipt of which is hereby acknowledged;

WHEREAS, Purchasers requested, and were granted, an extension of time in which to pay the balance of the purchase price to February 1, 2003;

WHEREAS, the County has learned that, through the illegal partition and subsequent sale of certain property adjacent to or around the subject property by the former owner, the subject property is now one of several parcels within the Clatskanie Drainage District with the status of an illegal parcel;

WHEREAS, the parties agree that it is in the best interests of all concerned to engage in a replat of the affected parcels prior to consummating the sale of the subject property;

WHEREAS, the County is willing to grant Purchasers permission to enter upon the real property for purposes of cleaning, refurbishing and/or remodeling during the effective period of this agreement upon the execution of a Hold Harmless Agreement and

submission of a Certificate of Insurance listing Columbia County as an additional insured, receipt of which is hereby acknowledged;

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

1. The offer to purchase made by the Purchasers shall be extended to and including April 30, 2003.
2. Payment in full of the purchase price shall be made on or before May 1, 2003.
3. The interest of one percent (1%) per month on the unpaid balance shall be waived for the period of February 1, 2003, through April 30, 2003.
4. The County shall make a good faith effort to complete the replatting of the affected parcels in a timely manner.
5. The Purchasers are granted authority to enter into and upon the subject property for the purposes of cleaning, refurbishing and/or remodeling provided that the County remains named as an additional insured under Policy No. AL4159919 issued by County Mutual Insurance Company to John D. and Tami L. Slape.

Dated this \_\_\_\_ day of February, 2002.

Dated this \_\_\_\_ day of February, 2002.

\_\_\_\_\_  
JOHN D. SLAPE

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

\_\_\_\_\_  
MIKE AVENT

By: \_\_\_\_\_  
RITA BERNHARD, Vice-Chair

QUITCLAIM DEED

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 MIKE AVENT, an individual, hereinafter called Grantee, and unto his heirs, successors and assigns, all its r 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. 05-08 7405-000-02000.

The property is more specifically described as: Parcel 2 of Partition Plan No. 2003-26 as recorded October 29, 2003, under Columbia County Clerk's Fee No. 03-16922, Columbia County, Oregon.

The true and actual consideration for this conveyance is \$72,000.00.

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. 82 - 2003 adopted on December 23, 2003, and filed in Commissioners Journal at Book \_\_\_\_, Page \_\_\_\_.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 23<sup>rd</sup> day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

Approved as to form

By: \_\_\_\_\_  
Office of County Counsel

STATE OF OREGON     )  
County of Columbia     )     ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on the \_\_\_\_ day of December, 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:  
Mike Avent  
Post Office Box 1236  
Rainier, OR 97048

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