

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real)
Property on Bella Vista Drive, Scappoose,)
Oregon, to Loren Hayes and Dana Hayes)
[Tax Account No. 01-01 3202-044-00600])
_____)

ORDER NO. 106 - 2006

WHEREAS, on October 7, 2002, nunc pro tunc October 1, 2002, the Circuit Court of the State of Oregon for the County of Columbia entered of record the Judgment and Decree in *Columbia County v. Neuman, et al.*, Case No. 02-2308; and

WHEREAS, on October 7, 2004, pursuant to that Judgment and Decree, Columbia County, a political subdivision of the state of Oregon, acquired certain foreclosed real property, including a certain parcel of land situated in the City of Scappoose which was formerly owned by the Neuman Trust; and

WHEREAS, this property is referred to as Tax Account No. 01-01 3202-044-00600 and is more particularly described as:

Tract C, NUEMAN'S ADDITION TO BELLA VISTA, Columbia County, Oregon; and

WHEREAS, the Board of County Commissioners deemed this property surplus to the County's needs, and the property was offered for sale through the County's website; 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 \$500.00, and is unsuited for construction or placement of a dwelling; and

WHEREAS, due to the numerous inquiries about and a few offers on this parcel of property the Board directed that the property be offered for sale through a written bid auction; and

WHEREAS, pursuant to ORS 275.225, notice of private sale was published in newspapers of general circulation on November 25 and November 29, 2006, and more than 15 days has elapsed since publication of said notice; and

WHEREAS, thereafter the County received offers to purchase this parcel of county-owned property; and

WHEREAS, on December 12, 2006, Columbia County opened the bids received on this parcel of county-owned property; and

WHEREAS, Loren Hayes and Dana Hayes submitted the highest bid to purchase the parcel, said bid being in the amount of \$1,000, meeting the price requirement of ORS 275.200; and

WHEREAS, on December 14, 2006, Loren Hayes and Dana Hayes submitted a cashier's check to Columbia County in the amount of \$1,000 representing the highest bid for purchase of this parcel plus \$45 to cover the required handling and recording fees in the issuance of a quitclaim deed; and

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 Loren Hayes and Dana Hayes for \$1,000.

2. The Board of County Commissioners shall execute the Quitclaim Deed for Tax Account No. 01-01 3202-044-00600 to Loren Hayes and Dana Hayes, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, for the sum of \$1,000 plus \$45 handling and recording fees, receipt of which is hereby acknowledged.

DATED this 27TH day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Joe Corsiglia
Chair

By: John McArthur
Commissioner

By: [Signature]
Commissioner

Approved as to form:

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

S:\COUNSEL\LANDS\3202-044-00600\ORDER SELL.wpd

GRANTOR'S NAME AND ADDRESS:

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

EXHIBIT A

BOOK 094 PAGE 858

FOR RECORDING, RETURN TO GRANTEE:

Loren Hayes and Dana Hayes
53099 NW 13th Street
Scappoose, OR 97056-2909

QUITCLAIM DEED

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 LOREN HAYES AND DANA HAYES, husband and wife, hereinafter called Grantees, and unto their heirs, successors and assigns, all its 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 3202-044-00600.**

The property is more specifically described as Tract C, NEUMAN'S ADDITION TO BELLA VISTA, Columbia County, Oregon.

The true and actual consideration for this conveyance is \$1,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

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.
- 4) This property is conveyed with a reservation of Open Space Easement on the entire property providing that a) no construction of residential dwellings or commercial or industrial buildings may occur on the property; b) no paving will be allowed on the property; and c) the Open Space Easement is perpetual, shall run with the land, and shall be binding on all future owners, their heirs successors and assigns. This easement is expressly for the benefit of the adjacent property owners and may be enforced by any of these parties.

This conveyance is made pursuant to Board of County Commissioners Order No. 106 - 2006 adopted on December 27, 2006, and filed in Commissioners Journal at Book __, Page __.

IN WITNESS WHEREOF, the Grantor has executed this instrument this __ day of January, 2007.

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 _____, 2007, by Joe Corsiglia, Rita Bernhard and Anthony Hyde as Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed

Notary Public for Oregon
My Commission Expires: _____