

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real )  
Property on 4<sup>th</sup> Street, Columbia City )  
Oregon, to Marilyn S. Yarbor ) **ORDER NO. 96 - 2007**  
)  
[Tax Account No. 02-03 5128-042-00500] )  
\_\_\_\_\_ )

WHEREAS, on October 11, 2001, nunc pro tunc October 1, 2001, the Circuit Court of the State of Oregon for the County of Columbia entered of record the Judgment and Decree in *Columbia County v. Combs, et al*, Case No. 01-2244; and

WHEREAS, on January 20, 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 Columbia City, Oregon, which was formerly owned by Neil & Deborah McQueen; and

WHEREAS, this property is referred to as Tax Account No. 02-03 5128-042-00500 and is more particularly described as:

All that portion of Lots 3, 4, 5 and 6, Block 53, Columbia City, Columbia County, Oregon, lying Easterly of the Oregon Department of Transportation (formerly Northern Pacific) Railroad right-of-way.

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

WHEREAS, Richard and Bonny Wagoner, adjacent property owner, forwarded to the County an offer to purchase the lot along with a check in the amount of \$545, representing \$500 for the purchase price and \$45 in handling and recording fees; 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, 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 January 31, 2006, and more than 15 days has elapsed since publication of said notice; and

WHEREAS, a second offer for \$1,000 was received by the County pursuant to this notice from Marilyn S. Yarbor accompanied by a check in the amount of \$1,045 to include \$45 handling and

recording fees ; and

WHEREAS, by letter dated March 28, 2007, Mr. and Mrs. Wagoner were advised of the higher offer and given the opportunity to join in a telephone auction of the property, with sale of the property going to the highest bidder, a copy of which is attached hereto as Exhibit 1 and by this reference incorporated herein; and

WHEREAS, this letter directed Mr. and Mrs. Wagoner to advise the County's Natural Resources Administrator whether they were interested in holding a telephone auction by the end-of-day April 6, 2007; and

WHEREAS, as of April 23, 2007, no further word has been received from Mr. and Mrs. Wagoner;

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 Marilyn S. Yarbor for \$1,000.

2. The Board of County Commissioners shall execute the Quitclaim Deed for Tax Account No. 02-03 5128-042-00500 to Marilyn S. Yarbor, a copy of which is attached hereto as Exhibit 2 and by this reference incorporated herein, for the sum of \$1,000, receipt of which is hereby acknowledged.

DATED this 25<sup>th</sup> day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Chair

By: [Signature]  
Commissioner

By: [Signature]  
Commissioner

Approved as to form:

By: [Signature]  
Office of County Counsel

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COLUMBIA COUNTY



OREGON

## OFFICE OF COUNTY COUNSEL

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March 28, 2007

Richard and Bonny Wagoner  
 Post Office Box 177  
 Columbia City, OR 97018

Re: County-owned Property – Tax Account No. 5128-042-00500

Dear Mr. and Mrs. Wagoner:

In responding to Ms. Wagoner's letter of March 20, 2007, I hope the following will clear up any confusion.

First, neither John Knight nor I received Ms. Wagoner's e-mail of March 5, 2007. In checking with our Information Technology Department I was told that the e-mail had been caught up by our spam filter and deleted.

Sometime after February 16, 2007 (I do not maintain day-to-day time records so I cannot confirm the actual date), I did advise Ms. Wagoner that no one had come forward with an offer following publication of the notice of private sale in the newspaper. I said that I could now draft the documents for the Board to sign which would convey this property to you. However, before the documents were completed and signed by the Board of County Commissioners, an offer for \$1,000 was received. I discussed the matter of the "eleventh hour" offer with the Board and was instructed to hold a phone auction if you were still interested in purchasing the property.

It is unfortunate that another bid was received before the property was conveyed to you, but that is what occurred. The Board's decision was based on what was best for the public interest which, of course, is obtaining the highest offer possible for the County lands we sell.

If you are interested in pursuing the purchase of this property through a telephone auction, with the bid beginning at \$1,025 and rising in \$25 increments, to be sold to the highest bidder, please let me know at your earliest opportunity. If I do not hear from you by 5:00 p.m. on April 6, 2007, I will proceed to sell this property to the individual making the higher offer.

Enclosed you will find our check in the amount of \$545 representing a refund of the monies submitted with your office.

Sincerely,

Cynthia Zemaitis,  
 Natural Resources Administrator

Enclosure

To: Board of Commissioners  
 S:\COUNSEL\LANDS\5128-042-00500\LT WAGONERS 2.wpd

FILE COPY

**GRANTOR'S NAME AND ADDRESS:**

BOARD OF COUNTY COMMISSIONERS  
for Columbia County, Oregon  
Columbia County Courthouse  
230 Strand, Room 331  
St. Helens, OR 97051

EXHIBIT 2

BOOK 097 PAGE 785

**FOR RECORDING, RETURN TO GRANTEE:**

MARILYN S. YARBOR  
1730 - 4<sup>th</sup> Street  
Columbia City, OR 97018

**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 the **MARILYN S. YARBOR**, hereinafter called Grantee, and unto her 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. 02-03 5128-042-00500.**

The property is more specifically described as: All that portion of Lots 3, 4, 5 and 6, Block 53, Columbia City, Columbia County, Oregon, lying Easterly of the Oregon Department of Transportation (formerly Northern Pacific) Railroad right-of-way.

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.

This conveyance is made pursuant to Board of County Commissioners Order No. 96 - 2007 adopted on April 25, 2007, and filed in Commissioners Journal at Book \_\_\_, Page \_\_\_.

IN WITNESS WHEREOF, the Grantor has executed this instrument this \_\_\_ day of April, 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 January, 2006, by Rita Bernhard, Anthony Hyde and Joe Corsiglia as Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed

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