

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real Property )  
off of Clark Street Near Milton Way, St. Helens, )  
Oregon, to Brian Gardner, Connie Gardener, )  
Terry E. Massey, Jr., and Jennifer M. Massey )  
)  
[Tax Map ID No. 4N1W04-CD-02400] )  
\_\_\_\_\_ )

**ORDER NO. 20 - 2011**

WHEREAS, on November 17, 2008, the Circuit Court of the State of Oregon for the County of Columbia entered of record the General Judgment in *Columbia County v. Burum, et al.*, Case No. 08-2646; and

WHEREAS, on October 11, 2010, pursuant to that General Judgment, 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 St. Helens which was formerly owned by O.C. Clark and Ida Clark; and

WHEREAS, this property is referred to as Tax Map ID No. 4N1W04-CD-02400 and Tax Account No. 10760, and is more particularly described as:

A strip of land, of varying width, lying Southwesterly of the centerline of Milton Creek, within the Susanna Frantz Donation Land Claim, in the SW 1/4 of Section 4, Township 4 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at a point in the center of Milton Creek, said point being the intersection of said creek and the northerly property line of a parcel of land conveyed to Mr. & Mrs. Wright described in Deed Book 214 page 39, Columbia County Records; thence Southwesterly along said Wright property line a distance of 120.0 feet more or less to the Easterly property line of a parcel of land conveyed to Gardner and Carpenter described in Deed Book 270 page 326, Columbia County Records, thence continuing along said Gardner and Carpenter property line the following three courses: North 18 ° 57' East 86.96 feet, North 11 ° 13' 30" West 43.15 feet, North 41 ° 32' 30" West 127.0 feet more or less to the most Easterly corner of a parcel of land conveyed to Grant Gartman described in Instrument Number 02-2263, Columbia County Records; thence along the Northerly property line of said Gartman property the following two courses: North 47 ° 30' West 109.8 feet, North 86 ° 55' West 122.4 feet more or less to the Easterly property corner of a parcel of land conveyed to Milton Phelan, et al. described in Instrument Number 92-1605, Columbia County Records; thence along the Northeast property line of said Phelan property North 50 ° 37' West a distance of 164.45 feet more or less to the Northeast corner of a parcel of land conveyed to Mr. & Mrs. Massey described in Instrument Number 01-7918, Columbia County Records; thence along said Massey property North 47 ° 41' West a distance of 40.0 feet; thence North 33 ° 33' West a distance of 41.1 feet

to the North corner of Parcel 1 of said Massey property; thence North 35 °11' East a distance of 80.0 feet more or less to the center of Milton Creek; thence in a Southerly direction following the center line of Milton Creek to the point of beginning.

SUBJECT TO:

30 foot Public Right-of-Way Agreement as recorded in Deed book H page 40, Columbia County Records.

and

WHEREAS, this property was deemed surplus to the County's needs, that the highest and best use would be to an adjoining property owner, and notice was sent to the adjoining property owner(s) advising that the property was for sale; and

WHEREAS, on January 18, 2011, Terry and Jennifer Massey, adjoining property owners, submitted an offer to purchase this parcel to the County in the amount of \$256.00, the sum of \$200 to purchase the property and the sum of \$56 to cover recording and handling fees; and

WHEREAS, on January 27, 2011, Brian and Connie Gardner, adjoining property owners, submitted an offer to purchase this parcel to the County in the amount of \$356.00, the sum of \$300 to purchase the property and the sum of \$56 to cover recording and handling fees; and

WHEREAS, in lieu of holding a phone auction and selling the parcel to the highest bidder, Terry and Jennifer Massey and Brian and Connie Gardner requested that the County accept the offer of Brian and Connie Gardner and deed the property to all four individuals; and

WHEREAS, Terry and Jennifer Massey withdrew their offer for this parcel; and

WHEREAS, ORS 275.225 permits the County to sell county land by private sale, provided that the property has a real market value of less than \$15,000 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 a real market value of \$770, 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 11, 2011, 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;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 275.225, the Board finds the offer of Brian and Connie Gardner to be a reasonable offer for this property and hereby authorizes the sale of the above-described property to Brian Gardner, Connie Gardner, Terry E. Massey, Jr., and Jennifer M. Massey for \$300.

2. The Board of County Commissioners shall execute the Quitclaim Deed for Tax Map ID No. 4N1W04-CD-02400 and Tax Account No. 10760 to Brian Gardner, Connie Gardner, Terry E. Massey,

Jr., and Jennifer M. Massey, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, for the sum of \$300, receipt of which is hereby acknowledged.

DATED this 16<sup>th</sup> day of March, 2011.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Anthony Hyde, Chair

By: [Signature]  
Earl Fisher, Commissioner

By: [Signature]  
Henry Heimuller, Commissioner

Approved as to form:

By: [Signature]  
Office of County Counsel

S:\COUNSEL\LANDS\4N1W04 - CD - 02400 CLARK\ORDER CONVEY APO.wpd

**GRANTOR'S NAME AND ADDRESS:**

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

**AFTER RECORDING, RETURN TO GRANTEE**

Brian and Connie Gardner  
235 Clark Street  
St. Helens, OR 97051

BK 117 - Pg 930

**EXHIBIT A**

**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 **BRIAN GARDNER and CONNIE GARDNER**, husband and wife, an undivided 1/2 interest as tenants by the entirety, and **TERRY E. MASSEY, JR., and JENNIFER M. MASSEY**, husband and wife, an undivided 1/2 interest as tenants by the entirety, 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 Map ID No. 4N1W04-CD-02400 and Tax Account No. 10760. The property is more specifically described on the attached Exhibit A.

The true and actual consideration for this conveyance is \$ 300.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

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 Civilian Conservation Corps 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. 20 - 2011 adopted on March 16, 2011, and filed in Commissioners Journal at Book \_\_\_\_, Page \_\_\_\_.

BK 117 Pg 931

IN WITNESS WHEREOF, the Grantor has executed this instrument this \_\_\_\_\_ day of March, 2011.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Anthony Hyde, Chair

Approved as to form

By: \_\_\_\_\_  
Earl Fisher, Commissioner

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

By: \_\_\_\_\_  
Henry Heimuller, Commissioner

STATE OF OREGON )  
                          )       ss.  
County of Columbia )

ACKNOWLEDGMENT

This instrument was acknowledged before me on the \_\_\_\_\_ day of March, 2011, by Anthony Hyde, Earl Fisher and Henry Heimuller as Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

\_\_\_\_\_  
Notary Public for Oregon

BK 117-Pg 932

**EXHIBIT A**  
to Quitclaim Deed

Tax Map ID No. 4N1W04-CD-02400

A strip of land, of varying width, lying Southwesterly of the centerline of Milton Creek, within the Susanna Frantz Donation Land Claim, in the SW 1/4 of Section 4, Township 4 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

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