

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real Property)
In St. Helens, Oregon, to Paul L. Thayer and) **ORDER NO. 11-2019**
Laura R. Thayer, Tax Map ID No.)
4N1W04-BC-05500 and Tax Account No. 10355)

WHEREAS, on October 22, 2012, nunc pro tunc October 15, 2012, the Circuit Court of the State of Oregon for the County of Columbia entered of record the General Judgment in Columbia County v. Bergerson, Barbara D. & Fred, et al., Case No. 12-2579; and

WHEREAS, on October 16, 2014, pursuant to that General Judgment, Seller acquired foreclosed real property, including that certain parcel of land situated in St. Helens, Oregon, having Tax Map ID No. 4N1W04-BC-05500 and Tax Account No. 10355 (the "Property"), by deed recorded as document number 2014-6859 in the Columbia County deed records; and

WHEREAS, the County offered the Property to adjacent property owners on June 27, 2018; and

WHEREAS, the Property is depicted on Exhibit A hereto; and

WHEREAS, the location and site circumstances make the Property unbuildable; and

WHEREAS, Columbia County Assessor records estimate the value of the Property to be \$500.00; and

WHEREAS, Buyer was one of two adjacent property owners to offer to purchase the Property, and was the high bidder, offering \$950.00; and

WHEREAS, Buyer has agreed to maintain the Property subject to a Public Storm Sewer Easement over the Property, in a form attached as Exhibit B hereto; and

WHEREAS, ORS 275.225 authorizes the County to sell tax foreclosed property on a negotiated basis if the property has a value of less than \$15,000.00 and is not buildable; and

WHEREAS, the County published public notice of the sale on February 20, 2019, in the Chronicle, a newspaper of general circulation in the County; and

WHEREAS, County policy provides that Buyers of tax foreclosed properties shall pay a \$145.00 administrative fee (the "Administrative Fee") in addition to the agreed upon purchase price; and

WHEREAS, Seller intends to sell the Property to Buyer on the terms and conditions set forth in the Purchase and Sale Agreement.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 275.225, the Board of County Commissioners authorizes the sale of the above-described Property to Paul L. Thayer and Laura R. Thayer for \$950.00, plus and administrative fee in the amount of \$145.00; and
2. A Public Storm Sewer Easement in a form substantially the same as Exhibit B shall be recorded in the County Clerk records by Columbia County; and
3. The Board of County Commissioners will convey the Property by Quitclaim Deed in a form substantially the same as Exhibit C; and
4. The fully executed Quitclaim Deed shall be recorded in the County Clerk deed records by Columbia County.

DATED this 29th day of May, 2019.

Approved as to form:

By: 
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

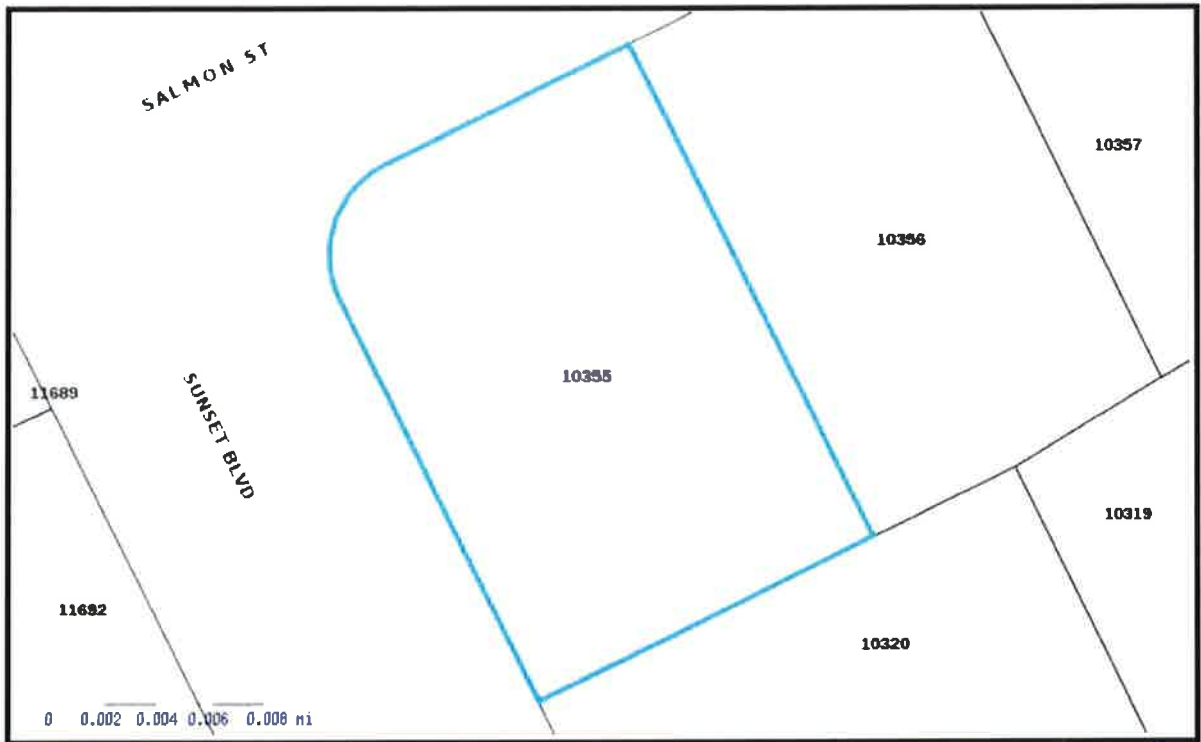
By: 
Henry Helmuller, Chair

By: 
Margaret Magruder, Commissioner

By: 
Alex Tardif, Commissioner

EXHIBIT A

10355Map



Columbia County



Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the accuracy, performance or use of information on this map.



AFTER RECORDING RETURN TO:

City of St. Helens
PO Box 278
St. Helens, OR 97051

GRANTOR:

Columbia County
230 Strand Street
St. Helens, OR 97051

GRANTEE:

City of St. Helens
PO Box 278
St. Helens, OR 97051

▲ This Space for Recorder's Use Only ▲

PUBLIC STORM SEWER EASEMENT

In consideration of other consideration received, Columbia County, a political subdivision of the State of Oregon, hereinafter referred to as the Grantor, conveys to the City of St. Helens, a municipal corporation, Grantee, a perpetual non-exclusive storm sewer easement to use an area which is located over the entirety of the property of Grantor, to wit:

Tract A, Carson Meadows Phase 1 Subdivision, City of St. Helens, Columbia County, Oregon.

DEED REFERENCE: Doc. No. 2014-6859
Tax Acct. No. 10355
Acct. 4N1W04-BC-05500

The terms of this easement are as follows:

1. Grantee, its agents, independent contractor, and invitees shall use the easement for installation, maintenance, and repair of storm sewer infrastructure therein.
2. Grantee agrees to indemnify and defend Grantor from any loss, claim, or liability to grantor arising in any manner out of the Grantee's use of easement.
3. Grantee has the right of reasonable access to construct, reconstruct, maintain, and repair the storm sewer infrastructure.
4. Grantee, upon construction of the storm sewer system, or upon reconstruction, maintenance, and repair shall return the surface of the property to the condition it was prior to the work.
5. Grantor and those in succession of title reserve the right to use the easement to construct driveways, paving, landscaping, and fill, provided the Grantor shall not construct or maintain any building or structure which would interfere with the rights herein granted.

6. Grantee is requiring this easement prior to sale of this Tract to a private entity to protect storm water function. This Tract’s original purpose was for storm water conveyance and detention and that has not changed. Grantee may amend or extinguish this easement if the storm water infrastructure is relocated to other locations within the Tract or to adjacent public rights-of-way or is otherwise abandoned and replaced such that the Tract is completely separated from any public storm water infrastructure and storm water function meets the specifications of the Grantee.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this ____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Henry Heimuller, Chair

Approved as to form

By: _____
Office of County Counsel

STATE OF OREGON)
) ss.
County of Columbia)

ACKNOWLEDGMENT

This instrument was acknowledged before me on ____ day of _____, 2019, by Henry Heimuller, Chair, Board of County Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

Accepted by:

CITY OF ST. HELENS, OREGON

By: _____
John Walsh, City Administrator

[ACKNOWLEDGMENT ON NEXT PAGE]

STATE OF OREGON)
)
County of Columbia)

ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on ____ day of _____, 2019, by John Walsh, City Administrator for City of St. Helens, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

AFTER RECORDING, RETURN TO GRANTEE:

Paul L. Thayer and Laura R. Thayer
PO Box 642
St. Helens, OR 97051

Until a change is requested, all tax statements shall be sent to Grantee at the above address.

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 Paul L. Thayer and Laura R. Thayer, hereinafter called Grantee, all right, title and interest in and to that certain parcel of real property identified in Columbia County records as Map ID No. 4N1W04-BC-05500 and Tax Account No. 10355, and more particularly described on Exhibit A hereto.

The true and actual consideration for this conveyance is \$1,095.00.

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, aggregate, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, surface mining, 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. 11-2019 adopted on the ____ day of _____, 2019, and filed in Commissioners Journal at Book ____, Page ____.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: _____
Henry Heimuller, Chair

By: _____
Office of County Counsel

STATE OF OREGON)
)
County of Columbia)

ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on the ____ day of _____, 2019, by Henry Heimuller, Chair, Board of County Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

**EXHIBIT A to Quitclaim Deed
Legal Description for Map ID No 4N1W04-BC-05500 and
Tax Account No. 10355**

Tract A, Carson Meadows Phase 1, Columbia County, Oregon.