

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain County-)
Owned Real Property Known as Tax Account)
Nos. 01-10 4119-014-00800, 4119-014-01000) **ORDER NO. 55 - 2003**
and 4119-014-01100 to James E. Bennett)
and Dorothy Bennett)
_____)

WHEREAS, certain real property in Columbia County, Oregon, which have been assigned Tax Account Nos. 01-10 4119-014-00800 and 4119-014-01000 were foreclosed upon for nonpayment of back taxes in *Columbia County v. Transition Support Services, Inc., et al*, Case No. 00-2420, said properties listed as Parcel Nos. 00-012 and 00-014, respectively, in said foreclosure proceeding, and being more particularly described as:

Tax Account No. 01-10 4119-014-00800

Parcel 1: Commencing at the Northeast corner of the Garner T. Foster Donation Land Claim, running thence South 37 degrees 15 minutes West 20.60 chains to a point; thence North 73 degrees 15 minutes West 12.88 chains to the Northwest corner of that tract of land conveyed by William J. Fullerton and Ines F. Fullerton, his wife, to James S. Bacon, by deed dated July 28, 1891, which deed is recorded in Book M. at page 56 of Deed Records of Columbia County, Oregon, which Northwest corner is the true point of beginning for premises herein described; thence running South 26 degrees 30 minutes West along the Easterly line of the Portland - St. Helens County Road 44 feet to a point on said line; thence South 73 degrees 39 minutes East 160 3/4 feet to a point; thence North 26 degrees 58 minutes East 44.52 feet to the North line of the said James Bacon tract as described in Book M, page 56, Deeds; thence North 73 degrees 15 minutes West along the North line of said James Bacon tract, 160 3/4 feet to the true place of beginning and being a part of the Garner T. Foster Donation Land Claim in Section 19, in Township 4 North of Range 1 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 2: Beginning at a point on the Easterly edge of the County Road, said point being South 26 degrees 30 minutes West 44.0 feet from the Northwest corner of that certain tract of land conveyed by William J. Fullerton and Ines F. Fullerton, his wife, to James S. Bacon, by deed dated July 28, 1891, which deed is recorded in Book M, page 56 of Deed Records of Columbia County, Oregon; thence from this place of beginning and following the Easterly edge of the County Road, South 26 degrees 30 minutes West 32.17 feet to a 2" pipe; thence South 70 degrees 34 minutes East 66.83 feet to a 2" pipe; thence South 73 degrees 18

minutes East 100.75 feet to a point; thence North 21 degrees 44 minutes East 36.0 feet to a point; thence North 73 degrees 39 minutes West 164.82 feet to the place of beginning.

Parcel 3: Also a non-exclusive road easement 20 feet in width lying adjacent to the south line of Parcel 2 described above.

Parcel 4: Beginning at the Northeast corner of the Garner T. Foster Donation Land Claim in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence South 37 degrees 15 minutes West 20.60 chains; thence North 73 degrees 15 minutes West 12.88 chains to the Northwest corner of that tract conveyed to James S. Bacon, by deed of July 28, 1891, and recorded in Book M, at page 56, Deed Records; thence South 73 degrees 15 minutes East 30.44 feet along the Northerly line of said tract to a point in the Easterly right of way line of the County Road; thence South 73 degrees 15 minutes East 160.75 feet to the true point of beginning; thence South 73 degrees 15 minutes East a distance of 90 feet; thence South 21 degrees 44 minutes West a distance of 80 feet; thence North 73 degrees 15 minutes West, 90 feet to the Southeast corner of tract conveyed to L. E. Tedrow, et ux., by deed recorded September 27, 1951 in Book 112, page 277, Deed Records, Columbia County, Oregon; thence North 21 degrees 44 minutes East a distance of 36.00 feet; thence North 73 degrees 39 minutes West a distance of 4.07 feet; thence North 26 degrees 58 minutes East a distance of 44.52 feet to the true point of beginning.

Parcel 5: Also a non-exclusive road easement 20 feet in width lying adjacent to the south line of Parcel 4 described above.

Tax Account No. 01-10 411901401000

A tract of land in the Garner T. Foster Donation Land Claim, and lying in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and being all that portion of a tract of land conveyed by William J. Fullerton and Ines F. Fullerton, his wife, to James S. Bacon by deed recorded July 28, 1891, said deed is recorded in Book "M" at page 56 of Deed Records for Columbia County, Oregon, lying North of the North line of "the lane" mentioned by the County Court in the Final Order of the Estate of J. S. Bacon, July 15, 1918, recorded by the Columbia County Clerk in Probate Record Book 5-E at page 163 and as described in deed to M. George, recorded July 11, 1908 in Book 10 at page 493 of said Deed Records, EXCEPTING therefrom the Rose M. Ficklin property described in deed recorded April 6, 1940, in Book 65 at page 602, said Deed Records and also EXCEPTING the James E. Bennett, et ux, property described in deed recorded August 5, 1965, in Book 159 at page 131, said Deed Records and also EXCEPTING all that portion thereof as described in an unrecorded contract dated August 26, 1965, between Arthur J Hallberg, et ux, seller, and James E. Bennet, et ux, buyer, a copy of said contract is on file and of record as Columbia County Assessor's File No. 280. SUBJECT To Easements and rights of way of record AND rights of the public and others to

roads, easements and right of ways.

WHEREAS, the records of the Columbia County Assessor's Office listed James E. and Dorothy Bennett as the record owners of Parcel No. 00-012, and Arthur J. and Ruth Hallberg as the record owners of Parcel No. 00-014 at the time of the foreclosure, and tax statements and notices of foreclosure were sent to the listed record owners; and,

WHEREAS, judgment was entered in *Columbia County v. Transition Support Services, Inc., et al*, Case No. 00-2420, on November 8, 2002, and ownership of said Parcel Nos. 00-011 and 00-014, along with other parcels owned or being purchased by James E. and Dorothy Bennett, was thereafter conveyed to Columbia County, Oregon, by deed recorded at Instrument No. 02-14306; and,

WHEREAS, in early February, 2003, Dorothy Bennett contacted Columbia County and advised that she would like to make arrangements to pay off the taxes, penalties, interest and fees accrued on all property formerly owned by the Bennetts and conveyed to Columbia County, Oregon, and to seek reconveyance of all such property to the Bennetts; and

WHEREAS, at approximately the same time Dorothy Bennett brought in an original Warranty Deed indicating that Arthur J. and Ruth Hallberg had conveyed the property known as Tax Account No. 01-10 4119-014-01000 to James E. and Dorothy Bennett on or about June 24, 1963, said deed being subsequently recorded in the County Clerk deed records; and

WHEREAS, thereafter, on June 18, 2003, Mr. James Bennett tendered a certified check in the amount of \$9,889.09 to Columbia County to apply toward the total back taxes, interest, penalties and fees assessed as of June 18, 2003, on the properties known as Tax Account Nos. 4119-014-00800 and 1000; and,

WHEREAS, ORS 275.180 provides that the County, in its discretion, may, without public notice, sell and convey by deed signed by the Board of County Commissioners to the record owner any property acquired by the county for delinquent taxes for not less than the amount of taxes and interest accrued and charged against such property at the time of purchase by the county with interest thereon at the rate of six percent per annum from the date of such purchase; and,

WHEREAS, the Bennetts have made the payments required to be made under ORS 275.180 on Tax Account Nos. 4119-014-00800 and 1000; and

WHEREAS, on April 8, 1981, the Circuit Court of the State of Oregon for the County of Columbia entered of record the Judgment and Decree in *Columbia County v. Aris, et al*, Case No. 27112; and

WHEREAS, on April 12, 1982, 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 near Warren, Oregon, and known as Tax Account No. 01-10 4119-014-01100, said tax deed being recorded in the County Clerk deed records in Book 242, page 420, and corrected by deed recorded in Book 242, Page 545; and

WHEREAS, this property is more particularly described as:

Tax Account No. 01-10 4119-014-01100

A strip of land in the Garner T. Foster Donation Land Claim, and lying in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and being all that portion of a tract of land conveyed by William J. Fullerton and Ines F. Fullerton, his wife, to James S. Bacon by deed recorded July 28, 1891, said deed is recorded in Book "M" at page 56 of Deed Records for Columbia County, Oregon, commonly referred to as "the lane", mentioned by the County Court in the Final Order of the Estate of J. S. Bacon, July 15, 1918, recorded by the Columbia County Clerk in Probate Record Book 5-E at page 163 and as described in deed to M. George, recorded July 11, 1908 in Book 10 at page 493 of said Deed Records. SUBJECT To Easements and rights of way of record AND rights of the public and others to roads, easements and right of ways.

and

WHEREAS, the Board of County Commissioners has deemed this property surplus to the County's needs, and that the best use would be to the adjacent property owner; and

WHEREAS, James E. Bennett has approached the County with an offer to purchase the lot known as Tax Account No. 01-10 4119-014-01100; 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, this property has been assessed at \$600 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 June 25, 2003, 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; and

WHEREAS, on May 30, 2003, James E. Bennett submitted a check to Columbia County in the amount of \$200 to purchase this parcel ;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- (1) James E. and Dorothy Bennett are authorized to repurchase the property referred to as Tax Account Nos. 4119-014-00800 and 1000 for the sum of

\$9889.09, receipt of which is hereby acknowledged.

- (2) Pursuant to ORS 275.225, the Board authorizes the sale of the property referred to as Tax Account No. 4119-014-01100 for \$200, receipt of which is hereby acknowledged.
- (3) A quitclaim deed, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, conveying the subject properties to James E. Bennett and Dorothy Bennett, husband and wife, shall be signed by this Board and recorded in the records of the County Clerk without cost.

DATED this 16th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *Joe Consiglio*
Chair

By: *John M. Serward*
Commissioner

Approved as to form

By: *John L. [Signature]*
Office of County Counsel

By: *not present*
Commissioner

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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 *, hereinafter called Grantee, and unto * heirs, successors and assigns, all their 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 Nos. 01-10 4119-014-00800, 4119-014-01000 and 4119-014-01100.

The property is more specifically described as: see attached Exhibit A.

The true and actual consideration for this conveyance is \$10,089.09 and other valuable consideration.

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. 55 - 2003 adopted on July 16, 2003, and filed in Commissioners Journal at Book ___, Page ___.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ___ day of July, 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 July, 2003, by Joe Corsiglia, Rita Bernhard and Tony 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:
James E. and Dorothy Bennett
56574 Old Portland Road
Warren, OR 97051
[Until a change is requested, send all tax statements to
Grantee at above address]

EXHIBIT A
to quitclaim deed to James E. and Dorothy Bennett

Tax Account Nos. 01-10 4119-014-00800, 01000 and 01100

Tax Account No. 01-10 4119-014-00800

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Tax Account No. 01-10 411901401000

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Deed Records and also EXCEPTING the James E. Bennett, et ux, property described in deed recorded August 5, 1965, in Book 159 at page 131, said Deed Records and also EXCEPTING all that portion thereof as described in an unrecorded contract dated August 26, 1965, between Arthur J Hallberg, et ux, seller, and James E. Bennet, et ux, buyer, a copy of said contract is on file and of record as Columbia County Assessor's File No. 280. SUBJECT To Easements and rights of way of record AND rights of the public and others to roads, easements and right of ways.

Tax Account No. 01-10 4119-014-01100

A strip of land in the Garner T. Foster Donation Land Claim, and lying in Section 19, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and being all that portion of a tract of land conveyed by William J. Fullerton and Ines F. Fullerton, his wife, to James S. Bacon by deed recorded July 28, 1891, said deed is recorded in Book "M" at page 56 of Deed Records for Columbia County, Oregon, commonly referred to as "the lane", mentioned by the County Court in the Final Order of the Estate of J. S. Bacon, July 15, 1918, recorded by the Columbia County Clerk in Probate Record Book 5-E at page 163 and as described in deed to M. George, recorded July 11, 1908 in Book 10 at page 493 of said Deed Records. SUBJECT To Easements and rights of way of record AND rights of the public and others to roads, easements and right of ways.

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