



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of February 25, 2015

Please see directions for completing this document on the next page.

DATE: February 11, 2015

FROM: James Lewis Property & Facilities 541-385-1414

TITLE OF AGENDA ITEM:

Consideration of Board signature of Document 2015-108, a Quitclaim Deed to the City of Bend to remove a reversionary clause.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

On January 5, 1949, Deschutes County conveyed approximately 50 +/- acres of land on the south slope of Awbrey Butte to the City of Bend. At the time of this conveyance, the deed contained a reversionary clause to Deschutes County, requiring that the property be used for public purposes for no less than 20 years (as a requirement of State law). Pursuant to ORS 271.330, upon receiving evidence that the statutory requirement for public use has been maintained for not less than 20 years, the reversionary requirement can be relinquished. In this instance, the reversionary obligation for public use ended in January, 1969. The available evidence indicates that up until that time, the owners and uses of the property have all been for the public benefit. The Quitclaim deed releases and quitclaims to the City of Bend all of Deschutes County's right, title and interest in and to the subject property.

FISCAL IMPLICATIONS:

No on-going implications. Deschutes County releases and quitclaims to the City of Bend all of Deschutes County's right, title and interest in and to the property for other value given that is the whole consideration.

RECOMMENDATION & ACTION REQUESTED:

Staff recommends signature of Document 2015-108.

ATTENDANCE: James Lewis, Property Manager

DISTRIBUTION OF DOCUMENTS:

Original to James Lewis.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

After recording return to:
City Attorney
City of Bend
710 NW Wall St.
Bend OR 97701

Send tax statements to:
City Attorney
City of Bend
710 NW Wall St.
Bend OR 97701

QUIT CLAIM DEED

Deschutes County, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to the City of Bend, an Oregon municipal corporation, Grantee, all right, title and interest in and to the following described real property described as:

The Southeast Quarter of the Southeast Quarter, Section 30, Township 17 S, Range 12 East of the Willamette Meridian; and the South 300 Feet of the Northeast Quarter of the Southeast Quarter, Section 30, Township 17 South, Range 12 East of the Willamette Meridian.

The interests released include all rights to any possibility of reverter and other reversionary interests reserved in the deed dated January 5, 1949, recorded in Book 88 of Deschutes County Official Records, Page 598.

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. 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."

Consideration is other value given that is the whole consideration.

SIGNATURES ON FOLLOWING PAGES

Dated this _____ of _____, 2015 BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

TAMMY BANEY, Commissioner

STATE OF OREGON)
) ss.
County of Deschutes)

Before me, a Notary Public, personally appeared ANTHONY DeBONE, ALAN UNGER and TAMMY BANEY, the above-named Board of County Commissioners of Deschutes County, Oregon, and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this _____ day of _____, 20__.

Notary Public for Oregon
My Commission Expires: _____

Accepted by:

STATE OF OREGON)
) ss.
County of Deschutes)

THE CITY OF BEND

This instrument was acknowledged before me on _____, 2015 by Eric King as City Manager for the City of Bend.

Eric King, City Manager

Notary Public for Oregon
My Commission Expires: _____