



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 August 26, 2015

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

DATE: August 13, 2015

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

TITLE OF AGENDA ITEM:

Consideration of Board signature of Document 2015-554, a Quitclaim Deed to Central Oregon Irrigation District to remove a reservation for removal of road materials.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

Central Oregon Irrigation District (COID) has requested a release of a County interest and reservation for the right of entry to remove road materials from property that COID owns in Bend (see Exhibit A). The reservation was retained on the subject property when the County sold the property to a private party in 1944. Subsequent to that sale, COID later acquired the property with the reservation. Research indicates that the County never utilized the reservation, and does not have any need for the reservation today (after consultation with the County Road Department). Further, since the time the reservation was retained, the land use laws have changed to prevent such removal. The property is not zoned for surface mining (and would likely not be approved for such), and does not have any necessary permits from the State Department of Geology and Mining Industries. The Quitclaim deed releases and quitclaims to COID all of Deschutes County's right, title and interest in and to the subject property pursuant to the original deed recorded on September 7, 1944 (Number 65-373 in Deschutes County Real Property Records) containing such reservation.

FISCAL IMPLICATIONS:

No implications. Deschutes County releases and quitclaims to COID 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 2015-554.

ATTENDANCE: James Lewis, Property Manager

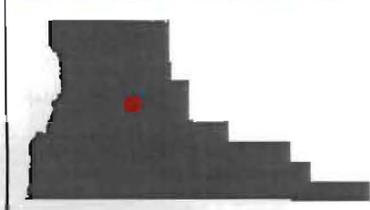
DISTRIBUTION OF DOCUMENTS:

Original to James Lewis.

COID

EXHIBIT A

Quitclaim to Remove Reservation



REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

After recording return to:
Myles Conway
Marten Law
404 S.W. Columbia Street, Suite 212
Bend OR 97702

Until a change is requested, all tax statements
shall be sent to the following address:

No change

QUIT CLAIM DEED

Deschutes County, a political subdivision of the State of Oregon ("Grantor"), releases and quitclaims to the Central Oregon Irrigation District, a municipal corporation of the State of Oregon ("Grantee"), all of its right, title and interest in the reservation specified in the County Deed recorded on September 7, 1944 as Instrument Number 65-373 of the Deschutes County real property records.

The true consideration is other value given that is the whole consideration.

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."

SIGNATURE LINES ON FOLLOWING PAGE

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 _____, 2015.

Notary Public for Oregon
My Commission Expires: _____