



Deschutes County Board of Commissioners
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(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For BOCC Meeting of June 29, 2016

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

DATE: June 22, 2016

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

TITLE OF AGENDA ITEM:

Consideration of Board signature of Document 2016-450, a Bargain and Sale Deed to The City of Redmond.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

The attached Bargain and Sale Deed conveys property to the City of Redmond via donation for open space, park and natural area use (as a portion of the Homestead Canal in Redmond) as permitted by ORS 271.330 (3). The subject property is located at the south end of the trail alignment as it runs through Redmond, south of Greens Boulevard, and adjacent to the COID main canal and The Greens subdivision. The property was acquired by Deschutes County through property tax foreclosure / tax deed in January 2016. The property consists of thin strip of land with an existing cinder trail that adjoins single-family homes to the east and the canal to the west. This donation is in response to a request from the Redmond City Manager, as indicated through correspondence (see attached). The donation contains a clause citing the requirement for reversion to Deschutes County ownership if such property is not used for public open space, park and natural use in perpetuity as required by the above listed Statute.

This issue was discussed at a work session with the BOCC on June 22, 2016.

FISCAL IMPLICATIONS:

There is no consideration for this conveyance. The donation of property is for open space, park and natural area use as permitted by ORS 271.330 (3).

RECOMMENDATION & ACTION REQUESTED:

Staff recommends signature of Documents 2016-450.

ATTENDANCE: James Lewis, Property Manager

DISTRIBUTION OF DOCUMENTS:

Original to James Lewis for recordation.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

After Recording, Return To:
City of Redmond, Oregon
Keith Witcosky, City Manager
716 SW Evergreen Avenue
Redmond, OR 97756

After recording, forward all tax
statements to:
Same as above

BARGAIN AND SALE DEED

DESCHUTES COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to the CITY OF REDMOND, an Oregon municipal corporation, "Grantee", the following described real property:

See "Exhibit A", attached hereto.

SUBJECT TO: all encumbrances of record and those common and apparent on the land.

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.

The true consideration for this conveyance is zero (0) dollars as the use of the land is for open space, parks or natural areas for perpetual public use pursuant to Oregon Revised Statute (ORS) 271.330 (3). Such property shall be used solely for those uses described in ORS 271.330 (3), or such property shall revert back to ownership by Grantor.

SIGNATURES ON FOLLOWING PAGE

DATED this ____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, Chair

ATTEST:

TAMMY BANEY, Vice-Chair

Recording Secretary

ANTHONY DEBONE, Commissioner

STATE OF OREGON)
) ss.
County of Deschutes)

Before me, a Notary Public, personally appeared ALAN UNGER, TAMMY BANEY and ANTHONY DEBONE, 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 _____, 2016

Notary Public for Oregon

My Commission Expires: _____

ACCEPTED BY THE CITY OF REDMOND

Keith Witcosky, City Manager

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on _____, 2016, by Keith Witcosky as City Manager of the City of Redmond.

DATED this ____ day of _____, 2016

Notary Public – State of Oregon

My Commission Expires: _____

EXHIBIT A

In Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon:

Section 29: The West Half of the NW 1/4, EXCEPTING THEREFROM: Beginning at the Southeast corner of the NW 1/4 NW 1/4 of said Section 29; thence North 700 feet; thence West 40 feet to Lateral C of the Central Oregon Irrigation District Canal; thence following the meanderings of said Lateral C in a Southwesterly direction 610 feet to a point in said Lateral C where said Lateral C makes a curve to a Southeasterly direction; thence following Lateral C in a Southeasterly direction to a point of intersection of said Lateral C with the South line of said NW 1/4 NW 1/4 ; thence following said South line 137.5 feet East to the place of beginning; ALSO EXCEPT a parcel of land lying in the NW 1/4 NW 1/4 of said Section 29, described as follows: Beginning at a point located 460 feet East and 400 feet South of the Northwest corner of said Section 29; thence East a distance of 400 feet; thence South a distance of 500 feet; thence West a distance of 400 feet; thence North a distance of 500 feet to the point of beginning; AND EXCEPT that portion of the NW 1/4 NW 1/4 of said Section 29, bounded as follows: Beginning at the Northwest corner of said Section 29 and running thence Southerly along the West line of said section a distance of 600 feet; thence Easterly on a line parallel to the North line of said section a distance of 460 feet; thence Northerly on a line parallel to the West line of said section a distance of 200 feet; thence Easterly on a line parallel to the North line of said section a distance of 860 feet, more or less, to the East line of said NW 1/4 NW 1/4 ; thence Northerly along said East line to the Northeast corner of said NW 1/4 NW 1/4; thence Westerly along the North line of said section to the point of beginning; AND ALSO EXCEPT a parcel of land lying in the NW 1/4 NW 1/4 of said Section 29, described as follows: Beginning at a point 400 feet South and 859.88 feet East of the Northwest corner of said Section 29; thence South 500 feet; thence East 271.82 feet; thence North 22° 28' 30" East 223.08 feet; thence North 9° 15' 30" East 297.74 feet; thence West 405.0 feet, more or less, to the point of beginning; ALSO EXCEPTING that portion of the W 1/2 NW 1/4 of said Section 29, lying within the right of way of the Old Dalles-California Highway.

NW 1/4 SW 1/4 Section 29; NE 1/4 SE 1/4 Section 30, EXCEPTING THEREFROM the following described tract of land:

A portion of the NE 1/4 SE 1/4, Section 30, Township 15 South, Range 13 East of the Willamette Meridian. The point of beginning being North 46° 55' East 1811.33 feet from the South 1/4 corner of said Section 30, thence East 198.38 feet; thence North 37° 20' East 249.72 feet, thence along the highway right-of-way along the arc of an 8° curve, bearing North 37° 43' East 38.70 feet; thence North 1094.10 feet, thence West 373.50 feet, thence South 1323.33 feet to the point of beginning, and find that there are 11.13 acres within said parcel.