

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Declaring Certain Tax Foreclosed Property as Surplus, Authorizing the Sale of the Property by Private Sale, Approving of an Access Easement over the Property, and Ordering Distribution of Proceeds (Tax Lot No. R3434 01190)

BOARD ORDER 23-139

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on April 13, 2023, commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

WHEREAS, ORS Chapter 275 governs the sale of surplus county real properties. ORS 275.225 authorizes a private sale of county surplus property under the following conditions:

- A. The property has a real market value of less than \$15,000 on the tax assessment roll; and
- B. The property is unsuited for the construction or placement of a dwelling thereon under current zoning ordinances and building codes of the county; and

WHEREAS, On October 17, 2013, the Circuit Court of the State of Oregon entered a General Judgment of Foreclosure for the Yamhill County (the “County”) via Case No. 13CV05396 (the “Judgment”); and

WHEREAS, Pursuant to the Judgment, the County acquired certain foreclosed property (hereinafter referred to as the “Property”) more particularly described as:

Tax Lot No. R3434 01190 **Account No. 543037**
BEGINNING AT A POINT IN THE CENTER OF THE STATE HIGHWAY LEADING FROM MCMINNVILLE TO CARLTON, WHICH POINT IS SOUTH 57°14' WEST 11.453 CHAINS FROM THE SOUTHEAST CORNER OF THE J.J. HEMBREE DONATION LAND CLAIM IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON; THENCE NORTH 89°16' WEST 14.317 CHAINS; THENCE NORTH 00°12' EAST 10.124 CHAINS; THENCE SOUTH 89°18' EAST 5.487 CHAINS TO CENTER OF THE STATE HIGHWAY; THENCE SOUTH 23°23' EAST 22.050 CHAINS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO COLUMBIA GROWERS & PACKING CORPORATION BY DEED RECORDED JUNE 6, 1938, BOOK 114, PAGE 257, YAMHILL COUNTY DEED RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTION THEREOF LYING NORTH OF THE MOST SOUTHERLY LINE OF THE ABOVE COLUMBIA GROWERS PARCEL AND ITS EASTERLY AND WESTERLY EXTENSIONS.

WHEREAS, On March 30, 2023, the County received a sealed bid from Bernards Bros. Properties, LLC (the "Purchaser") to purchase the Property, as provided in the attached Exhibit 1; and

WHEREAS, The Property meets to provisions of ORS 275.225 because the assessed value is less than \$15,000 and the Property is unsuitable for the construction or placement of structures thereon; and

WHEREAS, It is in the County's best interest to sell the Property for \$ 500.00; and

WHEREAS, The Property is being utilized as a private road, and an easement is necessary to ensure the surrounding property owners maintain lawful access to their parcels; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. DECLARATION OF SURPLUS PROPERTY.

The Property is not in use for any County purpose and is hereby declared to be surplus.

2. AUTHORIZATION OF SALE; PURCHASE PRICE.

The sale of Tax Lot No. R3434 01190 to Bernards Bros. Properties, LLC as authorized by ORS 275.225 is hereby confirmed for the purchase price of \$ 500.00, plus the costs to record.

3. APPROVAL OF ACCESS EASEMENT.

The Access Easement provided in Exhibit 2, attached hereto, is hereby approved and shall be recorded prior to conveying the Property.

4. APPROVAL OF QUITCLAIM DEED.

Conveyance of the Property shall be done via the Quitclaim Deed provided in Exhibit 3, attached hereto.

5. CONFIRMATION OF SUMS ALLOWED BY ORS 275.275(1).

As permitted under ORS 275.275(1)(c), the following amount shall be deducted from the gross proceeds to reimburse the County for all the costs and expenses incurred by the County in the maintenance and supervision of such properties and in any suits by it to quiet title to property sold:

- o Attorney/staff time fee:\$ 200.00
 - o Deed preparation fee:\$ 200.00
- TOTAL\$ 400.00**

6. DISTRIBUTION OF GROSS PURCHASE PRICE PROCEEDS.

The gross purchase price proceeds from the sale shall be distributed to as follows:

- To County Counsel (10-25-351.01).....\$ 400.00
- To unsegregated tax account.....\$ 100.00

DONE at McMinnville, Oregon on April 13, 2023.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



Lindsay Berschauer

KERI HINTON
County Clerk

Chair LINDSAY BERSCHAUER

By: *Carolina Rook*
Deputy CAROLINA ROOK

Kit Johnston
Commissioner KIT JOHNSTON

FORM APPROVED BY:

Jodi Gollehon

Mary Starrett

JODI GOLLEHON
Assistant County Counsel

Commissioner MARY STARRETT

Accepted by Yamhill County
Board of Commissioners on
4.13.23 by Board Order
BO. 23-139

