



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 March 11, 2015

DATE: March 6, 2015

FROM: David Doyle Legal 388-6625

TITLE OF AGENDA ITEM:

Board signature Accepting Quitclaim Deed (Document No. 2015-142) for a portion of Hughes Road.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

In 1967 and again in 1972, the Moores conveyed a portion of Hughes Road to Deschutes County for road purposes. The County did not formally accept either conveyance. The area conveyed was used by the public.

Presently CDD needs to confirm the status of that portion of Hughes Road before it can proceed with a pending development application. Legal met with CDD and Road and concluded that the cleanest way to clear up the status of Hughes Road would be for the original grantors to convey yet again that portion of Hughes Road - only this time the County will formally accept the conveyance.

FISCAL IMPLICATIONS:

None. This is a local access road and no county funds are used to maintain the roadway.

RECOMMENDATION & ACTION REQUESTED:

Board signature on Document No. 2015-142, accepting the quitclaim conveyance of Hughes Road and clearing the status of same so that CDD may proceed with a pending development application.

ATTENDANCE: David Doyle, Legal

DISTRIBUTION OF DOCUMENTS:

David Doyle, Legal

DESCHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections **above** the Official Review line.

Date:

Department:

Contractor/Supplier/Consultant Name:

Contractor Contact:

Contractor Phone #:

Type of Document: Acceptance of Quitclaim Deed- Document No. 2015-142

Goods and/or Services: Quitclaim deed conveying a portion of Hughes Road

Background & History: In 1967 and again in 1972, the Moores conveyed a portion of Hughes Road to Deschutes County for road purposes. The County did not formally accept either conveyance. The area conveyed was used by the public.

Presently CDD needs to confirm the status of that portion of Hughes Road before it can proceed with a pending development application. Legal met with CDD and Road and concluded that the cleanest way to clear up the status of Hughes Road would be for the original grantors to convey yet again that portion of Hughes Road - only this time the County will formally accept the conveyance.

Agreement Starting Date:

Ending Date:

Annual Value or Total Payment:

Insurance Certificate Received (check box)

Insurance Expiration Date:

Check all that apply:

- RFP, Solicitation or Bid Process
 - Informal quotes (<\$150K)
 - Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)
-

Funding Source: (Included in current budget? Yes No)

If **No**, has budget amendment been submitted? Yes No

Is this a Grant Agreement providing revenue to the County? Yes No

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter: Yes No

Contact information for the person responsible for grant compliance:

Name:

Phone #:

Departmental Contact and Title: David Doyle, Legal
388-6625

Phone #:

Department Director Approval:  3-6-15
Signature Date

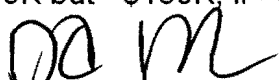
Distribution of Document: Who gets the original document and/or copies after it has been signed? Include complete information if the document is to be mailed.

Official Review:

County Signature Required (check one): BOCC Department Director (if <\$25K)

Administrator (if >\$25K but <\$150K; if >\$150K, BOCC Order No. _____)

Legal Review

 Date 3-6-15

Document Number
2015-142



After recording return to:

Deschutes County
Attn.: David Doyle, County Counsel
P.O. Box 6005
Bend, OR 97708-6005

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

No Change Requested

QUITCLAIM DEED

GORDON MOORE AND MARGARET MOORE, husband and wife, Grantor, conveys to DESCHUTES COUNTY, a political subdivision of the State of Oregon, Grantee, the following described real property in Deschutes County, Oregon described as:

A tract of land for road purposes described as follows:

Description of a fifty (50) foot road right-of-way being twenty-five feet on either side of a center line located in the Southwest Quarter of the Southwest Quarter of Section Twelve, Township Seventeen South, Range Twelve East of the Willamette Meridian, more particularly described as follows: Beginning at a point whence the Southwest corner of said Section Twelve bears North 89° 04' 00" West, 658.13 feet; then North 00° 33' 03" East 1320.36 feet. ALSO – The South Thirty feet of the East half of said Southwest Quarter of the Southwest Quarter of Section Twelve.

This land has previously been conveyed to Deschutes County in a Bargain and Sale deed dated February 15, 1971 and recorded in Volume 182, page 486 on February 17, 1972. An easement over this land was granted to the public in perpetuity by a bargain and sale deed dated July 31, 1967 recorded at Volume 155, page 108 on July 31, 1967. This land – excepting The South Thirty feet of the East half of said Southwest Quarter of the Southwest Quarter of Section Twelve – has, since February 17, 1972, been continuously used by the Public as public road right of way. Accordingly, this conveyance is intended to provide compliance with ORS 92.014(2) and ORS 93.808, as applicable, and to formalize previous implied and/or common law acceptance by grantee Deschutes County.

The true consideration for this conveyance is zero dollars.

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, AND 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 4 day of March, 2015.

Gordon Moore
Gordon Moore

Margaret Moore
Margaret Moore

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

This instrument was acknowledged before me on March 4, 2015 by Gordon Moore and Margaret Moore.



Theresa K Trudeau
Notary Public
Print Name Theresa K Trudeau
My commission expires 6.19.17

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Quit Claim Deed to which this acceptance is attached pursuant to ORS 92.014(2) and ORS 93.808.

DATED this ____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ATTEST:

ALAN UNGER, Vice-Chair

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: _____