



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: July 8, 2020

Department: Public Works Agenda Planning Date: July 2, 2020 Time required: 15 Mins

Audio/Visual aids

Contact: Brian Nicholas Phone: (503) 588-7943

Department Head Signature: Brian Viehl

TITLE Schuler Road Property Transfer

Issue, Description & Background Consider transferring the remaining properties acquired for the Champoeg Memorial Highway, commonly known as Schuler Road, to the State of Oregon through the Oregon Parks and Recreation Department as described in the attached Quitclaim Deed. Marion County has received a request from the Oregon Parks and Recreation Department (OPRD) through John Mullen, the Champoeg State Park Manager, stating that OPRD is interested in receiving from Marion County through jurisdictional transfer the parcel(s) on which resides Schuler Road. Schuler Road is Marion County's name for the eastern most segment of the Champoeg Bikeway where the bikeway intersects Butteville Road just south of Butteville. Public Works proposes to proceed with jurisdictional transfer in accordance with Policy 809 and ORS 271.330. OPRD is interested in maintaining the entire length of the bikeway in a consistent way and is capable of doing so. Refer to the attached exhibits for identification of the parcels in question. Properties were acquired for the proposed Champoeg Memorial Highway in 1936. Marion County conveyed the majority of the acquired properties to the State of Oregon through the State Highway Commission in 1957 by deed Vol. 506, Pages 109-110 and in 1965 by deed Vol. 610, Pages 648-649. The 1965 deed omitted a portion of property located in Section 5 (AREA 1), and did not include the property described in Vol. 230, Pages 633-635 (AREA 2). Additionally, Marion County is quitclaiming any interest in the portion of property located between AREA 2 and the west right of way line of Butteville Road (Area 3).

Financial Impacts: None

Impacts to Department & External Agencies: None

Options for Consideration: 1. Approve the Quit Claim Deed transferring the above mentioned portions of property to the State of Oregon. 2. Deny the Quit Claim Deed and not transfer the above mentioned properties to the State of Oregon.

Recommendation: Transfer the above mentioned properties to the State of Oregon.



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Options for
Consideration:

- 1. Transfer the above mentioned portions of property to the State of Oregon.
- 2. Not transfer the above mentioned properties to the State of Oregon.

Recommendation:

Transfer the above mentioned properties to the State of Oregon.

List of attachments:

Schuler Road photos, highlighted information map, and Quitclaim deed.

Presenter:

Brian Nicholas and or Kent Inman

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:



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Report a problem

I.W., W.M.
I.W., W.M.

31
32
5

MAIN

AMERICAN ST.

SECOND ST.

R. Woolworth
Bk. 66 - P. 298
" 64 - " 189
" 89 - " 272
0.65 Ac.

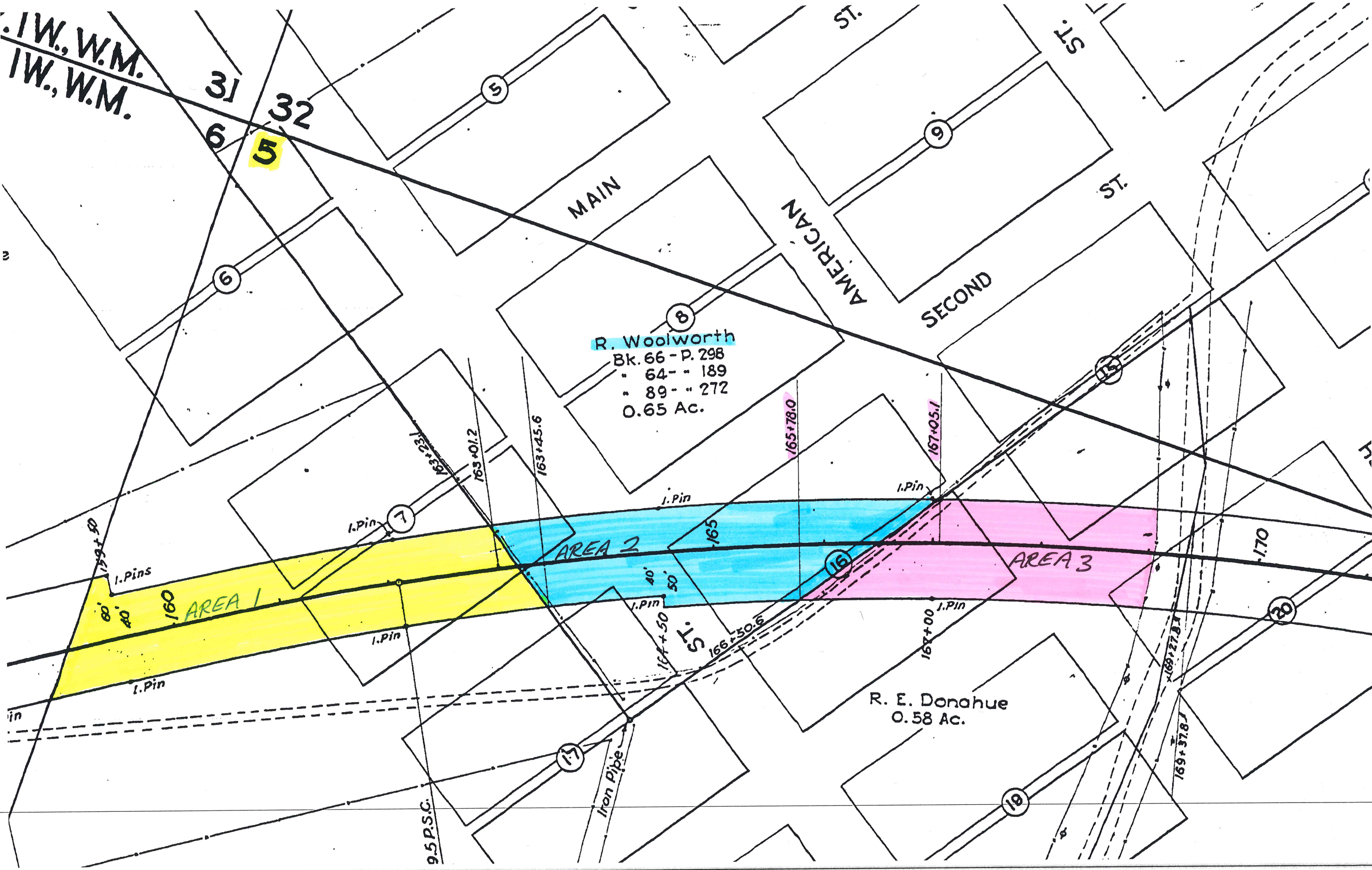
AREA 2

AREA 3

R. E. Donahue
0.58 Ac.

AREA 1

Iron Pipe



9.5 P.S.C.

Iron Pipe

in

ft.

Grantor's Name:
Marion County
 After recording return and send all tax statements to:
 Grantee:
Oregon Parks and Recreation Dept.
725 Summer Street NE, Suite C
Salem, OR 97301-1266

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **Marion County, a political subdivision of the State of Oregon**, hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto, **The State of Oregon by and through the Oregon Parks and Recreation Department**, hereinafter called grantee and unto grantee's heirs, successors and assigns all of the grantor's right, title, and interest in that certain real property with the tenements, hereditaments and appurtenances there unto belonging or in any way appertaining, situated in the **County of Marion**, State of Oregon, described as follows:

See Exhibit A attached.

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$ 000.00** In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 8th day of July 2020; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized thereto by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER THE 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.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY CONTAIN ENVIRONMENTAL HAZARDS, CONTAMINATION, AND/OR WETLANDS. SELLER ASSUMES NO RESPONSIBILITY AND IS IN NO WAY LIABLE FOR ANY CLEANUP, ABATEMENT, MITIGATION, REMEDIATION OR OTHER ACTIONS IN CONNECTION WITH THESE POSSIBLE CONDITIONS.

MARION COUNTY BOARD OF COMMISSIONERS

 CHAIR

 COMMISSIONER

 COMMISSIONER

STATE OF OREGON)
) ss
 County of Marion)

This instrument was acknowledged before me on _____, 2020

By _____

as Marion County Commissioners.

 Notary Public for Oregon

EXHIBIT A

AREA 1

That portion of a strip of land conveyed to Marion County from R. E. and Emma L. Donahue as described in Volume 226, Pages 66-67 of the Marion County Deed Records lying within Section 5, Township 4 South, Range 1 West, Willamette Meridian.

AREA 2

That strip of land conveyed to Marion County from Minnie E. Dodge (also known as Minnie Dodge), Ray and Nora Woolworth as described in Volume 230, Pages 633-635 of the Marion County Deed Records.

AREA 3

A strip of land located in the Northwest Quarter of Section 5, Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon, said strip being described as follows:

That entire portion of a ninety foot (90') wide strip of land located between Engineer's centerline Station 167+05.1 on the north side of said strip and Engineer's centerline Station 165+78.0 on the south side of said strip as depicted on Marion County Survey Record Number 1794 and the west right of way line of Butteville Road.



EXPIRES 6/30/21

**CERTIFICATE OF APPROVAL OF CONVEYANCE
(ORS 93.808)**

The State of Oregon, acting through the Oregon Parks and Recreation Commission on behalf of the Oregon Parks and Recreation Department, hereby approves and accepts, pursuant to ORS 93.808, the conveyance by quitclaim deed from Marion County, a Political subdivision of the State of Oregon, to the State of Oregon of the real property described in the deed to which this Certificate is attached.

DATED this ____ day of _____, 20____.

State of Oregon, acting by and through the Oregon
Parks and Recreation Commission on behalf of the
Oregon Parks and Recreation Department

By: _____
Name: Lisa Sumption
Title: Director, Oregon Parks and
 Recreation Department

ACKNOWLEDGEMENT

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on this ____ day of _____, 20____, by Lisa Sumption as the Director of the Oregon Parks and Recreation Department and authorized representative of the Oregon Parks and Recreation Commission, acting under authority granted to her by the Commission.

Notary Public for Oregon
My Commission Expires: _____