



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 4/23/2025

Department: Public Works



Title:

North Santiam Canyon Sewer Project - Warranty Deed

Management Update/Work Session Date: 4/15/2025

Audio/Visual aids ☐

Time Required: 5 minutes

Contact: Chris Einmo

Phone: 503-566-4119

Requested Action:

Endorse Warranty deed for real property acquisition and title transfer for a property located in Linn County for North Santiam Canyon Sewer Project on which the new Mill City Wastewater Treatment Plant will be constructed.

Issue, Description
& Background:

Under Agreement SR2240, OBDD awarded \$50M in American Rescue Plan Act funds to Marion County for the purpose of constructing wastewater system improvements in the North Santiam Canyon. The project is required to deliver a municipal wastewater treatment plant under very aggressive funding deadlines.

Public Works has completed the creation of the parcel on which the new Mill City Wastewater Treatment Plant will be constructed. The next step in the real property acquisition process will be endorsement of the deed by the current property owners transferring title to Marion County, followed by acceptance of title by the Board.

Financial Impacts:

The purchase price for this property is \$1,639,000, which includes an obligation for the property owner to dedicate to the public an additional 2.10 acres at no cost to Marion County to accommodate realignment of Fairview Street. This is a budgeted expense in the current fiscal year.

Impacts to Department
& External Agencies:

There are no impacts to external agencies, but this project will benefit the public at large.

List of attachments:

Warranty deed

Presenter:

Chris Einmo

Department Head
Signature:

Dennis Mansfield

Digitally signed by Dennis Mansfield
Date: 2025.04.16 13:59:34 -07'00'

Recording Cover Sheet

All Transactions (ORS 205.234)

After Recording Return To:

Marion County Public Works Department

5155 Silverton Road NE

Salem, OR 97305

Mail Tax Statements To:

Exempt, Public Property

Reserved for Recording Label

1. Name / Title of Transaction (ORS 205.234 (1a))

Warranty Deed

2. Grantor / Direct Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

Lucas Joint Revocable Living Trust, Donna J. Berning, Trustee, 720 Michael Way, Aumsville,
Oregon 97305; Scott J. and Shelly J. Baughman, 270 Whitten Road, Mill City, OR 97360

3. Grantee / Indirect Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

Marion County, a political subdivision of the State of Oregon

4. True and Actual Consideration (ORS 93.030)

\$1,639,000.00

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244)

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, That **Donna J. Berning, Trustee of the Lucas Joint Revocable Living Trust, dated November 5, 2019, as to an undivided 2/3 interest and Scott J. Baughman and Shelly J. Baughman, as tenants by the entirety as to an undivided 1/3 interest**, hereinafter called the grantor, hereby conveys and warrants unto **Marion County, a political subdivision of the State of Oregon**, hereinafter called the grantee, its successors and assigns, all that real property located in Linn County, State of Oregon, and more particularly described as follows:

See Exhibit "A" attached and as shown on Exhibit Map attached to and made a part hereof.

And covenants that grantor is the owner of the above-described property free of all encumbrances except those of record, if any.

The true and actual consideration paid for this conveyance is **One Million Six Hundred Thirty-Nine Thousand and no/100 Dollars (\$1,639,000.00)**.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument on _____; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

The following is the notice as required by Oregon law: "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 remainder of this page left intentionally blank.)

Grantor: Marion County Acceptance By:
Marion County Board of Commissioners

Donna J. Berning, Trustee
Lucas Joint Revocable Trust

Scott J. Baughman

Shelly J. Baughman

Date

This instrument was acknowledged before me on _____, 2025,
by Donna J. Berning as Trustee of the Lucas Joint Revocable Trust.

[illegible]

This instrument was acknowledged before me on _____, 2025,
by Scott J. Baughman.

[illegible]

This instrument was acknowledged before me on _____, 2025,
by Shelly J. Baughman.

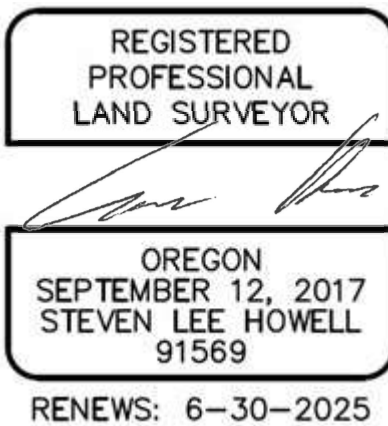
Notary Public for Oregon
My Commission Expires:

EXHIBIT A

A unit of land situated in the northeast one-quarter of Section 32, Township 9 South, Range 3 East, of the Willamette Meridian, Linn County, Oregon, being more particularly described as follows:

Parcel 2 of Partition Plat 2025-07, Linn County Record of Partition Plats.

Containing 10.15 acres, more or less.

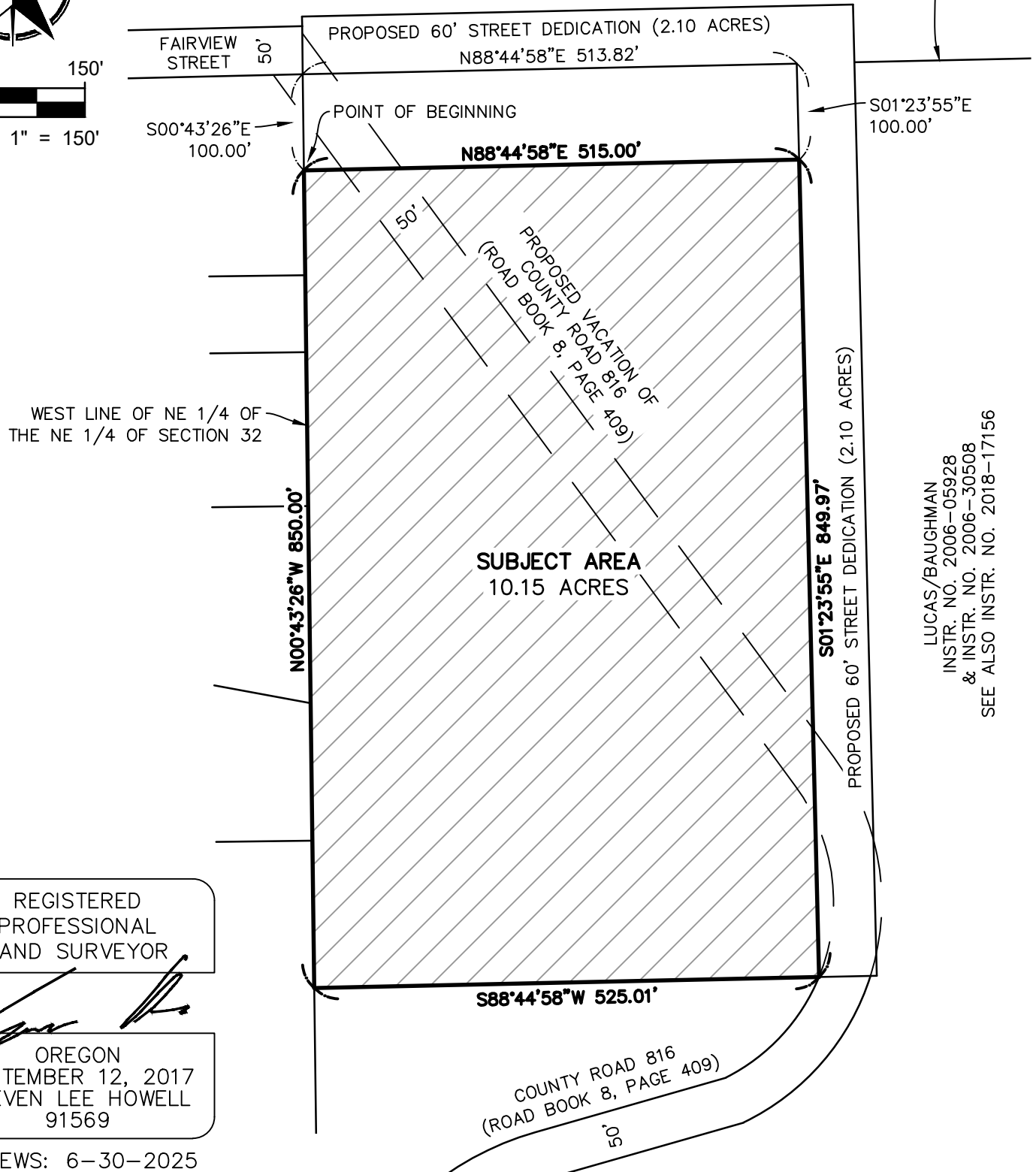




0' 150'
SCALE: 1" = 150'

LUCAS/BAUGHMAN
INSTR. NO. 2006-05928
& INSTR. NO. 2006-30508
SEE ALSO INSTR. NO. 2018-17156

NORTH LINE OF
SECTION 32



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

EXHIBIT B

IN THE NE 1/4 OF SECTION 32,
TOWNSHIP 9 SOUTH, RANGE 3 EAST, W.M.
LINN COUNTY, OREGON
DATE: JANUARY 02, 2025

SURVEYED FOR: KELLER ASSOCIATES



FFN SURVEYING

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
23-452

SHEET
1/1

LUCAS/BAUGHMAN
INSTR. NO. 2006-05928
& INSTR. NO. 2006-30508
SEE ALSO INSTR. NO. 2018-17156