

RESOLUTION NO. 2638

Introduced by All Commissioners

A RESOLUTION DECLARING CERTAIN PROPERTY
TO HAVE NO REAL MARKET VALUE

WHEREAS, the City of Warrenton is the owner of certain real property (the "Property") commonly known as 200 SW 3rd St., Warrenton, OR and more particularly described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the City acquired the Property by Bargain & Sale Deed from Clatsop County, dated November 24th, 1976 and recorded in Book 441, Page 629 of the Clatsop County Deed Records; and

WHEREAS, pursuant to that deed, the Property is subject to reversion to Clatsop County if the property is not used for "a joint city-school usage in relation to the city's park development program... or other suitable public municipal purposes"; and

WHEREAS, in 2016, City voters enacted Measure 4-181, amending the City Charter to add Charter Chapter XI, which requires double majority voter approval prior to sale or other disposal of certain City assets, including any real property with a real market value of \$100,000 or more in 2014 dollars; and

WHEREAS, due to certain ambiguities in the language of Measure 4-181, in 2017, the City Commission, in consultation with the proponents and drafters of the initiative, adopted Chapter 3.40 of the Warrenton Municipal Code to clarify how the measure would be implemented; and

WHEREAS, pursuant to Section 3.40.040 of the Warrenton Municipal Code, the City Commission may declare by resolution that the value of any asset the City seeks to sell, trade, divest or otherwise dispose of is less than the amount that would require voter approval under Charter Chapter XI; and

WHEREAS, said section of the Municipal Code further provides for notice of adoption of such a resolution as well as an opportunity for appeal; and

WHEREAS, Section 3.40.020 of the Warrenton Municipal Code provides that "Real property the City may not sell due to statutory or other restrictions, such as a street vacation or real property with a title that contains a reversion clause if no longer used for a public purpose has no real market value";

NOW, THEREFORE, the City Commission of the City of Warrenton resolves as follows:

SECTION 1. The property commonly known as 200 SW 3rd St., Warrenton, OR and more particularly described in Exhibit A, attached hereto and incorporated herein by reference, was

acquired by a title that contains a reversion clause if no longer used for a public purpose and therefore, pursuant to Section 3.40.020 of the Warrenton Municipal Code, has no real market value and is not subject to the voter approval requirements of Chapter XI of the City Charter.

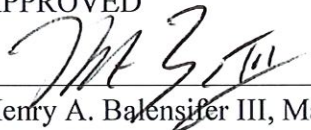
SECTION 2. The City Recorder, or designee, is directed to provide notice of adoption of this resolution in accordance with Section 3.40.040 of the Warrenton Municipal Code.

SECTION 3. Appeal of the determination of value in this resolution may be taken in accordance with Section 3.40.040 of the Warrenton Municipal Code.

Adopted by the City Commission of the City of Warrenton this 10th day of January 2023.

This resolution shall take effect immediately upon its passage.

APPROVED


Henry A. Balensifer III, Mayor

ATTEST


Dawne Shaw, CMC, City Recorder

LEGAL DESCRIPTION**Property Line Adjustment****Tax Lot 81021BD04100, City of Warrenton, Oregon**

A tract of land located in the North one half and the Northwest one quarter of the Southeast one quarter of Section 21, Township 8 North, Range 10 West, Willamette Meridian, City of Warrenton, Clatsop County, Oregon, being a portion of that real property as described in Bargain and Sale Deed in Book 441, at page 629, Clatsop County records, being further described as follows:

All lots contained in Blocks 16, and 17, of "W. C. Smith's Warrenton", a duly recorded plat, Clatsop County, Oregon

TOGETHER WITH the following portions of Vacated S.W. Birch Avenue as described in City of Warrenton Ordinance 730-A recorded in Book 581, page 130, Clatsop County records, being those portions of said vacated street lying 40 feet east of Lots 1 through 6, Block 16, and those portions of said vacated street lying 40 feet west of Lots 11 through 16, Block 17, "W. C. Smith's Warrenton".

EXCEPTING THEREFROM Lots 1 through 10, Block 17, Lots 7 through 10, Block 16, and the East 45.56 feet of Lots 11 through 16, Block 17, of said "W. C. Smith's Warrenton" plat in Clatsop County, Oregon.

ALSO EXCEPTING THEREFROM the following portions of vacated streets as described in City of Warrenton Ordinance 730-A recorded in Book 581, page 130, Clatsop County records, being those portions of Vacated S.W. Birch Street lying west of Lots 9 and 10, Block 17, and lying east of Lots 7 and 8, Block 16, and those portions of Vacated S.W. 4th Street lying 30 feet south of Lots 8 and 9, Block 16, extended westerly 30 feet to the intersection of S.W. 4th Street S.W. Birch Court and continuing east to the intersection of S.W. Birch Avenue and S.W. 4th Street, and lying 30 feet south of Lots 9 and 10, Block 17 from the intersection of S.W. Birch Avenue and S.W. 4th Street east to the intersection of S.W. 4th Street and S.W. Alder Court, and those portions of Vacated S.W. Alder Court lying east of Lots 1 through 8, Block 17 from the intersection of S.W. 4th Street and S.W. Alder Court north to the south right of way line of S.W. 3rd Street, "W. C. Smith's Warrenton".

Containing 2.24 acres more or less.