Chapter 275

1971 REPLACEMENT PART

County Lands

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GENERAL PROVISIONS

275.010 Definition. As used in this chapter, unless the context requires otherwise, "county court" includes board of county commissioners.

275.020 Form and effect of conveyance to county. All real or personal estate conveyed by any form of conveyance, and duly acknowledged and recorded, to the inhabitants of any county, or to the county treasurer, or to any committee or other persons for the use of such county, shall be deemed the property of such county. All such conveyances shall have the same force and effect as if made to the inhabitants of such county by their corporate name.

275.025 Conveyances to counties by inmates of county homes for poor. Any person admitted to a county home for the poor and indigent may convey to the county in which the home is located the real property owned by such person.

MANAGEMENT AND DISPOSITION OF LANDS AND RESOURCES

275.030 Sale of real estate used for poor farm purposes or not in use for county purposes. Except as otherwise provided by statute, the county court may, whenever it deems it to the best interest of the county so to do, sell and convey, either at public or private sale as it may see fit, any real estate owned by the county and used for county poor farm purposes, and any real estate owned by the county and not in use for county purposes. The sale shall be directed by an order of court entered upon the journals.

275.040 Conveyance pursuant to ORS 275.030. The conveyance transferring the real estate sold pursuant to ORS 275.030 to the purchaser thereof shall contain the date of the order authorizing such sale and the page and journal where the order is entered. The conveyance shall be signed by the county judge and at least one county commissioner, and acknowldeged in the manner provided by law for acknowledgment of other conveyances of real estate. A conveyance so made conveys all the interest of the county in the property described therein.

275.050 Disposition of funds derived from sale under ORS 275.030. Funds derived from sale under ORS 275.030 of property used for poor farm purposes may be reinvested in other property to be used for the same purpose, or in improving or furnishing such property for the purposes for which the same is to be used; funds derived from sale under ORS 275.030 of property not used for county purposes may be applied by the county court to the purchase of furniture or fixtures for county buildings or offices, or the funds may be turned into any fund of the county for county purposes.

275.060 Authority to exchange lands offered for sale and not sold. (1) Except as otherwise provided by statute, any county court may exchange county land of any character, which has first been offered for sale but not sold for want of a satisfactory bid, for other lands of equal value to which the owner thereof can give clear title and which are free of all liens and encumbrances.

(2) Exchanges may be effected between the county and an individual, partnership or corporation. Thirty days prior to the consummation of the exchange, notice of intention to exchange, setting forth the legal description of the property to be exchanged, together with the appraised value as recently determined by the county court and the legal description of the property to be acquired in exchange, shall be published for two successive weeks in a newspaper of general circulation in the county. At any time before an exchange is actually made, written objection thereto may be filed by any interested person and the county court shall consider any such objection, and at its discretion may conduct hearings thereon. If, after duly considering such objection, the court still deems that the proposed exchange is for the best interests of the county, they may proceed with the exchange and their determination in that respect shall be final.

(3) Lands received by the county in exchange may be sold, leased or exchanged the same as might have been done with the lands originally exchanged.

275.070 Sale or donation to United States, state or government corporation: procedure. Any county court may grant an option to purchase, contract to sell and convey, or donate to the United States or State of Oregon or to any corporation the majority of whose capital stock is owned by the United States, any real property owned by the county including that acquired pursuant to tax foreclosure proceedings at such price

and on such terms as the county court may deem to be for the best interests of the county. The resolution of the county court to grant an option to purchase, contract to sell, sell and convey, or donate as provided shall be entered by the court upon its journal and any option to purchase, contract to sell, sale and conveyance, or donation executed pursuant thereto shall be signed on behalf of the county by the county judge and at least one county commissioner and acknowledged in the manner prescribed by law. The county court may receive as partial or full consideration for any sale or conveyance under this section, other real property or stumpage at a value determined by inspection and appraisal made by the county court or by a board of three appraisers appointed by the court.

275.080 Sale of county lands for public water supply purposes; procedure; title to land and timber. (1) Any county court may sell at public or private sale, and convey to any person or corporation impounding and selling water to the public, any lands heretofore or hereafter acquired by such county through foreclosure of tax liens or otherwise, when, in the discretion of such county court, the conveyance is necessary for the preservation or protection of any watershed from which water is being impounded and sold to the public by such person or corporation. The county court shall give prior notice of such sale by publication thereof once each week for two consecutive weeks in a newspaper of general circulation in the county.

(2) Legal title to timber on such lands shall remain in the county and such timber shall not be removed therefrom except with the express written consent of and under the direct supervision of the State Board of Forestry.

(3) Should any such lands so conveyed cease to be used to preserve and protect the watershed for which it was conveyed, or if the person or corporation does not take water from the watershed for a period of one year, legal title to such land shall immediately revert to and revest in the county without the necessity of re-entry.

275.090 County court powers as to lands acquired on foreclosure of tax liens, or by exchange, devise or gift. Each county court shall have the following powers and duties with respect to all lands acquired by the county by foreclosure of delinquent tax liens, or by exchange, devise or gift:

(1) To protect such lands from fire, disease and insect pests, to cooperate with the United States of America, the State of Oregon, and with the agencies of both, with persons owning lands within such counties, and with other counties of the State of Oregon in the protection of such county-owned lands and to enter into all agreements necessary or convenient therefor.

(2) To sell, exchange, and lease such lands or any portion of or interest in the same less than the whole fee.

(3) To grant easements and rights of way over, through and across such lands.

(4) To reforest cut-over or burned-over timber lands and to cooperate with the United States of America, the State of Oregon and the agencies of both, and with other counties of the State of Oregon, and with persons, firms and corporations owning timber lands within such county in such reforestation and to make all agreements necessary or convenient therefor.

(5) To make all rules and regulations, not inconsistent with law, necessary or convenient for the protection, administration, operation, conveyance, leasing and acquisition of lands.

(6) To employ such assistance as may be necessary to carry out the provisions of ORS 275.090 to 275.316 and to cooperate with other counties in this state in such employment.

[Amended by 1969 c.595 §10]

275.100 Procedure for exchange of lands by county. (1) Whenever any county court deems it to be for the best interests of such county to acquire lands by exchange with private persons, firms or corporations, or with the United States of America or any of its agencies, or with the State of Oregon or of any of its agencies, such court shall make and enter in its records a resolution declaring its intention to make such exchange and setting a time and place for hearing objections thereto, which time shall be not less than six weeks after the date of the resolution.

(2) The clerk of the county court shall give notice of the time and place of such hearing by publication thereof in a newspaper of general circulation printed and published in such county once each week for four consecutive weeks prior to the date of such hearing. The notice shall set forth the

time and place of such hearing and a description of the lands to be given and to be received in the proposed exchange. Upon such hearing, if the court finds that such lands are of equal value, regardless of acreage, and that it is to the best interest of such county that such exchange be made, the court shall enter an order accordingly, and thereupon shall, under the hands of the county judge and county commissioners or board of county commissioners, as the case may be, make, execute and deliver the necessary deeds of conveyance, and shall receive in the name of the county such necessary deeds of conveyance as shall effectuate such exchange. No such exchange shall be made unless and until the title to the lands to be received in such exchange has been approved by the district attorney of such county or by another competent attorney.

275.105 Acquisition by county of 90 percent of the lots in a plat for taxes and purchase of remaining lots; vacation of whole plat. If any county has bid in and acquired for taxes and has received a deed for not less than 90 percent of the number of the lots in any addition or subdivision or plat, and if it deems it wise so to do, the county court shall, by order duly made and entered, authorize the purchase of such remaining lots from the owners thereof or may exchange therefor other lots owned by such county. Upon acquiring title to all the lots in any such addition or subdivision or plat, it may enter an order vacating the whole of such addition, subdivision or plat. If any such remaining lots are purchased by the county pursuant to this section, the purchase price thereof shall not be greater than the assessed value thereof, and if other lots are exchanged therefor such lots shall be accepted in full payment of the purchase price of the lots for which they are exchanged.

275.110 Order to sell certain county lands. Whenever any county court deems it to be for the best interests of the county to sell any real property acquired by such county by foreclosure of delinquent tax lien or by exchange, devise or gift, or any interest therein less than the whole fee, it shall enter an order upon its records directing the sheriff to make sale thereof, and fix the minimum price for which each interest, parcel or group of parcels may be sold and the conditions and terms of sale. The order may be amended from time to time or revoked as the court may deem proper.

275.120 Sheriff's notice of sale. Upon receipt of a certified copy of the order referred to in ORS 275.110, the sheriff shall publish a notice of the sale of such property in a newspaper of general circulation, printed and published in the county where the land is situated, once each week for four consecutive weeks prior to such sale. The notice shall state the time and place of sale, the description of the property or interest therein to be sold, the minimum price as fixed by the county court, the date of the order directing such sale, and such other matters as the county court deems pertinent. Proof of publication of such notice shall be made in the same manner as proof of publication of summons is made, and shall be filed by the sheriff with the county clerk of such county, and then recorded in the deed record thereof.

275.130 Claims of municipal corporations against the land to be filed prior to sale. Prior to the date set for such sale each municipal corporation shall file with the clerk of the county court a description of the property contained in such notice against which such municipal corporation claims assessment liens for local improvements thereto or any title or equity arising therefrom.

275.140 Time and place of sale. All sales shall be made in the county in which the land is situated between the hours of 10 a.m. and 4 p. m., and may be adjourned from day to day for not to exceed 30 days by the sheriff, by public announcement made by him at the time and place designated in the notice of sale or at the time and place to which the sale may be adjourned.
[Amended by 1971 c.120 §2]

275.150 Sheriff's certificate of sale. At the time of sale, the sheriff shall give to each purchaser a certificate containing a particular description of the property sold, the whole purchase price, the amount paid in cash, the dates upon which future payments will become due and a statement that such sale is made subject to the right of any municipal corporation to purchase such property as by law provided.

275.160 Sheriff's sale return. Upon the close of such sale, the sheriff shall make due return to the county court of his proceedings

pursuant to the commands of such order of sale.

275.170 Sales of land against which claims of municipal corporations have been filed. If any real property so sold is wholly or partially within the corporate limits of any municipal corporation which has filed a notice of claim as provided by ORS 275.130, the clerk of the county court shall, upon the filing of the sheriff's return of sale, give written notice by registered mail addressed to the city recorder, auditor or secretary, as the case may be, of such municipal corporation that a bona fide offer has been received by such county for the purchase of such property. The clerk thereupon shall file his certificate showing the fact of the giving of such notice. All moneys paid on account of any property purchased by any such municipal corporation within 20 days after the giving of such notice shall be repaid to the persons paying them. Instruments of conveyance for all property not so purchased by such municipal corporation shall be executed upon demand and the delivery of the sheriff's certificate of sale therefor. All such instruments shall be executed in the name of the county by the county judge and county commissioners, or by the commissioners in counties having commissioners only, and need not be acknowledged.

275.180 Resale to record owner or assigns without publication of any notice. (1) Any county court may at any time, without the publication of any notice, sell and convey, by deed signed by the county judge and commissioners or the board of county commissioners, to the record owner or his assigns, any property acquired by the county for delinquent taxes, for not less than the amount of taxes and interest accrued and charged against such property at the time of purchase by the county with interest thereon at the rate of six percent per annum from the date of such purchase. All such sales so made by any county prior to July 16, 1949, hereby are confirmed and declared valid.

(2) All such sales of any such property to the record owner or his assigns shall be subject to all liens or claims arising out of any assessment for a local improvement levied against such property, or any part thereof, by any municipal corporation and remaining unsatisfied, and also shall be subject to any title or equity of the municipal corporation predicated upon or growing out of any such lien or assessment.

275.190 Cash or instalment sale; rights and liabilities of instalment purchaser. (1) All sales made under ORS 275.110 to 275.250 shall be to the highest and best bidder for cash or, in the discretion of the county court, for not less than 10 percent of the purchase price in cash, the remainder to be paid under written agreement with the purchaser in equal instalments over a term not exceeding 20 years from the date of sale, all deferred payments to bear interest from the date of sale at a rate not to exceed eight percent per annum, payable annually. In advertising for bids, the county shall state whether the sale will be made for cash or by instalment agreement. If by instalment agreement, the county shall also state the term and the rate of interest to which the county will agree.

(2) The purchaser shall have the possession of, and the income from the premises so long as he is not in default in the performance of his agreement with the county, but shall forfeit his rights under such agreement and to all payments made pursuant thereto if he fails to pay such purchase price or any part thereof, principal or interest, or to pay, before delinquency, the taxes thereafter levied against the premises, or commits or suffers any strip or waste of or on such premises, or violates any other reasonable provision of such agreement which the county court may see fit to require. The purchaser shall have the privilege of prepayment without penalty. All of such provisions shall be incorporated in the written agreement.
[Amended by 1969 c.208 §1]

275.200 Sale of land not sold by sheriff. If any such lands remain unsold after the time set for the sale thereof in the sheriff's published notice or after any adjournment of such sale, the county court may, at any meeting thereof for the transaction of county business, sell such lands, or any part thereof, or any interest therein less than the whole fee, at private sale without further notice but for not less than the largest amount bid therefor at any such sale, or, if no bid therefor was made, at such price as the county court deems reasonable. A sale under this section shall be made for cash or under written agreement as provided by ORS 275.190.

275.210 Filing of agreement; assignment. (1) All written agreements made pursuant to ORS 275.180 or 275.200 shall be filed with the clerk, auditor or secretary, as the case may be, of the county in which the real property is situated.

(2) No assignment of any such agreement of sale or of any interest therein or of any interest in any of the property therein described shall be valid unless it is in writing, subscribed by the holder of such agreement and filed with the county clerk of the county in which the land is situated.

275.220 Procedure upon default or breach under instalment contract. (1) In case of breach of condition or other default in performance of any contract made pursuant to ORS 275.180 or 275.200, the county court may, by order made and entered in its records, declare such breach or default and cancel such contract or enter into a new agreement in writing. If the contract is canceled, a certified copy of the order shall be served as a summons is served by the sheriff upon the holder of such canceled contract if he is found within the county, and if he is not so found, then by mailing it to him by registered mail at his last-known address. Return of such service shall be made upon such copy of order.

(2) Within 20 days after the service of the order of cancellation upon him, the holder of the canceled contract may appeal from such order to the circuit court for the county in which the land is located. The appeal shall be tried by the court as a suit in equity. If appeal is not so taken or if it results upon trial in an affirmance of the order of cancellation, such order shall become absolute and the real property so forfeited again may be sold, without notice.

275.240 Taxation of county lands sold under instalment contract. All lands sold under written agreement in accordance with ORS 275.190 shall be subject to taxation to the same extent as other privately-owned real property. When any agreement of sale is canceled, as provided in ORS 275.220, the real property therein described shall be removed from taxation and all taxes then unpaid shall be canceled.

275.250 Notice to county assessor of sale or resale. Upon any sale or resale as provided in ORS 275.110 to 275.220, the county court forthwith shall notify the county assessor thereof.

275.260 Lands acquired by county on tax foreclosure exempt from taxes of other taxing districts. No claim shall ever be allowed against the county in favor of any municipal corporation, school district, road district or other taxing district for taxes levied on the property heretofore or hereafter acquired by any county by foreclosure of delinquent taxes or otherwise under ORS 275.090 to 275.220, but all taxes shall at the time of the acquisition of the property by such county thereby be canceled.

275.270 [Repealed by 1969 c.595 §17]

275.275 Distribution of proceeds. (1) The proceeds arising under ORS 275.090 to 275.310 first shall be applied to refund the county general fund for the full amount advanced by the county to pay the state tax upon all properties upon which the county has foreclosed liens for delinquent taxes, and second, shall be applied to refund the county general fund 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 its title to property sold; provided, that the proceeds so applied as refunds shall not amount to less than 10 percent of the total proceeds.

(2) The balance of said proceeds, including the payments for land sold under contract pursuant to ORS 275.190 or 275.200 shall be distributed by the county treasurer in accordance with an order of the county court in accordance with the formula provided in ORS 311.390 which is currently being used for the distribution of tax collections.
[1963 c.606 §5; 1969 c.595 §11]

275.280 [Repealed by 1969 c.595 §17]

275.285 [1963 c.606 §6; repealed by 1969 c.595 §17]

275.290 Sale or lease of timber on county lands. (1) In any instrument of conveyance or agreement for conveyance of timber upon lands acquired by any county by foreclosure of delinquent tax liens or otherwise under ORS 275.090 to 275.220, the county court may provide such conditions and regulations of cutting and slash disposal as may be deemed to be for the best interests of the county, which conditions and regulations shall be in addition to the provisions of the state forest fire law.

(2) Any purchaser of such timber may be required to give a bond or undertaking

in favor of the county conditioned upon his compliance with all such conditions and regulations and with the provisions of the state forest fire laws, the bond to be in an amount not less than the full purchase price of the timber.

(3) The instrument or agreement for conveyance may be made for a term of years, in which case all rights and interests thereby granted by the county shall revert to and revest in the county upon expiration of the term.

275.294 Sale or lease of right to prospect for and remove minerals or oil and gas from county lands. (1) Nothing contained in this chapter shall prohibit the county court of any county, whenever it appears to the best interest of the county, from making or executing a lease or conveyance granting rights to explore or prospect for valuable minerals or oil and gas and for the mining and removal of the same from any lands acquired by such county through foreclosure of tax liens or otherwise.

(2) Except as provided in subsection (3) of this section, any lease or conveyance of minerals or oil and gas or interest in such lands shall be granted to the highest bidder, after an opportunity for competitive bidding is given by advertisement of the proposed sale or lease for not less than once a week for two successive weeks by publication in one or more newspapers having general circulation in the county, and under such terms, conditions and regulations as the county court may provide under ORS 275.300.

(3) The county court, as to any land which is owned by the county or whereon the mineral rights are reserved by the county, may execute leases and contracts, other than for gas or oil, upon a royalty basis without requiring bids for the mining of gold, silver, copper, lead, cinnabar and valuable minerals or mineral materials from such lands upon terms and conditions agreed upon by the county court and the lessee. However, if the parties cannot agree upon the terms of a lease as to the amounts to be paid to the county, then it shall be upon a royalty basis of no more than 10 percent of the gross value of all minerals produced.
[1955 c.150 §§1, 2; 1959 c.603 §1]

275.296 Validation of certain conveyances prior to August 3, 1955. All leases and conveyances granting the right to explore or prospect for minerals or oil and gas and for the mining and removal of the same on or from county-owned lands, executed and delivered by any county court prior to August 3, 1955, and which might be invalid only because the county court was not expressly authorized by statute to execute and deliver such leases or conveyances, hereby are validated and declared to be legal and enforceable.
[1955 c.150 §3]

275.298 Sale of minerals or mineral rights; preferential right of holder of interest less than fee. (1) In any sale hereafter made under ORS 275.110 to 275.250 of minerals or mineral rights heretofore reserved to a county where such minerals or mineral rights were acquired by a county by foreclosure of delinquent tax liens, the holder of an interest less than the fee in the same lands where the mineral rights are located shall have the right to purchase such minerals or mineral rights interest by depositing with the sheriff within 60 days from date of sale not less than the high amount bid for the minerals or mineral rights by a third person. If no sale was made at the offering, then such person shall have the right to purchase at whatever price the county court or board of county commissioners deems reasonable.

(2) Unless the purchaser at any sale is the owner of some interest less than the fee, the execution of a deed shall be postponed for 60 days from the date of sale in order to give the party granted preferential right under subsection (1) of this section, or his assignee, the right to exercise his preference in the manner set forth in subsection (1) of this section.

(3) The provisions of this section shall not be applicable to the sale of mineral rights on or under any land suitable for the commercial production or development of timber.
[1955 c.370 §§1, 2, 3]

275.300 Sale of mineral or other interest in county lands less than fee; conditions and regulations; bond. In any conveyance or agreement for conveyance of any minerals, or other interest, less than the whole fee, in any lands acquired by any county by foreclosure of delinquent tax liens or otherwise under ORS 275.090 to 275.220, the county court may provide such conditions and regulations as may be deemed to be for the best interests of the county and may require of

the purchaser a satisfactory bond or undertaking in the name of the county in an amount not less than the whole purchase price of such minerals or other interests in such lands, conditioned upon the compliance of the purchaser with such conditions and regulations.

275.310 Partition of land in which county has acquired interest. Any county which has acquired or shall acquire an undivided interest in real property by foreclosure of delinquent tax liens, shall have the benefit of the statutes of this state providing for the partition of real property owned by tenants in common. Such county may become a purchaser at any sale of such real property upon partition.

275.312 Conveyance by county of reserved or excepted mineral rights. Notwithstanding any other law, in any county where the surface rights to tax-foreclosed lands have been conveyed and the mineral rights on such lands have been reserved or excepted by the county court making such conveyance, upon written application of the owner of such surface rights the county court, whenever it appears to the county court to be in the best interests of the county, may convey such reserved or excepted mineral rights to the owner of the surface rights in accordance with ORS 275.314 and 275.316. [1967 c.188 §2]

275.314 Contents of application; investigation and hearing. Each application presented to the county court under ORS 275.312 must be accompanied by evidence satisfactory to the county court showing that the applicant is the owner of the surface rights to the lands described in the application, and also by a cash deposit in an amount sufficient to reimburse the county for all costs of such transfer, including but not limited to the costs of investigation and legal work, which shall be paid by the applicant. The county court then shall cause an investigation to be made by qualified geologists or mining engineers in regard to the probable value of such mineral rights. If the county court finds that such rights are of little or doubtful value and that it would be in the best interests of the county to transfer such rights to the owner of the surface rights, the county court may make and enter an order declaring its intention to make such transfer and setting a time and place for hearing objections thereto. The time for the hearing shall be set not earlier than six weeks after the date of the order. [1967 c.188 §3]

275.316 Notice of hearing; findings; execution of conveyance. (1) The county clerk shall give notice of the time and place of the hearing scheduled under ORS 275.314 by publication in a newspaper of general circulation published in such county, once each week for four consecutive weeks prior to the hearing. The notice shall set forth the time and place of the hearing, the name of the applicant and a description of the lands in the proposed transfer. If no newspaper of general circulation is published in the county, notice may be given by the clerk by posting such notice in at least four public places in the county.

(2) Upon such hearing, if the county court finds that such mineral rights are of little or doubtful value and that it would be in the best interests of the county to convey such rights to the record owner of the surface rights, it may fix a minimum value for such rights and enter an order accordingly. Thereupon the county court, after receiving payment of such value, under the hands of the county judge or chairman of the board of county commissioners, as the case may be, may execute and deliver the necessary deeds of conveyance. [1967 c.188 §4]

COUNTY FORESTS AND PARKS

275.320 Designation of county forests, parks and recreational areas. Any county court sitting for the transaction of county business may, by order, designate as county forests, public parks or recreational areas any real property heretofore or hereafter acquired by the county for delinquent taxes or otherwise. Where the park or recreational area is situated in whole or in part within the corporate limits of any city the county first shall obtain the consent or approval, by resolution or ordinance adopted by the city consenting or approving the creation of the public park or recreational area.

275.330 Conveyance of county forests, parks or recreational areas; agreements to manage timber. (1) Upon the entry of an order by the county court setting aside the real property for county forest, public park or recreational area, the lands shall be set apart for such use. Thereafter such lands may not be alienated by the county court

for any purpose unless authorized by a majority of the voters of the county in a regular or special election, except that:

(a) In counties having 450,000 population or over according to the latest federal decennial census, the lands may be sold and conveyed by the county court if it deems such sale to be in the best interests of the county; and

(b) The county court of any county may convey the lands to the state, or an incorporated city or town or the United States Government for public use; provided, that such conveyance may be made without the payment of compensation, and when so made the county shall be relieved from any obligation to account for the payment of any taxes, liens or assessments that may have been levied against the lands by any taxing agency, district or municipality authorized to levy taxes against any of the lands.

The county court may enter into agreements with the state or the United States for the management of the timber and other forest products on the designated county forest lands. After having been set aside for county forest, public park or recreational area, such lands may not be sold or conveyed to any private person, copartnership, firm or corporation unless the public body owning the lands determines that it is in the best interest of the public that different lands be acquired. Upon a determination that a sale or conveyance is in the public interest the lands set aside may be sold at public or private sale, provided that other lands are taken in exchange and set aside for park or recreational purposes, or the proceeds of the sale are held for future acquisition of lands to be set aside for such use.

(2) Before making an order for conveyance of the property without approval at an election, or before entering into such agreements for management, the county court shall hold a hearing in the county courtroom at which objections to the proposed agreements or conveyance may be heard. Notice of the hearing shall be given by publication weekly for two consecutive weeks in a newspaper circulated generally within the county, such notice to describe particularly the property affected.

[Amended by 1959 c.546 §1]

275.335 Exchanging land within county forest; reserving rights of way. (1) Notwithstanding the provisions of ORS 275.330 or 275.340, any county court may provide for the exchange of land within a designated county forest for other land when in the judgment of the county court, supported as provided in subsection (3) of this section, such exchange is for equal value and is in the best interest of the county. Such exchanges shall be authorized under this section only when the land obtained by the county in exchange is immediately incorporated into the designated county forest.

(2) Before making an order for exchange of property, the county court shall hold a hearing in the county courtroom at which objections to the proposed exchange of real property may be heard. Notice of the hearing shall be given by publication weekly for two consecutive weeks, or two publications in all, in a newspaper circulated generally within the county, such notice to describe particularly the property affected. The date of hearing shall be not less than five days following the last date of publication of notice.

(3) The exchange authorized in subsection (1) of this section shall be made by order of the county court duly entered in its journal and supported by reports of the value of the properties being exchanged submitted by:

(a) The county assessor; and

(b) The county forester or other qualified agent selected by the governing body.

(4) The exchanges authorized in this section may include any timber on the land involved if the value of such timber is established as provided in subsection (3) of this section.

(5) The county court shall reserve all rights of way in all lands exchanged as provided in subsection (1) of this section to permit proper administration and management of county lands and forests retained or received in exchange by the county.

[1961 c.227 §2]

275.340 Sale of forest products from county forests. Nothing contained in ORS 275.320 and 275.330 shall prohibit the county court from selling the timber and other forest products from the designated county forest land when in the judgment of the court the sale is deemed for the best interests of the county. All sales of such property under the management of the United States in excess of the value of $2,000, and all sales of other such property in excess of the value

of $500, shall be made only after an opportunity for competitive bidding is given by advertisement of the proposed sale for not less than once a week for two successive weeks by publication in one or more newspapers having general circulation in the county. Where more than one bid has been received, or in case of doubt as to which of a number of bids is the highest and most advantageous to the county, the decision of the county court shall be final and conclusive and shall not be subject to review by any court. Each bid shall be accompanied either by a certified check, or by a good and sufficient bond furnished by a surety company authorized to do business in the state, in favor of the county, in a sum not less than 10 percent of the total amount of such bid. [Amended by 1955 c.119 §1]

275.350 Regulations for use and administration of county forests, parks and recreational areas; violations prohibited. (1) The county court may make regulations and provisions for use and administration of such county forests, parks and recreational areas, by order duly entered in its journal. The regulations may provide reasonable charges for entry into such areas and for use of accommodations therein, and shall be kept posted within the main entrance of each of such areas and be enforced in the same manner as the criminal laws of this state.

(2) No person, firm or corporation shall violate such regulations. Each day of a continuous violation of any of such regulations shall be deemed a new, separate and distinct violation of such regulation.

275.360 Recording orders of county courts. Certified copies of all orders of the several county courts made under ORS 275.320, 275.330, 275.340 and 275.350 affecting the title or status of real property shall be recorded in the deed records of the county in which such lands are located.

275.370 Validation of conveyances prior to January 1, 1941. All deeds and conveyances of the several county courts executed and delivered prior to January 1, 1941, conveying real property theretofore set aside by such county courts as public parks and recreational areas under ORS 275.320 hereby are validated and declared to be legal and of full force and effect, both in law and in equity.

MISCELLANEOUS PROVISIONS

275.390 Reseeding forage grasses on lands acquired by tax foreclosures. Any county court may reseed to forage grasses any county lands acquired through foreclosure of delinquent tax liens. In carrying out such function the county court may cooperate with the United States, the State of Oregon and agencies of both and with other counties of the State of Oregon, and with persons, firms and corporations owning timber lands within such county in such agricultural development; and may make agreements for such purpose.

275.400 Use of public grounds for public markets; public market buildings. Any county court may use and permit to be used public grounds within its jurisdiction for the purpose of establishing and operating public markets. Any county court may appropriate and use county money, not otherwise appropriated, for the purpose of erecting and maintaining public market buildings on public property.

275.410 Lease of county lands to United States under Taylor Grazing Act; bids for lease of county lands. (1) Any county court may lease to the United States under authority of the Act of Congress of June 28, 1934, public document No. 482, known as the Taylor Grazing Act, for not exceeding 10 years, any property belonging to the county and not needed for county purposes, including lands acquired by tax deed, upon such terms as the court may deem advisable.

(2) Any county court may, upon application of any person or corporation to lease any particular tract or tracts and before entering into a contract for the leasing thereof, advertise that the tract or tracts will be leased to the highest and best bidder therefor, and after such notice as the court may direct. The court may reserve the right to reject any or all bids.

275.420 Restricted use of county lands for parking or operating motor vehicles. Real property owned or leased by any county, including grounds adjacent to the county courthouse, county shops, garages, warehouses and any area within the confines of such real property owned or leased by such county and used for motor vehicle parking purposes, shall not be occupied or used by any person in violation of the manner, times and conditions provided in the rules and regulations authorized by ORS 275.430.

275.430 Parking rules and regulations. Any county court may ascertain and determine when, where and under what conditions real property referred to in ORS 275.420 owned or leased by the county may be used by the owners or operators of motor vehicles, and based upon such findings may promulgate rules and regulations to control, limit, prohibit and otherwise regulate the use of such real property by such persons for parking or operation of motor vehicles. Notice of rules so promulgated shall be given by appropriate signs posted on such county real property. In promulgating such rules and regulations the county court shall consider the space available, the type and use of motor vehicles, the safety of county property, the safety and convenience of county employes, the safety and convenience of visitors upon such real property, the fire hazards, the safety and convenience of the general public, and such other matters as it shall consider pertinent.

275.440 Violation of parking rules or regulations prohibited. No person shall violate any rule or regulation lawfully promulgated by authority of ORS 275.430.

PENALTIES

275.990 Penalties. (1) Violation of subsection (2) of ORS 275.350 is a misdemeanor.

(2) Violation of ORS 275.420 or 275.440 is a misdemeanor. Justice, district and circuit courts shall have concurrent jurisdiction of such violations.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1971.

Robert W. Lundy
Legislative Counsel