Chapter 275

1991 EDITION

County Lands

MANAGEMENT AND DISPOSITION OF LANDS AND RESOURCES

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MANAGEMENT AND DISPOSITION OF LANDS AND RESOURCES

275.010 [Repealed by 1983 c.327 §16]

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275.025 [Repealed by 1983 c.537 §7]

275.027 Adverse possession of county lands. The rights of any county to public lands are not extinguished by adverse possession. No title or property rights to public lands shall be acquired against the county through operation of a statute of limitations. [1981 c.153 §51]

275.030 Sale of real estate not in use for county purposes. Except as otherwise provided by statute, the county governing body may, whenever it deems it to the best interest of the county so to do, sell and convey, in the manner provided for sale of county land under ORS 275.120, 275.140 to 275.160 and 275.180 to 275.260, any real estate owned by the county and not in use for county purposes. The sale shall be directed by an order of the county governing body entered upon the journals. [Amended by 1981 c.602 §1; 1983 c.537 §1]

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 or the chairperson of the board of county commissioners and acknowledged 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. [Amended by 1983 c.537 §2]

275.050 [Repealed by 1983 c.537 §7]

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 governing body 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 governing body may deem to be for the best interests of the county. The resolution of the county governing body to grant an option to purchase, contract to sell, sell and convey, or donate as provided shall be entered by the governing body 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 or the chairperson of the board of county commissioners and acknowledged in the manner prescribed by law. The county governing body 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 governing body or by a board of three appraisers appointed by the governing body. [Amended by 1983 c.537 §3]

275.080 Sale of county lands for public water supply purposes; procedure; title to land and timber. (1) Any county court may sell in the manner provided for sale of county land under ORS 275.120, 275.140 to 275.160 and 275.180 to 275.260, and convey to any person or corporation impounding and selling water to the public, any lands 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.

(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 reentry. [Amended by 1981 c.602 §2]

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 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 considers 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 or may exchange for the lots other lots owned by such county. Upon acquiring title to all the lots in any addition or subdivision or plat, it may enter an order vacating the whole of such addition, subdivision or plat. If any remaining lots are purchased by the county pursuant to this section, the purchase price of the lots shall not be greater than the real market value of the lots, and if other lots are exchanged for the remaining lots, those lots shall be accepted in full payment of the pur-

chase price of the lots for which they are exchanged. [Amended by 1981 c.804 §78; 1991 c.459 §372]

275.110 Order to sell certain county lands; exception. (1) Whenever any county court considers it to be for the best interests of the county to sell any real property acquired in any manner by such county, 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.

(2) Subsection (1) of this section and ORS 275.120 to 275.160 do not apply to the sale of any real property to any other public body or to the sale of any real property that is an industrial facility as defined by ORS 271.510. The sale of industrial facilities shall be made in the manner provided by ORS 271.510 to 271.540. [Amended by 1981 c.602 §3; 1983 c.494 §2; 1983 c.537 §4; 1983 c.740 §72; 1985 c.565 §43]

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 market value of the property or interest as determined by the tax roll at the last equalized value on the assessment roll for the property, the minimum price as fixed by the county court which may be lower than the last equalized value on the assessment roll, 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. [Amended by 1981 c.602 §4; 1989 c.223 §1]

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 the sheriff 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 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 Sale return. Upon the close of such sale, the sheriff shall make due return to the county court of the proceedings of the sheriff 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 or by certified mail with return receipt 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 the 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. [Amended by 1991 c.249 §21]

275.180 Sale to record owner or contract purchaser of property; conditions. (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 the contract purchaser of record, 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.

(2) All such sales of any such property to the record owner or the contract purchaser of record 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. [Amended by 1973 c.843 §1; 1975 c.657 §1]

275.190 Cash or installment sale; rights and liabilities of installment 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 installments 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 set by the county court, payable annually. In advertising for bids, the county shall state whether the sale will be made for cash or by installment agreement. If by installment 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 the purchaser is not in default in the performance of the purchaser's agreement with the county, but shall forfeit the purchaser's rights under such agreement and to all payments made pursuant thereto if the purchaser 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; 1981 c.412 §3]

275.200 Sale of land not sold by sheriff. (1) When a county court enters an order under ORS 275.110 directing the sheriff to sell real property acquired in any manner by the county, 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 sell such lands as provided in subsection (2) of this section.

(2) After the sheriff has unsuccessfully attempted to sell real property of the county as provided in ORS 275.120 to 275.160, the county court may 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, but at a price no less than 15 percent of the minimum bid set under ORS 275.110 for the sheriff's sale.

(3) A sale under this section shall be made for cash or under written agreement as provided by ORS 275.190.

(4) Nothing in this section prohibits a county court from entering an order at any time under ORS 275.110 directing the sheriff to sell real property of the county as provided in ORS 275.120 to 275.160. [Amended by 1981 c.602 §5; 1989 c.223 §2; 1989 c.688 §1]

275.210 Filing of agreement; assignment. (1) All written agreements made pursuant to ORS 275.190 or 275.200 shall be filed with the clerk, accountant 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. [Amended by 1983 c.310 §15; 1991 c.67 §65]

275.220 Procedure upon default or breach under installment contract. (1) In case of breach of condition or other default in performance of any contract made pursuant to ORS 275.190 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 the holder is found within the county, and if the holder is not so found, then by mailing it to the holder by registered mail or by certified mail with return receipt at the last-known address of the holder. 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 the holder, 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 an action not triable by right to a jury. 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. [Amended by 1979 c.284 §128; 1991 c.67 §65; 1991 c.249 §22]

275.225 Sale of county land by private sale; conditions; notice; terms. (1) Notwithstanding ORS 275.110 to 275.220, a county governing body may authorize the sale of county land by private sale as provided in this section if each parcel of county land to be sold is:

(a) Assessed at less than $5,000 on the most recent assessment roll prepared for the county; and

(b) Unsuited for the construction or placement of structures thereon under current zoning ordinances and building codes of the county.

(2) A county governing body may publish a notice of the private sale of county land described in subsection (1) of this section in a newspaper of general circulation in the county. The notice shall contain a description of the land and shall indicate the assessed value of the land.

(3) Not earlier than 15 days after publication of the notice, any officer or employee of the county authorized by the county governing body to sell such land may sell the land, or any part thereof, at private sale without further notice at such price as the county governing body considers reasonable.

(4) A sale under this section shall be made for cash or under a written agreement approved by the county governing body for installment payment of the purchase price. [1989 c.305 §1]

Note: 275.225 and 275.230 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 275 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

275.230 Sale of undeveloped county land by county with over 400,000 population; conditions; notice; content. (1) Notwithstanding ORS 275.110 to 275.220, a county with a population of more than 400,000 may sell or convey any tract of county land when:

(a) The tract is substantially undeveloped;

(b) The tract was acquired by any means other than foreclosure for nonpayment of real property taxes; and

(c) More than 50 percent of the tract is zoned for commercial or industrial uses.

(2) Any sale or conveyance described in subsection (1) of this section may occur only after publication of a notice of the private sale of that property in a newspaper of general circulation in the county where the property is situated. The notice shall contain a description of the property to be sold, indicate the market value of the property as determined by a licensed appraiser on a date that is not earlier than 180 days before the date of publication of the notice, describe the manner of submitting offers to purchase and state the time and place of the meeting of the county governing body at which offers to purchase the property will be reviewed and the sale made. Not earlier than 15 days after publication of the notice, at any regular or special meeting of the county governing body, the governing body may order the property or any part thereof, or any interest therein less than the whole fee, to be sold at private sale without further notice, at such price and terms as the county governing body deems reasonable. [1989 c.558 §1]

Note: See note under 275.225.

275.240 Taxation of county lands sold under installment 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)(a) The proceeds arising under ORS 275.090 to 275.290 and 275.296 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. The proceeds so applied as refunds shall not amount to more than the tax actually paid and the costs and expenses actually incurred by the county.

(b) After the refunds authorized under paragraph (a) of this subsection are made, the county treasurer shall credit to the general fund of the county proceeds arising under ORS 275.090 to 275.290 and 275.296 to 275.310 from the sale of real property acquired by the county in any manner other than by foreclosure of delinquent tax liens or by exchange for land originally acquired by foreclosure of delinquent tax liens and proceeds arising under ORS 275.294 from any lease or conveyance granting rights to explore, prospect for or remove biogas that is produced by decomposition of solid waste at any land disposal site or former land disposal site owned by the county. The proceeds described in this paragraph include payments for such real property sold under contract pursuant to ORS 275.190 or 275.200. As used in this paragraph, "land disposal site" has the meaning given that term in ORS 459.005.

(2)(a) Except for the proceeds arising under ORS 275.294 that are described in subsection (1) of this section, all proceeds arising under ORS 275.294 shall be segregated from the proceeds described in subsection (1) of this section and shall be deposited in a separate account maintained by the county. Only moneys obtained under ORS 275.294, and interest earned thereon, shall be credited to the account established under this paragraph.

(b) Not more than 10 percent of the proceeds arising under ORS 275.294 may be applied to reimburse any taxing district within the county for costs and expenses necessarily incurred by the district in providing improved, additional or extraordinary services required on lands in the county as a result of exploration, drilling, mining, logging or other activities authorized under a lease or conveyance under ORS 275.294. Such services include, but are not limited to, fire protection and road construction and maintenance.

(c) Ten percent of the proceeds arising under ORS 275.294 may be applied to reimburse the county for administrative expenses incurred under ORS 275.294 and this subsection. If, in any year, such expenses exceed 10 percent of the proceeds arising under ORS 275.294, the amount of expenses not reimbursed may be carried forward into succeeding years until the county is fully reimbursed. However, not more than 10 percent of the proceeds arising under ORS 275.294 in any one year may be used for such reimbursement.

(d) Costs and expenses sought to be reimbursed under this subsection shall be verified by the county treasurer or auditor.

(e) Moneys applied as reimbursement under this subsection shall be distributed by the county treasurer in accordance with an order of the county governing body.

(3) After a portion of the proceeds is applied as provided in subsections (1) and (2) of this section, the balance of the proceeds arising under ORS 275.090 to 275.310, 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 governing body in accordance with the formula provided in ORS 311.390 which is currently being used for the distribution of tax collections. Notwithstanding ORS 294.080, as used in this subsection, "balance of the proceeds arising under ORS 275.090 to 275.310" includes all accumulated interest earned on the proceeds arising under ORS 275.294, unless a court of competent jurisdiction rules otherwise.

(4) Distribution of moneys under subsections (2) and (3) of this section shall be made on or before June 30 and December 31 in each year. [1963 c.606 §5; 1969 c.595 §11; 1982 s.s.1 c.19 §1; 1983 c.537 §5; 1985 c.707 §1; 1989 c.833 §78]

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 the compliance of the purchaser 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. [1955 c.150 §§1, 2; 1959 c.603 §1; 1983 c.537 §6]

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 the assignee of the party, the right to exercise the 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 or an irrevocable letter of credit issued by a commercial bank as defined in ORS 706.005 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; 1991 c.331 §52]

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]

275.318 Sale or lease of land located in industrial use zone; Industrial Development Revolving Fund; use of proceeds of sale. (1) When the governing body of a county sells or leases real property acquired in any manner by the county, if that property is located in an area planned and zoned for industrial use under an acknowledged comprehensive plan of the county, the governing body may order all the moneys paid to the county under the terms of the sale be deposited with the county treasurer and credited to a special fund created by the governing body and designated the Industrial Development Revolving Fund of the county.

(2) The county treasurer shall disburse the moneys in the Industrial Development Revolving Fund of the county only upon the written order of the county governing body and only for the purposes set forth in subsection (3) of this section.

(3) Moneys in an Industrial Development Revolving Fund created under this section by a county governing body shall be expended only for the engineering, improvement, rehabilitation, construction, operation or maintenance, in whole or in part, including the preproject planning costs, of any development project authorized by ORS 271.510 to 271.540 and 280.500 that is located in the county and that could directly result in one of the following activities:

(a) Manufacturing or other industrial production;

(b) Agricultural development or food processing;

(c) Aquacultural development or seafood processing;

(d) Development or improved utilization of natural resources;

(e) Convention facilities and trade centers;

(f) Transportation or freight facilities; and

(g) Other activities that represent new technology or types of economic enterprise the county governing body determines are needed to diversify the economic base of the county.

(4) If moneys from the sale of county property located in an area planned and zoned for industrial use are not credited to the Industrial Development Revolving Fund of the county, those moneys shall be distributed as provided in ORS 275.275.

(5) The governing body of a county may sell, lease or convey the real property described in this section, including any part thereof or interest therein, at public or private sale, with or without advertisement, and do all acts necessary to the accomplishment of the sale, lease or conveyance. [1983 c.494 §1]

Note: 275.318 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 275 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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 governing body 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 governing body for any purpose unless authorized by a majority of the electors 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:

(A) The lands may be sold and conveyed by the county governing body if it considers the sale to be in the best interests of the county; or

(B) The lands may be conveyed without payment or compensation for park and recreational purposes to any public educational institution, park and recreation district, service district formed under ORS chapter 451 to provide and maintain park and recreational facilities or nonprofit corporation organized under the laws of the State of Oregon for as long as the lands so conveyed are used for such purposes. Any lands conveyed under this subparagraph shall automatically revert to the county if the lands are not used for such purposes or if the institution, district or corporation to which the lands are conveyed is dissolved. However, lands conveyed under this subparagraph to a nonprofit corporation which is organized for the purpose of promoting the preservation of park and recreational areas may be conveyed without restriction subject to prior approval of the county court. When lands are conveyed under this subparagraph, 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 against any of the lands.

(b) The county governing body of any county may convey the lands to the state, an incorporated city or the United States Government for public use. The 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.

(c) The county governing body of any county 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 forestlands.

(2) In addition to the methods described in subsection (1) of this section, lands that have been set aside for county forest, public park or recreational area may be alienated, sold or conveyed, in part or in whole, by the public body upon a finding that it is in the best interest of the public. Upon a determination that an alienation, sale or conveyance is in the public interest, the lands set aside may be sold at public or private sale, or other lands may be taken in exchange and set aside for park or recreational purposes. When a sale, an alienation or conveyance takes place, the proceeds shall be held for maintenance and improvement of existing park and recreation lands or future acquisition of lands to be set aside for park or recreational purposes.

(3) Before making an order for an alienation, sale or conveyance of the property without approval at an election, or before entering into agreements for management of timber and other forest products under paragraph (c) of subsection (1) of this section, the county governing body shall hold a hearing in the county at which objections to the proposed agreements or alienation, sale 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, and the notice shall describe particularly the property affected. [Amended by 1959 c.546 §1; 1981 c.482 §1; 1989 c.534 §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 or lease of forest products, minerals or oil and gas from county forestland. Nothing contained in ORS 275.320 and 275.330 shall prohibit the county governing body from selling the timber and other forest products or from leasing the right to prospect for and remove minerals or oil and gas in the manner stated in ORS 275.294 from the designated county forestland when in the judgment of the county governing body the sale or lease is deemed for the best interests of the county. All sales of timber and other forest products in excess of the value of $5,000 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 governing body 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 to be determined by the county governing body. [Amended by 1955 c.119 §1; 1979 c.150 §1; 1979 c.393 §2]

275.350 [Repealed by 1981 c.126 §6]

275.360 Recording orders of county courts. Certified copies of all orders of the several county courts made under ORS 275.320 to 275.340 affecting the title or status of real property shall be recorded in the deed records of the county in which such lands are located. [Amended by 1981 c.126 §4; 1983 c.740 §74]

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.

275.390 [Repealed by 1981 c.126 §6]

275.400 [Repealed by 1981 c.126 §6]

275.410 [Repealed by 1981 c.126 §6]

275.420 [Repealed by 1981 c.126 §6]

275.430 [Repealed by 1981 c.126 §6]

275.440 [Repealed by 1981 c.126 §6]

275.990 [Repealed by 1981 c.126 §6]