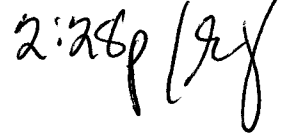


AUG 20 2018

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

TASSI O'NEIL
COUNTY CLERK



COUNTY COURT JOURNAL

In the Matter of the Transfer of Certain)
County Property to the Nestucca) ORDER
Valley Early Learning Center,) #18-076
a Non-Profit Organization)

This matter came before the Tillamook County Board of Commissioners on August 15, 2018, at which time it appears that the Nestucca Valley Early Learning Center (NVELC), formerly known as the Cedar Creek Child Care Center, Inc. (C5), has requested that certain county property be transferred to NVELC for use as a child care center.

The Board of Commissioners, being fully apprised of the premises and the records and files herein, finds as follows:

1. Tillamook County is the owner of certain real property situated in Tillamook County and described in Exhibit A attached hereto and incorporated herein by reference, also known as Township 4S Range 10W Section 12C Tax Lot 402.
2. On July 16, 1999, the described real property was acquired by Tillamook County through a land exchange with private owners pursuant to Order #99-78 per the conveyance recorded in the Tillamook County Deed Records at Book 408, Page 356.
3. On September 15, 1999, the described real property was transferred by Tillamook County to Community Action Resource Enterprise, Inc. (CARE) on the express condition that the property be used to develop a community center consisting of low income housing, child care, and social services related thereto pursuant to Order #99-106 per the conveyance recorded in the Tillamook County Deed Records at Book 411, Page 38.
4. On July 28, 2005, Tillamook County executed a Community Development Block Grant Contract with the State of Oregon's Economic and Community Development Department for the "Cedar Creek Child Care Center Project #C05018" to establish a new facility for the day care center located at the described real property per Tillamook County Agreement #3662.
5. Provision 9(b) in the Special Conditions of Award section of the above-referenced block grant contract allows for conveyance of the described real property with specific language that must be included in the instrument that reads in part, "subject to the covenant, condition, restriction, and reservation that the realty must continue to be used for [...the approved use...] or for another eligible

use under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §§5301-5321 (1994).”

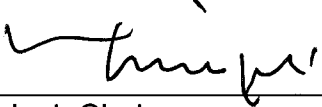
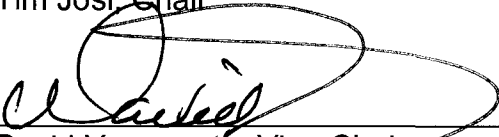
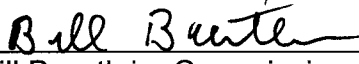
6. On September 4, 2008, the described real property was transferred by CARE to Tillamook County subject to the covenant, condition, restriction, and reservation that the realty must continue to be used for a child care center and other community services and activities or for another eligible use under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §§5301-5321 (1994) per the conveyance recorded in the Tillamook County Deed Records at 2008-006386.
7. On July 1, 2009, Tillamook County entered into a 50-year Lease Agreement with C5 for the described real property per Tillamook County Agreement #4103.
8. In March 2013, the above-referenced block grant project was completed.
9. On May 24, 2017, C5 changed its business entity name to NVELC per the Oregon Secretary of State’s records.
10. NVELC is an Oregon public benefit corporation that was formed under the Oregon Nonprofit Corporations Act, ORS Ch. 65 et seq. per the Oregon Secretary of State’s records.
11. NVELC has requested that Tillamook County transfer title to the said described real property for the purpose of continuing to be used for a child care center and other community services and activities as permitted by the above-referenced block grant contract as long as the specific language found in Provision 9(b) in the Special Conditions of Award section of the block grant contract is included in the transfer instrument.
12. ORS 271.330(2) provides that any political subdivision is granted express power to relinquish the title to any of its property to a qualifying nonprofit corporation or a municipal corporation for the purpose of providing low income housing, social services, or child care services, and defines “qualifying nonprofit corporation” as a corporation that is a public benefit corporation as defined in ORS 65.001(35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.
13. The described real property is not needed by Tillamook County for public use.
14. It would be in the best interests of Tillamook County that the described real property be transferred to NVELC on the express condition that it be used for the purposes set forth above.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 15. The Board of Commissioners execute a Quit Claim Deed to NVELC for the real property described in Exhibit A on the express condition that the property be used for the purpose of providing child care services pursuant to ORS 271.330(2).
- 16. The Board of Commissioners execute a Quit Claim Deed to NVELC for the real property described in Exhibit A that includes the specific language found in Provision 9(b) in the Special Conditions of Award section of the above-referenced block grant contract that includes the following, in part: "subject to the covenant, condition, restriction, and reservation that the realty must continue to be used for a child care center and other community services and activities or for another eligible use under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §§5301-5321 (1994)."

Dated this 15th day of August, 2018.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
 _____ Tim Josi, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ David Yamamoto, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Bill Baertlein, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil
County Clerk

By: 

Special Deputy

APPROVED AS TO FORM:



William K. Sargent, County Counsel

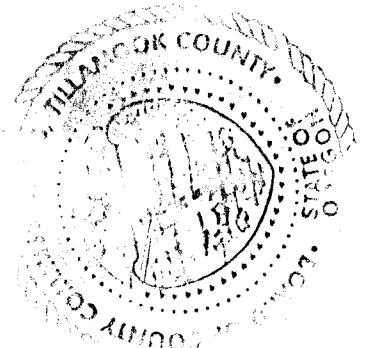


Exhibit A

Parcel 1, Partition Plat 2010-25, Tillamook County, Oregon.