

Chapter 275

County Lands

Chapter 275

ATTY. GEN. OPINIONS: Timber reservation, 1962-64, p 44.

275.020

NOTES OF DECISIONS

A conveyance of land to the county commissioners of Multnomah County, and their assigns, constituted a conveyance to the county, though it did not recite that it was "for the use of such county." *Barnes v. Multnomah County*, (1906) 145 Fed 695.

275.030 to 275.310

ATTY. GEN. OPINIONS: Application to housing authorities and urban renewal agencies, 1964-66, p 18; making improvements on tax foreclosed land, 1962-64, p 199.

275.030

CASE CITATIONS: *Emerson v. Hood River County*, (1960) 223 Or 112, 353 P2d 247.

ATTY. GEN. OPINIONS: Selling county general hospital and disposing of proceeds, 1946-48, p 138; making improvements on tax foreclosed land, 1962-64, p 199.

275.050

ATTY. GEN. OPINIONS: Selling county general hospital and disposing of proceeds, 1946-48, p 138; use of funds collected for other than road purposes, 1948-50, p 188.

275.090

CASE CITATIONS: *Emerson v. Hood River County*, (1960) 223 Or 112, 353 P2d 247.

ATTY. GEN. OPINIONS: Lease agreements to drill for oil or gas, 1936-38, p 274; county-owned land department operated through county court, 1940-42, p 166; cancellation of taxes on property purchased, 1940-42, p 228; authority to replat vacated county lands, 1948-50, p 202; authority to enter into an agreement with federal agencies providing for joint management of county forests, 1948-50, p 423; power to compensate a landowner who has been injured by foreclosure of another's timber, 1948-50, p 441; power to grant easement for irrigation ditch on the right-of-way of a county road, 1950-52, p 326; procedure to lease oil rights reserved by county on tax foreclosed land which it has sold, 1950-52, p 417; disposition of proceeds from sale of timber on tax foreclosed lands, 1958-60, p 89; making improvements on tax foreclosed land, 1962-64, p 199.

275.100

ATTY. GEN. OPINIONS: Inapplicability to exchange of property acquired other than by tax foreclosure, 1940-42, p 530.

275.105

ATTY. GEN. OPINIONS: This section as being exclusive of ORS 271.080 when vacating plats, 1942-44, p 367; county court's authority to replat vacated county lands, 1948-50, p 202.

275.110 to 275.160

CASE CITATIONS: *Fenter v. Gen. Acc. Fire and Life Assur. Corp.*, (1971) 258 Or 545, 484 P2d 310.

275.110 to 275.250

ATTY. GEN. OPINIONS: Authority to accept other than highest bid, 1964-66, p 189.

275.110

NOTES OF DECISIONS

Although not acting in its governmental capacity in contracting through the county land agent to sell certain realty, a county might be estopped from denying sale, through appropriate pleadings. *Glen Cullen Realty Co. v. Multnomah County*, (1947) 181 Or 394, 182 P2d 366.

The surviving husband of the former owner who held a curtesy right and claimed an oral assignment from his wife was not a record owner or his assignee within this section. *Harriman v. Linn County*, (1953) 200 Or 1, 264 P2d 816.

FURTHER CITATIONS: *Emerson v. Hood River County*, (1960) 223 Or 112, 353 P2d 247.

ATTY. GEN. OPINIONS: Sale of land in which property owners executed quitclaim deed to county, 1938-40, p 271; authority to cancel deed issued by mistake for less than the minimum set by the court, 1940-42, p 108; sale by a county to its officers or employes, 1940-42, p 261; authority to sell parcel, upon which a separate price had been fixed, with other parcels for a sum less than the largest amount bid for the individual parcel, 1940-42, p 522; extent of county court's power to sell timber at a private sale, 1948-50, p 29; power to deed lands obtained on tax foreclosure to the state without consideration, 1950-52, p 62; procedure to lease oil rights reserved by county on tax foreclosed land which it has sold, 1950-52, p 417; ownership of mineral and oil rights where notice of public sale of land reserved oil and mineral rights in county but land was sold at private sale without further notice by deed containing no reservation of mineral or oil rights, 1952-54, p 126; sale of county lands to a county commissioner, 1954-56, p 27.

275.120

CASE CITATIONS: Central Ore. Irr. Dist. v. Deschutes County, (1942) 168 Or 493, 124 P2d 518.

ATTY. GEN. OPINIONS: Use of deed book and page as description of property, 1960-62, p 181.

275.130

NOTES OF DECISIONS

Notice to the municipality claiming a lien for local improvements that the county has received an offer of purchase is not required unless the municipality filed with the county clerk a description of the property before the sale date in the notice published by the sheriff. Central Ore. Irr. Dist. v. Deschutes County, (1942) 168 Or 493, 124 P2d 518; City of Albany v. Arnold, (1954) 202 Or 498, 276 P2d 389.

The section must be construed with ORS 312.270 to 312.300. Id.

ATTY. GEN. OPINIONS: Use of deed book and page as description of property, 1960-62, p 181.

275.150

ATTY. GEN. OPINIONS: Necessity for issuing certificate of sale and making return, 1944-46, p 84.

275.160

ATTY. GEN. OPINIONS: Necessity for issuing certificate of sale and making return, 1944-46, p 84.

275.170

NOTES OF DECISIONS

Notice to a municipality claiming a lien for local improvements that the county has received an offer of purchase is not required unless the municipality filed with the county clerk a description of the property before the sale date in the notice published by the sheriff. Central Ore. Irr. Dist. v. Deschutes County, (1942) 168 Or 493, 124 P2d 518.

275.180

NOTES OF DECISIONS

The statute is permissive and enabling only, except as to price. The court or board is not bound to sell to record owners; the statute confers a power which can be exercised or not, the only limitation being that the land be sold for not less than the amount specified. Chaney v. Coos County, (1942) 168 Or 390, 125 P2d 192.

Possibility of reconveyance to the former owner of property taken by the county in a tax foreclosure was sufficient to give former owner an insurable interest in the property. Fenter v. Gen. Acc. Fire and Life Assur. Corp., (1971) 258 Or 545, 484 P2d 310.

FURTHER CITATIONS: Harriman v. Linn County, (1953) 200 Or 1, 264 P2d 816; Jaquith v. Hartley, (1966) 243 Or 27, 411 P2d 274.

ATTY. GEN. OPINIONS: Repurchase upon payment of not less than county would have received had taxes been paid, 1938-40, p 544; duty to sell to record owner as mandatory, 1938-40, p 756; authority to accept deed to tax delinquent property in payment of taxes under agreement that grantor may repurchase on specified terms, 1940-42, p 151; this section as affected by ORS 312.200, 1942-44, p 135; redemption of part of tax foreclosed parcel, 1964-66, p 22.

275.190

NOTES OF DECISIONS

Authority to contract with the "highest and best bidder" confers discretionary power. Johnson v. Craddock, (1961) 228 Or 308, 365 P2d 89.

Under contract providing that county, at its option, might terminate the agreement of purchase on purchaser's non-compliance with covenants, forfeiture was available only after reasonable notice to purchaser. Feehely v. Rogers, (1938) 159 Or 361, 76 P2d 287, 80 P2d 717.

FURTHER CITATIONS: Hager v. Clatsop County, (1919) 92 Or 600, 181 P 743; Fenter v. Gen. Acc. Fire and Life Assur. Corp., (1971) 258 Or 545, 484 P2d 310.

ATTY. GEN. OPINIONS: Authority to accept deed to tax delinquent property in payment of taxes under agreement that grantor may repurchase on specified terms, 1940-42, p 151; complying with formalities of sale to highest bidder at auction, 1940-42, p 350.

275.200

CASE CITATIONS: Fenter v. Gen. Acc. Fire and Life Assur. Corp., (1971) 258 Or 545, 484 P2d 310.

ATTY. GEN. OPINIONS: Private sale of property when no bid made at the public sale, 1948-50, p 103, 1950-52, p 227; ownership of mineral and oil rights where notice of public sale of land reserved oil and mineral rights in county but land was sold at private sale without further notice by deed containing no reservation of mineral or oil rights, 1952-54, p 126.

275.220

NOTES OF DECISIONS

County court's order canceling contract for sale of land was ineffective since no notice was given to defendant, and upon tender of amount owing, defendant was entitled to specific performance. Lincoln County v. Fischer, (1959) 216 Or 421, 339 P2d 1084.

ATTY. GEN. OPINIONS: District attorney representing private purchaser where he had assisted tax collector in foreclosure proceedings, 1940-42, p 261.

275.260

ATTY. GEN. OPINIONS: Cancellation of taxes and assessments when county acquires property by deed from record owner in lieu of foreclosure proceedings, 1940-42, p 199; cancellation of taxes on property purchased, 1940-42, p 228; taxability of public lands leased to taxable entity, 1948-50, p 126.

275.275

ATTY. GEN. OPINIONS: Costs of acquiring and maintaining foreclosed property prorated to each parcel and applied against the particular proceeds individually, 1940-42, p 453; authority to fix costs of maintenance and supervision of tax foreclosed property at 10 percent of the sale price of such property, or such other percentage as may fairly reimburse the general fund for the property's proportionate share of such costs, and costs of foreclosure proceeding as part of costs of maintenance and supervision, 1942-44, p 459; where county acquires lands at tax foreclosure sale prior to delinquency, omitted taxes for current year as required to be placed on tax roll for purpose of determining basis of distribution of proceeds of sale of such property,

1942-44, pp 160, 165; basis for allocating proceeds from sale of several parcels of land foreclosed in different years but sold together, 1950-52, p 44; tax levy to be used for distributing proceeds, 1954-56, p 59; distribution of proceeds from sale of timber on tax foreclosed land, 1958-60, p 89; county distribution formula for revenue from state forest lands, 1962-64, p 482.

275.290

CASE CITATIONS: Emerson v. Hood River County, (1960) 223 Or 112, 353 P2d 247.

ATTY. GEN. OPINIONS: Authority to enter into an agreement with federal agencies providing for joint management of county forests, 1948-50, p 423.

275.294

ATTY. GEN. OPINIONS: Meaning of word "minerals," 1958-60, p 189.

275.298

ATTY. GEN. OPINIONS: Validity of this section, 1954-56, p 84.

275.300

ATTY. GEN. OPINIONS: Authority to lease lands for mineral development, 1936-38, p 274.

275.320 to 275.370

ATTY. GEN. OPINIONS: Application to housing authorities and urban renewal agencies, 1964-66, p 18.

275.320**NOTES OF DECISIONS**

The county court was acting in a nonjudicial capacity under this section and the definition of order in the chapter on civil procedure was not applicable. Jaquith v. Hartley, (1966) 243 Or 27, 411 P2d 274.

ATTY. GEN. OPINIONS: Court order requiring juveniles to work in parks, 1962-64, p 423; use of county park land by community college without a vote, (1970) Vol 34, p 1111.

LAW REVIEW CITATIONS: 46 OLR 251, 263.

275.330**NOTES OF DECISIONS**

The entry of the motion in the minutes was not the entry of an order contemplated by this section. Jaquith v. Hartley, (1966) 243 Or 27, 411 P2d 274.

ATTY. GEN. OPINIONS: Conveying park land to the United States Government, 1962-64, p 117; use of county park land by community college without a vote, (1970) Vol 34, p 1111.

275.340

ATTY. GEN. OPINIONS: Use of funds received from sale, 1958-60, p 401.

275.350

ATTY. GEN. OPINIONS: Authority to regulate boats in county parks, 1960-62, p 227; division of authority between county court and State Marine Board to regulate boats, moorages and boating, 1964-66, p 383.

275.360**NOTES OF DECISIONS**

The entry of the motion in the minutes was not the entry of an order contemplated by this section. Jaquith v. Hartley, (1966) 243 Or 27, 411 P2d 274.

275.410

ATTY. GEN. OPINIONS: Authority of county court to lease lands acquired by foreclosure of tax liens, 1932-34, p 118; disposition of funds received as rentals from lands bid in by counties for taxes, 1932-34, p 149.

