



# Oregon

Kate Brown, Governor

## Department of State Lands

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## State Land Board

Kate Brown

Governor

Shemia Fagan

Secretary of State

Tobias Read

State Treasurer

## State Land Board

### Regular Meeting

October 12, 2021

### Agenda Item 2

### **SUBJECT**

Request for approval to initiate due diligence for a potential sale of a tract of filled land on the Astoria waterfront in Clatsop County at Township 8 North, Range 9 West, Section 7CA, a portion of Tax Lots 401 and 402 totaling 0.7 acres of state-owned filled lands (DSL file 63360-LS).

### **ISSUE**

Whether the State Land Board should authorize the Department to initiate due diligence for a potential sale of 0.7 acres of state-owned filled land (Appendix A) in a direct land sale.

### **AUTHORITY**

Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.

ORS 273.055; relating to the power to acquire and dispose of real property.

ORS 273.171; relating to the duties and authority of the Director.

ORS 274.915; relating to the sale, lease or trade of submersible and submerged lands.

OAR 141-068; relating to the sale, exchange or reservation of new lands.

Real Estate Asset Management Plan (REAMP), adopted by the Land Board; February 2012

## **SUMMARY**

In June 2021, Fortuna Cannery LLC submitted an application to purchase filled land from DSL along the Astoria waterfront at Township 8 North, Range 9 West, Section 7CA. The land requested for purchase is a portion of Tax Lots 401 and 402 in Clatsop County. The filled land is currently leased by Fortuna Cannery LLC and used as a parking area, access point, and small open space for the Cannery Pier Hotel at 10 Basin Street. The Port of Astoria owns the adjacent upland.

Fortuna Cannery LLC owns the tax lots for the requested land, while DSL owns the filled land itself, a result of the Astoria Quitclaim Act (1969). As with most state-owned waterways, DSL owns the submerged and submersible land (beds and banks) of the Columbia River. However, the Astoria Quitclaim Act established tax lots for portions of submerged and submersible land along the Astoria waterfront, giving tax lot owners the right to lease the land. At the time, the land Fortuna Cannery LLC is requesting to purchase was submerged/submersible. According to an ownership study conducted by DSL staff, the land was subsequently filled between July 1969 and September 1971 to add storage and access to the docks. Fortuna Cannery LLC later purchased the improvements on Tax Lot 401 and 402, while the state maintained ownership of the filled lands. The ownership study was a Strength of Claim analysis completed by DSL Ownership Specialist Erin Serra which was prompted by the Fortuna application.

## **RECOMMENDATION**

The Department recommends that the State Land Board authorize the initiation of due diligence for a potential sale of 0.7 acres of filled land in Clatsop County.

## **APPENDICES**

A. Map of the Parcel

State of Oregon  
Department of State Lands



APPENDIX A



**63360-LS - State to Fortuna Cannery, LLC**  
**T08N, R09W Section 07 Tax Lots 401 and 402**  
**0.70 acres**  
**Clatsop County**

 Filled Lands

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 60 120  
Feet



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet  
State of Oregon  
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