

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying a Temporary Construction Easement to Columbia City, Oregon, for the Use of a Portion of Certain County-Owned Real Property Known as Tax Account No. 5128-042-00900)
)
) ORDER NO. 34 - 2005
)
)

WHEREAS, ORS 271.310 authorizes Columbia County to convey an easement to any governmental body whenever it possesses or controls real property not needed for public use, or whenever the public interest may be furthered; and

WHEREAS, Columbia County owns certain real property which has been assigned Tax Account No. 5128-042-00900 and is more particularly described as:

All that portion of Lots 7, 8 and 9, Block 52, COLUMBIA CITY, Columbia County, Oregon, lying East of the Easterly right of way of the S. P. & S. Railway Company.

and

WHEREAS, the City of Columbia City, Oregon, a municipal corporation, is in the process of planning for the reconstruction of the "L" Street Bridge and, throughout the duration of the project, is in need of an area on which to temporarily store equipment and materials used in the reconstruction; and

WHEREAS, Columbia City has requested a temporary construction easement over a portion of the above-described property for use in the reconstruction of the "L" Street bridge, including the right to temporarily erect and use construction equipment at the site, said portion of the above-described property needed being fully described on the Temporary Construction Easement attached hereto as Attachment 1, and shown on the survey attached as Exhibit "A" to Attachment 1, said Attachment being incorporated herein by this reference; and

WHEREAS, Columbia County desires to preserve a buffer along the railroad right-of-way lying to the west of the above-described property and Columbia City has agreed to this condition and has formulated a plan to protect and/or replace any trees and vegetation which are necessary to maintain such a buffer, said plan being attached hereto as Attachment 2 and incorporated herein by this reference; and

WHEREAS, the public interest may be furthered by conveying said easement as requested;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- 1) The Board of County Commissioners for Columbia County, Oregon, shall convey a Temporary Construction Easement to the City of Columbia City, Oregon, under a portion of the County-owned real property described above as necessitated by the reconstruction of the "L" Street Bridge, a copy of said Temporary Construction Easement being attached hereto as Attachment 1.
- 2) Columbia County's grant of said Temporary Construction Easement is conditioned upon the City's agreement to maintain a buffer along the railroad right-of-way lying to the west of the County's property, said buffer to consist, at a minimum, of the plan attached hereto as Attachment 2.

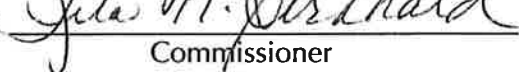
3) Upon delivery and execution of said Temporary Construction Easement, Columbia City shall record it in the office of the Columbia County Clerk.

DATED this 22 day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By:  _____
Chair

By: not present _____
Commissioner

By:  _____
Commissioner

Approved as to form

By:  _____
Office of County Counsel

S:\COUNSEL\LANDS\512804200900\TEMP CONSTR EASE ORD.wpd

GRANTOR'S NAME AND ADDRESS:

Board of County Commissioners
for Columbia County, Oregon
Columbia County Courthouse, Room 331
230 Strand
St. Helens, OR 97051

ATTACHMENT 1

AFTER RECORDING, RETURN TO GRANTEE:

City Administrator
City of Columbia City
Post Office Box 189
1840 Second Street
Columbia City, OR 97018

TEMPORARY CONSTRUCTION EASEMENT

FOR GOOD AND VALUABLE CONSIDERATION, **COLUMBIA COUNTY**, a political subdivision of the State of Oregon, hereinafter Grantor, does hereby grant unto the **COLUMBIA CITY**, a municipal corporation of the State of Oregon, hereinafter Grantee, its successors, assigns, agents, contractors, subcontractors, and employees, a temporary easement in, upon, through, over, under and across the following described property, hereinafter "the easement site", which is situated in said County, to-wit:

A parcel of land lying in Lots 7 and 8, Block 52 of the Caples Addition to Columbia City, Columbia County, Oregon and being a portion of that property described in that Deed to Columbia County recorded November 8, 2002, in Instrument No. 02-14306 of Columbia County; the said parcel being all of Lots 7 and 8 of said Block 52 lying Easterly of the Easterly Right of Way of the Portland and Western Railroad.

Bearings based on County Survey 5173, Columbia County, Oregon.

EXCEPT therefrom that portion of property lying within the existing right of way of "L" Street.

ALSO EXCEPT therefrom the following-described property:

A parcel of land lying in Lot 7, Block 52 of the Caples Addition to Columbia City, Columbia County, Oregon and being a portion of that property described in that Deed to Columbia County recorded November 8, 2002, in Instrument No. 02-14306 of Columbia County; the said parcel being that portion of said property included in a strip of land 60.00 feet in width, lying on the Northerly side of the center line of "L" Street, which center line is described as follows:

Beginning at Engineer's center line Station "L" 10+00.00, said station being West 351.02 feet and South 142.10 feet of the Southeast corner of Lot 6, Block 52 of the Caples Addition to Columbia City, in Northwest quarter of the Southeast quarter of Section 28, Township 5 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon; thence North 74°01'29" East 576.34 feet to Engineer's center line Station "L" 15+76.34.

Bearings based on County Survey 5173, Columbia County, Oregon.

EXCEPT therefrom that portion of property lying within the existing right of way of "L" Street.

ALSO EXCEPT therefrom that portion of property lying within the existing right of way of the Portland and Western Railroad.

EXCEPT therefrom that portion of property lying within the existing right of way of "L" Street.

ALSO EXCEPT therefrom that portion of property lying within the existing right of way of the Portland and Western Railroad.

This parcel contains 365 square feet, more or less.

This grant of temporary right to use and occupy is given for the purpose of permitting Columbia City, its successors, assigns, agents, contractors, and employees, to use said described property for construction, repair and/or replacement of the "L" Street bridge, Columbia City, Oregon.

The Grantor also grants to the Grantee, its successors, assigns, agents, contractors, and employees, the right to temporarily erect and use construction equipment at the site of the construction herein described.

IT IS UNDERSTOOD that the easement rights herein granted shall terminate on November 1, 2006, or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the easement herein granted does not convey any right or interest in the above described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

In addition, the Grantee, its successors, assigns, agents, contractors, and employees agree, to the following conditions of entry:

- 1) **DAMAGE TO PROPERTY.** Grantee shall exercise care to avoid damaging the property in any manner not consistent with the purpose for which this agreement is issued.
- 2) **COOPERATION WITH GRANTOR.** Grantee shall at all times cooperate with Grantor and comply with reasonable requests not inconsistent with the purpose for which this easement is granted.
- 3) **CLEARING:** Grantee shall clear the easement site of brush and trees only to the extent absolutely necessary but, in no case, shall Grantee clear the site of all trees. Grantee specifically agrees to leave in place, or to replace, the trees and vegetation necessary to form a buffer to the railroad right-of-way lying adjacent to the easement site.
- 5) **CLEANUP.** Upon completion of the bridge project, Grantee shall clean the easement site of all rubbish, excess material, temporary structures, and equipment. Grantee shall also spread native seeds uniformly over the easement site and fertilize.
- 6) **ACCEPTANCE.** All parts of the easement site shall be left in acceptable condition.

EXECUTED this ____ day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

Approved as to form

By: _____
Office of County Counsel

By: _____
Commissioner

By: _____
Commissioner

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this ____ day of June, 2005, by Anthony Hyde, Joe Corsiglia and Rita Bernhard, County Commissioners for Columbia County, a political subdivision of the State of Oregon.

Notary Public for Oregon

ACCEPTED:

Columbia City, Oregon, accepts this Temporary Construction Easement and agrees to the conditions therein.

Dated this ____ day of June, 2005.

COLUMBIA CITY, OREGON

By: _____

(Print Name)

(Title)

S:\COUNSEL\LANDS\512804200900\TEMP CONSTR EASEMENT.wpd

SE 1/4, SEC. 28, T.5N., R.1 W., W.M.



COLUMBIA RIVER HWY.

PORTLAND AND WESTERN R.R.

N15°49'53"W

4TH ST.

513

CAPLES ADDITION 4

94-3250 TO COLUMBIA CITY

COLUMBIA COUNTY 02-14306 632 ft.² ± Rem. West

"L" STREET

ADDITION 98-06326 TO COLUMBIA CITY

ODOT BRIDGE NO. 09B05

655+16.31=
"L" 10+00.00 POT
N. 817582.89
E. 7613876.15

S2°08'51"W (2)(1/4) (M. 15.80± S)
M. 15.60±

Temp. Ease.-Work Area
365 ft.² ±

352 ft.² ±
Perm. Public Utility Ease.

"L" 12+66.65=
"4P" 10+00.00 POT
N. 817656.28
E. 7614132.50

COLUMBIA CITY

SECTION	PORTLAND AND WESTERN RR (L ST.) BRIDGE		
DRG. NO.	196810001	KEY NO.	11992
HIGHWAY	"L" STREET		
COUNTY	COLUMBIA COUNTY		
SCALE :	1"=50'	DATE :	JUNE 2, 2005

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEB. 19, 1999
JAMES W. COLTON
*58756

RENEWAL DATE: DEC. 31, 2005
SIGNED: *JWC*



920 COUNTRY CLUB RD., SUITE 100B
EUGENE, OREGON 97401
TEL (541) 683-6090 FAX (541) 683-6576
WWW.OREC.COM

EXHIBIT A



The City of Columbia City

In Columbia County on the Columbia River
 P.O. Box 189 - 1840 Second Street
 Columbia City, Oregon 97018
 Phone (503) 397-4010 - Fax (503) 366-2870
 E-mail columbiacity@columbia-center.org
 Web site www.colcenter.org/colcity

June 9, 2005

Cynthia Zemaitis
 Office of County Counsel
 Columbia County Courthouse
 230 Strand, Room 318
 St. Helens, OR 97051-2096

Post-It® Fax Note	7671	Date	6/10/05	# of pages	3
To	Cynthia	From	Leah M. M.		
Co./Dept.	Co. County	Co.	Columbia City		
Phone #		Phone #	397-4010		
Fax #	366-3925	Fax #			

COLUMBIA COUNTY

Re: Tax Account No. 5128-042-00900

JUN 10 2005

Dear Cynthia:

COUNTY COUNSEL

Thank you for your letter of June 9, 2005, in our response to our request for temporary and permanent utility easements.

Our survey of the site identified two mature trees partially located on tax lot 5128-042-00900. Please refer to the attached map depicting the location of the mature trees. We plan to remove the 18" maple tree located at the southwest corner of the site. We plan to preserve the 24" maple tree shown on the site map, although we will need to remove a portion of its root zone (less than 30%). In addition, we will be preserving any 8" or larger tree located to the north of the 24" maple.

In addition to preserving the trees mentioned, we will be planting some trees and shrubs for screening to the north of the bridge. However, we will avoid placing them close to the bridge for maintenance reasons. We have been in contact with Mr. Cook to provide him with an opportunity to make recommendations about plant and tree species, and we will also provide him with an opportunity to comment on the proposed landscaping plan when it becomes available.

The underground easement you've described should meet our needs. The utilities will be underground, and we do not anticipate placing any structures aboveground in the easement area.

Please use the surveyor's recommended wording for the duration of the temporary construction easement. Although we expect construction to be complete by the end of summer in 2006, we may encounter unexpected delays.

The City is not opposed to purchasing the property from the County. However, the easements we've requested will satisfy our needs. Mr. Cook has expressed an interest in owning the property, and our request is based on our desire to

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Letter to Cynthia Zemaitis
June 9, 2005

maintain a positive relationship with him and accommodate his needs when we are reasonably able.

Please let me know if you have questions or need additional information. Thank you for continued assistance with this matter.

Sincerely,



Leahnette Rivers
City Administrator/Recorder

PORTLAND AND WESTERN R.R.

521 94-3250
TO COLUMBIA CIT
(52)

COLUMBIA COUN
02-14306
632 ft.² ± Rem
364 ft.² ± Rem
996 ft.² ± Rem

Top. Ease. - Work Area

To be protected

18" Maple
to be removed

001

505 "L"

"L" 12+6
"4P" 10+
NE

504

519

CAPLES

503

TO

DRAFT

CC

SECTION	PORTLAND AND
DDC NO	