

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Re-Dedicating Property owned by)
Columbia County as Additional Right-of-Way)
for Public Road and Utility Purposes) **ORDER NO. 57 - 2005**
)
[Fourth Street West, Rainier, Oregon])
_____)

WHEREAS, the County of Columbia, through a 1935 tax foreclosure, became the owner of certain real property commonly referred to as Tax Account No. 7216-034-03199, which is an elongated strip of property approximately .10 acres in size adjacent to Fourth Street West, a public right-of-way under County jurisdiction but within the city limits of Rainier, Oregon; and

WHEREAS, the Board of County Commissioners previously learned that this county-owned property effectively landlocked three individual pieces of property; and

WHEREAS, ORS 275.090 grants the County the power to grant easements and rights-of-way over, through and across any such lands acquired on foreclosure of tax liens; and

WHEREAS, in order to resolve the existing problem of landlocking adjacent privately-owned property, the Board of Commissioners dedicated the county-owned property referred to as Tax Account No. 7216-034-03199 to the public as additional right-of-way for road and utility purposes forever by Order No. 48-2003; and

WHEREAS, thereafter a Dedication Deed was executed by the Board of County Commissioners and recorded in the Columbia County Clerk's deed records as Instrument No. 2003-10618; and

WHEREAS, that Dedication Deed failed to include the approval of the City of Rainier pursuant to ORS 227.110, and Board Order No. 48-2003 failed to address the requirements of ORS 368.106(2) - (4); and

WHEREAS, Ordinance No. 2003 - 01 was enacted to supercede ORS 368.106(2) - (4) in certain circumstances and to establish a procedure for the exemption of dedications of certain property from the requirements of a survey and/or monumentation; and

WHEREAS, pursuant to Ordinance No. 2003 - 01, the County's Natural Resources Administrator made a request to the Public Works Director to exempt this dedication from the requirement that the property be surveyed and/or monumented, said request being attached hereto as Exhibit 1 and by this reference incorporated herein; and

WHEREAS, the Public Works Director made a determination that the property shall be exempt from the survey and/or monument requirements, said determination being attached hereto as Exhibit 2

and by this reference incorporated herein; and

WHEREAS, pursuant to ORS 227.110, the City of Rainier, through its Planning Commission, has approved the dedication of this property to public use as reflected on the Corrected Dedication Deed, said deed being attached hereto as Exhibit 3 and by this reference incorporated herein; and

WHEREAS, attached to the Corrected Dedication Deed as Exhibit A is the legal description of the property being dedicated as additional right-of-way, and attached as Exhibit B is a map depicting the area to be dedicated;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Columbia County hereby re-dedicates for public purposes the property commonly referred to as Tax Account No. 7216-034-03199, which is more fully described and depicted on the exhibits attached to the Corrected Dedication Deed, as additional right-of-way to Fourth Street West, Rainier, Oregon.

2. The property being re-dedicated is hereby re-accepted for public road and utility purposes as a Local Access Road only, and not as a County road.

3. The Corrected Dedication Deed and this Order shall be filed with and recorded by the County Clerk without cost, and the Corrected Dedication Deed and the original Dedication Deed, recorded as Instrument No. 2003-10618, shall each cross-reference the other in the deed records maintained by the County Clerk.

4. The cartographer for the assessor's office shall include this property in the named right-of-way.

5. The property being re-dedicated is exempted from the requirement that the property be surveyed and/or monumented.

DATED this 31st day of August, 2005.

Approved as to form

By: [Signature]
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

S:\COUNSEL\LANDS\721603403199\ORD DEDICATING.wpd

INTEROFFICE MEMORANDUM

John K. Knight
County Counsel

Sarah Tyson
Assistant County Counsel

Cynthia Zemaitis
Paralegal / Natural Resources Administrator

TO : Dave Hill
FROM : Cynthia Zemaitis
DATE : August 23, 2005
RE : Tax Account No. 7216-034-03199
SUBJECT : Re-Dedication

Attached is a copy of the Dedication Deed signed on June 30, 2003, pursuant to Board Order No. 48-2003 which, you will recall, dedicated numerous County-owned parcels as public rights-of-way, including this parcel. The deed form which was used, however, did not have the approval section by the City of Rainier and the procedure exempting dedications from the requirements of ORS 368.106(2) - (4) were not followed. I am, therefore, working on a Corrected Dedication Deed and new Board order.

Pursuant to Ordinance No. 2003 - 01, please consider this a request to exempt the dedication of Tax Account No. 7215-034-03199 from the requirement that the property be surveyed and/or monumented prior to it being re-dedicated. Also, pursuant to said ordinance, please make a written determination whether the property shall be exempt from the survey and/or monument requirements and forward it to me for attaching to the Board order.

Thanks.

S:\COUNSEL\LANDS\721603403199\IOMT HILL EXEMPT.wpd

EXHIBIT 2



Columbia County Road Department
1054 Oregon Street, St. Helens, OR 97051

Dave Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215
e-mail: hilld@co.columbia.or.us

to: Cynthia Zemaitis, County Counsel
from: Dave Hill, Public Works Director
date: August 30, 2005
subject: Re-dedication of Tax Lot #7216-034-03199

A handwritten signature in black ink that reads 'David A Hill'.

I have reviewed the matter of re-dedication of tax lot #7216-034-03199 and I recommend that this dedication be exempt from the survey and/or monument requirements of ORS 368.106(2) - (4).

If you have any questions or need more information, please call.

DEDICATION DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, by and through its Board of Commissioners, the owner of certain real property situated in Columbia County, Oregon, does hereby forever dedicate to the public for public road and utility purposes the land which is described on the document labeled Exhibit "A", and which is shown by the map labeled Exhibit "B", both of said Exhibits being attached hereto and incorporated herein by this reference.

The property described on Exhibits "A" and "B" is to be dedicated for use for public road and utility purposes only.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$0.00, stated in terms of dollars.

DATED this _____ day of August, 2005

DEDICATORS:

COLUMBIA COUNTY, by and through its BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner

ACKNOWLEDGMENT

STATE OF OREGON)
County of Columbia) ss.

This instrument was acknowledged before me on the _____ day of _____, 2005, by Rita Bernhard, Anthony Hyde, and Joe Corsiglia as Commissioners of Columbia County, Oregon, on behalf of whom the instrument was executed. *Anthony Hyde*
Rita Bernhard

Notary Public for Oregon
My Commission Expires: _____

APPROVAL

Pursuant to ORS 227.110, the City of Rainier, a municipal corporation of the State of Oregon, by and through its Planning Commission or City Engineer, hereby approves the above dedication of land from COLUMBIA COUNTY for public road and utility purposes forever on behalf of the public.

DATED this 28 day of AUGUST, 2005.

CITY OF RAINIER

GRANTOR'S NAME AND ADDRESS:

By: *[Signature]*

COLUMBIA COUNTY
Courthouse
St. Helens, OR 97051

P.C. Chapman (Title)

ACCEPTANCE

Columbia County, a political subdivision of the State of Oregon, by and through its Board of County Commissioners, hereby accepts the above dedication of land from Columbia County for public road and utility purposes forever on behalf of the public. This land is expressly accepted as a Local Access Road only, and not as a County road.

DATED this ___ day of _____, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

AFTER RECORDING RETURN TO:

OFFICE OF COUNTY COUNSEL
ROOM 318, COURTHOUSE
ST. HELENS, OREGON 97051

**EXHIBIT A
to Dedication Deed**

Tax Account No. 03-01 7216-034-03199

A tract of land in the Southwest quarter of Section 16, Township 7 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon described as follows:

Beginning at the Southwest corner of Block "A", MOECK'S SECOND ADDITION TO RAINIER (now CITY OF), platted and on record in the office of the County Clerk of Columbia County, Oregon in Deed Book 10, page 18, Deed Records of said County; thence running West parallel with Oak (now F) Street, 60 feet to a stake and the true point of beginning; thence South, parallel with Carlisle (now 4th Street West), a distance of 162 feet to the Southeast corner of a tract of land conveyed to Aubra Owen Sims and Ida May Sims, husband and wife, as described by deed recorded in Deed Book 58, page 210 of said Deed Records; thence East parallel with said Oak Street and along the Easterly extension of the South line of said Sims tract to the West line of said Carlisle Street; thence North, along the West line of said Carlisle Street, a distance of 212 feet to the Easterly extension of the North line of a tract of land conveyed to Ida May Sims, a widow, as described by deed recorded in Deed Book 165, page 295 of said Deed Records; thence West along said Easterly extensions of said Sims North line to the Northeast Corner of said Sims tract; thence South, parallel to said Carlisle Street and along the East line of said Sims tract a distance of 50 feet to the true point of beginning.

6/51
60/151
60/154 CS# 714
24 AC

Handwritten note: 6/51

SCALE 1" = 2400'

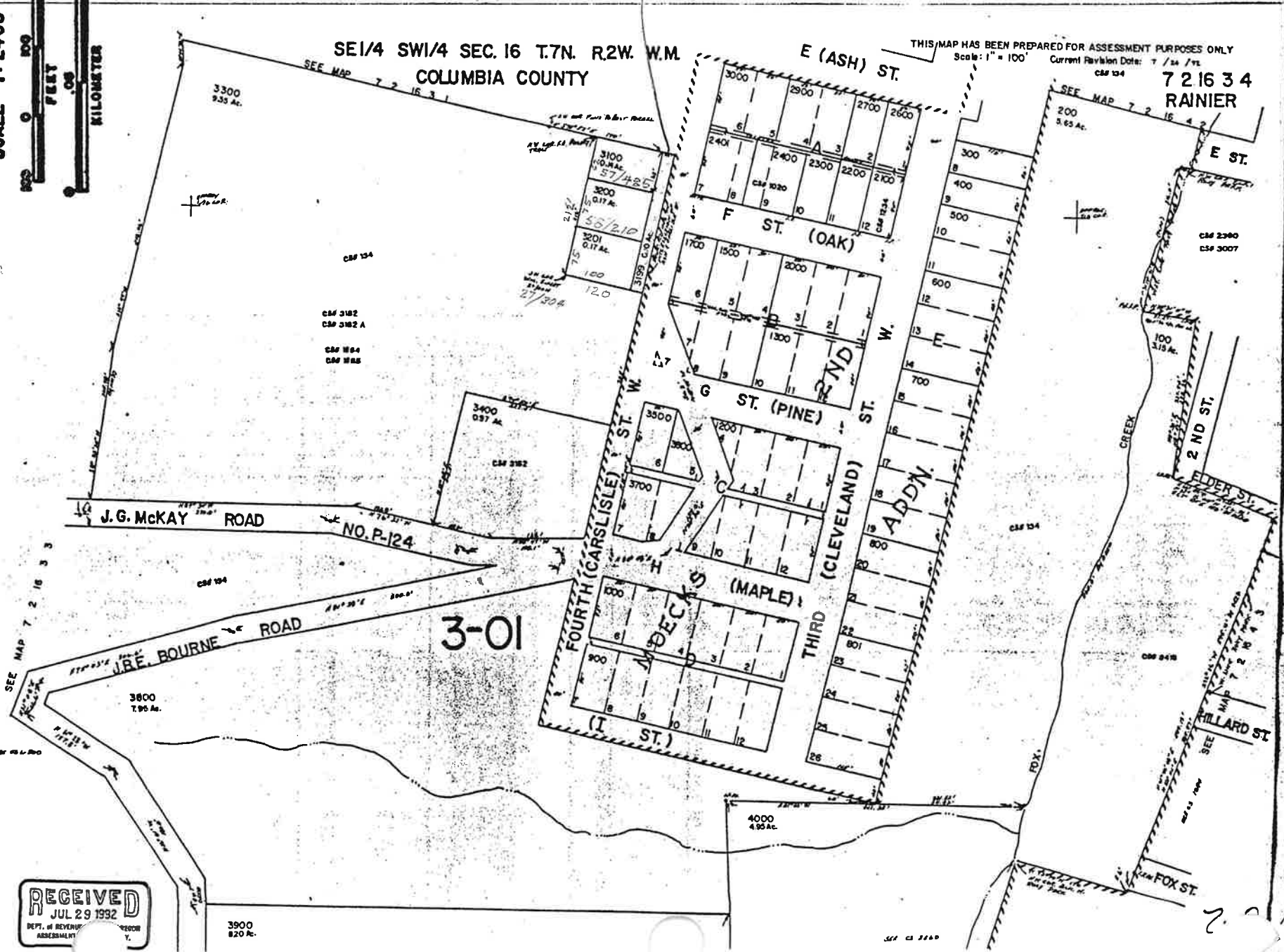


SE 1/4 SW 1/4 SEC. 16 T.7N. R.2W. W.M.
COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 100' Current Revision Date: 7/24/75
CS# 134

SEE MAP 7 2 16 3 1
7 2 16 3 4
RAINIER

EXHIBIT B



RECEIVED
JUL 29 1992
DEPT. OF REVENUE
ASSESSMENT
TOWN OF
Y.

7 2 16 3 4
#1



Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

Dave Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215

e-mail: hilld@co.columbia.or.us

to: Cynthia Zemaitis, County Counsel
from: Dave Hill, Public Works Director
date: August 30, 2005
subject: Re-dedication of Tax Lot #7216-034-03199

I have reviewed the matter of re-dedication of tax lot #7216-034-03199 and I recommend that this dedication be exempt from the survey and/or monument requirements of ORS 368.106(2) - (4).

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