

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Accepting the Dedication of
Additional Right-of-Way Along Miller
Road, Scappoose, Oregon, from the City of
Scappoose

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ORDER NO. 70 - 2006

WHEREAS, on May 11, 2006, the City of Scappoose, Oregon, through its City Manager, Jon Hanken, executed a Dedication Deed and thereafter delivered it to the County for acceptance, a copy of said deed being attached hereto, labeled Attachment 1 and incorporated herein by this reference; and

WHEREAS, the intent of the City of Scappoose is to meet the requirements of a condition placed upon it in connection with the development of the City's Miller Road Water Treatment Plant by the dedication of an additional 5 feet of right-of-way along Miller Road to the public for road and utility purposes forever from a portion of the City's property commonly referred to as Tax Account No. 3107-030-00101 abutting Miller Road in Scappoose, Oregon; and

WHEREAS, attached to the Dedication Deed as Exhibit A is the legal description of the property being dedicated as additional right-of-way; and

WHEREAS, a map depicting the area to be dedicated is attached hereto, labeled Attachment 2, and incorporated herein by this reference; and

WHEREAS, the City of Scappoose has requested that the requirement of ORS 368.106(2) - (4) whereby property proposed for dedication as a public right-of-way is to be surveyed and/or monumented be waived, a copy of said request being attached hereto, labeled Attachment 3, and incorporated herein by this reference; and

WHEREAS, Ordinance No. 2003-1 provides that, upon the written recommendation of the Public Works Director, property being dedicated for public road purposes may be exempted from the requirements of ORS 368.106(2) - (4) by the Board of County Commissioners; and

WHEREAS, an exemption to the requirement of ORS 368.106(2) - (4) to survey and/or monument the additional right-of-way along Miller Road has been approved by the Public Works Director, said recommendation being attached hereto, labeled Attachment 4, and incorporated herein by this reference;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Dedication Deed from the City of Scappoose is hereby accepted by the County.
2. The 5 feet of property along Miller Road, Scappoose, Oregon, as described on Exhibit A to the Dedication Deed and as shown on the map attached hereto as Attachment 2, is accepted for public road and utility purposes as part of Miller Road, a County Road.

3. The requirement of ORS 368.106(2) - (4) to survey and/or monument this additional right-of-way along Miller Road is hereby waived.

4. The Dedication Deed and this Order shall be filed with and recorded by the County Clerk without cost.

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

DATED this 23 day of August, 2006.

Approved as to form

By: Sarah Henson
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Joe Corson
Chairman

By: John M. Ford
Commissioner

By: [Signature]
Commissioner

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GRANTORS' NAME AND ADDRESS:

City of Scappoose
33568 E. Columbia Avenue
Scappoose, Oregon 97056

ATTACHMENT 1

AFTER RECORDING, RETURN TO GRANTEE:

Office of County Counsel
Columbia County Courthouse, Room 308
230 Strand
St. Helens, OR 97051

DEDICATION DEED

We, the City of Scappoose, the undersigned, Owner of certain real property situated in Columbia County, Oregon, do hereby forever dedicate to the public for public road and utility purposes the land which is described on the document labeled Exhibit "A said Exhibit being attached hereto and incorporated herein by this reference. .

The property described on Exhibit "A" 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 11 day of May, 2006.

DEDICATORS:

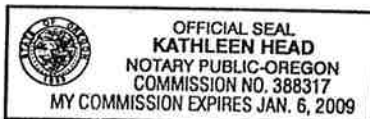
Jon A. Hanken, City Manager

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of Columbia)

THIS INSTRUMENT was acknowledged before me on the 11th day of May, 2006, by Jon Hanken.

Kathleen Head
Notary Public for Oregon



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 _____ 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 _____, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By:

Chair

By:

Commissioner

By:

Commissioner

S:\COUNSEL\ROADS\DEDICATE\DEED CURRENT.wpd

EXHIBIT A

Dedication being the easterly five feet (5.00 ft) of that property described as being located in the Northwest quarter of Section 7, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, beginning at a 5/8" iron rod with a yellow plastic cap stamped "CAMPBELL OR PLS 788", said rod being the Southeast corner of Lot 16 of Sunset Estates. Proceeding N 20° 29' 03" E, 779.71 feet to the true point of beginning, a 3/4" iron pipe; thence N 20° 00' 53" E, 266.21 feet, to a 5/8" iron rod with yellow plastic cap marked "LS2536"; thence N 69° 06' 29" W, 531.57 feet, to a 5/8" iron rod with yellow plastic cap marked "Martinez PLS 2536"; thence S 22° 59' 19" W, 219.88 feet to a 5/8" iron rod with yellow plastic cap marked "Martinez PLS 2536"; thence S 64° 12' 20" E, 145.71 feet, to a 5/8" iron rod; thence S 63° 14' 00" E, 399.96 feet to the true point of beginning. Said dedication being adjacent to and contiguous with Miller Road, County Road Number P-286.

3107.030- 00101

1.08

ATTACHMENT 2

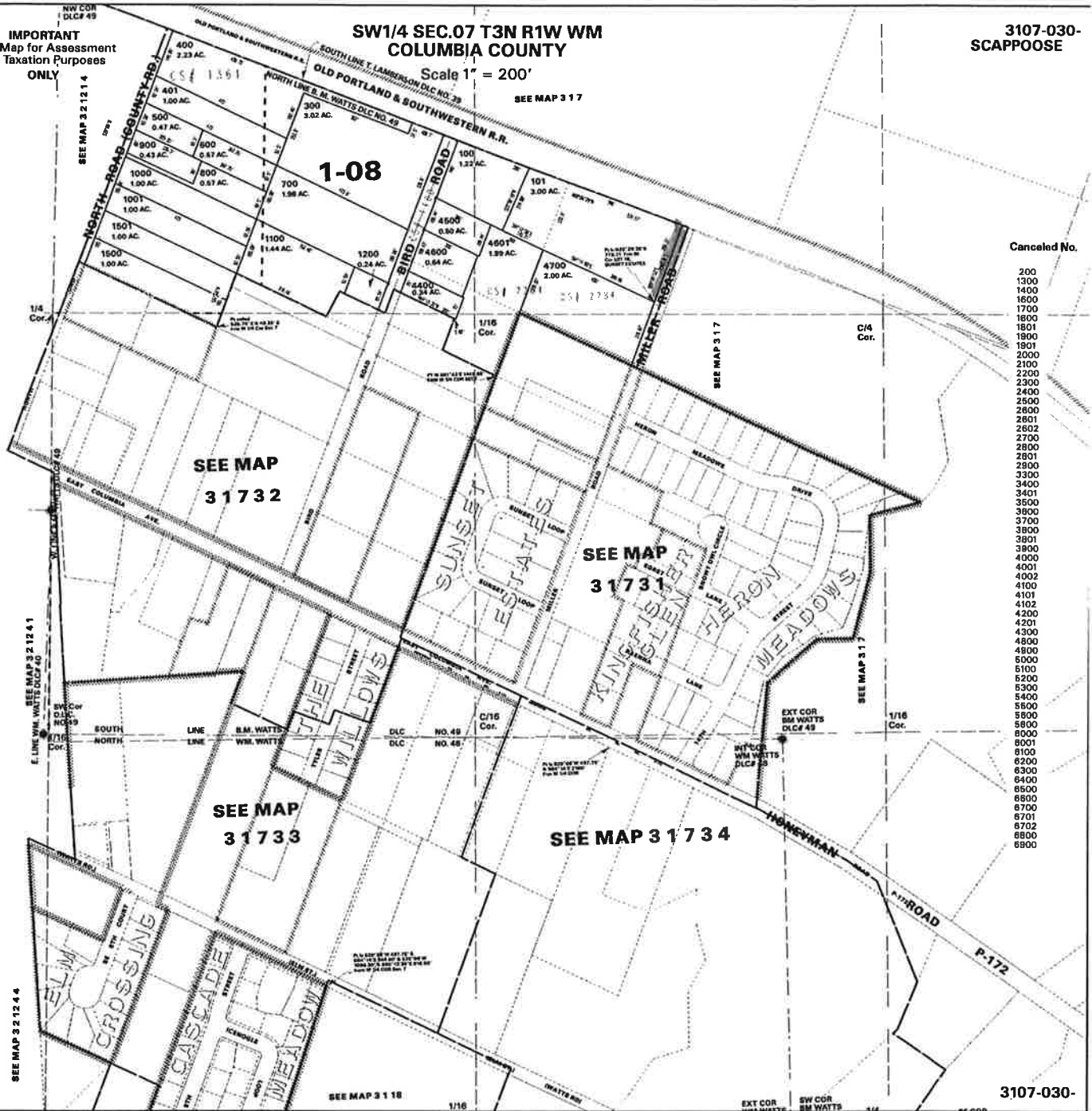
IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SW1/4 SEC.07 T3N R1W WM
COLUMBIA COUNTY

Scale 1" = 200'

SEE MAP 317

3107-030-
SCAPPOOSE



07/14/06

3107-030-

ATTACHMENT 3

CITY OF SCAPPOOSE

33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056
(503) 543-7146
FAX: (503) 543-7182

Columbia County
Columbia County Road Department
PO Box 366
1004 Oregon Street
St. Helens, Oregon 97051

Attention: Dave Hill, PE
Road Master

Enclosed is the dedication deed for the five-foot dedication adjacent to our Miller Road Water Treatment Plant. In accordance with the rules promulgated by Columbia County, I am requesting that the requirement for a survey be waived for this dedication.

Sincerely,



Jon G. Hanken
City Manager



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
from: Dave Hill, Public Works Director
date: June 15, 2006

A handwritten signature in black ink, appearing to be "DH" or "Dave Hill", is written over the "from:" line of the header.

subject: Dedication Deed from City of Scappoose

Attached is a signed dedication deed from the City of Scappoose for property along Miller Road in Scappoose.

I recommend the County accept the deed and waive the requirement for a survey. The property of the City is surveyed with adequate monuments, however this additional dedication of right-of-way is not, but since the original property is adequately surveyed it is easily determined where the subject additional right-of-way is located.

Please let me know if you need additional information to process this request.

COLUMBIA COUNTY

JUN 1 2006

COUNTY COUNSEL