

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing Kevin and Jennifer Bernt )  
to Construct a Gate in the Right-of-Way of Old )  
Clatskanie-Rainier Road )

ORDER NO. 98-2006

WHEREAS, pursuant to ORS 368.056, the Board of County Commissioners may authorize the issuance of a permit to a person to allow construction of a gate on a public road under the jurisdiction of the County; and

WHEREAS, in issuing such permit, the Board of County Commissioners may impose any conditions or specifications on the permit it determines to be advisable to preserve the purposes of the public road, and may include a requirement that the person issued the permit shall bear all costs of construction and maintenance of the gate; and

WHEREAS, Kevin and Jennifer Bernt are the owners of property adjacent to Old Clatskanie-Rainier Road; and

WHEREAS, the Bernts have requested a road vacation to prevent illegal dumping, however the Columbia County Road Official will not make a recommendation that vacation is in the public interest; and

WHEREAS, the County Road Official has recommended that the County authorize the Bernts to construct and maintain gate or other barrier at the proposed location provided that the Bernts give a key to the Road Department for future access to the area, and provided that the permit may be revoked by the County at any time for any reason; and

WHEREAS, the Columbia County Road Standards prohibits the placement of any structure in the right-of-way of any County road or public road under County jurisdiction without first obtaining a Construction Permit from the Columbia County Road Department;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Kevin and Jennifer Bernt are authorized to construct and maintain a gate or other barrier at the location shown on the area map which is attached hereto as Attachment 1, and is incorporated herein by this reference, upon the issuance of a Columbia County Construction Permit by the Columbia County Road Department.
2. The above authorization is subject to the following conditions:
  - a. Kevin and Jennifer Bernt, their assigns, and successors in interest, shall at all times be solely responsible for the maintenance and repair of such gate or

barrier. The gate or other barrier shall be kept in good repair.

- b. A key to any gate shall be provided to the County Road Department.
- c. The Bernts, their assigns or successors in interest, shall remove the gate at their sole expense upon a determination by the Board of County Commissioners that the gate is no longer in the public interest, or immediately upon request of the County Roadmaster if an emergency situation occurs which requires its removal.
- d. The Bernts, their assigns or successors in interest, shall follow all applicable provisions of the Columbia County Road Standards, Ordinance No. 96-6, as may be amended.
- e. The Bernts, their assigns or successors in interest, shall provide insurance in an amount to be determined by the County Roadmaster, and shall indemnify, defend, and hold harmless the County, its Board of Commissioners, the Roadmaster and all other County officers, agents and employees from any claim which might arise on account of the issuance of the Construction Permit, or this Gate Permit. The County Roadmaster shall require a certificate of insurance to be provided.
- f. The Columbia County Roadmaster shall issue a Public Road Construction Permit to the Bernts upon their compliance to the Roadmaster's satisfaction with all applicable Columbia County Road Standards.

Dated this 6<sup>th</sup> day of December, 2006.

Approved as to Form

By: Sarah Hanson

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Joe Corsiglia  
Joe Corsiglia, Chair

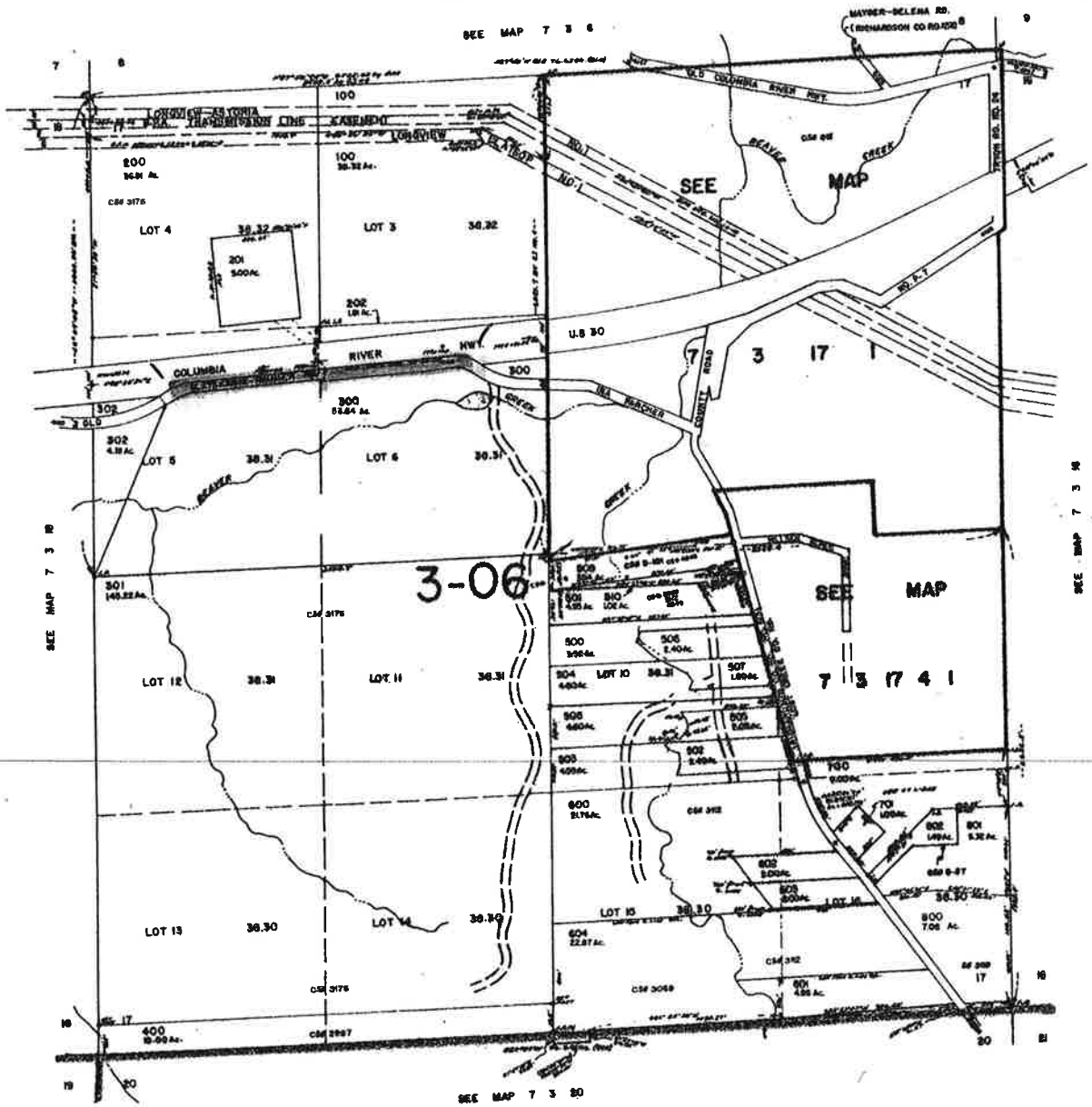
By: Rita Bernhard  
Rita Bernhard, Commissioner

By: Anthony Hyde  
Anthony Hyde, Commissioner

ATTACHMENT 1

7 3 17  
& INDEX

THIS MAP HAS BEEN PREPARED FOR PROFESSIONAL PURPOSES ONLY  
Scale: 1" = 400' Current Revision Date: 6/23/88



AREA IN QUESTION  
 KEVIN BERNT  
 REQUEST TO CLOSE  
 11-06

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