

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring a Temporary Construction Easement)
and a Right-of-Way Easement for Hermo Road Improvements) Resolution No. 138-2007
from Lower Columbia Tree Farm, LLC.)

WHEREAS, Columbia County is in the process of making health and safety improvements to Hermo Road to improve access to the Port Westward Industrial Site; and

WHEREAS, certain property must be acquired for right-of-way, to successfully complete the improvements under the authority of ORS 35.605; and

WHEREAS, certain property must be acquired for a Temporary Construction Easement; and

WHEREAS, the property which must be acquired to successfully complete and maintain said improvements is described in Attachments A and B; and

WHEREAS, pursuant to ORS 35.610, before the right to acquire such property under ORS 35.605 is exercised, the Board of County Commissioners shall describe the land to be purchased, acquired, entered upon or appropriated, and shall determine that the appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. A Temporary Construction Easement as described in Attachment A, which is attached hereto, and is incorporated herein by this reference, shall be purchased, acquired, entered upon or appropriated for said project; and
2. An Easement for utility and right-of-way purposes, as described in Attachment B, which is attached hereto and is incorporated herein by this reference, shall be purchased, acquired, entered upon or appropriated for said project.
3. The purchase, acquisition, or appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway.

Dated this 24th day of October, 2007.

Approved as to form

By: Sarah Dawson
County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John M. Bernhard
Chair

By: _____
Commissioner

By: Joe Corusola
Commissioner

ATTACHMENT A

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Lower Columbia Tree Farm, LLC, a Delaware Limited Liability Company, an estate in fee simple, (hereinafter referred to as Grantor whether singular or plural) in consideration of the sum of (Six Thousand Five Hundred and No/100 Dollar), (\$6,500.00) and other good and valuable consideration, does hereby grant, license and permit to Columbia County, its successors and assigns (hereinafter referred to as Grantee) a temporary construction easement and right-of-way to use, occupy and crossover the real property located in the County of Columbia and State of Oregon that is bounded and described as follows, to-wit:

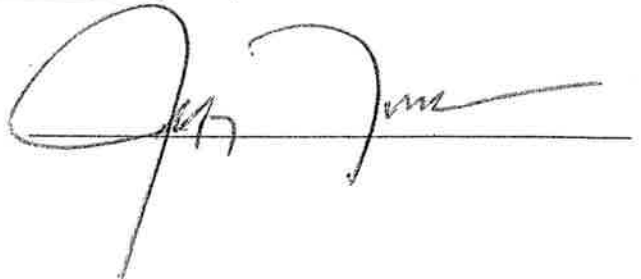
See Exhibit "A" attached hereto and incorporated by reference and made part of this document as though fully incorporated herein.

For the purpose of using the same as a means of ingress and egress for the construction of roads, streets and utilities, including cut and fill slopes, over, across and upon the real property described herein, adjacent to or in the near vicinity of the above described real property for transporting equipment, personnel, supplies and materials that may be necessary or expedient for the construction of said improvements and further to store machinery, equipment, supplies, materials, dirt, rocks or earth thereon, as may be necessary or expedient in connection with the construction of said street or utility.

That within a reasonable time after completion of said construction the Grantee promises and agrees to replace and restore as nearly as practicable the surface of the above described real property to its condition as it was immediately prior to the date hereof.

That this easement, grant, license and permit shall terminate upon the completion of the construction of the street or utility above mentioned or two years from the date of signing, whichever is later. The completion of construction shall include restoration of the premises upon which the street or utility is constructed, and the premises above described.

DATED this 9th day of August, 2007.

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the grantor or a representative.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David W. Mills

OREGON
JULY 18, 1980
DAVID W. MILLS
01915
EXPIRES 12-31-08
Signed 3-7-07

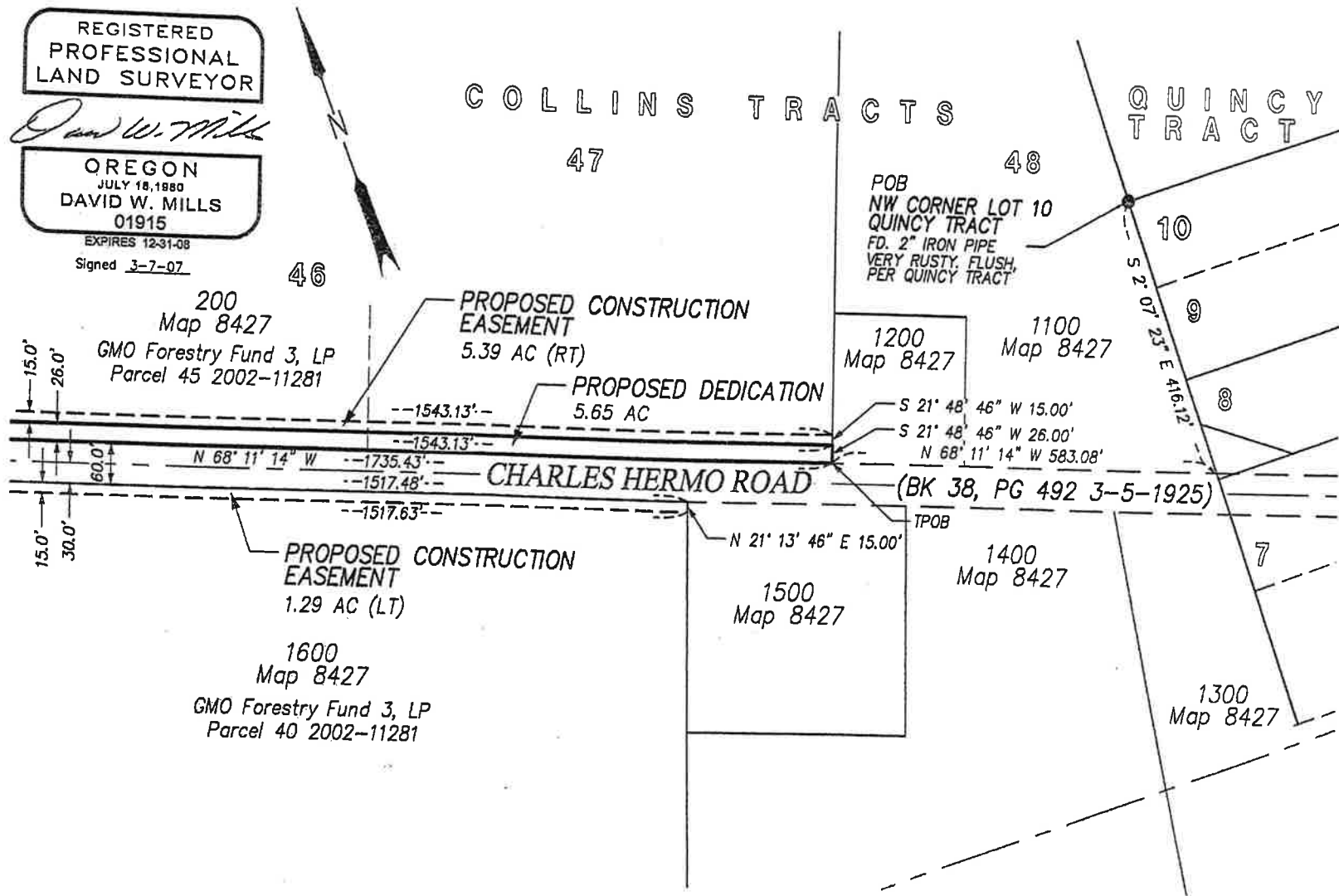


EXHIBIT "A"

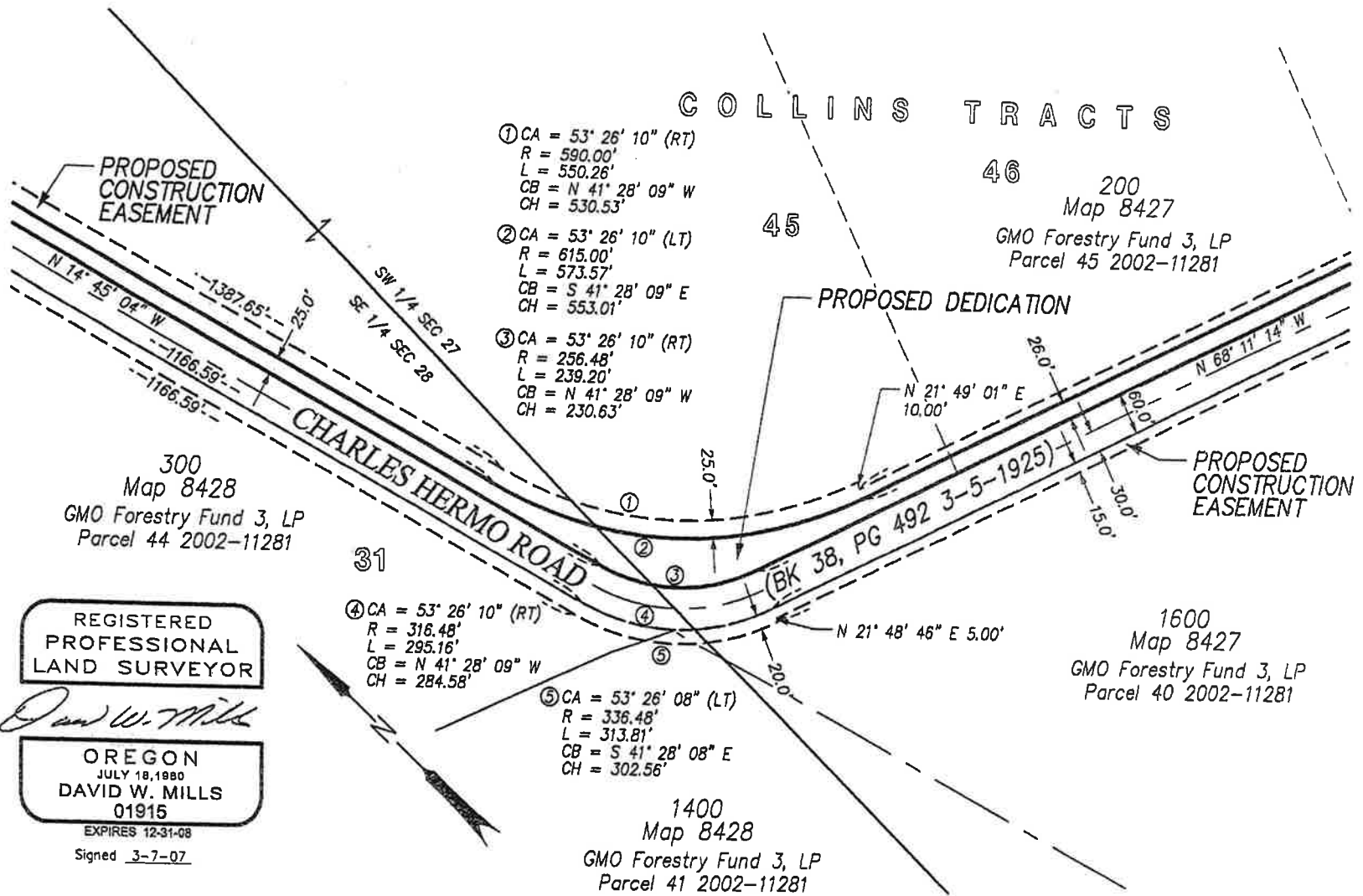
DAVE MILLS CONSULTING INC.

PROFESSIONAL LAND SURVEYING SERVICES, OR. & WA.
14315 S.W. Cougar Ridge Dr.
Beaverton, OR 97008
Ph: 503-590-7158
Fax: 503-521-8372
email: d.mills@verizon.net

FILE: PW-pha3 ROW - "GMO Exhibit"
DATE: 3-7-07
SCALE: 1" = 200'
SHEET 1 OF 5

PROPOSED DEDICATION

for
PORT WESTWARD STREET IMPROVEMENTS- PHASE 3
SECTIONS 21, 27 AND 28, T.8N., R.4W., WM., COLUMBIA CO., OR.



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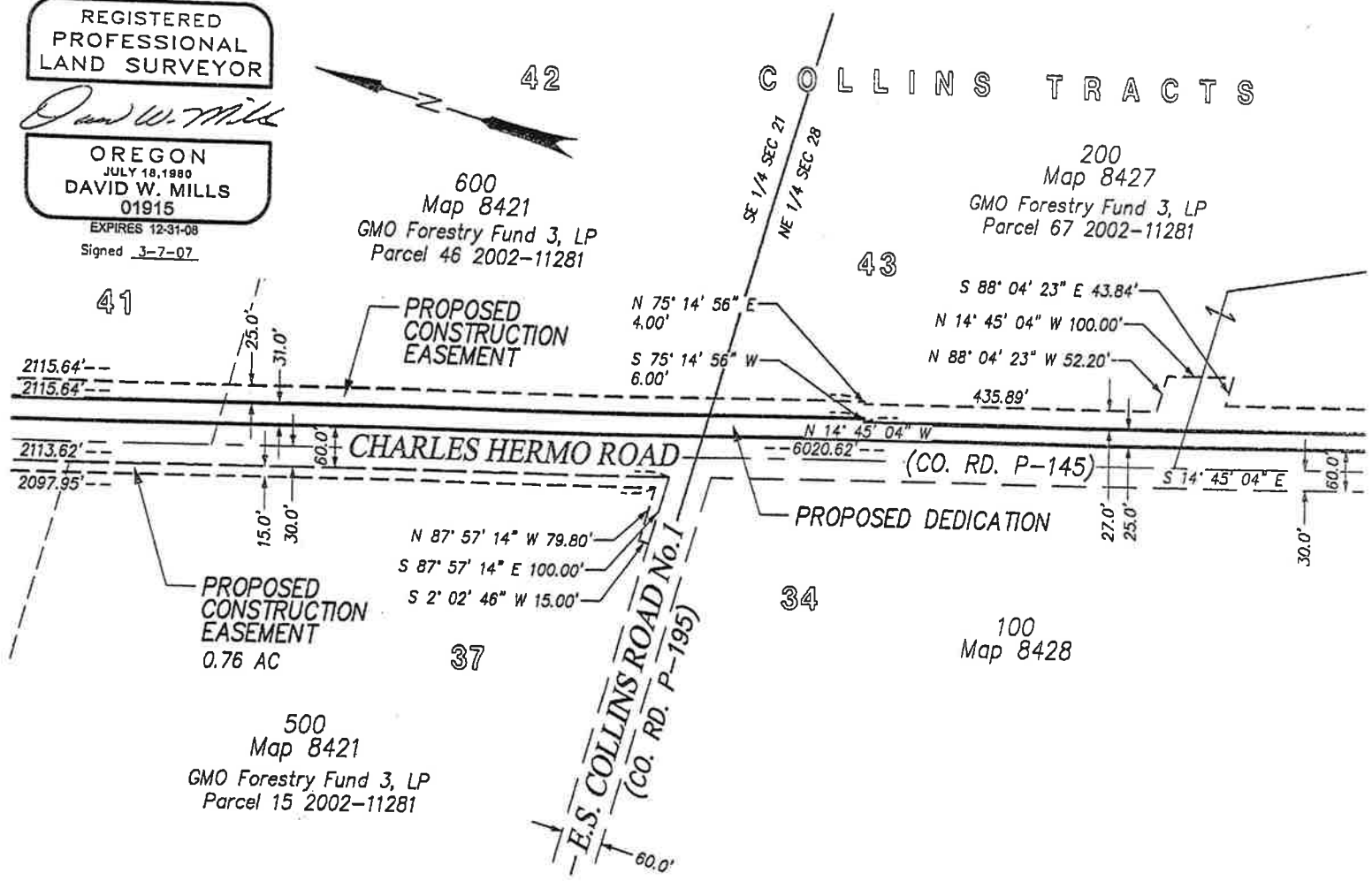
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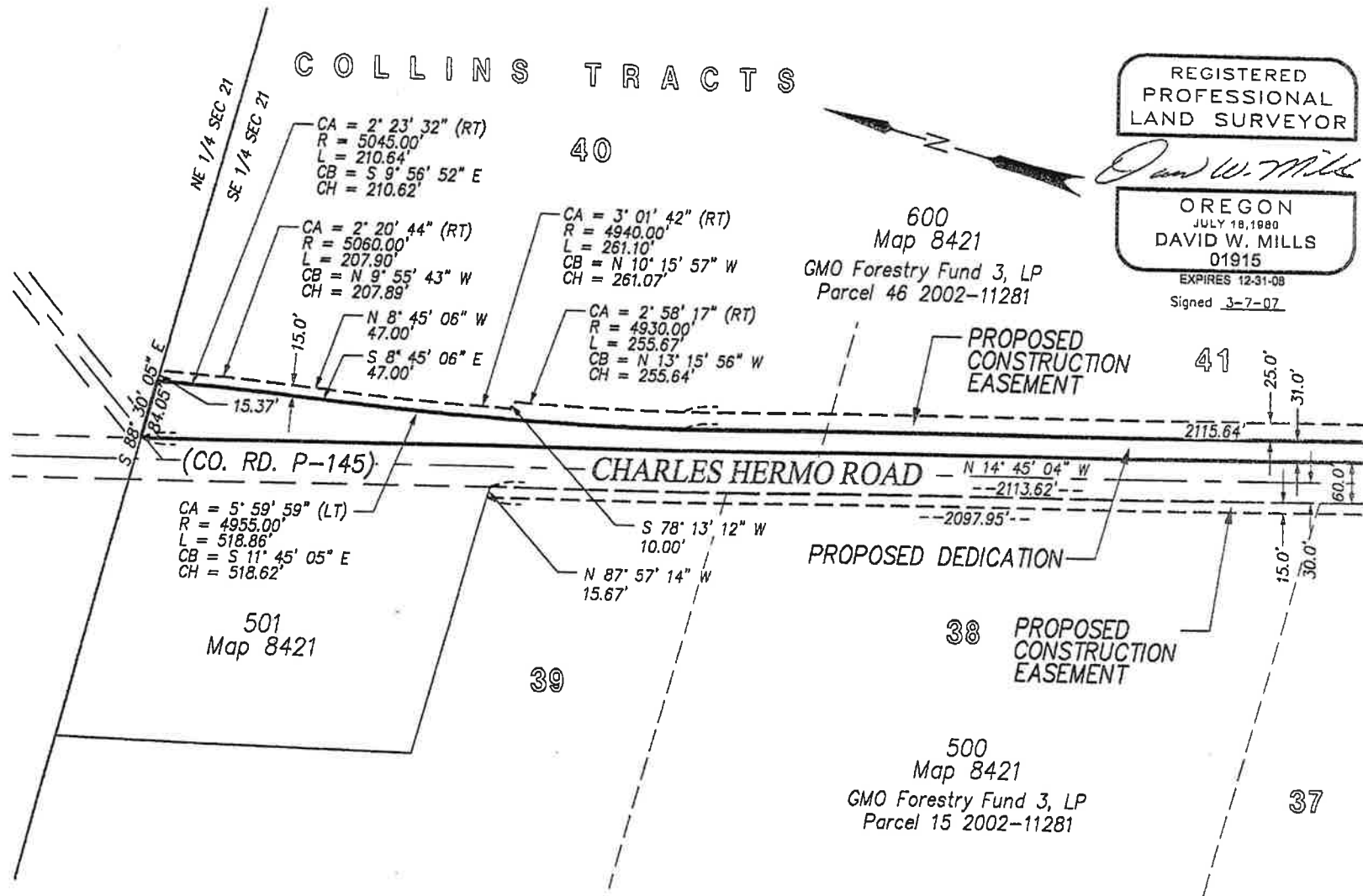
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ATTACHMENT B

Return Recorded Document To:
Board of County Commissioners
Columbia County Courthouse
230 Strand, Room 331
St. Helens, Oregon 97051

DEDICATION DEED

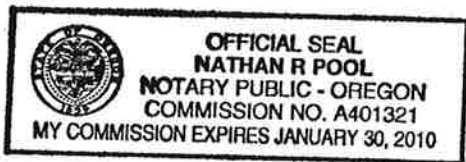
Lower Columbia Tree Farm, LLC a Delaware Limited Liability Company, an estate in fee simple, the undersigned, is the owner of certain property situated in Columbia County, Oregon. It hereby forever dedicates to Columbia County, on behalf of the public, for public road and utility purposes the following land, which is described in an attached document, labeled Exhibit "A", said Exhibit being attached hereto and incorporated herein by this reference and generally shown on Exhibit "B".

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT TO BE 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 \$14,500.00, stated in terms of dollars.

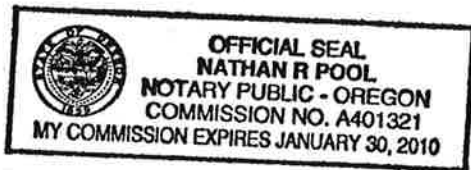
DATED this 10th day of September, 2007.

DEDICATOR:



STATE OF Oregon)
) ss.
County of Multnomah)

THIS INSTRUMENT was acknowledged before me on September 10, 2007, by Jeff Nuss of Lower Columbia Tree Farm, LLC.



Nathan R. Pool
Notary Public for Oregon
My Commission Expires: 1/30/2010

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 Lower Columbia Tree Farm, LLC a Delaware Limited Liability Company, an estate in fee simple, for public road and utility purposes forever on behalf of the public.

DATED this _____ day of _____, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Anthony Hyde, Commissioner

By: _____
Joe Corsiglia, Commissioner

By: _____
Rita Bernhard, Commissioner

STATE OF OREGON)
) ss.
County of Columbia)

THIS INSTRUMENT was acknowledged before me on _____, 2007, by Anthony Hyde, Joe Corsiglia and Rita Bernhard, Commissioners of Columbia County, Oregon, on behalf of whom this instrument was executed.

Notary Public for Oregon
My Commission Expires: _____

GRANTOR'S NAME AND ADDRESS:
Lower Columbia Tree Farm, LLC
c/o Greenwood Tree Farm Fund, LP
World Trade Center
121 SW Salmon St., Suite 1020
Portland, OR 97204

AFTER RECORDING, RETURN TO:
Board of County Commissioners
Columbia County Courthouse
230 Strand, Room 331
St. Helens, Oregon 97051

EXHIBIT "A"



14315 SW Cougar Ridge Dr.
Beaverton, Oregon 97008
Ph: 503-590-7153
Fax: 503-521-8372
E-mail: d.mills@verizon.net

PROPOSED DEDICATION

NORTHERLY & EASTERLY SIDE of CHARLES HERMO ROAD

GMO TO COLUMBIA COUNTY

A Tract of land being part of that Tract of land described in Deed to GMO Renewable Resources Forestry Fund 3, LP, recorded August 28, 2002, in Fee No. 2002-11281, Columbia County deed records and being situated in Sections 21, 27 and 28, Township 8 North, Range 4 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

Beginning at a 2 inch iron pipe found at the Northwest corner of Lot 10 of the duly recorded Plat of Quincy Tract; thence along the West line of said Quincy Tract, S 2° 07' 23" E a distance of 416.12 feet to the Northerly Right of Way line of Charles Hermo Road being 60 feet wide as described in Quit Claim Deed to Columbia County, recorded March 5, 1925 in Book 38, Page 492 said deed records; thence along said Northerly Right of Way line and the Easterly Right of Way line of County Road P-145 the following courses, N 68° 11' 14" W a distance of 583.08 feet to the West line of Lot 48 of the duly recorded plat of Collins Tracts and being the **TRUE POINT OF BEGINNING** of the herein described Tract; thence continuing along said Northerly Right of Way line, N 68° 11' 14" W a distance of 1735.43 feet; thence along a 256.48 foot radius curve concave to the north through a central angle of 53° 26' 10" (chord bears N 41° 28' 09" W, a distance of 230.63 feet) an arc distance of 239.20 feet; thence N 14° 45' 04" W a distance of 1335.85 feet to POINT 'A'; thence N 14° 45' 04" W a distance of 4684.77 feet to a point on the South line of the Northeast one quarter of said Section 21; thence leaving said Easterly Right of Way line and along said South line, S 88° 30' 05" E a distance of 84.05 feet; thence leaving said section line along a 5045.00 foot radius curve concave to the west through a central angle of 2° 23' 32" (chord bears S 09° 56' 52" E, a distance of 210.62 feet) an arc distance of 210.64 feet; thence S 08° 45' 06" E a distance of 47.00 feet; thence along a 4955.00 foot radius curve concave to the east through a central angle of 5° 59' 59" (chord bears S 11° 45' 05" E, a distance of 518.62 feet) an arc distance of 518.86 feet to a point being 61.00 feet when measured at right angles to the centerline of said Charles Hermo Road; thence parallel to said centerline of Charles Hermo Road S 14° 45' 05" E a distance of 2115.64 feet; thence S 75° 14' 56" W a distance of 6.00 feet to a point being 55.00 feet when measured at right angles to said centerline of Charles Hermo Road; thence parallel to said centerline of Charles Hermo Road, S 14° 45' 04" E a distance of 2912.64 feet; thence along a 615.00 foot radius curve concave to the east through a central angle of 53° 26' 10" (chord bears S 41° 28' 09" E, a distance of 553.01 feet) an arc distance of 573.57 feet to a point being 56.00 feet when measured at right angles to said centerline of Charles Hermo Road; thence parallel to said centerline of Charles Hermo Road, S 68° 11' 14" E a distance of 1543.13 feet; thence S 21° 48' 46" W a distance of 26.00 feet to the true point of beginning.

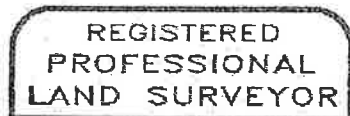
PORT WESTWARD ROAD IMPROVEMENTS – PHASE 3

TOGETHER WITH the following described tract of land being that land lying between the North and South bound Rights of Way of E.S. Collins Road No. 2 (Co. Rd. P-200), being more particularly described as follows;

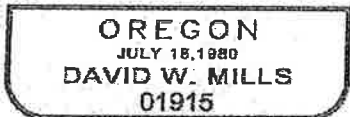
Beginning at a point on the Westerly Right of Way line of said County Road P-145, which bears S 75° 14' 56" W a distance of 60.00 feet from the above described POINT 'A'; thence leaving the said Westerly Right of Way line of said Charles Hermo Road, along a 268.73 foot radius curve concave to the Southwest through a central angle of 27° 37' 16" (chord bears N 67° 35' 59" W, a distance of 128.30 feet) an arc distance of 129.55 feet; thence along a 316.48 foot radius curve concave to the Northwest through a central angle of 24° 58' 24" (chord bears N 33° 35' 57" E, a distance of 136.85 feet) an arc distance of 137.94 feet to a point on said Westerly Right of Way line; thence along said Westerly Right of Way line S 14° 45' 04" E a distance of 168.43 feet to the point of beginning.

The above described tract contains 5.80 acres, more or less.

THE BASIS OF BEARINGS OF THIS LEGAL DESCRIPTION IS NAD 83(1998) HOLDING NGS STATION "CLATS".



David W. Mills



DEDICATION DEED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David W. Mills

OREGON
JULY 18, 1980
DAVID W. MILLS
01915
EXPIRES 12-31-08

Signed 3-7-07



COLLINS TRACTS

QUINCY TRACT

47

48

POB
NW CORNER LOT 10
QUINCY TRACT
FD. 2" IRON PIPE
VERY RUSTY, FLUSH,
PER QUINCY TRACT

46

200
Map 8427
GMO Forestry Fund 3, LP
Parcel 45 2002-11281

PROPOSED CONSTRUCTION
EASEMENT
5.39 AC (RT)

PROPOSED DEDICATION
5.65 AC

1200
Map 8427

1100
Map 8427

15.0'
26.0'
60.0'
15.0'
30.0'

N 68° 11' 14" W

--1543.13'--

--1543.13'--

--1735.43'--

--1517.48'--

--1517.63'--

CHARLES HERMO ROAD

S 21° 48' 46" W 15.00'
S 21° 48' 46" W 26.00'
N 68° 11' 14" W 583.08'

(BK 38, PG 492 3-5-1925)

TPOB

N 21° 13' 46" E 15.00'

1500
Map 8427

1400
Map 8427

PROPOSED CONSTRUCTION
EASEMENT
1.29 AC (LT)

1600
Map 8427
GMO Forestry Fund 3, LP
Parcel 40 2002-11281

1300
Map 8427

EXHIBIT "B"

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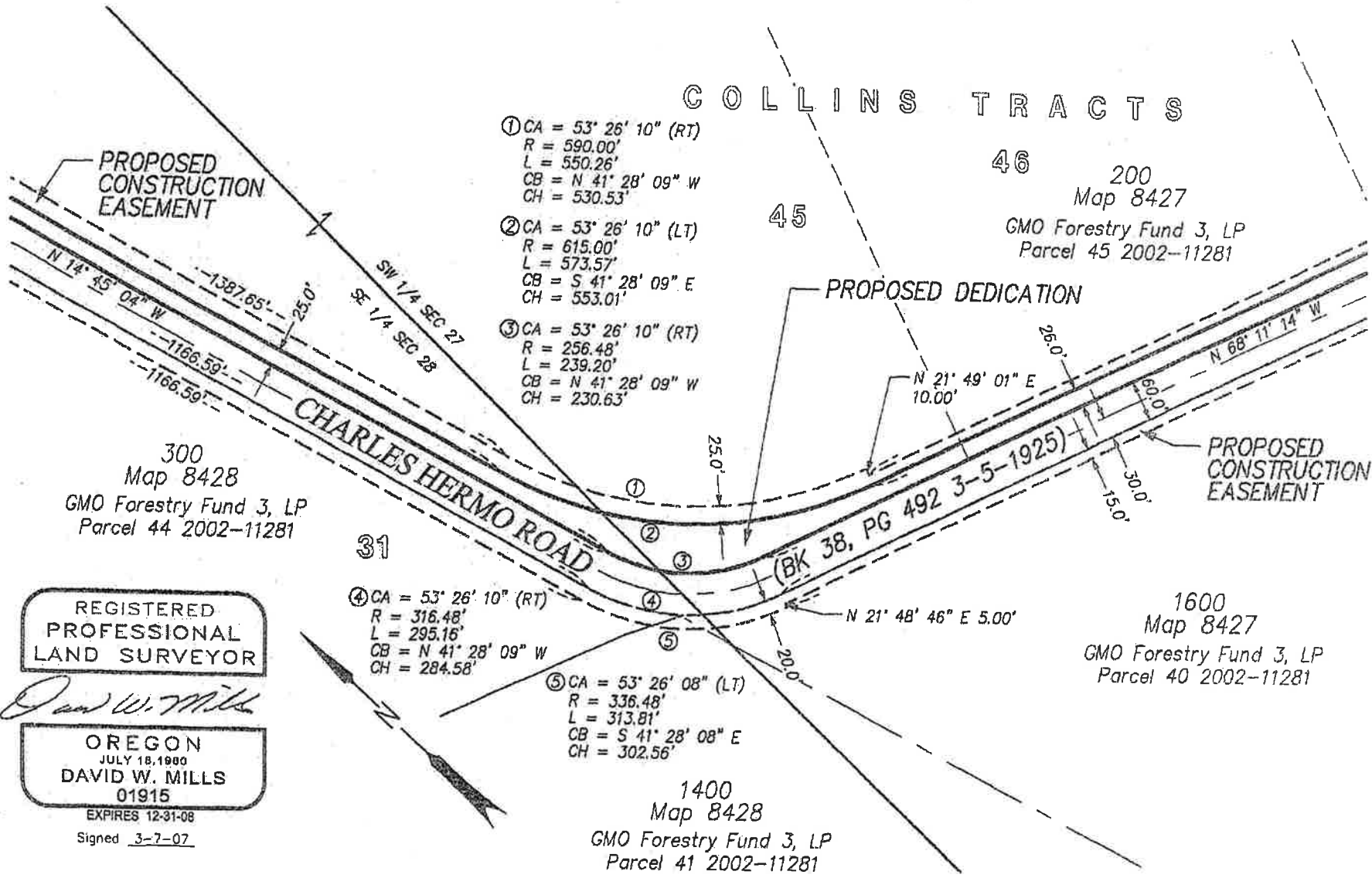
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for

PORT WESTWARD STREET IMPROVEMENTS- PHASE 3
SECTIONS 21, 27 AND 28, T.8N.,R.4W., WM., COLUMBIA CO., OR.

DEDICATION DEED

COLLINS TRACTS



① CA = 53° 26' 10" (RT)
 R = 590.00'
 L = 550.26'
 CB = N 41° 28' 09" W
 CH = 530.53'

② CA = 53° 26' 10" (LT)
 R = 615.00'
 L = 573.57'
 CB = S 41° 28' 09" E
 CH = 553.01'

③ CA = 53° 26' 10" (RT)
 R = 256.48'
 L = 239.20'
 CB = N 41° 28' 09" W
 CH = 230.63'

④ CA = 53° 26' 10" (RT)
 R = 316.48'
 L = 295.16'
 CB = N 41° 28' 09" W
 CH = 284.58'

⑤ CA = 53° 26' 08" (LT)
 R = 336.48'
 L = 313.81'
 CB = S 41° 28' 08" E
 CH = 302.56'

300
 Map 8428
 GMO Forestry Fund 3, LP
 Parcel 44 2002-11281

1600
 Map 8427
 GMO Forestry Fund 3, LP
 Parcel 40 2002-11281

1400
 Map 8428
 GMO Forestry Fund 3, LP
 Parcel 41 2002-11281

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David W. Mills

OREGON
 JULY 18, 1900
 DAVID W. MILLS
 01915

EXPIRES 12-31-08
 Signed 3-7-07

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PROPOSED DEDICATION

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DEDICATION DEED

COLLINS TRACTS

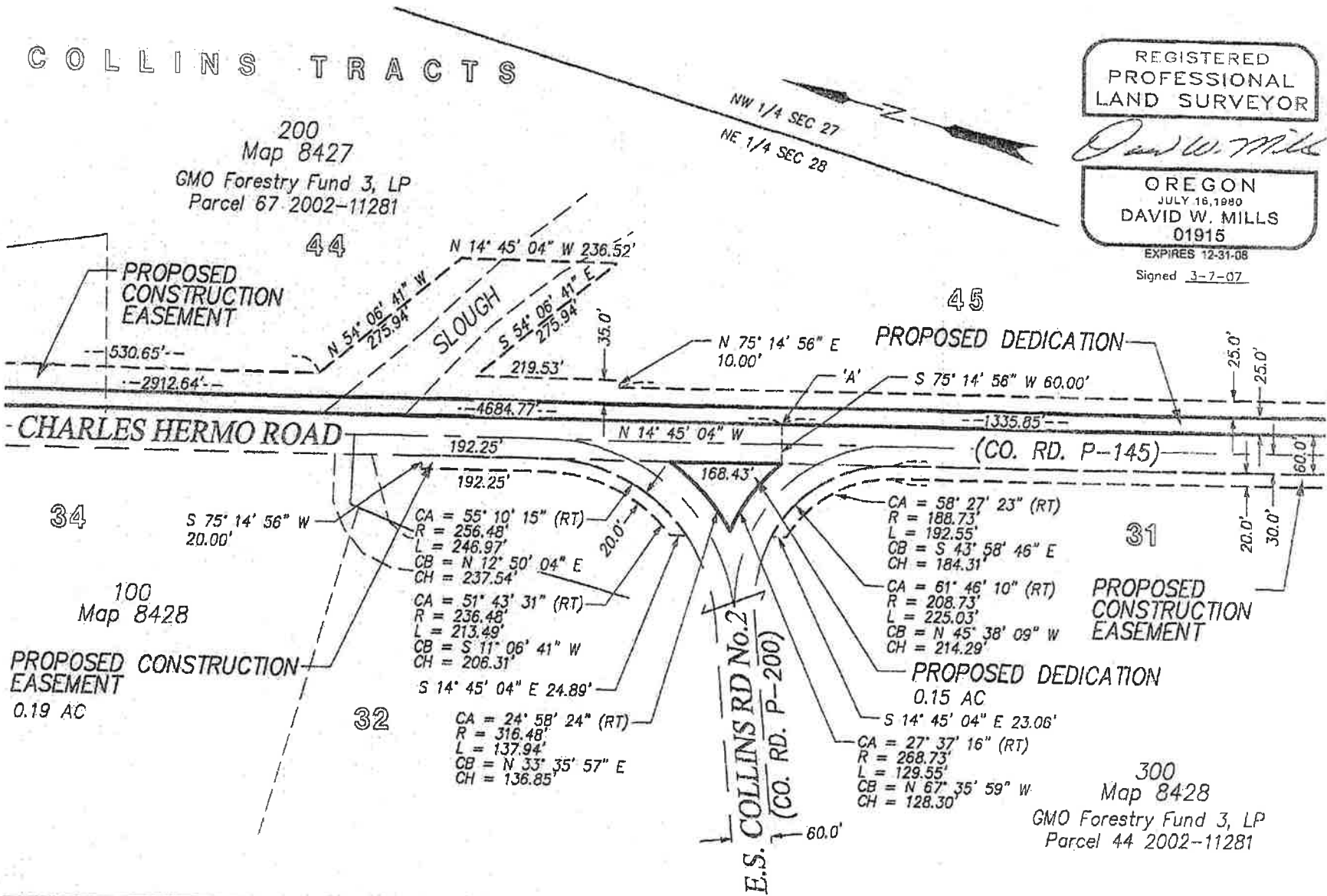
200
Map 8427
GMO Forestry Fund 3, LP
Parcel 67 2002-11281

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David W. Mills

OREGON
JULY 16, 1980
DAVID W. MILLS
01915

EXPIRES 12-31-08
Signed 3-7-07



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DEDICATION DEED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David W. Mills

OREGON
JULY 18, 1888
DAVID W. MILLS
01915

EXPIRES 12-31-08
Signed 3-7-07

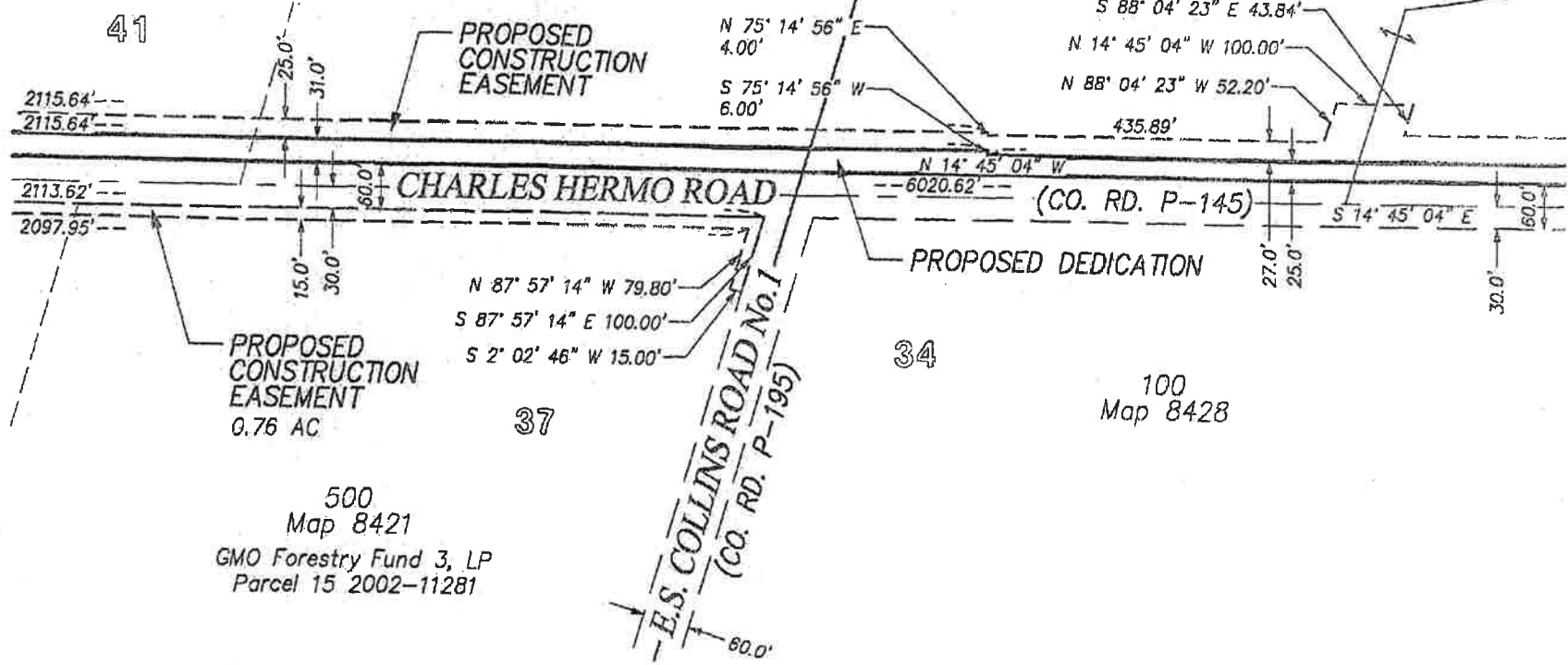


42

COLLINS TRACTS

600
Map 8421
GMO Forestry Fund 3, LP
Parcel 46 2002-11281

200
Map 8427
GMO Forestry Fund 3, LP
Parcel 67 2002-11281



DAVE MILLS CONSULTING INC.

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DEDICATION DEED

COLLINS TRACTS

REGISTERED PROFESSIONAL LAND SURVEYOR

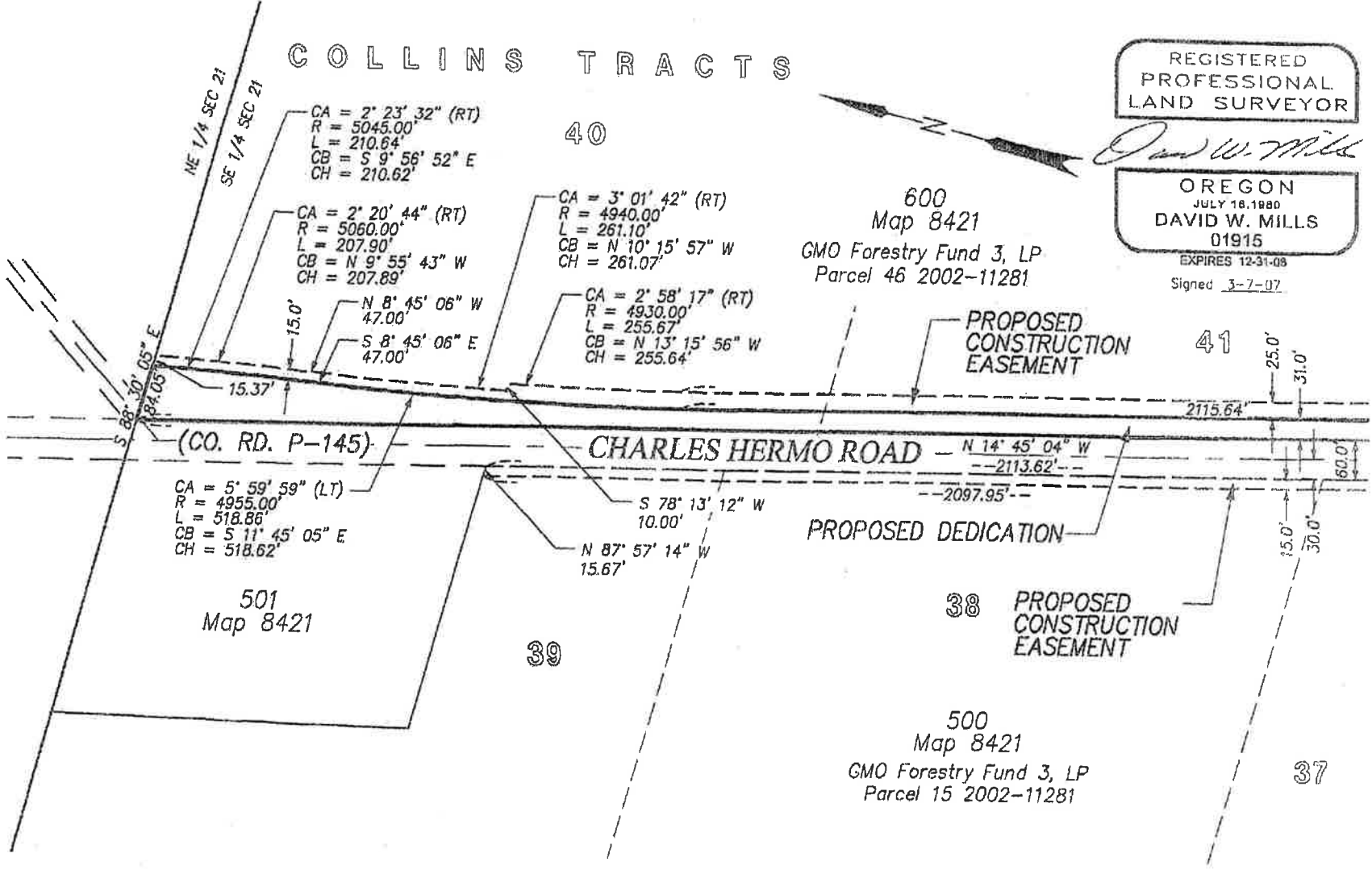
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600
Map 8421
GMO Forestry Fund 3, LP
Parcel 46 2002-11281



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