

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying to the City of)
St. Helens a Portion of County-Owned)
Real Property Known as Tax Map ID No.)
4N1W03-BA-07600 [Courthouse Property])
_____)

ORDER NO. 18 - 2009

WHEREAS, ORS 271.330(3) authorizes Columbia County to convey real property to a municipal corporation to be used by the municipal corporation for the creation of open space, parks or natural areas for perpetual public use; and

WHEREAS, the City of St. Helens, a municipal corporation of the State of Oregon, requested that the Board of County Commissioners convey title to a portion of the courthouse property, commonly known as Tax Map ID No.4N1W03-BA-07600 and lying adjacent to the City's Columbia View Park within the City limits, to the City of St. Helens; and

WHEREAS, the City of St. Helens intends to continue public use of the portion of the property to be conveyed as part of Columbia View Park; and

WHEREAS, the portion of the County-owned parcel to be conveyed is more specifically described on Exhibit A, attached hereto and by this reference made a part herein; and

WHEREAS, the City has applied for a property line adjustment for the portion of the County-owned property to be conveyed and the Columbia View Park, which has been approved;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Columbia County shall relinquish title to the portion of the County-owned property described herein to the City of St. Helens in consideration of good will and mutual cooperation, plus the cost of recording the deeds.
2. The Board of County Commissioners shall execute the Quitclaim Deed for Tax Map ID No. No.4N1W03-BA-07600 and Tax Account No. 18775 to the City of St. Helens, a copy of which is attached hereto as Exhibit B and by this reference incorporated herein.
3. The City of St. Helens shall use the above-described real property being conveyed as an open space, park or natural area for perpetual public use, otherwise the property shall revert back to Columbia County.

DATED this 18th day of March, 2009.

Approved as to form

By: Sarah Hunsen
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John Bernard
Chair

By: _____
Commissioner

By: Earl Hesk
Commissioner

GRANTOR'S NAME AND ADDRESS:

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

EXHIBIT A

FOR RECORDING, RETURN TO GRANTEE:

City of St. Helens
Post Office Box 278
St. Helens, OR 97051

QUITCLAIM DEED

The COUNTY OF COLUMBIA, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto the CITY OF ST. HELENS, a municipal corporation, hereinafter called Grantees, all its right, title and interest in and to a portion of the following parcel of real property situated in the County of Columbia, State of Oregon, described as follows, to wit: Tax Map ID No. 4N1W03-BA-07600 and Tax Account No. 28775, for as long as the property is used as an open space, park or natural area.. The property is more specifically described on the attached Exhibit A.

Thereafter, Grantor's adjusted real property (ID # 4N1W03-BA-07600) shall be described as shown on Exhibit B, attached hereto and by this reference made a part hereof; and, Grantee's adjusted real property (ID # 4N1W03-BA-07500) shall be described as shown on Exhibit C, attached hereto and by this reference made a part hereof.

This conveyance is made pursuant to ORS 271.330(3) and is conditioned upon use of the herein described property by the Grantee as an open space, park or natural area for perpetual public use. Should the Grantee discontinue the perpetual use of the property as an open space, park or natural area, the interest of the Grantee shall automatically terminate, and fee simple title shall revert to the Grantor.

The true and actual consideration for this conveyance is: other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

This conveyance is subject to the following exceptions, reservations and conditions:

- 2) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or Civilian Conservation Corps roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

This conveyance is made pursuant to Board of County Commissioners Order No. ___ - 2009 adopted on March ____, 2009, and filed in Commissioners Journal at Book ____, Page ____.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ____ day of March, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner

Approved as to form

By: _____
Office of County Counsel

STATE OF OREGON)
) ss.
County of Columbia)

ACKNOWLEDGMENT

This instrument was acknowledged before me on the ____ day of March, 2009, by Rita Bernhard, Anthony Hyde, and Earl Fisher as Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

Notary Public for Oregon

ENGINEERING PLANNING
FORESTRY

13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
Phone: (503) 925-8799
Fax: (503) 925-8969



LANDSCAPE ARCHITECTURE
SURVEYING

Offices Located In:
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REDMOND, OREGON
VANCOUVER, WASHINGTON
www.aks-eng.com

EXHIBIT A

Exchange Parcel

A tract of land located in the Northwest One-Quarter of Section 3, Township 4 North, Range 1 West, Willamette Meridian, City of St Helens, Columbia County, Oregon, being more particularly described as follows:

Beginning at a railroad spike at the centerline-centerline intersection of St Helens Street and First Street; thence along the centerline of St Helens Street North 73°02'37" East 240.00 feet to a point; thence along the east line of Block 11 of the plat "St Helens" and the northerly extension thereof South 16°57'23" East 352.50 feet to a point on the east line of Lot 17 which bears North 16°57'23" West 37.00 feet from the southeast corner thereof; thence leaving said east line South 53°49'23" East 67.50 feet to a point; thence along the north line of Document Number 92-1152 North 73°02'37" East 79.05 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." and the True Point of Beginning; thence leaving said north line North 18°19'03" East 13.84 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 41°59'12" East 15.52 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 72°17'55" East 128.60 feet to a point on the ordinary high water line of the Columbia River from which a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." bears South 72°17'55" West 23.69 feet; thence along said ordinary high water line South 24°49'00" East 21.18 feet to a point; thence along the north line of Book 238 Page 101 South 73°02'37" West 48.32 feet to a point; thence along the west line of said Book 238 Page 101 South 11°21'41" East 14.07 feet to a point; thence along the north line of Book 31 Page 601 South 73°02'37" West 61.63 feet to a point; thence along the east line of Document Number 92-1152 North 16°57'23" West 14.00 feet to a point; thence along the north line of said Document Number 92-1152 South 73°02'37" West 41.45 feet to the True Point of Beginning.

The above described tract of land contains 3,742 square feet, more or less. The basis of bearings is per the plat "St Helens".



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The above described tract of land contains 3,742 square feet, more or less. The basis of bearings is per the plat "St Helens".

1-31-09
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Nick White
OREGON
JAN. 9, 2007
NICK WHITE
70682LS
RENEWAL DATE: 12-30-10

ENGINEERING PLANNING
FORESTRY

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EXHIBIT B

Adjusted Columbia County Courthouse

A tract of land located in the Northwest One-Quarter of Section 3, Township 4 North, Range 1 West, Willamette Meridian, City of St Helens, Columbia County, Oregon, being more particularly described as follows:

Beginning at a railroad spike at the centerline-centerline intersection of St Helens Street and First Street; thence along the centerline of St Helens Street North $73^{\circ}02'37''$ East 240.00 feet to a point; thence along the east line of Block 11 of the plat "St Helens" and the northerly extension thereof South $16^{\circ}57'23''$ East 352.50 feet to a point on the east line of Lot 17 which bears North $16^{\circ}57'23''$ West 37.00 feet from the southeast corner thereof; thence leaving said east line South $53^{\circ}49'23''$ East 67.50 feet to the True Point of Beginning; thence along the north line of Document Number 92-1152 North $73^{\circ}02'37''$ East 79.05 feet to a $5/8$ inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence leaving said north line North $18^{\circ}19'03''$ East 13.84 feet to a $5/8$ inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North $41^{\circ}59'12''$ East 15.52 feet to a $5/8$ inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North $72^{\circ}17'55''$ East 128.60 feet to a point on the ordinary high water line of the Columbia River from which a $5/8$ inch iron rod with a yellow plastic cap inscribed "AKS ENGR." bears South $72^{\circ}17'55''$ West 23.69 feet; thence along said ordinary high water line South $24^{\circ}49'00''$ East 21.18 feet to the northeast corner of Book 238 Page 101; thence leaving said ordinary high water line along the south line of Book 194 Page 779 North $73^{\circ}02'37''$ East to the deep water line of the Columbia River; thence northerly along said deep water line 245 feet more or less to a point on the easterly extension of the north line of Lot 14 Block 11; thence along said easterly extension North $73^{\circ}02'37''$ East to a point which bears North $73^{\circ}02'37''$ East 254.00 feet from the northeast corner of said Lot 14; thence along the east line of Book 194 Page 779 North $22^{\circ}25'23''$ West 209.96 feet to a point; thence along the easterly extension of the north right-of-way line of St Helens Street South $73^{\circ}02'37''$ West 244.00 feet to a point; thence along the west line of Book 194 Page 779 South $29^{\circ}32'00''$ East 45.92 feet to a point; thence continuing along said west line South $16^{\circ}57'23''$ East 50.18 feet to the northeast corner of Block 11; thence along the easterly extension of the north line of said Block 11 North $73^{\circ}02'37''$ East 31.50 feet to a point; thence along a line offset 31.50 feet from the east line of said Block 11 South $16^{\circ}57'23''$ East 114.00 feet to a point; thence along the easterly extension of the north line of Lot 14 Block 11 South $73^{\circ}02'37''$ West 1.50 feet to a point; thence along a line offset 30.00 feet from the east line of Block 11 South $16^{\circ}57'23''$ East 57.00 feet to a point;

thence along the easterly extension of the north line of Lot 15 Block 11 South $73^{\circ}02'37''$ West 5.00 feet to a point; thence along a line offset 25.00 feet from the east line of Block 11 South $16^{\circ}57'23''$ East 167.35 feet to a point; thence South $53^{\circ}49'23''$ East 25.82 feet to the True Point of Beginning.

The above described tract of land contains 104,502 square feet, more or less. The basis of bearings is per the plat "St Helens".

1-31-09
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Nick White
OREGON
JAN. 9, 2007
NICK WHITE
70852LS
RENEWAL DATE: 6-30-10

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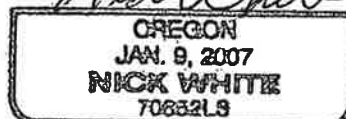
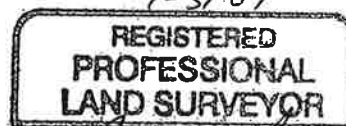
EXHIBIT C

Adjusted Columbia View Park

A tract of land located in the Northwest One-Quarter of Section 3, Township 4 North, Range 1 West, Willamette Meridian, City of St Helens, Columbia County, Oregon, being more particularly described as follows:

Beginning at a railroad spike at the centerline-centerline intersection of St Helens Street and First Street; thence along the centerline of St Helens Street North $73^{\circ}02'37''$ East 240.00 feet to a point; thence along the east line of Block 11 of the plat "St Helens" and the northerly extension thereof South $16^{\circ}57'23''$ East 352.50 feet to a point on the east line of Lot 17 which bears North $16^{\circ}57'23''$ West 37.00 feet from the southeast corner thereof; thence leaving said east line South $53^{\circ}49'23''$ East 67.50 feet to the True Point of Beginning; thence along the north line of Document Number 92-1152 North $73^{\circ}02'37''$ East 79.05 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence leaving said north line North $18^{\circ}19'03''$ East 13.84 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North $41^{\circ}59'12''$ East 15.52 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North $72^{\circ}17'55''$ East 128.60 feet to a point on the ordinary high water line of the Columbia River from which a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." bears South $72^{\circ}17'55''$ West 23.69 feet; thence along said ordinary high water line South $24^{\circ}49'00''$ East 21.18 feet to a point; thence continuing along said ordinary high water line South $27^{\circ}11'03''$ East 41.68 feet to a point; thence South $20^{\circ}51'14''$ East 39.20 feet to a point; thence South $15^{\circ}37'16''$ East 37.55 feet to a point; thence South $04^{\circ}26'09''$ East 42.32 feet to a point; thence South $17^{\circ}25'04''$ East 35.49 feet to a point; thence South $11^{\circ}54'52''$ East 16.60 feet to a point from which a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." bears South $73^{\circ}02'37''$ West 16.15 feet; thence leaving said ordinary high water line along the easterly extension of the south line of Lot 21 Block 11 South $73^{\circ}02'37''$ West 191.16 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along a line offset 80.00 feet from the east line of Block 11 North $16^{\circ}57'23''$ West 197.00 feet to a Berntsen inscribed "AKS ENGR."; thence along the south line of Document Number 92-1152 South $73^{\circ}02'37''$ West 29.01 feet to point; thence along the west line of Document Number 92-1152 North $53^{\circ}49'23''$ West 17.50 feet to the True Point of Beginning.

The above described tract of land contains 44,970 square feet, more or less. The basis of bearings is per the plat "St Helens".



RENEWAL DATE: 6-30-10