

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring Real Property and)
a Temporary Construction Easement from) Resolution No. 85-2009
John D. McCray for Hermo Road Improvements)

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 Temporary Construction Easements; and

WHEREAS, the property which must be acquired to successfully complete and maintain said improvements is described and depicted 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 and depicted in Attachments A, which is attached hereto and incorporated herein by this reference, shall be purchased, acquired, entered upon or appropriated for said project.
2. A fee simple interest in real property, as described and depicted in Attachment B, which is attached hereto and incorporated herein by this reference, shall be purchased, acquired, entered upon or appropriated for said project.
3. The temporary construction easement and fee simple interest authorized by this Resolution shall be recorded with the County Clerk without cost.

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4. 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 16th day of December, 2009.

Approved as to form

By: [Signature]
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: _____
Commissioner

By: [Signature]
Commissioner

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That John D. McCray, an estate in fee simple (hereinafter referred to as Grantor whether singular or plural) in consideration of the sum of (Six Thousand Three Hundred Seventy and 00/100 dollars), (\$6,370.00) 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:

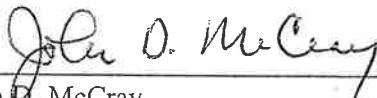
See Exhibit "B" attached hereto and incorporated by reference and made part of this document as though fully incorporated herein.

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.

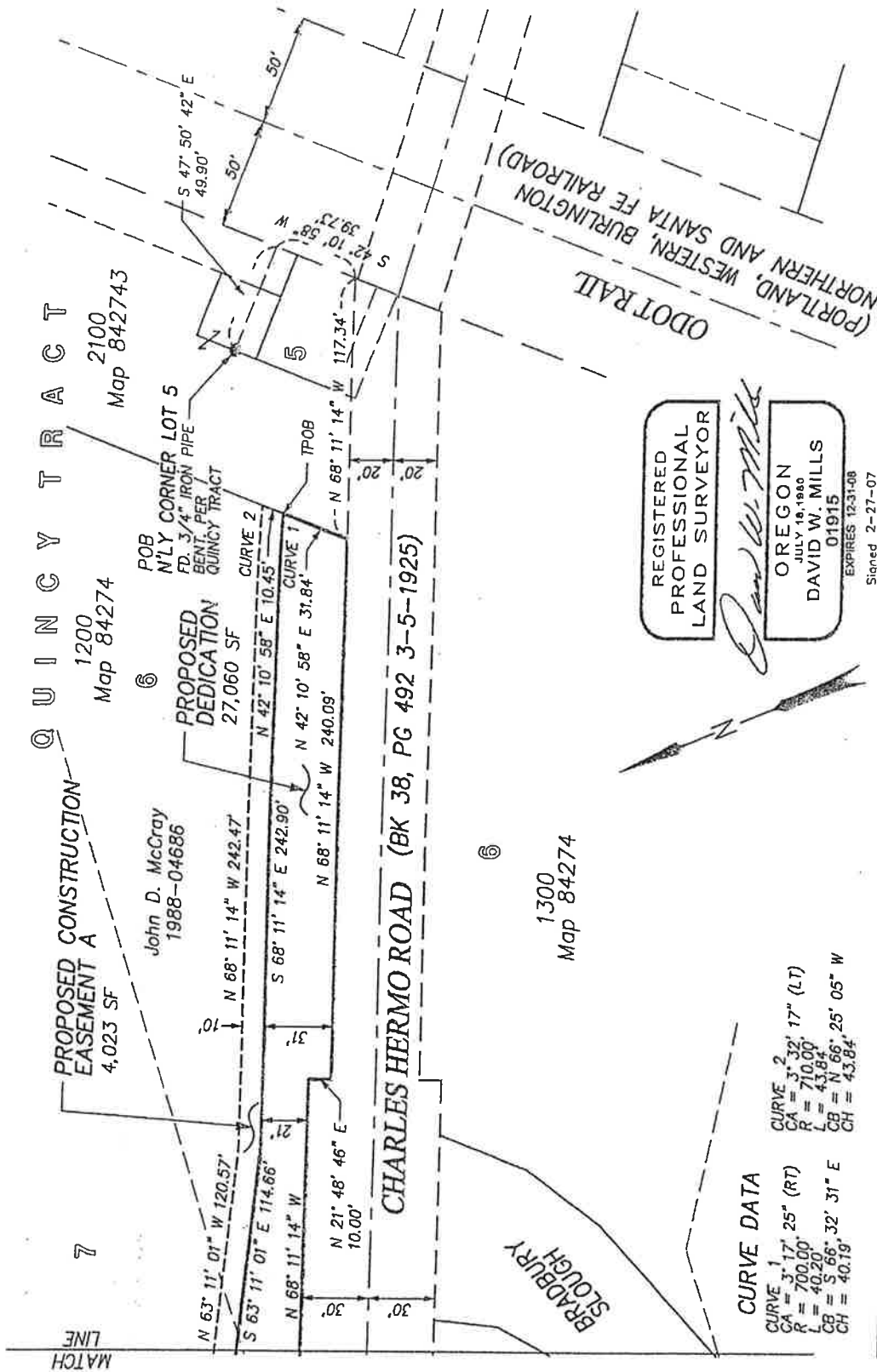
That this easement, grant, license and permit shall terminate upon the completion of the construction of the street or one year from the date of signing, whichever is later. The completion of construction shall include restoration of the premises upon which the street or utility is constructed, and the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

DATED this 18th day of October, 2009.



John D. McCray

EXHIBIT "A"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

David W. Mills

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

Signed 2-27-07

CURVE DATA

CURVE 1	CURVE 2
CA = 3° 17' 25" (RT)	CA = 3° 32' 17" (LT)
R = 700.00'	R = 710.00'
L = 40.20'	L = 43.84'
CB = S 66° 32' 31" E	CB = N 66° 25' 05" W
CH = 40.19'	CH = 43.84'

DAVE MILLS CONSULTING INC.
PROFESSIONAL LAND SURVEYING SERVICES, OR. & WA.
14315 S.W. Gouger Ridge Dr.
Beaverton, OR 97008
Phone: 503-531-6395
Fax: 503-531-6392
email: d.mills@verizon.net

FILE: PW-phs3 ROW - "McC JOHN DOT Exhibit"
DATE: 2-28-07
SCALE: 1" = 60'
SHEET 1 OF 2

PROPOSED DEDICATION
for
PORT WESTWARD STREET IMPROVEMENTS- PHASE 3
S.E.1/4 SECTION 27, T.8N., R.4W., WM., COLUMBIA CO., OR.

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

DEDICATION DEED

I, John D. McCray, an estate in fee simple, the undersigned, am the owner of certain property situated in Columbia County, Oregon. I hereby forever dedicate 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 \$29,630.00, stated in terms of dollars.

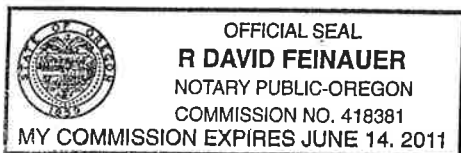
DATED this 18th day of October, 2009.

DEDICATOR:

John D. McCray
John D. McCray

STATE OF OREGON)
 Washington) ss.
County of Columbia)

THIS INSTRUMENT was acknowledged before me on October 18, 2009, by John D. McCray.



R David Feinauer
Notary Public for Oregon
My Commission Expires: 6/14/2011

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 John D. McCray for public road and utility purposes forever on behalf of the public.

DATED this _____ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Anthony Hyde, Commissioner

By: _____
Earl Fisher, Commissioner

By: _____
Rita Bernhard, Commissioner

STATE OF OREGON)
) ss.
County of Columbia)

THIS INSTRUMENT was acknowledged before me on _____, 2009, 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:
John D. McCray
PO Box 307
Portland, OR 97207-0307

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: 503-590-7158
Fax: 503-521-8372
Email: d.mills@verizon.net

PROPOSED DEDICATION

NORTH SIDE of CHARLES HERMO ROAD

JOHN D. McCRAY TO COLUMBIA COUNTY

A Tract of land being part of that Tract of land described in Deed to John D. McCray recorded September 12, 1988 in Fee No. 1988-04686, Columbia County deed records and being situated in the Southeast one quarter of Section 27, Township 8 North, Range 4 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

Beginning at a 3/4 inch iron pipe found at the Northerly corner of Lot 5 of the duly recorded Plat of Quincy Tract; thence along the Northeasterly line of said Lot 5, S 47° 50' 42" E a distance of 49.90 feet to the Northwesterly Right of Way line of Quit Claim Deed to the State of Oregon (ODOT Rail) recorded December 18, 1977, Fee No. 97-13735, Columbia County deed records; thence along said Northwesterly Right of Way line, S 42° 10' 58" W a distance of 39.73 feet to the Northerly Right of Way line of Charles Hermo Road being 40 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, N 68° 11' 14" W a distance of 117.34 feet to the Easterly line of said McCray tract; thence along said Easterly line, N 42° 10' 58" E a distance of 31.84 feet to the TRUE POINT OF BEGINNING of the herein described Tract; thence S 42° 10' 58" W a distance of 31.84 feet to the Northerly Right of Way line of said Charles Hermo Road; thence along said Northerly Right of Way line, N 68° 11' 14" W a distance of 240.09 feet to a jog in said Northerly Right of Way line; thence following along jog in said Northerly Right of Way line, N 21° 48' 46" W a distance of 10.00 feet to a jog in said Northerly Right of Way line being 30.00 feet when measured at right angles to the centerline of said Charles Hermo Road; thence N 68° 11' 14" W a distance of 700.02 feet to a point on the North line of Lot 7 of said Quincy Tract; thence along the North line of said Lot 7, S 87° 41' 58" E a distance of 92.81 feet to a point being 61.00 feet when measured at right angles to the centerline of said Charles Hermo Road; thence parallel with and 61.00 feet from said centerline, S 68° 11' 14" E a distance of 466.40 feet, thence S 63° 11' 01" E a distance of 114.66 feet to a point being 51.00 feet when measured at right angles to centerline of said Charles Hermo Road; thence parallel with and 51.00 feet from said centerline, S 68° 11' 14" E a distance of 242.90 feet; thence along a 700.00 foot radius curve concave to the southwest through a central angle of 3° 17' 25" (chord bears S 66° 32' 31" E, a distance of 40.19 feet) an arc distance of 40.20 feet to the true point of beginning.

The above described tract contains 27,060 square feet, more or less.

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

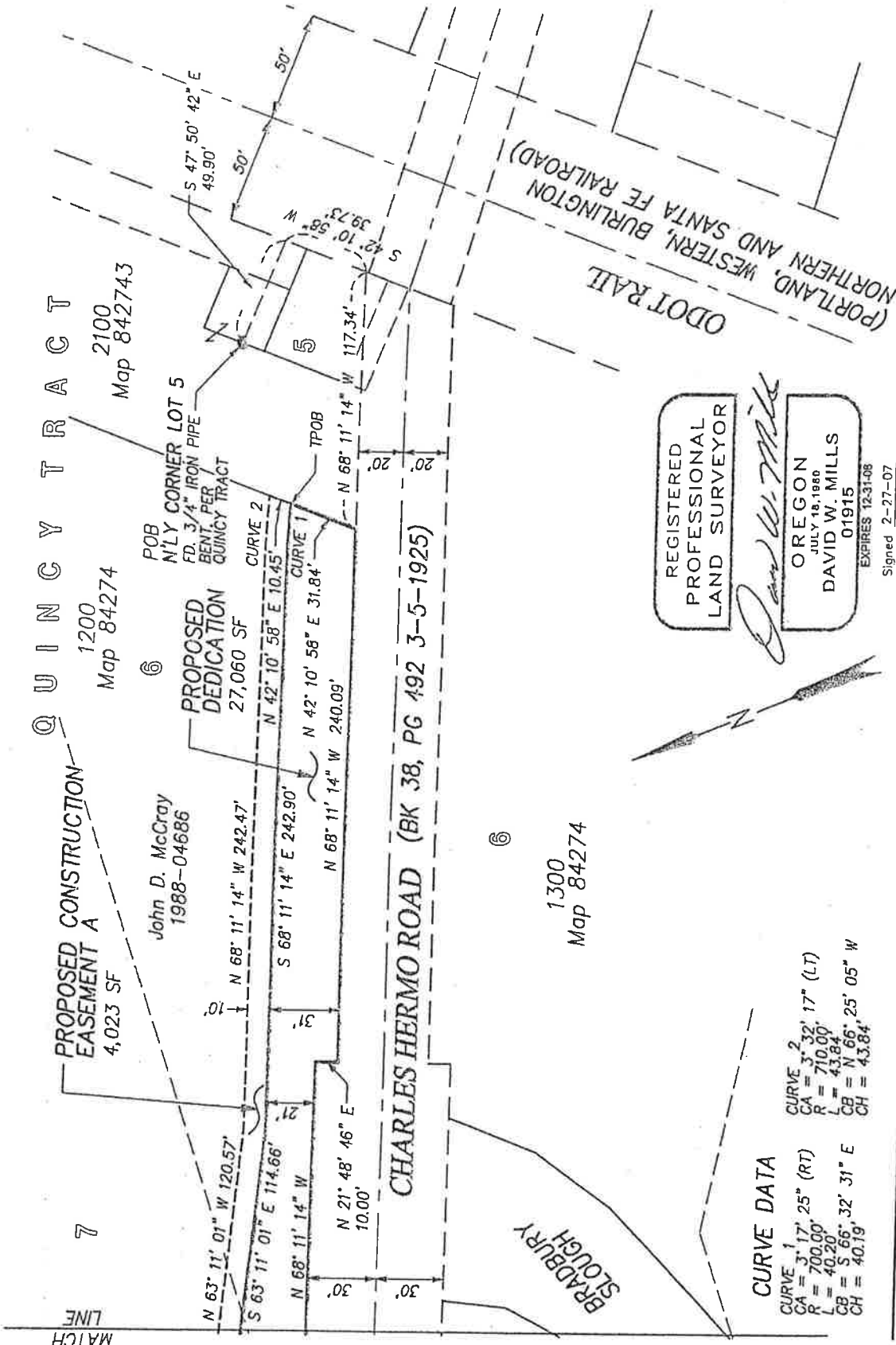
OREGON
JULY 18, 1980
DAVID W. MILLS
01915
EXPIRES 12-31-08

PORT WESTWARD ROAD IMPROVEMENTS - PHASE 3

Prepared by: Dave Mills
Taking McC JOHN D.doc

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14315 S.W. 88th Avenue Dr.,
Beverton, OR 97008
Ph: 503-550-7158
Fax: 503-521-6372
email: d.mills@verizon.net

FILE: P14-pha3 ROW - "McC JOHN DOT Exhibit"
SCALE: 1" = 20'
SHEET 1 OF 2

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