

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring a Permanent Slope Easement from Alice Dubois for the Canaan Road (G.A. Johnson Road No. 178) Guardrail Project)
)
)
)
)

RESOLUTION NO. 30 - 2011

WHEREAS, to improve roadway safety on Canaan Road, Columbia County plans to install approximately 1000 feet of guardrail along a section of Canaan Road (G.A. Johnson Road No. 178); and

WHEREAS, under the authority of ORS 35.605, certain property must be acquired from Alice A. Dubois for a permanent slope easement in order to successfully complete and maintain the safety improvements; and

WHEREAS, the property to be acquired is described in Attachment 1; 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 ordered as follows:


- 1) A permanent slope easement, as described and depicted in Attachment 1, which is attached hereto and incorporated herein by this reference, shall be purchased, acquired, entered upon or appropriated for said project; and
- 2) The permanent slope easement is necessary to improve roadway safety and protect the full use and enjoyment of the road by the public.
- 3) The easement authorized by this Resolution shall be recorded in the deed records of the Columbia County Clerk without costs.

DATED this 4th day of May, 2011.

Approved as to Form:

By: 
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Earl Fisher, Commissioner

By: 
Henry Heimuller, Commissioner

Grantor: Alice A. Dubois	State of Oregon
Grantee: Columbia County 1054 Oregon Street St. Helens, Oregon 97051	
After Recording Return to: Columbia County Road Department 1054 Oregon Street St. Helens, Oregon 97051	
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Columbia County
County File No.:	Project: Canaan Road Safety Project

PERMANENT EASEMENT FOR SLOPES

(Individual Grantor)

KNOW ALL PERSONS BY THESE PRESENTS, THAT Alice A. Dubois, (Grantor), hereby grants, bargains, sells and conveys to Columbia County, a political subdivision of the State of Oregon, its heirs, successors and assigns, (Grantee), a permanent easement for the construction, reconstruction, upgrade, replacement, repair, maintenance, and inspection of slopes and related appurtenances, in, under, upon, and across Grantor's real property located in Columbia County, State of Oregon, and more particularly described as follows:

A parcel of land described in Exhibits "A" and "B" attached hereto and by this reference made a part of this document.

Grantee shall have the right to enter upon this real property for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the easement area whenever necessary to accomplish these purposes. Grantee shall repair any damage to the property caused by Grantee's use of the property for these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described real property without prior written approval from the Columbia County Road Department. In addition, Grantor, Grantor's heirs, successors, assigns or representatives shall not alter the configuration of the material forming the slope, including alteration by addition or removal of material, without prior written approval from the Columbia County Road Department.

This easement does not obligate the public or Grantee to replace landscaping, fencing, shrubs, or trees that may be placed within the easement area in the future, and which interfere with Grantee's use of the easement area for the purposes described in this document.

Grantor hereby covenants to and with Grantee, its successors and assigns, that Grantor is the owner of the property which is free from all encumbrances except for easements, conditions and restrictions of record and will warrant and defend the rights herein granted from all lawful claims whatsoever, except as stated in this document.

The true consideration for this conveyance is **Three Thousand One Hundred And No/100 Dollars (\$3,100.00)**.

Statutory Land Use Disclaimer: Before signing or accepting this instrument, the person transferring the property interest 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 the property interest 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.

In witness whereof, the above named Grantor has hereunto set Grantor's hand to this document on this 30th day of March, 2011.

Alice A. Dubois
Alice A. Dubois

STATE OF OREGON)
) ss.
County of Columbia)

This instrument was signed and attested before me this 30th day of March, 2011, by Alice A. Dubois.



Sharan La Duca
Notary Public for State of Oregon

My Commission Expires: January 3rd, 2012

ACCEPTANCE:

COLUMBIA COUNTY, OREGON

This is to certify that the interest in real property conveyed herein to the County of Columbia, a political subdivision of the State of Oregon, is hereby accepted by the undersigned, Anthony Hyde, Earl Fisher and Henry Heimuller, Board of Commissioners of Columbia County, Oregon, and the Grantee consents to the conditions thereof.

Dated this 4th day of May, 2011.

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Earl Fisher, Commissioner

By: [Signature]
Henry Heimuller, Commissioner

Parcel – Permanent Easement for Slopes

A parcel of land lying in the NE1/4 of Section 12, Township 5 North, Range 2 West. W.M., Columbia County, Oregon and being a portion of that property described in that Warranty Deed to Wesley A. Dubois and Alice A. Dubois recorded September 18, 1952 in Book 126, Page 607, Columbia County Clerk's Office; the said parcel being that portion of said property lying between lines at right angles to the center line of Canaan Road at Engineer's Stations 12+25 and 14+55 and included in a strip of land 60.00 feet in width, on the east side of the center line of said center line, which center line is described as follows:

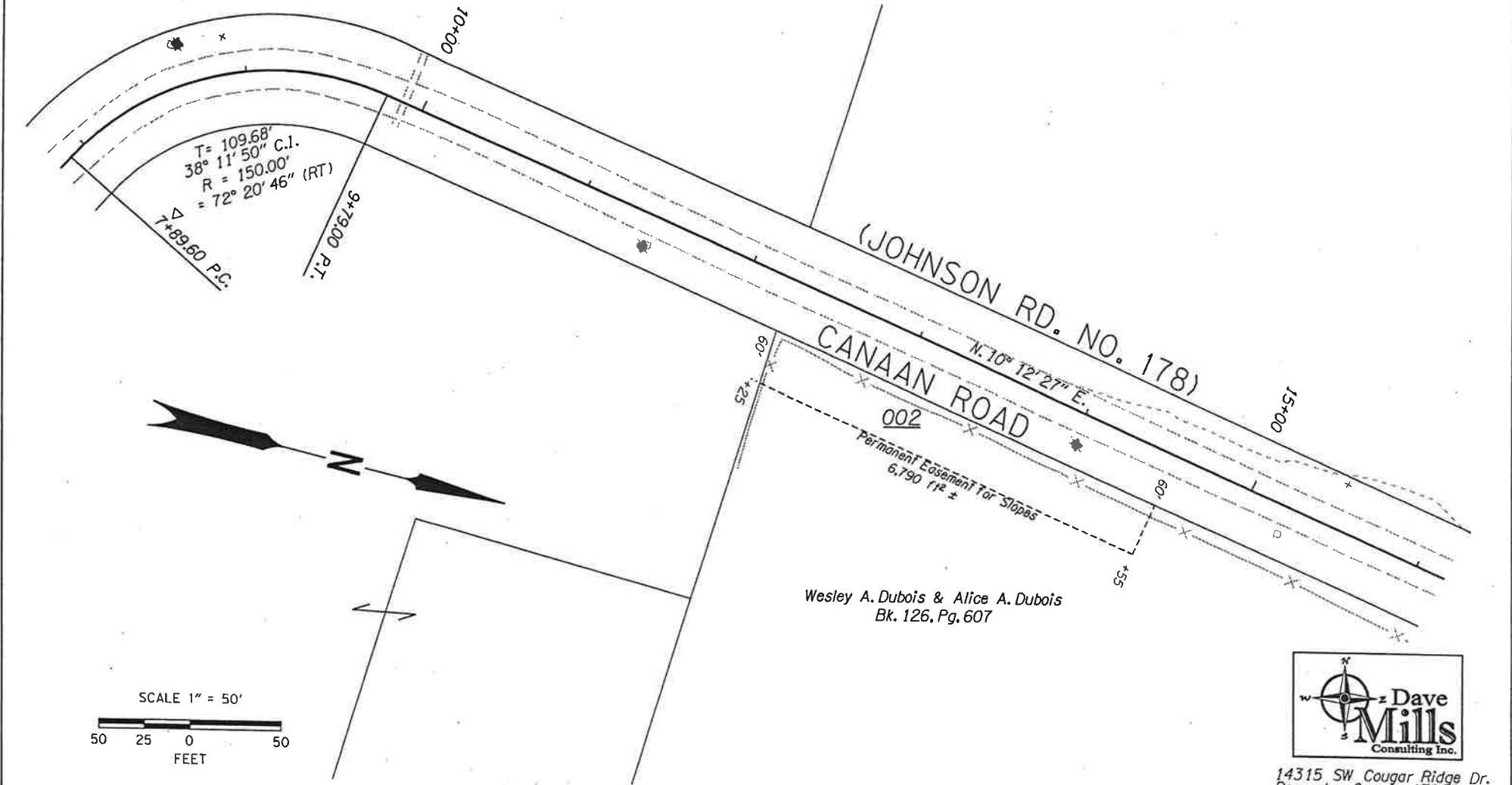
Beginning at Engineer's center line Station 5+34.12, said station being North 21° 11' 28" West a distance of 171.08 feet from the East Quarter corner of said Section 12, thence North 62° 08' 19" West 255.48 feet, thence on a 150.00 foot radius curve right (the long chord of which bears North 25° 57' 56" West 177.07 feet) 189.40 feet; thence North 10° 12' 27" East 767.22 feet to Engineer's center line Station 17+46.23.

Bearings are based upon the Oregon Coordinate System of 1983(Cors 96), north zone.

This parcel of land contains 6,790 square feet, more or less.

EXHIBIT "B"

SEC. 12, T. 5 N., R. 2 W., W.M.



14315 SW Cougar Ridge Dr.
Beaverton, Oregon 97008
503-590-7158

OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
ENGINEERING
SKETCH MAP

Section	Canaan Road Safety Project	Scale	1" = 50'
Highway	Canaan Road	Date	April 2011
County	Columbia County	File	002
Purpose	Permanent Easement for Slopes		

HANNA, McELDOWNEY & ASSOCIATES

8835 S.W. CANYON LANE, SUITE 405
PORTLAND, OR 97225
(503) 297-9588 Fax: (503) 297-2835

March 30, 2011

Project Property Number: 9-12-2

Alice A. Dubois
33945 Canaan Road
Deer Island, OR 97054

Subject: Letter of Agreement for a Permanent Easement for Slopes at Tax Lot 5N1W07B0
00900 for the Canaan Road (Johnson Road No. 178) Project

Dear Alice A. Dubois:

Columbia County is planning to construct safety improvements to Canaan Road (Johnson Rd. No 178). As you are aware, your property located at 33945 Canaan Road will be affected by this project. A Permanent Easement for Slopes is required in order to give Columbia County the legal right to construct the necessary improvements.

In exchange for executing these documents and granting the Permanent Easement for Slopes containing 6,790 s.f., more or less, and subject to final approval by Columbia County, the County agrees to the following:

1. To compensate you, in full, the sum of \$3,100.00 for the Permanent Easement for Slopes.
2. To move or replace the fence in the easement area as per construction plan sheet #4, item #7.
3. The (9) trees inside the easement area that have been marked by the surveyor to be taken down as part of the project will be left for the property owner. These felled trees will be left on the flat area of the property just behind the easement area.
4. To maintain reasonable access to the property at all times during construction.
5. To clean up all construction debris at the conclusion of the project.
6. To comply with the terms and conditions of this Letter of Agreement, which is the entire, final, and complete agreement between the Owner and the County pertaining to the acquisition of the easement, and supersedes and replaces all written and verbal agreements heretofore made.

The total compensation for the above property rights is **Three Thousand One Hundred and No/100 Dollars (\$3,100.00)**. No other compensation shall be sought or offered.

Payment will be made 30 to 90 days from the date of approval and acceptance by Columbia County.


Thank you,



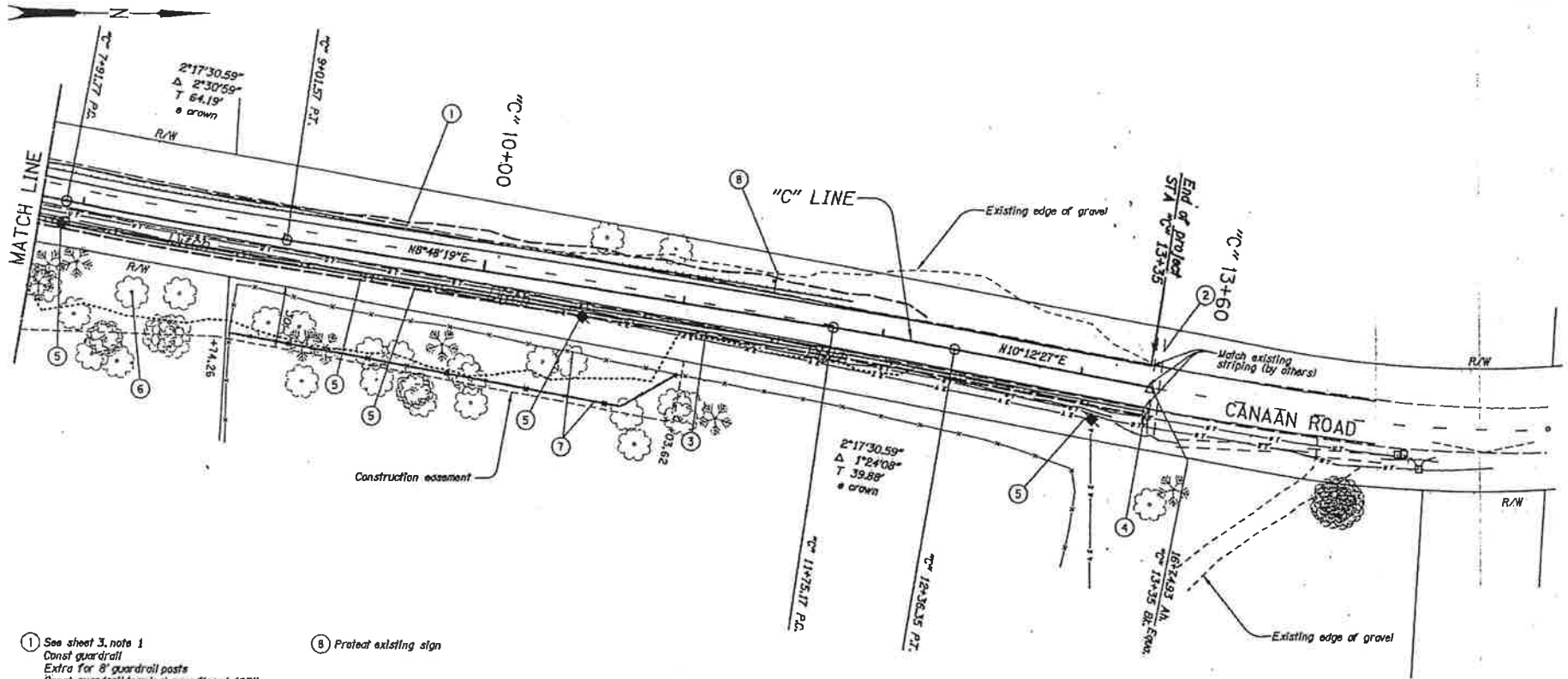
Sharan Hams-LaDuca,
Acquisition/Negotiation Agent
Hanna, McEldowney, & Associates



Alice A. Dubois 3-30-11
Alice A. Dubois Date



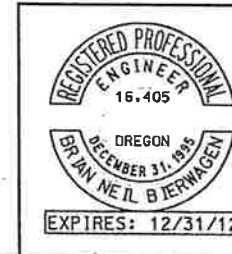
Approved By: [Signature] 5-4-11
Agency Representative Date



- ① See sheet 3, note 1
Const. guardrail
Extra for 8' guardrail posts
Const. guardrail terminal, non-flared (25')
Test level 2
- ② Protect existing culvert
- ③ See sht 3, note 5
Const. low profile mountable curb
- ④ Sta. "C" 13+35 Rt.
Const. impermeable check dam
2' x full ditch width x 1' below ditch depth
See sht 2B-2, detail 2
- ⑤ Relocate utility (by others)
- ⑥ See sheet 3, note 12
Remove all trees within cut line limits
(trees to be felled marked by engineer)
- ⑦ Sta. "C" 8+80 to Sta. "C" 11+00 Rt.
Remove and rebuild fence
(to be felled marked by engineer)

⑧ Protect existing sign

LEGEND
 - - - - - Construction easement
 - - - - - Cut Line
 - - - - - Fill Line
 - - - - - Ditch



T OREGON DEPARTMENT OF TRANSPORTATION

Parametrix

CANAAN ROAD GUARDRAIL PROJECT
 CANAAN ROAD
 COLUMBIA COUNTY

Design Team Leader - Brian Bierwagen
 Designed By - Jim Parkley
 Drafted By - James Koopman

GENERAL CONSTRUCTION

SHEET
 NO. 4