BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Dedicating Several Properties)	
Owned by Columbia County as Additional Right-)	
of-Way for Public Road and Utility Purposes)	ORDER NO. 68 - 2011
, , ,)	

WHEREAS, Columbia County has acquired several parcels of land lying adjacent to or currently being used as established rights-of-way; and

WHEREAS, on October 11, 2010, the County took deed through foreclosure of those properties commonly referred to as Tax Map ID Nos. 3N2W13-CA-01600 and 01700 (hereinafter the Havlik Trust property), which are legally described on the Dedication Deed attached hereto as Exhibit 1 and by this reference incorporated herein, and which are a graveled access leading to three businesses; and

WHEREAS, on October 16, 1941, H.R. Dibblee and Anna B. Dibblee conveyed to Columbia County a large tract of land near Rainier, Oregon, which, over time, was parceled off and sold but for a 40' wide strip of property at the end of Barton Road; and

WHEREAS, this 40' wide strip of property, commonly referred to as Tax Map ID No. 7N2W07-C0-02500 (hereinafter the "Barton Road property") and legally described in the Dedication Deed attached hereto as Exhibit 2 and by this reference incorporated herein, has been used as the only access to surrounding property; and

WHEREAS, on March 8, 2011, Clinton Hendershot and Donna Hendershot conveyed to Columbia County a strip of property along Rainier-Apiary County Road No. P-49 (hereinafter Apiary Road), which is legally described in the Dedication Deed attached hereto as Exhibit 3 and by this reference incorporated herein; and

WHEREAS, the Public Works Director has determined that the best use for these parcels of land would be to establish public rights-of-way; and

WHEREAS, pursuant to Ordinance No. 2003-1, the Public Works Director has waived the requirement that a road survey be conducted for the Havlik Trust and Barton Road properties before these properties can be dedicated, said waivers being attached hereto as Exhibits 4 and 5 and incorporated herein by this reference; and

WHEREAS, a copy of the survey for the Apiary Road property is attached as Exhibit 6 and by this reference incorporated herein; and

WHEREAS, ORS 275.090 authorizes the County to grant easements and rights-of-way over, through and across all lands acquired by the County by foreclosure or delinquent tax liens, or by exchange, devise or gift; and

WHEREAS, the Board of County Commissioners, upon the recommendation of the Public Works Director, finds that it is in the public interest to dedicate and accept the above-described county-owned properties for road and utility purposes, thereby allowing the County Assessor the opportunity to cancel the tax account numbers assigned to each property;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1. The Board of County Commissioners, on behalf of Columbia County, hereby dedicates the above-described property as additional rights-of-way along the established rights-of-way adjacent to each of the properties for public road and utility purposes and authorizes Anthony Hyde, Chair, to execute the appropriate Dedication Deeds for each of the above properties.
- 2. The Board of County Commissioners, on behalf of Columbia County, hereby accepts the above-described property as additional rights-of-way to the established rights-of-way adjacent to each of the properties for public road and utility purposes.
- 3. This Order and the Dedication Deeds shall be filed with and recorded by the County Clerk in Deed Records without cost and filed in the appropriate road jackets.

DATED this 3/5t day of August, 2011.

Approved as to form:

By:

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

By:

Anthony Hyde, Chair

Bv:

Earl Fisher, Commissioner

By:

Henry Heimuller, Commissioner

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GRANTORS' NAME AND ADDRESS:

Columbia County, Oregon Board of County Commissioners 230 Strand, Room 331 St. Helens, OR 97051

AFTER RECORDING, RETURN TO GRANTOR:

Columbia County, Oregon Office of County Counsel Columbia County Courthouse 230 Strand, Room 318 St. Helens, OR 97051

EXHIBIT 1

DEDICATION DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Owner of certain real property situated in Columbia County, Oregon, does hereby forever dedicate to the public for public road and utility purposes the land which is described below and depicted on the map labeled Exhibit A, said exhibit being attached hereto and incorporated herein by this reference.

Parcel 1:

A parcel of land along the South line of the Jesse Miles D.L.C. #39, in the South half of Section 13, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

A 20 foot strip of land, on the Northerly side of, measured perpendicular from and parallel with the South line of the Jesse Miles D.L.C. #39, bound by the West right-of-way of the Portland & Western Railroad (formally known as the SP & S and B& N Railroads), and the Easterly right-of-way of the SW Old Portland Road (A.K.A. Old Columbia River Highway).

EXCEPTING THEREFROM:

The southerly 15 feet, measured perpendicular to and parallel with the above described land, along with that portion of said land deeded to the State of Oregon, recorded in Deed Book 67 page 446 and Deed Book 67 page 549. Columbia County Records.

Parcel No. 2: A parcel of land along the South line of the Jesse Miles D.L.C. #39, in the South half of Section 13, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

> A 15 foot strip of land, on the Northerly side of, measured perpendicular from and parallel with the South line of the Jesse Miles D.L.C. #39, bound by the West right-of-way of the Portland & Western Railroad (formally known as the SP & S and B& N Railroads), and the Easterly right-of-way of the SW Old Portland Road (A.K.A. Old Columbia River Highway).

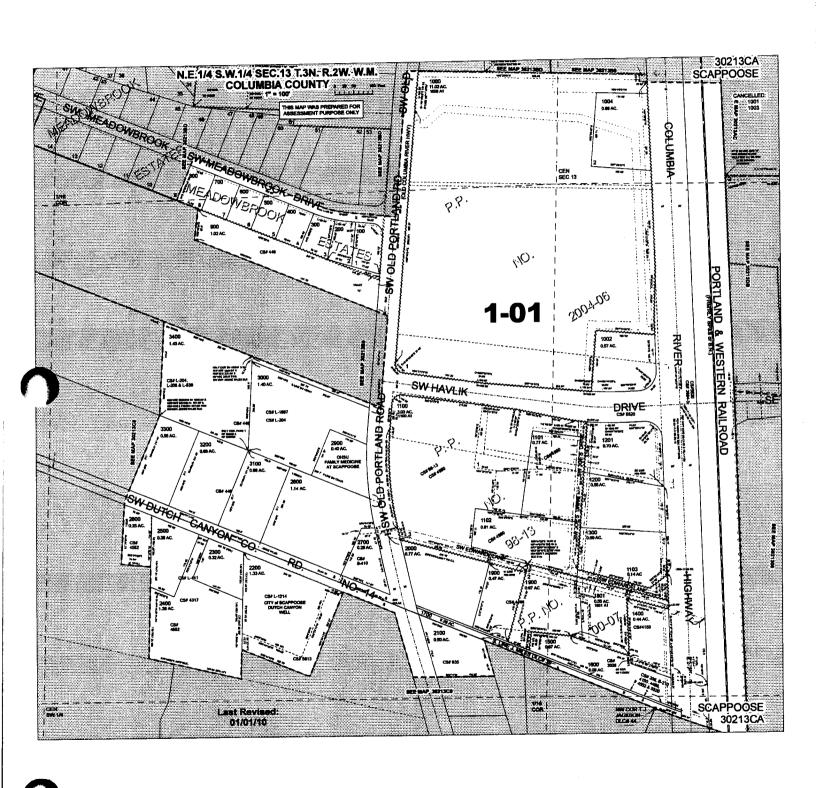
EXCEPTING THEREFROM:

That portion of said land deeded to the State of Oregon, recorded in Deed Book 67 page 446 and Deed Book 67 page 549, Columbia County Records.

The property described above and depicted on Exhibit B is to be dedicated for use for public road and utility purposes only. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 The true and actual consideration for this conveyance is \$0.00, stated in terms of dollars. DATED this _____ day of August, 2011. BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON Anthony Hyde, Chair STATE OF OREGON **ACKNOWLEDGMENT**) ss. County of Columbia The foregoing instrument was acknowledged before me this _____ day of May, 2011, by Anthony Hyde, as Chair of the Board of County Commissioners, upon whose authority and on whose behalf this instrument is signed. Notary Public for Oregon My Commission Expires: _____ **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 Columbia County for public road and utility purposes forever on behalf of the public. This land is expressly accepted as a Local Access Road only, and not as a County road. DATED this _____ day of August, 2011. BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON Anthony Hyde, Chair Earl Fisher, Commissioner

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Henry Heimuller, Commissioner



GRANTORS' NAME AND ADDRESS:

Columbia County, Oregon Board of County Commissioners 230 Strand, Room 331 St. Helens, OR 97051

AFTER RECORDING, RETURN TO GRANTOR:

Columbia County, Oregon Office of County Counsel Columbia County Courthouse 230 Strand, Room 318 St. Helens, OR 97051 **EXHIBIT 2**

DEDICATION DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Owner of certain real property situated in Columbia County, Oregon, does hereby forever dedicate to the public for public road and utility purposes the land which is described below depicted on the map labeled Exhibit A, said exhibit being attached hereto and incorporated herein by this reference.

A parcel of land in the West half of the Dobbins Donation Land Claim lying in Section 7, Township 7 North, Range 2 West and in Section 12, Township 7 North, Range 3 West, all in the Willamette Meridian, Columbia County, Oregon, described as follows:

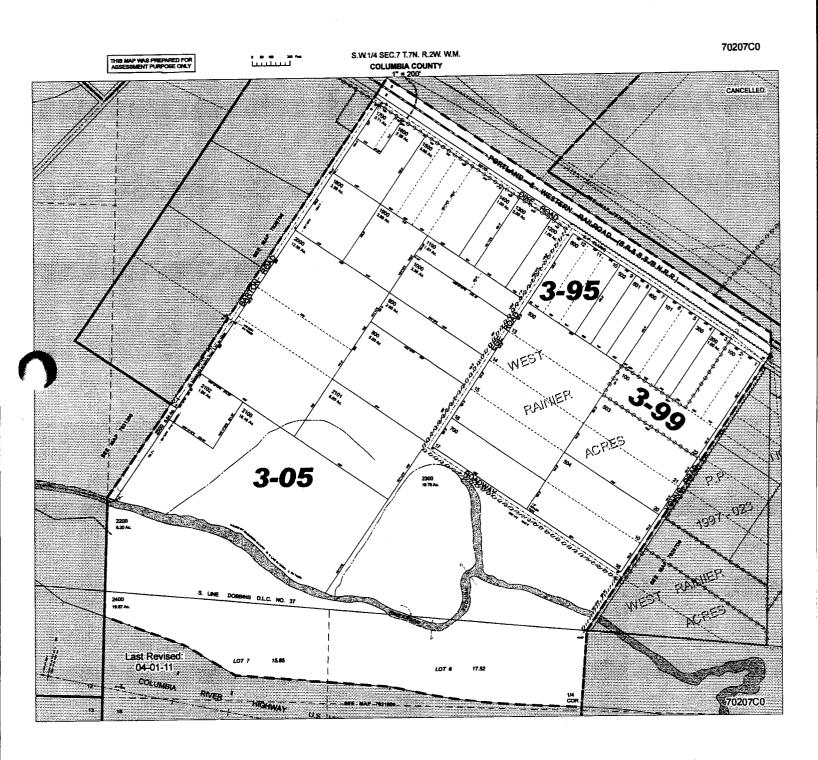
Beginning at a point that is North 58° 18' West 1280.0 feet and South 31° 42' West 1383.1 feet from the Northwesterly corner of Tract 12, West Rainier Acres, said point being the Northwest corner of the third parcel conveyed to Columbia County by deed as described and recorded in the Office of the Columbia County Clerk in Deed Book 69, page 206 on November 6, 1941; thence from said true point of beginning, South 31° 42' West, along the Westerly line of said County third parcel, a distance of 1118.0 feet to a point on the North bank of Rinearson Slough, said point being on the Northerly line of a tract of land described and conveyed to the Rainier Drainage District by deed recorded in the Office of the Columbia County Clerk in Deed Book 69. page 293 on December 2, 1941; thence Easterly, along said North bank and the Northerly line of said Rainier Drainage District, a distance of 40 feet, more or less, to the Southwesterly corner of a tract of land as described and conveyed to Owen H. And Mabel Johnstun, husband and wife, by deed recorded in the Office of the Columbia County Clerk in Deed Book 74, page 336 on April 28, 1944; thence leaving said North bank and Drainage District tract and tracing the Westerly line of said Johnstun tract, North 31° 42' West, a distance of 1118.0 feet to the Northwesterly corner of said Johnstun tract, said point lying on the Northerly line of said Columbia County third parcel; thence North 58° 15' West, along said Northerly line of Columbia County's third parcel. a distance of 40 feet to the point of beginning.

The property described above and depicted on Exhibit A is to be dedicated for use for public road and utility purposes only.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER 0RS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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

PARCEL, TO DETERMINE PRACTICES, AS DEFINE NEIGHBORING PROPERTY	E ANY LIMITS ON L D IN ORS 30.930, A Y OWNERS, IF ANY, U TO 11, CHAPTER 424	IFY THE APPROVED USES OF THE LOT OR AWSUITS AGAINST FARMING OR FOREST AND TO INQUIRE ABOUT THE RIGHTS OF JNDER ORS 195.300, 195.301 AND 195.305 TO 4, OREGON LAWS 2007, AND SECTIONS 2 TO	
The true and actual consideration for this conveyance is \$0.00, stated in terms of dollars.			
DATED this	_ day of August, 2011.		
		BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON	
		By:Anthony Hyde, Chair	
		Anthony Hyde, Chair	
STATE OF OREGON)		
County of Columbia) ss.	ACKNOWLEDGMENT	
,	,		
The foregoing instrument was acknowledged before me this day of August, 2011, by Anthony Hyde, as Chair of the Board of County Commissioners, upon whose authority and on whose behalf this instrument is signed.			
		Notary Public for Oregon My Commission Expires:	
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 Columbia County for public road and utility purposes forever on behalf of the public. This land is expressly accepted as a Local Access Road only, and not as a County road.			
DATED this day of A	August, 2011.	BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON	
		By:Anthony Hyde, Chair	
		By:Earl Fisher, Commissioner	
		By: Henry Heimuller, Commissioner	
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GRANTORS' NAME AND ADDRESS:

Columbia County, Oregon Board of County Commissioners 230 Strand, Room 331 St. Helens, OR 97051

AFTER RECORDING, RETURN TO GRANTOR:

Columbia County, Oregon Office of County Counsel Columbia County Courthouse 230 Strand, Room 318 St. Helens, OR 97051 **EXHIBIT 3**

DEDICATION DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Owner of certain real property situated in Columbia County, Oregon, does hereby forever dedicate to the public for public road and utility purposes the land which is described below and depicted on the map labeled Exhibit A, said exhibit being attached hereto and incorporated herein by this reference.

A tract of land situated in the Northeast quarter of Section 34, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

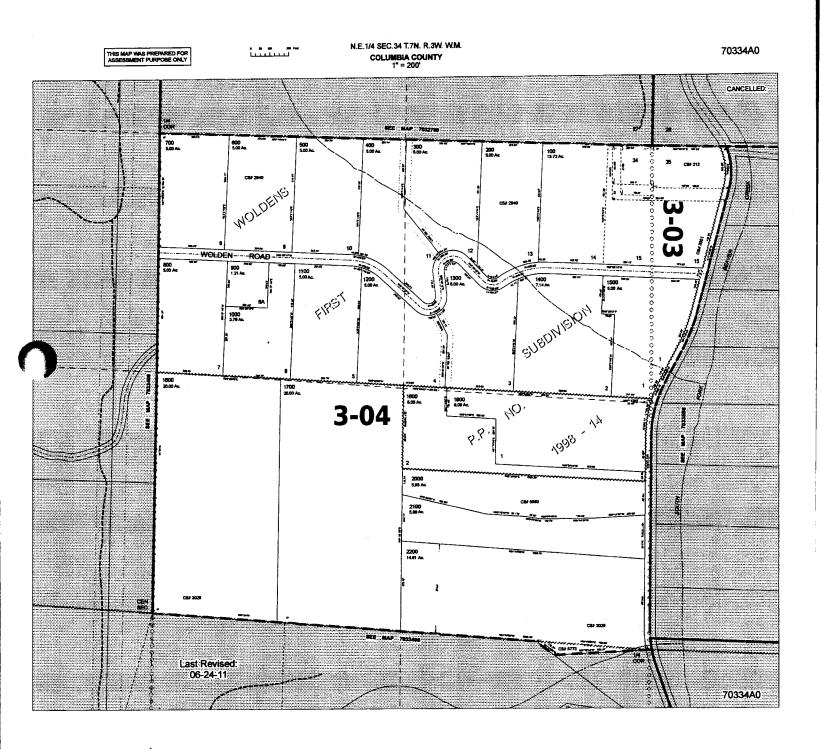
Beginning at the East quarter corner of said Section 34; thence North 84°43'06" West, along the South line of said Northeast quarter of Section 34, a distance of 9.36 feet to the Westerly right of way line of the Rainier Apiary Road No. P.49 and the true point of beginning of the following described tract; thence along said Westerly right of way line, along the arc 633.11 foot radius curve to the right (the long chord bears North 04°36'16" West 130.61 feet) for an arc distance of 130.84 feet; thence North 01°15'32" East a distance of 348.36 feet to the Northeast corner of the Clinton F. Hendershot and Donna S. Hendershot tract as described in Deed Book 188, Page 324, Clerks Records of Columbia County, Oregon; thence North 84°43'06" West, along the North line of said Hendershot tract, a distance of 25.06 feet; thence South 01°15'32" West a distance of 350.09 feet; thence along the arc of a 658.11 foot radius curve to the left (the long chord bears South 04°14'38 East 127.53 feet) for an arc distance of 127.73 feet to a point on said South line of the Northeast guarter of Section 34; thence North 87°52'50" East, along said South line, a distance of 25.26 feet to the true point of beginning.

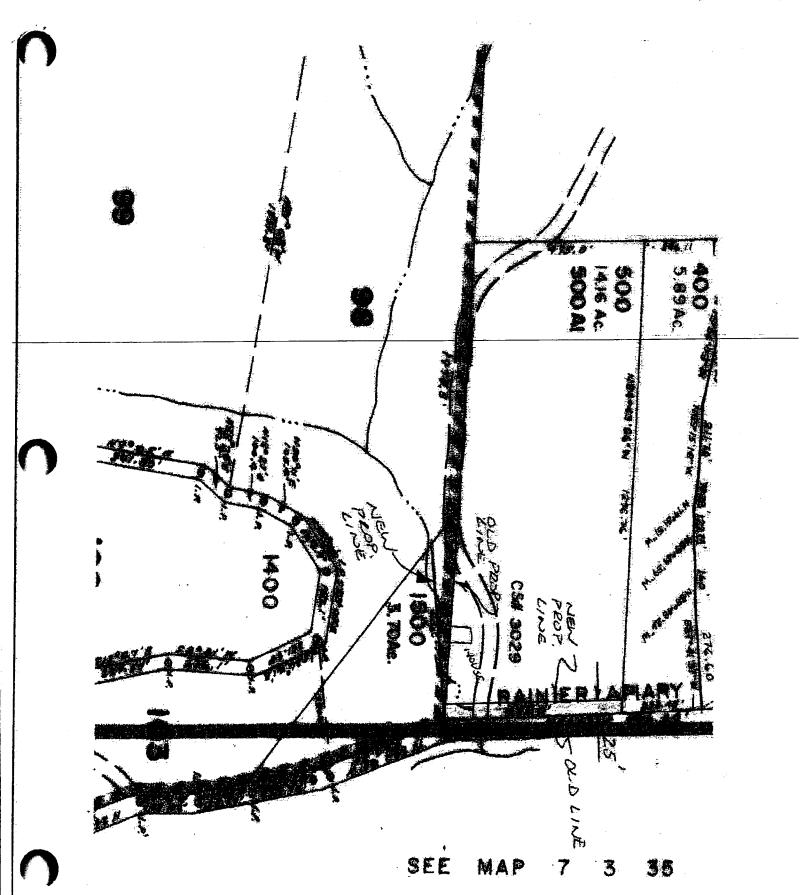
The property described above and depicted on Exhibit A is to be dedicated for use for public road and utility purposes only.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER 0RS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 NEIGH-

BORING 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009			
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DATED this day of August, 2011	l.		
	BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON		
	By:Anthony Hyde, Chair		
STATE OF OREGON) ss. County of Columbia)	ACKNOWLEDGMENT		
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DATED this day of August, 2011.	BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON		
	By:Anthony Hyde, Chair		
	By:Earl Fisher, Commissioner		
	By: Henry Heimuller, Commissioner		
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Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

David Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215 e-mail: David.Hill@co.columbia.or.us

Cynthia Zemaitis, County Counsel

from: David Hill, Public Works Director

date: January 7, 2011

subject: Tax Lots 3N2W13-CA-01600 & 01700

Columbia County owns Tax Lots 3N2W13-CA-01600 & 01700, as shown on the attached maps.

The Road Department recommends that these lots be dedicated as public right-of-way. These lots have been used as a gravel roadway for many years, and currently serves as access to the Scappoose Senior Center and a Columbia River PUD substation.

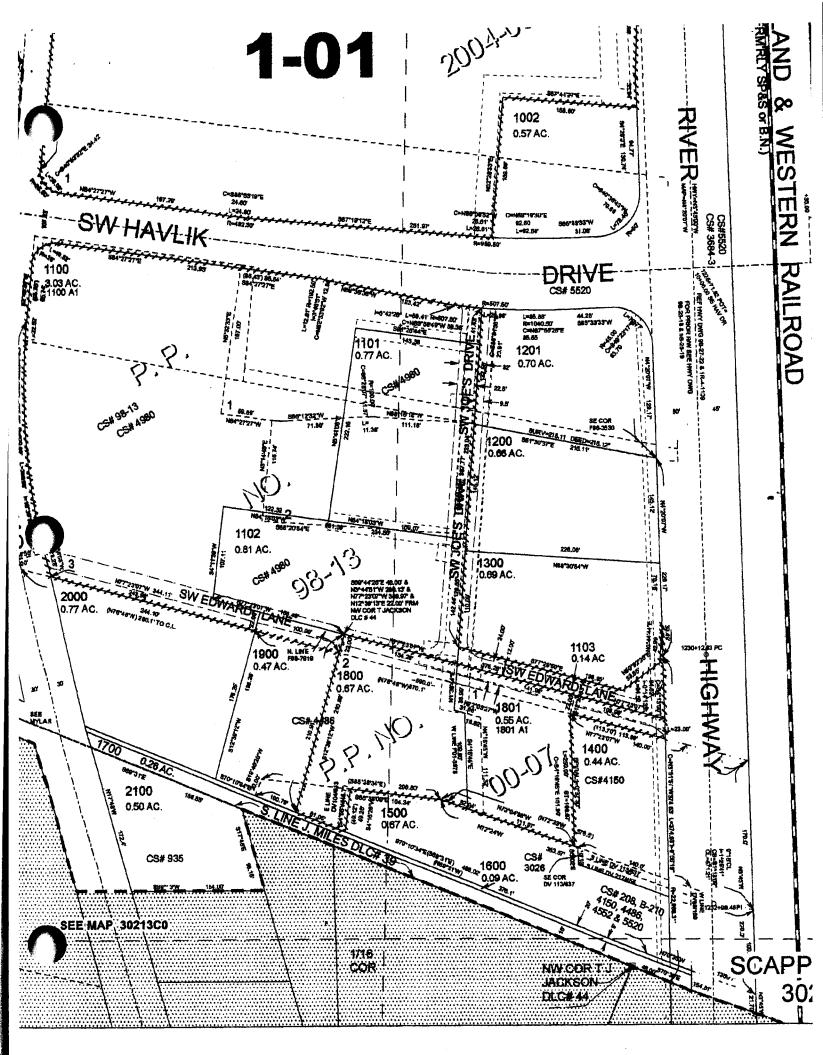
It also appears that it has been intended that these lots serve as a roadway. The total width of these lots is only 20 feet, however. A standard right-of-way width is 50 feet minimum, even though the County has many right-of-ways that are 40 feet in width, such as Dutch Canyon Road.

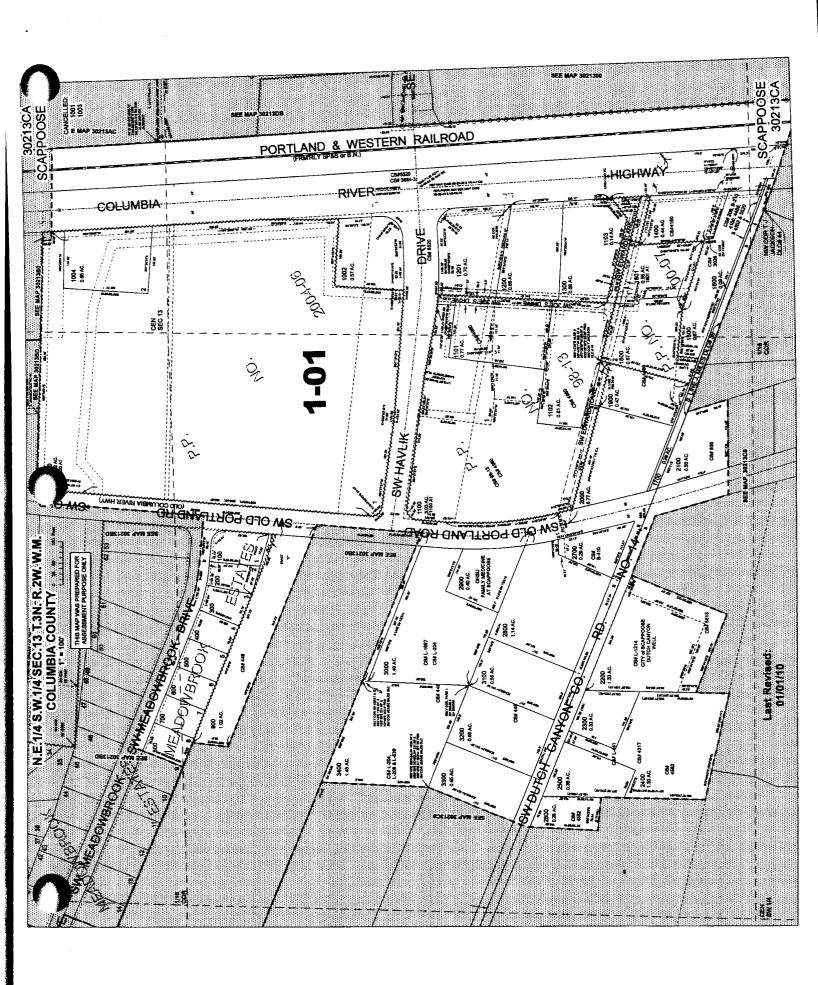
Therefore, I recommend that Columbia County dedicate these tax lots as public right-of-way. I also recommend that the County waive the requirement that this right-of-way be surveyed.

LUMBIA COUNTY

JAN 1 0 2010

COUNTY COUNTY







Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

David Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215 e-mail: David.Hill@co.columbia.or.us

to: Board of County Commissioners

via: Cynthia Zemaitis, County Counsel

from: David Hill, Public Works Director

date: May 3, 2011

subject: TMID No. 7N2W07-C0-02500 (at the end of Barton Road, Rainier)

At the request of a local property owner, the Road Department and Tax Office researched the status of property at the end of Barton Road (West Rainier area). A local property owner insisted that the right-of-way extended from the end of Barton Road as it was plotted on the maps, to his property.

The County research showed that the County did reserve a strip of property in this area, which was most likely intended to serve as access to properties off the end of the road. The Assessor's Office has changed the maps to show this strip of land as County property.

I believe it is in the interest of the public to dedicate this strip of land as right-of-way, as I believe it was intended for access to properties.

Therefore, I recommend that this strip of land be dedicated as public right-of-way. I also recommend that the requirement for survey of this property also be waived.

COLUMBIA COUNTY
MAY 0 5 2011
COUNTY COUNSEL

