

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of a Quitclaim Deed and Easements )  
to the Oregon Department of Transportation )  
for a Strip of Land Adjacent to the Right ) ORDER NO. 85-2011  
of Way at the Vernonia Pioneer Museum )

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WHEREAS, ORS 271.400 authorizes Columbia County to convey any lands or rights vested in those lands to the State of Oregon, by and through a state agency, for carrying out the purposes of that agency, upon terms and conditions as may be agreed upon between the County and the state agency; and

WHEREAS, the County has a long-term leasehold interest in the property located 511 E. Bridge Street, which is the site of the Vernonia Pioneer Museum and which is owned in fee by the City of Vernonia; and

WHEREAS, as part of the new school project in Vernonia, the State of Oregon, by and through its Department of Transportation ("ODOT"), seeks to acquire a strip of land along the right of way at 511 E. Bridge Street, more particularly described in Attachment 1, for pedestrian and other street improvements; and

WHEREAS, ODOT also seeks along Bridge Street right of way: (1) a Permanent Easement for Slopes, Signs, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities; and (2) a Temporary Easement for Work Area, both of which are more particularly described in Attachment 2; and

WHEREAS, the City of Vernonia has conveyed its interest in the aforementioned strip of land and has granted the requested easements, as shown in its donation deed in Attachment 2; and

WHEREAS, the County desires to convey its interest in the same strip of land to ODOT for the purposes of pedestrian and other street improvements, and to consent to the easements granted by the City of Vernonia in its donation deed.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners shall execute the Quitclaim Deed for the real property located at 511 E. Bridge Street, Vernonia, Oregon, attached hereto as Attachment 1 and incorporated herein by this reference, to the Oregon Department of Transportation. The Quitclaim Deed shall be recorded without costs.

2. The Board of County Commissioners shall consent to the Permanent Easement for Slopes, Signs, Water, Gas, Electric and Communication Service Lines, Fixtures, and Facilities, and the Temporary Easement for Work Area, both of which were granted by the City of Vernonia to the Oregon Department of Transportation, as memorialized in Attachment 2, which is attached hereto and incorporated herein by this reference.


DATED this 14<sup>th</sup> day of December, 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

S:\COUNSEL\MUSEUMS\VERNONIA\ORDER QCD ODOT.wpd

**GRANTOR'S NAME AND ADDRESS:**

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

**AFTER RECORDING, RETURN TO GRANTEE:**

State of Oregon  
Department of Transportation  
Right-of-Way Section  
4040 Fairview Industrial Drive SE MS #2  
Salem, OR 97302-1142

**QUITCLAIM DEED**

**COUNTY OF COLUMBIA**, a political subdivision of the State of Oregon, hereinafter called Grantor, being the holder of a leasehold interest in the hereinafter described property, for no monetary consideration, does hereby release and quitclaim unto **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, hereinafter called Grantee, all of Grantor's right, title and interest in and to a portion of real property located at 511 E. Bridge Street, Vernonia, Oregon, more particularly described in Parcel 1 of Exhibit "A", attached hereto and incorporated herein by this reference.

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.

This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.

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This conveyance is made pursuant to Board of County Commissioners Order No. 85 - 2011 adopted on December \_\_, 2011, and filed in Commissioners Journal at Book \_\_, Page \_\_.

IN WITNESS WHEREOF, the Grantor has executed this instrument this \_\_\_ day of December, 2011.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Anthony Hyde, Chair

Approved as to form

By: \_\_\_\_\_  
Earl Fisher, Commissioner

By: \_\_\_\_\_  
Office of County Counsel

By: \_\_\_\_\_  
Henry Heimuller, Commissioner

STATE OF OREGON     )  
                                  )  
County of Columbia    )

ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on the \_\_\_\_\_ day of December, 2011, by Anthony Hyde, Earl Fisher and Henry Heimuller, as Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires \_\_\_\_\_

Accepted on behalf of the State of  
Oregon Department of Transportation

By: \_\_\_\_\_  
Right of Way Manager  
ODOT Region 1

\_\_\_\_\_  
Date

**Parcel 1 - Fee**

A parcel of land lying in the NW¼SE¼ of Section 4, Township 4 North, Range 4 West, W.M., Columbia County, Oregon and being a portion of that property described in that Quitclaim Deed to the City of Vernonia recorded November 9, 1961 in Book 147, Page 252, Columbia County Clerk's Office; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Nehalem Highway, which center line is described as follows:

Beginning at Engineer's center line station 20+00.00, said station being 738.85 feet South and 850.46 feet West of a 5/8-inch iron rod at the Northwest corner of Lot 6, Block 9, FIRST ADDITION TO OREGON AMERICAN SUBDIVISION, Columbia County, Oregon; thence South 76°06'50" East 76.38 feet; thence on a 716.20 foot radius curve left (the long chord of which bears South 86°02'50" East 247.09 feet) 248.34 feet; thence North 84°01'09" East 42.64 feet; thence on a 5729.58 foot radius curve left (the long chord of which bears North 83°18'09" East 143.33 feet) 143.33 feet; thence North 82°35'09" East 83.34 feet; thence on a 1432.39 foot radius curve right (the long chord of which bears North 89°25'39" East 341.27 feet) 342.08 feet; thence South 83°43'50" East 454.20 feet; thence on a 5729.58 foot radius curve right (the long chord of which bears South 83°06'20" East 125.00 feet) 125.00 feet; thence South 82°28'50" East 354.50 feet to Engineer's center line station 38+69.81.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
24+00.00		25+10.69	31.00' in a straight line to 35.00'
25+10.69		25+94.03	35.00' in a straight line to 39.50'
25+94.03		28+77.94	39.50'

Bearings are based on County Survey No. 5783 filed February 17, 2011, Columbia County, Oregon.

This parcel of land contains 1,316 square feet, more or less.

~~Parcel 2 - Permanent Easement For Slopes, Signs, Water, Gas, Electric and  
Communication Service Lines, Fixtures and Facilities.~~

*YS*  
A parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, Township 4 North, Range 4 West, W.M., Columbia County, Oregon and being a portion of that property described in that Quitclaim Deed to the City of Vernonia recorded November 9, 1961 in Book 147, Page 252, Columbia County Clerk's Office; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Nehalem Highway, which center line is described in Parcel 1.

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25+10.69		25+94.03	37.00' in a straight line to 41.50'
25+94.03		28+77.94	41.50'

Except therefrom Parcel 1.

~~This parcel of land contains 459 square feet, more or less.~~

~~Parcel 3 - Temporary Easement for Work Area (3 years or duration of Project,  
whichever is sooner)~~

yo

A parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, Township 4 North, Range 4 West, W.M., Columbia County, Oregon and being a portion of that property described in that Quitclaim Deed to the City of Vernonia recorded November 9, 1961 in Book 147, Page 252, Columbia County Clerk's Office; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Nehalem Highway, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

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24+87.00		25+30.00	56.00'
25+30.00		25+94.03	51.00' in a straight line to 53.00'
25+94.03		27+03.00	53.00'

Except therefrom Parcel 1.

~~This parcel of land contains 3,181 square feet, more or less.~~

Columbia County



Oregon

## BOARD OF COMMISSIONERS

230 Strand Street, Rm 331, St. Helens, Oregon 97051-2096 \*Ph: 503-397-4322 \*Fax 503-397-7243

Commissioner Anthony Hyde  
 Commissioner Earl Fisher  
 Commissioner Henry Heimuller  
 Jan Greenhalgh, Board Secretary

tony.hyde@co.columbia.or.us  
 earl.fisher@co.columbia.or.us  
 henry.heimuller@co.columbia.or.us  
 jan.greenhalgh@co.columbia.or.us

December 14, 2011

Bill Haack, City Administrator  
 City of Vernonia  
 1001 Bridge Street  
 Vernonia, Oregon 97064

Subject: Consent to ODOT easements at the location of the Vernonia Pioneer Museum

Dear Mr. Haack:

In conjunction with the school project in Vernonia, the Oregon Department of Transportation (ODOT) seeks to acquire a strip of land along the right-of-way at 511 E. Bridge Street, the site of the Vernonia Museum, as well as a permanent easement for slopes, signs and utilities and a temporary construction easement, all of which are described in the attached Exhibit A. The Donation Deed attached as Exhibit B indicates that the City, as the fee title holder of the property, supports the right-of-way acquisition and easements and intends to donate the strip of land to ODOT.

Because Columbia County has leasehold interest in that property, ODOT has asked the County to quitclaim its interest in the strip of land and subordinate to the requested easements. Consistent with the County's lease agreement with the City, the County will quitclaim its interest in the strip of land to ODOT. Although the County is not the fee owner of the property and does not have the authority to grant ODOT's requested easements, by this letter, the County hereby consents to the following easements granted by the City of Vernonia to the State of Oregon, by and through its Department of Transportation:

- (1) The Permanent Easement For Slopes, Signs, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities, more particularly described in Parcel 2 of Exhibit A, which is attached hereto and incorporated herein by this reference; and
- (2) The Temporary Easement for Work Area, more particularly described in Parcel 3 of Exhibit A, which is attached hereto and incorporated herein by this reference.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
 FOR COLUMBIA COUNTY, OREGON

Accepted on behalf of the Oregon  
 Department of Transportation

By: \_\_\_\_\_  
 Anthony Hyde, Chair

By: \_\_\_\_\_  
 Right of Way Manager

By: \_\_\_\_\_  
 Earl Fisher, Commissioner

c: Gary Adams, ODOT Right of Way Unit

By: \_\_\_\_\_  
 Henry Heimuller, Commissioner



~~Parcel 1 - Fee~~

*JS*

A parcel of land lying in the NW¼SE¼ of Section 4, Township 4 North, Range 4 West, W.M., Columbia County, Oregon and being a portion of that property described in that Quitclaim Deed to the City of Vernonia recorded November 9, 1961 in Book 147, Page 252, Columbia County Clerk's Office; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Nehalem Highway, which center line is described as follows:

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25+94.03		28+77.94	39.50'

Bearings are based on County Survey No. 5783 filed February 17, 2011, Columbia County, Oregon.

~~This parcel of land contains 1,316 square feet, more or less.~~

**Parcel 2 – Permanent Easement For Slopes, Signs, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities.**

A parcel of land lying in the NW¼SE¼ of Section 4, Township 4 North, Range 4 West, W.M., Columbia County, Oregon and being a portion of that property described in that Quitclaim Deed to the City of Vernonia recorded November 9, 1961 in Book 147, Page 252, Columbia County Clerk's Office; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Nehalem Highway, which center line is described in Parcel 1.

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25+94.03		28+77.94	41.50'

**Except** therefrom Parcel 1.

This parcel of land contains 459 square feet, more or less.

**Parcel 3 – Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)**

A parcel of land lying in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 4, Township 4 North, Range 4 West, W.M., Columbia County, Oregon and being a portion of that property described in that Quitclaim Deed to the City of Vernonia recorded November 9, 1961 in Book 147, Page 252, Columbia County Clerk's Office; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Nehalem Highway, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

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25+94.03		27+03.00	53.00'

**Except** therefrom Parcel 1.

This parcel of land contains 3,181 square feet, more or less.

File 7539 001  
Map 11B-05-30

**DONATION DEED**

**CITY OF VERNONIA, a municipal corporation**, Grantor, for no monetary consideration, does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the property described as **Parcel 1 on Exhibit "A" dated 9/13/2011**, attached hereto and by this reference made a part hereof.

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, for construction, installation and maintenance for a highway sign, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property described as **Parcel 2 on Exhibit "A" dated 9/13/2011**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2  
SALEM OR 97302-1142

Map and Tax Lot #: 4-4-400-600

Property Address: 511 E. Bridge St.  
Vernonia, OR 97064

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcel 3 on Exhibit "A" dated 9/13/2011**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 3, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

**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 statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (8) (d) or (e).

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

Dated this 19 day of October, 2011.

APPROVED AS TO FORM:

By [Signature]  
City Attorney

CITY OF VERNONIA, a municipal corporation

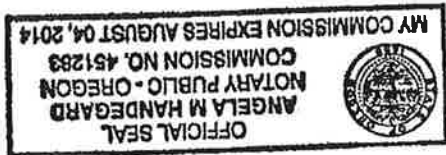
By [Signature]  
City Administrator

By [Signature]  
City Recorder

STATE OF OREGON, County of Columbia

Dated October 19, 2011. Personally appeared William Haack and Joann Glass, who, being sworn, stated that they are the City Administrator and City

Recorder of the City of Vernonia, a municipal corporation, and that this instrument was voluntarily signed on behalf of said municipal corporation by authority of its <sup>Consensus</sup> Ordinance No. of Council, passed by the Council of said City on this 4<sup>th</sup> day of October, 2011.



[Signature]  
Notary Public for Oregon  
My Commission expires 8/04/2014

Accepted on behalf of the Oregon Department of Transportation

**Parcel 1 - Fee**

A parcel of land lying in the NW¼SE¼ of Section 4, Township 4 North, Range 4 West, W.M., Columbia County, Oregon and being a portion of that property described in that Quitclaim Deed to the City of Vernonia recorded November 9, 1961 in Book 147, Page 252, Columbia County Clerk's Office; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Nehalem Highway, which center line is described as follows:

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**Parcel 2 – Permanent Easement For Slopes, Signs, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities.**

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**Parcel 3 – Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)**

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This parcel of land contains 3,181 square feet, more or less.