

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring a Permanent )  
Easement for Slopes and Drainage from )  
William L. and Michelle A. Morrill for )  
Slide Repair on Nick Thomas Road )  
\_\_\_\_\_ )

RESOLUTION NO. 16 - 2013

WHEREAS, a landslide on Nick Thomas Road has damaged the road way and created hazardous conditions; and

WHEREAS, the County must acquire property from William L. and Michelle A. Morrill under the authority of ORS 35.605 for a permanent easement for slopes and drainage to successfully repair the damage and stabilize the slopes; 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; and

WHEREAS, a copy of the proposed Permanent Easement for Slopes and Drainage is attached hereto as Exhibit A.

NOW, THEREFORE, it is hereby ordered as follows:

1) Columbia County accepts the Permanent Easement for Slopes and Drainage from William and Michelle Morrill as described in Exhibit 1, which is attached hereto and incorporated herein by this reference.

2) The acquisition of the above easement is necessary to protect the public's full use and enjoyment of the road and shall increase the public's safety when using the road.

3) The Permanent Easement shall be recorded in the deed records of the Columbia County Clerk without costs.

DATED this 1<sup>st</sup> day of May, 2013.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

Approved as to Form:

By: [Signature]  
Office of County Counsel

By: [Signature]  
Henry Heimuller, Chair

By: [Signature]  
Anthony Hyde, Commissioner

By: [Signature]  
Earl Fisher, Commissioner

**GRANTOR:**  
William L Morrill and  
Michele Morrill  
70135 Nick Thomas Rd  
Rainier, OR

**EXHIBIT 1**

**GRANTEE:**  
Columbia County  
C/o Office of County Counsel  
230 Strand, Room 319  
St Helens, OR 97051

**PERMANENT EASEMENT FOR SLOPES AND DRAINAGE**  
(Individual Grantor)

KNOW ALL PERSONS BY THESE PRESENTS, THAT **William L. Morrill and Michelle A. Morrill**, (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 drainage 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 as described in Exhibit "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. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 to 30.300, Grantee agrees to indemnify Grantor from all claims made for injury to person or property caused by Grantee's negligent acts or omissions relating to the use of the property for any of the above-described purposes. This indemnity does not apply to any claims arising out of the sole negligence of Grantor.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structure 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. Grantee, however, agrees to replace any tree that Grantee removes for the construction, reconstruction, upgrade, replacement, repair, maintenance, and inspection of slopes and drainage.



**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, Henry Heimuller, Anthony Hyde, and Earl Fisher, Board of Commissioners of Columbia County, Oregon, and the Grantee consents to the conditions thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

By: \_\_\_\_\_  
Henry Heimuller, Chair

By: \_\_\_\_\_  
Anthony Hyde, Commissioner

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

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EXHIBIT A

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**PARCEL 1 – SLOPE EASEMENT**

A tract of land lying in Tract 83, BEAVER HOMES SECTION 2, lying in the SW ¼ of Section 10, Township 6 North, Range 2, West, W.M., Columbia County, Oregon and being a portion of that property described in that Warranty Deed to William L. and Michelle Morrill recorded as Instrument No. 2005-013944 in the Clerk's deed records, Columbia County, Oregon; the said parcel being that portion of said property located within a strip of land 300 feet in length, 72 feet in width, 36 feet on either side of centerline of Nick Thomas Road which centerline is described as follows:

Beginning at the SW Corner of Section 10, Township 6 North, Range 2 West, W.M., Columbia County, Oregon; thence North 89°37' East 1328.6 feet to SW Corner of Lot 83 of BEAVER HOMES SECTION 2; Thence North 2°41' West 112.16 feet to the centerline of Nick Thomas Road; Thence along the centerline of Nick Thomas Road 145.85 feet to the point of beginning up the said strip of land; thence NE along the centerline of Nick Thomas Road a distance of 300 feet to the terminus of said strip of land.

This parcel of land contains ~~9950~~ square feet, more or less.

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**PARCEL 2 – DRAINAGE EASEMENT**

A tract of land lying in Tract 83, BEAVER HOMES SECTION 2, lying in the SW ¼ of Section 10, Township 6 North, Range 2, West, W.M., Columbia County, Oregon and being a portion of that property described in that Warranty Deed to William and Michelle Morrill recorded as Instrument No. 2005-013944 in the Clerk's deed records, Columbia County, Oregon; the said parcel being that portion of said property located within a strip of land 150 feet in length, 50 feet in width, lying on the northwesterly side of the centerline of Nick Thomas Road, which centerline is described below:

Beginning at the SW Corner of Section 10, Township 6 North, Range 2 West, W.M., Columbia County, Oregon; thence North 89°37' East 1328.6 feet to SW Corner of Lot 83 of BEAVER HOMES SECTION 2; Thence North 2°41' West 112.16 feet to the centerline of Nick Thomas Road; Thence along the centerline of Nick Thomas Road 238.35 feet to the point of beginning up the said strip of land; thence North 86°20' West, 150 Feet to the terminus of the centerline of said strip of land.

