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 I conditions; and	Road has damaged the road way and created hazardous
	perty from William L. and Michelle A. Morrill under ment for slopes and drainage to successfully repair the
is exercised, the Board of County Commissione	ore the right to acquire such property under ORS 35.605 rs shall describe the land to be purchased, acquired, ne that the appropriation of such land is reasonably the public of the road, street or highway; and
WHEREAS, a copy of the proposed Pern hereto as Exhibit A.	nanent Easement for Slopes and Drainage is attached
NOW, THEREFORE, it is hereby ordered	l as follows:
	anent Easement for Slopes and Drainage from William hich is attached hereto and incorporated herein by this
2) The acquisition of the above easer enjoyment of the road and shall increase the public	ment is necessary to protect the public's full use and ic's safety when using the road.
Clerk without costs.	recorded in the deed records of the Columbia County
DATED this $\frac{\int_{-\infty}^{\infty} t}{day}$ of May, 2013.	BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON
Approved as to Form: By: Office of County Counsel	By: Henry Heimuller, Chair By: Anthony Hyde, Commissioner By: Earl Fisher, Commissioner

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

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

EXHIBIT 1

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.

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 Zero Dollars (\$0.00) and other good and valuable consideration, the sufficiency of which the parties hereby acknowledge.

Statutory Land Use Disclaimer: 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7. CHAPTER 8. OREGON LAWS 2010.

In witness whereof, the above named 12th day of April , 2013. WILLIAM MORRILL	Grantor has hereunto set Grantor's hand to this document on this MICHELE MORRILL
STATE OF OREGON County of Columbia)) ss.)
This instrument was signed and attest by William Morrill and Michele Mon	Ahreigh Kose Marquardt
ASHLEIGH ROSE MARQUAR NOTARY PUBLIC-OREGO	Notary Public for State of Oregon My Commission Expires: 4:29.16

COMMISSION NO. 468011 MY COMMISSION EXPIRES APRIL 29, 2016 My Commission Expires: 4.29.16

ACCEPTANCE:	
COLUMBIA COUNTY, OREGON	
subdivision of the State of Oregon, is hereby acc	conveyed herein to the County of Columbia, a political cepted by the undersigned, Henry Heimuller, Anthony of Columbia County, Oregon, and the Grantee consents
Dated this day of	, 2013.
	BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON
	By:Henry Heimuller, Chair
	Henry Heimuller, Chair
	By:Anthony Hyde, Commissioner
	Anthony Hyde, Commissioner
	Ву:
	Earl Fisher, Commissioner

EXHIBIT A

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.

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.

