

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing the County Road)	
Official to Perform Road Maintenance on)	ORDER NO. 28-2014
a section of Zimmerman Road, a Local Access)	
Road in Columbia County)	

WHEREAS, pursuant to ORS 368.031(1), the County is not liable for failure to improve a local access road or to keep it in repair; and

WHEREAS, pursuant to ORS 368.031(2), the County may only spend County moneys on a local access road if the work is an emergency, or if the County Road Official recommends the expenditure, the public use of the road justifies the expenditure, and the Board enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program; and

WHEREAS, a section of Zimmerman Road that is a local access road was dedicated to the County by deed recorded in Book 124, Page 400 of the Columbia County deed records, as described and depicted in the County Road Official's report, attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the County Road Department has been maintaining that section of Zimmerman Road for over a decade, assuming it was a County Road because of its condition and because of its importance in providing a safe access and turn around for the school bus; and

WHEREAS, the County Road Official recommends that the County maintain that section of Zimmerman Road on a continuing basis because the public use justifies the expenditure.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The County Road Department is authorized to maintain the section of Zimmerman Road, as described in Book 124, Page 400 of the County's deed records, on a continuing basis, and the Board of Commissioners finds that the public use of that section of Zimmerman Road justifies the expenditure.
2. The section of Zimmerman Road described herein shall remain a local access road, and shall not be a county road, unless and until it is accepted by the County as a county road.

Dated this 18th day of June, 2014

Approved as to Form

By: _____

County Counsel's Office

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Tony Hyde, Chair

By: _____

Henry Heimuller, Commissioner

By: _____

Earl Fisher, Commissioner



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: Robin McIntyre, County Counsel
from: David Hill, Public Works Director
date: May 21, 2014

Dave

subject: Zimmerman Road Maintenance

Robin,

I have attached a couple maps that show the assessment diagram for the roads and properties in the Zimmerman Road area.

The Board of Commissioners wanted us to look into maintaining a section of Zimmerman Road beyond the end of the official "County Road".

The Assessor's map shows the public right-of-way for Zimmerman Road extending ½ mile from the end of the "County Road". We did extensive research into the right-of-way for this area and could only find dedications for the extension of Zimmerman Road for the right-of-way as I have shown in red. No record of right-of-way dedication was found across tax lots 1300 and 1100.

Therefore, it is my recommendation that the Board of County Commissioners make an order for the Road Department to maintain that section of Zimmerman Road that was dedicated to Columbia County by deed and as recorded in Book 124 Page 400, which is approximately 1450 feet beyond the end of the existing County Road, and extends to the north line of the property as recorded in Book 100 Page 109. This maintenance on the road would be ongoing and continued to be maintained like any other County Road, until rescinded or changed by the Board.

This is a good stopping location for the end of the road maintenance because this is at the top of the hill where there is a good turn-around and this will provide for maintenance of the steeper part of the road. This does not provide maintenance to the end of the right-of-way as depicted on the Assessor's Map however without evidence of a dedicated right-of-way, I do not believe that the County has any legal right to provide maintenance on the road even if we desired to do so.



X,Y: 7572389, 872451 Lat, Lon: 46.033, -122.980 USING: 10TER015797728

GeoMOOSE 2.6.115672

Lynn Somers

Zimmerman
Family Trust

Eva Pelletier

Fern Hill Tree
Farms

Last Revised:
09-20-13

SEE MAP 6020800

SECTION

BEAVER CR. 5

06

KNOW ALL MEN BY THESE PRESENTS, That Carl A. Zimmerman and Norma P. Zimmerman, husband and wife,

grantors
in consideration of One and 00/100----- Dollars,
and other valuable considerations

to them paid by Columbia County, Oregon, a political subdivision of the
State of Oregon grantee

do hereby grant, bargain, sell and convey unto the said grantee, its successors,
and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in
the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

The following description is for a 50 foot road right-of-way being 25 feet
on either side of the following described centerline in so far as it enchroaches
upon that property of Carl A. Zimmerman as recorded in Book 100, page 109 and
Book 95, page 443 Columbia County Deed Records;

Beginning at a point on the West line of Section 8 that is South 3° 47' East
15.0 feet from the corner to Sections 5, 6, 7 and 8, Township 6, North, Range 2,
West of the Willamette Meridian, Columbia County, Oregon; thence North 89° 30' East a
distance of 3.05 feet; thence on the arc of a 119.38 foot radius curve to the left
(the long chord of which curve bears North 54° 27' East 137.10 feet a distance
of 146.06 feet; thence North 19° 24' East a distance of 247.0 feet; thence North
3° 57' East a distance of 486.9 feet; thence North 2° 26' East a distance of
259.0 feet; thence North 1° 39' East a distance of 310.5 feet to the North
line of said Carl Zimmerman property as recorded in Book 100, page 109.

To Have and to Hold the above described and granted premises unto the said grantee....., its
successors ~~and~~ and assigns forever.

And the grantor ~~s~~ do covenant that they are lawfully seized in fee simple of
the above granted premises free from all incumbrances,

and that they will and their heirs, executors and administrators, shall warrant and forever
defend the above granted premises, and every part and parcel thereof, against the lawful claims
and demands of all persons whomsoever.

Witness our hand.s and seal.s this 20th day of December, 1954

STATE OF OREGON, }
County of Columbia } ss.

Carl A. Zimmerman (SEAL)
Norma P. Zimmerman (SEAL)

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Personally appeared the above named Carl A. Zimmerman and Norma P. Zimmerman,
husband and wife,

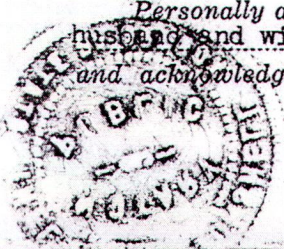
and acknowledged the foregoing instrument to be their voluntary act and deed.

Before Me:

Helma H. Hunschell

Notary Public for Oregon

My commission expires 5-10-1957



Crossed 6205-000-01200

BOOK 124 PAGE 401

KNOW ALL MEN BY THESE PRESENTS, That Carl A. Zimmerman and Norma P. Zimmerman, husband and wife,
 _____, grantor S.
 in consideration of One and 00/100 _____ Dollars,
 and other valuable considerations
 to us paid by Columbia County, Oregon, a political subdivision of the
state of Oregon, grantee
 do hereby grant, bargain, sell and convey unto the said grantee its successors and assigns,
 all the following real property, with the tenements, hereditaments and appurtenances, situated
 in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

The following description is for a 50 foot road right-of-way being 25 feet on either side of the following described centerline insofar as it enchroaches upon that property of Carl A. Zimmerman as described in Book 58, page 193 and Book 73, page 539, Columbia County, Deed Records:

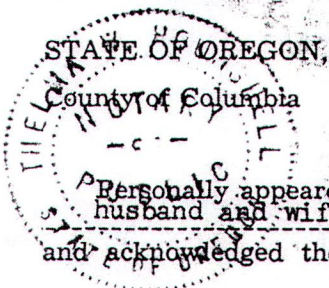
Beginning at a point that is North 3° 47' West 2012.7 feet and North 87° 53' East 439.5 feet from the corners to Section 5, 6, 7 and 8, Township 6, North of Range 2, West of the Willamette Meridian, Columbia County, Oregon; thence North 6° 39' East a distance of 93.6 feet; thence North 1° 15' West a distance of 242.1 feet to the North line of the South one-half of the Northwest quarter of the Northwest quarter of the Southwest quarter of said Section 5.

To Have and to Hold the above described and granted premises unto the said grantee _____, its successors ~~heirs~~ and assigns forever.

And the grantor S. do covenant that they are _____ lawfully seized in fee simple of the above granted premises free from all incumbrances, _____

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 20th day of December, 1954



Carl A. Zimmerman (SEAL)

Norma P. Zimmerman (SEAL)

December, 1954

Before Me:

Helma Dr. Haunsell

Notary Public for Oregon

My commission expires 5-10-1957