

FOR COLUMBIA COUNTY, OREGON

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3. The Easement authorized by this Order shall be recorded in the deed records of the Columbia County Clerk without costs.

Dated this 27th day of August, 2014

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Henry Heimuller, Commissioner

By: [Signature]
Earl Fisher, Commissioner

Approved as to form

By: [Signature]
County Counsel

STATE OF OREGON
Department of State Lands

EASEMENT NO. 39798-EA
Bridge Easement

The STATE OF OREGON, by and through its Department of State Lands, GRANTOR, in consideration of \$ N/A and other consideration, hereby grants to GRANTEE,

NAME of GRANTEE:
Columbia County Road Department

ADDRESS:
1054 Oregon Street
St Helens OR 97051

an easement and right to construct, maintain, operate and replace a bridge over, upon, and across the following particularly described property situated in Columbia County, Oregon, more particularly described as follows:

All state-owned submerged and submersible lands in Flume Creek in Section 19A, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, (Columbia County Assessor's Map No. 8 9 19 1), more particularly described as follows:

A polygon between the Mean High Tide line on each bank of Flume Creek measuring 48 feet long, more or less, by 16 feet wide, more or less, the center of the said polygon having the Longitude -123.104257 and the Latitude 46.166748 (Decimal-Degree).

Containing 0.018 acres or 768 square feet, more or less, and as shown on the attached Exhibit "A".

TO HAVE AND TO HOLD the same unto GRANTEE for 30 years, subject to the following conditions:

1. GRANTOR has the right to grant additional easements within the area authorized by this easement subject to the provisions of the administrative rules governing the granting of easements.
2. GRANTEE shall obtain prior written approval from GRANTOR prior to:
 - a) Changing the type of use authorized by this easement;
 - b) Expanding the number of authorized developments or uses;
 - c) Changing the authorized area; and/or
 - d) Permitting other persons to utilize the easement for uses and developments requiring separate written authorization by

GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.

3. The easement area shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or GRANTOR.
4. GRANTOR and/or its authorized representative(s) shall have the right to enter into and upon the easement area at any time for the purposes of inspection or management.
5. Except as expressly authorized in writing by the Department, GRANTEE shall not:
 - a) Cut, destroy or remove, or permit to be cut, destroyed or removed any vegetation, or
 - b) Remove any sand and gravel, or other mineral resources for commercial use or sale, that occur in the easement area except as expressly authorized in writing by GRANTOR.

Routine right-of-way maintenance including vegetation trimming shall be allowed.

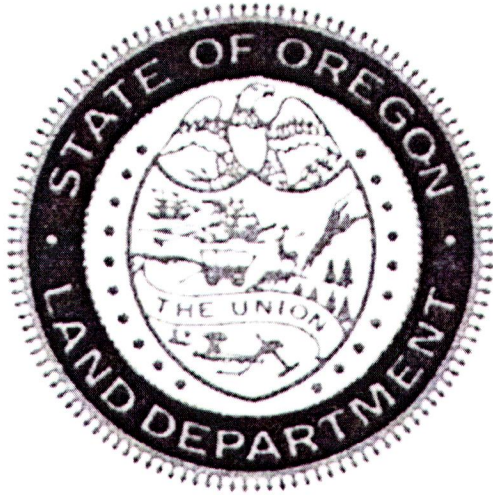
6. GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel resources in the easement area that must be removed during or after placement of the authorized use, or which cannot be developed because of the authorized use.
7. GRANTEE shall conduct all operations within the easement area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, GRANTEE shall reclaim disturbed lands to a condition satisfactory to GRANTOR.
8. GRANTEE shall obtain a surety bond in the amount of \$N/A to ensure compliance with the terms and conditions of this easement.
9. The right to use this easement shall automatically terminate if it, or the development authorized by GRANTOR, is not used within five (5) consecutive years of the date this easement was granted, pursuant to the provisions of the administrative rules governing the granting of easements.
10. Unless otherwise approved in writing by GRANTOR, GRANTEE shall remove all cables, pipes, conduits, roads, and other developments placed by GRANTEE on the easement, and shall restore the surface of the

easement area to a condition satisfactory to GRANTOR within one (1) year following termination of use or expiration of this easement.

11. GRANTEE shall inspect the condition of the area authorized by this easement and the developments authorized by this easement on a frequency of: conditions warrant.
12. GRANTOR shall have the right to stop operation of the use authorized by this easement for noncompliance with the conditions of this easement, the provisions of the administrative rules governing the granting of easements, and/or any lawful requirement by a regulatory agency of this STATE.
13. If this easement authorizes the use of state-owned submerged and/or submersible land:
 - a) Construction in navigable waters shall conform to the standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard for the use authorized by this easement.
 - b) Any blasting which may be necessary, or in-water placement, maintenance, or repair of the authorized use shall be performed according to the laws of this STATE, including strict adherence to Oregon Department of Fish & Wildlife in-water work windows.
14. GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to state-owned lands caused by construction or maintenance of the easement.
15. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement area or STATE by the assessing agency.
16. GRANTEE shall use the authorized easement area only in a manner or for such purposes that assure fair and non-discriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.
17. This easement is freely transferable. However, no transfer may increase the burden on the easement area or detract from the value of the underlying state-owned land.

This easement does not convey an estate in fee simple of the lands used for a right-of-way. This grant is for an easement only, and title remains in the State of Oregon.

WITNESS the seal of the Department of State Lands affixed this _____
day of _____, 2014.



STATE OF OREGON, acting by and through its Department of State Lands

Lori Warner-Dickason

STATE OF OREGON)
)ss
County of Marion)

This foregoing instrument was acknowledged before me this . day of _____
_____, 2014, by Lori Warner-Dickason, the Operations Manager of the
Department of State Lands.

Signature
My commission Expires _____, 20__.

CERTIFICATE OF APPROVAL OF CONVEYANCE
(ORS 93.808)

_____, Grantee, hereby approves and accepts, pursuant to ORS 93.808, the grant of an interest in real property from _____, Grantor, as described in the instrument to which this Certificate is attached.

A copy of this Certificate may be affixed to, and recorded with, the instrument described above.

DATED this ____ day of _____, 20__.

_____, Grantee

By: _____

Name: _____

Title: _____

STATE OF OREGON)
) ss.
County of _____)

On this _____ day of _____, 20__, before me personally appeared _____, who being duly sworn stated that he/she is the _____ of _____, Grantee, and acknowledged the foregoing instrument to be the voluntary act of said Grantee and that he/she executed the foregoing instrument under authority granted by said Grantee.

NOTARY PUBLIC FOR OREGON
My commission Expires: _____

Oregon Department of State Lands Land Management Division



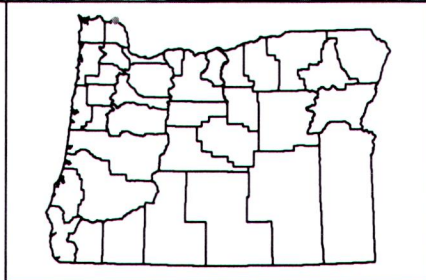
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0 80 160
Feet

1 inch = 168 feet

Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet



Vicinity Map

Legend

Legal Description

This map depicts the approximate location and extent of a Department of State Lands, Land Management Division authorization for use and/or property transaction. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Exhibit A

Contact:
State of Oregon
Department of State Lands
Land Management Division
503-986-5309
www.oregon.gov/dsl/LW
Date: 8/14/2014



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

COLUMBIA COUNTY

AUG 13 2014

COUNTY COUNSEL

to: Robin McIntyre, County Counsel
from: David Hill, Public Works Director
date: August 13, 2014

subject: Mayger Fill Easement from DSL

Many years ago the Lower Columbia River Watershed Council installed a culvert under Mayger Fill Road to re-establish the original channel of Flume Creek. Upon re-establishment of the channel under Mayger Fill Road, it was determined by the Oregon Department of State Lands that an easement was necessary to go across submerged or submersible lands under the jurisdiction of the State.

Survey of this easement for submerged and submersible land is not necessary since the existing right-of-way of Mayger Fill Road is beyond the limits of this easement, and therefore there will not be any impact to any private property.

ORS 368.011 requires that when a county governing body acquires an interest in real property for public road purposes, that the county governing body shall cause the road right-of-way to be surveyed and monumented. County Ordinance 2003-01 establishes a procedure for exempting the requirement for a survey which includes a written determination and recommendation from the Public Works Director.

Therefore, I recommend that the Board of County Commissioners exempt the requirement for a survey of the easement from the Oregon Department of State Lands over Flume Creek on Mayger Fill Road.