

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Accepting the Dedication of
Wayside Court in the Hillcrest Subdivision
near Scappoose, Oregon, from Columbia Hills
Development Company and Matthew and Hailey Treat

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ORDER NO. 45- 2014

WHEREAS, pursuant to ORS 368.073 and ORS 368.096, the County may acquire real property for public road purposes if a person files a written proposal to dedicate or donate land for public road purposes; and

WHEREAS, on July 16, 2014, Michael Stone, President, Columbia Hills Development Company and Matthew and Hailey Treat (collectively, "Grantors") executed and delivered to the County for acceptance a Dedication Deed, a copy of which is attached hereto, labeled Exhibit 1 and incorporated herein by this reference; and

WHEREAS, an Easement exists between the Columbia Hills Development Company and the Columbia Hills Homeowners Association, recorded as Fee No. 2007-11773, covering a portion of the property to be dedicated, and Grantors were notified that such Easement should be terminated before acceptance of this proposed dedication; and

WHEREAS, Columbia Hills Development Company and the Columbia Hills Homeowners Association have entered into a Termination of Easement Agreement, recorded as Fee No. 2014-004743; and

WHEREAS, the desire and intent of Grantors is to dedicate as right-of-way to the public for road and utility purposes forever a portion of their property in Hillcrest Part 1 and Hillcrest Part 2 subdivisions in connection with a property line adjustment and the vacation of a portion of Hemlock Drive in the same subdivisions; and

WHEREAS, the right-of-way being dedicated is to be known as "Wayside Court"; and

WHEREAS, attached to the Dedication Deed as Exhibits A, B, C and D, respectively, are the legal descriptions and a survey and map of the of the property being dedicated as right-of-way; and

WHEREAS, pursuant to Ordinance No. 2003-1, Dave Hill, Public Works Director, has waived the requirement that a road survey be conducted on the west half of the proposed right-of-way, said waiver being attached hereto as Exhibit 2 and incorporated herein by this reference;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Dedication Deed from Columbia Hills Development, Inc., and Matthew and Hailey Treat is hereby accepted by the County.

2. The additional right-of-way in Hillcrest Part 1 and Part 2 subdivisions, Scappoose, Oregon, as described in Exhibit A and C and depicted in Exhibits B and D to the Dedication Deed, is accepted for public road and utility purposes as a local access road only.

3. The dedicated right-of-way shall be known as Wayside Court.

4. The Dedication Deed and this Order shall be filed with and recorded by the County Clerk with costs.

DATED this 1st day of Oct, 2014.

Approved as to form

By: 

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 

Anthony Hyde, Chair

By: 

Henry Heimuller, Commissioner

By: 

Earl Fisher, Commissioner

GRANTORS' NAME AND ADDRESS:

Columbia Hills Development Co.
2255 Tioga Drive
Menlo Park, CA 94025

Matthew & Hailey Treat
31760 Raymond Creek Road
Scappoose, OR 97056

EXHIBIT 1**AFTER RECORDING, RETURN TO GRANTEE:**

Columbia County
Attn: Resource Administrator
Columbia County Courthouse
230 Strand
St. Helens, OR 97051

DEDICATION DEED

COLUMBIA HILLS DEVELOPMENT COMPANY and MATTHEW and HAILEY TREAT, Owner(s) of certain real property situated in Columbia County, Oregon, do hereby forever dedicate to the public for public road and utility purposes the land which is described and depicted on the documents labeled Exhibits A, B, C and D, said exhibits being attached hereto and incorporated herein by this reference.

The property described and depicted on Exhibits A, B, C and D is to be dedicated for use for public road and utility purposes only.

"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".

The true and actual consideration for this conveyance is \$0.00, stated in terms of dollars.

DATED this 16 day of July, 2014.

COLUMBIA HILLS DEVELOPMENT CO.

By: Michael W. Stone

Name (Print): Michael W. Stone

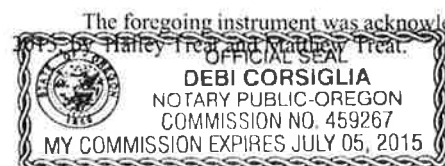
Title: President

Hailey Treat
Hailey Treat
Matthew Treat
Matthew Treat

STATE OF OREGON)

County of Columbia)

) ss.

ACKNOWLEDGMENT

STATE OF OREGON)

County of Columbia)

) ss.

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 16 day of July.

2014, by Michael W. Stone, as President (title) of Columbia Hills Development Company upon whose authority and on whose behalf this instrument is signed.



Notary Public for Oregon

ACCEPTANCE

Columbia County, a political subdivision of the State of Oregon, by and through its Board of County Commissioners, hereby accepts the above dedication of land from COLUMBIA HILLS DEVELOPMENT COMPANY and HAILEY AND MATTHEW TREET for public road and utility purposes forever on behalf of the public. This land is expressly accepted as a Local Access Road only.

DATED this 1st day of October, 2013. 2014.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Henry Hemmiller, Commissioner

By: [Signature]
Anthony Hyde, CHAIR

By: [Signature]
Earl Fisher, Commissioner



KLS Surveying, Inc.
1224 Alder Street
Vernonia, OR 97064

Phone: 503.429.6115
Fax: 866.297.1402
Web: www.klssurveying.com
Email: dwallace_kls@msn.com

EXHIBIT A

Road Dedication

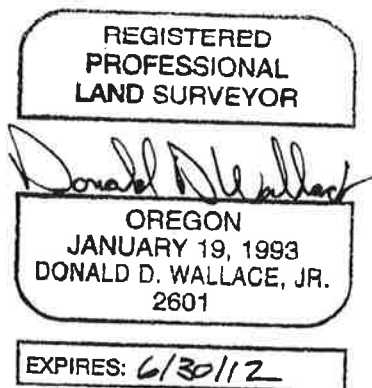
East Segment

A 60.00 foot wide strip of land in the Northeast quarter and Southeast quarter of Section 22, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, being a portion of Lot 19, Block 18 "Hillcrest Part 1" and Lots 36, 37, 38, & 39 of Block 18A "Hillcrest Part 2" lying 30.00 feet on each side of the following described centerline:

Beginning at 5/8" iron rod with a yellow plastic cap marked "KLS SURVEYING INC" at the Northeast corner of said Lot 39; thence S 38°16'18" W 298.01 feet to a 5/8" iron rod with a yellow plastic cap marked "KLS SURVEYING INC" on the West line of said Lot 36, passing over a 5/8" iron rod with a yellow plastic cap marked "KLS SURVEYING INC." at 80.24 feet.

Containing 0.41 acres more or less.

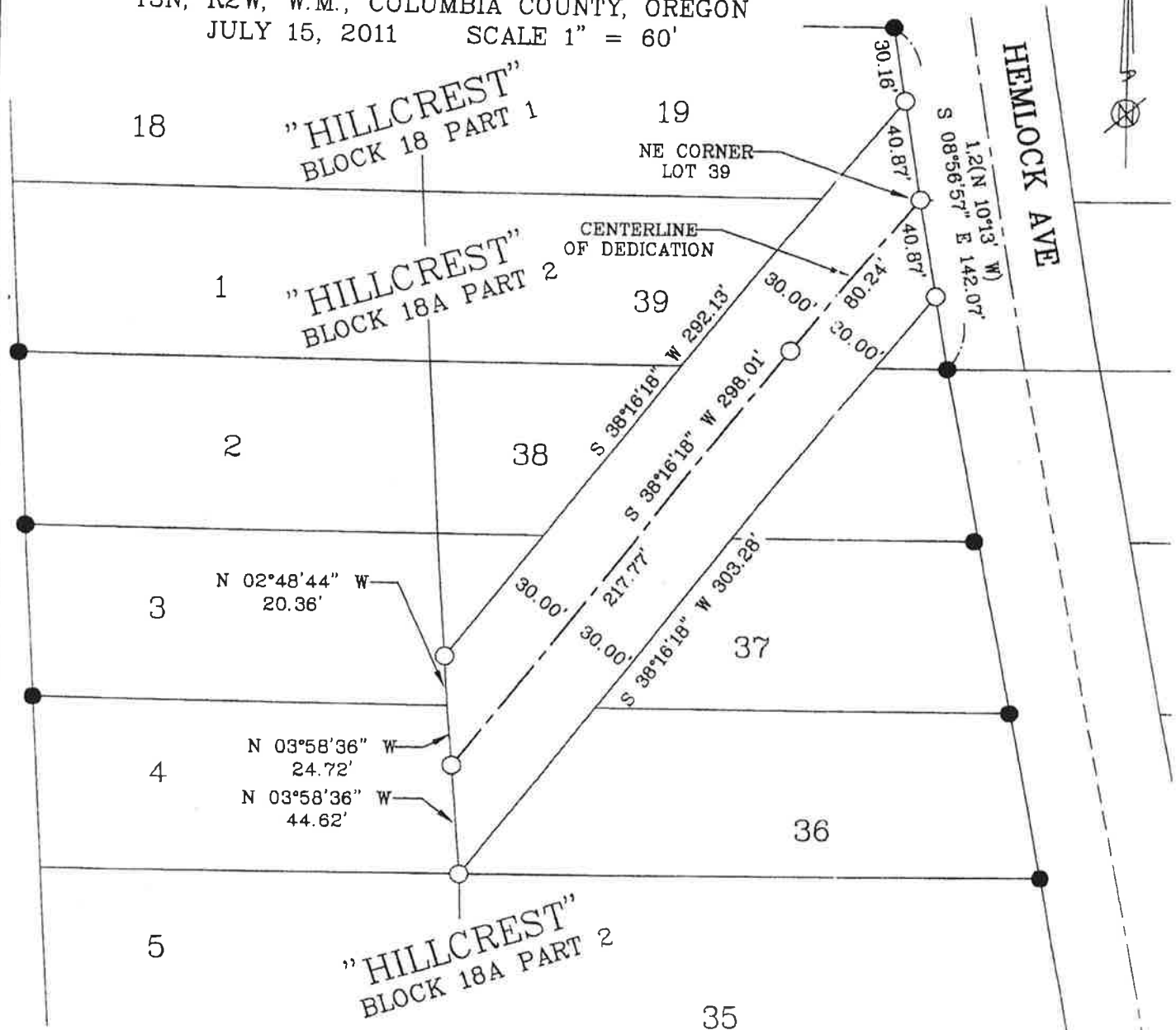
The side lines of the above described strip of land shall extend and terminate on the West line of Lots 36 and 37 and the West line Hemlock Avenue.



RIGHT OF WAY DEDICATION
 FOR COLUMBIA HILLS DEVELOPMENT CO.
 IN LOT 19, BLOCK 18, HILLCREST PART 1
 & LOTS 36 - 39 BLOCK 18A, HILLCREST PART 2
 IN THE NE 1/4 AND SE 1/4 OF SECTION 22,
 T3N, R2W, W.M., COLUMBIA COUNTY, OREGON
 JULY 15, 2011 SCALE 1" = 60'

EXHIBIT B

East Segment



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Donald D. Wallace Jr.
 OREGON
 JANUARY 19, 1993
 DONALD D. WALLACE JR
 2601

RENEWAL DATE 6/30/12

LEGEND:

- = MONUMENT FOUND
- = SET 5/8" X 30" IRON ROD WITH A Y.P.C.
 MARKED "K.L.S. SURVEYING INC"
- () = RECORD SURVEY DATA
- Y.P.C. = YELLOW PLASTIC CAP



K.L.S. SURVEYING INC.
 1224 ALDER STREET
 VERNONIA, OR 97064
 (503) 429-6115

EXHIBIT C

ROAD DEDICATION

West Segment

A strip of land in the Southeast quarter of Section 22, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, being a portion of Lots 3, 4 & 5, of Block 18A "Hillcrest Part 2", the strip being dedicated is a continuation to the southwest of the strip of land set forth in the Road Vacation labeled "West Segment" recorded concurrently with this document. The road dedicated by this document lies within the following described area:

Beginning at 5/8" iron rod with a yellow plastic cap reading "KLS SURVEYING INC" on the east line of said Lot 4 located 20.36 feet north of the common point of the Southeast corner of Lot 4 and the Northeast corner of Lot 5, the cap marking the Northwest corner of the concurrently dedicated road, thence South along the east lines of Lots 3 & 4 to the point common to the Southeast corner of Lot 4 & the Northeast corner of Lot 5, which is marked as the Southwest corner of the concurrently dedicated road by a plastic cap reading "KLS SURVEYING INC", thence Southwest approximately 205 feet to the point common to the Southwest corner of Lot 5 and the Northwest corner of Lot 6, thence North about 80 feet along the West lines of Lots 5 & 4 to the point at which a line parallel to the Southeast side of the area being dedicated will extend to the point of beginning.

West Segment



1224 ALDER STREET
VERNONIA, OR 97064
(503)429-6115

RENEWAL DATE 6/30/12



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: Cynthia Zemaitis, County Counsel
from: David Hill, Public Works Director
date: June 11, 2013

subject: Wayside Court Survey

Dick Recht has requested that the requirement for a survey be waived for the dedication of the western portion of Wayside Court (see attached letter and information).

In 2007, the east end of Wayside Court was surveyed and dedicated as a public road, however the west end of Wayside Court remains as an easement. The west end of Wayside Court is a length of about 162 feet and there are many other monuments in the area to adequately determine the location of the west end of Wayside Court.

Therefore I agree that a survey of the west end of Wayside Court to be dedicated to the public for road and utility purposes is not necessary to adequately determine the location of the dedication, and therefore I recommend that the County waive the requirement for a survey of this dedication.

Thank you for your attention to this matter.