

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing the County Road Official to Perform Road Maintenance on a Portion of Dutch Canyon Road in the City of Scappoose	) ) ) ) )	ORDER NO. 46-2014
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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, the County took deed through foreclosure to a graveled, 20-foot strip of land between Old Portland Road and Highway 30, commonly known as Dutch Canyon Road; and

WHEREAS, because the 20-foot strip of land had been used as a roadway for many years and continued to serve as access to properties, including the Scappoose Senior Center, the County dedicated the property as a public road through Order No. 68-2011; and

WHEREAS, because the property is within the boundaries of the City of Scappoose, the City must consent to the dedication of the public road; and

WHEREAS, the City has agreed to consent to the dedication of the property as a public road, provided the County perform certain maintenance on the roadway; and

WHEREAS, because of the poor condition of the roadway and because of the importance of providing safe access to the abutting properties, which includes the Scappoose Senior Center, the County Road Official recommends that the County prepare the roadway by grading and applying necessary rock to improve the gravel surface from Old Portland Road to Highway 30; and

WHEREAS, the County Road Official therefore recommends that the County perform the work described, above, on a one-time basis because the public use justifies the expenditure.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The County Road Department is authorized to grade and apply necessary rock to improve the gravel surface of Dutch Canyon Road, between Old Portland Road and Highway 30 on a one-time basis, and the Board of Commissioners finds that the public use of that section of Dutch Canyon Road justifies the expenditure.

2. The section of Dutch Canyon Road described herein shall remain a local access road, and shall not be considered a county road.

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3. This order shall be effective when signed but retroactive to December 17, 2014.

Dated this 28<sup>th</sup> day of January, 2015

Approved as to Form

By: 

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: 

Henry Heimuller, Chair

By: 

Tony Hyde, Commissioner

By: 

Earl Fisher, Commissioner