

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Dedication Property)
Owned by Columbia County for Public)
Road and Utility Purposes)
(Timoney Road P-77, Rainier))
_____)

ORDER NO. 56 - 2014

WHEREAS, Columbia County acquired a strip of land through foreclosure proceedings in 1940 commonly referred to as Tax Map ID No. 7N2W21-AB-01700 and Tax Account Nos. 436023 and 436024 (hereinafter the "Property"); and

WHEREAS, the County has received an offer to purchase the Property from the adjoining property owner to the east; and

WHEREAS, the northern tip of the Property lies adjacent to an established right-of-way known as Timoney Road P0-77 (and designated E 2nd Street in Rainier), and it would be in the best interests of the public to dedicate the Northern Tip for road and utility purposes before selling the property; and

WHEREAS, the northern tip of the Property is legally described on the proposed Dedication Deed attached hereto as Exhibit 1 and by this reference incorporated herein, and is hereinafter referred to as the "Northern Tip"; and

WHEREAS, ORS 275.090 grants the County the power to grant easements and rights-of-way over, through and across any such lands acquired on foreclosure of tax liens; and

WHEREAS, the Northern Tip will provide access for at least two properties; and

WHEREAS, Ordinance No. 2003 - 01 was enacted to supersede ORS 368.106(2) - (4) in certain circumstances and to establish a procedure for the exemption of dedications of certain property from the requirements of a survey and/or monumentation; and

WHEREAS, the Public Works Director, pursuant to Ordinance No. 2003-1, has waived the requirement that a road survey be conducted before the Northern Tip can be dedicated, said waiver being attached hereto as Exhibit 2 and incorporated herein by this reference.

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1) The Board of County Commissioners, on behalf of Columbia County, hereby dedicates the above-described property as additional right-of-way along the established right-of-way of Timoney Road P-77 (E 2nd Street in Rainier) as a County road for public road and utility purposes, and authorizes Anthony Hyde, Chair, to execute the appropriate Dedication Deed for the Northern Tip.

2) Columbia County hereby accepts the above-described property as additional right-of-way to the established right-of-way of Timoney Road P-77 (E 2nd Street in Rainier), as a County Road for public road and utility purposes.

3) This Order and the Dedication Deed shall be filed with and recorded by the County Clerk in Deed Records without cost.

DATED this 17th day of December, 2014.

Approved as to form:

By: 

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 

Anthony Hyde, Chair

By: 

Earl Fisher, Commissioner

By: 

Henry Heimuller, Commissioner

GRANTORS' NAME AND ADDRESS: Columbia County, Oregon
Board of County Commissioners 230 Strand, Room 331
St. Helens, OR 97051

EXHIBIT 1

AFTER RECORDING, RETURN TO GRANTOR:
Columbia County, Oregon
Resource Administrator
Columbia County Courthouse
230 Strand
St. Helens, OR 97051

DEDICATION DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Owner of certain real property situated in Columbia County, Oregon, does hereby forever dedicate to the public for public road and utility purposes the land which is described on the document labeled Exhibit A and depicted on the map labeled Exhibit B, said exhibits being attached hereto and incorporated herein by this reference. This land is expressly dedicated as a County road and results in additional right-of-way to Timoney Road P-77.

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

"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."

Dated this ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Anthony Hyde, Chair

STATE OF OREGON)
)
County of Columbia)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Anthony Hyde, as Chair of the Board of County Commissioners, 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 County for public road and utility purposes forever on behalf of the public.

DATED this ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

By: _____

Henry Heimuller, Commissioner

By: _____

Earl Fisher, Commissioner

STATE OF OREGON)
) ss.
County of Columbia)

THIS INSTRUMENT was acknowledged before me on the ____ day of _____, 2014, by Anthony Hyde, Henry Heimuller and Earl Fisher, Board of Commissioners of Columbia County, Oregon, on behalf of whom this instrument was executed.

Notary Public for Oregon

EXHIBIT A

LEGAL DESCRIPTION

[Dedication]

That portion of the West 2 Rods of the Isaac Voorhees Donation Land Claim (DLC) No. 44, lying north of an extension of the South line of the Plat of Vogel Tract, per Plat Book 1 Page 22, Columbia County Records. All located in Section 21, Township 7 North, Range 2 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at the Northwest corner of said DLC, said point being a 2" iron pipe per the Plat of Roxy Park, Plat Book 1, Page 40; thence S 87°43'00" E along the North line of said DLC a distance of 33.05 feet; thence S 00°47'29" E parallel with the West line of said DLC a distance of 357.01 feet; thence N 87°43'00" W parallel with the North line of said DLC a distance of 33.05 feet to the West line of said DLC; thence N 00°47'29" W along the West line of said DLC a distance of 357.01 feet to the POINT OF BEGINNING.

NOTE: Bearings for this description are based on County Survey Number 5978.

EXHIBIT B
(Dedication)

