

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Certain Real Property)
In St. Helens, Oregon, to the City of St. Helens,) ORDER NO. 45- 2015
Oregon [Tax Map ID No. 4108-CB-00401])

WHEREAS, a District wide special election took place on September 20, 2011, on the question of whether the Columbia Health District should be dissolved, and the dissolution was approved by a vote of 5,535 in favor and 541 opposed; and

WHEREAS, after the election the Board of the District canvassed the vote and declared the District dissolved by Resolution 10-13-2011, approved October 13, 2011; and

WHEREAS, Resolution 10-13-2011 also appointed the Columbia County Board of Commissioners to act as the board of trustees for the dissolved District, to pay the debts of the District or procure releases thereof and dispose of the property of the District pursuant to the Plan for Dissolution adopted by the District Board and approved by the voters on September 20, 2011; and

WHEREAS, ORS 198.955(2) provides that if property of a district is located within the corporate limits of a city, such property shall, upon dissolution of the district, vest in the city in which it is located; and

WHEREAS, at the time of dissolution, the Columbia Health District owned certain property located on the north side of Millard Road between Chase Road and Division Road in St. Helens, Oregon, Tax Map ID No. 4108-CB-00401; Tax Account #434199 (the "Property"); and

WHEREAS, the Property is located within the corporate limits of the City of St. Helens; and

WHEREAS, on January 3, 2012, the District, by and through Chuck Larsen, a taxpayer, and Brady Preheim and Joe Cason, purported trustees of the District, filed Case No. 12-2000 in the Columbia County Circuit Court against the Board of County Commissioners, Trustees of the District, seeking a permanent injunction preventing the Trustees of the Columbia Health District from conveying the Property to the City of St. Helens; and

WHEREAS, on January 3, 2012, the District filed Case No. 12-2001, In the matter of the Columbia Health District Resolution 2011-7; and

WHEREAS, on December 28, 2012, the Court, having consolidated the two cases, issued a letter opinion granting summary judgment in both cases against plaintiffs and in favor of all defendants and intervenors as to all claims based upon the Court's determination that the actions complained of were within the statutory authority of the Columbia County Commissioners in their capacity as trustees of the dissolved Columbia Health District; and

WHEREAS, according to the Court, "(f)ollowing the election in which the votes overwhelmingly decided to dissolve the district, the then District Board of Directors appointed the Columbia County Board of Commissioners to act as the Board of Trustees pursuant to ORS 198.945(1) for purposes of disposing of the districts assets and paying any remaining debts as set out in Resolution No. 10-13-2011 which was adopted on October 13, 2011"; and

WHEREAS, the Court entered its general judgments in the two cases on February 13,

2013, dismissing Petitioner's claims in Case No. 12-2001, and dismissing Plaintiff's claims against Defendants, Tony Hyde, Earl Fisher, Henry Heimuller, and the City of St. Helens in Case No. 12-2000 with prejudice; and

WHEREAS, the General Judgment in Case No. 12-2000 further ordered that the Property shall vest exclusively with the City of St. Helens and that Plaintiff shall promptly execute and deliver to St. Helens a Quit Claim Deed transferring title to the Property upon entry of the judgment; and

WHEREAS, on March 8, 2013, Plaintiffs filed their Notice of Appeal to the Oregon Court of Appeals in both cases; and

WHEREAS, on January 14, 2015, the Oregon Court of Appeals affirmed the Circuit Court's decision without opinion (Appellate No. A153741); and

WHEREAS, thereafter, plaintiffs failed to timely file a petition for review with the Oregon Supreme Court; and

WHEREAS, the Oregon Court of Appeals entered its general judgment and supplemental judgment against petitioners effective June 4, 2015; and

WHEREAS, all appeals have now been exhausted; and

WHEREAS, pursuant to ORS 198.955 and by order of the Court, the Property shall vest exclusively with the City of St. Helens and the Board of County Commissioners, as Trustees of the District, shall promptly execute and deliver to the City of St. Helens, a quit claim deed transferring title to the Property;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 198.955, the Board of County Commissioners, acting as the Trustees for the Columbia Health District, authorizes the transfer of the above-described Property to the City of St. Helens.

2. The Board of County Commissioners shall execute a Quitclaim Deed in substantially the form which is attached hereto as Exhibit "1", and by this reference incorporated herein, to convey the Property to the City of St. Helens.

DATED this 23rd day of September, 2015.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Henry Heimuller, Chair

By: 
Anthony Hyde, Commissioner

By: not present
Earl Fisher, Commissioner

Approved as to form:

By: 
Office of County Counsel

Exhibit "1"

GRANTOR'S NAME AND ADDRESS:

Board of County Commissioners
for Columbia County, Oregon, as Trustees
of the Columbia Health District
230 Strand, Room 331
St. Helens, OR 97051

AFTER RECORDING, RETURN TO GRANTEE:

City of St. Helens
PO Box 278
St. Helens, Oregon 97051

Until a change is requested, all tax statements shall
be sent to Grantee at the address so indicated,
above

QUITCLAIM DEED

The **Board of County Commissioners for Columbia County, Oregon**, a political subdivision of the State of Oregon, as **Trustees of the Columbia Health District**, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto **the City of St. Helens, Oregon, a municipal corporation**, hereinafter called Grantee, all right, title and interest in and to the following described parcel of real property situated in the County of Columbia, State of Oregon, Tax Map ID No. 4108-CB-00401, Tax Account # 434199, and more particularly described in the General Judgment in Columbia County Circuit Court Case No. 12-2000, attached hereto as Exhibit "A".

The true and actual consideration for this conveyance is other consideration received.

This conveyance is made pursuant to Board of County Commissioners Order No. 45-2015 adopted on the ____ day of _____, 2015, and filed in Commissioners Journal at Book ____, Page ____.

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

EXHIBIT "A"

FILED
ST. HELENS
COLUMBIA COUNTY
OR
13 FEB - 7 AM 8:36
TRIAL COURT CLERK

Verified Correct Copy of Original 4/1/2014.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF COLUMBIA

COLUMBIA HEALTH DISTRICT, a municipal corporation, COLUMBIA HEALTH DISTRICT, by and through CHUCK LARSEN, a taxpayer, BRADY PREHEIM, and JOE CASON, Trustees,

Plaintiffs,

v.

TONY HYDE, EARL FISHER, HENRY HEIMULLER, and CITY OF ST. HELENS,

Defendants.

Case No. 12-2000
GENERAL JUDGMENT

THIS MATTER came before the Court on the motion of defendant City of St. Helens ("St. Helens") for Summary Judgment against plaintiffs Columbia Health District, Columbia Health District by and through Chuck Larsen, Brady Preheim, and Joe Cason ("plaintiffs") and the motion of defendants Tony Hyde, Earl Fisher and Henry Heimuller for Summary Judgment against plaintiffs. On December 28, 2012, the court issued its ruling granting both motions for summary judgment filed herein by defendants. On ^{February} ~~January~~ 5, 2013, the court issued an order consistent with its ruling. Now, therefore,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

- (1) Plaintiffs' claims against defendants are dismissed.
- (2) The Millard Road Property, located within the City of St. Helens and more specifically described in Exhibit 1 attached hereto and incorporated herein by this reference ("Property"), shall vest title exclusively with the City of St. Helens. Plaintiff shall promptly

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execute and deliver to St. Helens a Quit Claim Deed transferring title to the Property upon entry of this judgment.

(3) Plaintiffs shall, to the extent necessary, vacate the Property upon entry of this judgment.

(4) Defendants shall submit their cost bill(s) pursuant to ORCP 68.

Dated this 5th day of February, 2013.



The Honorable Ted. E. Grove
Circuit Court Judge

Submitted By:

Ronald G. Guerra, OSB # 943272
ron.guerra@jordanramis.com
JORDAN RAMIS PC
Attorneys for Defendant City of St. Helens

Account ID 434199 Township 4N Range 1W Section 08 1/4 C B 1/16 Taxlot 00401 Special Interest

Size Totals	Code	Acres	Sqft	Alternate Size
	0211	8.35		
3	279818	2009	CLERK - BOR	WD 2009 2952 1
ADDING NEW DESCRIPTION				
Size Totals	Code	Acres	Sqft	Alternate Size
	0211	8.35		

EXHIBIT PAGE 1 OF 1

1/3/2012 8:59

Action Meras and Bounds

Add: A portion of the John McNulty Donation Land Claim No. 50, located in the Northwest one-quarter and in the Southwest one-quarter of Section 8, Township 4 North, Range 1 West, Wasco County, Oregon and being more particularly described as follows:
 BEGINNING at the Northeast corner of Lot 23 of FIRLOK PARK, being a 1 inch iron pipe on the southerly right-of-way line of Maple Street (25.00 feet from centerline);
 Thence along said Southerly right-of-way line North 88° 06' 31" East 149.48 feet to a point from which a 1-1/2 inch iron pipe bears South 09° 22' 10" East 1.21 feet;
 Thence along the Westerly line of Book 148, Page 96, South 09° 22' 10" East 110.07 feet to a 1/2 inch iron pipe;
 Thence along the Southwesterly line of said Book 148, Page 96, South 45° 07' 00" East 25.20 feet to a point in the center of McNulty Creek; Thence along the center of said creek along the following courses:
 North 11° 15' 12" West 7.82 feet;
 North 65° 31' 40" East 27.61 feet;
 North 81° 05' 05" East 87.62 feet;
 South 80° 37' 07" East 53.35 feet to the Northeast corner of Deed Book 148, Page 94 from which a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." bears South 01° 33' 00" East 20.00 feet; Thence along the East line of said Deed South 01° 33' 00" East 1325.89 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." being the True Point of Beginning; Thence continuing along said East line South 01° 33' 00" East 693.50 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "DENEY SURVEYING INC." on the Northerly right-of-way line of Millard County Road (20.00 feet from centerline); Thence along said Northerly right-of-way line North 88° 15' 37" West 525.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "DENEY SURVEYING INC."; Thence along the West line of Deed Book 144, Page 313 North 01° 33' 54" West 694.09 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; Thence leaving the East line of said Book 144, Page 313 South 88° 14' 28" East 525.20 feet to the TRUE POINT OF BEGINNING.

Effective Date 23-Dec-2009 11:13 AM Transaction ID 296996 Entry Date 18-Dec-2009 Recorded Date 06-Jul-2009 Sale Date
 Seq Voucher ID Tax Year Document Source Type ID #1 ID #2 PID Source ID PT Operation To/From Map
 1 403937 2010 CLERK - BOR DVD 2009 8441 2 SIZE CHANGE
 ROAD DEDICATION, PART TO MILLARD RD PER F09-08441

Size Changes	Code	+/- Size	Alternate Size	Code Area Deleted	Move to Acct	Move To Code
	0211	-0.12 Acres	0			
Size Totals	Code	Acres	Sqft	Alternate Size		
	0211	8.23				

CERTIFICATE OF SERVICE

I hereby certify that on the date shown below, I served a true and correct copy of the foregoing GENERAL JUDGMENT on:

Michael T. Clarke
52490 SE 2nd St Ste 150
Scappoose OR 97056
Facsimile:
E-mail: attorneyclarke@gmail.com
Attorney for Plaintiffs Chuck Larsen, Brady Preheim, and Joe Cason


James D. Huffman
Huffman & O'Hanlon
PO Box 973
St Helens OR 97051
Facsimile: (503) 397-6903
E-mail: law@huffmanworks.com
Attorney for Plaintiff Columbia Health District

Barrett C. Mersereau
Mersereau Shannon LLP
1 SW Columbia St Ste 1600
Portland OR 97258
Facsimile: (503) 226-0383
E-mail: bmersereau@mershanlaw.com
Attorney for Defendants Tony Hyde, Earl Fisher, and Henry Heimuller

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- by first class mail, postage prepaid.
- by hand delivery.
- by facsimile transmission.
- by facsimile transmission and first class mail, postage prepaid.
- by electronic transmission and first class mail, postage prepaid.

DATED: January 14, 2013.


Ronald G. Guerra, OSB # 943272
Attorney for Defendant City of St. Helens