

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring a Temporary        )  
Construction Easement from James Mauldin)  
and Jodi L. Mauldin for the Replacement of    )        ORDER NO. 48-2017  
Robinette Road (Dart Creek)                    )  
Culvert Replacement                                )

WHEREAS, Columbia County plans to replace the existing Robinette Road Culvert, to correct a fish passage barrier on Dart Creek that will allow increased access to rearing habitat for salmonids and spawning habitat for adult Coho and Steelhead. The project will replace the existing 5 foot culvert barrier with a bottomless arch structure; and

WHEREAS, the County must acquire property from James Mauldin and Jodi L. Mauldin under the authority of ORS 35.605 for a temporary construction easement to successfully complete the culvert replacement; and

WHEREAS, pursuant to ORS 35.610, before the right to acquire such property under ORS 35.605 is exercised, the Board of County Commissioners shall describe the land to be purchased, acquired, entered upon or appropriated, and shall determine that the appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway; and

WHEREAS, the land to be acquired is described in the proposed Temporary Construction Easement, which is attached hereto as Exhibit 1; and

WHEREAS, James Mauldin and Jodi L. Mauldin have agreed to grant the temporary easement to the County in consideration of the payment of Five Hundred Dollars (\$500.00).

NOW, THEREFORE, it is hereby ordered as follows:

1) Columbia County accepts the Temporary Construction Easement from James Mauldin and Jodi L. Mauldin, as described in Exhibit 1, which is attached hereto and incorporated herein by this reference.

2) The acquisition of the above easement is necessary to protect the public's full use and enjoyment of the road and shall increase the public's safety when using the road.

3) In consideration for the temporary easement, the Board of County Commissioners directs the County Public Works Director to coordinate the payment of Five Hundred dollars (\$500.00) to James Mauldin and Jodi L. Mauldin. The Finance Department is directed to issue a check to James Mauldin and Jodi L. Mauldin upon the request of the Public Works Director.

4) Payment is to be made in accordance with all reporting requirements, rules and regulations of the Internal Revenue Service.

5) The Chair of the Board of County Commissioners is authorized to sign the Temporary Construction Easement, on behalf of the County.

6) The Temporary Construction Easement described in Exhibit 1 shall be recorded in the deed records of the Columbia County Clerk without costs.

DATED this 12<sup>th</sup> day of July, 2017.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Henry Heimuller, Chair

By:   
Margaret Magruder, Commissioner

By:   
Alex Tardif, Commissioner

Approved as to form

By:   
Office of County Counsel



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

Phone: (503) 429-6115  
Fax: (503) 429-6115  
Email: [dwallace\\_kls@msn.com](mailto:dwallace_kls@msn.com)

**Exhibit A**  
**Temporary Construction Easement**  
**Mauldin Tract**

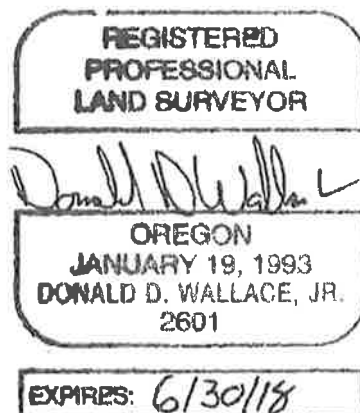
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A portion of Parcel 2, Partition Plat No. 2006-24 lying in the Southwest quarter of Section 31, Township 5 North, Range 1 West of the Willamette Meridian, and the Southeast quarter of Section 36, Township 5 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

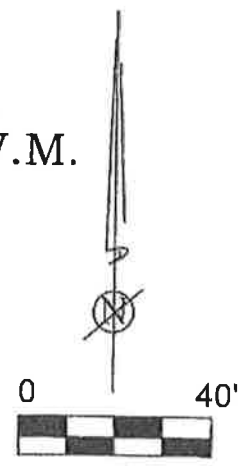
- Beginning at the Southwest corner of Parcel 2, Partition Plat No. 2006-24, thence South 75°21'04" East along the South line of said Parcel 2, 13.80 feet to the true point of beginning;
- thence continuing along said South line South 75°21'04" East 11.78 feet;
- thence leaving said South line North 46°31'34" East 47.67 feet;
- thence North 39°47'09" West 60.17 feet to the Easterly right of way of Robinette Road (C.R. P-25);
- thence South 16°01'12" West along said right of way 12.09 feet;
- thence leaving said right of way South 39°47'09" East 44.00 feet;
- thence South 46°31'34" West 44.51 feet to the true point of beginning.

Containing 982 square feet more or less

The basis of bearings for this description is Partition Plat No. 2006-24.



**EASEMENT EXHIBIT B  
FOR COLUMBIA COUNTY  
IN SW 1/4 OF SECTION 31, T5N, R1W, W.M.  
AND THE SE 1/4 OF SECTION 36, T5N, R2W, W.M.  
COLUMBIA COUNTY, OREGON**



40 Ft/In  
DWG NO. PP 2006-24 EXHIBIT  
JOB NO. 14-012  
4-6-2017

**ROBERTI**  
INST. NO. 2017-001946

**FREITAG**  
INST. NO. 2005-000425

**MAULDIN**  
PARCEL 2

**PARTITION PLAT  
NO. 2006-24**

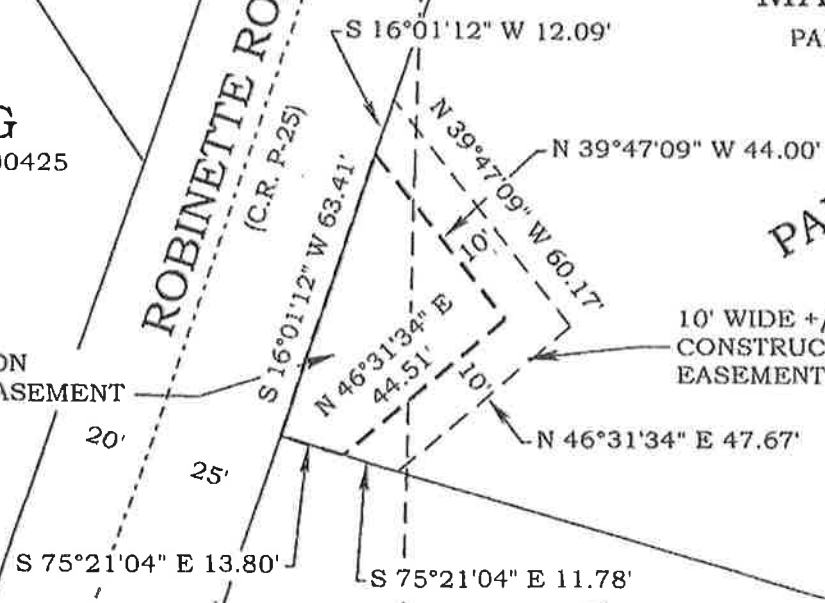
**ROBINETTE ROAD**  
(C.R. P-25)

CULVERT INSTALLATION  
AND MAINTENANCE EASEMENT

10' WIDE +/-  
CONSTRUCTION  
EASEMENT

**PARTITION PLAT  
NO. 2010-1**

**CURRY**  
PARCEL 1



36 | 31



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

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Donald D. Wallace, Jr.*

OREGON  
JANUARY 19, 1993  
DONALD D WALLACE, JR  
2601  
RENEWAL DATE 6/30/18

GRANTOR'S NAME AND ADDRESS:  
James Mauldin and Jodi L. Mauldin  
60094 Robinette Road  
Saint Helens, OR 97051

AFTER RECORDING, RETURN TO GRANTEE:  
Columbia County  
Office of County Counsel  
230 Strand, Room 20  
St. Helens, OR 97051

EXHIBIT 1

**TEMPORARY CONSTRUCTION EASEMENT**  
(Corporate)

FOR GOOD AND VALUABLE CONSIDERATION in the amount of Five Hundred Dollars (\$500.00), James Mauldin and Jodi L. Mauldin, hereinafter Grantors, do hereby grant unto **COLUMBIA COUNTY**, a political subdivision of the State of Oregon, hereinafter Grantee, its officers, agents, employees, successors, assigns, contractors, and subcontractors, a temporary easement in, upon, through, over, under and across the property described and depicted on Exhibits A and B attached hereto and by this reference incorporated herein, hereinafter "the Easement Site", which is situated in said County.

This grant of temporary right to use and occupy is given for the purpose of permitting Columbia County, its officers, agents, employees, successors, assigns, contractors, and subcontractors, to use the Easement Site for constructing improvements along Robinette Road Culvert. In connection therewith, Grantee may remove any trees, shrubs or other materials necessary or convenient to accomplish said purposes. The Grantors also grant to the Grantee, its officers, agents, employees, successors, assigns, contractors, and subcontractors the right to use construction equipment at the Easement Site.

IT IS UNDERSTOOD that the easement rights herein granted shall become effective on the date last signed below and shall terminate three (3) years from said date, or when construction on the property is completed, whichever is earlier.

IT IS ALSO UNDERSTOOD that the easement herein granted does not convey any right or interest in the Easement Site except as stated herein, nor prevents Grantors from the use of said Easement Site, provided, however, that such use does not interfere with the rights herein granted.

In addition, the Grantee, its successors, assigns, agents, contractors, and employees agree to the following conditions of entry:

- 1) **INDEMNIFICATION.** Subject to the limitations and conditions of the Oregon Constitution and ORS 30.260 to 30.300, the Grantee agrees to indemnify Grantor from all claims made for injury to person or property caused by Grantee's negligence during the actual use by Grantee of the property for any of the above-described purposes.
- 2) **DAMAGE TO PROPERTY.** Grantee shall exercise care to avoid damaging the Easement Site in any manner not consistent with the purpose for which this easement is issued.
- 3) **COOPERATION WITH GRANTOR.** Grantee shall at all times cooperate with Grantor and comply with reasonable requests not inconsistent with the purpose for which this easement is granted.

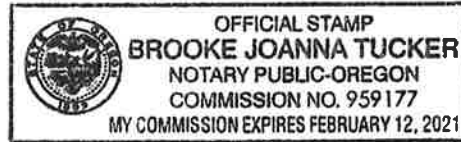
- 3) CLEANUP. Upon completion of the project, Grantee shall clean the easement site of all rubbish, excess material, and equipment.
- 4) ACCEPTANCE. All parts of the easement site shall be left in acceptable condition.

IN WITNESS THEREOF, Grantors have signed this document this 12 day of May 2017.

By: [Signature]  
James Mauldin

By: [Signature]  
Jodi L. Mauldin

STATE OF OREGON                    )  
  ) ss.  
County of Columbia                )



The foregoing instrument was acknowledged before me this 12 day of May, 2017, by James Mauldin and Jodi L. Mauldin upon whose authority and on whose behalf this instrument is signed.

[Signature]  
Notary Public for Oregon

**ACCEPTANCE:**

COLUMBIA COUNTY, OREGON

This is to certify that the interest in real property conveyed herein to the County of Columbia, a political subdivision of the State of Oregon, is hereby accepted by the undersigned, Henry Heimuller, Margaret Magruder, and Alex Tardif, Board of Commissioners of Columbia County, Oregon, and the Grantee consents to the conditions thereof.

Dated this 12<sup>th</sup> day of July, 2017.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Henry Heimuller, Chair

By: [Signature]  
Margaret Magruder, Commissioner

By: [Signature]  
Alex Tardif, Commissioner