

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring a Temporary        )  
Construction Easement from Matthew Dean    )  
Freitag and Kathleen M. Freitag for the        )        ORDER NO. 49-2017  
Replacement of 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 Matthew Dean Freitag and Kathleen M. Freitag 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, Matthew Dean Freitag and Kathleen M. Freitag 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 Matthew Dean Freitag and Kathleen M. Freitag, 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 Matthew Dean Freitag and Kathleen M. Freitag. The Finance Department is directed to issue a check to Matthew Dean Freitag and Kathleen M. Freitag upon the request of the Public Works Director.

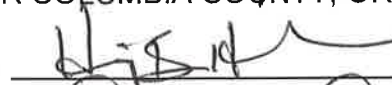
4) Payment is to be made in accordance with all reporting requirements, rules and regulations of the Internal Revenue Service.

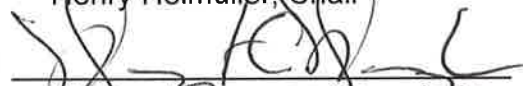
5) The Chair of the Board of County Commissioners is authorized to sign the Temporary Construction Easement on behalf of the County.

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\_ksl@msn.com

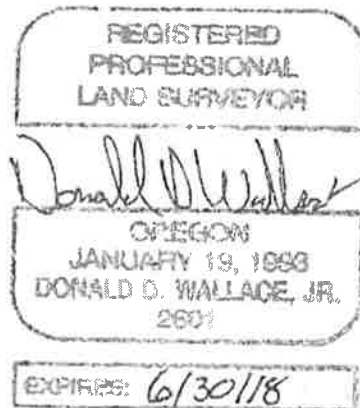
Exhibit A  
Temporary Construction Easement  
Freitag Tract

A portion of that tract of land conveyed to Matthew D. Freitag and Kathleen M. Freitag in Document No. 2005-000425, Columbia County Deed Records, lying in 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 a point on the Westerly right of way of Robinette Road (C.R. P-25) located North  $00^{\circ}44'31''$  West 370.54 feet and South  $89^{\circ}33'17''$  West 56.17 feet from the Southeast corner of said Section 36;
- thence South  $16^{\circ}01'12''$  West along said Westerly right of way 33.92 feet to the true point of beginning;
- thence leaving said Westerly right of way North  $39^{\circ}47'09''$  West 49.40 feet;
- thence North  $45^{\circ}39'28''$  East 30.59 feet to the North line of said tract of land;
- thence North  $34^{\circ}54'31''$  west along said North line 10.14 feet;
- thence leaving said North line South  $45^{\circ}39'28''$  West 41.49 feet;
- thence South  $39^{\circ}47'09''$  East to said Westerly right of way;
- thence North  $16^{\circ}01'12''$  East along said right of way 12.09 feet to the true point of beginning.

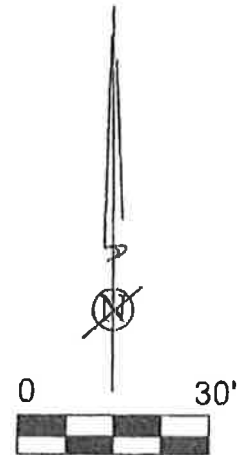
Containing 934 square feet more or less

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

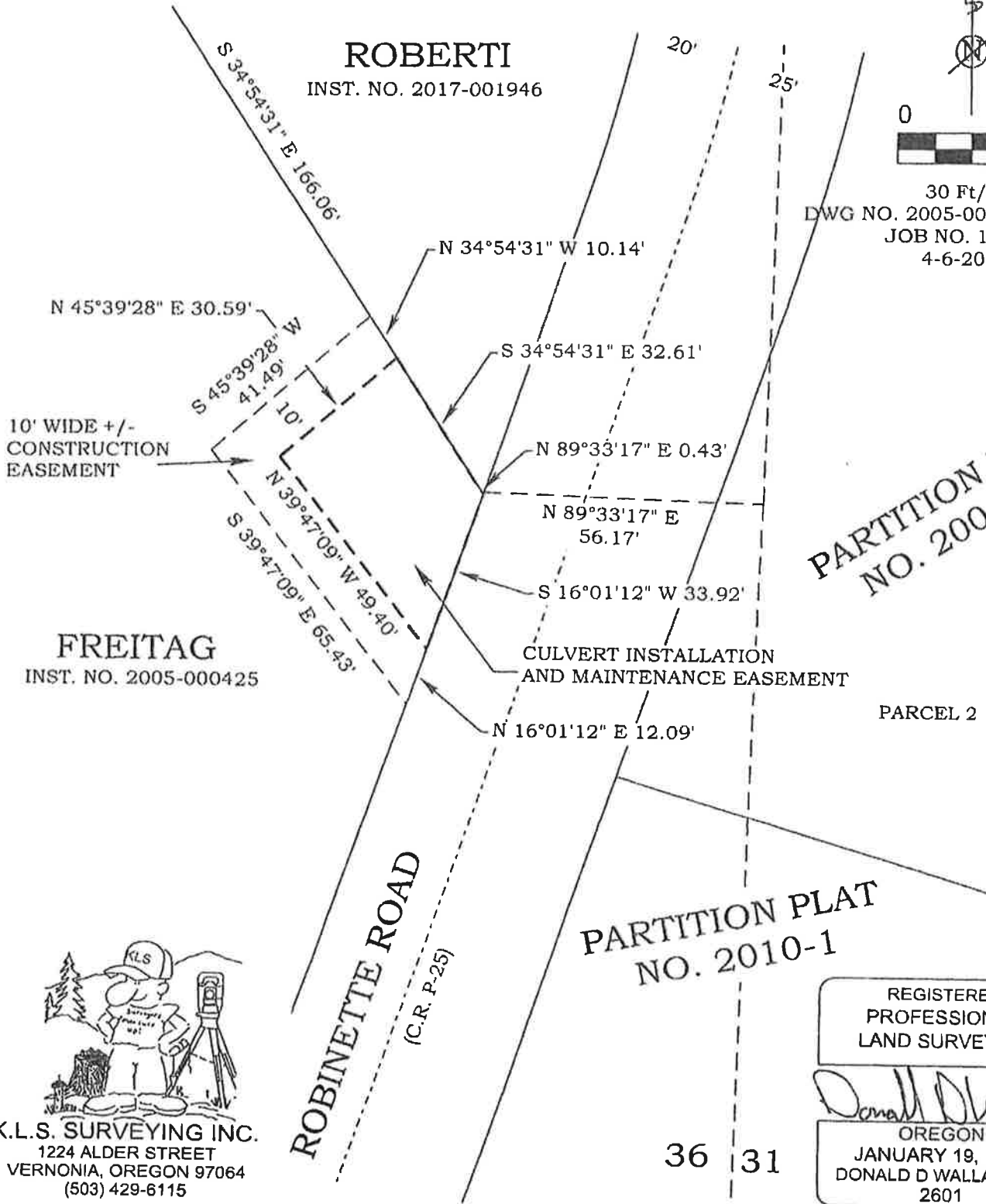


EASEMENT EXHIBIT B  
 FOR COLUMBIA COUNTY  
 IN THE SE 1/4 OF SECTION 36,  
 T5N, R2W, W.M.  
 COLUMBIA COUNTY, OREGON

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



30 Ft/In  
 DWG NO. 2005-000425 EXHIBIT  
 JOB NO. 14-012  
 4-6-2017



**PARTITION PLAT  
 NO. 2006-24**

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

CULVERT INSTALLATION  
 AND MAINTENANCE EASEMENT

PARCEL 2

**PARTITION PLAT  
 NO. 2010-1**



**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

36 | 31

**GRANTOR'S NAME AND ADDRESS:**

Matthew D. Freitag and Kathleen M. Freitag  
33935 Pittsburgh 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), Matthew D. Freitag and Kathleen M. Freitag, 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 16<sup>th</sup> day of May, 2017.

By: [Signature]  
Matthew D. Freitag

By: [Signature]  
Kathleen M. Freitag

STATE OF OREGON            )  
  ) ss.  
County of Columbia        )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of May, 2017, by Matthew D. Freitag and Kathleen M. Freitag 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