

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring a Temporary)
Construction Easement from Anthony S.)
Roberti and Danielle R.S. Roberti for the) ORDER NO. 50-2017
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 Anthony S. Roberti and Danielle R. S. Roberti 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, Anthony S. Roberti and Danielle R.S. Roberti 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 Anthony S. Roberti and Danielle R.S. Roberti, 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 Anthony S. Roberti and Danielle R.S. Roberti. The Finance Department is directed to issue a check to Anthony S. Roberti and Danielle R.S. Roberti 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 12th 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

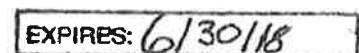
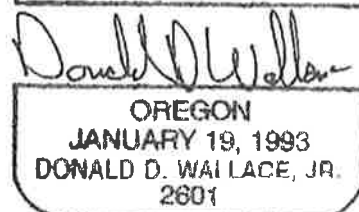
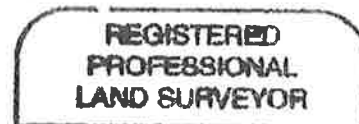
Exhibit A
Temporary Construction Easement
Roberti Tract

A portion of that tract of land conveyed to Anthony Shawn Roberti and Danielle Renee Saxman Roberti in Document No. 2017-001946, Columbia County Deed Records 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 North $16^{\circ}01'12''$ East along said Westerly right of way 41.54 feet to the true point of beginning;
- thence leaving said Westerly right of way North $39^{\circ}47'09''$ West 11.96 feet;
- thence South $45^{\circ}39'28''$ West 32.02 feet to the South line of said tract;
- thence North $34^{\circ}54'31''$ West along said South line 10.14 feet;
- thence leaving said South line North $45^{\circ}39'28''$ East 41.19 feet;
- thence South $39^{\circ}47'09''$ East 16.00 feet to said Westerly right of way of said Robinette Road;
- thence South $16^{\circ}01'12''$ West along said right of way 12.09 feet to the true point of beginning.

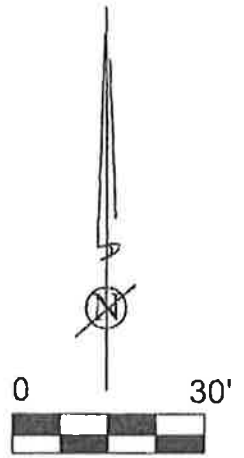
Containing 506 square feet more or less

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

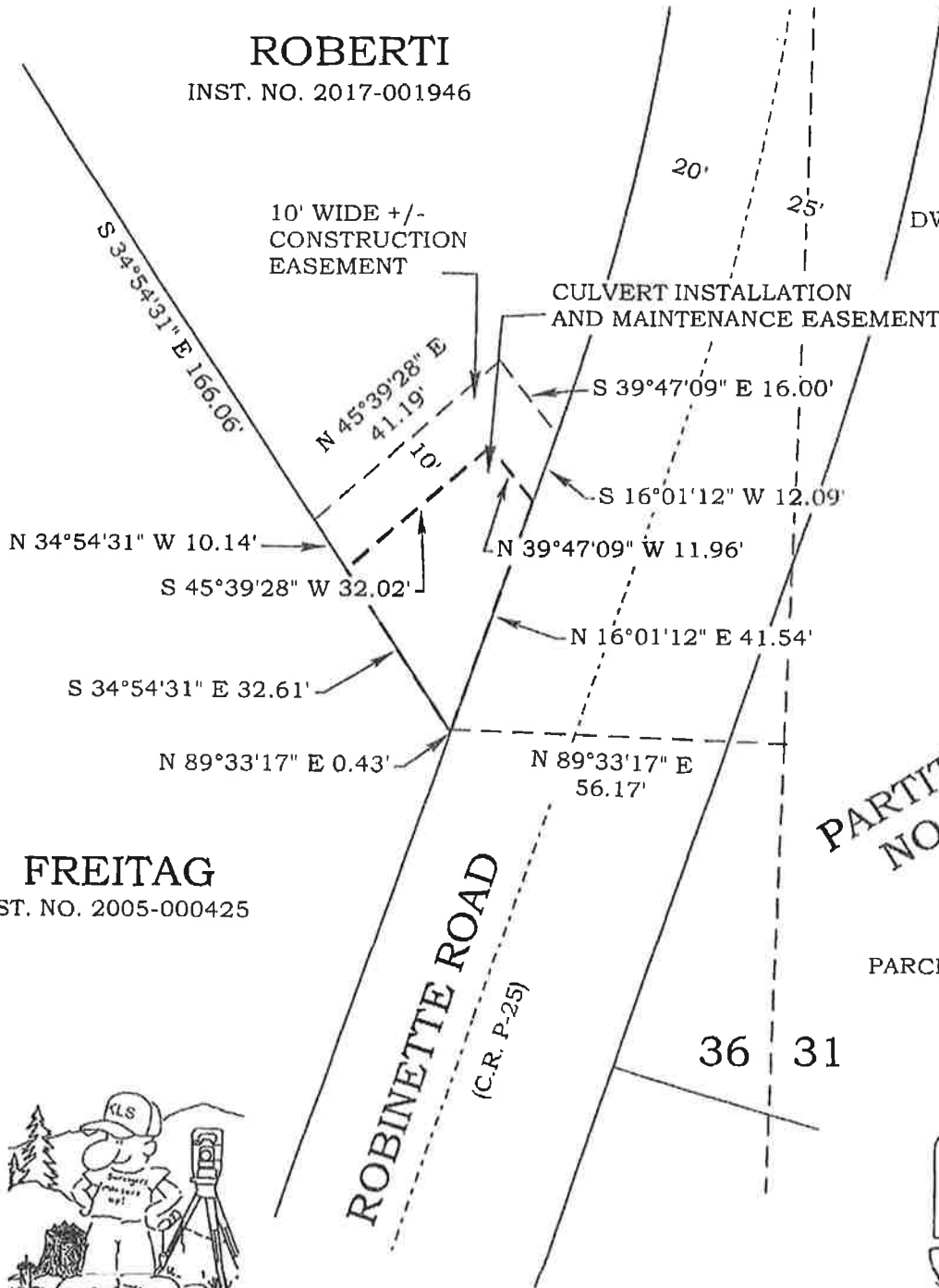


**EASEMENT EXHIBIT B
FOR COLUMBIA COUNTY
IN THE SE 1/4 OF SECTION 36,
T5N, R2W, W.M.
COLUMBIA COUNTY, OREGON**

ROBERTI
INST. NO. 2017-001946



30 Ft/In
DWG NO. 2017-001946 EXHIBIT
JOB NO. 14-012
4-6-2017



FREITAG
INST. NO. 2005-000425

**PARTITION PLAT
NO. 2006-24**

PARCEL 2



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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Donald D Wallace

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWAL DATE 6/30/18

GRANTOR'S NAME AND ADDRESS:

Anthony S. Roberti and Danielle R.S. Roberti
60255 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), Anthony S. and Danielle R.S. Roberti, 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 1 day of June 2017.

By: Anthony S. Roberti
Anthony S. Roberti

By: Danielle R.S. Roberti
Danielle R.S. Roberti

STATE OF OREGON)
County of Columbia) ss.

The foregoing instrument was acknowledged before me this 1 day of June, 2017, by Anthony S. Roberti and Danielle R.S. Roberti upon whose authority and on whose behalf this instrument is signed.



Natalie Lynne Warren
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 12th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Henry Heimuller
Henry Heimuller, Chair

By: Margaret Magruder
Margaret Magruder, Commissioner

By: Alex Tardif
Alex Tardif, Commissioner