

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying an Easement to the Columbia  
River People's Utility District for the Use of a Portion of  
Certain County-Owned Real Property Identified as Tax  
Map ID No. 4N2W-100-3600

ORDER NO. 65-2019

WHEREAS, ORS 271.310 authorizes Columbia County to convey an easement to any utility district to construct, maintain and operate its electric service lines, fixtures and other facilities whenever any political subdivision possesses or controls real property not needed for public use, or whenever the public interest may be furthered; and

WHEREAS, Columbia County owns certain real property on Sykes Road near St. Helens, Oregon, identified as Tax Map ID No. 4N2W-100-3600, and more particularly described in Attachment 1, attached hereto and incorporated herein by this reference; and

WHEREAS, the Columbia River People's Utility District has requested a 5-foot wide utility easement on the above-described property to construct and maintain an electric service line; and

WHEREAS, the easement agreement is attached hereto as Attachment 2 and incorporated herein by this reference, and includes a description and depiction of the easement area; and

WHEREAS, the Board finds that the utility easement is in the public interest because it will improve electric service to the area;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY  
ORDERS, as follows:

1. The County shall convey the utility easement, as set forth in Attachment 2.
2. The Columbia River People's Utility District shall record the easement in the office of the Columbia County Clerk with costs.

DATED this 24<sup>th</sup> day of July, 2019.

Approved as to form

By: 

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: 

Henry Heimuller, Chair

By: 

Margaret Magruder, Commissioner

By: 

Alex Tardif, Commissioner

## ATTACHMENT 1

All that portion of the East half of the Southeast quarter of Section 1, T. 4 N. of R. 2 W. of the W.M., Columbia County, Oregon, which lies south of Edward Sykes County Road as petitioned for and filed January 16, 1931, in the office of the County Clerk of Columbia County, Oregon, and as now used and traveled, excepting therefrom any portion thereof used for County Road purposes.

## ATTACHMENT 2

### GRANTOR'S NAME AND ADDRESS:

Board of County Commissioners  
for Columbia County, Oregon  
230 Strand, Room 331  
St. Helens, OR 97051

### AFTER RECORDING, RETURN TO GRANTEE:

Columbia River People's Utility District  
P.O. Box 1193  
St. Helens, OR 97051

### UTILITY EASEMENT AGREEMENT

GRANTOR, Columbia County, a political subdivision of the State of Oregon, for good and valuable consideration, does hereby grant unto GRANTEE, Columbia River People's Utility District, a People's Utility District organized under ORS Chapter 261, and to its successors and assigns, a perpetual easement to enter upon and to construct, reconstruct, replace, rephase, extend, uncover, repair, operate, and maintain an electrical power line(s) and system over, through, under, and upon the following described property in Columbia County, hereinafter referred to as the "Easement" or "Easement Area":

SEE EXHIBITS A and B attached hereto and incorporated herein by this reference.

GRANTOR also grants unto GRANTEE a temporary easement for a period of six (6) months from and after the date this agreement is executed, over, through, under, and upon that property that is six (6) feet on either side of the Easement Area described herein, for purposes of access to said Easement Area and construction and installation of the electrical power line(s) and system.

### TERMS, CONDITIONS, AND COVENANTS

1. Subject to the terms and conditions herein, GRANTEE shall have the right: (1) to cut, trim, and control the growth of trees and shrubbery to the extent necessary, in the GRANTEE's determination, to keep them clear of said line(s) or system; (2) to cut down, trim, or control from time to time the growth of all dead, weak, leaning, or dangerous trees that, in the GRANTEE's determination, could fall and strike the wires of said electric line(s) or system or personnel working on said line(s) or system; (3) of access to and from the within-described the Easement Area over, upon, and across abutting property owned by GRANTOR; and (4) license, permit, or otherwise agree to the joint use and occupancy of said line(s) or system by any other person, association or corporation, for electrification, communication, telephone, cable TV, or other lawful purpose.
2. GRANTOR shall have the right to the use and enjoyment of the Easement Area for all purposes not inconsistent with the rights granted by this Easement. GRANTOR reserves the right of ingress and egress for the use and enjoyment of the Easement Area.
3. GRANTEE shall also obtain prior written approval from GRANTOR prior to cutting, trimming, destroying, or removing any vegetation. However, trimming and removal necessary to keep vegetation clear from the electric transmission/distribution lines or systems shall be allowed.



11. The rights, conditions and provisions of this Easement Agreement shall run with the land, inure to the benefit of GRANTEE, and be binding on GRANTOR and GRANTEE and their successors and assigns.

IN WITNESS THEREOF, we have signed this document this \_\_\_ day of \_\_\_\_\_, 2019.

Approved as to form

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Office of County Counsel

By: \_\_\_\_\_  
Henry Heimuller, Chair

STATE OF OREGON     )  
                                  ) ss.  
County of Columbia    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019, by Henry Heimuller, Chair of the Board of County Commissioners for Columbia County, a political subdivision of the State of Oregon.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

ACCEPTED:

COLUMBIA RIVER PUD

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2019



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

Phone: (503) 429-6115  
Fax: (866) 297-1402  
Email: [dwallace\\_kls@msn.com](mailto:dwallace_kls@msn.com)

## Exhibit A

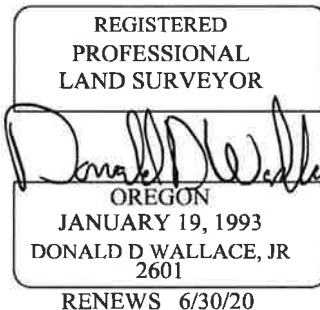
### 5' Wide Easement

A 5 foot wide strip of land in the Southeast quarter of Section 1, Township 4 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon lying 2.50 feet on either side of the following described centerline:

- Beginning at a point that lies South  $27^{\circ}27'03''$  West 1608.34 feet from the Northeast corner of the Southeast quarter of said Section 1, said point also lying North  $83^{\circ}39'07''$  West 683.79 feet from the intersection of the East line of the Southwest quarter of Section 1 and the South right of way line of Sykes Road;
- thence North  $24^{\circ}05'14''$  East 15.96 feet more or less to the Southerly right of way line of Sykes Road.

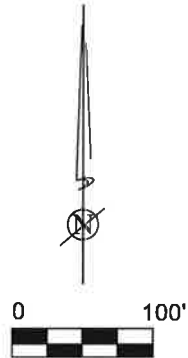
The side lines of said easement are to extend and terminate on the Southerly right of way line of Sykes Road No. P-214.

The bearings are geodetic based on GPS observations taken at a point with Latitude of  $45^{\circ}50'58.5''$  North, and a Longitude of  $122^{\circ}52'32.2''$  West. The convergence angle (From Oregon State Plane Coordinate System North Zone) at said point is  $-01^{\circ}41'05''$ .

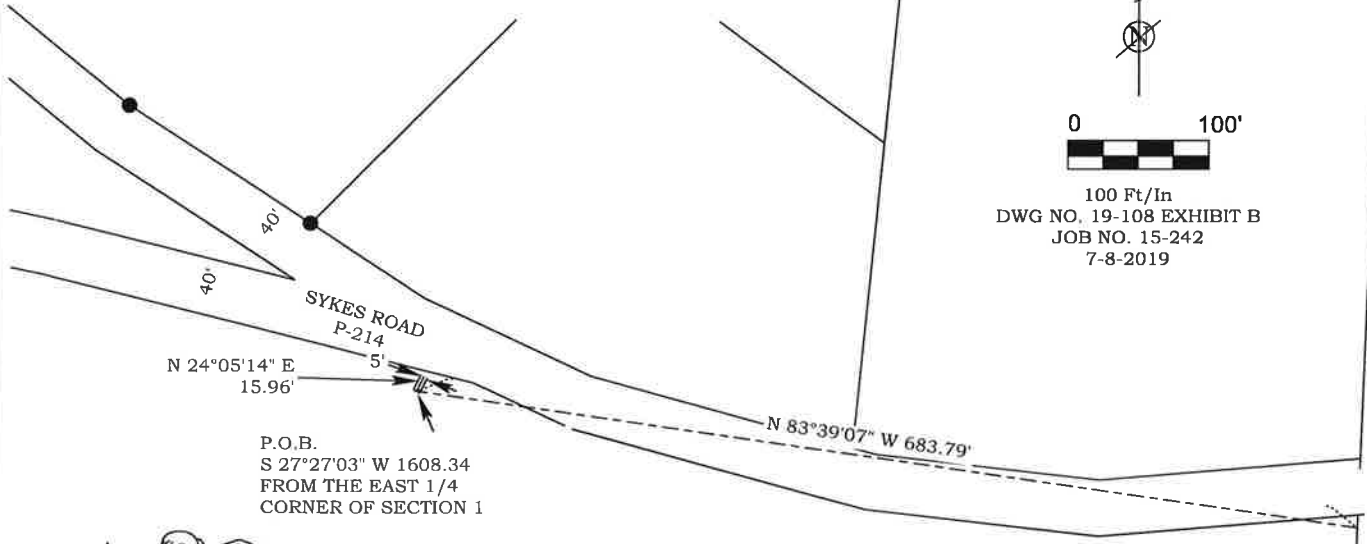


E. KAPPLER ROAD

EXHIBIT B  
FOR THE COLUMBIA RIVER PUD  
IN THE SE 1/4 OF SECTION 1,  
T4N, R2W, W.M.,  
COLUMBIA COUNTY, OREGON



100 Ft/In  
DWG NO. 19-108 EXHIBIT B  
JOB NO. 15-242  
7-8-2019



P.O.B.  
S 27°27'03" W 1608.34  
FROM THE EAST 1/4  
CORNER OF SECTION 1

COLUMBIA COUNTY



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

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 19, 1993  
DONALD D WALLACE, JR  
2601

RENEWS 6/30/20