

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Acquiring a Temporary
Construction Easement from Holce Logging
Co., Inc., for the Extension of the Crown-
Zellerbach Recreational Trail

ORDER NO. 87-2020

WHEREAS, Holce Logging Co., Inc. (hereinafter, "Grantor"), owns an approximately 106-acre property near Vernonia in Columbia County, Oregon, identified as Tax Map #4403-00-00100, on which Grantor conducts forestry activities; and

WHEREAS, Columbia County (hereinafter, "County") owns and maintains the Crown-Zellerbach Trail, which is a 28-mile recreational trail and transportation facility that extends from Chapman Landing in Scappoose to Grantor's property in Vernonia; and

WHEREAS, the County intends to connect the Crown-Zellerbach Trail with the 21-mile Banks-Vernonia Trail in Vernonia; and

WHEREAS, a trail easement for the Crown-Zellerbach Trail through Grantor's property would provide one of the final links to connect the two trails; and

WHEREAS; Grantor is willing to convey a trail easement through Grantor's property to extend the Crown-Zellerbach Trail, subject to reservations for forestry activities and gas and mineral rights, in exchange for grading and graveling the proposed trail area; and

WHEREAS, the County finds that Grantor's requested improvements serve the public interest by allowing for the extension of the Crown-Zellerbach Trail and preparing the trail area for public recreational use and Grantor's intermittent forestry use; and

WHEREAS, a temporary construction easement is therefore necessary to allow the County to perform the improvements on Grantor's property before the trail easement is finalized, thereby protecting the public's full use and enjoyment of the Crown-Zellerbach Trail;

WHEREAS, the land to be acquired is described and depicted in the Temporary Construction Easement, attached hereto as Exhibit 1 and incorporated herein by this reference; and

WHEREAS, Holce Logging Co., Inc., has agreed to grant the temporary construction easement in exchange for the improvements to the trail area;

NOW, THEREFORE, it is hereby ordered as follows:

1) Columbia County accepts the Temporary Construction Easement from Holce Logging Co., Inc., 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 Crown-Zellerbach Recreational Trail and Transportation Facility by allowing for the extension of the trail and connection to the Banks-Vernonia Trail.

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

DATED this 13 day of November, 2020.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: 
Office of County Counsel

By: _____
Alex Tardif, Chair

By: 
Margaret Magruder, Commissioner

By: 
Henry Heimuller, Commissioner

GRANTOR'S NAME AND ADDRESS:

Holce Logging Co., Inc.
854 Grant Ave
Vernonia, OR 97064

AFTER RECORDING, RETURN TO GRANTEE:

Columbia County
Board of Commissioners
230 Strand St
St. Helens, OR 97051

TEMPORARY CONSTRUCTION EASEMENT
(Corporate)

FOR GOOD AND VALUABLE CONSIDERATION the receipt of which is hereby acknowledged, **Holce Logging Co., Inc.**, hereinafter Grantor, does 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, B and C, attached hereto and by this reference incorporated herein, hereinafter "the Easement Site", which is situated in Columbia 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 trail improvements to Easement Site for the extension of the Crown-Zellerbach Trail. In connection therewith, Grantee may remove any trees, shrubs or other materials necessary or convenient to accomplish said purposes. The Grantor also grants 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 ninety (90) days 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 Grantor 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, Grantor has signed this document this 6 day of Nov, 2020.

By: [Signature]
Randall Holce, President
Holce Logging Co., Inc.

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 6 day of November 2020, by Randall Holce 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, Alex Tardif, Margaret Magruder, and Henry Heimuller, Board of Commissioners of Columbia County, Oregon, and the Grantee consents to the conditions thereof.

Dated this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON
By: _____
Alex Tardif, Chair
By: _____
Margaret Magruder, Commissioner
By: _____
Henry Heimuller, Commissioner

EXHIBIT A

TRAIL EASEMENT A

From the East line of Section 3
to the East line of Easement B

A variable width easement, 40 feet in width, being 20 feet on either side from Station 0+00 to 14+44.41 and 30 feet in width from Station 14+44.41 to the end of the following described centerline over a portion of that tract of land conveyed to Holce Logging Co., Inc. by deed recorded as Instrument No.1993-5651, Columbia County Deed Records. Located in the NE quarter of Section 3, Township 4 North, Range 4 West, W.M., Columbia County, Oregon being described as follows:

Beginning at the intersection of an existing road grade and the East line of Section 3, said point being S 2°33'09" W a distance of 208.64 feet from the Closing Corner common to Sections 3 and 2;

Thence along the centerline of said road grade S 80° 45' 00" W a distance of 109.17 feet to the beginning of a curve to the right having a Radius of 480.00 feet, a Delta of 42° 44' 30" and a Chord which bears N 77° 52' 45" W 349.83 feet; Thence along the Arc of said curve, a distance of 358.07 feet;

Thence N 56° 30' 30" W a distance of 158.73 feet to the beginning of a curve to the left having a Radius of 188.00 feet, a Delta of 80° 42' 55" and a Chord which bears S 85° 59' 45" W 243.48 feet; Thence along the Arc of said curve, a distance of 264.84 feet;

Thence S 48° 30' 00" W a distance of 135.97 feet to the beginning of a curve to the right having a Radius of 105.00 feet, a Delta of 71° 30' 00" and a Chord which bears S 84° 15' 00" W 122.69 feet; Thence along the Arc of said curve, a distance of 131.03 feet;

Thence N 60° 00' 00" W a distance of 165.74 feet to the beginning of a curve to the right having a Radius of 200.00 feet, a Delta of 13° 30' 00" and a Chord which bears N 53° 15' 00" W 47.01 feet; Thence along the Arc of said curve, a distance of 47.12 feet;

Thence N 46° 38' 56" W a distance of 74.48 feet to the beginning of a curve to the left having a radius of 165.00 feet, a central angle of 67° 40' 04" and a chord which bears S 84° 21' 10" W 183.74 feet; Thence along the arc of said curve, a distance of 194.87 feet;

Thence S 86° 00' 00" W a distance of 164.39 feet to a point on the East line of Easement B, said point being S 86°16'03" W a distance of 272.23' feet from a 5/8" rebar.

The sidelines of this easement shall extend and terminate at the East line of said Holce tract and the East line of said Easement B.

EXHIBIT B

PARK EASEMENT B

An easement for a public recreational park over a portion of that tract of land conveyed to Holce Logging Co., Inc. by deed recorded as Instrument No.1993-5651, Columbia County Deed Records. Located in the NE quarter of Section 3, Township 4 North, Range 4 West, W.M., Columbia County, Oregon being more particularly described as follows:

Beginning at a point on the North line of the Holce Logging Tract, also being the North line of Section 3, said point being S 87°39'43" E a distance of 779.70 feet from the North Quarter corner of said Section 3;

Thence along said North line S 87°39'43" E a distance of 160.00 feet;

Thence S 2°20'17" W a distance of 100 feet;

Thence N 87°39'43" W a distance of 160.00 feet;

Thence N 2°20'17" E a distance of 100.00 feet to the point of beginning, containing .37 acres more or less.

EXHIBIT C

TRAIL EASEMENT C

From Easement B to the South line
of the Holce Logging Tract

A 20 foot easement being 10 feet on either side of the following described centerline over a portion of that tract of land conveyed to Holce Logging Co., Inc. by deed recorded as Instrument No.1993-5651, Columbia County Deed Records. Located in the NE quarter of Section 3, Township 4 North, Range 4 West, W.M., Columbia County, Oregon being described as follows:

Beginning at the intersection of the south line of Easement B and the center of an existing road grade, said point being S 72° 51' 13"W A DISTANCE OF 299.92 Feet from a 5/8" rebar.

Thence along the centerline of said road grade S 2° 38' 29" E, a distance of 283.15 feet to the beginning of a curve to the right having a Radius of 500.00 feet, a Delta of 25° 13' 48" and a Chord which bears S 14° 06' 33" W 218.40 feet; Thence along the Arc of said curve, a distance of 220.17 feet;

Thence S 27° 55' 41" W a distance of 290.57 feet;

Thence S 5° 58' 52" W a distance of 220.85 feet to the beginning of a curve to the left having a Radius of 350.00 feet, a Delta of 21° 26' 58" and a Chord which bears S 9° 36' 48" E 130.26 feet; Thence along the Arc of said curve, a distance of 131.03 feet;

Thence S 22° 37' 59" E a distance of 230.21 feet;

Thence S 26° 11' 27" E a distance of 189.66 feet to the beginning of a curve to the right having a Radius of 500.00 feet, a Delta of 26° 52' 10" and a Chord which bears S 12° 33' 39" E 232.34 feet; Thence along the Arc of said curve, a distance of 234.48 feet to the intersection of the existing road grade and the South line of the Holce Logging Tract, said point being N 88°45'04" E a distance of 50.97 feet from a 1 ½" iron pipe.

The sidelines of this easement shall extend and terminate at the South line of said Easement B and the South line of said Holce Logging tract.