

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Accepting a Deed from the Oregon Department
of Transportation, and Dedicating Additional Right-of-Way in
Regards to the Blehm Road Bridge Improvement Project

ORDER NO. 17-2001

WHEREAS, in 1996 and 1997, the County of Columbia, with the assistance of the Oregon Department of Transportation, engaged in the process of replacing and/or repairing certain bridges within the County, to include the bridge over North Fork Scappoose Creek on Blehm Road; and,

WHEREAS, various abutting property owners along Blehm Road were asked to dedicate property to the County or to the State to complete the replacement and/or repair of the Blehm Road bridge; and

WHEREAS, on July 14, 2000, the Oregon Department of Transportation executed a deed conveying property abutting Blehm Road to Columbia County, a copy of said deed being attached hereto, labeled Exhibit "A", and incorporated herein by this reference; and

WHEREAS, on April 8, 1999, a warranty deed executed by Ronald E. Vilhauer conveying property abutting Blehm Road to Columbia County, a copy of which is attached hereto, labeled Exhibit "B" and incorporated herein by this reference, was recorded as Instrument No. 05235 in the County deed records; and

WHEREAS, it is necessary to dedicate the acquired realty for right-of-way purposes to ensure that the assessor's mapping will incorporate the property into the roadway; and

WHEREAS, the Board of County Commissioners determines that it is in the public interest to ensure that rights of way are properly marked on the Assessor's maps.

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners initiates proceedings and does hereby accept the deed from the Oregon Department of Transportation attached hereto as Exhibit "A", together with the property described therein.
2. Rita Bernhard, Chair, is authorized to execute the Deed from the Oregon Department of Transportation, attached as Exhibit "A", to signify acceptance by Columbia County.
3. The Board of County Commissioners, on behalf of Columbia County, hereby dedicates the property described in Exhibits "A" and "B" for public right-of-way and utility purposes as described.
4. This order and the original deed from the Oregon Department of Transportation shall be recorded in the Columbia County Deed Records without cost.
5. The cartographer for the assessor's office shall include these properties in the named right-of-way.

DATED this 7th day of February, 2001.

Approved as to form

By: Sarah Truon
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard
Chair

By: _____
Commissioner

By: Joe Conroy
Commissioner

ORDER NO. 17-2001

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EXHIBIT A

ODOT
Files 6657-001, 6657-003
and 6657-004

DEED

The STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantor, for no monetary consideration does convey unto COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantee, those property interests acquired by documents recorded May 15, 1998 and rerecorded April 30, 1999 as No. 98-05697 (File 6657-001); recorded June 22, 1998 and rerecorded April 30, 1999 as No. 98-07398 (File 6657-003); and recorded May 6, 1998 and rerecorded April 30, 1999 as No. 98-05331 (File 6657-004), Columbia County Records.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

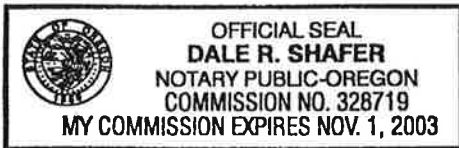
Dated this 14th day of July, 2000.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By Deolinda G. Jones
Deolinda G. Jones, Right of Way Manager

STATE OF OREGON, County of Marion

Dated July 14, 2000. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2003

Accepted on behalf of Columbia County

TAX STATEMENTS SHALL BE SENT TO
TAX EXEMPT AT THIS TIME

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM, OREGON 97301-3871

Attention
← Arlene Lucky

EXHIBIT B

ODOT
File 6657-002
10B-11-30

WARRANTY DEED

^{E.} RONALD E. VILHAUER and ^{Jan} JAN L. VILHAUER, husband and wife, Grantor, for the true and actual consideration of \$ 10,000.00 does convey unto COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantee, fee title to the following described property:

PARCEL 1 - Fee

A parcel of land lying in the S½SW¼ of Section 35, Township 4 North, Range 2 West, W.M., Columbia County, Oregon and being a portion of that property described in that deed to Ronald E. Vilhauer and Jan L. Vilhauer, recorded March 7, 1994, Fee No. 94-2378, Columbia County Clerk's Office; the said parcel being that portion of said property lying Westerly of a line at right angles to the center line of relocated Blehm Road (County Road) at Engineer's Station 5+124 and included in a strip of land variable in width, lying on the Southerly side of the said center line which center line is described as follows:

Beginning at Engineer's center line Station 5+000, said station being 52.233 meters South and 96.465 meters West of the Northeast corner of the SW¼SW¼ of Section 35, Township 4 North, Range 2 East, W.M.; thence North 14° 34' 10" East 1.716 meters; thence on a 30 meter radius curve right (the long chord of which bears North 43° 18' 08.5" East 28.844 meters) 30.089 meters; thence North 72° 02' 07" East 50.437 meters; thence on a 70 meter radius curve right (the long chord of which bears North 86° 54' 58.5" East 35.954 meters) 36.361 meters; thence South 78° 12' 10" East 32.688 meters to Engineer's center line Station 5+151.291.

The width in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Southerly Side of Center Line
5+060		5+082.242	9.700
5+082.242		5+106	9.700 in a straight line to 6.052
5+106		5+124	6.052 in a straight line to 1.796

FIRST AMERICAN TITLE COMPANY ORDER NO. 98-0383

3-8-99

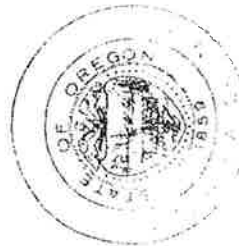
RETURN TO AND TAX STATEMENT TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: (1-08) 4235 033 00300

Property Address: 32264 Blehm Road
Scappoose OR 97056

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

5235 '99 APR -8 AM 1:16



ELIZABETH HUSER, County Clerk

By: [Signature] Deputy

Receipt # 16780 # of Pages 4

FEES \$ 30.00

Bearings are based on County Survey Number L-129, dated February 10, 1967, Columbia County, Oregon.

The parcel of land to which this description applies contains 236 square meters, more or less.

Grantor, also grants to Grantee, its successors and assigns, permanent easements for planting and maintaining a vegetative area upon the following described property:

PARCEL 2 - Permanent Easement for Planting and Maintaining Vegetative Area

A parcel of land lying in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 4 North, Range 2 West, W.M., Columbia County, Oregon and being a portion of that property described in that deed to Ronald E. Vilhauer and Jan L. Vilhauer, recorded March 7, 1994, Fee No. 94-2378, Columbia County Clerk's Office; the said parcel being that portion of said property lying between lines at right angles to the center line of relocated Blehm Road (County Road) at Engineer's Stations 5+065 and 5+067 and between lines parallel with and 9.700 meters Southerly and 13.470 meters Southerly of said center line which center line is described in Parcel 1.

The parcel of land to which this description applies contains 4 square meters, more or less.

PARCEL 3 - Permanent Easement for Planting and Maintaining Vegetative Area

A parcel of land lying in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 4 North, Range 2 West, W.M., Columbia County, Oregon and being a portion of that property described in that deed to Ronald E. Vilhauer and Jan L. Vilhauer, recorded March 7, 1994, Fee No. 94-2378, Columbia County Clerk's Office; the said parcel being that portion of said property lying between lines at right angles to the center line of relocated Blehm Road (County Road) at Engineer's Stations 5+079 and 5+088 and included in a strip of land 21 meters in width, lying on the Southerly side of said center line which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 87 square meters, more or less.

IT IS UNDERSTOOD that the easements herein granted do not convey any right or interest in the above-described Parcels 2 and 3, except for the purposes stated herein, nor prevent Grantor from the use of said property, provided, however, that such use shall not be permitted to interfere with the rights herein granted.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings, structures, or fences upon the easement area without the written consent of Grantee, except, legally permitted on-premise signs.

IT IS ALSO UNDERSTOOD that this right shall not obligate Grantee to maintain the vegetative area.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for the construction of a detour road for public travel for a period of three (3) years from the date hereof or until the completion of the opening to traffic of the North Fork Scappoose Cr. Bridge Section of the relocated Blehm Road (County Road), whichever is earlier, over and across the following described property:

**PARCEL 4 - Temporary Easement for Detour Road and Work Area
(three years or duration of project)**

A parcel of land lying in the S½SW¼ of Section 35, Township 4 North, Range 2 West, W.M., Columbia County, Oregon and being a portion of that property described in that deed to Ronald E. Vilhauer and Jan L. Vilhauer, recorded March 7, 1994, Fee No. 94-2378, Columbia County Clerk's Office; the said parcel being that portion of said property lying Westerly of a line at right angles to the center line of relocated Blehm Road (County Road) at Engineer's Station 5+132 and included in a strip of land variable in width, lying on the Southerly side of the said center line which center line is described in Parcel 1.

The width in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Southerly Side of Center Line
5+046		5+082.242	18
5+082.242		5+132	18 in a straight line to 2.440

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 416 square meters, more or less.

If any portion of the above-described Parcel 4 is surfaced, it is understood and agreed that at the request of Grantor and the termination of this temporary easement, said surfacing shall be removed by Grantee, and the property, so far as practicable, restored to its existing condition, considering the use to be made of the property by Grantee.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of all the above-described property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon Columbia County, unless and until accepted and approved by the recording of this document.

Dated this 19th day of March, 1999.

Ronald E Vilhauer
Ronald E. Vilhauer

Jan L. Vilhauer
Jan L. Vilhauer

STATE OF OREGON, County of Columbia

March 19, 1999. Personally appeared the above named Ronald E. Vilhauer and ~~Jan L. Vilhauer~~ Be

who acknowledged the foregoing instrument to be their voluntary act. Before me:

Brandy L. Oliver
Notary Public for Oregon

My Commission expires 4/28/00

