

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Exercising an Option to Purchase)
a Permanent Easement In Connection with)
Improvements to Rockcrest and West Rainier Dike)
Roads in Rainier, Oregon)
[ODOT Property] _____)

ORDER NO. 33-01

WHEREAS, Columbia County has embarked upon a program to improve Rockcrest and West Rainier Dike Roads in connection with the construction of, and to provide access to and from, the United States Gypsum plant; and

WHEREAS, said improvements require acquisition of a permanent easement across certain property owned by the State of Oregon; and

WHEREAS, the State of Oregon, by and through its Department of Transportation, have agreed to convey the needed permanent easement to the County in consideration for the payment of Fourteen Thousand Nine Hundred (\$14,900) dollars; and

WHEREAS, the Board of County Commissioners determined in Resolution No. 80-00 that purchase of a permanent easement is necessary to protect the full use and enjoyment by the public of the road;

NOW, THEREFORE, it is hereby ordered as follows:

1) Columbia County exercises its option to purchase a permanent easement from the State of Oregon, as described in the Road Way Easement which is attached hereto, labeled Attachment 1, and is incorporated herein by this reference.

2) In consideration for the conveyance of said permanent easement, the Board of County Commissioners directs the County Public Works Director to coordinate the payment of \$14,900.00 to the State of Oregon. The Accounting Department is directed to issue a check to the grantor, State of Oregon, upon the request of the Public Works Director.

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

5) Columbia County accepts the easement offered by the grantor, as described in Attachment 1, and dedicates said easement for public road and utility purposes.

6) The Chair of the Board of County Commissioners is authorized to sign the Roadway Easement to accept such easement on behalf of the County.

6) The Roadway Easement, described in Attachment 1 shall be recorded in the deed records of the Columbia County Clerk without costs.

DATED this 28th day of March, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

Approved as to Form:

By: [Signature]
Office of County Counsel

S:\COUNSEL\ROADS\EASEMENTS\ODOTEasementorder.wpd

ATTACHMENT 1

After recording, return document
and mail tax statements to:

Columbia County Surveyor's Office
1004 Oregon Street
St. Helens, OR 97051

ODOT
File _____
Map _____

ROADWAY EASEMENT

The **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantor, for the true and actual consideration of **Fourteen Thousand Nine Hundred and 00/100 Dollars (\$14,900.00)** does convey unto **The County of Columbia** Grantee, a permanent easement for a road described as follows:

SEE DESCRIPTION ATTACHED HERETO AS EXHIBIT "1", WHICH EXHIBIT IS BY THIS REFERENCE INCORPORATED HEREIN.

This conveyance is made and delivered upon the following express conditions, reservations, and restrictions.

1. Without warranty and subject to special assessments, existing restrictions, reservations and easements of record, if any.
2. The easement herein granted does not convey any right or interest in the above described property, except for the purpose stated herein, or prevent Grantor from the use of said property not in conflict with the purposes of this easement, including but not limited to the right to go upon the area to maintain its underground drainage facilities.
3. The granting of this easement shall in no way be construed as having anything to do with modifying Grantee's access to the railroad right-of-way from which this grant of easement is made.
4. That this conveyance is made upon the further condition, which shall constitute a covenant running with the land, that Grantor shall not at any time become liable to Grantee and grantee's heirs, successors and assigns in interest, for damages to the land herein described or any buildings, structures, improvements, or property of any kind or character now or hereafter located upon said land or for any injuries to any owner, occupant, or any person in or upon said land or for any interference with the use and enjoyment of said land or for damages which except for this covenant might constitute a nuisance caused directly or indirectly by noise or air pollutant emissions from transportation vehicles using the highway or transportation facility adjacent to said land. Any reference in this covenant to the highway or transportation facility adjacent to said land refers to the highway or transportation facility as it now exists and also as it will exist with future improvements. Grantee and grantee's heirs, successors and assigns covenant not to sue Grantor for any said injuries or damages.

The rights and remedies herein reserved or provided shall not be exclusive and shall not be in derogation of any other right or remedy which Grantor may have. The conditions and restrictions herein contained shall run with said land and shall forever bind Grantee and grantee's heirs, successors and assigns. Where any action is taken to enforce the above mentioned conditions and restrictions, Grantor shall not be liable for any trespass or conversion as to any real

or personal property. Where legal proceedings are commenced by Grantor to enforce the foregoing conditions and restrictions or for the recovery of the aforementioned removal or destruction costs, the successful party shall be entitled to reasonable attorney fees and court costs.

It is understood that the conditions, reservations, restrictions, and covenants herein set out have been considered in determining the amount of consideration of this conveyance.

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.

Dated this 18th day of December, 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

December 18, 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

The Oregon Transportation Commission, by a duly adopted Delegation Order #3, dated March 18, 1999 and Sub-delegation Order #4, dated March 18, 1999, and Letter of Authority paragraph 10, dated January 18, 1999, authorize the Right of Way Manager to sign this easement for and on behalf of the Commission.

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

Date: 12/18/00

STATE OF OREGON, County of Marion

Dated December 18, 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 accurately reflects action taken by the Oregon Transportation Commission. Before me:



Dale R. Shafer
Notary Public for Oregon

My Commission expires 11/01/2003

Accepted for Columbia County by:

Name, Title

EXHIBIT "1-1"

RIGHT OF WAY DEDICATION

A portion of Section 7, Township 7 North, Range 2 West, of the Willamette Meridian, described as follows:

Beginning at Station 23+00 of Dike Road (Water Street) at a point which bears South $57^{\circ}32'45''$ East along the right of way centerline of Dike Road a distance of 277.47 feet and North $32^{\circ}27'15''$ East 20.00 feet from the right of way centerline intersection of Barton Road;

Thence parallel with the centerline of Dike Road South $57^{\circ}32'45''$ East a distance of 1976.28 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $36^{\circ}52'55''$ East a distance of 2.01 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence parallel with the centerline of Dike Road North $57^{\circ}32'45''$ West a distance of 1826.44 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $56^{\circ}08'39''$ West a distance of 150.05 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence South $32^{\circ}26'54''$ West a distance of 5.67 feet to the point of beginning.

Containing 4,228 square feet (0.10 acres) more or less.

RIGHT OF WAY DEDICATION

A portion of Section 7 and 8, Township 7 North, Range 2 West, of the Willamette Meridian, described as follows:

Beginning at Station 79+50 of Dike Road (Water Street) at a point which bears North $57^{\circ}32'45''$ West along the right of way centerline of Dike Road a distance of 21.65 feet and North $32^{\circ}27'15''$ East 20.00 feet from the right of way centerline intersection of Fourth Street;

Thence North $52^{\circ}33'50''$ West a distance of 149.14 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $57^{\circ}30'47''$ West a distance of 85.81 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $57^{\circ}32'45''$ West a distance of 145.61 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $60^{\circ}52'39''$ West a distance of 19.93 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $58^{\circ}58'06''$ West a distance of 50.05 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $60^{\circ}46'28''$ West a distance of 50.08 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $59^{\circ}14'50''$ West a distance of 50.02 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $59^{\circ}31'57''$ West a distance of 50.03 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $59^{\circ}19'53''$ West a distance of 50.02 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence parallel with the centerline of Dike Road North $57^{\circ}32'45''$ West a distance of 650.00 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence South $32^{\circ}27'15''$ West a distance of 1.00 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

EXHIBIT "1-3"

Thence parallel with the centerline of Dike Road North $57^{\circ}32'45''$ West a distance of 2127.69 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence South $00^{\circ}44'32''$ West a distance of 2.39 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence parallel with the centerline of Dike Road South $57^{\circ}32'45''$ East a distance of 3426.31 feet to the point of beginning.

Containing 12,253 square feet (0.28 acres) more or less.

RIGHT OF WAY DEDICATION

A portion of Section 8 and 17, Township 7 North, Range 2 West, of the Willamette Meridian, described as follows:

Beginning at Station 91+15 of Dike Road (Water Street) at a point which bears South $57^{\circ}32'45''$ East along the right of way centerline of Dike Road a distance of 122.04 feet and North $32^{\circ}27'15''$ East 20.00 feet from the right of way centerline intersection of Second Street;

Thence North $51^{\circ}28'54''$ West a distance of 115.16 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $57^{\circ}32'55''$ West a distance of 91.48 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence North $65^{\circ}19'20''$ West a distance of 75.10 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence parallel with the centerline of Dike Road North $57^{\circ}32'45''$ West a distance of 612.18 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence South $32^{\circ}27'15''$ West a distance of 2.00 feet to a $5/8''$ iron rod with yellow, plastic cap stamped "AKS ENGR";

Thence parallel with the centerline of Dike Road South $57^{\circ}32'45''$ East a distance of 892.59 feet to the point of beginning.

Containing 3,561 square feet (0.08 acres) more or less.

EXHIBIT "1-5"

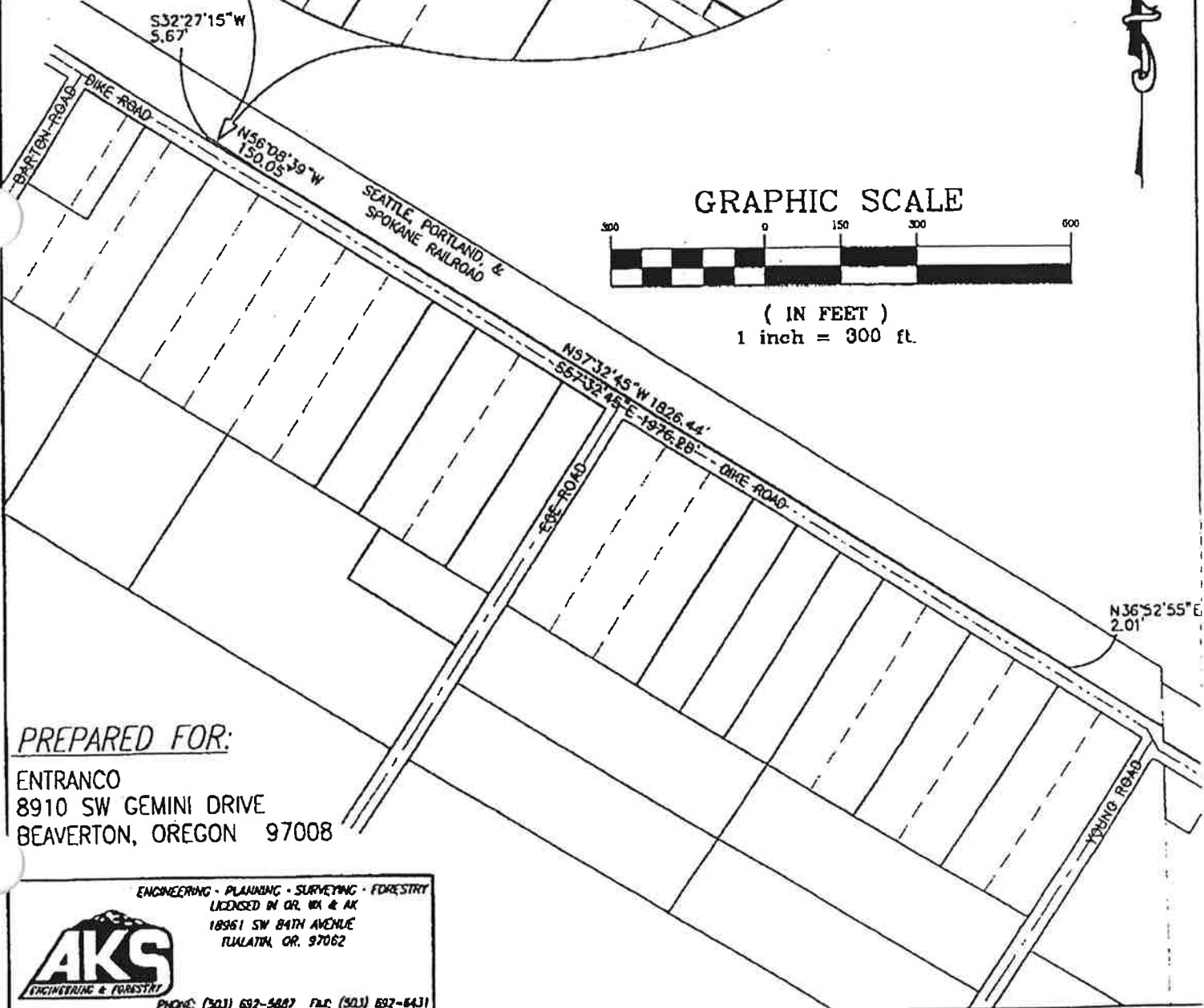
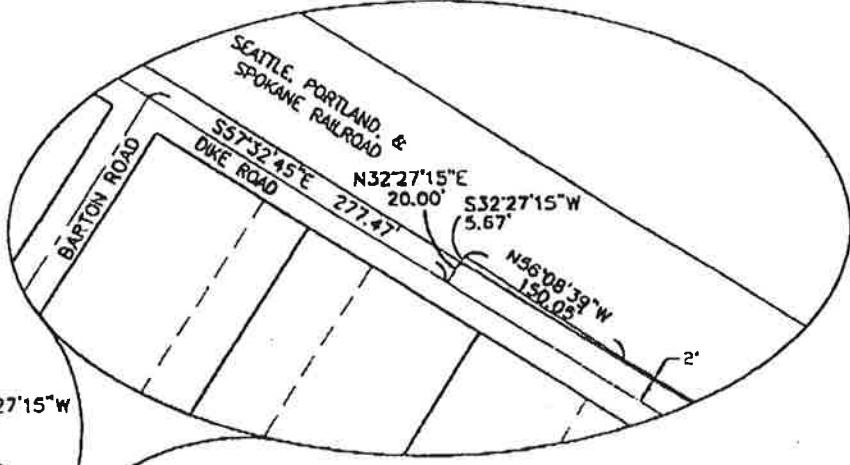
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Anthony C. Benthin

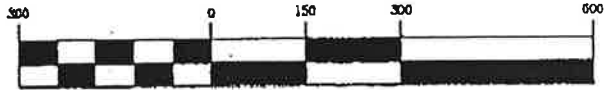
OREGON
JULY 19, 1894
ANTHONY C. BENTHIN
2655

EXPIRES 12/31/01

RIGHT OF WAY DEDICATION
LOCATED IN SECTION 7, TOWNSHIP 7 NORTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON



GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

PREPARED FOR:

ENTRANCO
8910 SW GEMINI DRIVE
BEAVERTON, OREGON 97008



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TUALATIN, OR. 97062

PHONE: (503) 692-5887 FAX: (503) 692-6431

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PROFESSIONAL
LAND SURVEYOR

RIGHT OF WAY DEDICATION
LOCATED IN SECTION 7 AND 8, TOWNSHIP 7 NORTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON

Anthony C. Benthin

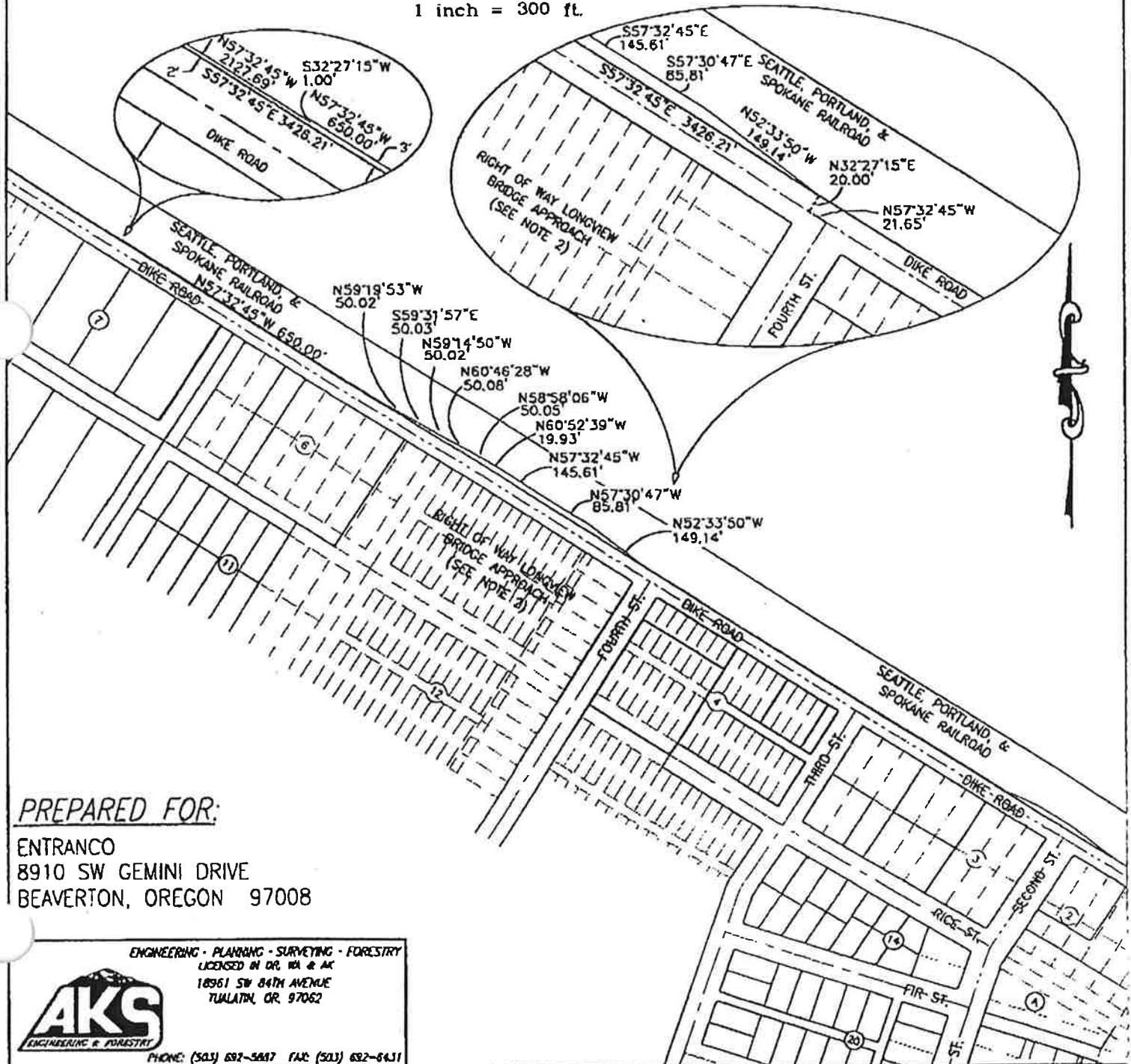
OREGON
JULY 19, 1994
ANTHONY C. BENTHIN
2655

EXPIRES 12/31/01

GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.



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EXHIBIT "1-7"

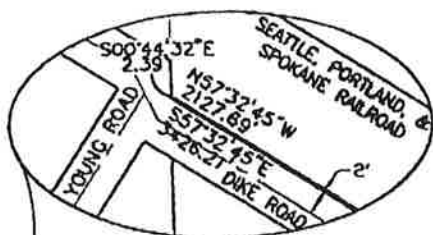
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OREGON
JULY 19, 1994
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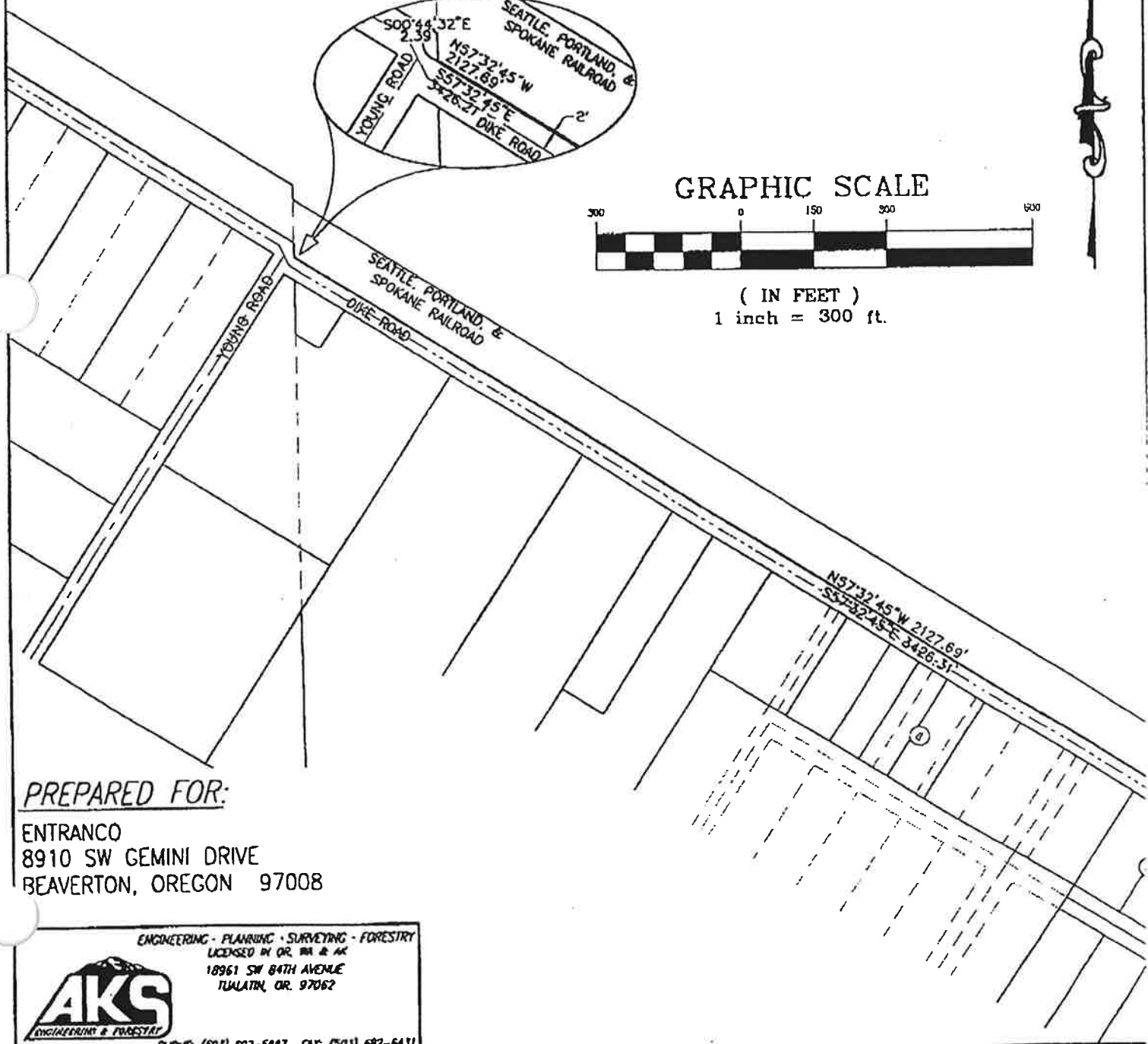
RIGHT OF WAY DEDICATION
LOCATED IN SECTION 7 AND 8, TOWNSHIP 7 NORTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON



GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.



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EXHIBIT "1-8"

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PROFESSIONAL
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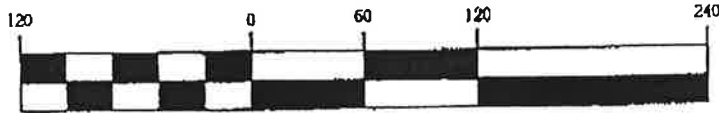
Anthony C. Benthin

OREGON
JULY 19, 1994
ANTHONY C. BENTHIN
2655

EXPIRES 12/31/01

RIGHT OF WAY DEDICATION
LOCATED IN SECTION 8 AND 17, TOWNSHIP 7 NORTH, RANGE 2 WEST,
WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON

GRAPHIC SCALE



(IN FEET)
1 inch = 120 ft.

S32°27'15"W
2.00'

SEATTLE, PORTLAND, &
SPOKANE RAILROAD

N57°32'45"W 612.18'
S57°32'45"E 892.59'

THIRD ST.

DIKE ROAD

N65°19'20"W 75.10'
N57°32'55"W 91.48'
N51°28'54"W 115.16'
S57°32'45"E 122.04'

N32°27'15"E
20.00'

SECOND ST.

RICE ST.

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