

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Accepting a Deed Conveying Property )  
in Fee Simple, and a Temporary Construction Easement )  
Over Property Owned by The State of Oregon In Connection )  
with Improvements to Rockcrest and West Rainier Dike )  
Roads in Rainier, Oregon )  
[ODOT Property] )

**ORDER NO. 37-01**

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 the purchase of a strip of real property in fee simple, and the use of a temporary construction easement across certain property owned by the State of Oregon, for roadway purposes; and

WHEREAS, the State of Oregon, as the owner of said property, has consented to Columbia County's purchase of said strip and use of said temporary construction easement for roadway purposes; and

WHEREAS, the Board of County Commissioners determined in Resolution No. 80-00 that the purchase of property and the use of temporary construction easements is necessary to protect the full use and enjoyment by the public of West Rainier and Dike Roads; and

WHEREAS, in consideration for the conveyance in fee title and temporary construction easement, the County has issued payment in the amount of Five Thousand, Two Hundred, Fifty Dollars (\$5,250) which was the amount of the praisal for the rights conveyed;

NOW, THEREFORE, it is hereby ordered as follows:

1) Columbia County exercises its option to purchase a strip of property in fee simple and a temporary construction easement and accepts the Deed conveying such property and such construction easement, which is attached hereto, labeled Attachment 1, and is incorporated herein by this reference.

2) The Chair of the Board of County Commissioners is authorized to sign the Deed to accept such property on behalf of the County.

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

DATED this 25th day of April, 2001.

Approved as to Form:

By: Sarah Tyson  
Office of the County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: John M. Bernhard  
Chair

By: [Signature]  
Commissioner

By: [Signature]  
Commissioner

## ATTACHMENT 1

## DEED

The **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantor, for the true and actual consideration of \$5,250.00 does convey unto **COLUMBIA COUNTY**, a political subdivision of the State of Oregon, Grantee, the following described property:

**Parcel 1 – Fee**

A strip of land situated in Section 8, Township 7 North, Range 2 West, of the Willamette Meridian, Columbia County, Oregon, described as follows:

Beginning at the platted intersection of the Northwestern right of way line of 4<sup>th</sup> Street and Southwesterly right of way line of Dike Road (Water Street);

Thence N 57° 32' 45" W on said Southwesterly line of Dike Road for a distance of 210 feet;

Thence S 32° 27' 15" W a distance of 12.00 feet;

Thence S 57° 32' 45" E a distance of 210 feet;

Thence N 32° 27' 15" E a distance of 12.00 feet to the point of beginning.

Containing 2520 square feet more or less.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the following described property:

**Parcel 2 – Temporary Construction Easement (Two Years)**

A strip of land situated in Section 8, Township 7 North, Range 2 West, of the Willamette Meridian, Columbia County, Oregon, described as follows:

Beginning at the platted intersection of the Southwesterly right of way line of Dike Road (Water Street) and the Northwestern Right of Way line of 4<sup>th</sup> Street;

10-27-00

TAX STATEMENTS SHALL BE SENT TO

Columbia County Board of Commissioners  
Columbia County Courthouse  
St. Helens, Oregon 97051

AFTER RECORDING RETURN TO

COUNTY COUNSEL'S OFFICE  
RM. 318 COURTHOUSE  
ST. HELENS, OREGON 97051

Thence N 57° 32' 45" W on the Southwesterly Right of Way line of Dike Road a distance of 210 feet;

Thence S 32° 27' 15" W 22 feet;

Thence S 57° 32' 45" E 210 feet;

Thence N 32° 27' 15" E 22 feet to the point of beginning.

EXCEPTING THEREFROM the following described property:

A strip of land situated in Section 8, Township 7 North, Range 2 West, of the Willamette Meridian, Columbia County, Oregon, described as follows:

Beginning at the platted intersection of the Northwesterly right of way line of 4<sup>th</sup> Street and Southwesterly right of way line of Dike Road (Water Street);

Thence N 57° 32' 45" W on said Southwesterly line of Dike Road for a distance of 210 feet;

Thence S 32° 27' 15" W a distance of 12.00 feet;

Thence S 57° 32' 45" E a distance of 210 feet;

Thence N 32° 27' 15" E a distance of 12.00 feet to the point of beginning.

Containing 2,100 square feet more or less.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate two (2) years from the date of signing or upon completion of the above-mentioned construction project, whichever is sooner.

GRANTOR RESERVES access to its stockpile site from Dike Road; County will reconnect access point to Dike Road.

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

1. Subject to special assessments, existing restrictions, reservations and easements of record, if any.

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.

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.

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.

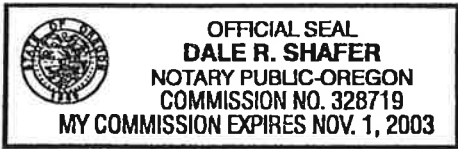
Dated this 31<sup>st</sup> day of October, 2000.

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 October 31, 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

By: RITA BERNHARD, Chair, Board of  
County Commissioners

STATE OF OREGON        )  
  ) ss.  
COUNTY OF COLUMBIA )

10-27-00  
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ael/ This instrument was acknowledged before me on the \_\_\_ day of April 2001, by Rita Bernhard, Chair, Board of Commissioners of Columbia County, Oregon, on behalf of whom this instrument was executed.

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