

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing Earl Keller)
to Construct a Gate in the Right-of-Way of)
Armstrong County Road) ORDER NO. 86-01

WHEREAS, pursuant to ORS 368.056, the Board of County Commissioners may authorize the issuance of a permit to a person to allow construction of a gate on a public road under the jurisdiction of the County; and

WHEREAS, in issuing such permit, the Board of County Commissioners may impose any conditions or specifications on the permit it determines to be advisable to preserve the purposes of the public road, and may include a requirement that the person issued the permit shall bear all costs of construction and maintenance of the gate; and

WHEREAS, Earl Kellar is the owner of property abutting Armstrong County Road, an non-maintained dirt road which dead-ends approximately 800 feet beyond the location of the proposed gate; and

WHEREAS, Earl Kellar has requested the authorization to construct a gate in the right of way of such Road, a copy of which is attached hereto as Attachment 1, and is incorporated herein by this reference; and

WHEREAS, Longview Fibre is the only other owner of property served by that portion of Armstrong County Road proposed to be gated; and

WHEREAS, Longview Fibre has given its consent to the construction of the proposed gate, a copy of which is attached hereto as Attachment 2, and is incorporated herein by this reference; and

WHEREAS, the County Road Official has recommended that the County authorize Earl Keller to construct and maintain a steel gate at the proposed location provided that there are two reflectorized object marker signs (zebra boards) on each side of the gate for visibility purposes; and

WHEREAS, the Columbia County Road Standards prohibits the placement of any structure in the right-of-way of any County road or public road under County jurisdiction without first obtaining a Construction Permit from the Columbia County Road Department.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Earl Kellar is authorized to construct and maintain a steel gate at the location shown on the area map which is attached hereto as Attachment 3, and is incorporated herein by this reference, upon the issuance of a Columbia County Construction Permit by the Columbia County Road Department.
2. The above authorization is subject to the following conditions:

- i. Mr. Kellar, his assigns, and successors in interest, shall at all times be solely responsible for the maintenance and repair of such gate. Mr. Kellar shall keep the gate in good repair.
- ii. The gate shall be constructed of steel with two reflectorized object marker signs (zebra boards) on each side of the gate for visibility purposes.
- iii. A key to the gate shall be provided to Longview Fibre, the County Road Department, and to local fire and emergency services operators.
- iv. Mr. Kellar, his assigns or successors in interest, shall remove the gate at his sole expense upon a determination by the Board of County Commissioners that the gate is no longer in the public interest, or immediately upon request of the County Roadmaster if an emergency situation occurs which requires its removal.
- v. Mr. Kellar, his assigns or successors in interest shall follow all applicable provisions of the Columbia County Road Standards, Ordinance No. 96-6, as may be amended.
- vi. Mr. Kellar, his assigns or successors in interest shall provide insurance as required by the Columbia County Road Standards, and shall indemnify and hold harmless the County, its Board of Commissioners, the Roadmaster and all other County officers, agents and employees from any claim which might arise on account of the issuance of the Construction Permit.
- vii. The Columbia County Roadmaster shall issue a Public Road Construction Permit to Mr. Kellar upon Mr. Kellar's compliance to the Roadmaster's satisfaction with all applicable Columbia County Road Standards.

Dated this 24th day of October, 2001.

Approved as to Form

By: Sarah Tyson

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: Jita M. Bernhard
Chair

By: _____
Commissioner

By: not present
Commissioner

ATTACHMENT 1

8-01

County Road Department
St. Helens, Oregon

I would like permission to put a gate across the Armstrong road to keep people from riding three wheelers and motorcycles on my land that might cause a fire, Also to stop people from cutting and taking out logs and wood.

I have permission from Longview Fiber who has a right away through my property. They have no objection as it would be only an emergency fire that they might ever use it. A key to the padlock will be available to Longview Fiber or anyone with a reason to go there.

0

Earl S, Kellar
31302 Siercks Rd.
Scappoose, Or. 97056

503-543-2389

ATTACHMENT 2

TO: When it may concern DATE: 13 August 2001

FROM: LARRY C. HURLEY
Tree Farm Manager

LONGVIEW FIBRE COMPANY
Deer Island Tree Farm
1510 St. Helens St., Suite A
St. Helens, OR 97051
Office Phone: (503) 397-6689

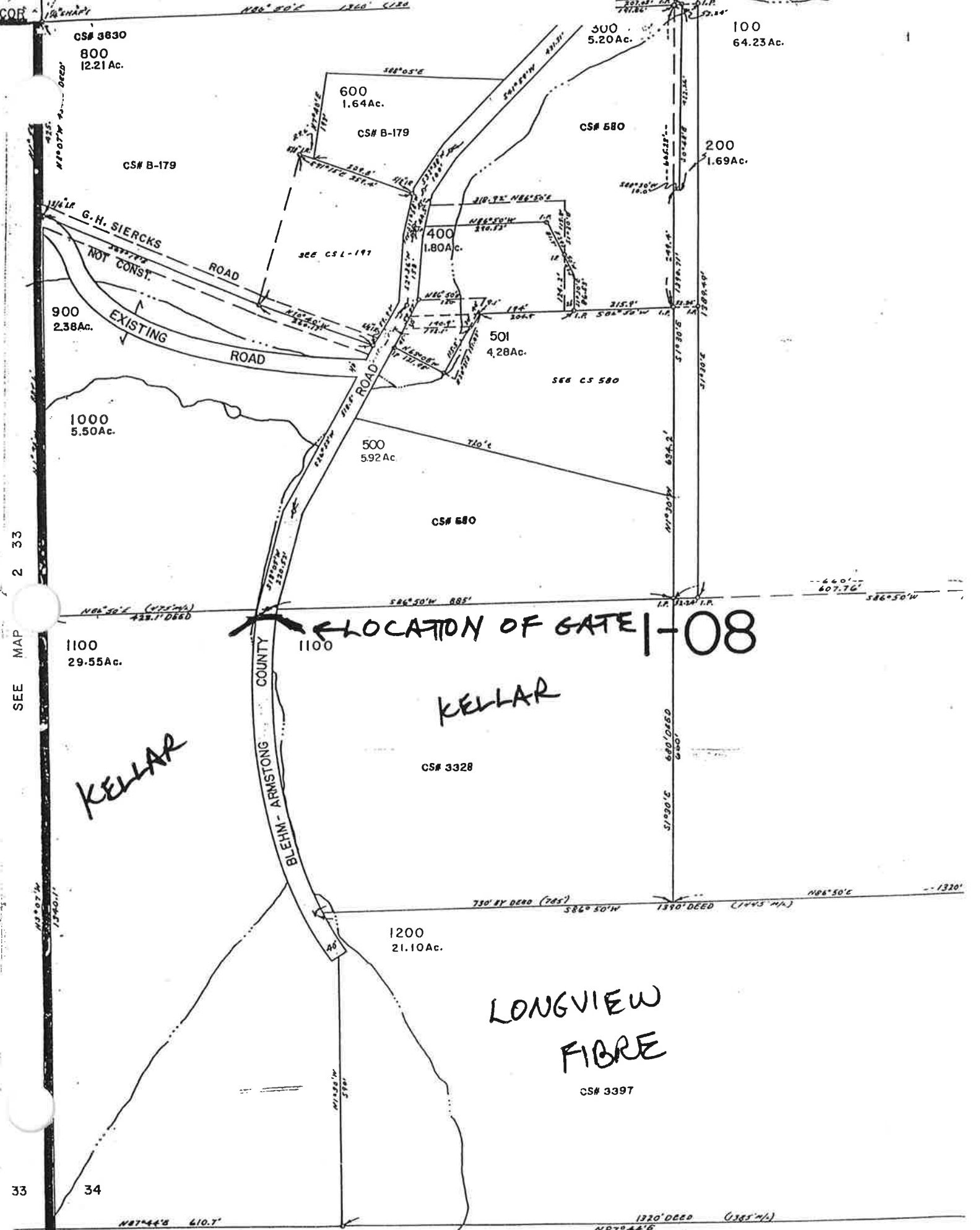
FOR YOUR: INFORMATION _____ Re: _____
APPROVAL _____
COMMENT _____
ACTION _____

Its OK with longview
Fibre Company to have a gate
on Blem-Armstrong road.

Thank you

Lavene C Hurley

ATTACHMENT 3



CS# 3630
800
12.21 Ac.

600
1.64 Ac.
CS# B-179

300
5.20 Ac.

100
64.23 Ac.

CS# B-179

CS# 580

200
1.69 Ac.

G.H. SIERCKS
ROAD
NOT CONST.

SEE CS L-197

400
1.80 Ac.

900
2.38 Ac.

501
4.28 Ac.

SEE CS 580

1000
5.50 Ac.

500
5.92 Ac.

CS# 680

SEE MAP 2 33

1100
29.55 Ac.

1100

LOCATION OF GATE | - 08

KELLAR

KELLAR

CS# 3328

BLEHM - ARMISTONG COUNTY ROAD

1200
21.10 Ac.

LONGVIEW FIBRE

CS# 3397

33

34

N87°44'6" 410.7'

1320' DEED (385' N/A.)
N87°44'6"