

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending)
Columbia County)
Ordinance No. 89-6)
_____)

ORDINANCE NO. 92-3

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 92-3. Exhibit "A", which is attached hereto and incorporated herein by this reference, may also be cited and referred to as the "Columbia County Parks Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend Columbia County Ordinance No. 89-6 in order to update it, add reference to additional parks and to make it easier to update the ordinance in the future.

SECTION 4. AMENDMENT.

Columbia County Ordinance No. 89-6 is amended to read as shown in Exhibit "A", which is attached hereto and incorporated herein by this reference.

SECTION 5. RATIFICATION.

Columbia County Order No. 168-91, "In the Matter of Enacting Rules, Regulations and Fee Schedules for the Use of Columbia County Parks", is ratified and the same shall continue in full force and effect as if originally adopted under the authority of Exhibit "A" hereto.

SECTION 6. REPEAL.

- A. Ordinance No. 79-1 is repealed.
- B. Ordinance No. 85-9 is repealed
- C. Ordinance No. 89-10 is repealed.
- D. Order No. 75-89 is repealed.

SECTION 7. SEVERABILITY.

If any provision of this ordinance, including Exhibit "A", is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 8. EMERGENCY CLAUSE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its adoption.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 18th DAY OF March, 1992.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By:

Chairman

Approved as to form

By:
Office of County Counsel

By:

Commissioner

Attest:

By:
Recording Secretary

By:

Commissioner

First Reading: 3/18/92
Second Reading: 3/18/92
Effective Date: 3/18/92

EXHIBIT "A"

COLUMBIA COUNTY

PARKS ORDINANCE

Legislative History:

Enacted as Ordinance No. 89-6
on June 7, 1989

Amended and Re-enacted by
Ordinance No. 92-3
on March 18, 1992

COLUMBIA COUNTY PARKS ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the Columbia County Parks Ordinance. [Enacted by Ordinance No. 89-6. Amended and renumbered by Ordinance No. 92-3.]

SECTION 2. AUTHORITY.

[En. Ord. 89-6. Renumbered and deleted by Ordinance No. 92-3.]

SECTION 3. PURPOSE.

The purpose of this ordinance is to provide a procedure for regulating the use of Columbia County Parks.

[En. Ord. 89-6.]

SECTION 4. DEFINITION.

The term "Columbia County Parks" includes, but is not limited to, the following:

- a) Beaver Boat Ramp (as described in that Land Use Agreement dated March 14, 1977 between the State of Oregon Department of Transportation and Columbia County, recorded in Book 1 of the Commissioners' Journal at page 320 through 322, a copy of which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference);
- b) Beaver Falls County Park (as described in that Order of the Board of County Commissioners for Columbia County, Oregon dated October 21, 1970 recorded in Book 179 of the Commissioners' Journal at pages 210 and 211, a copy of which is attached hereto, labeled Exhibit "B" and incorporated herein by this reference);
- c) Big Eddy County Park (as described in Exhibit "B");
- d) Camp Wilkerson County Park (as described in Exhibit "B");
- e) Carcus Creek County Park (as described in Exhibit "B");
- f) Fisher County Park (as described in Exhibit "B");
- g) Hudson/Parcher County Park (also known as Hudson Park; as described in Exhibit "B");
- h) J.J. Collins Memorial Marine Park (as described in Exhibit "B");
- i) Laurel Beach County Park (also known as Laurelwood Park; as described in Exhibit "B");
- j) Nehalem River Rest Area (as described in Exhibit "B");

- k) Prescott Beach County Park (as described in that Lease Agreement between the Portland General Electric Company and Columbia County dated August 30, 1989, recorded in Book 25 of the Commissioners' Journal at pages 901 through 905, a copy of which is attached hereto, labeled Exhibit "C" and incorporated herein by this reference);
- l) Scaponia County Park (as described in Order No. 193-90 of the Board of County Commissioners dated September 19, 1990, recorded in Book 29 of the Commissioners' Journal at pages 401 through 405, a copy of which is attached hereto, labeled Exhibit "D" and incorporated herein by this reference);
- m) Scappoose Airport County Park (as described in Exhibit "B"); and
- n) any other park declared to be subject to this ordinance by order or resolution of the Board of County Commissioners.

[En. Ord. 89-6. Am. Ord. 92-3.]

SECTION 5. IMPLEMENTATION.

The Board of County Commissioners may enact rules and regulations for the use of Columbia County Parks subject to this ordinance by adoption of an order or resolution referencing such rules and regulations and the park or parks to which they apply, which order or resolution is to be entered in the Commissioners' Journal. Such rules and regulations shall become effective and have the force of law when notice thereof is given by posting copies of them at or by the caretakers' residence at the appropriate park or on signs placed or erected at the main entrance of the affected parks. At such time all previous rules and regulations governing the use of such park shall be repealed. The Park Maintenance Superintendent or his designee shall certify in writing to the Board the date and method of providing such notice.

[En. Ord. 89-6.]

SECTION 6. PROHIBITED ACTIVITIES IN COLUMBIA COUNTY PARKS.

Except as specifically permitted by a "person in charge" as defined below, no person shall, while in a Columbia County Park, engage in any activity prohibited by, or violate any of, the rules or regulations enacted pursuant to Section 5 above.

[En. Ord. 89-6.]

SECTION 7. ENFORCEMENT.

Any on-duty Oregon State Police Officer, the Columbia County Sheriff, any of his deputies, the resident Park Caretaker, the Park Maintenance Superintendent, and any Columbia County Commissioner are designated as "persons in charge" within the meaning of ORS 164.205(5) (1991 Edition) for the purpose of supervising Columbia County Parks. Any of such "persons in charge" shall have authority to direct any person who engages in any activity prohibited by, or violates any of, such rules or regulations to leave the Columbia County Park premises.

[En. Ord. 89-6.]

SECTION 8. ALCOHOLIC BEVERAGES.

For the purposes of any park rules regulating the consumption or possession of alcoholic beverages, the following definitions apply:

- A. Alcoholic beverage: Alcoholic beverage means any beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being. Perfumes, lotions, tinctures, varnish, dressing fluids, extracts, acid vinegar, any official medicinal or pharmaceutical preparations, and any patent or proprietary medicine intended solely for medicinal purposes are excluded from the definition of alcoholic beverage even though they may otherwise meet the elements of definition of alcoholic beverage given above.
- B. Possession of alcoholic beverages: Having alcoholic liquor either on one's person or under one's control.
[Originally Enacted as Part of Ord. 79-1. Re-enacted by Ord. 92-3.]

SECTION 9. PARKING.

- A. This section is adopted pursuant to ORS 98.810 to 98.818.
- B. No person, without the written permission of a "person in charge", shall leave or park any vehicle on or in any Columbia County Park during any time the Park is closed by the terms of the rules or regulations for such Park, in any place or area where parking is prohibited as indicated by signs posted in such Park, or in excess of any time allowed as indicated by such times.
- C. The Columbia County Roadmaster/Public Works Director or Parks Maintenance Superintendent shall post signs in each park indicating where parking is prohibited or limited.
- D. Violation of this section may be handled as provided in ORS 98.812 or as provided in ORS 811.555.
[Orig. Ord. 89-10. Re-en. Ord. 92-3.]

SECTION 10. PEDESTRIAN/BIKE PATHS.

- A. This section applies to those portions of the Rutherford Road Parkway under Columbia County jurisdiction and control and to any other pedestrian/bike path under Columbia County jurisdiction and control. It doesn't apply to Linear State Park or to any pedestrian/bike paths within the limits of any incorporated city within Columbia County unless the State or City consents to application of this section.
- B. No person shall drive or park any motor vehicle on any portion of Rutherford Road Parkway or any other pedestrian/bike path under Columbia County jurisdiction or control.

- C. No person shall ride or walk any horse or other animal, except dogs, on or along any portion of Rutherford Road Parkway under Columbia County jurisdiction and control or any other pedestrian/bike path under Columbia County jurisdiction and control.
- D. For the purposes of this section, "Rutherford Parkway" means that pedestrian/bike path which extends southerly from the end of 4th Street in Columbia City, south of its intersection with M Street, along the undeveloped right-of-way of Rutherford County Road roughly parallel to and east of the Burlington Northern Railroad right-of-way, to the north end of Oregon Street in St. Helens.
- E. For the purposes of this section, "motor vehicle" means any self-propelled vehicle and any vehicle designed for self-propulsion except police cars, fire engines, ambulances and other emergency vehicles, and utility vehicles such as those used by the Portland General Electric Company, Columbia River People's Utility District, the Cities of St. Helens, Columbia City and other incorporated cities in the County and the Columbia County Parks Department, Road Department, Sheriff's Department and Land Development Services.

[Orig. Ord. 85-9. Re-en. Ord. 92-3.]

SECTION 11. PENALTIES.

- A. This ordinance, and orders, rules and regulations adopted pursuant hereto, may be enforced by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.
- B. A person shall be considered a trespasser: 1) who enters or remains on or in a Columbia County Park during the hours or times such Park is closed by the terms of the rules and regulations for such Park; or 2) who fails to leave any Columbia County Park when so directed by a "person in charge". Trespassers are subject to prosecution under the provisions of ORS 164.245, Criminal Trespass in the Second Degree.

[En. Ord. 89-6. Am. Ord. 89-9; 90-7; 90-19. Am. & Renum. Ord. 92-3.]

SECTION 12. JURISDICTION.

[Del. & Renum. Ord. 92-3.]

SECTION 13. SEVERABILITY.

[Del. & Renum. Ord. 92-3.]

SECTION 14. EMERGENCY.

[Del. & Renum. Ord. 92-3.]

EXHIBIT "A"

Highway Division
 File 3454.
 20245
 20246

1/4/77

LAND USE AGREEMENT

THIS AGREEMENT, made and entered into this 14th day of March, 1977, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, hereinafter called "State", and COLUMBIA COUNTY, a political subdivision of the State of Oregon, hereinafter called "County";

W I T N E S S E T H:

WHEREAS, State is the owner of the following described land, to wit:

A parcel of land lying in the E. G. Bryant DLC in Section 8, Township 7 North, Range 4 West, W.M., Columbia County, Oregon; the said parcel being described as follows:

Beginning at the most Northerly corner of Lot 12, Block 1, Merrills Addition to Clatskanie, Columbia County, Oregon; thence Southwesterly along the Northwesterly line of said Lot 12, and the Southwesterly extension of said Northwesterly line, to a line which is parallel to and 60 feet Easterly of the center line of the relocated Columbia River Highway; thence Southerly parallel to and 60 feet Easterly of said center line to the Southeasterly line of Lot 7 of the Subdivision of the E. G. Bryant Estate in said E. G. Bryant DLC; thence Northeasterly along the Southeasterly line of said Lot 7 to the most Easterly corner of said Lot 7; thence Northwesterly along the Northeasterly line of said Lot 7 to the most Northerly corner of said Lot 7; said point also being the Southeast corner of Lot 15, Block 1, Merrills Addition; thence Northerly along the Easterly line of said Block 1, Merrills Addition, to the place of beginning.

The center line of the relocated Columbia River Highway is described as follows:

Beginning at Engineer's center line Station 1655+59.14, said Station being 594.33 feet North and 1299.58 feet East of the SW corner of the North half of said E. G. Bryant DLC; thence on a spiral curve right (the long chord of which bears South 40° 36' East) 400 feet; thence on a 954.93 foot radius curve right (the long chord of which bears South 26° 09' 7.5" East) 214.93 feet; thence on a spiral curve right (the long chord of which bears South 11° 42' 15" East) 400

4. No improvements shall be made or placed in or on premises without State's written consent. All improvements shall be done at County's sole expense, shall conform to the requirements of State and shall be made or placed only at locations approved by State. No trees shall be removed or disposed of nor shall there be earth removal or fill without State's written consent.
5. County shall pay for all utility services furnished to premises, including the installation of meters.
6. No advertising signs may be erected or otherwise placed on premises. County may however erect and place, at its own expense, such directional and informational signs and notices as are approved by State. County will also maintain a sign on premises indicating County has control of premises.
7. No alcoholic beverages shall be sold on premises. Concession stands used on premises shall be portable.
8. No gasoline or other inflammable or explosive products will be stored on premises, nor shall vehicles used for or designed for the transportation of said products be permitted on premises.
9. County shall, at its own expense, keep and maintain premises at all times in a clean, safe and sanitary condition.
10. County shall pay all real property taxes and other assessments which may be imposed on premises as a result of County's use thereof.
11. State reserves the right to enter premises and to occupy any part thereof at any time in order to perform acts necessary or proper in connection with highway construction, maintenance or operation.
12. County shall maintain premises and the improvements or other facilities thereon at its own expense.
13. County shall hold State harmless from any claim, suit or action whatsoever for damages to property, or injury to or death of any person or persons, arising out of County's use, occupancy or maintenance of premises. County shall, at its own expense, to cover claims which may arise from activities to be conducted on premises

IN WITNESS WHEREOF, the parties hereto have affixed their signatures the day and year first above written.

APPROVED:

V. J. [Signature]
Regional Engineer

APPROVED AS TO FORM:

[Signature]
Asst. Attorney General and Counsel

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION,
Highway Division

By *[Signature]*
State Highway Engineer

ATTEST: ROY A. NELSON, COUNTY CLERK

By *[Signature]*
County Clerk Deputy

COLUMBIA COUNTY, a political subdivision
of the State of Oregon

By *[Signature]*
County Judge

By *[Signature]*
County Commissioner

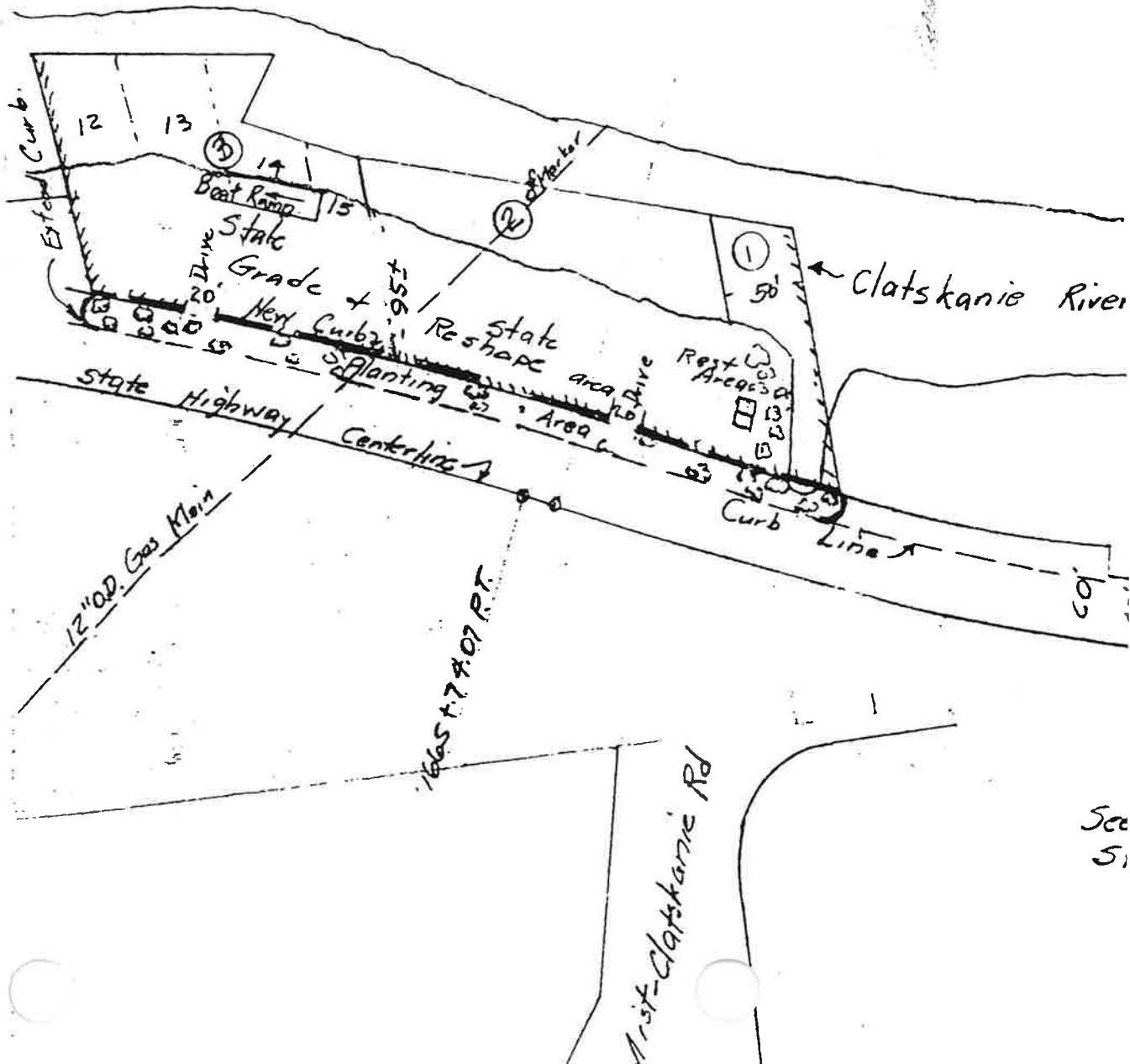
By *[Signature]*
County Commissioner

STATE OF OREGON, County of Marion

March 15, 1977. Personally appeared ~~Woodward~~ H. S. Coulter, who being sworn, stated that he is the Right of Way Engineer for the State of Oregon, Department of Transportation, Highway Division, and this document was voluntarily signed on behalf of the State of Oregon, by authority delegated to him. Before me:

Book 1
Page 328
Comm. Jct

Boat Ramp To be set on West Bank of Clatskanie River
on Tracts 1, 2, & 3.



See
S.

EXHIBIT "B"
 BEFORE THE BOARD OF COUNTY COMMISSIONERS
 FOR COLUMBIA COUNTY, OREGON

*Conifer/Walnut
 Forest*

178-11-210

IN THE MATTER OF THE DESIGNATION)
 OF CERTAIN AREAS TO BE KNOWN AS)
 COUNTY FOREST AND/OR PARK AND)
 RECREATIONAL AREAS.)

SEP 22 11 24 AM '70
 PAGE
 BY _____ DEP.

ORDER

WHEREAS, pursuant to Chapter 275 of Oregon Revised Statutes, it now appears to the Board that certain county-owned and/or leased lands should be designated as Columbia County Forest and/or Park and Recreational Areas, and dedicated for public use, now therefore, it is hereby

ORDERED that the following described parcels are hereby designated as Columbia County Forest and/or Park and Recreational Areas, and are hereby dedicated for public use, to-wit:

<u>NAME</u>	<u>DESCRIPTION</u>	<u>DEED BOOK AND PAGE</u>
SCAPPOOSE AIRPORT PARK	being approximately 2 acres in Section 6, Township 3 North, Range 1 West, WM., Columbia County, Oregon	Book 75, Page 56 Book 75, Page 118 Book 97, Page 290
BIG EDDY PARK	being approximately 8 acres in Section 10, Township 5 North, Range 4 West, WM., Columbia County, Oregon	Book 154, Page 610 Book 166, Page 211
HUDSON PARK	being approximately 27 acres in Section 13, Township 7 North, Range 3 West, WM., Columbia County, Oregon	Book 58, Page 198 Book 59, Page 263 Book 59, Page 273
FISHER PARK	being approximately 11 acres in Section 1, Township 3 North, Range 2 West, WM., Columbia County, Oregon	Book 167, Page 369

170 211

NAME	DESCRIPTION	DEED BOOK AND PAGE
BEAVER FALLS PARK	being the North half of the SW 1/4 of Section 12, Township 7 North, Range 4 West, W.M., Columbia County, Oregon, consisting of approximately 20 acres	Book 148, Page 270
CARCUS CREEK PARK	East 1/2 of SW quarter, and SE 1/4 of Section 19, Township 6 North, Range 3 West, and SW 1/4 of SW 1/4 of Section 20, Township 6 North, Range 3 West, W.M., Columbia County, Oregon, containing approximately 250 acres	Book 76, Page 617
NEHALFEN RIVER REST AREA	being approximately .53 acres in SW 1/4 NW 1/4 SE 1/4, Section 20, T6N, R4W, W.M., Columbia County, Oregon	Book 61, Page 93
CAMP WILKERSON	being SE 1/4, Section 9; SW 1/4 SW 1/4 Section 10; NW 1/4 NW 1/4 Section 15; NE 1/4 NE 1/4 Section 16, all in Township 5 North, Range 3 West, W.M., Columbia County, Oregon	Book 67, Page 261 Book 66, Page 358 Book 173, Page 6 Book 174, Page 551

And be it further ORDERED that Columbia County may, at any time in the future, designate other parcels of county-owned and/or leased lands as forest and/or park and recreational areas which shall be dedicated for use by the public.

It is further ORDERED that in accordance with the provisions of ORS 275.160, the County Clerk of Columbia County record a certified copy of this Order in the Deed Records of Columbia County, Oregon, at no charge.

Dated at St. Helens, Oregon this 27th day of October, 1970.

BOARD OF COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

EXHIBIT "C"

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Recording)
a Lease Between Portland)
General Electric Company)
and Columbia County)
_____)

AMENDED
ORDER NO. 154-89
(Correcting Property Descriptions)

WHEREAS, on August 30, 1989 Portland General Electric Company, an Oregon corporation, "Lessor", and Columbia County, a political subdivision of the State of Oregon, "Lessee" entered into a Lease from Lessor to Lessee of a certain area of land known as Prescott Beach for the purpose of developing a public park; and

WHEREAS, the Lease term is for a period of 15 years from August 30, 1989 through August 30, 2004 with an exemption of real property taxes as provided under ORS 307.112; and

WHEREAS, the property tax exemption affects Tax Lot No. 0305-7226-040-00100, consisting of approximately 37.86 acres, Tax Lot No. 0305-7235-000-00100, consisting of approximately 12.04 acres, and Tax Lot No. 0302-7235-000-00100, consisting of approximately 11.16 acres; and

WHEREAS, it is necessary to record the said Lease in the Deed Records of Columbia County for assessment purposes;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Lease between Portland General Electric Company and Columbia County dated August 30, 1989 be recorded in Columbia County Deed Records by the Columbia County Clerk without cost.

(Note: The purpose of this amended order is to solely correct the property descriptions in the original Order No. 154-89, not to require the recording of the lease a second time.)

DATED this 21st day of February, 1990 NUNC PRO TUNC October 4, 1989.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Jan L. R. [Signature]
Chairman

By: Wayne W. Dillard
Commissioner

By: Michael [Signature]
Commissioner

Approved as to form

By: [Signature]
Office of County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Recording)
a Lease Between Portland)
General Electric Company)
and Columbia County)
_____)

ORDER NO. 154-89

WHEREAS, on August 30, 1989 Portland General Electric Company, an Oregon corporation, "Lessor", and Columbia County, a political subdivision of the State of Oregon, "Lessee" entered into a Lease from Lessor to Lessee of a certain area of land known as Prescott Beach for the purpose of developing a public park; and

WHEREAS, the Lease term is for a period of 15 years from August 30, 1989 through August 30, 2004 with an exemption of real property taxes as provided under ORS 307.112; and

WHEREAS, the property tax exemption affects Tax Lot No. 305-7226-040-0100, consisting of approximately 37.86 acres, and Tax Lot No. 305-7235-000-0100, consisting of approximately 23.20 acres; and

WHEREAS, it is necessary to record the said Lease in the Deed Records of Columbia County for assessment purposes;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Lease between Portland General Electric Company and Columbia County dated August 30, 1989 be recorded in Columbia County Deed Records by the Columbia County Clerk without cost.

DATED this 4th day of October, 1989.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John R. Johnson
Chairman

By: May W. Dillards
Commissioner

By: Michael J. Sykes
Commissioner

Approved as to form
By: J. L. K. G. W.
Office of County Counsel

LEASE

This Lease is between Portland General Electric Company, an Oregon corporation (hereinafter "Lessor"), and Columbia County, a political subdivision of the State of Oregon (hereinafter "Lessee").

Lessor leases to Lessee the following-described property subject to the terms and conditions stated below:

See Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 1. - OCCUPANCY.

- 1.1 Original Term. The term of this lease shall commence on the 30th day of August, 1989 and continue through the 30th day of August, 2004.
- 1.2 Possession. Lessee's right to possession and obligation under the lease shall commence on the date of execution of this agreement.
- 1.3 Termination. This lease may be terminated by the parties with six months' prior written notice or as provided by Section 4 below. In the event of termination, Lessee will quit and deliver up the premises, including all future additions or improvements, to or upon the same, to the Lessor peacefully, quietly, and in as good order and condition (reasonable use and wear thereof, fire and other unavoidable casualties excepted), as the same now are or may be put in by the Lessee. Provided, however, that if the insurance required by Section 6(b) is terminated or cancelled for any reason, PGE may terminate this lease immediately and PGE shall have the right, to be exercised in its sole discretion, to close the park immediately.

SECTION 2. - LEASE PAYMENTS.

Lessee shall pay to Lessor as consideration for the lease the sum of \$1.00 (one dollar) per year. The amount of these lease payments has been established to reflect the savings resulting from the exemption of this parcel from taxation because of its use by a public body.

SECTION 3. - ASSIGNMENT OF LEASE.

Lessee may not assign this lease in whole or in part, voluntarily or by operation of law, without Lessor's prior written consent.

SECTION 4. - USE OF LEASED PREMISES.

Lessee shall use the leased premises as a day-use public park facility. Lessee will be responsible for any improvements required for said use of the property. Lessee shall use the leased premises solely for the above-described purposes. No automobile racing shall be permitted on the leased premises. Further, Lessee shall prohibit the consumption and sale of alcoholic beverages on the leased premises and shall take prudent steps to enforce such prohibition. Lessee hereby warrants that any rest room facilities constructed

on the premises shall be in compliance with all applicable codes, ordinances, and regulations and shall be maintained in a clean and sanitary manner. Plans and specifications for all proposed uses and improvements shall be submitted by Lessee to Lessor for Lessor's prior approval, which approval shall not be unreasonably withheld, provided however that Lessor shall not approve any use other than that as a day-use public park. Any failure to do so, or to maintain or control such property, or any abandonment of same, or any other violation of this lease by Lessee shall constitute grounds entitling Lessor to send a Notice of Default to Lessee. Said Notice shall state with particularity the violations alleged and shall give Lessee sixty (60) days to correct the alleged violations. If Lessee shall fail to make the necessary corrections, at the end of the sixty (60) day period specified, Lessor may issue a Notice of Termination to Lessee terminating the Lease. If Lessor, in its sole discretion, determines that the sixty (60) day notice period would constitute a hazard to health or safety or would cause Lessor to be in violation of a governmental order, Lessor may terminate the lease immediately. Lessee shall also be responsible for all off-site improvements, including possible alternative access to this property.

SECTION 5. - LIABILITY.

Lessee will defend, indemnify, and hold Lessor harmless from any and all liability, loss, cost, cause of action, damages, and expenses of any kind, including attorneys' fees, incurred by Lessee or in any way arising out of or connected with Lessee's use or occupancy of the leased premises. This provision is limited to the negligent or intentional acts of Lessee and is further subject to the limits and provisions of the Oregon Revised Statutes, cases and the Oregon Constitution.

SECTION 6. - LIABILITY INSURANCE.

- (a) During the term of this lease or any successive term thereof, Lessee shall obtain and keep in full force and effect a comprehensive liability insurance policy satisfactory to Lessor with a single limit of \$1,000,000 naming Lessor as an additional insured, which policy shall include coverage for but shall not be limited to comprehensive public liability and property damage insurance, automobile liability, and complete operation/product liability. Such insurance shall provide that the coverage will not be cancelled or materially altered without ten (10) days' advance written notice to Lessor.
- (b) During the term of this lease, Lessee shall obtain and keep in full force and effect an insurance policy with a single limit of \$1,000,000, naming Lessor as the named insured. Lessor shall determine the necessary coverage and shall approve the policy Lessee shall promptly pay all necessary premiums.

SECTION 7. - CONDITION OF THE PREMISES.

Lessor has made no inspection of the leased premises and makes no representation or warranties as to its condition. Lessee shall prior to use of the premises by the public, and no later than thirty (30) days after the commencement of this lease, inspect the property and provide a report to Lessor detailing any potential hazards identified. Should Lessor determine, in its sole discretion, that any one hazard or combination of hazards

identified by such an inspection, creates an unacceptable risk, Lessor may terminate this lease. However, such a decision to terminate this lease due to an unacceptable risk, may be made by Lessor no later than thirty (30) days after receipt of the above-described report from Lessee.

SECTION 8. - TAXES.

It is understood by the parties to this lease agreement that the yearly lease fees for the property encompassed by this lease do not include income sufficient to cover any real property taxes. Lessee shall file a claim for real property tax exemption on the property described herein and as provided under ORS 307.112. Should the claim for exemption be disallowed, Lessee shall reimburse Lessor annually on or before December 1 of each year this Lease is in effect in an amount equal to the real property tax owing and due on November 15 of each year.

SECTION 9. - ATTORNEYS' FEES.

In the event any suit or action is brought to enforce any of the provisions of this Lease or to repossess the premises, the losing party agrees to pay such sum as the trial court may adjudge reasonable as attorneys' fees to be allowed to the prevailing party in such suit or action, and in the event of any appeal on such suit or action, the losing party agrees to pay such further sum as the appellate court shall adjudge reasonable as the prevailing party's attorneys' fees.

SECTION 10. - EFFECTIVE DATE.

The effective date of this agreement for the purpose of commencement of the terms of this lease shall be the date of execution hereof.

IN WITNESS WHEREOF, the undersigned have executed this agreement on this 30th day of August, 1989.

LESSOR:

PORTLAND GENERAL ELECTRIC COMPANY

By: William J. Lindblad
William J. Lindblad, President
Generating Division

LESSEE:

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John R. Peterson
Chairman

By: Not Present
Commissioner

By: Michael J. Dykes
Commissioner

EXHIBIT "A"

Parcel 1: That certain parcel of land situated in Sections 26, 35 and 36, Township 7 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, beginning at a point which is North 89°38' West 105.0 feet from the east quarter corner of Section 35, Township 7 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence North 0°10' East a distance of 324.5 feet; thence South 89°38' East a distance of 105.0 feet; thence North 0°10' East a distance of 140.5 feet; thence North 56°15' East a distance of 502.33 feet to the original low water line of the Columbia River; thence along said original low water line of said Columbia River as follows: North 8°11' West a distance of 298.2 feet; thence North 20°09' West a distance of 746.5 feet; thence North 56°14' West a distance of 275.4 feet; thence North 5°00' East a distance of 115.6 feet; thence North 0°23' East a distance of 84.8 feet; thence North 39°18' West a distance of 139.0 feet; thence North 13°35' West a distance of 160.0 feet; thence North 2°59' West a distance of 245.65 feet; thence North 9°26' West a distance of 269.0 feet; thence North 45°35' East a distance of 98.2 feet; thence North 14°35' West a distance of 200.00 feet; thence North 28°00' West a distance of 6.92 feet to the North line of Lot No. 4, Section 26, Township 7 North, Range 2 West, Willamette Meridian; thence North 28°00' West a distance of 393.08 feet; thence North 36°31' West a distance of 200.00 feet; thence North 28°54' West a distance of 600.00 feet; thence North 35°23' West a distance of 83.61 feet to a point due East of the South end of the Spokane, Portland and Seattle Railway Trestle No. 1; thence West a distance of 912.39 feet to the East right of way line of said Spokane, Portland and Seattle Railway; thence along said East right of way line of said railroad as follows: South 6°43'30" East a distance of 110.68 feet; thence South 11°57' East 95.95 feet; South 15°25'30" East 96.94 feet; South 19°21' East 96.59 feet; South 23°16' East 96.57 feet; South 27°19'30" East 96.48 feet; South 30°45' East 96.99 feet; South 33°10' East 97.89 feet; South 34°51'30" East 98.50 feet; South 35°28' East 99.21 feet; South 35°46' East 1100.0 feet; South 35°18' East 100.4 feet; South 34°14' East 100.93 feet; South 32°16' East 101.73 feet; South 29°17' East 102.61 feet; South 25°33'30" East 103.27 feet; South 21°59' East 103.11 feet; South 17°46' East 103.70 feet; South 14°02'30" East 103.24 feet; South 9°33' East 103.94 feet; South 5°55' East 103.14 feet; South 1°51' East 103.55 feet; South 2°21' West 103.67 feet; South 6°18'30" West 103.44 feet; South 9°39' West 102.94 feet; South 12°47'30" West 102.72 feet; South 14°34' West 101.52 feet; South 15°58' West 101.63 feet; South 16°27' West 842.58 feet; thence leaving said East right of way line of said railroad South 89°38' East a distance of 639.56 feet to the point of beginning. EXCEPT: Beginning at a point marked with a 2 inch iron pipe that is North 0°11' East a distance of 324.5 feet from the West quarter section corner of Section 36, Township 7 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence North 0°11' East 140.5 feet; thence North 56°15' East 502.39 feet to the original low water line of the Columbia River; thence along said original low water line North 8°11' West 287.23 feet; thence leaving said original low water line South 81°57' West 165.83 feet; thence North 37°54' West 72.9 feet; thence North 84°03' West 98.4 feet; thence North 10°36' West 43.36 feet; thence North 57°49' East 54.78 feet; thence North 26°34' East 62.89 feet; thence North 28°04' West

EXHIBIT "D"

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

BOOK 29 PAGE 401

In the Matter of Declaring)
Scaponia Park to be a)
County Park)
_____)

ORDER NO. 193-90

WHEREAS, pursuant to ORS 275.320 the Board of County Commissioners may by order designate any real property acquired by the county as a county park; and

WHEREAS, Columbia County entered into a lease with the United States Department of the Interior Bureau of Land Management (BLM) commencing June 25, 1987 and continuing until June 25, 2012 for certain real property known as Scaponia Park for the purpose of developing a public park facility; and

WHEREAS, a map of the real property leased from the BLM known as Scaponia Park is attached hereto, labeled Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the legal description of the real property leased from the BLM is as follows:

T.4N., R.3W., W.M., Sec. 7, that portion of the SE 1/4 NE 1/4, NE 1/4 SE 1/4 lying northerly of the East Fork Nehalem River and southerly of the Scappoose-Vernonia Highway, as shown on the attached Exhibit "A";

WHEREAS, it is necessary and desirable, in order to meet the lease obligations and to fulfil the purpose of developing Scaponia Park as a public park facility, to designate Scaponia Park as a county park during the term of the lease with the BLM;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Scaponia Park, as further described on the attached Exhibit "A", is designated and declared to be a county park of Columbia County, Oregon during the term of the lease with the BLM.

2. Scaponia Park is declared to be subject to Ordinance No. 89-6, "In the Matter of Providing a Procedure for Regulating the Use of Columbia County Parks".

3. A certified copy of this order shall be recorded in the Columbia County Deed Records without cost.

DATED this 19th day of September, 1990.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON.

Approved as to form

By: John K. Knight
Office of County Counsel

By: John R. Peterson
Chairman

By: May W. Dillon
Commissioner

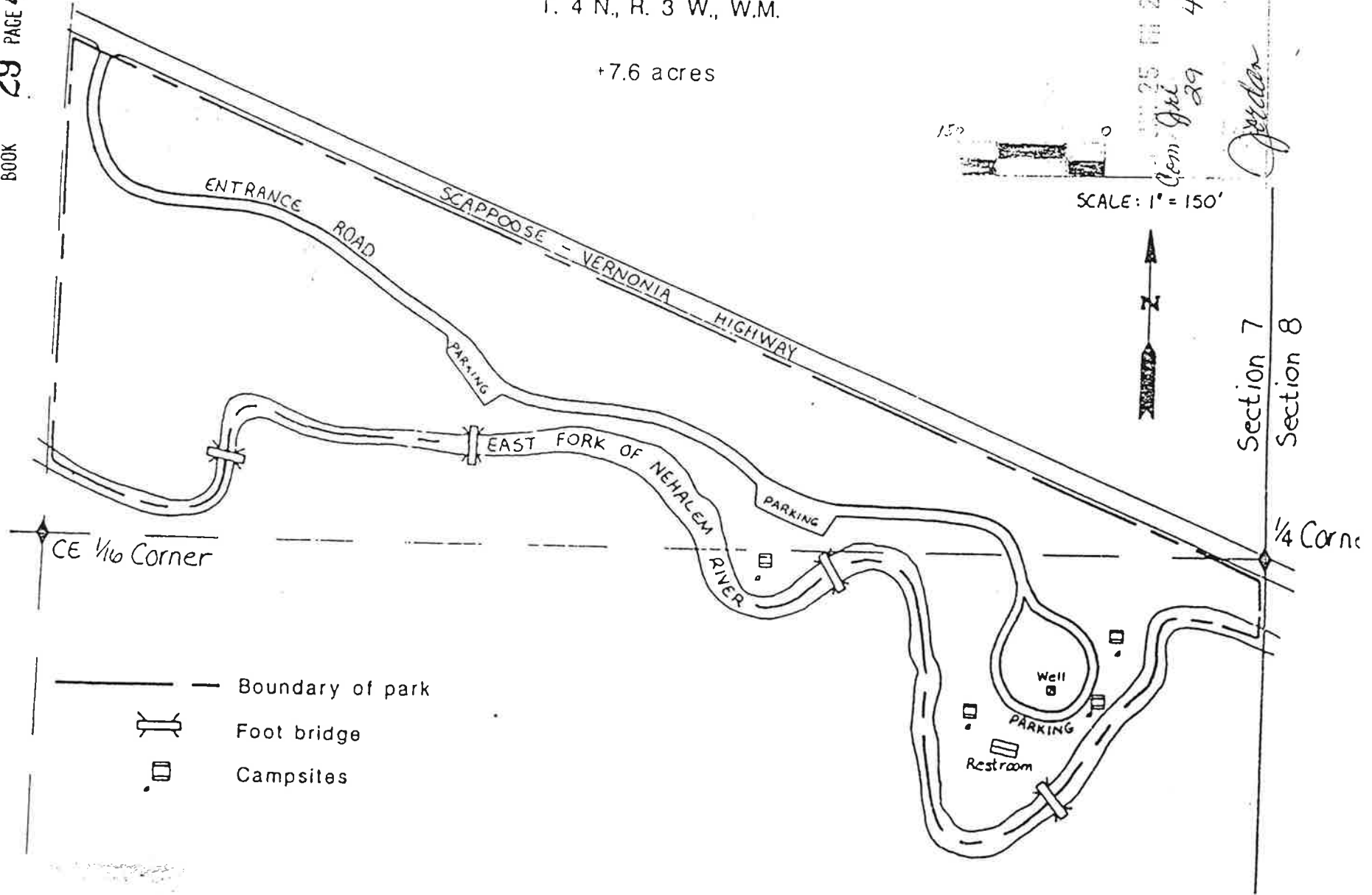
By: Michael J. Super
Commissioner

SCAPONIA PARK

EXHIBIT A

SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 7
T. 4 N., R. 3 W., W.M.

+7.6 acres



- Boundary of park
- ⌈ Foot bridge
- Campsites