

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of In the Matter of Conveying  
a Permanent Access Easement Across the  
Crown Z Trail at NW Thornton Drive in  
Scappoose

ORDER NO. 62-2025

WHEREAS, ORS 203.010 authorizes the County to purchase and hold land for the use of the County and to do all other necessary acts in relation to that property; and,

WHEREAS, ORS 271.310 authorizes the County to convey interests in County owned land when it is in the public interest; and

WHEREAS, the County is the owner of certain real property known as the Crown Z Trail a portion of which is located near the intersection of Scappoose-Vernonia Highway and NW Thornton Drive. CZ Trail at this location is specifically described as a strip of land formerly the Crown Zellerbach Private Logging Road located in Section 1, T3N, R2W. This part of the trail is more generally described as part of Tract G in that deed recorded in the deed records of the Columbia County Clerk on December 15, 2004, as Fee No. 2004-015482 (“the Property”); and

WHEREAS, Thornton Drive has existed for years as a substandard roadway that provides access to multiple parcels of land located on the south side of the CZ Trail; and

WHEREAS, Keith E. Settle and Christina L. Settle own five such parcels for which they have received a development permit from the City of Scappoose. As part of that permit the Settles are required to obtain a permit from the County legalizing the Thornton Drive access to Scappoose-Vernonia Highway and to obtain an easement for roadway and utility purposes at the location Thornton Drive crosses the CZ Trail; and

WHEREAS, Granting this easement is in the public’s interest as it will result in the improvement of the Thornton Road access to County standards and will clear the way for the development of a significant amount of property in the area.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS:

1. The Board adopts the above recitals as findings supporting this order.

2. The Board finds that the grant of the proposed easement furthers the public interest as it will result in the improvement of Thornton Drive and allows the development of the properties served by that road.
3. The Board grants to Keith E. Settle and Christina L. Settle an easement across the CZ Trail for road and utility purposes in the form that is attached hereto as Exhibit A.
4. Upon delivery of the easement, Keith E. Settle and Christina L. Settle shall have the document recorded in the office of the Columbia County Clerk at their own expense and shall forward a recorded copy to the offices of Columbia County Counsel.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Kellie Jo Smith, Chair

By: \_\_\_\_\_  
Casey Garrett, Commissioner

Approved as to form

By: \_\_\_\_\_  
Office of County Counsel

By: \_\_\_\_\_  
Margaret Magruder, Commissioner

EXHIBIT A

**GRANTOR'S NAME AND ADDRESS:**

Board of County Commissioners  
for Columbia County, Oregon Columbia County  
Courthouse,  
230 Strand  
St. Helens, OR 97051

**AFTER RECORDING, RETURN TO GRANTEE:**

Keith E. Settle  
Christina L. Settle  
PO Box 1148.  
Scappoose, OR 97056

**ACCESS EASEMENT**

This Easement is executed by Columbia County ("Grantor") and Keith E. Settle and Christina L. Settle ("Grantee").

**Recitals**

Grantor owns fee title to the parcel of land located in Columbia County and known as the Crown-Zellerbach Trail. Grantee owns fee title to adjoining tracts of land described in Exhibit A (the "Grantee Tract"). In connection with the development of the Grantee Tract, Grantee has requested Grantor to establish an easement for the benefit of the Grantee Tract.

**Grant**

Therefore, in consideration of the premises herein and other valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor and Grantee agree as follows:

- Grant of Easement.** Grantor grants to Grantee, for the benefit of the Grantee Tract, a private, perpetual, nonexclusive easement (the "Easement") over and across the strip of land situated on the Grantor Tract described in Exhibit B (the "Easement Area"). The Easement will be used solely for roadway and utility purposes of providing vehicular, utility and pedestrian access to and from the Grantee Tract (the "Road"); the Easement may be used for such purposes only by Grantee, its successors in ownership of the Grantee Tract, and the tenants, invitees, agents, and employees of Grantee and such successors (collectively, the "Users"), such use to be in common with use of the Easement Area by the owner of the Grantor Tract and its tenants, invitees, agents, employees, successors, and assigns. No above-ground structures, barriers, fences, buildings, or other improvements of any kind will be installed in the Easement Area other than roadway surfaces and improvements and related signage. Grantor reserves the right to install utilities, cables, landscaping, signage, concrete and asphalt surfaces, and other improvements in the Easement Area from time to time, together with the right to grant to third parties any of such reserved rights, as long as such use does not unreasonably interfere with Grantee's permitted uses of the Easement. The parties shall cooperate during any periods of construction so that each party's use shall cause minimum interference to the other and users of the Crown-Zellerbach Trail (also referred to as the "Trail"); however, in case of conflict, Grantor's right of use shall be dominant. No Users of the Easement will park any vehicles in the Easement Area. The grant of the Easement is made subject to all exceptions to title on file or of record in the Official Records of Columbia County, Oregon.
- Nature of Easement.** The Easement granted herein will be appurtenant to, and for the benefit of, the Grantee Tract. Any conveyance of fee title to the Grantee Tract [or any portion that is a legal lot within the Grantee Tract] will include a conveyance of the Easement, regardless of whether the Easement is specifically identified in the instrument of conveyance.

3. **Continued Use for Recreational Trail Purposes.** Grantee acknowledges that the Easement Area is part of a recreational trail and that such use shall continue in the future. Consistent with this intended use, Grantee shall not make any changes in grade, elevation, or contour of the Easement Area without prior written consent of Grantor. Grantee shall conduct all operations within the Easement Area in a manner that preserves the recreational use of the Trail. The Easement Area shall remain open to the public for recreational trail uses unless restricted or closed to public entry by Grantor. Should Grantee require the Easement Area to be closed to the public, Grantee shall obtain Grantor's written approval prior to any closure.

4. **Access Approach.** To protect the Trail and mitigate the impact of vehicles on the Trail, Grantee shall obtain an access approach permit in accordance with the Columbia County Access Approach Ordinance and construct a paved access approach off Scappoose-Vernonia Road. Grantee shall also paint a pedestrian crossing as approved by Grantor over the portion of the Easement Area that will be used for vehicle ingress and egress and shall post signs at all locations where vehicles enter the Easement Area warning of pedestrian use. For the purposes of paragraph 5, the improvements required under this paragraph shall be considered as part of the Easement Area.

5. **Maintenance.** The owner of the Grantee Tract (the "Owner") will, at its sole cost and expense, repair any damage to the Easement Area caused by any Users. Should the Owner fail to correct any deficiency in its compliance with such repair obligation (an "Uncured Deficiency") prior to the expiration of 30 days after the effective date of notice of such Uncured Deficiency from Grantor, then Grantor, at its option (without any obligation to do so), may correct the Uncured Deficiency for the account of Owner, who will reimburse Grantor for all expenses incurred by Grantor in curing such default, together with interest thereon at the rate of 12 percent per annum from the date expended until the date reimbursed to Grantor. Grantor will have no obligation to maintain or repair the Easement Area, and Owner and any parties claiming by, through, or under Owner will be deemed to have elected to use the Easement at their sole risk. Owner, after reasonable notice to Grantor, may make repairs and surface improvements to the Easement Area from time to time at its sole risk and expense.

6. **No Dedication.** Nothing contained herein will be deemed to be a gift or dedication of any portion of the Easement Area to the general public, for the general public, or for any public use or purpose whatsoever.

7. **Indemnity; Attorney Fees.** Owner will indemnify and hold Grantor harmless from and against all claims, damages, losses, causes of action, costs, and expenses (including, without limitation, attorney fees), which may be asserted against or incurred by Grantor as a result of any act or omission of Owner or its agents, contractors, employees, tenants, or invitees related to the use of the Easement Area by any Users. In the event of any litigation or other proceedings brought to enforce or interpret this Easement, the prevailing party in such proceedings will be entitled to recover from the other party the reasonable attorney fees and other costs incurred by the prevailing party in the proceedings or any appeal therefrom.

8. **Insurance.** Owner shall provide a commercial general liability insurance in an amount of not less than \$2,000,000 per occurrence to protect Columbia County, its officers, agents and employees. Owner shall provide Grantor a certificate of insurance in the amount described above that names Columbia County, its officers, agents and employees as additional insureds. Such certificate shall be accompanied by an additional insured endorsement containing the same language. Owner shall notify Grantor immediately upon notification to Owner that any insurance coverage required by this paragraph will be canceled, not renewed or modified in any material way.

9. **Successors.** This Easement will be binding on, and inure to the benefit of, the owners of the Grantor Tract and the Grantee Tract and their respective heirs, successors, and assigns.



The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by Kellie Jo Smith, Casey Garrett, and Margaret Magruder, County Commissioners for Columbia County, a political subdivision of the State of Oregon.

\_\_\_\_\_  
Notary Public for Oregon

GRANTÉE:

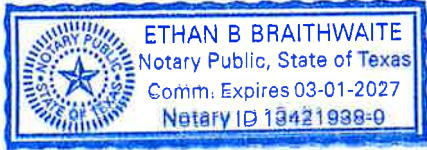
Keith E. Settle  
Keith E. Settle

Christina L. Settle  
Christina L. Settle

(EB) Texas  
STATE OF OREGON )  
(EB) Brazoria ) ss.  
County of Columbia )

The foregoing instrument was acknowledged before me this 22 day of September, 2025, by Keith E. Settle and Christina L. Settle.

Ethan B  
\_\_\_\_\_  
Notary Public for Oregon  
(EB) Texas





## KLS Surveying Inc.

1224 Alder Street  
Vernonia, OR 97064

Phone: (503) 429-6115  
Fax: (866) 297-1402  
Email: [don@klssurveying.com](mailto:don@klssurveying.com)

### Exhibit A

#### TAX LOTS 600 & 3100

Parcels 1, 2, 3 & 4 of that tract of land conveyed to Keith Settle and Christina Settle in deed recorded as Instrument No. 2017-11161, Columbia County Deed Records, lying in the Timothy Lamberson Donation Land Claim of Sections 1 and 2, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at a point on the Westerly line of the Timothy Lamberson Donation Land Claim, said point being the intersection of the center of Scappoose Creek and said Westerly line of said Timothy Lamberson Donation Land Claim, said point also being South 20°01' West 674.10 feet from the Northwest corner of said Timothy Lamberson Donation Land Claim in Section 2, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence along the center of said Scappoose Creek as follows: South 27°25' East a distance of 148.36 feet; thence North 46°11' East a distance of 222.10 feet; thence South 59°18' East a distance of 364.70 feet; thence North 75°18' East a distance of 135.60 feet; thence South 33°25' East a distance of 344.0 feet; thence South 9°35' West a distance of 232.90 feet; thence South 81°21' East a distance of 27.90 feet to the Northeast corner of that tract of land recorded by deed March 26, 1962 in Book 148, Page 500 Columbia County deed records, said point being the True Point of Beginning; thence South 81°21' East 103.30 feet; thence North 84°27' East a distance of 184.35 feet; thence South 84°13' East a distance of 241.12 feet to the West line of that tract of land conveyed by United States National Bank of Portland to Jasper E. Young by deed recorded in Book 45, page 287, Deed Records of Columbia County, Oregon; thence South along the West line of said Jasper E. Young tract a distance of 30.15 feet; thence South 67°43' East along the Southerly line of said Jasper E. Young tract a distance of 410.42 feet; thence South 85°44' East along the South line of said Jasper E. Young tract a distance of 646.28 feet to the Northwest corner of that tract of land conveyed to Homer A. Griswold et ux by deed recorded September 6, 1950 in Book 108, Page 254; thence south along the west line of said Griswold tract to a point that is North 03°40'30" West 166.1 feet from the Southwest corner thereof; thence South 58°37' East along the South line of that tract of land conveyed to Roy E. Baker et al tract as described in Deed recorded May 15, 1974 in Book 196, Page 231 Columbia County deed records 338.57 feet to the most Southerly Southeast corner of said Baker tract; thence North 07°05' East along the East line of said Baker tract 11.1 feet to the Southwest corner of that tract of land conveyed to Riesterer Lumber Products as described in Deed recorded October 10, 1966 in Book 163, Page 106 Columbia County deed records; thence South 80°41' East along the South line of said Baker tract to a point that is North 11°45' East from the Northeast corner of that tract of land conveyed to Albert Brawand recorded December 17, 1968 in Book 171, Page 902 Columbia County deed records; thence South 11°45' West to the Northeast corner of said Brawand tract, thence North 82°53' West on the extension of the North line of said Brawand tract and the North line of Parcel 2 conveyed to Albert Brawand by deed recorded May 3, 1956 in Book 128, Page 484 Columbia County deed records to the intersection of said North line and the Northeasterly right of way line of the Portland and Southwestern Railroad; thence Westerly following said Northeasterly railroad right of way to the Southeast corner of that tract of land recorded by Deed March 26, 1962 in Book 148, Page 500 Columbia County deed records; thence North 36°12' East along said East line 114.7 feet more or less to the true point of beginning.

#### TAX LOT 1700:

Parcel 5 of that tract of land conveyed to Keith Settle and Christina Settle in deed recorded as Instrument No. 2017-11161, Columbia County Deed Records, lying in the Timothy Lamberson Donation Land Claim of Section 1, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at a point on the Westerly right of Way line of the Columbia River Highway, where said Westerly right of way line intersects the Northerly right of Way line of the Portland & Southwestern Railroad, said point being 40.0 feet distant (when measured at right angles) from Highway Engineers centerline Station 979+15.7; said point also being South 1393.8 feet and East 3827.7 feet from the Southwest corner of the Timothy Lamberson Donation Land Claim; thence North 3°40'30" West parallel to and 40.0 feet distant (when measured at right angles) from the centerline of the Columbia River Highway a distance of 1485.7 feet and North 82°53' West 433.22 feet to the true point of beginning for the following described property; thence South 17°23' West a distance of 840.74 feet to the Easterly right of Way line of said Portland & Southwestern Railroad; thence North 37°07' West along said railroad right of way line a distance of 821.22 feet; thence along said railroad right of Way line on a 2889.79 foot radius curve left, the long chord of which bears North 40°18' West a distance of 352.33 feet; thence South 82°53' East a distance of 982.16 feet to the point of beginning. EXCEPTING THEREFROM tract described in Instrument recorded September 24, 1971 in Book 183, page 897, Deed Records of Columbia County, Oregon. ALSO EXCEPTING THEREFROM tracts



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described in deeds to Theodore F. Ottis et ux) recorded October 5, 1971 in Book 183, page 874, and recorded October 6, 1971 in Book 183, page 892, Deed Records of Columbia County, Oregon.

### TAX LOT 2701:

Parcel 1 of that tract of land conveyed to Keith Settle and Christina Settle in deed recorded as Instrument No. 2018-00365, Columbia County Deed Records, lying in the Timothy Lamberson Donation Land Claim of Section 1, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at a point on the Westerly right of way line of the Columbia River Highway where said Westerly right of way line intersects the Northerly right of way line of the Portland and Southwestern Railroad, said point being 40 feet distance (when measured at right angles) from the Highway Engineers Center Line Station 975+15.7, said point also being South 1393.8 feet and East 3827.8 feet from the Southwest corner of the Timothy Lamberson Donation Land Claim, said point of beginning being in Section 1, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence North 3°38' West along said Highway right of way 665.7 feet and South 86° 22' West 60 feet to the center of Scappoose Creek as described in Deed Book 128 at page 484, Deed Records of Columbia County, Oregon, and the true point of beginning of the parcel herein described, thence continuing along said right of way South 86°22' West a distance of 25 feet; thence North 13°04' East a distance of 220.71 feet; thence leaving said right of way North 62°43' West along the center line of a ditch a distance of 702.13 feet to a point which is the Northeast corner of Parcel 2 of the Ralph E. and Cherie A. Thornton tract as described in Deed Book 239 at page 386; thence along the Northerly line of said Parcel 2, North 62°43' West a distance of 73.85 feet; thence North 62°41' 06" West a distance of 244.65 feet; thence leaving said Northerly line South 36°51'31" East a distance of 446.16 feet; thence South 53°08'29" West a distance of 140.00 feet; thence South 36°51'31" East a distance of 50.00 feet; thence South 53°08'29" West a distance of 60.00 feet to a point on the Northerly right of way line of said Portland and Southwestern Railroad which is South 36°51'31" East 7.34 feet from the Southeast Corner of Parcel 2 of said Thornton tract; thence Southeasterly along said Railroad right of way to the center of Scappoose Creek as described in Deed Book 128 at page 484, Deed Records of Columbia County, Oregon; thence along said described Creek center line North 32°09' East a distance of 141.0 feet; thence North 66°01' West a distance of 121.0 feet; thence North 21°31" West a distance of 115.0 feet; thence North 14°36' West a distance of 38.0 feet; thence North 55°24' East a distance of 315.0 feet to the true point of beginning. EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by deed recorded June 27, 1978, in Book 218 at page 742, Deed Records of Columbia County, Oregon.

### TAX LOT 2800:

That tract of land conveyed to Keith Settle and Christina Settle in deed recorded as Instrument No. 2017-11121, Columbia County Deed Records, lying in the Timothy Lamberson Donation Land Claim of Section 1, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at a point which is South 1393.8 feet and East 3827 .8 feet from the Southwest corner of the Timothy Lamberson Donation Land Claim, Columbia County, Oregon; thence North 3°40'30" West 1505.30 feet to the Southeast corner of tract excepted in deed as described in deed to Albert Brawand, recorded December 12, 1967 in Book 167, page 556, Deed Records of Columbia County, Oregon, for the true point of beginning of the following described tract; thence North 80°41' West a distance of 363.36 feet to a point that is North 11°45' East from the Northeast corner of tract described in deed to Albert Brawand recorded December 17, 1968 in Book 171, page 902, Deed Records of Columbia County, Oregon; thence South 11°45' West to the Northeast corner of said Brawand tract as described in said deed Book 171, page 902; thence North 82°53' West a distance of 28.8 feet to a point; thence North 83°15' West a distance of 277.85 feet to a point; thence South 0°17' West a distance of 342.5 feet to the middle of a ditch; thence South 62°43' East along the center of said ditch to the Westerly right of way line of the Columbia River Highway; thence Northerly along said Westerly right of way line of said highway to the point of beginning. EXCEPT THEREFROM that portion conveyed to State of Oregon, by and through its Department of Transportation, Highway Division, by deed recorded June 27, 1978 in Book 218, page 742, Deed Records of Columbia County, Oregon. ALSO, EXCEPT THEREFROM that portion conveyed to State of Oregon, by and through its Department of Transportation, Highway Division, by deed recorded July 26, 1978 in Book 219, page 94, Deed Records of Columbia County, Oregon. ALSO EXCEPTING THEREFROM that portion acquired by the State of Oregon, by and through its Department of Transportation by Condemnation Suit 04-2142, recorded August 9, 2007 as Instrument No. 2007-010415, Records of Columbia County, Oregon.

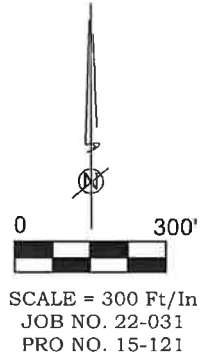


### KLS Surveying Inc.

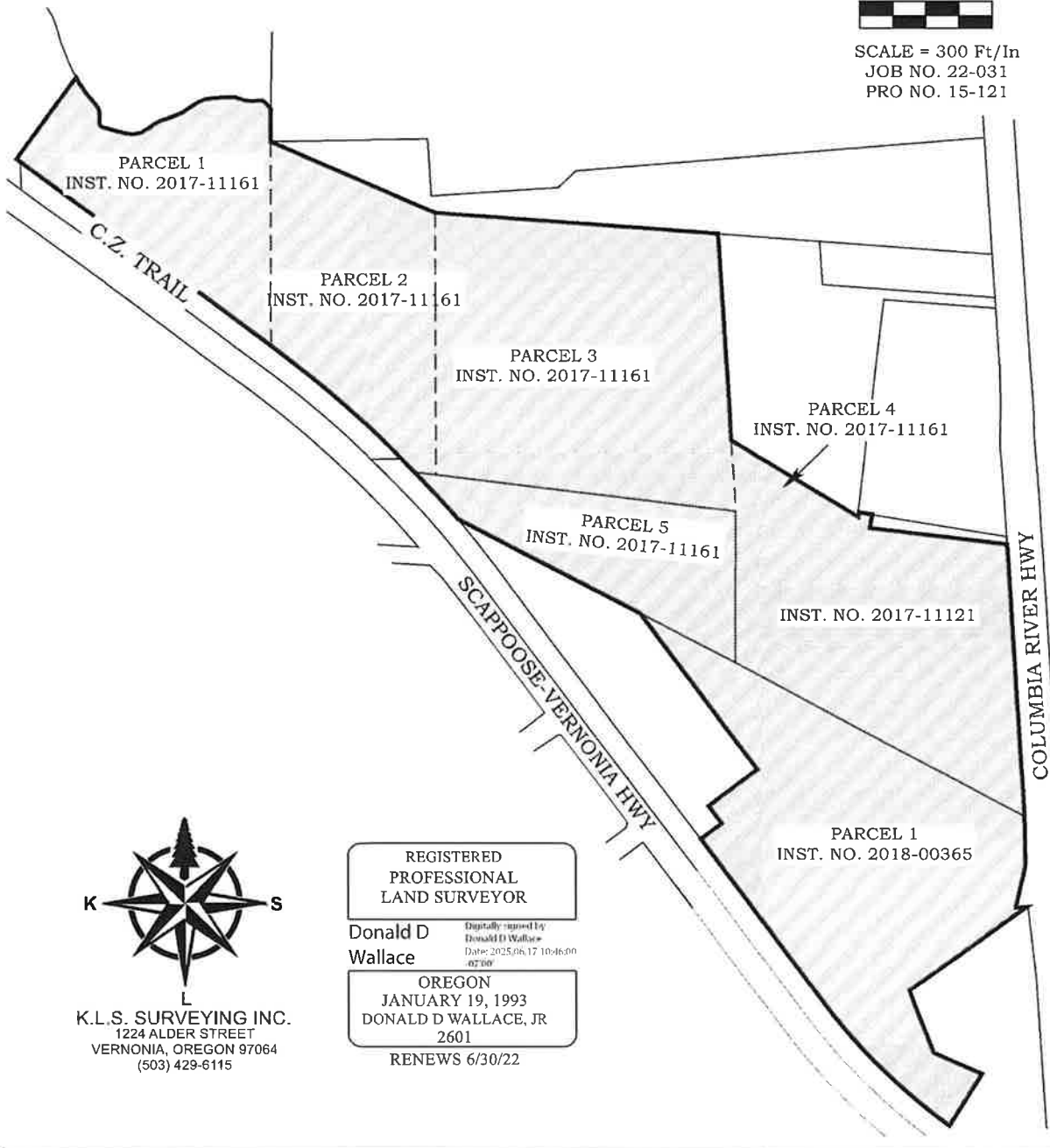
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## SETTLE TRACTS IN SECTIONS 1 AND 2, T3N, R2W, W.M., COLUMBIA COUNTY, OREGON



SCALE = 300 Ft/In  
JOB NO. 22-031  
PRO NO. 15-121



**K.L.S. SURVEYING INC.**  
1224 ALDER STREET  
VERNONIA, OREGON 97064  
(503) 429-6115

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Donald D  
Wallace

Digitally signed by  
Donald D Wallace  
Date: 2025.06.17 10:46:00  
-07'00'

OREGON  
JANUARY 19, 1993  
DONALD D WALLACE, JR  
2601

RENEWS 6/30/22



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5502

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

## EXHIBIT B

### Legal Description

A portion of the Timothy Lamberson Donation Land Claim No. 42, located in the Southwest One-Quarter of Section 1, Township 3 North, Range 2 West, Willamette Meridian, City of Scappoose, Columbia County, Oregon, and being more particularly described as follows:

Beginning at the most northerly corner of Parcel 1 of Partition Plat Number 1995-32, located at the intersection of the southwesterly right-of-way line of Scappoose Vernonia Highway (30.00 feet from centerline) and the southeasterly right-of-way line of NW Olepha Drive (25.00 feet from centerline); thence North  $68^{\circ}50'56''$  East 62.29 feet to the intersection of the northeasterly right-of-way line of Scappoose Vernonia Highway (30.00 feet from centerline), also being the southwesterly right-of-way line of the Old Crown Zellerbach Logging Road (25.00 feet from centerline), and the southwesterly extension of the northwesterly line of an existing 50-foot by 60-foot road easement per Deed Book 218, Page 742, and the True Point of Beginning; thence along said southwesterly extension, North  $53^{\circ}11'37''$  East 50.00 feet to the northeasterly right-of-way line of the Old Crown Zellerbach Logging Road (25.00 feet from centerline); thence along said northeasterly right-of-way line, South  $36^{\circ}44'39''$  East 60.00 feet; thence leaving said northeasterly right-of-way line, South  $53^{\circ}11'37''$  West 50.00 feet to the northeasterly right-of-way line of Scappoose Vernonia Highway (30.00 feet from centerline); thence along said northeasterly right-of-way line, North  $36^{\circ}44'39''$  West 60.00 feet to the True Point of Beginning.

The above described tract of land contains 3,000 square feet, more or less.

1/05/2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

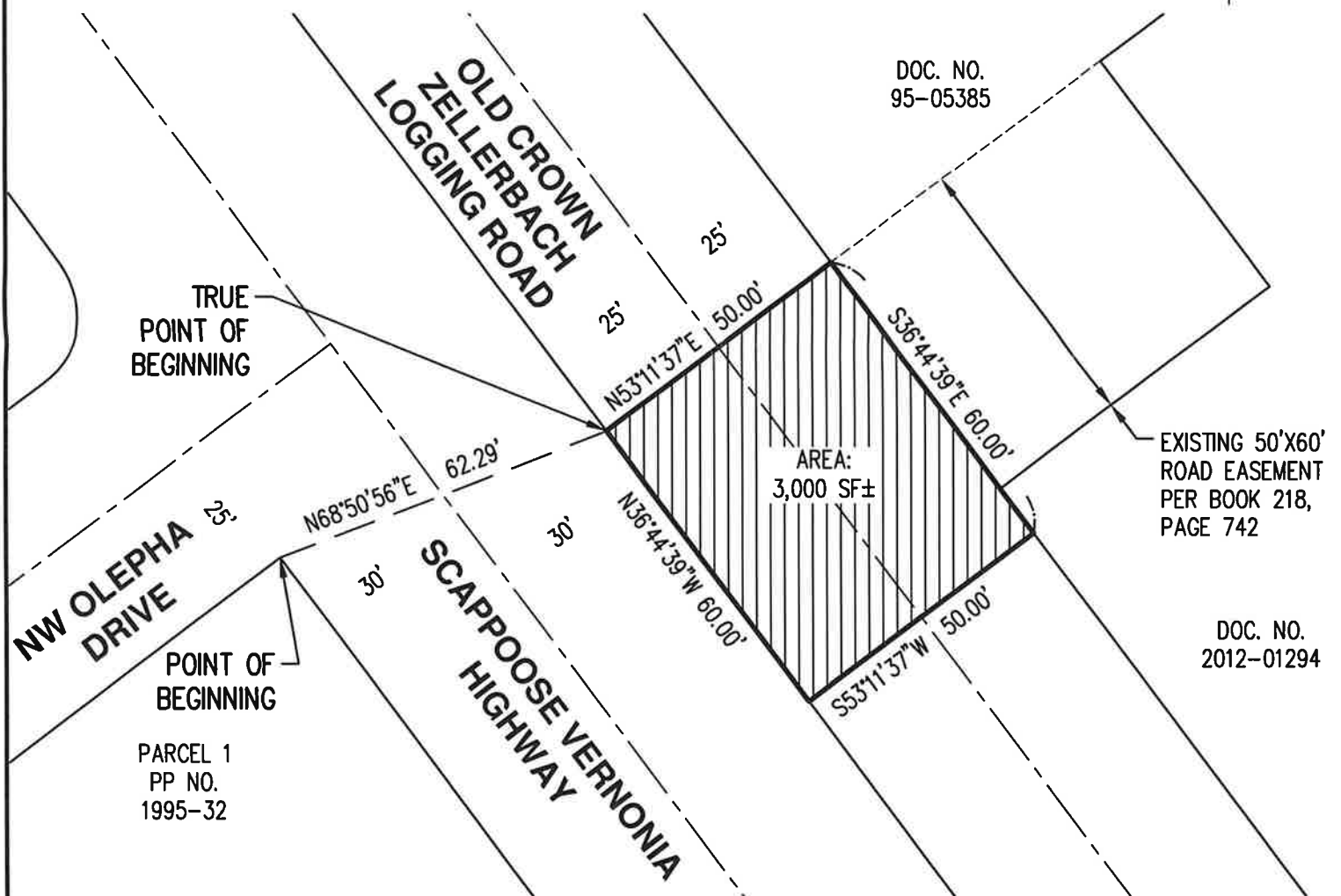
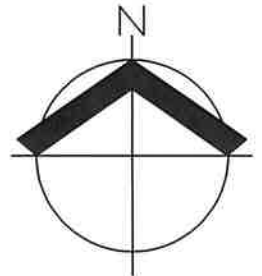
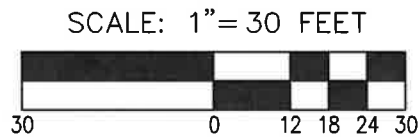
*Michael Kalina*

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/17

A PORTION OF THE TIMOTHY LAMBERSON  
DONATION LAND CLAIM NO. 42, LOCATED IN THE  
SW 1/4 OF SEC. 1, T3N, R2W, W.M., CITY OF  
SCAPPOOSE, COLUMBIA COUNTY, OREGON

PREPARED FOR  
CINNAMON TREE LLC  
48255 VIA SOLANA  
LA QUINTA, CA 92253



DOC. NO.  
95-05385

EXISTING 50'X60'  
ROAD EASEMENT  
PER BOOK 218,  
PAGE 742

DOC. NO.  
2012-01294

PARCEL 1  
PP NO.  
1995-32

01/05/2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael Kal*

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWS: 6/30/17

ACCESS EASEMENT

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: MSK  
CHKD: NSW  
AKS JOB:

5502