

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Conveying Permanent and Temporary Easements to the Oregon Department of Transportation for its Highway 47 Messing Creek Bridge Project

ORDER NO. 58-2024

WHEREAS, ORS 271.310 provides that a political subdivision may sell, exchange, convey or lease all or any part of their interest in the property to a governmental body or private individual or corporation, if the public interest will be furthered; and

WHEREAS, Columbia County owns certain real property located on Highway 47 in Mist, Oregon identified by Tax Map# 6N5W13CC01000; and

WHEREAS, the State of Oregon, by and through its Department of Transportation ("ODOT" or the "State"), is developing a bridge project for a portion of Highway 47 where it crosses Messing Creek (the "Project"); and,

WHEREAS, to construct the Project to develop the path, ODOT requires a permanent easement for slopes containing approximately 1,351 square feet, and a temporary construction easement for work area, containing approximately 2,059 square feet, both of which are described in the Permanent Easement, attached hereto as Attachment 1 and incorporated herein by this reference; and

WHEREAS, the State has offered the County \$750.00 (Seven Hundred, Fifty dollars) as compensation for the easements.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS hereby orders, as follows:

1. The Board of County Commissioners for Columbia County accepts the compensation offered by the State and grants a permanent easement for slopes and a temporary construction easement to the State for the construction of the Project, as described in Attachment 1, across the County-owned real property located on Highway 47 in Mist, Oregon identified by Tax Map# 6N5W13CC01000; and

2. The Board of County Commissioners finds that granting the easements furthers the public interest by improving drainage in the area and protecting Highway 47 from flooding; and
3. Upon delivery of the easements, the State shall have the document recorded in the office of the Columbia County Clerk and shall forwarded an executed, recorded copy to the offices of Columbia County Counsel.

DATED this 27th day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Not Present
Casey Garrett, Chair

By: [Signature]
Kellie Jo Smith, Commissioner

By: [Signature]
Margert Magruder, Commissioner

Approved as to form
By: [Signature]
Office of County Counsel

File 9976004
Drawing RW9976M

ATTACHMENT 1

PERMANENT EASEMENT

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of \$750.00, does grant to the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, upon the property described as **Parcel 1 on Exhibit "A" dated May 14, 2024**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way.

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it upon said property, nor shall Grantee be subject to any damages to Grantor, and grantor's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting on said property.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcel 2 on Exhibit "A" dated May 14, 2024**, attached hereto and by this reference made a part hereof.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 60513CC-01000

Property Address: N/A

File 9976004
Drawing RW9976M

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate four (4) years from the date hereof or upon completion of the State of Oregon Department of Transportation's construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

File 9976004
Drawing RW9976M

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 27 day of November, 2024

COLUMBIA COUNTY, a political subdivision of the State of Oregon

ATTEST:

By: Debbie Kley
County Clerk

By: [Signature]
Chairperson

By: Not Present
County Commissioner

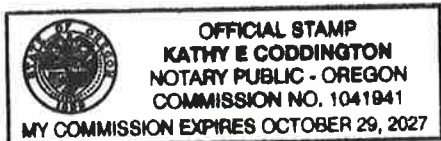
By: [Signature]
County Commissioner

STATE OF Oregon, County of Columbia

Dated November 27, 2024. Personally appeared Kellie Jo Smith

Margaret Magruder, _____, and _____

who, being sworn, stated that they are the Chairperson, County Commissioners and County Clerk of Columbia County, a political subdivision of the State of Oregon, and that this instrument was voluntarily signed on behalf of the County by authority of an order of the Board of Commissioners. Before me:



[Signature]
Notary Public for State of Oregon
My Commission expires 10/29/2027

Accepted on behalf of the Oregon Department of Transportation

Parcel 1 – Permanent Easement for Slopes

A parcel of land lying Lots 1, 2, 3, and 4, Block 6, ESTO, Columbia County, Oregon and being a portion of that property described in that Deed to Columbia County, a political subdivision of the State of Oregon, recorded October 16, 1995, Fee No. 95-08793, Columbia County Clerk's Office, and being a portion of that property described in that Statutory Bargain and Sale Deed to Columbia County, Oregon, recorded August 4, 1998, Fee No. 98-09579; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the center line of the relocated Mist-Clatskanie Highway, which center line is more particularly described as follows:

Beginning at a point opposite and 86.58 feet Southeasterly of Engineer's Station 615+54.00 on the center line of the relocated Mist-Clatskanie Highway; thence Southeasterly to a point opposite and 121.60 feet Southeasterly of Engineer's Station 615+44.18 on said center line; thence Southwesterly to a point opposite and 143.00 feet Southeasterly of Engineer's Station 616+21.24 on said centerline; thence Northwesterly to a point opposite and 107.95 feet Southeasterly of Engineer's Station 616+31.00 on said centerline.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
'C' 619+38.00		'C' 620+15.00	30.00 in a straight line to 41.00
'C' 620+15.00		'C' 621+35.00	41.00 in a straight line to 37.00

Bearings are based on County Survey No. 6978, filed December 19, 2022, Columbia County, Oregon.

This parcel of land contains 1,351 square feet, more or less.

EXHIBIT A - Page 2 of 2

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 5/14/24

Parcel 2 – Temporary Easement for Work Area (4 years or duration of Project, whichever is sooner)

A parcel of land lying Lots 1, 2, 3, and 4, Block 6, ESTO, Columbia County, Oregon and being a portion of that property described in that Deed to Columbia County, a political subdivision of the State of Oregon, recorded October 16, 1995, Fee No. 95-08793, Columbia County Clerk's Office, and being a portion of that property described in that Statutory Bargain and Sale Deed to Columbia County, Oregon, recorded August 4, 1998, Fee No. 98-09579; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the center line of the relocated Mist-Clatskanie Highway, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
'C' 619+00.00		'C' 620+19.00	34.00 in a straight line to 52.00
'C' 620+19.00		'C' 621+35.00	52.00 in a straight line to 47.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 2,059 square feet, more or less.

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

BEAUDUY Reed Digitally signed by BEAUDUY
 Reed C
 C Date: 2024.05.20 10:41:47
 -07'00'

**OREGON
 JANUARY 8, 2019
 REED CARLSON BEAUDUY
 93377PLS**

RENEWS: 12/31/2025