## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of a Portion of	)
Atkins County Road No. 26 (Downing Road)	
Near Clatskanie, Oregon	ORDER NO. 86 - 2008
[Initiated by Columbia County]	<ul><li>(Initiating/Finalizing Vacation Proceedings)</li></ul>
	)

WHEREAS, pursuant to ORS 368.341(1) the Board of Commissioners for Columbia County, Oregon, may initiate proceedings to vacate property under ORS 368.326 to 368.366, and hereby declares its intent to vacate certain property; and

WHEREAS, in May 2008, attorney Larry Derr, on behalf of his clients Donald and Theora Campbell, wrote the Board of Commissioners indicating that his clients were preparing to file a petition to vacate a portion of Atkins County Road No. 26 (Downing Road) (hereinafter "Atkins-Downing Road") near Clatskanie, Oregon, and requesting a waiver of the customary filing fee for filing a petition for vacation, a copy of said letter being attached hereto as Exhibit 1 and by this reference incorporated herein; and

WHEREAS, after hearing from staff at a regularly-scheduled meeting on June 11, 2008, that the vacation of this portion of Atkins-Downing Road would be in the best interests of the public, the Board of County Commissioners elected to initiate the vacation proceedings upon receipt of the Public Works Director's written recommendation that the vacation would be in the public interest; and

WHEREAS, the portion of Atkins-Downing Road proposed to be vacated is generally described beginning 50 feet north of the intersection of Atkins-Downing Road with John McAdams County Road P-16 (aka Alston-Mayger County Road) to its terminus at the westerly lot line of that property known as Tax Map ID No. 8N3W28-00-00800, and is more particularly described on Exhibit 2 attached hereto and by this reference incorporated herein; and

WHEREAS, a map of that portion of the right-of-way proposed to be vacated is attached hereto, as Exhibit 3 and by this reference incorporated herein; and

WHEREAS, by letter dated October 29, 2008, Mr. Derr forwarded the consents of abutting property owners Donald Campbell and Theora Campbell, Walter G. Posch, William G. Posch, Donna

D. Jackson and Zachary W. Posch, said consents being attached hereto as Exhibits 4 through 6, respectively, and incorporated herein by this reference; and

WHEREAS, the attached consents contain the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated indicating the owners' approval of the proposed vacation; and

WHEREAS, the County has also received copies of Reciprocal Easements signed by each of the above-named abutting property owners wherein access to the property abutting the right-of-way proposed for vacation is assured, said easements being attached hereto as Exhibits 7 through 9; and

WHEREAS, the County has also received copies of Maintenance Agreements signed by each of the above-named abutting property owners wherein the private access right-of-way after vacation will be sufficiently maintained to allow continued use, said agreements being attached hereto as Exhibits 10 through 12; and

WHEREAS, the signature requirements of ORS 368.351 having been met, the Board may make a determination about the vacation without holding a hearing if the county road official, i.e., the Roadmaster, files with the Board a written report that contains his assessment that the vacation is in the public interest; and

WHEREAS, the County Roadmaster, Dave Hill, has filed a report dated November 25, 2008, with the Board indicating that it was his assessment that the vacation would be in the public interest and outlining the reasons why, a copy of the Roadmaster's report being attached hereto as Exhibit 13 and by this reference incorporated herein; and

WHEREAS, the Board finds that the petition meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351;

#### NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1. Vacation of that portion of Atkins-Downing Road, as more particularly described on Exhibit 2 and as shown in Exhibit 3, is in the public interest.
- 2. Upon the recording of the Reciprocal Easements and Maintenance Agreements attached hereto as Exhibits 7 through 12, the property described on Exhibit 2 and depicted in Exhibit 3 shall be vacated, and shall thereafter vest in the abutting property owners as provided in ORS 368.366(1) by extension of said owners' abutting property boundaries to the centerline of the vacated platted right-of-way.
- 3. The vacation is being made with a specific reservation of any existing rights-of-way for utility easements.

Commissioner

Sy: \_\_\_\_\_\_Office of County Counsel

S:\COUNSEL\ROADS\ATKINS\ORD INITIAT & FINAL.wpd

LAW Offices of

## Josselson & Potter

FORMERIS JOSSELSON, POTTER & ROBERTS 425 NW 10TH AVENUE, SUITE 306 PORTLAND, OREGON 97209 FELEPLIONE: (503) 228-1455 FACSIMILE: (503) 228-0171

May 22, 2008

Board of County Commissioners Columbia County 230 Strand Street St. Helens, OR 97051

Re: Vacation Fee Waiver

Dear Commissioners Bernhard, Corsiglia and Hyde:

My clients, Donald and Theora Campbell, will be submitting a petition for vacation of an unimproved portion of Atkins-Downing County Road near Rainier to comply with a condition of approval of a minor partition of their property. The vacation was suggested by County staff and is in the public interest as explained below. It was also suggested that they request the Board to waive the \$1,000 petition fee in recognition of the public interest served. The Road Department has consented to waiver of the \$500 portion of the fee attributed to the Department

A map of the proposed vacation is attached. The Campbells own Tax Lot 800 on the map. The owners of Tax Lots 699 and 700 will consent to the vacation so all of the contiguous properties will be a party to the request and no hearing will be necessary. The parties will enter into reciprocal easements and a maintenance agreement to replace the public right of way access.

Atkins-Downing Road has existed as a public road since at least the late 1800s as an extension of what is now Alston Mayger Road leading to a former landing on the Columbia River. In 1967, a prior owner of the Campbell's property obtained a vacation of the portion of Atkins-Downing Road that is on the Campbell property.

The Campbells obtained minor partition approval in Case Number 07-09 to divide their property into three parcels of 5, 10 and 11.7 acres. A copy of the preliminary partition map is also attached. The two smaller parcels will have frontage and can access Alston Mayger Road and a short section of Atkins-Downing Road. The larger parcel is down a steep hill and close to the river level. The portion of the public road reaching this parcel is too steep to be improved to public road standards but can be improved to private road standards. It is a dead end, serving no other property.

Board of County Commissioners Columbia County May 22, 2008 Page 2 of 2

In discussions with the Road Department, the Campbells explored seeking a variance from the maximum grade standard to improve the road as a public road. The Road Department recommended instead that the Campbells seek a variance from the Zoning Ordinance requirement that every new parcel have frontage on a public road, improve the road to private standards and obtain vacation of the steep portion of the road. In this way the County would not have to maintain a below standard road or be responsible for potential nuisance activities on a dead end road leading to the river. In addition to the minor partition noted above, the Planning Commission approved V 08-10 granting a variance from the public road frontage requirement. The approvals are conditioned on the Campbells obtaining the vacation described above.

The proposed vacation retains a short section of relatively level Atkins-Downing Road where it joins Alston Mayger Road. This portion can be improved to public road standards and will assure that the two upper lots will retain sufficient frontage on the public roads.

The Campbells ask for your favorable consideration of the fee waiver request. They are prepared to immediately submit the vacation petition with the required consents.

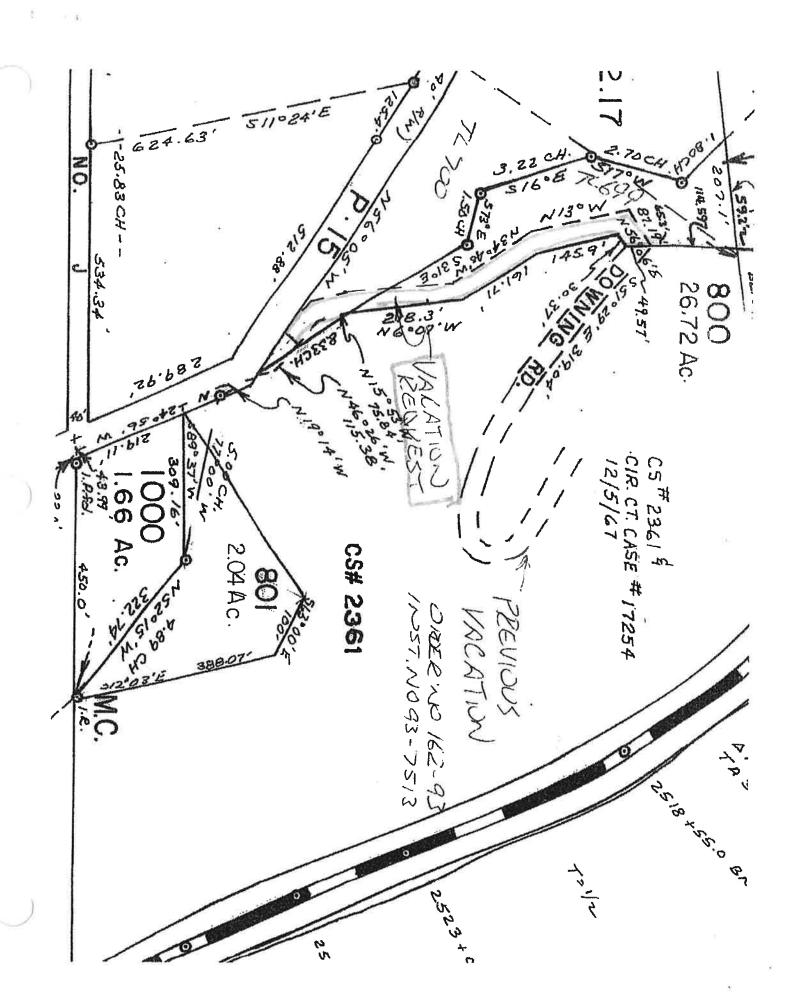
Very truly yours,

Lawrence R. Derr

Enclosure

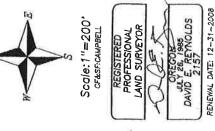
cc: Donald and Theora Campbell

David Reynolds



ZONING: RR5 65# 2361 PARCELZ 10.0AC C.S. 23614 Crawit Cr Jour # 44 Pt 752 2.04 Ac 11.7 Ac. 1/2 139.922) DE BUISTA PARCEL 5.00 AC **8**00 26.72 Ac. £/19.53' -25.83 CM-669 32.17 CS# 2711 COR. ₽Ac. 4

Preliminary Plat Situated In The S.E. 1/4 Section 28, T.8N,R.3W.,W.M. Columbia County, Oregon November 9, 2007 Don Campbell



Reynolds Land Surveying, Inc. 32990 Stone Road Warren, Oregon 97053 (503) 397–5516

ACREAGE: 26.72 AC.+/-TAX PARCEL NO. 8328-000-00800

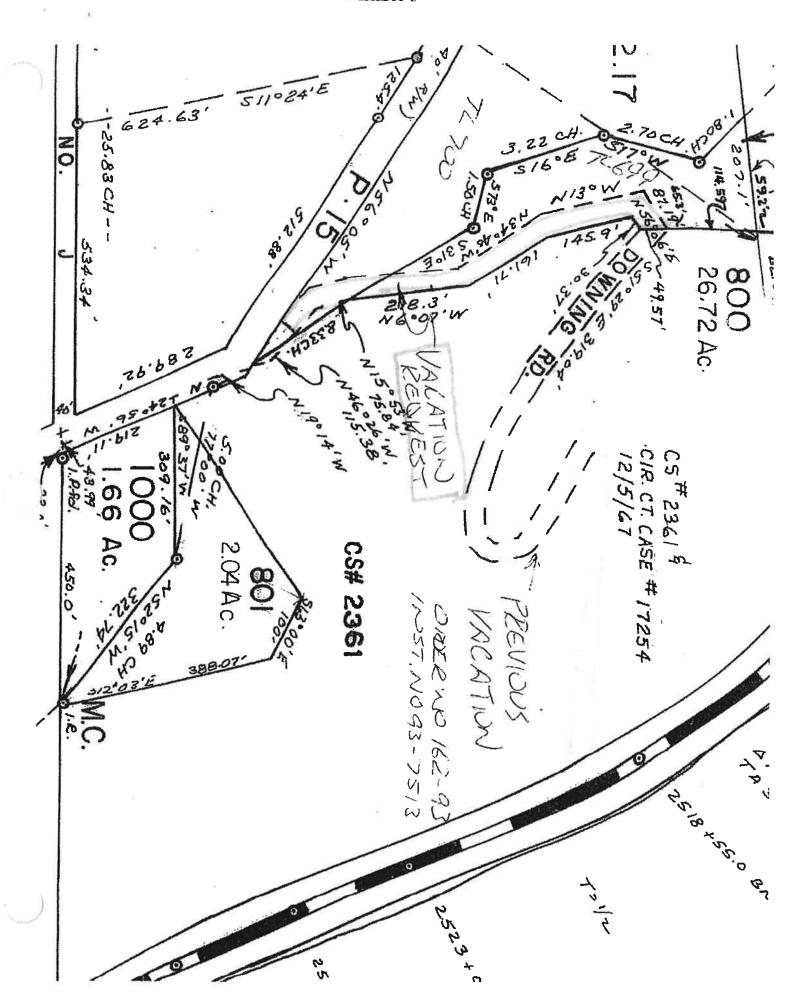
April 29, 2008

Legal Description
Vacation of a portion of
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.



pof Road Survey Inst #93-7575 6 C. I le le s It genol le con to Sama to and Scale 20. Chering to 1 winds not survey and 26-27 528 2 ergether motion Sournes

# CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

1.	Name(s) of abutting property owner(s): DONALD CAMPBELL AND
2,	Mailing address of abutting property owner(s): PO BOX 1115, RAINER. ORECON 97048
3.	Legal description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description):
	Tax Account No. 8328-000-00800
<b>4</b> .	Legal description of property proposed for vacation (attach additional sheets if necessary): BEGINNING AT THE PORTION OF ATICINS COUNTY ROAD NO. 26 THAT WAS INCATED BY ORDER NO. 162-93 (COMMISSION KINDAM 41, FR.S.) THENCE SOUTHERLY TO ITS INTERSECTION WITH ACSTON MAYGER EURO ACCINSTICN SECTION 28, T. 8N, R. 3W, W. INTO SECTION 28, T. 8N, R. 3W, W. INTERSECTION WITH ACSTON MAYGER EURO ACCINSTICN 28, T. 8N, R. 3W, W. INTERSECTION SECTION 28, T. 8N, R. 3W, W. INTERSECTION 28, T. 8N, R. 3W, W. AND SECTION 28, T. 8N, R. 3W, W. AND SECTION 28, T. 8N, R. 3W, W. AND SECTION 28, T. 8N, R. 3W, W. 3W, W
	(Co-Property Owner's Signature [if any])  Date
	TE OF OREGON ) ) ss. ty of Columbia )
	OFFICIAL SEAL  C. ARTHUR BRADLEY NOTARY PUBLIC-OREGON COMMISSION NO. 383231 MY COMMISSION EXPIRES AUGUST 4, 2008  My Commission Expires: Acc. 4, 2008  My Commission Expires: Acc. 4, 2008

EXNIBIT H

#### BARGAIN AND SALE DEED

Hereinafter called grantor, for the KNOW ALL BY THESE PRESENTS that DONALD CAMPBELL consideration hereinafter stated, does hereby grant, bargain, sell and convey unto DONALD CAMPBELL AND THEORA CAMPBELL, husband and wife Hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in COLUMBIA County, State of Oregon, described as follows, to-

AS ATTACHED HERETO AS EXHIBIT "A" AND BY THIS REFERENE) INCORPORATED HEREIN To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars is \$0.00 However, the actual consideration consists of or includes other property of value given or promised which is i part of the II the whole (indicate which) consideration. IN WITNESS WHEREOF, the grantor has executed the instrument on SEPTEMBER 1, 2004 If grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATION. 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 VERTY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 COUNTY OF \_\_\_ J. SS. STATE OF STATE OF OREGON, COUNTY OF COLUMBIA). SS. This foregoing instrument was acknowledged Before me This foregoing instrument was acknowledged Before me day of day of SEPTEMBER . 2004. DONALD CAMPBELL And By A corporation, on behalf of the corporation Notary Public for Oregon Notary Public for Oregon

My Commission Expires: June of 2000 My Commission Expires:

OFFICIAL SEAL ARLETTA D ARNSPIGER NOTARY PUBLIC-OREGON COMMISSION NO. 381572 MY COMMISSION EXPIRES JUNE 8, 2008

SEAL

SEAL

Title Order No:

Escrow No:

AFTER RECORDING RETURN TO:

DONALD CAMPBELL AND THEORA CAMPBELL 25660 NW MORELAND ROAD NORTH PLAINS, OR 97133

CHANGE tS REQUESTED. STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

SAME AS ABOVE

THIS SPACE RESERVED FOR RECORDER'S USE

COLUMBIA COUNTY, OREGON 2004-011498 09/02/2004 02:00:59 PM Cote1 Sto=8 HUSERB

\$10.00 \$11.00 \$10.00

Total:\$31.00

Bizabath E. Huser - County Clerk

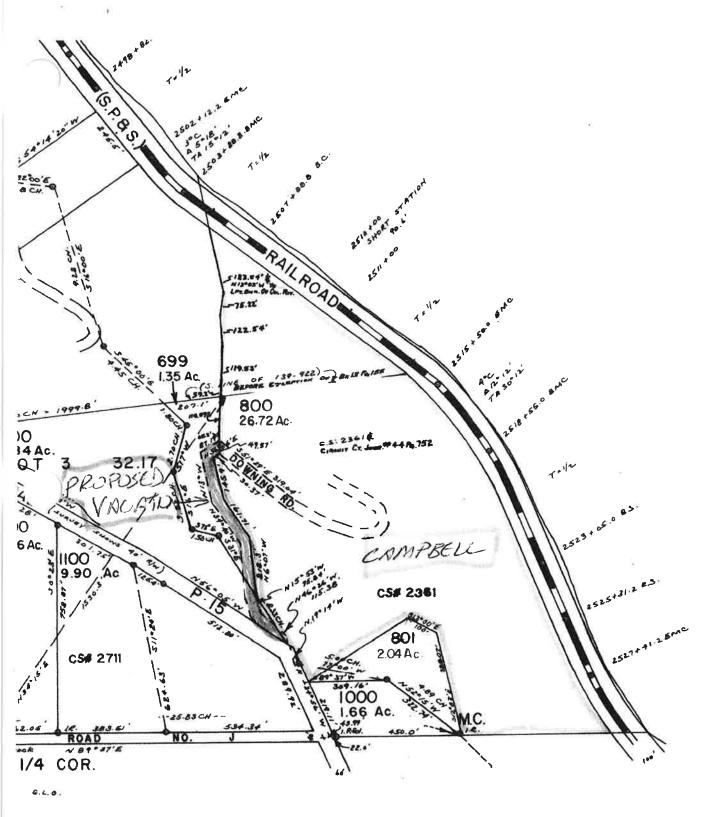
# THE REAL PROPERTY.

#### LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road; Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING; Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road; Thence following said Downing Road right of way North 19° 14' 00" West a distance of 93.55 feet; Thence North 46° 26' 00" West a distance of 115.38 feet; Thence North 15° 53' 00" West a distance of 75.84 feet; Thence North 06° 07' 00" West a distance of 218.3 feet; Thence North 34° 40' 00" West a distance of 161.71 feet; Thence North 13° 00' 00" West a distance of 145.9 feet; Thence North 56° 06' 00" East a distance of 30.37 feet; Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute; Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet; Thence North 04° 11' 00" Bast a distance of 173.79 feet; Thence North 01° 17' 00" East a distance of 119.53 feet; Thence North 05° 08' 00" West a distance of 122.44 feet; Thence North 08° 37' 00" East a distance of 75.22 feet; Thence North 13° 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokane, Portland and Seattle Railway; Thence continuing North 13° 03' 00" West to the left bank of the Columbia River; Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid; Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Thence North 52° 15' 00" West a distance of 322.74 feet; Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING; EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.

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8 3 33

8 3 28

# CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

- 1. Name(s) of abutting property owner(s): Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch
- 2. Mailing address of abutting property owner(s): c/o Walter Posch, 79003 Alston Mayger Rd, Rainier, OR 97048
- Legal Description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description): See attached Exhibit A
- 4. Legal description of property proposed for vacation (attach additional sheets if necessary): See attached Exhibit B
- 5. I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Dated 10, 20, 2008  Walter G. Posch by Miriam R. Posch POA	William G. Posch
Donna D. Jackson	Zachary W. Posch
State of Oregon ) ) County of Columbia )	
	Attorney for Walter G. Posch.  Notary Public for Oregon WA  My Commission expires: 1-5-201

State of Oregon )  County of 61 (1)	
The foregoing instrument was act ledged 2008 by William G. Posch.  State of Montana  County of	Notary Public for Oregon  Notary Public for Oregon  Notary Public for Oregon  Notary Public for Oregon
The foregoing instrument was acknowledged 2008 by Donna D. Jackson.	d before me this day of,
	Notary Public for Oregon My Commission expires:
State of Oregon ) ) County of ( ) )	
The foregoing instrument was acknowledged 2008 by Zachary W. Posch.	d before me this day of,
CHARLE CON ELECTOR NOTARY TO NOTARY TO WASHINGTON	Notary Public for Oregon Washington My Commission expires:

~ 38 8-3 (17) TZ 700

169 na 126

DEED

KIOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Morma J. Osborn, husband and wife, horoinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTORS paid by Goorge E. Posch and Ethel Lozetta Posch, husband and wife, hereinafter called the GRANTEES, do hereby grant, bargain, sell and convey unto the said GRANTEES and their heirs, successors and assigns, that the said GRANTEES and their heirs, bereditaments and appuiseration real property, with the tenements, hereditaments and appuisements thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of road?

Beginning at the quarter section corner on the Bouth boundary of Beginning at the quarter section corner on the Bouth boundary of Section 28 in Township 8 North, Range 3 West of the Willsmatte Meridian, Columbia County, Oregon; running thence west on Section line 20 chains to the Southwest corner of the Southwest experts of said Section 28; thence quarter of the Southwest courter of said Section 28; thence (variation North on sixteenth section line 15 chains; thence (variation North on sixteenth section line 15 chains; thence (variation North 21°30° East) North 33° East 30.30 chains to the U. S. Heander line on the Westerly bank of the Columbia River; thence upstream following the said meander line South 15° East 1.80 .

Upstream following the said meander line South 16° East 1.22 chains; chains; South 11° West 2.70 chains; South 16° East 3.30 chains; South 77° East 5.00 chains; South 52 1/4° East 4.89 chains; to the meander corner on the line between Sections 28 and 33; thence west on section 1.ms 25.63 chains to the place of beginning; excepting therefrom the following:

- Wilson and wire by dead recorded June 12, 1902, in Book 2, page 231 of Dead Records of Columbia County, Oregon.
- (2) Rights of way for 99 years convoyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in ... Book 13, page 418 of Deed Records of Columbia County, Oregon.
- (3) The 40 foot atrip for road convoyed to Columbia County by Ida Anderson and husband by deed recorded February 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oregon.
- (h) 100 foot strip for railroad right of way as described in deed from William J. Banborn and wife to Astoria and Columbia River Railroad Company, recorded Hovember 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.
- by dead recorded June 29, 1966 in Book 152, page 117 of Deed Records of Columbia County. Oregon.
- (6) The tract of land conveyed to John A. Rustola et und by deed revorded August 11, 1966 in Book 162, page 492 of Deed Records of Columbia County, Oregon.
  - (7) That portion of land set over to Charles As Bondshadler et ux as described in decree dated December 5, 1967 in Suit in Ho. 1725h in State Circuit Court.

DEED

Page One

#### SUBJECT TO:

- Rights of the public in roads and highways.
- "A right of way for a wagon road over and across above described tract ratained by grantors," as excepted from deed from William J. Banborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.

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Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 5), page 21, of Deed by Geords, Columbia, County, Oregon, reference to which is hereby made.

#### ALBO EVEJECT TO:

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Mortgage, including the terms and provisions thereof, executed by Glenn H. Osborn and Horna J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, duted June 11, 1962, resorded June 12, 1962, in Book 90, poration, duted June 11, 1962, resorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$6,500.00, with interest thereon.

GRANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of dellars, is \$11,000,00; of which \$1,500.00 is in money and approximately \$7,500.00 is an ansumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximataly \$7,500.00.

. TO HAVE AND TO HOLD the same unto the said ORANTEES and their heirs; successors and assigns forever.

And said CHANTORS hereby covenant to and with said CHANTERS and their helrs, successors and assigns, that CHANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that CHANTORS will verrant and forever defend the above granted premises and every verrant and parcel thereof against the lawful claims and demands of part and parcel thereof against the lawful claims and demands of all persons whomscorer, attributations, claiming under the shore accordance described encumbrances. described enounbrances. in the world Chapter of the second of the

WITHESS GRANTORS ! hands this 29 Hday of April, 1960. WITHESS GRANTON

DEED Page Two

> - Street State of the State of

the alternation of the con-

STATE OF ORDGON

county of Columbia

April 29, 1968. Fersonally appeared the within named Glann H. Caborn and Horma J. Orborn, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and dead.

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Hy domnission expires | Haw, CLIPTOWN My Completen Explose March 31, 1770

DEED Page Three

#### QUITCIAIN DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey 12361 in Section 28, T8N, R3W, W.H., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3M, etc: thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 25.0' to the true point of beginning, S8 point also being the most Northery point of intersection between the Easterly R/W line of Downing R4 & the "U.S. Meander Line on the West Bank of the Columbia River": Thence following S8 Meander line N31 degrees 00'W 341.78'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Meander N83 degrees E 207.1' to a point in the center of the Old-Downing Log Chute that is N34 degrees 15'E 1530.3'+ from S8 Bouth 1/4 corner; Thence along S8 center S4 degrees 11'W a distance of 114.59'; Thence 69' degrees 30' W 65.3' to the most Northerly point on the R/W of S8. Downing Road; Thence 1eaving S8 chute center S2 degrees 18'W a distance of 49.57' to the Southerly R/W of S8. Downing Road; Thence following S8. it/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

- This property is conveyed AS-IS without covenants or varranties, subject to any municipal liens, easements and encumbrances of record.
- All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
- 3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration, or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and eggess thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

QUITCIAIN DEED - 1.

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.

DATED this 4th . day of April , 1990.

BOARD OF COUNTY COMMISSIONERS FOR COLLMBIA COUNTY, CRESCA!

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Rue

Complasioner

W HUNGHISTONER

E3

County of Columbia)

THIS INSTRUMENT was acknowledged before me on invit 4 , 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

Nothing Public for Oregon
My Commission Expires: 12-14-91

interest was resident fire result and interest and increased in the County of Salambile, State of Orygan.

8 8 2 50 MPR 13 M1 44
Instrument a 90-1582

LIZABETH HUSER, County Clock
The County Clock
Receipt a Free \$ 1215

QUITCLATH DEED - '2

April 29, 2008

Legal Description Vacation of a portion of Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

# CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

1.	Name(s) of abutting property owner(s): Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch			
2.	Mailing address of abutting property owner(s): c/o Walter Posch, 79003 Alston Mayger Rd, Rainier, OR 97048			
3.	Legal Description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description): See attached Exhibit A			
4.	Legal description of property proposed for vacation (attach additional sheets if necessary): See attached Exhibit B			
5.	I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.			
	Dated 9/09, 2008			
		Wa.		
Walte	er G. Posch by Miriam R. Posch POA	William G. Posch		
0	a D. Jackson			
Donn	a D. Jackson	Zachary W. Posch		
State	of Oregon )			
Count	ty of Columbia )			
2008 1	The foregoing instrument was acknowled by Miriam R. Posch pursuant to Power of A			
		Notary Public for Oregon  My Commission expires:		

State of Oregon	)		
County of	)		
The foregoing instrur 2008 by William G. Posch.	ment was acknowledge	d before me this day of	
		Notary Public for Oregon My Commission expires:	
State of Montana	) -		
County of Pandera	)		
	ment was acknowledge ANMER LIC for the ontana dy, Montana on Expires	Notary Public for Oregon My Commission expires:	Counce
State of Oregon	)		
County of	)		
The foregoing instruction 2008 by Zachary W. Posch.	ment was acknowledge	d before me this day o	f,
		Notary Public for Oregon	
		My Commission expires:	

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DEED

KNOW ALL MEN BY THESE PRESENTS, That we, Glonn H. Osborn and Morma J. Osborn, husband and wife, hordinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTORS paid by George B. Posch and Ethel Lozotta Posch, husband and wife, hereinafter called the GRANTEES, do hereby grant, bargain, sall and convay unto the said GRANTEES and their heirs, successors and assigns, that the said GRANTEES and their heirs, successors and assigns, that cortain real property, with the tenements, horoditaments and appuir-tenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of of road to Beginning at the quarter section corner on the South boundary of Beginning at the quarter section corner on the South boundary of Bection 20 in Township 8 North, Range 3 West of the Willsmatte Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Southwest corner of the Southwest quarter of the Southwest ovarter of said Section 28; thence quarter of the Southwest ovarter of said Section 28; thence Worth on mixtgenth Mestion line 15 chains; thence (variation North 21°30° East) North 33° East 30.30 chains; to the U. S. Heander line on the Westerly bank of the Columbia River; thence upstream following the said meander line South 15° East 1.80 chains; South 17° West 2.70 chains; South 16° East 1.22 chains; South 73° East 1.50 chains; South 31° East 8.33 chains; South 77° East 5.00 chains; South 52 1/4° East 4.89 chains, to the meander corner on the line between Sections 28 and 33; thence West on section 1.ms 25.63 chains to the place of beginning; excepting therefrom the following:

- Wilson and wife by dead recorded June 12, 1902, in Book 2, page 221 of Dead Records of Columbia County, Oregon.
- (2) Hights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in ... Book 13, page 418 of Deed Records of Columbia County, Oregon.
- by Ida Anderson and husband by deed resorded Pebruary 14, 1911, in Book 14, page 426 of Deed Resords of Columbia Dounty, Oragon.
- in deed from William J. Banborn and wife to Astoria and Columbia River Rallroad Company, recorded Hovember 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.
- by dead recorded June 29, 1966 in Book 152, page 117 of Deed Records of Columbia County, Oregons
- (6) The tract of land conveyed to John A. Mustola at und by deed revorded August 11, 1966 in Book 162, page 492 of Dead Records of Columbia County, Oregon.
  - (7) That portion of land set over to Charles A. Bendanadler et ux as described in decree dated December 5, 1967 in Suit Ho. 1725h in State Circuit Court.

DEED

Page One

#### SUBJECT TO:

- Rights of the public in roads and highways.
- "A right of way for a wagon road over and across above described tract ratained by grantors," as excepted from deed from Hilliam J. Banborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.

Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Doed Records, Columbia, County, Oregon, reference, to which is hereby at reads. rendo.

#### ALSO SUBJECT TO:

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::. ,..;

..! >

Hortgage, including the terms and provisions thereof, executed by Glend H. Osborn and Norma J. Caborn, husband and wife, to First Federal Sayings and Loan Association of Longview, a Federal Corporation, duted June 11, 1952, resorded June 12, 1962, in Book 90, page 123, Fortgage Records of Columbia County, Oregon, given to accura the payment of a note for \$0,500,00, with interest thereon.

ORANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in torus of dollars, is \$11,000,00; of which \$1,500.00 is in money and approximately \$7,500.00 is an ansumption of the above mortgage. Sellers variant that the balance owing on said mortgage is approximately \$7,500.00.

TO HAVE AND TO HOLD the same unto the said GRANTEES and their heirs; successors and assigns forever.

...x,

And said CHANTORS hereby covenant to and with said CHANTERS And said GRANTORS hereby covenant to and with said GRANTORS are lawfully and their helps, successors and assigns, that GRANTORS are lawfully asized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons physical arthur those claims under the above which all persons whomson vers, storptuthous, claiming under the short whereaventure described enounbrances,

THE CONTRACTOR STANSACTOR STANSACTOR STANSACTOR WITHERS GRANTOES! hands this 29 Holay of April, 1960. VITARES GRANTORS Change this 27700

DEED: Page Two

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Party .

the Will and Southerfly for

100x 169 max 128

HODGING TO STATE

County of Columbia }

April 29 1966. Fersonally appeared the within named Clenn H. Osborn and Horma J. Osborn, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and dead.

THE PROPERTY OF THE PARTY OF TH

Hy decomination expired 1 Haw, CLIFFORD

My Completon Explose March 34 1970

DEED Page Three

#### CULTCLAIM DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and cultolaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey 12361 in Section 28, T8N, R3W, W.H., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3M, atc: thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N89 degrees 56'W 309.82'; Thence H19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 25.0' to the true point of beginning, Ed point also being the most Northerly point of intersection between the Easterly R/M line of Doming R1 & the "U.S. Nearder Line on the West Bank of the Columbia River": Thence following Ed Heander line N31 degrees 00'W 141.76'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N16 degrees W 118.8'; Thence leaving said Heander N03 degrees E 207.1' to a point in the center of the Old-Doming Log Chute that is N34 degrees 15'E 1530.3'+ from Ed Bouth 1/4 corner; Thence along Ed benter S4 degrees 11'W a distance of 114.59'; Thence Ed degrees 30' W 65.3' to the most Northerly point on the R/M of Ed. Doming Road; Thence leaving Sd chute center S2 degrees 18'W a distance of 49.57' to the Southerly R/M of Ed. Doming Road; Thence 'following Sd. N/W S56 degrees 05'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees, 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations, and conditions

- This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- All rights to any county, public, forest or C,C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
- All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

QUITCLALH DEED -

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REQULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY ON COUNTY PLANNING DEPARTMENT TO VERIPY APPROVED USES.

DATED this 4th . day of April , 1990.

BOARD OF COUNTY CONTINUES ICHERS

yı // 1/ W.

BY HILL COMMISSIONER VICE

STATE OF CREGON

County of Columbia)

THIS INSTRUMENT was acknowledged before me on intl 4 , 1990 by Jack R. Pèterson, Max W. "Sandy" Dillard and Hichael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

IRPALA

Hotary Public for Oregon
Hy Commission Expires: 12-14-91

Interest excellent the white the land in the County of Columbia, State of Oregan.

8 8 2 20 IRR 13 III 44
Instrument 4 190-1522

Receipt Res 200

QUITCLATH DEED - '2.

April 29, 2008

Legal Description Vacation of a portion of Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

#### RECIPROCAL EASEMENTS

Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch") and Donald Campbell and Theora Campbell ("Campbell") grant the following easements.

- 1. Posch grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Posch and Campbell grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Campbell.
- 2. The road and utility easements are appurtenant to and are granted for the use and benefit of the property owned by Posch described in Exhibit B and the property owned by Campbell described in Exhibit C.
- 3. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated 9-20-08,2008

Walter G. Posch by Miriam R. Posch POA

William G. Posch

Donna D. Jackson

Zachary W. Posch

Donald Campbell

Theora Campbell

After recording this document shall be returned to the following address:

Lawrence R. Derr 425 10th Avenue, Ste 306 Portland, OR 97209

Tax Acc'ts: 8328-00-00700, 8328-00-00699, 8328-00-00800

Tax Map: 8N3W28-00-00700, 8N3W28-00-00699, 8N3W28-00-00800

State of Oregon	)			
County of Columbia	)			
The foregoing instance 2008 by Miriam R. Posch		_	ed before me this torney for Walter G. Po	_
			Notary Public for Or My Commission exp	_
State of Oregon	)	:5/		5
County of	_ )	2		
The foregoing inst 2008 by William G. Poscl		acknowledge	ed before me this	day of,
State of Montana	)		Notary Public for Or My Commission exp	0
County of	)			
	rument was	acknowledg	ed before me this	day of,
			Notary Public for Oro My Commission exp	<b>~</b>
State of Oregon  County of	)			
		acknowledge	ed before me this	day of,
			Notary Public for Oro My Commission exp	•

E.
State of Oregon )
County of Whatington )
The foregoing instrument was acknowledged before me this 70 day of 80t, 2008 by Donald Campbell.
OFFICIAL SEAL TARYN ABEL NOTARY PUBLIC - OREGON COMMISSION NO. 426582 MY COMMISSION EXPIRES MARCH 4, 2012  MY COMMISSION EXPIRES MARCH 4, 2012
State of Oregon )
County of Washington)
The foregoing instrument was acknowledged before me this 7 Q day of
2008 by Theora Campbell.
OFFICIAL SEAL TAHAM ABEL NOTARY PLOS OF OREGON COMMISSION NO. 426582 MY COMMISSION MARCH 4, 2012  Notary Public for Oregon My Commission expires: May Un 47017

April 29, 2008

Legal Description Vacation of a portion of Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

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KNOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Morma J. Osborn, husband and wife, horoinafter called the ORANTORS, for the consideration hereinafter stated, to ORANTORS paid by George E. Peach and Ethel Lozotta Posoh, husband and wife, hereinafter called the ORANTEES, do hereby grent, bargain, sell and convay unto the said ORANTEES and their heirs, successors and assigns, that cortain real property, with the tenements, horeditaments and appur-tenances thereunto belonging or appartaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and Bast of of roadt

Beginning at the quarter section corner on the Bouth boundary of Section 28 in Township 8 North, Range 3 West of the Williamsthe Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Bouthwest corner of the Southeast quarter of the Southwest owarter of said Section 28; thence Warth on sixteenth section line 15 chains; thence (variation North 21°30' East) Korth 83' East 30.30 chains to the U. S. Heandor line in the Westerly bank of the Columbia River; thence upstream following the said meander line South 15° East 1.80 chains; South 17° East 1.50 chains; Bouth 31° East 8.33 chains; South 77° East 5.00 chains; Bouth 52 1/4° East 4.89 chains; Jouth 77° East 5.00 chains; Bouth 52 1/4° East 4.89 chains to the meander corner on the line between Sections 28 and 33; thence West on section 1.00 chains to the place of beginning; excepting therefrom the following:

- (1) The tract of land conveyed to John Holdorf by John T. Wilson wife my dead recorded June 12, 1902, in Book 2, page 231 of Dead Records of Columbia County, Oregon.
- (2) Rights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in & Book 13, page 418 of Deed Records of Columbia County, Oregone
- (3) The 40 foot strip for road convoyed to Columbia County by Ida Anderson and husband by deed resorded February 14, 1911, in Book 14, page 426 of Deed Resords of Columbia County, Oregons
- (h) 100 foot strip for railroad right of way as described in deed from William J. Banborn and wife to Astoria and Columbia River Railroad Company, recorded Hovember 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.
- by dead recorded June 29, 1966 in Book 152, page 117 of Deed Records of Columbia County, Oregon.
  - (6) The tract of land conveyed to John A. Mustola et we by deed revorded August 11, 1966 in Book 162, page 192 of Dead Records of Columbia County, Oregon.
  - ot ux as described in decree dated December 5, 1967 in Suit Ho. 1725h in State Circuit Court.

Physical Section

#### SUBJECT TO:

- Rights of the public in roads and highways.
- "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from William J. Banborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.

ant periting in the resistance about a grand and an incommentation of the interest of the second existing in the second existing ex

Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Records, Columbia, County, Oregon, reference to which is hereby ... rando.

#### ALSO SUBJECT TO:

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Mortgage, including the terms and provisions thereof, executed by Olenn H. Osborn and Horma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, duted June 11, 1962, resorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$6,500.00, with interest thereon.

ORANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$11,000,00; of which \$1,500.00 is in morey and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00. mately 07,500,00.

. TO HAVE AND TO HOLD the same unto the said ORANTEES and their heirs; successors and absigns forever-

And said GRANTORS hereby covenant to and with said GRANTERS and their helrs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all parcents whomever a thirtheen alemands under the short warrant. all persons shousenevers, except those claiming under the shore which described enoughruness,

THE THEORY OF THE PROPERTY OF THE PROPERTY OF MITHRES GRANTORS! hands this 29 Hoday of April, 1968. MIMICS ORANICAL

DEED Page

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ideal and in the contraction of 100x 169 max 128 STATE OF ORECOM county of Columbia April 29, 1968. Faraonally appeared the within named offend the foregoing instrument to be their voluntary act and deed, Hy decimination expired | How CUHON My Compheton Explice March 34, 1970 STATE OF ORYGON
COLUMBIA COUNTY
RECORDED OR FILED

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KOY SUPLISON CO DLK:

> DEED Page Three

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey #2361 in Section 28, T8N, R3N, W.H., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3M, etc: thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.62'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees '07'W 25.0' to the true point of beginning, Sd point also being the most Northerly point of intersection between the Easterly R/W line of Downing Rd & the "U.S. Hearder Line on the West Bank of the Columbia River": Thence following Ed Hearder line N31 degrees 00'W 341.78'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees B 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Hearder N33 degrees E 207.1' to a point in the center of the Old Downing Log Chute that is N34 degrees 15'E 1530.3'+ from Sd Bouth 1/4 corner; Thence along Sd benter S4 degrees 11'W a distance of 114.59'; Thence S9 degrees 30' W 65.3' to the most Northerly point on the R/W of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of '49.57' to the Southerly R/W of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of '49.57' to the Southerly R/W of Sd. Downing Road; Thence 15', Thence S1 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

- This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
- 3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration, or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

QUITCIALH DEED - 1.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LANS 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 VERIPY APPROVED USES.

DATED this 4th day of April , 1990.

BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, CRESCH'

17

Вуз //

By i My William Danier Commissioner V

STATE OF CREGON ) ss.

THIS INSTRUMENT was acknowledged before me on April 4 , 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL

Notary Public for Olegon My Commission Expires: 12-14-91

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and recented in the Chang of
all makes, State of Chayon,

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Instrument s 90.7582

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QUITCIADA DEED - '2.

# Exhibit C

#### LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road; Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING; Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road; Thence following said Downing Road right of way North 19" 14' 00" West a distance of 93.55 feet; Thence North 46° 26' 00" West a distance of 115.38 feet; Thence North 15° 53' 00" West a distance of 75.84 feet; Thence North 06° 07' 00" West a distance of 218.3 feet; Thence North 34° 40' 00" West a distance of 161.71 feet; Thence North 13° 00' 00" West a distance of 145.9 feet; Thence North 56° 06' 00" East a distance of 30.37 feet; Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute; Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet; Thence North 04° 11' 00° East a distance of 173.79 feet; Thence North 01° 17' 00" East a distance of 119.53 feet; Thence North 05° 08' 00" West a distance of 122.44 feet; Thence North 08° 37' 00" East a distance of 75.22 feet; Thence North 13" 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokans, Portland and Seattle Railway; Thence continuing North 13° 03' 00" West to the left bank of the Columbia River, Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid; Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Thence North 52° 15' 00" West a distance of 322.74 feet; Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING; EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.

TO THE REAL PROPERTY.

#### **EXHIBIT 8**

#### RECIPROCAL EASEMENTS

Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch") and Donald Campbell and Theora Campbell ("Campbell") grant the following easements.

- 1. Posch grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Posch and Campbell grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Campbell.
- 2. The road and utility easements are appurtenant to and are granted for the use and benefit of the property owned by Posch described in Exhibit B and the property owned by Campbell described in Exhibit C.
- 3. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated <u>Oct 20</u> , 2008	William is Roll
Walter G. Posch by Miriam R. Posch POA	William G. Posch
	and the
Donna D. Jackson	Zacharz W. Posch
Donald Campbell	Theora Campbell

After recording this document shall be returned to the following address:

Lawrence R. Derr 425 10th Avenue, Ste 306 Portland, OR 97209

Tax Acc'ts: 8328-00-00700, 8328-00-00699, 8328-00-00800 Tax Map: 8N3W28-00-00700, 8N3W28-00-00699, 8N3W28-00-00800

State of Oregon	)	
County of Columbia	)	
The foregoing instru 2008 by Miriam R. Posch p	ument was acknowledge oursuant to Power of Att	ed before me this day of, torney for Walter G. Posch.
State of Oregon  County of Circlet 2	OTATE OF THE REPORT OF	Notary Public for Oregon  My Commission expires:
	) OF WAS	
The foregoing instru 2008 by William G. Posch.	or of the stone of	ed before me this day of October,
	PUBLIC AND	Notary Public for Oregon Washington My Commission expires: 9.14 12
State of Montana	OR HABHINGTON	
County of		
The foregoing instru 2008 by Donna D. Jackson,		ed before me this day of,
		Notary Public for Oregon My Commission expires:
State of Oregon	)	
County of Coultz	)	
The foregoing instru 2008 by Zachary W. Posch.	ment was acknowledge	ed before me this day of <u>Collice</u>
	AME R. OLOGO OF NOTARY OF PUBLIC ON	Notary Public for Oregon Washington-My Commission expires: 914.19
-	STATE OF WASHINGTO	

State of Oregon )	
County of)	
The foregoing instrument was acknowledge 2008 by Donald Campbell.	ed before me this day of,
	Notary Public for Oregon My Commission expires:
State of Oregon ) County of )	
The foregoing instrument was acknowledge 2008 by Theora Campbell.	ed before me this day of,
	Notary Public for Oregon My Commission expires:

April 29, 2008

Legal Description Vacation of a portion of Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

-- 38 8-3 (IZ) TZ 700 .

100x 189 na 126

PEED

KIOW ALL MEN BY THESE PRESENTS, That we, Glenn N. Osborn and Rorma J. Osborn, husband and wife, hereinafter called the GRANTORS, for the consideration hereinafter stated, to GRANTORS paid by George E. Posch and Ethel Lozotta Posch, husband and wife, hereinafter called the GRANTEES, do hereby grent, bargain, sell and convey unto the said GRANTEES and their heirs, successors and assigns; that cortain real property, with the tenements, hereditaments and appullenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oragon, described as follows, to-wit:

That portion of the following described tract lying North and East of roadt
Beginning at the quarter section corner on the South boundary of Section 28 in Township 8 North, Range 3 West of the Willsmatte Meridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Southwest corner of the Southwest owners of the Southwest owners of the Southwest owners of the Southwest owners of said Section 28; thence Quarter of the Southwest owners of said Section 28; thence North on sixteenth section line 15 chains; thence (variation North 21930! East) North 03° East 30.30 chains to the U. S. Heander line on the Westerly bank of the Columbia River; thence upstream following the said meander line South 45° East 1.80 chains; South 11° West 2.70 chains; South 16° East 1.22 chains; South 73° East 1.50 chains; South 31° East 8.33 chains; Jouth 77° East 5.00 chains; South 52 1/4° East 4.89 chains; to the meander corner on the line between Sections 28 and 33; thence West on section 1'ms 25.83 chains to the place of beginning; excepting therefrom the following:

- Wilson and wife by deed recorded June 12, 1902, in Book 2, page 231 of Deed Records of Columbia County, Oregon.
- (2) Rights of way for 99 years conveyed to John E. Carlson by John T. Wilson and wife by agreement recorded June 2, 1910, in ... Book 13, page 418 of Deed Records of Columbia County, Oregon.
- by Ida Anderson and husband by dood recorded Pebruary 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oragona
- (4) 100 foot strip for rallroad right of way as described in deed from William J. Banborn and wife to Astoria and Columbia River Railroad Company, recorded November 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.
- by dead recorded June 29, 1966 in Book 152, page 117 of Deed Records of Columbia County, Oregon.
  - (6) The tract of land conveyed to John A. Kuatola et us by deed revorded August 11, 1966 in Book 162, page 192 of Dead Records of Columbia County, Oregon.
  - (7) That portion of land set over to Charles As Bendshedler et ux as described in decree dated December 5, 1967 in Buit ... Ho. 1725h in State Circuit Court.

DEED Page One

#### SUBJECT TO:

- 1. Rights of the public in roads and highways.
- "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from William J. Sanborn and wife to John T. Wilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.
- 3. Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Records, Columbia, County, Oregon, reference to which is hereby assets.

#### ALSO SUBJECT TO:

. 4.

Mortgage, including the terms and provisions thereof, executed by Olend B. Osborn and Norma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, duted June 11, 1962, recorded June 12, 1962, in Book 90, page 123, Mortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$0,500.00, with interest thereon.

GRANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of deliars, is \$11,000,000 of which \$1,500.00 is in morey and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00.

TO HAVE AND TO HOLD the same unto the said GRANTEES and their heirs; successors and assigns forever.

And said GRANTORS hereby covenant to and with said GRANTERS and their heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will varrant and forever defend the above granted premises and every part and parcel thereof sgainst the lawful claims and demands of all persons whomscavers except thous claiming under the above described encumbrances.

WITHESE GRANTORS! hands this 29 Mday of April, 1968.

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NO BOOK

Page Two

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STATE OF OREGON

county of Columbia

in the second

April 29, 1968. Faraonally appeared the within named Glenn H. Onborn and Horma J. Osborn, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

in the second second

Hy Comission expires H.W. CHEOM

Non Employe Herch 31, 1970

DEED Page Three

#### QUITCLAIN DEED

COLUMBIA COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to GEORGE POSCH, ETHEL L. POSCH and ZACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey #2361 in Section 28, T8N, R3W, W.N., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, T8N, R3N, etc: thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees '07'W 26.0' to the true point of beginning, Sd point also being the most Northerly point of intersection between the Easterly R/W line of Downing Rd & the "U.S. Hearder Line on the West Bank of the Columbia River": Thence following Sd Heander line N31 degrees 00'W 341.76'; N73 degrees W 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence leaving said Heander N03 degrees E 207.1' to a point in the center of the Old Downing Log Chuts that is N34 degrees 15'E 1530.3'+ from Sd Bouth 1/4 corner; Thence along Sd center S4 degrees 11'W a distance of 114.59'; Thence 69 degrees 30' W 65.1' to the most Northerly point on the R/W of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of 49.57' to the Southerly R/W of Sd. Downing Road; Thence following Sd. R/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

- This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
- 3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration, or mining operations, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

QUITCIAIN DEED - 1.

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.

CATED this 4th day of April , 1990.

BOARD OF COUNTY COMMISSIONERS FOR COLLMBIA COUNTY, CRESON

y: Vill

Byt

Complasioner

STATE OF CRESCN

County of Columbia)

THIS INSTRUMENT was acknowledged before me on Noril 4 , 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

Robary Public for Olegon
My Commission Expires: 12-14-91

Interpret was received for record and received for record and received in the County of Calembla, State of Oregon.

1882 '50 APR 13 All 24 Interpret a. 90 (582)

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Receipt Resided

QUITCIAIM DEED - 2.

# Exhibit C

#### LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road; Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING; Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road; Thence following said Downing Road right of way North 19º 14' 00" West a distance of 93.55 feet; Thence North 46° 26' 00" West a distance of 115.38 feet; Thence North 15° 53' 00" West a distance of 75.84 feet; Thence North 06° 07' 00" West a distance of 218.3 feet; Thence North 34° 40' 00" West a distance of 161.71 feet; Thence North 13° 00' 00" West a distance of 145.9 feet; Thence North 56° 06' 00" East a distance of 30.37 feet; Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute; Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet; Thence North 04° 11' 00" East a distance of 173.79 feet; Thence North 01° 17' 00" East a distance of 119.53 feet; Thence North 05° 08' 00" West a distance of 122.44 feet; Thence North 08° 37' 00" East a distance of 75.22 feet; Thence North 13° 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokane, Portland and Seattle Railway; Thence continuing North 13° 03' 00" West to the left bank of the Columbia River; Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid; Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Thence North 52° 15' 00" West a distance of 322.74 feet; Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING; EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.

. . . . . . .

## RECIPROCAL EASEMENTS

Walter G. Posch, William G. Posch, Donna D. Jackson and Zachary W. Posch ("Posch") and Donald Campbell and Theora Campbell ("Campbell") grant the following easements.

- 1. Posch grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Posch and Campbell grants a perpetual, non-exclusive easement for road and utility purposes over that portion of the property described in Exhibit A that is owned by Campbell.
- 2. The road and utility easements are appurtenant to and are granted for the use and benefit of the property owned by Posch described in Exhibit B and the property owned by Campbell described in Exhibit C.
- 3. This document may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated, 2008		
Walter G. Posch by Miriam R. Posch POA	William G. Posch	
Donna D. Jackson	Zachary W. Posch	ia.
Donald Campbell	Theora Campbell	

After recording this document shall be returned to the following address:

Lawrence R. Derr 425 10th Avenue, Ste 306 Portland, OR 97209

Tax Acc'ts: 8328-00-00700, 8328-00-00699, 8328-00-00800 Tax Map: 8N3W28-00-00700, 8N3W28-00-00699, 8N3W28-00-00800

State of Oregon	)	
County of Columbia	)	
		lged before me this day of, Attorney for Walter G. Posch.
		Notary Public for Oregon My Commission expires:
State of Oregon	)	
County of	)	
The foregoing ins 2008 by William G. Posc		lged before me this day of,
State of Montana  County of Pendera	) ) )	Notary Public for Oregon  My Commission expires:
2008 by Donna D. Jackso S NO SEAL Resid		Notary Public for Oregon mentance.  My Commission expires: (26-3012)
State of Oregon  County of	) _ )	
The foregoing inst 2008 by Zachary W. Posc		lged before me this day of,
		Notary Public for Oregon My Commission expires:

State of Oregon	)		
County of	. )		
The foregoing instru 2008 by Donald Campbell.	iment was acknowled	ged before me this	day of,
		Notary Public for Or My Commission exp	
State of Oregon	)		
County of	)		
The foregoing instru 2008 by Theora Campbell.	ment was acknowled	ged before me this	day of,
		Notary Public for Or My Commission exp	<b>—</b>

April 29, 2008

Legal Description
Vacation of a portion of
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.

28 8-3 (17) 12 70

189 na 126

DEED

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KIOW ALL MEN BY THESE PRESENTS, That we, Glenn H. Osborn and Morma J. Osborn, humband and wife, hereinafter called the ORANTORS, for the consideration hereinafter stated, to ORANTORS paid by George B. Posch and Ethel Lozetta Pesch, humband and wife, hereinafter called the ORANTEES, do hereby grant, bargain, sell and convey unto the said ORANTEES and their heirs, successors and assigns; that certain real property, with the tenements, hereditaments and appuirtenances thereunto belonging or appertaining, situated in the County of Columbia and State of Oregon, described as follows, to-wit:

That portion of the following described tract lying North and East of roadt
Beginning at the quarter section corner on the Bouth boundary of Section 28 in Township 8 North, Range 3 Mast of the Willsmatte Maridian, Columbia County, Oregon; running thence West on Section line 20 chains to the Bouthwest corner of the Southeast quarter of the Southwest warter of said Section 28; thence North on sixteenth section line 15 chains; thence (variation North 21°30' East) North 03° East 30.30 chains to the U. S. Heander line on the Vesterly bank of the Columbia River; thence upstream following the said meander line South 45° East 1.80 chains; South 13° Mast 2.70 chains; South 16° East 1.22 chains; Bouth 77° East 1.50 chains; Bouth 31° East 8.33 chains; South 77° East 5.00 chains; Bouth 52 1/4° East 8.33 chains; South Meander corner on the line between Sections 28 and 331 thence West on section 1.32 25.83 chains to the place of Deginning; excepting therefrom the following:

- (1) The tract of land conveyed to John Holderf by John T. Wilson and wife by deed recorded June 12, 1902, in Book 2, page 231 of Deed Records of Columbia County, Oregon.
- (2) Rights of way for 99 years sonveyed to John E. Osrison by John T. Wilson and wife by agreement recorded June 2, 1910, in Book 13, page 418 of Deed Records of Columbia County, Oregon.
- (1) The 40 foot atrip for road sonveyed to Columbia County by Ida Anderson and husband by dead recorded February 14, 1911, in Book 14, page 426 of Deed Records of Columbia County, Oregons
- (h) 100 foot strip for ratiroad right of way as described in deed from William J. Danborn and wife to Autoria and Columbia River Railroad Company, recorded November 5, 1895, in Book Q, page 178 of Deed Records of Columbia County, Oregon.
- by dead recorded June 29, 1966 in Book 152, page 117 of the Book 152,
  - (6) The tract of land conveyed to John A. Mustola et we by deed revorded August 11, 1966 in Book 162, page 192 of Dead Records of Columbia County, Oregon.
  - (7) That portion of land set over to Charles A. Bendshadler of ux as described in decree dated December 5, 1967 in Buit ....

DERD Page One

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#### SUBJECT TO I

- Rights of the public in roads and highways.
- "A right of way for a wagon road over and across above described tract retained by grantors," as excepted from deed from Hilliam J. Sanborn and wife to John T. Hilson, recorded in Book Z, page 205 of Deed Records of Columbia County, Oregon.

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Perpetual right of way for electric transmission line granted by Fritz Anderson and wife, to Inland Power and Light Company by deed recorded May 19, 1931, in Book 53, page 21, of Deed Recorder Columbia County Company assumes to which is hereby Records, Columbia County, Oregon, reference to which is hereby at

#### ALSO SUBJECT TO:

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4.1.

Hortgage, including the terms and provisions thereof, executed by Olenn H. Osborn and Norma J. Osborn, husband and wife, to First Federal Savings and Loan Association of Longview, a Federal Corporation, duted June 11, 1962, resorded June 12, 1962, in Book 90, page 123, Wortgage Records of Columbia County, Oregon, given to secure the payment of a note for \$0,500,00, with interest thereons

ORANTEES assume said mortgage and agree to pay the same off according to the tenor thereof.

The true and actual consideration paid for this transfer, stated in terms of deligra, is \$11,000,00; of which \$1,500.00 is in money and approximately \$7,500.00 is an assumption of the above mortgage. Sellers warrant that the balance owing on said mortgage is approximately \$7,500.00. . . . . . .

. TO HAVE AND TO HOLD the same unto the said ORANTEES and their heirs; successors and aksigns forever.

And said GRANTORS hereby coverant to and with said GRANTERS and their heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted promises, free from all encumbrances, except as noted hereinbefore, and that GRANTORS will warrant and forever defend the above granted premises and every part and parcel thereof sgainst the lawful claims and demands of all parcents obversory as the state of the short of the s all persons wheresoniers, exceptitions, glaiming under the short which with described enounbrances,

THE COMPANY OF PROPERTY OF THE PROPERTY OF WITHESE GRANTORS! hands this 29 Hoday of April, 1960. 

Page Two

DEED

10x 169 ma 128 STATE OF ORIGION county of Columbia Olenn H, Osborn and Norma J. Osborn, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Hy docimisation expired Hrw. CLETCKO

DRED Page Thron

#### QUITCIAIN DEED

COLUMBIA CCUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitolaims to GEORGE POSCH, ETHEL L. POSCH and TACHARY WILLIAM POSCH, Grantees, all right, title and interest in and to the following described real property:

Tax Account No. 03-06 8328-000-00699

A parcel of land as depicted on County Survey 12361 in Section 28, T8N, R3W, W.H., Columbia County, Oregon and more particularly described as follows:

Beginning at the South 1/4 corner of Section 28, TWN, RWM, etc: thence N89 degrees 37'E 1254.9'; Thence S89 degrees 37'W 22.0'; Thence N24 degrees 56'W 309.82'; Thence N19 degrees 14'W 93.55'; Thence N46 degrees 26'W 115.38'; Thence N15 degrees 53'W 75.84'; Thence N6 degrees 07'W 26.0' to the true point of beginning, Sd point also being the most Northerly point of intersection between the Easterly R/W line of Downing Rd & the "U.S. Hearder Line on the West Bank of the Columbia River"; Thence following Sd Meander line N31 degrees 00'W 341.78'; N73 degrees N 99'; Thence N 16 degrees W 212.52'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence N17 degrees E 178.2'; Thence N45 degrees W 118.8'; Thence 16aving said Meander N83 degrees E 207.1' to a point in the center of the Old Downing Log Chute that is N34 degrees 15'E 1530.3'; from Sd Bouth 1/4 corner; Thence along Sd center S4 degrees 11'W a distance of 114.59'; Thence 89 degrees 30' W 65.3' to the most Northerly point on the R/M of Sd. Downing Road; Thence leaving Sd chute center S2 degrees 18'W a distance of '49.57' to the Southerly R/M of Sd. Downing Road; Thence following Sd. N/W S56 degrees 06'W 30.37'; Thence S13 degrees E 145.9'; Thence S34 degrees 40'E 161.71'; Thence S6 degrees 07'E 192.3' to the true point of beginning.

The true consideration for this conveyance is \$1,800.00.

This conveyance is subject to the following exceptions, reservations and conditions:

- This property is conveyed AS-IS without covenants or varranties, subject to any municipal liens, easements and encumbrances of record.
- All rights to any county, public, forest or C.C.C. roads, are hereby reserved for the benefit of Columbia County, Oregon.
- 3. All rights to any minerals, mineral rights, ore, metals, metallic clay, oil, gas or hydrocarbon substances in, on or under said property, if any, including the use of such water from springs, creeks, lakes or wells to be deilled or dug upon the premises as may be necessary or convenient for such exploration, or mining operations; are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

QUITCIAIN DEED - 1.

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.

DATED this 4th day of April , 1990.

BOARD OF COUNTY CONHISSIONERS

Chaliman

may w.

By HILL Commissioner V

STATE OF CRESCN ) ss. County of Columbia)

THIS INSTRUMENT was acknowledged before me on April 4 , 1990 by Jack R. Peterson, Max W. "Sandy" Dillard and Michael J. Sykes as Commissioners of Columbia County, Oregon on behalf of which the instrument was executed.

(SEAL)

Notary Public for Oregon
My Commission Expires: 12-14-91

Instrument was received for record and received in the County of Columbia, State of Oregon,

8 8 2 20 APR 13 All 44
Instrument a 90 (582)

Terript . Free \$ 120

QUITCIAIN DEED - 2.

## Exhibit C

### LEGAL DESCRIPTION

A tract of land situate in Section 28, Township 8 North, Range 3 West, of the Willamette Meridian, more particularly described as follows:

BEGINNING at a point on the Section line which is North 89° 37' 00" East 1254.9 feet from the South quarter corner of Section 28, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon; Thence South 89° 37' 00" West along the Section line a distance of 22.00 feet to the Easterly right of way line of the County Road; Thence North 24° 56' 00" West along said right of way a distance of 219.11 feet to the TRUE POINT OF BEGINNING; Thence North 24° 56' 00" West 90.71 feet to the Easterly right of way line of Downing Road; Thence following said Downing Road right of way North 19º 14' 00" West a distance of 93.55 feet; Thence North 46° 26' 00" West a distance of 115.38 feet; Thence North 15° 53' 00" West a distance of 75.84 feet; Thence North 06° 07' 00" West a distance of 218.3 feet; Thence North 34° 40' 00" West a distance of 161.71 feet; Thence North 13° 00' 00" West a distance of 145.9 feet; Thence North 56° 06' 00" East a distance of 30.37 feet; Thence crossing said Downing Road North 02° 18' 00" East a distance of 49.57 feet to a point in the centerline of the Old Downing Log Chute; Thence following said centerline North 09° 30' 00" East a distance of 65.3 feet: Thence North 04° 11' 00" East a distance of 173.79 feet; Thence North 01° 17' 00" East a distance of 119.53 feet; Thence North 05° 08' 00" West a distance of 122.44 feet; Therice North 08° 37' 00" East a distance of 75.22 feet; Thence North 13° 03' 00" West a distance of 183.54 feet to the Southwesterly right of way line of the Spokane, Portland and Seattle Railway; Thence continuing North 13° 03' 00" West to the left bank of the Columbia River, Thence following said left bank Southeasterly up said River to its intersection with the South line of Section 28 aforesaid; Thence South 89° 37' 00" West along said Section line to a point 472 feet East of intersection of said and the Section line and the County Thence North 52° 15' 00" West a distance of 322.74 feet; Thence North 89° 37' 00" East a distance of 309.16 feet to the TRUE POINT OF BEGINNING; EXCEPTING THEREFROM tract described to Gordon D. Leever et ux by deed recorded July 16, 1987 in Book 270, Page 104, Deed Records of Columbia County, Oregon.

3 # St.

### **EXHIBIT 10**

## ROAD MAINTENANCE AGREEMENT

This is a road maintenance agreement betw	
Donna D. Jackson and Zachary W. Posch ("Posch"	
("Campbell") for the reciprocal road and utility eas	
Reciprocal Easements document recorded	
deed records at	The easements serve property
owned by Posch and by Campbell described in the	Reciprocal Easements document. Campbell
intends to further divide their property and grant ac	cess rights over the easements to the
purchasers of the divided property subject to partic	ipation in road maintenance agreements.
In consideration of the mutual promises her	rein the parties agree as follows:
1. With respect to all road maintenance, the c	ost thereof shall be borne by Campbell.
Campbell may allocate the cost among the parcels	
Columbia County for division.	respective specification of the second
•	
	rity of the parcel owners. If a parcel is owned
by more than one individual or entity, it shall be tre	eated as having one owner for purposes of
enforcement and amendment.	
	written and recorded document accompanied
by consents of at least 75% of the owners then in ex	xistence.
4. This document may be executed in counterporiginal and all of which together shall be deemed of	parts, each of which shall be deemed to be an one and the same instrument.
Dated 9-20-08, 2008	
Walter G. Posch by Miriam R. Posch POA	William G. Posch
Donna D. Jackson	Zachary W. Posch
Doma D. Jackson	Lacriary W. FUSCII
n = n = n = n = n	$\Omega I$ $I$
Day Pell wall	Misew Campbell
Donald Campbell	Theora Campbell

After recording this document shall be returned to the following address:
Lawrence R. Derr
425 10th Avenue, Ste 306
Portland, OR 97209

State of Oregon	)	
County of Columbia	)	
		ledged before me this day of, of Attorney for Walter G. Posch.
	ž.	Notary Public for Oregon My Commission expires:
State of Oregon	)	
County of		
		ledged before me this day of,
State of Montana  County of	) )	Notary Public for Oregon My Commission expires:
	ument was acknow	ledged before me this day of,
		Notary Public for Oregon My Commission expires:
State of Oregon	)	
County of	_ )	
The foregoing instr 2008 by Zachary W. Posch		ledged before me this day of,
		Notary Public for Oregon  My Commission expires:

State of Oregon County of The foregoing instrument was acknowledged before me this 700 2008 by Donald Campbell. Notary Public for Oregon FFICIAL SEAL My Commission expires: Huch 4,7017 TARYN ABEL NOTABY PUBLIC - OREGON MARCH 4, 2012 State of Oregon County of \ The foregoing instrument was acknowledged before me this 70 day of RPT, 2008 by Theora Campbell. Notary Public for Oregon My Commission expires: March 4, 701, AL SEAL OREGON NO. 426582

## EXHIBIT 11

## ROAD MAINTENANCE AGREEMENT

This is a road maintenance agreement bety Donna D. Jackson and Zachary W. Posch ("Posch ("Campbell") for the reciprocal road and utility ea Reciprocal Easements document recorded deed records at owned by Posch and by Campbell described in the intends to further divide their property and grant a purchasers of the divided property subject to particle.	a"), and Donald Campbell and Theora Campbell assements granted by Posch and Campbell in a, 2008 in Columbia County The easements serve property as Reciprocal Easements document. Campbell access rights over the easements to the
In consideration of the mutual promises he	erein the parties agree as follows:
1. With respect to all road maintenance, the Campbell may allocate the cost among the parcels Columbia County for division.	• •
2. This agreement may be enforced by a major by more than one individual or entity, it shall be to enforcement and amendment.	ority of the parcel owners. If a parcel is owned reated as having one owner for purposes of
3. This agreement may be amended only by a by consents of at least 75% of the owners then in a	a written and recorded document accompanied existence.
4. This document may be executed in counter original and all of which together shall be deemed	rparts, each of which shall be deemed to be an one and the same instrument.
Dated Oct 20., 2008  Walter G. Posch by Miriam R. Posch POA	William G. Posch
Walter G. 1 osen by William R. 1 osen 1 O/1	/// /// // // // // // // // // // // /
Donna D. Jackson	Zachary W. Posch
Donald Campbell	Theora Campbell
After recording this document shall be returned	

After recording this document shall be returned to the following address:
Lawrence R. Derr
425 10th Avenue, Ste 306
Portland, OR 97209

State of Oregon	)	
County of Columbia	)	
The foregoing instrum 2008 by Miriam R. Posch par  State of Oregon  County of Coults	nem Wasof Unowledge izerani No Power of Att	orney for Walter G. Posch.  Notary Public for Oregon WA  My Commission expires: [-5-20]
		Tomas to
The foregoing instrum 2008 by William G. Posch.	ONOTARY AUBLIC	Notary Public for Oregon Washington My Commission expires: 9.14.12
State of Montana	SATURDER IN THE	wy Commission expires.
County of	POR WASHINGTON	
The foregoing instrum 2008 by Donna D. Jackson.	nent was acknowledge	d before me this day of,
		Notary Public for Oregon My Commission expires:
State of Oregon  County of Circle 2	)	
The foregoing instrun	nent was acknowledge	d before me this 8 day of October,
2008 by Zachary W. Posch.	ME R. OLDO STANDARY TO PUBLIC AND TENSER LAND TO THE PUBLIC OF THE PUB	Notary Public for Oregon Washington My Commission expires: 9.14.12

State of Oregon )	
County of)	
The foregoing instrument was acknowledg 2008 by Donald Campbell.	ed before me this day of,
æ	Notary Public for Oregon My Commission expires:
State of Oregon )	
County of)	
The foregoing instrument was acknowledg 2008 by Theora Campbell.	ed before me this day of,
	Notary Public for Oregon My Commission expires:

## **EXHIBIT 12**

## ROAD MAINTENANCE AGREEMENT

Donna D. Jackson and Zachary W. Posch ("Posch")	een Walter G. Posch, William G. Posch,
("Campbell") for the reciprocal road and utility ease	ements granted by Posch and Campbell in a
Reciprocal Easements document recorded	, 2008 in Columbia County
deed records at	. The easements serve property
owned by Posch and by Campbell described in the	Reciprocal Easements document. Campbell
intends to further divide their property and grant acc	cess rights over the easements to the
purchasers of the divided property subject to partici	pation in road maintenance agreements.
In consideration of the mutual promises here	ein the parties agree as follows:
1. With respect to all road maintenance, the co- Campbell may allocate the cost among the parcels of Columbia County for division.	ost thereof shall be borne by Campbell. of their property after it is approved by
2. This agreement may be enforced by a major by more than one individual or entity, it shall be tree enforcement and amendment.	ity of the parcel owners. If a parcel is owned ated as having one owner for purposes of
3. This agreement may be amended only by a very by consents of at least 75% of the owners then in ex	
4. This document may be executed in counterp original and all of which together shall be deemed or	earts, each of which shall be deemed to be an one and the same instrument.
Dated, 2008	
Walter G. Posch by Miriam R. Posch POA	William G. Posch
Donna D. Jackson	
Donna D. Jackson	Zachary W. Posch
Donald Campbell	Theora Campbell

After recording this document shall be returned to the following address:
Lawrence R. Derr
425 10th Avenue, Ste 306
Portland, OR 97209

State of Oregon	)	
County of Columbia	)	
		rledged before me this day of, of Attorney for Walter G. Posch.
		Notary Public for Oregon My Commission expires:
State of Oregon	)	
County of	_ )	
The foregoing instr 2008 by William G. Posch		rledged before me this day of,
State of Montana  County of Pondorum	) ) _ )	Notary Public for Oregon My Commission expires:
The foregoing instr 2008 by Donna D. Jackson OTARIAN NO SEAL Resi		Notary Public for Oregon Montana My Commission expires: 4-6-2015
State of Oregon	)	
County of	)	
The foregoing instr 2008 by Zachary W. Posch		rledged before me this day of,
		Notary Public for Oregon  My Commission expires:

State of Oregon )	9
County of)	
The foregoing instrument was acknown 2008 by Donald Campbell.	owledged before me this day of
	Notary Public for Oregon My Commission expires:
State of Oregon ) County of )	
	owledged before me this day of
	Notary Public for Oregon My Commission expires:





## **Columbia County Road Department**

1054 Oregon Street, St. Helens, OR 97051

### David Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215 e-mail: <u>David, Hill@co.columbia.or.ns</u>

to: Columbia County Board of Commissioners

via: Cynthia Zemaitis, County Counsel

from: Dave Hill, Public Works Director

date: November 25, 2008

NOV 2 & 2008

COUNSEL

subject: Downing Road Vacation

**Recommendation:** Initiate proceedings for the vacation of a portion of Atkins County Road No. 26 (Downing Road) as proposed by area residents; and vacate Downing Road as proposed with 100% consent of abutting property owners.

Background: Road survey # 26, dated 1885 indicates that Downing Road was created to allow public access from the Ridge Top Road (Atkins Road, AKA Alston-Mayger Road) down to the Downing Wharf on the river. At some point in time, the Wharf was no longer used and the road was no longer needed or used by the public. There are some indications that the road may have been accepted by the County as a County Road, and as such, would be maintained by the County. However, the road has not been used as a public road for many decades, does not meet current standards for a public road (grades at 17%), and is not needed by the public. The lower end of the road was vacated in 1993 by Order # 162-93, and the County Road Department does not see any current or future need for the remaining section of road to be re-established as a public road. The road is very steep (17%), is narrow without any shoulder, is on a sidehill that drops in elevation about 400 feet to the river below, and has a hairpin corner in the middle. The public should have no interest in this road and it is a benefit to the County to vacate this road. Therefore, I recommend that the County initiate these proceedings.

The road cannot be constructed to current county or public road standards. Because the road is steep, short, narrow, very little shoulder, only accesses a couple private properties, and <u>cannot</u> be constructed to current public road standards, it is in the interest of the County to vacate the road and allow the abutting property owners to establish private easements for construction of a private road. This would allow the property owners to limit access to only those motorists that have been authorized by the private owners.

Therefore, in the matter of public interest, and in the particular interest of the Road Department, I recommend that the County initiate proceedings to vacate this road, and that this road be vacated as described in attached Exhibit B.

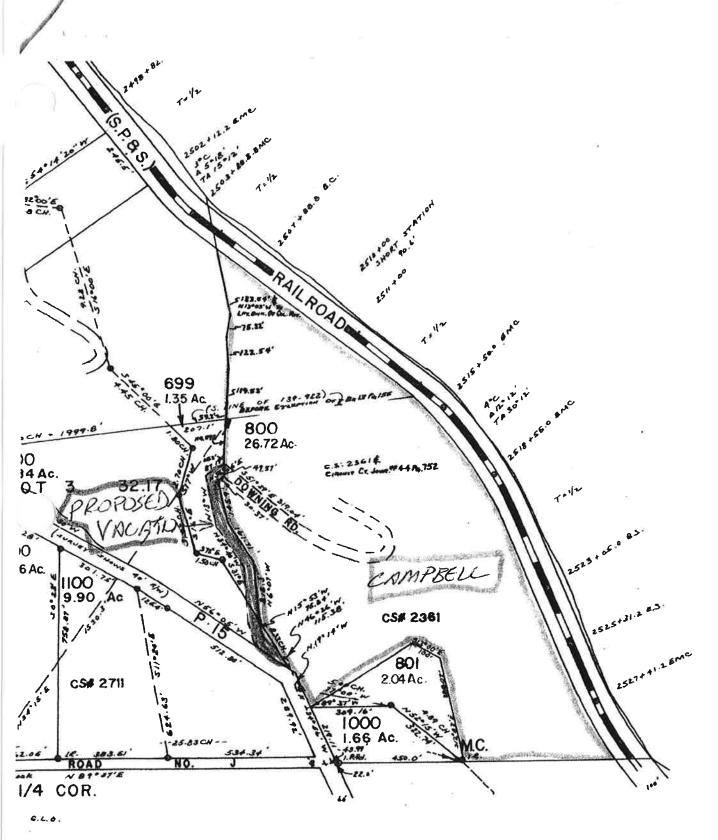
April 29, 2008

Legal Description
Vacation of a portion of
Atkins County Road No. 26

A portion of Atkins County Road No. 26 situated in the Southeast quarter of Section 28, Township 8 North, Range 3 West, Willamette Meridian, Columbia County, Oregon and being 20.00 feet on each side of the following described centerline:

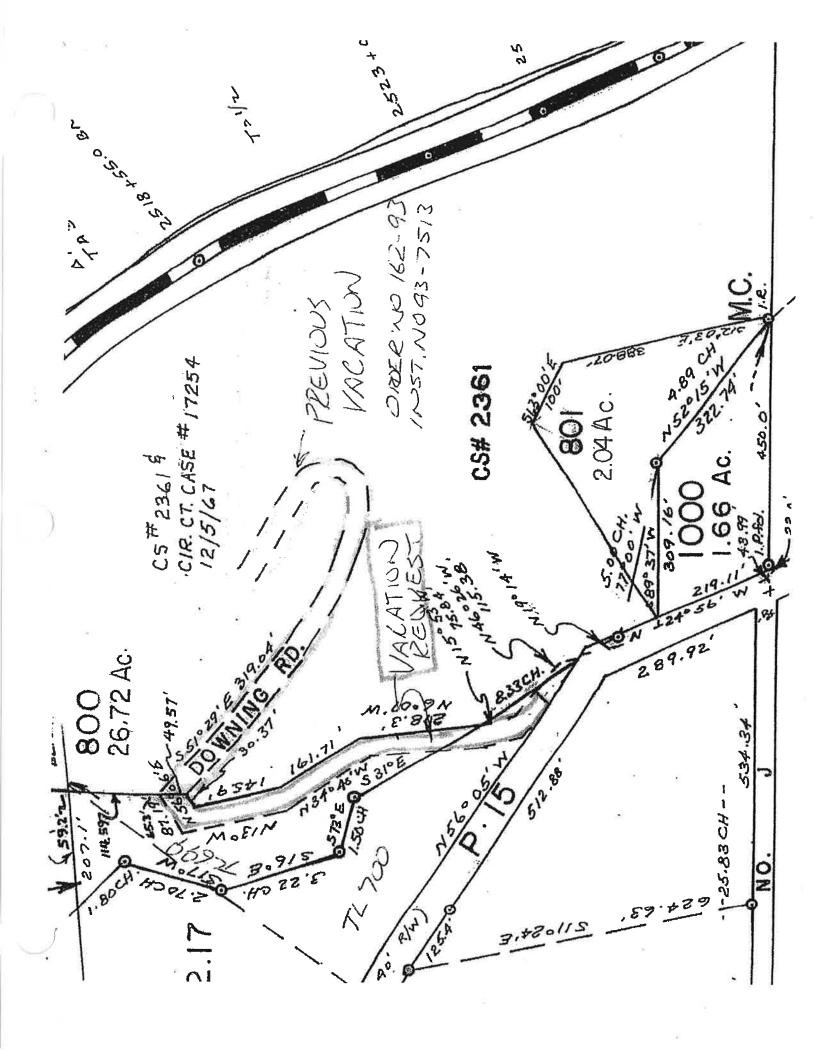
Beginning at the point of intersection of the Downing Log chute and the centerline of Atkins County Road No. 26 (Downing Road on map), said point being the point of beginning of the Atkins County Road Vacation as recorded in Instrument No. 93-7513, Clerk's Records of Columbia County, Oregon; thence Southerly to a point which is which is 50.00 feet Northerly from the intersection of said centerline of Atkins County Road with the Northeasterly right of way line of John McAdams County Road No. P-15 and the end of this vacation.

The Northerly end of the above described vacation shall be co terminus with the beginning of said Atkins County Road No. 26 vacation. The Southerly end of the above described vacation shall terminate perpendicular to the centerline of Atkins County Road No. 26.



8 3 33

8 3 28



Mapof Road Survey 11: 26 Beginning at the comes to Socs. 9-10-15 & 10 6.7 12.5 It and termine at my at the Polime of Dearings harf go the Polime the 26-27 & 28 # days of Jet, may 5 8 5 hours Ithe 1 Grant and 1 Man to 10 June 1 Hit. Scale 20. Chains to I winds PROPOSED. VACKION vacaded 3-1-93 Inst #93-7818 THE KAMESTY STANDAND PLAN 2M. 3 J.7.1. 12. 3 11. 1 1/4-Dees hist as life that the above a time and cornel maps of Road and consider maps of Road and a soul of 20. Road a survey and a soul of survey and a survey and and a survey as the survey and and a survey and a survey and a survey as the survey and a survey as the survey and a survey as the survey a