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39

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

In the Matter of the Organization of SAUVIE ISLAND DRAINAGE DISTRICT.	No. 130-087 SECOND AMENDED AND SUPPLEMENTAL REPORT OF COMMISSIONERS.

We, the undersigned, being the duly appointed, qualified and acting Commissioners of Sauvie Island Drainage District, respectfully show:

On the 17th day of March, 1944, we received from the County Clerk of Multnomah County, Oregon, copies of the Petition (verified on March 16, 1944) of the Supervisors of said District, and of the Court's order and Decree of the same date thereon. In conformity with said Order and Decree, we re-convened in our capacity as Commissioners and held a meeting on the 24th day of March, 1944, in room 1112 Spalding Building, Portland 4, Oregon. Having re-examined our Reports of March 31, 1942 and of October 9, 1942 in the light of said Petition and of supplemental data and information furnished to us by said Supervisors, and of all other relevant facts, we now find:

1. The allegations contained in said Petition are true (except in respect of the figure $638,022.05 contained in paragraph 9 thereof) and disclose the reasons for the findings we make herein. By this reference we adopt such allegations and make them a part of this report.

2. Our two previous Reports were inadvertently erroneous in the respects specified hereinafter and the same should be and are corrected hereby by way of amendment and supplement (in order to conform with the law and the facts) as follows.

3. Eliminate from page 8 of our Report of March 31, 1942 that part thereof reading as follows:

> "HIGHWAYS
> As the public highways within the District will receive considerable benefits due to decreased maintenance cost, it was decided to assess benefits against each portion of the highway in accordance with the zones in which it is located and for the area occupied."

and substitute therefor the following:

HIGHWAYS

Tract No. 71 consists exclusively of land lying within the established rights of way of public highways (county roads) within the territorial area of the District. Multnomah County does not own the fee title to any part of such land. The fee title to such land at all times herein mentioned was and is believed to be vested in the unknown owners of adjoining lands. Such unknown owners of the lands on each side of the public highways (county roads) making up in their aggregate Tract No. 71 at all times herein mentioned had and have no beneficial use of the land included in the respective rights of way for such public highways (county roads). Under these circumstances every part of such land at all times herein mentioned has been and is unchanged in value and neither benefited nor damaged by the improvement and shall be excluded from the assessment zones.

4. Eliminate from pages 42 and 43 of our Report of March 31, 1942, the following:

"MULTNOMAH COUNTY, STATE OF OREGON
Owner of
Land in County Roads, all in Range One (1) West of the Willamette Meridian, in Multnomah County, Oregon

		Zone 3	Zone 4
Sections 3 and 4,	Township 2 North	4.20	1.40
Sections 34	Township 3 North	3.60	1.23
Section 35	Township 3 North		2.02
Section 2	Township 2 North		4.91
Section 11	Township 2 North	4.63	.22
Section 14	Township 2 North	1.51	3.44
Section 9	Township 2 North	8.24	
Sections 16 & 17	Township 2 North	1.69	1.56
Sections 7 & 8	Township 2 North	2.98	2.45
Sections 22 & 23	Township 2 North	5.48	1.51
Sections 27 & 28	Township 2 North	6.72	1.30
Sections 5 and 6	Township 2 North	10.81	1.05
Section 32	Township 3 North	4.72	
		54.58	21.09

totaling 75.67 acres

54.58 acres in Zone 3 at $70.00	$3,820.60
21.09 acres in Zone 4 at $35.00	738.15
75.67 acres at average benefit of $60.24 plus per acre	$4,558.75."

and substitute therefor the following:

LANDS IN PUBLIC HIGHWAYS (COUNTY ROADS)
(Names of Owners unknown)
All in Range 1 West of the Willamette Meridian in Multnomah County, Oregon in

Sections 3 and 4	Township 2 North	5.60 acres
Section 34	Township 3 North	4.83 acres
Section 35	Township 3 North	2.02 acres
Section 2	Township 2 North	4.91 acres

Section 11	Township 2 North	4.85 acres
Section 14	Township 2 North	4.95 acres
Section 9	Township 2 North	8.24 acres
Sections 16 & 17	Township 2 North	3.25 acres
Sections 7 & 8	Township 2 North	5.43 acres
Sections 22 & 23	Township 2 North	6.99 acres
Sections 27 & 28	Township 2 North	8.02 acres
Sections 5 & 6	Township 2 North	11.86 acres
Section 32	Township 3 North	4.72 acres
Totaling		75.67 acres

75.67 acres at $00.00 per acre $00.00.

5. In our report of March 31, 1942 on Tract No. 97 we listed "9.70 acres in Pump House area" as owned by Kenneth L. Cooper. Subsequently the District acquired such 9.70 acre tract by purchase from Kenneth L. Cooper and wife, who conveyed it by deed dated August 5, 1942 and recorded in Book 70 at page 506 of the Records of Deeds of Columbia County, Oregon. The constant use of that tract by the District is essential and indispensable to the operation of its works of reclamation. We accordingly find that this tract shall be excluded from the assessment zones and to that end we eliminate from page 55 of our Report of March 31, 1942 the following:

"9.70 acres in Pump House Area at $00.00		$00.00
5.00 acres in Dike Right of Way at $00.00		00.00
1.00 acre in Zone 2 at $100.00		100.00
7.80 acres in Zone 3 at $70.00		546.00
23.50 acres at average benefit of $27.48 plus per acre		$646.00."

and substitute therefor the following:

5.00 acres in Dike Right of Way at $00.00		$00.00
1.00 acre in Zone 2 at $100.00		100.00
7.80 acres in Zone 3 at $70.00		546.00
13.80 acres at average benefit of $46.81 plus per acre		$646.00.

6. In our first amended and supplemental report of October 9, 1942 on pages 2 and 3 thereof in amending our original findings with respect to Tract No. 51 we listed 8.10 acres in Zone 5. We substitute for the figure 8.10 the figure 5.93. This correction of an inadvertent and obvious error changes in no way the benefits we originally assessed to Tract No. 51.

7. In our first amended and supplemental report of October 9, 1942 on pages 3 and 4 thereof in amending our original findings with respect to Tract No. 61 we inadvertently listed in Zone 4 five acres that lie in Zone 5. We

substitute for that assessment of benefits the following:

6.60	acres in Zone 2 at $100.00 per acre	$660.00
48.75	acres in Zone 3 at $ 70.00 per acre	3,412.50
47.00	acres in Zone 4 at $ 35.00 per acre	1,645.00
5.00	acres in Zone 5 at $ 00.00 per acre	00.00
107.35	acres at average benefit of $53.26 plus per acre	$5,717.50.

This correction of an obvious error in no way changes the benefits we originally assessed to Tract No. 61.

8. In order to reflect the amendments and modifications made herein of our original report and of our first amended and supplemental report, we substitute for the first nine lines on page 9 of our original report the following:

544.35	acres in Dike Right of way At $00.00	$ 00.00
143.58	acres Outside Dike Right of Way at $00.00	00.00
2,706.76	acres in Zone 1 at $00.00	00.00
2,517.89	acres in Zone 2 at $100.00	251,789.00
5,002.24	acres in Zone 3 at $ 70.00	350,156.80
1,029.19	acres in Zone 4 at $ 35.00	36,021.65
24.53	acres in Zone 5 at $ 00.00	00.00
9.70	acres in Pump House Area at $00.00	00.00
75.67	acres in Public Highways (County Roads) at $00.00	00.00
12,053.91	acres at average benefit of $52.92 plus per acre	$637,967.45.

9. The amendments and modifications contained herein are made retroactive to March 31, 1942, the date of our original report.

10. In all respects (other than those herein specified) we confirm our previous reports.

IN WITNESS WHEREOF we have hereunto set our hands and seals at Portland, Oregon, this 24th day of March, 1944.

John W. Armingh (SEAL)

M. M. Lyons (SEAL)

A. E. Trolley (SEAL)