

Senate Bill 1023

Sponsored by Senator JOHNSON (at the request of The City of Clatskanie) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies that State of Oregon waives all claim to title to certain lands. Recognizes private ownership of those lands.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to title to lands; and declaring an emergency.

3 Whereas lands within the city limits of Clatskanie were granted into private ownership prior to
4 Oregon statehood under the federal Donation Land Claim Act of 1850; and

5 Whereas the donation land claim descriptions included the submerged and submersible lands of
6 the Clatskanie River in the federal conveyance; and

7 Whereas the course and nature of the Clatskanie River were changed significantly by man-made
8 avulsion subsequent to the federal land grants; and

9 Whereas in a 1902 case, Omar J. Bryant et al. vs. Hannah Conyers et al., the Circuit Court of
10 the State of Oregon reaffirmed the private ownership of the submerged and submersible lands of the
11 Clatskanie River; and

12 Whereas the State Land Board recognized and affirmed the 1902 Circuit Court decision and the
13 private ownership of the submerged and submersible lands of the Clatskanie River in a conveyance
14 and quitclaim deed signed by Oregon Governor Douglas McKay on October 27, 1949 (State Records
15 of Deeds, book 52, page 54, and book 50, page 92); now, therefore,

16 **Be It Enacted by the People of the State of Oregon:**

17 **SECTION 1. (1) The State of Oregon waives all claim to title to the submerged and**
18 **submersible lands of the Clatskanie River lying within the E.G. Bryant (Land Claim 37), Isaac**
19 **Waggoner (Land Claim 38) and H.B. Hastings (Land Claim 42) prestatehood donation land**
20 **claims, and recognizes the private ownership of those lands.**

21 **(2) The provisions of this section do not affect the public use rights in the lands specified**
22 **in this section.**

23 **SECTION 2. This 2010 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
25 **on its passage.**

26

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.