



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 6, 2025

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
Clackamas County

**Approval of a Board Order Vacating a Portion of Hemlock Drive, a Nonmaintained Local Access Road. Vacation Fee \$1,505.74. Funding is through petitioner. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	None		
<b>Performance Clackamas</b>	Building a strong infrastructure		
<b>Counsel Review</b>	01/22/25 HH	<b>Procurement Review</b>	No
<b>Contact Person</b>	Douglas Cutshall	<b>Contact Phone</b>	503-742-4669

**EXECUTIVE SUMMARY** Hemlock Drive, a Non-Maintained Local Access Road was dedicated to the public through the Map of Barlow Trail Homes, November 5, 1927, located between Cherryville and Alder Creek, two small communities lying north of Highway 26. Hemlock Drive, remains almost as it was in 1927, an unconstructed road right of way. The petitioners wish to vacate that portion of Hemlock Drive that lies easterly of their property and build a home. This portion of Hemlock Drive right of way has been vacant and unused for 93 years, and is only occasionally used to access the petitioner’s property.

The portion to be vacated contains approximately 11,960 square feet, being an unconstructed right-of-way that serves no public need and is not a benefit to the traveling public. Vacating this portion of road right of way will not affect area traffic flow or deprive public access to adjoining properties.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated, pursuant to ORS 368.351. All abutting property owners in this instance have signed the Consent to Vacate forms that have been acknowledged by the proper authority

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Clackamas County Department of Transportation Maintenance, Engineering, Planning, Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation.

**RECOMMENDATION**

Staff respectfully recommends that the Board adopt the attached Board Order approving the vacation of this portion of Hemlock Drive right of way.

Respectfully submitted,

*Dan Johnson*

Dan Johnson  
Director of Transportation & Development

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of the Vacation of  
A portion of Hemlock Drive,  
A Local Access Road, situated  
In Section 19, T.2 S., R.6 E., W.M.  
Clackamas County, Oregon



Board Order No. \_\_\_\_\_  
Page 1 of 1

This matter coming before the Board of County Commissioners at this time and appearing to the Board that in accordance with ORS 368.341 and pursuant to ORS 368.346, a petition has been filed with the determined fee, and a written report finding this vacation to be in the public interest from the County Road Official, Dan Johnson, Director, have been submitted in the matter of the vacation of a portion of Hemlock Drive, a Non-Maintained Local Access Road, described as follows:

All of that portion of Hemlock Drive, in the Map of Barlow Trail Homes, Plat Number 562, Clackamas County Plat Records, situated in the southwest ¼ of Section 19, T.2 S., R.6 E., W.M., Clackamas County, Oregon, lying north of, and between, the easterly extension of a line that is one foot north of the south line of Lot 12, Block 4 of said plat and the southerly right of way of River Road of said plat, (aka Sylvan Drive) as shown on attached Exhibit "A" and, being a part of this description.

**Whereas** the Board having read said petition and report from the County Road Official, have determined the vacation of the above described portion of roadway to be in the public interest; and,

**Whereas** Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies, have been contacted and do not have any objections to this vacation; now therefore,

**IT IS HEREBY ORDERED**, that the Board adopts as its own, the findings and conclusions contained in the written report from the County Road Official dated September 16, 2024; and,

**IT IS HEREBY ORDERED** that the attached described portion of Hemlock Drive, containing, 11,960 square feet, more or less, be vacated; and,

**IT IS FURTHER ORDERED**, that this Order and attached exhibits be recorded in the Deed Records for Clackamas County and that a copy be filed with the County Surveyor, County Assessor, and Finance Office/Fixed Assets.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, Director D.T.D.

DATE: September 16, 2024

SUBJ: **ROAD OFFICIAL'S REPORT FOR THE VACATION OF A PORTION OF, HEMLOCK DRIVE**

**LOCATION:** Hemlock Drive, a non-maintained local access, is situated in the SW1/4 of Section 19, T.2 S., R.6 E., W.M.

**FACTS AND FINDINGS:** Hemlock Drive, a Non-Maintained Local Access Road was dedicated to the public through the Map of Barlow Trail Homes, November 5, 1927, located between Cherryville and Alder Creek, two small communities lying north of Highway 26. Hemlock Drive, remains almost as it was in 1927, an unconstructed road right of way. The petitioners wish to vacate that portion of Hemlock Drive that lies easterly of their property and build a home. This portion of Hemlock Drive right of way has been vacant and unused for 93 years, and is only occasionally used to access the petitioner's property.

The portion to be vacated contains approximately 11,960 square feet, being an unconstructed right-of-way that serves no public need and is not a benefit to the traveling public. Vacating this portion of road right of way will not affect area traffic flow or deprive public access to adjoining properties.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and, acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting the public property proposed to be vacated, pursuant to ORS 368.351. All abutting property owners in this instance have signed the Consent to Vacate forms that have been acknowledged by the proper authority.

Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies have been contacted and do not have any objections to this vacation. This road vacation does not violate any portion of Clackamas County Code 7.03.095 (4) (A). Said Code enumerated as follows;

a. Whether the vacation would inhibit or preclude access to an abutting property, and whether an access reservation would be adequate to protect that access;

Finding: Vacating this right of way would not inhibit or preclude access to any abutting property. Access to abutting properties is still available via the remaining Hemlock Drive.

b. Whether it is physically possible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: It may be physically possible to build a road that meets contemporary standards however the right of way crosses a swampy area.

c. Whether it is economically feasible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: It may be economically feasible to build a road in a portion of this right of way however mitigating the swampy area will drive the cost higher than many in the private sector are willing to pay for a road.

d. Whether there is another nearby road that can effectively provide the same access as the right-of-way to be vacated;

Finding: There are several nearby roads that effectively provide the same access.

e. Whether the right-of-way to be vacated has present or future value in terms of development potential, use in transportation linkages, or use in road replacements;

Finding: The right of way has no present or future value.

f. Whether there are present and future likely benefits of the right-of way to the traveling public;

Finding: There are no present and future likely benefits of the right of way to the traveling public.

g. Whether anticipated growth or changes in use of the surrounding area are likely to impact the future use of the right-of-way proposed to be vacated;

Finding: There are no anticipated impacts to the future use of the right of way proposed to be vacated.

h. Whether the right-of-way proposed to be vacated leads to a creek, river, or other waterway that can be used for public recreation; and

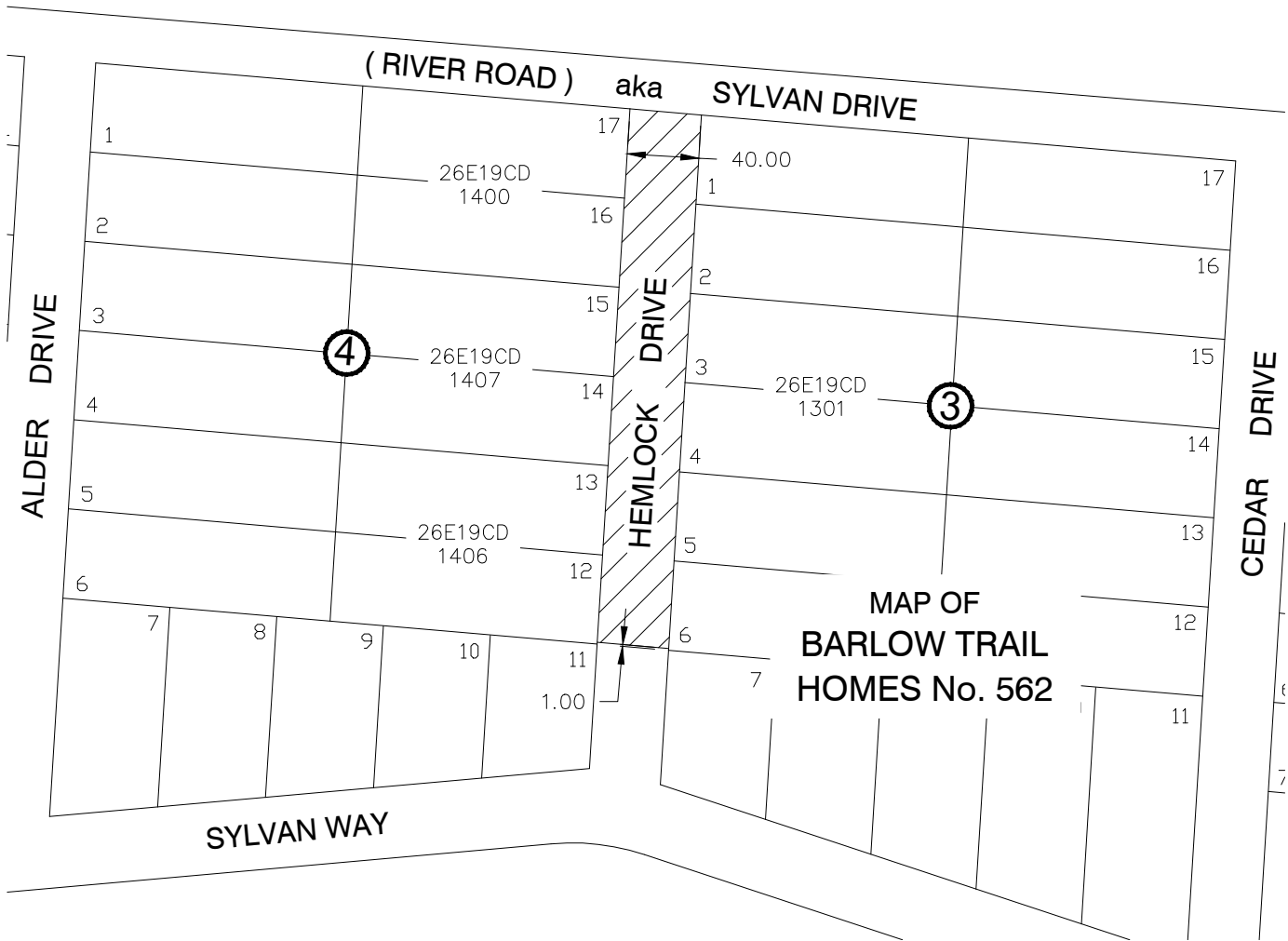
Finding: Not applicable.

i. Whether the right-of-way proposed to be vacated leads to federal, state or local public lands that can be used for public recreation.

Finding: Not applicable.

It is my assessment that the proposed vacation is in the public interest.

SITUATED IN THE SW<sup>1</sup>/<sub>4</sub> OF  
SECTION 19, T.2 S., R.6 E., W.M.



MAP OF  
BARLOW TRAIL  
HOMES No. 562

**LEGEND**

 VACATED AREA  
11,960 Sq. Ft.



SCALE 1" = 100'