



DAN JOHNSON
DIRECTOR

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

October 31, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Board Order Acknowledging Permanent Right of Way Easements for Road Purposes for Minuteman Way and Simultaneously Vacating a Portion of Mather Road and Industrial Way. No fiscal impact. No County General Funds are involved.

Previous Board Action/Review	10/29/2024: Request for Consent		
Performance Clackamas	Building a strong infrastructure		
Counsel Review	Yes	Procurement Review	No
Contact Person	Douglas Cutshall	Contact Phone	503-742-4669

EXECUTIVE SUMMARY: Minuteman Way, originally named Industrial Way, was dedicated to the public in deeds from the Kronberg family, J.M. Samuel and, Oregon Military District in the 1960's and 1970's. This road has gone through many improvements since its beginning as a local access road and is now a major thoroughfare that provides access to the growing industrial and military area. As a result of the new State Highway 224 Expressway and realignment of Minuteman Way, a portion of Mather Road is no longer of use to the traveling public and should be vacated.

The State of Oregon through its Department of Transportation and Clackamas County Department of Transportation and Development offered to the public Permanent Right of Way Easements for Road Purposes through their respective properties. The Board, previously accepted those offers by signing and recording said easement deeds. Acknowledging those easements to be part of the County Road system, to be known as Minuteman Way, (Local Access Road Number L532, DTD No. 22850) will allow the Board to simultaneously vacate the unused portions of Mather Road and Industrial Way right of way. There are no negative impacts to the traveling public or the adjoining property owners by this road vacation. This action is pursuant to ORS 368.126.

For Filing Use Only

Minuteman Way, Local Access Road Number L532, is currently open to the public for travel. After considering traffic impacts, fiscal impacts, and social impacts, staff believes that it would be in the public's interest to approve the Board Order Acknowledging the Permanent Right of Way Easements for Road Purposes as part of the County Road system and simultaneously vacating the unused portion Mather Road right of way, in accordance with ORS 368.126.

RECOMMENDATION: Staff respectfully recommends that the Board adopt the attached Board Order acknowledging the previously recorded Permanent Right of Way Easements for Road Purposes to be part of the County Road System, to be known as Minuteman Way, (Local Access Road Number L532, DTD No. 22850) and, simultaneously vacating the unused portions of Mather Road and Industrial Way right of way.

Respectfully submitted,

Dan Johnson

Dan Johnson- Director
Transportation & Development

MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, Director D.T.D. and County Road Official

DATE: September 16, 2024

SUBJ: **A Board Order Acknowledging Right of Way for Minuteman Way, Local Access Road Number L532, and Simultaneously Vacating a Portion of SE Mather Road and, Industrial Way, Co. Rd. No. 230**

LOCATION: Minuteman Way is situated in the Southeast and Southwest 1/4 of Section 4, and the Northeast 1/4 of Section 9, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon.

FACTS AND FINDINGS: Minuteman Way, originally named Industrial Way, was dedicated to the public in deeds from the Kronberg family, J.M. Samuel and, Oregon Military District in the 1960's and 1970's. This road has gone through many improvements since its beginning as a local access road and is now a major thoroughfare that provides access to alternate routes in and out of the growing industrial and military area. As a result of the new State Highway 224 Expressway, and the recent realigned improvements to Minuteman Way, a portion of Mather Road and Industrial Way is no longer of use to the traveling public and should be vacated.

In lieu of the proposed vacated portion of Mather Road and Industrial Way, the State of Oregon through its Department of Transportation and Clackamas County Department of Transportation and Development offered to the public Permanent Right of Way Easements for Road Purposes through their respective properties. The Board has accepted those offers by signing and recording said easement deeds. See, Document Numbers 2023-013894 and 2024-003657, Clackamas County Deed Records. The proposed County's acknowledgement of these easements to be a part of the County Road system, known as Minuteman Way (Local Access Road Number L532, DTD No. 22850), will allow for the simultaneous vacation of the unused portion of Mather Road and Industrial Way right of way. Oregon Department of Transportation, Clackamas County Development Agency and Oregon Military District have agreed to, and are anticipating the vacation of this portion of Mather Road. There are no negative impacts to the traveling public or the adjoining property owners by this road vacation. This action is pursuant to ORS 368.126.

The Board's authority for the proposed action is ORS 368.126 (stating) "When a county governing body establishes a new public road following the general alignment of an existing public road, the final order or resolution shall identify all parts of any existing road that are to be vacated. Vacation of those parts described is effective without any other proceedings. A road so vacated shall not be closed to public use until the road laid out to replace it is actually opened to travel."

Minuteman Way, Local Access Road Number L532, is currently open to the public for travel. After considering traffic impacts, fiscal impacts, and social impacts, staff believes that it would be in the public's interest to approve the Board Order Acknowledging the Permanent Right of Way Easements for Road Purposes as part of the County Road system and simultaneously vacating the unused portion of Mather Road right of way, in accordance with ORS 368.126.

It is my assessment to support the subject Acknowledgment of Right of Way for Minuteman Way, and simultaneous road vacation.

This road vacation is consistent with the criteria of Clackamas County Code 7.03.095 (4)(A), enumerated with associated findings as follow:

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.

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

Finding: There is an unused road constructed in this right of way.

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

Finding: It was economically feasible to build a road in this unused right of way.

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 roads and private easements in the area that effectively provides 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: There is no potential use for the right of way.

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

Finding: There are no future or 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 is no anticipated growth near or surrounding this unused right of way.

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.

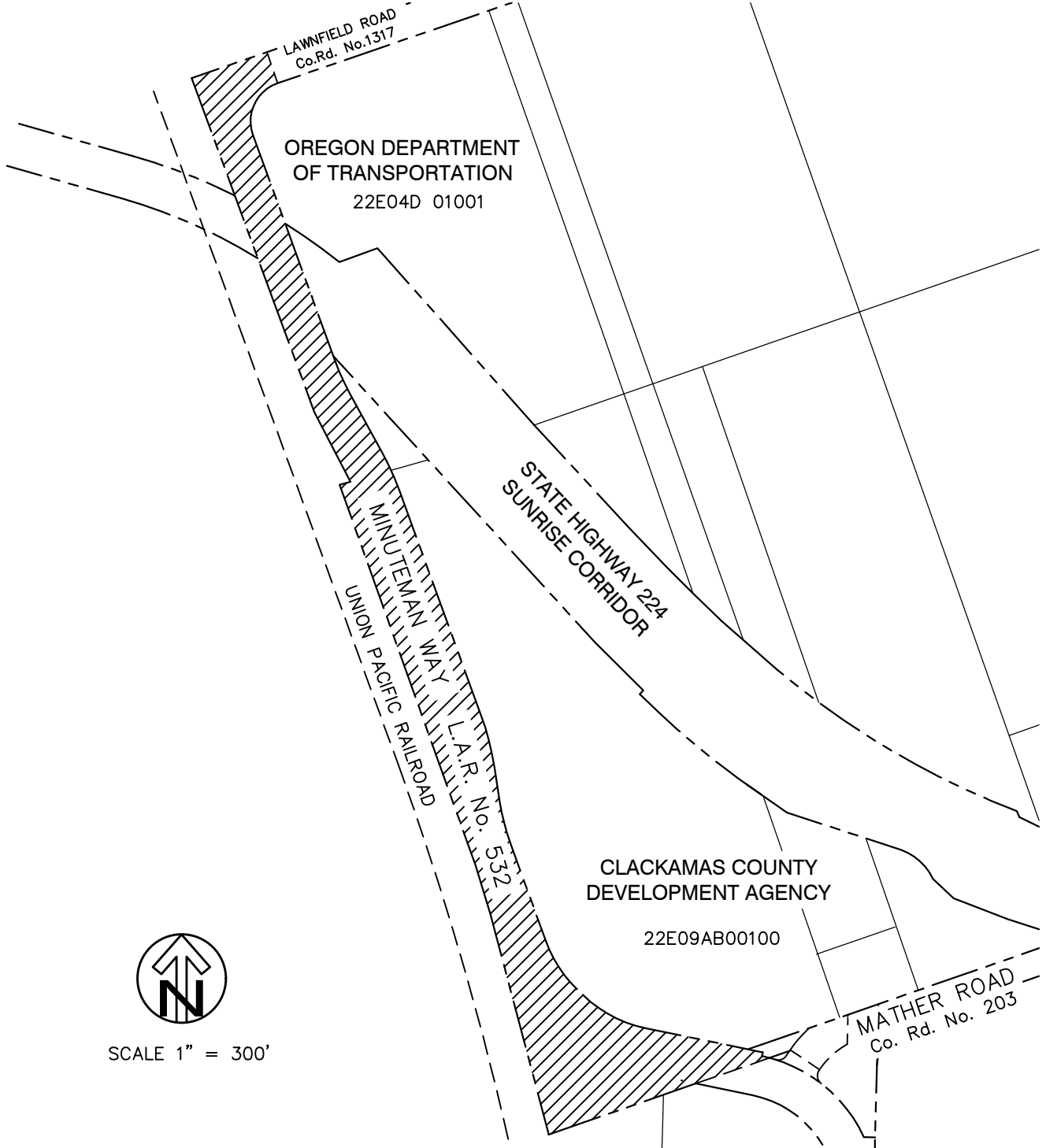
i. Whether the right-of-way proposed to be vacated leads to federal, state or local public lands that can be used for public recreation.

Finding: Not applicable.

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


Dan Johnson, Director D.T.D

SITUATED IN THE NW 1/4 OF SECTION 9, AND
 THE SW 1/4 OF SECTION 4 T.2S., R.2E., W.M.
 CLACKAMAS COUNTY, OREGON



SCALE 1" = 300'

LEGEND

 PREVIOUSLY ACCEPTED
 252,708 Sq. Ft.

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



BY: D. CUTSHALL DATE: 10/15/2024
 SUNRISE CORRIDOR PROJECT
 PREVIOUSLY ACCEPTED R.O.W.

SHEET
 1 OF 1

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

In the Matter of Acknowledging,
Permanent Right of Way Easements
for Road Purposes and Simultaneous
Vacation of a Portion of Mather Road
and Industrial Way, County Road
No. 203, Located in Section 9,
T.2 S., R.2 E., W.M.



Order No.
Page 1 of 2

THIS MATTER COMING before the Board of County Commissioners at this time and it appearing to the Board that Oregon Department of Transportation recently completed the Highway 224 Expressway. In conjunction with the project, Oregon Department of Transportation and Clackamas County Development of Transportation and Development have offered to the public variable width Permanent Right-Of-Way Easements for Road Purposes, through a portion of their respective properties for the realignment of Minuteman Way to Lawnfield Road. Said realignment is described and depicted as follows;

See previously accepted Permanent Right-Of-Way Easements for Road Purposes recorded as Document Numbers 2023-013894 and 2024-003657, Clackamas County Deed Records

WHEREAS Highway 224 Expressway segmented Mather Road and Industrial Way, which consequently eliminated the connectivity between Lawnfield Road and old Highway 224, and thus necessitating the realignment of Minuteman Way; said realignment acts to replace a portion of Mather Road, and;

WHEREAS in accordance with ORS 368.126, acceptance and acknowledgement of the said Permanent Right-Of-Way Easements for Road Purposes, for the realignment of Minuteman Way, will allow the Board to simultaneously vacate unused portions of Mather Road and Industrial Way right of way, as described and depicted in the attached Exhibits "A and "B."

IT IS HEREBY ORDERED that the Board acknowledge said Permanent Right-Of-Way Easements for Road Purposes, as Document Numbers 2023-013894 and 2024-003657, Clackamas County Deed Records, to be a part of realigned Minuteman Way, Local Access Road Number L532; and

IT IS FURTHER ORDERED that in accordance with ORS 368.126, the unused portions of Mather Road and Industrial Way right of way as described and depicted on attached Exhibits A and B be vacated, said unused right of way is no longer a benefit to the traveling public;

IT IS FURTHER ORDERED that rights for all existing utilities within the vacated portion of Mather Road and Industrial Way be reserved, nothing contained herein shall cause or require the removal or abandonment of any storm or sanitary sewer, water main, gas line, conduit of any kind, wires, or poles which are now installed in said right-of-way and used or intended to be used for any public service or utility. In addition, the rights are reserved to access, maintain, repair, construct or reconstruct, install, renew, and enlarge all utilities and, any storm or sanitary sewer that are now used for any public service or utility; and,

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

In the Matter of Acknowledging,
Permanent Right of Way Easements
for Road Purposes and Simultaneous
Vacation of a Portion of Mather Road
and Industrial Way, County Road
No. 203, Located in Section 9,
T.2 S., R.2 E., W.M.



Order No.
Page 2 of 2

IT IS FURTHER ORDERED that the Board hereby directs staff to send copies of this Order and supporting documents be recorded free of charge with the Clackamas County Clerk when presented, with copies sent to the County Assessor Office, County Surveyor's Office, and County Finance/Fixed Assets' Offices.

ADOPTED this _____ day of _____, 2024

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

EXHIBIT "A"

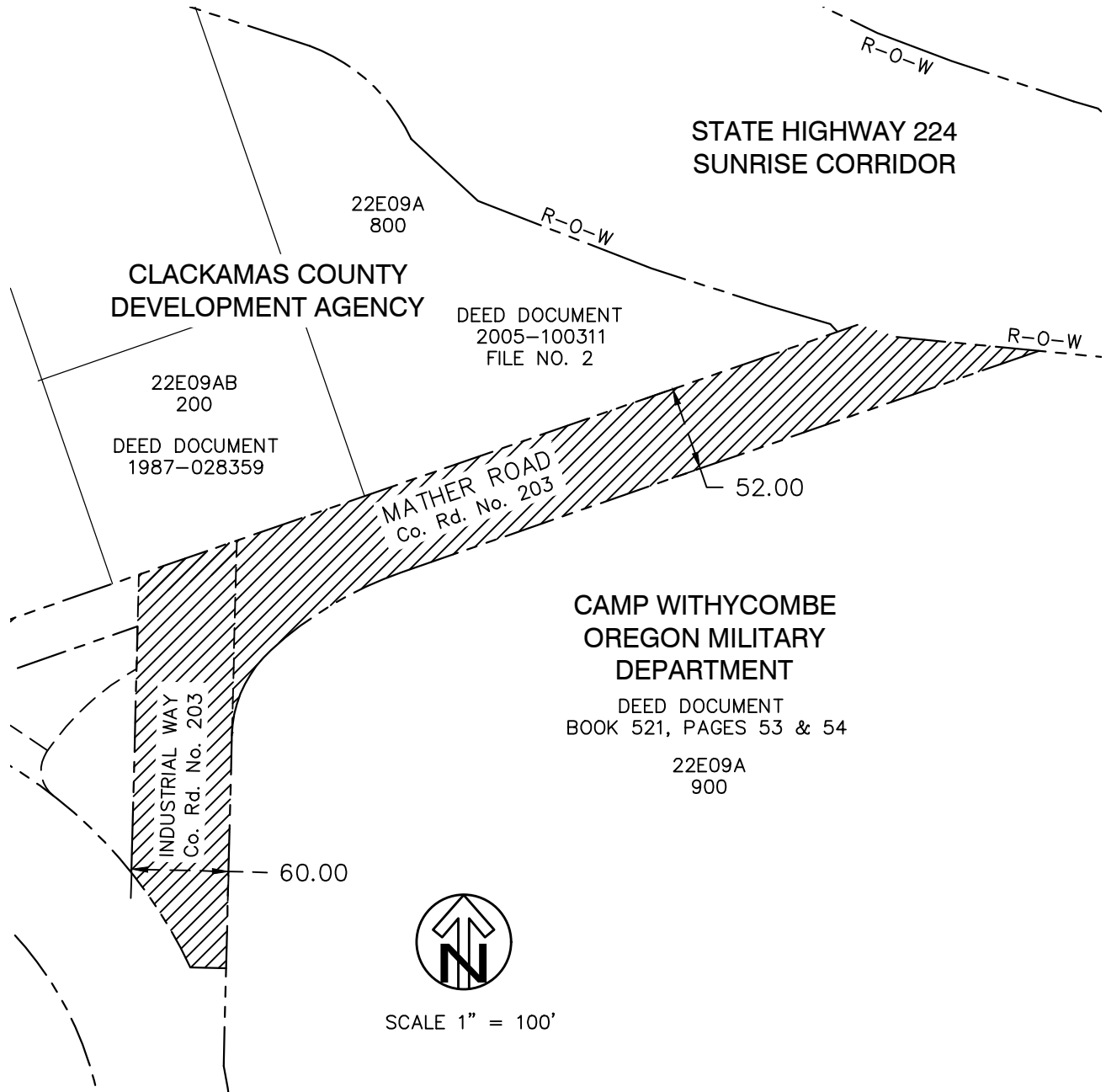
Description of the Vacated Portion of Mather Road

All of that portion of SE Mather Road, and renamed SE Industrial Way, County Road Number 203, lying in the northeast quarter of Section 9, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, being described as follows:

All of that portion of SE Mather Road, and renamed SE Industrial Way, County Road Number 203, lying northeasterly of the northerly extension of west right of way of renamed Industrial Way, and between the southwesterly right of way of Oregon State Highway 224 Bypass, also known as the Sunrise Corridor. Except there from any portion of renamed Industrial Way lying within the realigned Minuteman Way right of way as described in Deed Documents 2024-003657, and 2023-013894, Clackamas County Deed Records, and depicted in SN2016-231, Clackamas County Survey Records. Said vacated portions being depicted on attached Exhibit "B", which by this reference made a part hereof.

Containing 33,007 square feet, more or less.

SITUATED IN THE NE 1/4 OF
SECTION 9, T.2S., R.2E., W.M.
CLACKAMAS COUNTY, OREGON




CAMP WITHYCOMBE
OREGON MILITARY
DEPARTMENT
DEED DOCUMENT
BOOK 521, PAGES 53 & 54
22E09A
900



SCALE 1" = 100'

LEGEND

 VACATION AREA
33,007 Sq. Ft.

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



BY: D. CUTSHALL DATE: 08/31/2023
SUNRISE CORRIDOR PROJECT
EXHIBIT "B"

SHEET
1 OF 2