



DAN JOHNSON
DIRECTOR

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

January 31, 2019

Board of Commissioners
Clackamas County

Members of the Board:

**A Board Order Vacating a Portion of SE Laurie Avenue,
County Road No. 2276 Right of Way**

Purpose/Outcomes	Vacates a portion of SE Laurie Avenue right of way.
Dollar Amount and Fiscal Impact	None
Funding Source	N/A
Duration	Upon execution; permanent right of way easement vacation.
Strategic Plan Alignment	Build Public Trust Through Good Government Grow a vibrant economy
Previous Board Action	N/A
Contact Person	Doug Cutshall, Engineering Technician 503-742-4669

BACKGROUND:

Rose Villa Inc., a retirement community, is expanding and redeveloping its property. Due to an unfortunate error in a local surveyor's boundary determination, a newly constructed retirement housing building is in violation of current building setback rules. To abate the setback violation Rose Villa Inc. is petitioning the Board to vacate a strip of Laurie Avenue and, alternately dedicate an equally wide strip of their property for a Permanent Right of Way Easement for Road Purposes. The compensating strip comprises a portion of a continuous 50 foot wide Permanent Right of Way Easement for Road Purposes through the Rose Villa Inc. property. The vacation of the strip of Laurie Avenue right of way insures that the new building is no longer in violation.

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 vacating a strip of SE Laurie Avenue, County Road No. 2276, right of way, in accordance with ORS 368.326.

County Counsel has reviewed and approved this action.

RECOMMENDATION:

Staff respectfully recommends that the Board adopt the attached Board Order vacating a 2.2 foot wide strip of SE. Laurie Avenue right of way, (County Road No. 2276, DTD No. 21110).

Respectfully submitted,

Douglas Cutshall
Engineering Technician DTD

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

In the Matter of the Vacation of a
Portion of SE Laurie Avenue,
Co. Rd. No. 2276, DTD No. 21110,
Situated in Section 2, T.2 S., R.1 E.,
W.M. Clackamas County, Oregon



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 368.351, a petition has been filed with the determined fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated, 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 Laurie Avenue, County Road Number 2276, described as follows:

All of that portion of S.E. Laurie Avenue located in the SE ¼ of Section 2, T.2 S., R. 1 E., W.M., Clackamas County, Oregon. Described and depicted on attached exhibits "A" and "B".

WHEREAS, the Board having read said petition and report from the County Road Official and having 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;

IT IS HEREBY ORDERED that the attached described portion of Laurie Avenue, Co. Rd. No. 2276, containing, 642 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 _____, 2019

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Chase, Jones & Associates Inc.
716 SE 11th Avenue
Portland, OR 97214
503-228-9844
Project # 15147

EXHIBIT "A"

Date: September 17, 2018
Owner Name: Rose Villa, Inc., who took title as Oregon Senior Citizens, Inc.
Map 21E02DB 00300

Right of Way Vacation

A 2.19 foot wide strip of land situated in the East half of Section 2, Township 2 South, Range 1 East of the Willamette Meridian, County of Clackamas, State of Oregon, being a portion of that certain property conveyed to Oregon Senior Citizens, Inc. in Warranty Deed recorded in book 550 at page 82, and a portion of that certain property conveyed to Rose Villa, Inc. in Statutory Warranty Deed recorded September 1, 2015 as document number 2015-059065, being described as follows:

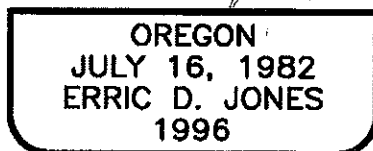
COMMENCING at the Point of Beginning of a Right of Way Vacation on the East side of Laurie Avenue entitled "Right of Way Vacation", last revised on November 3, 2014, as described on Exhibit "A" and shown on Exhibit "B" of Document No. 2014-066319, Clackamas County Deed Records; thence South 16°39'09" East along the West line of said Right of Way Vacation a distance of 97.41 feet to a 205.00 foot radius tangent curve to the right; thence Southeasterly along said tangent curve to the right, through a central angle of 16°39'09", an arc length of 59.58 feet, subtended by a chord which bears South 08°19'34" East 59.37 feet; thence South 00°00'00" West a distance of 27.99 feet; thence South 89°34'00" West a distance of 50.00 feet to the West right of way line of SE Laurie Avenue and the **TRUE POINT OF BEGINNING**; thence South 00°00'00" West a distance of 292.78 feet to the North right of way line of SE Denny Avenue, said point being 25.00 feet North of, when measured at right angles to, the North line of the Plat of River View Acres, Clackamas County Plat Records; thence North 89°34'00" East along the North right of way line of said SE Denny Avenue a distance of 2.19 feet; thence North 00°00'00" East a distance of 292.78 feet; thence South 89°34'00" West a distance of 2.19 feet to the **TRUE POINT OF BEGINNING**.

Said Vacation contains 642 square feet of land, more or less.

Basis of Bearings: Document No. 2014-066319.



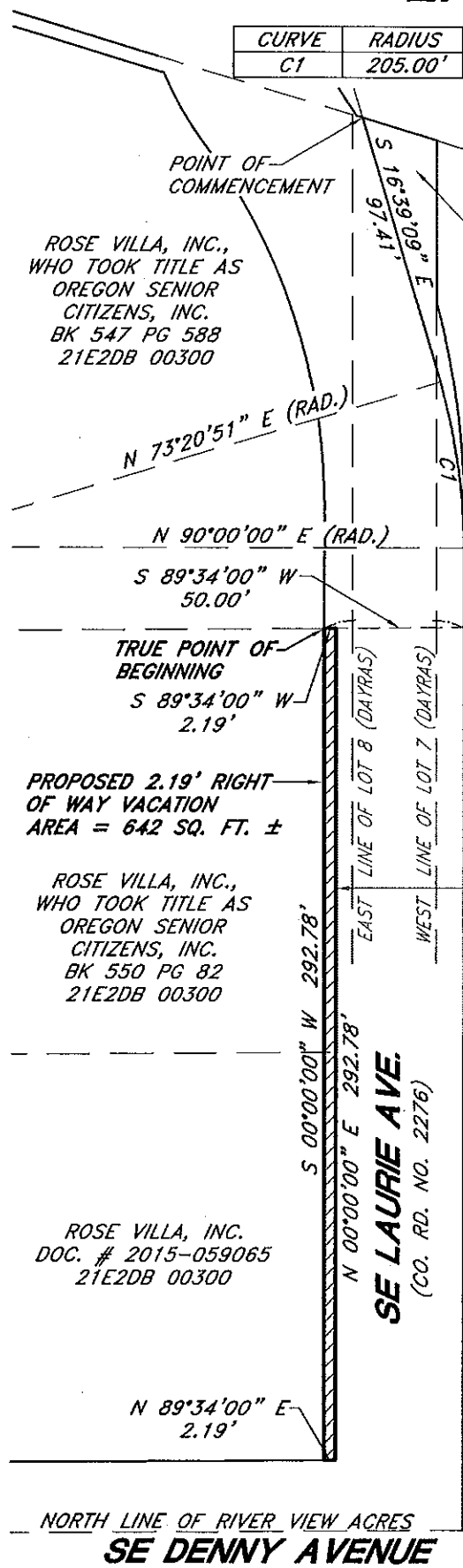
Eric D. Jones



RENEWS: 6-30-19

EXHIBIT "B"

CURVE	RADIUS	DELTA ANGLE	LENGTH	CHORD BEARING	CHORD LENGTH
C1	205.00'	16°39'09"	59.58'	S 08°19'34" E	59.37'



ROSE VILLA, INC.,
WHO TOOK TITLE AS
OREGON SENIOR
CITIZENS, INC.
BK 547 PG 588
21E2DB 00300

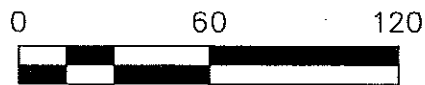
STREET VACATION
PER DOCUMENT NO.
2014-066319

ROSE VILLA, INC.,
WHO TOOK TITLE AS
OREGON SENIOR
CITIZENS, INC.
BK 545 PG 124
21E2DB 00100

ROSE VILLA, INC.,
WHO TOOK TITLE AS
OREGON SENIOR
CITIZENS, INC.
BK 550 PG 82
21E2DB 00300

THE EAST LINE OF
THIS VACATION IS
NOT TO SCALE FOR
CLARITY PURPOSES

ROSE VILLA, INC.
DOC. # 2015-059065
21E2DB 00300



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

EXPIRES: 6-30-19

DAYRAS ROAD
(VACATED. BOOK 467
PAGE 619, MAY 6, 1953)

RIGHT OF WAY VACATION
OF
A PORTION OF SE LAURIE AVENUE
SITUATED IN THE
EAST 1/2 OF SECTION 2, T2S, R1E, WM
COUNTY OF CLACKAMAS, STATE OF OREGON

BY:
CHASE, JONES & ASSOCIATES INC.
716 S. E. 11TH AVE. PORTLAND, OREGON 97214
PHONE (503) 228-9844

PROJECT NO.: 15147 DATE: SEPT. 17, 2018
DRAWING NAME: 15147_LAURIE VAC. SCALE: 1" = 60'

NORTH LINE OF RIVER VIEW ACRES
SE DENNY AVENUE

MEMORANDUM

TO: Board of Commissioners

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

DATE: January 18, 2019

SUBJ: **Board Order Vacating a Portion of SE Laurie Avenue, County Road No. 2276**

LOCATION: This portion of Laurie Avenue is situated in the southeast 1/4 of Section 2, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon.

FACTS AND FINDINGS: Rose Villa Inc., a retirement community, is expanding and redeveloping its property. Due to an unfortunate error in a local surveyor's boundary determination, a newly constructed retirement housing building is in violation of current building setback rules. To abate the setback violation Rose Villa Inc. is petitioning the Board to vacate a strip of Laurie Avenue and, alternately dedicate an equally wide strip of their property for a Permanent Right of Way Easement for Road Purposes. The compensating strip comprises a portion of a continuous 50 foot wide Permanent Right of Way Easement for Road Purposes through the Rose Villa Inc. property. The vacation of the strip of Laurie Avenue right of way insures that the new building is no longer in violation.

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 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).

After considering traffic impacts, fiscal impacts, and social impacts, it appears to be in the public interest to vacate the area petitioned.

It is my assessment to support the subject vacation.

Pursuant to ORS 368.351 and County policy, the Board may make its determination in the matter of this vacation without a public hearing. This is allowed when there is 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 any public property proposed to be vacated, this Road Official's Report is submitted, and there is no controversy related to the proposed vacation of a portion of SE Laurie Avenue, County Road No. 2276, right of way, in accordance with ORS 368.326.

Dan Johnson, Director D.T.D