



DAN JOHNSON
DIRECTOR

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

February 24, 2022

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property for the Canby-Marquam Hwy at Lone Elder Rd Intersection Improvements Project and Authorizing Good Faith Negotiations and Condemnation Actions

Purpose/Outcomes	Under ORS Chapter 203, ORS Chapter 35 and the federal Uniform Act, a local government agency is authorized to declare by resolution or ordinance the necessity and the purpose for which the project is required by enacting a Resolution of Necessity prior to initiating acquisition of the easements or other property rights needed from abutters to the project.
Dollar Amount and Fiscal Impact	The right of way budget for the project is \$151,706 and is included within the \$1,043,579 total project budget.
Funding Source	County Road Fund+HB2017, Community Road Fund, and Transportation System Development Charges.
Duration	The Resolution remains active throughout the project's duration and terminates upon completion of the project or when all litigation associated with the project is concluded.
Previous Board Action	2/22/22: Discussion item at issues
Strategic Plan Alignment	-This item supports the DTD Strategic Focus on Safe Roads and Strategic Result of "Travelers on Clackamas County roads will experience safe roads in good condition." -This item aligns with "Build a Strong Infrastructure" by widening and reconstructing the intersection, which will improve both the service and safety.
Counsel Review	County Counsel reviewed and approved 1/26/22- NB
Procurement Review	<i>Was the item processed through Procurement?</i> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> This item is a resolution of necessity, required under ORS 35 as a precursor in support of possible condemnation action.
Contact Persons	Mendi Houx, DTD Right of Way Agent @ (503)742-4672

BACKGROUND:

County Road Fund+HB2017, Community Road Fund, and Transportation System Development Charges will be utilized to widen and reconstruct the intersection of S Canby-Marquam Highway (Hwy 170) and S Lone Elder Road (the "Project"). The intersection is a T-intersection that is stop

controlled on S Lone Elder Road and uncontrolled along S Canby-Marquarm Highway. Currently, travelers making southbound right turns use the shoulder area as a right turn lane. Many truck drivers have been observed using the shoulder area for completing their maneuvers in ways that put them in conflict with vehicles in opposing lanes. Additionally, trucks cannot complete northbound left turns without crossing into the shoulder on the north side. The Project will widen and reconstruct the intersection and add a northbound left turn lane improving the service and safety of the intersection.

In order to construct the improvements as designed, additional rights of way and easements will be required. The Project is expected to impact five properties abutting the Project alignment. The Board has authority to exercise the power of eminent domain under ORS Chapter 203 and ORS Chapter 35 to acquire the needed rights of way, easements, and fee property by purchase or condemnation proceedings. In accordance with the procedure set forth in ORS Chapter 35, a Resolution of Necessity is required before offers are made for rights of way, easements, and fee property.

The Project design team has collected and analyzed data sufficient to choose an alternative and advance the design of the Project. The Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development (the "Department") project development procedures and the final legal descriptions required for acquisition of the needed rights of way and easements from five properties affected by the Project have been developed.

The Department shall negotiate in good faith and accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of Just Compensation owed each affected property owner. To fairly determine the amount of Just Compensation, staff will utilize the expertise of authorized real estate appraisers and other such experts to make appraisals and appraisal reviews for acquisitions valued over \$10,000.

The resolution directs Department staff to proceed with good faith negotiations for the acquisition of the needed property rights and to utilize the expertise of authorized real estate appraisers and other such experts to assist in the acquisition process. The resolution further requires the Director of the Department to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel to file a Condemnation Action.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners approve the Resolution of Necessity and Purpose authorizing the acquisition of necessary rights of way, easements, and fee property by good faith negotiation if possible, or condemnation, if necessary.

Sincerely,

Mendi Houx

Mendi Houx
Right of Way Agent

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

In the Matter of Declaring the Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property, and Authorizing Good Faith Negotiations and Condemnation Actions for the Canby-Marquam Hwy at Lone Elder Rd Intersection Improvements Project

Resolution No. _____

Page 1 of 2

This matter comes before the Board of County Commissioners of Clackamas County, Oregon (the "Board") at its regularly scheduled meeting on February 24, 2022 and,

It appearing to the Board that the Canby-Marquam Hwy at Lone Elder Rd Intersection Improvements Project ("the Project") will widen and reconstruct the intersection and add a northbound left turn lane; is consistent with the powers and purposes of County government; and is necessary for public use and the continued growth, safety and welfare of the community; and,

It further appearing that the Board has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.

It further appearing to the Board that the Project has been planned in accordance with appropriate standards for the improvement of transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded; and

It further appearing to the Board that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury; and,

It further appearing to the Board that rights of way, and easements within the boundaries described in the attached Exhibit A-1, A-5, A-7, A-8, A-9, B-1, B-5, B-7, B-8, and B-9 (the "Exhibits") are a necessary part of the Project; and,

It further appearing that the Board has authority under ORS Chapter 203 and ORS Chapter 35 to acquire rights of way, easements, and fee property by good faith negotiation, agreement, and purchase or by exercise of the power of eminent domain with condemnation proceedings; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that this Board declares it necessary and in the public interest that the County Department of Transportation and Development ("the Department"), in connection with this Project, begin the acquisition process, in accordance with all applicable laws, rules, and regulations governing such process, for the necessary rights of way, easements, and fee property, either through good faith negotiation, agreement, and purchase, or, if necessary, by commencement of condemnation proceedings.

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

In the Matter of Declaring the Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property, and Authorizing Good Faith Negotiations and Condemnation Actions for the Canby-Marquam Hwy at Lone Elder Rd Intersection Improvements Project



Resolution No. _____

Page 2 of 2

IT IS FURTHER RESOLVED THAT:

1) The Department be authorized to, in good faith, attempt to negotiate agreements of just compensation with owners of affected property identified in the Exhibits. In so doing, the Department is authorized to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist staff with the acquisition process; and,

2). If the Director of the Department (the "Director") determines that changes to the design of the Project, unanticipated field conditions, or the need to accommodate uneconomic remnants makes it necessary or desirable to modify the rights of way, easements, and fee property required for the Project, the Director shall promptly bring before the Board, and the Board shall promptly consider a resolution amending the Exhibits; and,

3). It is the intention of the Board that the required rights of way, easements, and fee property be obtained through good faith negotiation. The Board acknowledges that the exercise of the power of eminent domain may be necessary. The Director of the Department shall inform the Board when the Director deems eminent domain necessary. Thereafter, the Office of County Counsel is authorized to file complaints of condemnation with the circuit court of the County and take such other steps as it determines necessary for the immediate possession of required rights of way, easements, and fee property and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts, and other consultants deemed necessary to the successful conclusion of that litigation.

Dated this _____ day of _____, 2022.

Tootie Smith, Chair

Recording Secretary

EXHIBIT "A-1"

Page 1 of 5

File NO. 1

February 9, 2022

PERMANENT RIGHT-OF-WAY EASEMENT FOR ROAD PURPOSES

Parcel 1

A tract of land located in the Northwest one quarter (NW 1/4) of Section 15, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being a portion of land as described in Quitclaim Deed, recorded as Document Number 2015-056745, Clackamas County Deed Records, as shown on Exhibit "B-1" attached hereto and by this reference made a part hereof, more particularly described as follows;

Commencing at the NW Corner of Section 15, said point being marked by a 3 ½" brass disk in a monument well;

Thence, along the west line of Section 15, South 00°12'29" East, a distance of 25.00 feet to a point on the southerly Right-of-Way of Lone Elder Road;

Thence along the southerly Right-of-Way line of Lone Elder Road North 89°45'58" East, a distance of 250.47 feet to the **True Point of Beginning**;

Thence continuing along said southerly Right-of-Way North 89°45'58" East, a distance of 155.70 feet to a point being at the intersection of the southerly Right-of-Way of Lone Elder Road and the westerly Right-of-Way of Canby-Marquam Highway (HWY 170);

Thence along the westerly Right-of-Way of Canby-Marquam Highway (HWY 170) and leaving said southerly Right-of-Way South 14°58'00" East, a distance of 9.80 feet to the beginning of a tangent curve concave westerly, said curve has a radius of 924.93 feet;

Thence southerly along said curve through a central angle of 11°14'22" an arc distance of 181.44 feet, the long chord being S 09°20'49" E – 181.15 feet to a point of tangency;

Thence continuing along the westerly Right-of-Way of Canby-Marquam Highway, South 03°43'38" East, 401.25 feet to a point;

Thence leaving said westerly Right-of-Way, North 4°53'20" West, 278.68 feet to a point;

Thence South 86°16'22" West, 12.00 feet to a point;

Thence North 03°43'38" West, 42.00 feet to the beginning of a tangent curve concave westerly, said curve has a radius of 1,864.86 feet;

EXHIBIT "A-1"

Page 2 of 5

File NO. 1

February 9, 2022

Thence northerly along said curve through a central angle of $7^{\circ}16'29''$ an arc distance of 236.78 feet, the long chord being $N 07^{\circ}21'52'' W - 236.62$ feet to a point of non-tangency, to which a radial line bears $S 78^{\circ}59'53'' W$ to the radius point;

Thence North $52^{\circ}21'02''$ West, 32.13 feet to a point;

Thence North $82^{\circ}53'54''$ West, 120.43 feet to the **True Point of Beginning**;

The land herein described contains 8,283 square feet, more or less.

Basis of bearings and boundary determination for this description was held from Survey SN2022-031.

EXHIBIT "A-1"

Page 3 of 5

File 1

February 9, 2022

TEMPORARY CONSTRUCTION EASEMENT

Parcel 2

A tract of land located in the Northwest one quarter (NW 1/4) of Section 15, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being a portion of land as described in Quitclaim Deed, recorded as Document Number 2015-056745, Clackamas County Deed Records, as shown on Exhibit "B-1" attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the NW Corner of Section 15, said point being marked by a 3 ½" brass disk in a monument well;

Thence, along the west line of Section 15, South 00°14'02" East, a distance of 25.00 feet to a point on the southerly Right-of-Way of Lone Elder Road;

Thence along the southerly Right-of-Way line of Lone Elder Road North 89°45'58" East, a distance of 215.71 feet to the **True Point of Beginning**;

Thence continuing along said southerly Right-of-Way, North 89°45'58" East, 27.53 feet to a point, said point being referenced as Point "A";

Thence South 28°13'06" West, 18.10 feet to a point;

Thence South 89°13'46" West, 22.68 feet to a point;

Thence North 12°56'11" East, 16.56 feet to the **True Point of Beginning**;

The land herein described contains 402 square feet, more or less.

TOGETHER WITH:

Parcel 3

Commencing at the Point "A", as referenced above;

Thence continuing along said southerly Right-of-Way, North 89°45'58" East, 7.23 feet to a point;

EXHIBIT "A-1"

Page 4 of 5

File 1

February 9, 2022

Thence leaving said southerly Right-of-Way, South $82^{\circ}53'54''$ East, 12.56 feet to the **True Point of Beginning**;

Thence South $82^{\circ}53'54''$ East, 107.87 feet to a point;

Thence South $52^{\circ}21'02''$ East, 32.13 feet to the beginning of a non-tangent curve concave westerly, said curve has a radius of 1,864.86 feet, to which a radial line bears South $79^{\circ}00'33''$ West;

Thence southerly along said curve through a central angle of $7^{\circ}16'29''$ an arc distance of 236.78 feet, the chord bears S $07^{\circ}21'52''$ E – 236.62 feet, to a point of tangency;

Thence South $03^{\circ}43'38''$ East, 42.00 feet to a point;

Thence North $86^{\circ}16'22''$ East, 12.00 feet to a point;

Thence South $04^{\circ}53'20''$ East, 259.72 feet to a point;

Thence South $85^{\circ}24'35''$ West, 5.00 feet to a point;

Thence North $04^{\circ}53'20''$ West, 254.79 feet to a point;

Thence South $86^{\circ}16'22''$ West, 12.10 feet to a point;

Thence North $03^{\circ}43'38''$ West, 47.00 feet to the beginning of a tangent curve concave westerly, said curve has a radius of 1,859.86 feet;

Thence northerly along said curve through a central angle of $7^{\circ}13'00''$ an arc distance of 234.26 feet, the chord bears N $07^{\circ}20'08''$ W – 234.10 feet, to a point of non-tangency;

Thence North $52^{\circ}21'02''$ West, 28.88 feet to a point;

Thence North $82^{\circ}53'54''$ West, 84.87 feet to a point;

Thence South $00^{\circ}12'26''$ East, 11.44 feet to a point;

Thence North $82^{\circ}05'05''$ West, 20.92 feet to a point;

EXHIBIT "A-1"

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File 1

February 9, 2022

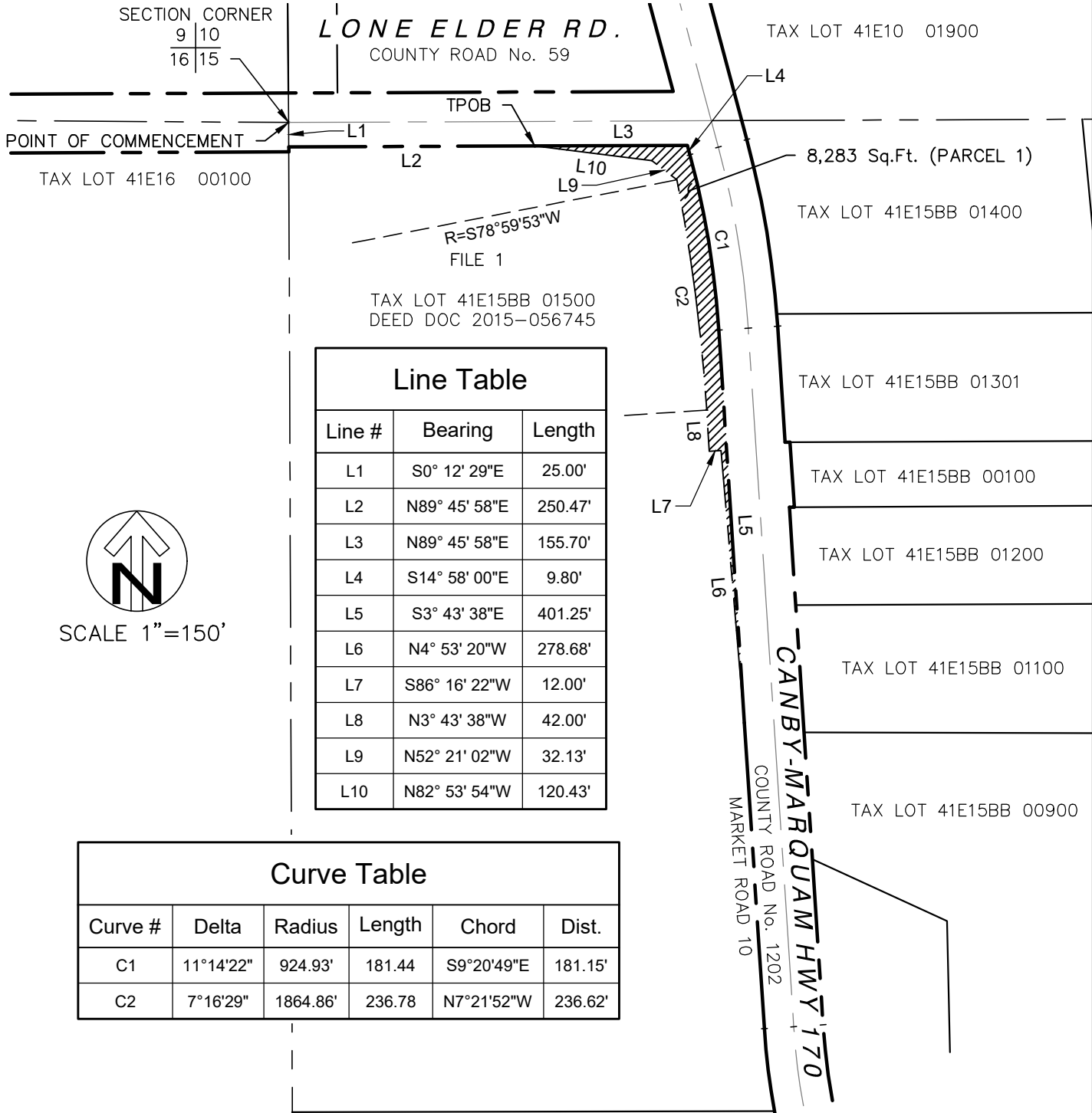
Thence North 00°34'36" West, 16.20 feet to the **True Point of Beginning**.

The land herein described contains 3,668 square feet, more or less.

Basis of bearings and boundary determination for this description was held from Survey SN2022-031.



THE NW 1/4 OF SECTION 15, T.4S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON



Line Table		
Line #	Bearing	Length
L1	S0° 12' 29"E	25.00'
L2	N89° 45' 58"E	250.47'
L3	N89° 45' 58"E	155.70'
L4	S14° 58' 00"E	9.80'
L5	S3° 43' 38"E	401.25'
L6	N4° 53' 20"W	278.68'
L7	S86° 16' 22"W	12.00'
L8	N3° 43' 38"W	42.00'
L9	N52° 21' 02"W	32.13'
L10	N82° 53' 54"W	120.43'

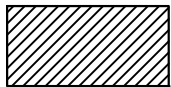


SCALE 1"=150'

Curve Table					
Curve #	Delta	Radius	Length	Chord	Dist.
C1	11°14'22"	924.93'	181.44	S9°20'49"E	181.15'
C2	7°16'29"	1864.86'	236.78	N7°21'52"W	236.62'

LEGEND

TPOB TRUE POINT OF BEGINNING



PERMANENT RIGHT-OF-WAY EASEMENT
AREA PARCEL 1 = 8,283 Sq.Ft.±



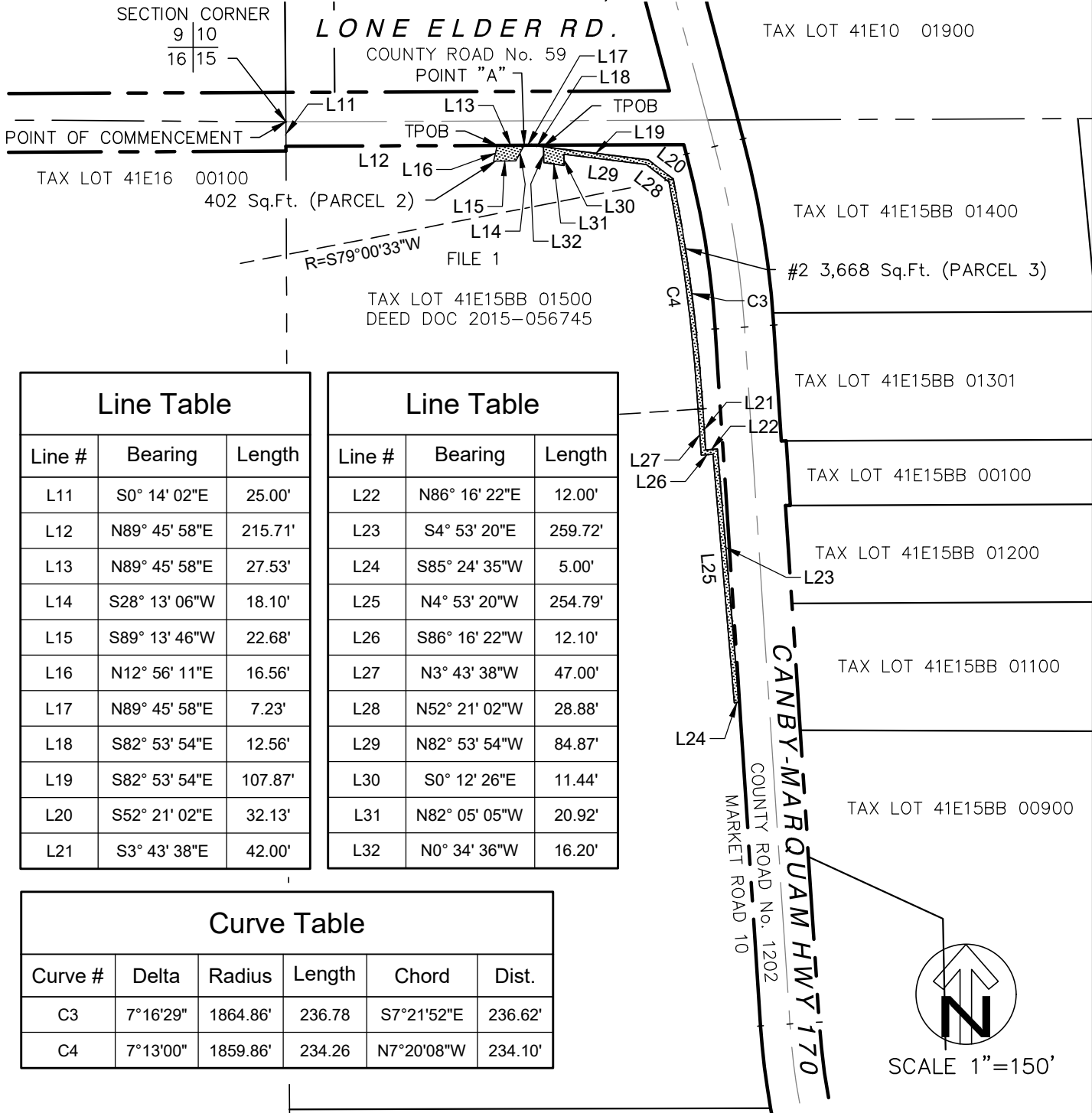
DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B-1"
CANBY-MARQUAM HWY AT
LONE ELDER RD.
INTERSECTION IMPROVEMENTS
PAGE 1 OF 2

PERMANENT RIGHT-OF-WAY
EASEMENT FOR ROAD PURPOSES

PROJECT NO. 22291	DRAWN BY AAR	DESIGN BY AAR	DATE: 02/09/22
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THE NW 1/4 OF SECTION 15, T.4S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON



Line Table

Line #	Bearing	Length
L11	S0° 14' 02"E	25.00'
L12	N89° 45' 58"E	215.71'
L13	N89° 45' 58"E	27.53'
L14	S28° 13' 06"W	18.10'
L15	S89° 13' 46"W	22.68'
L16	N12° 56' 11"E	16.56'
L17	N89° 45' 58"E	7.23'
L18	S82° 53' 54"E	12.56'
L19	S82° 53' 54"E	107.87'
L20	S52° 21' 02"E	32.13'
L21	S3° 43' 38"E	42.00'

Line Table

Line #	Bearing	Length
L22	N86° 16' 22"E	12.00'
L23	S4° 53' 20"E	259.72'
L24	S85° 24' 35"W	5.00'
L25	N4° 53' 20"W	254.79'
L26	S86° 16' 22"W	12.10'
L27	N3° 43' 38"W	47.00'
L28	N52° 21' 02"W	28.88'
L29	N82° 53' 54"W	84.87'
L30	S0° 12' 26"E	11.44'
L31	N82° 05' 05"W	20.92'
L32	N0° 34' 36"W	16.20'

Curve Table

Curve #	Delta	Radius	Length	Chord	Dist.
C3	7°16'29"	1864.86'	236.78	S7°21'52"E	236.62'
C4	7°13'00"	1859.86'	234.26	N7°20'08"W	234.10'

LEGEND

TPOB TRUE POINT OF BEGINNING



TEMPORARY CONSTRUCTION EASEMENT
AREA PARCEL 2 = 402 Sq.Ft.±
AREA PARCEL 3 = 3,668 Sq.Ft.±

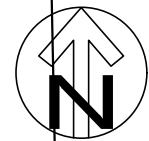


DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B-1"
CANBY-MARQUAM HWY AT
LONE ELDER RD INTERSECTION
IMPROVEMENTS
PAGE 2 OF 2

TEMPORARY CONSTRUCTION
EASEMENT

RD. FILE NO. 22291	DRAWN BY AAR	DESIGN BY AAR	DATE: 02/09/22
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SCALE 1"=150'

EXHIBIT "A-5"

Page 1 of 2

File No. 5

February 7, 2022

PERMANENT RIGHT-OF-WAY EASEMENT FOR ROAD PURPOSES

A tract of land located in the Southwest one quarter (SW 1/4) of Section 10, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being a portion of land as described in Warranty Deed, recorded as Document Number 2008-000396, Clackamas County Deed Records, as shown on Exhibit "B-5" attached hereto and by this reference made a part hereof, more particularly described as follows;

Commencing at the SW Corner of Section 10, said point being marked by a 3 ½" brass disk in a monument well;

Thence, along the west line of Section 10, North 00°29'33" West, a distance of 30.00 feet to a point on the northerly Right-of-Way of Lone Elder Road;

Thence along the northerly Right-of-Way line of Lone Elder Road North 89°45'58" East, a distance of 366.37 feet to the beginning of a non-tangent curve concave northwesterly, said curve has a radius of 39.00 feet, to which a radial line bears North 26°51'02" West to the radius point, also being the **True Point of Beginning**;

Thence northeasterly along said curve through a central angle of 44°59'50" an arc distance of 30.63 feet, the long chord being North 40°39'03" East – 29.85 feet to a point of non-tangency, also being a point on the westerly Right-of-Way of Canby-Marquam Highway (HWY 170);

Thence parallel to the centerline of Canby-Marquam Highway South 14°58'00" East a distance of 23.33 feet to a point being 30.00 feet northerly, measured perpendicular to the centerline of Lone Elder;

Thence parallel to the centerline of Lone Elder, South 89°45'58" West a distance of 25.47 feet to the **True Point of Beginning**;

EXHIBIT "A-5"

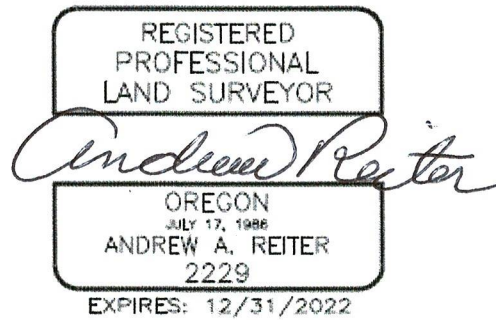
Page 2 of 2

File No. 5

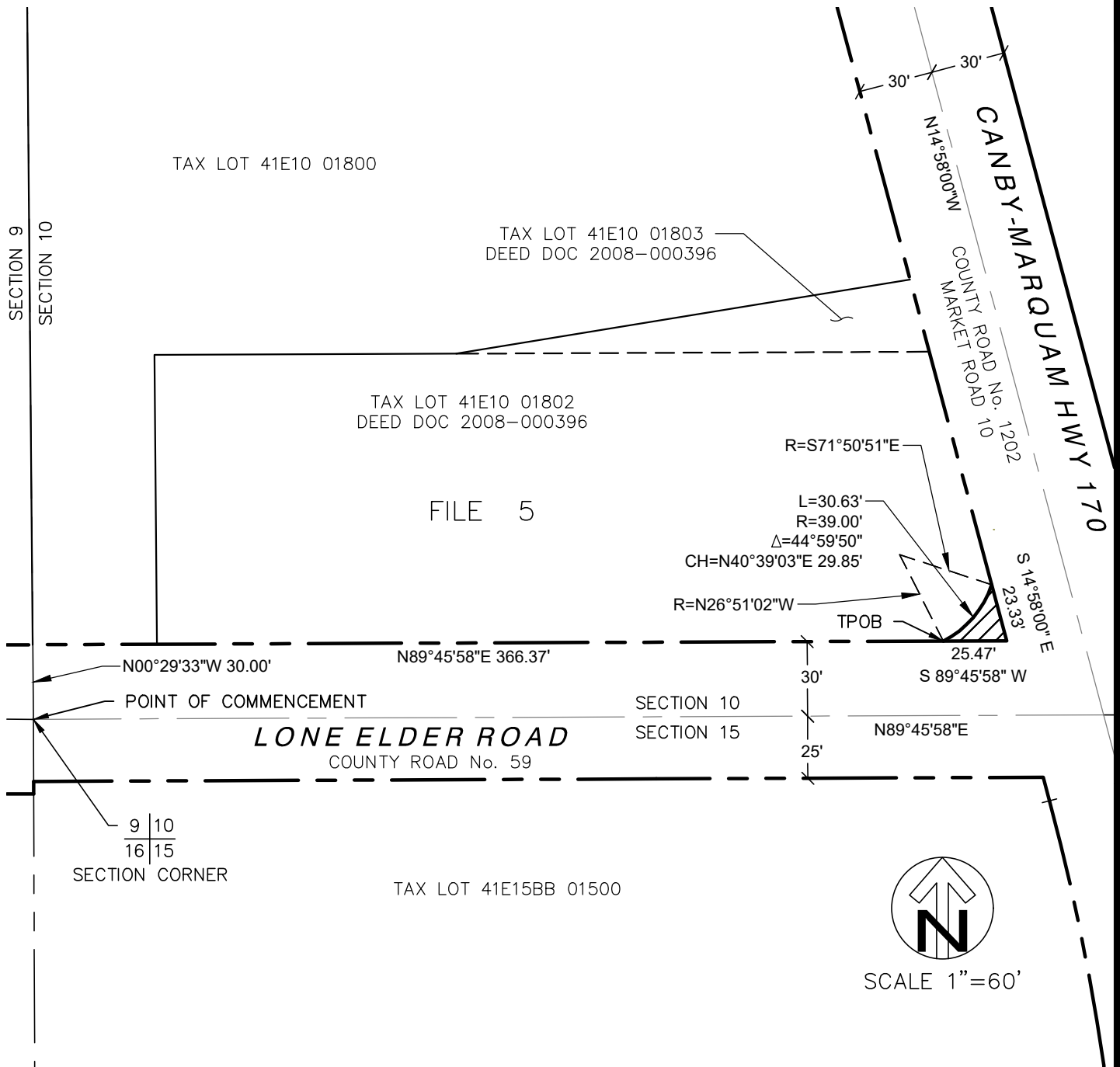
February 7, 2022

The land herein described contains 228 square feet, more or less.

Basis of bearings and boundary determination for this description was held from Survey SN2022-031.

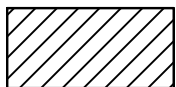


THE SW 1/4 OF SECTION 10, T.4S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON



LEGEND

TPOB TRUE POINT OF BEGINNING



PERMANENT RIGHT-OF-WAY EASEMENT
AREA = 228 Sq.Ft.±



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B-5"
CANBY-MARQUAM HWY AT
LONE ELDER RD INTERSECTION
IMPROVEMENTS
PAGE 1 OF 1

PERMANENT RIGHT-OF-WAY
EASEMENT FOR ROAD PURPOSES

RD. FILE NO. 22291	DRAWN BY AAR	DESIGN BY AAR	DATE: 02/07/22
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EXHIBIT "A-7"

Page 1 of 2

File No. 7

February 7, 2022

TEMPORARY CONSTRUCTION EASEMENT

Parcel 1

A tract of land located in the Southwest one quarter (SW 1/4) of Section 10, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being a portion of land as described in Statutory Warranty Deed, recorded as Document Number 2017-081052, Clackamas County Deed Records, as shown on Exhibit "B-7" attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the NW Corner of that property as described in Statutory Warranty Deed, Document No. 2017-081052, said point being marked by a 3" Iron Pipe with a 5/8" Iron Rod, said point also being on the Easterly Right-of-Way of the Canby-Marquam Highway 170;

Thence, along the easterly Right-of-Way of the Canby-Marquam Highway, South 14°58'00" East, a distance of 5.38 feet to the **True Point of Beginning**;

Thence leaving said Right-of-Way North 85°25'48" East, a distance of 10.17 feet to a point being 40.00 feet measured perpendicular from the centerline of the Canby-Marguam Highway;

Thence parallel with the centerline of Canby-Marquam Highway, South 14°58'00" East, a distance of 28.09 feet to a point;

Thence South 81°53'01" West, a distance of 10.07 feet to a point on the easterly Right-of-Way of Canby-Marquam Highway, said point being referenced as Point "A";

Thence along said Right-of-Way North 14°58'00" West, a distance of 28.73 feet to the **True Point of Beginning**;

The land herein described contains 284 square feet, more or less.

TOGETHER WITH:

Parcel 2

Commencing at said Point "A" as referenced above, said point also being on the Easterly Right-of-Way of the Canby-Marquam Highway 170;

Thence, along the easterly Right-of-Way of the Canby-Marquam Highway, South 14°58'00" East, a distance of 136.56 feet to the **True Point of Beginning**;

EXHIBIT "A-7"

Page 2 of 2

File No. 7

February 7, 2022

Thence leaving said Right-of-Way North $87^{\circ}23'02''$ East, a distance of 16.38 feet to a point being 46 feet measured perpendicular from the centerline of the Canby-Marguam Highway;

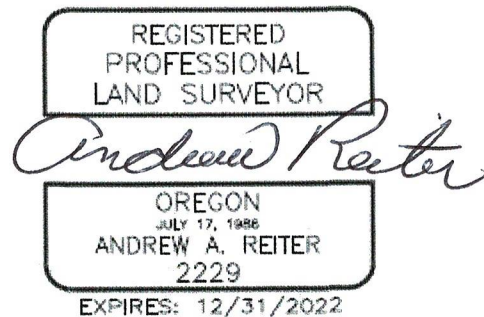
Thence parallel with the centerline of Canby-Marquam Highway, South $14^{\circ}58'00''$ East, a distance of 26.97 feet to a point;

Thence North $80^{\circ}38'36''$ West, a distance of 17.56 feet to a point on the easterly Right-of-Way of Canby-Marquam Highway;

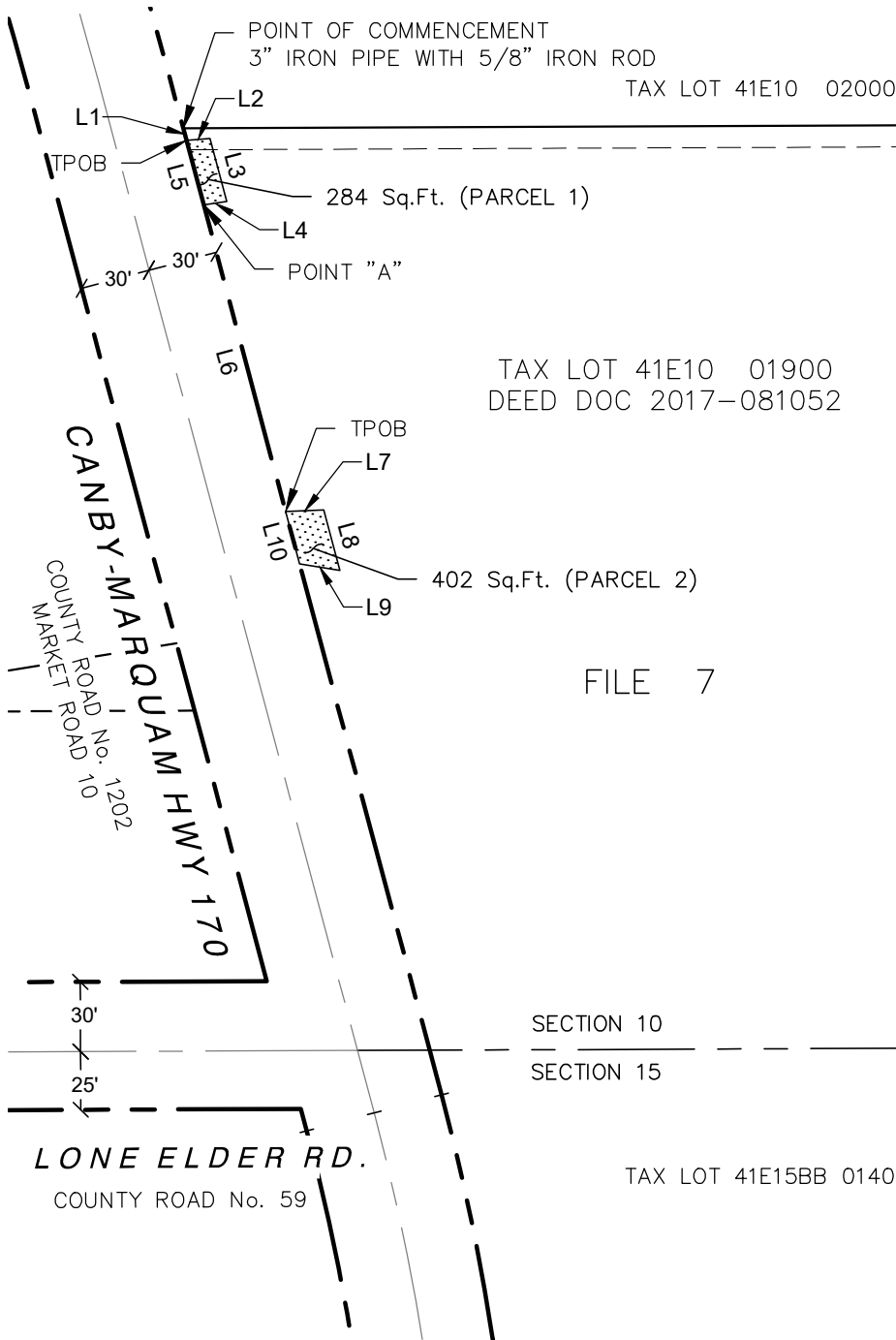
Thence along said Right-of-Way North $14^{\circ}58'00''$ West, a distance of 23.24 feet to the **True Point of Beginning**;

The land herein described contains 402 square feet, more or less.

Basis of bearings and boundary determination for this description was held from Survey SN2022-031.



THE SW 1/4 OF SECTION 10, T.4S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON



Line Table

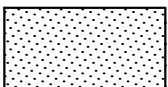
Line #	Bearing	Length
L1	S14° 58' 00"E	5.38'
L2	N85° 25' 48"E	10.17'
L3	S14° 58' 00"E	28.09'
L4	S81° 53' 01"W	10.07'
L5	N14° 58' 00"W	28.73'
L6	S14° 58' 00"E	136.56'
L7	N87° 23' 02"E	16.38'
L8	S14° 58' 00"E	26.97'
L9	N80° 38' 36"W	17.56'
L10	N14° 58' 00"W	23.24'



SCALE 1"=80'

LEGEND

TPOB TRUE POINT OF BEGINNING



TEMPORARY CONSTRUCTION EASEMENT
AREA PARCEL 1 = 284 Sq.Ft.±
AREA PARCEL 2 = 402 Sq.Ft.±



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B-7"
CANBY-MARQUAM HWY AT
LONE ELDER RD.
INTERSECTION IMPROVEMENTS
PAGE 1 OF 1

TEMPORARY CONSTRUCTION
EASEMENT

PROJECT NO. 22291	DRAWN BY AAR	DESIGN BY AAR	DATE: 02/08/22
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EXHIBIT "A-8"

Page 1 of 4

File 8

February 9, 2022

TEMPORARY CONSTRUCTION EASEMENT

Parcel 1

A tract of land located in the Northwest one quarter (NW 1/4) of Section 15, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being a portion of land as described in the Bargain and Sale Deed, recorded as Document Number 2017-071917, Clackamas County Deed Records, as shown on Exhibit "B-8" attached hereto and by this reference made a part hereof, more particularly described as follows;

Beginning at the NW Corner of that land as described in said Document Number 2017-071917, also being at the intersection of the north line of Section 15 and the easterly Right-of-Way of Canby-Marquam Highway 170;

Thence South 77°41'36" East, a distance of 11.26 feet to a point;

Thence South 15°03'13" East, a distance of 31.18 feet to a point;

Thence North 75°47'43" East, a distance of 11.58 feet to the beginning of a non-tangent curve concave westerly, said curve has a radius of 984.93 feet, to which a radial line bears South 75°39'45" West, also being a point on the easterly Right-of-Way of Canby-Marquam Highway 170;

Thence along said easterly Right-of-Way, northerly along said curve through a central angle of 0°37'45", an arc distance of 10.82 feet, the chord bears N 14°39'07" W – 10.82 feet, to a point of tangency;

Thence North 14°58'00" West, a distance of 19.88 feet to the **Point of Beginning**;

The land herein described contains 310 square feet, more or less.

TOGETHER WITH:

Parcel 2

Commencing at the NW Corner of that land as described in said Document Number 2017-071917, also being at the intersection of the north line of Section 15 and the easterly Right-of-Way of Canby-Marquam Highway 170;

EXHIBIT "A-8"

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File 8

February 9, 2022

Thence along said easterly Right-of-Way, South $14^{\circ}58'00''$ East, a distance of 19.88 feet to the beginning of a tangent curve concave westerly, said curve has a radius of 984.93 feet;

Thence along said easterly Right-of-Way, southerly along said curve through a central angle of $07^{\circ}24'25''$, an arc distance of 127.33 feet, the chord bears S $11^{\circ}15'48''$ E – 127.24 feet, to the **True Point of Beginning**;

Thence leaving said Right-of-Way, North $64^{\circ}08'30''$ East, a distance of 13.77 feet to a point;

Thence South $07^{\circ}49'55''$ East, a distance of 37.30 feet to a point;

Thence South $85^{\circ}35'17''$ East, a distance of 13.80 feet to a point on the easterly Right-of-Way of Canby-Marquam Highway 170 and being the beginning of a non-tangent curve concave westerly, said curve has a radius of 984.93 feet, to which a radial line bears South $84^{\circ}18'53''$ West;

Thence northerly along said curve through a central angle of $01^{\circ}52'58''$ an arc distance of 32.22 feet, the chord bears N $06^{\circ}37'21''$ W – 32.22 feet, to the **True Point of Beginning**;

The land herein described contains 462 square feet, more or less.

Basis of bearings and boundary determination for this description was held from Survey SN2022-031.

EXHIBIT "A-8"

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February 9, 2022

PUBLIC UTILITY EASEMENT

Parcel 3

A tract of land located in the Northwest one quarter (NW 1/4) of Section 15, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being a portion of land as described in the Bargain and Sale Deed, recorded as Document Number 2017-071917, Clackamas County Deed Records, as shown on Exhibit "B-8" attached hereto and by this reference made a part hereof, more particularly described as follows;

Commencing at the NW Corner of that land as described in said Document Number 2017-071917, also being the intersection of the north line of Section 15 and the easterly Right-of-Way of Canby-Marquam Highway 170;

Thence along the said easterly Right-of-Way South $14^{\circ}28'00''$ East, a distance of 19.88 feet to the beginning of a tangent curve concave westerly, said curve has a radius of 984.93 feet;

Thence southerly along said curve through a central angle of $10^{\circ}06'41''$ an arc distance of 173.82 feet, the chord bears S $09^{\circ}54'40''$ E – 173.59 feet, to the **True Point of Beginning**;

Thence North $83^{\circ}13'19''$ East, a distance of 4.93 feet to a point;

Thence South $06^{\circ}21'59''$ East, a distance of 5.00 feet to a point;

Thence South $83^{\circ}13'19''$ West, a distance of 5.08 feet to a point on the easterly Right-of-Way of Canby-Marquam Highway 170 and being the beginning of a non-tangent curve concave westerly, said curve has a radius of 984.93 feet, from which a radial line bears South $85^{\circ}26'08''$ West to the radius point;

Thence northerly along said curve through a central angle of $00^{\circ}17'27''$ an arc distance of 5.00 feet, the chord bears N $04^{\circ}42'35''$ W – 5.00 feet, to the **True Point of Beginning**;

EXHIBIT "A-8"

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File No. 8

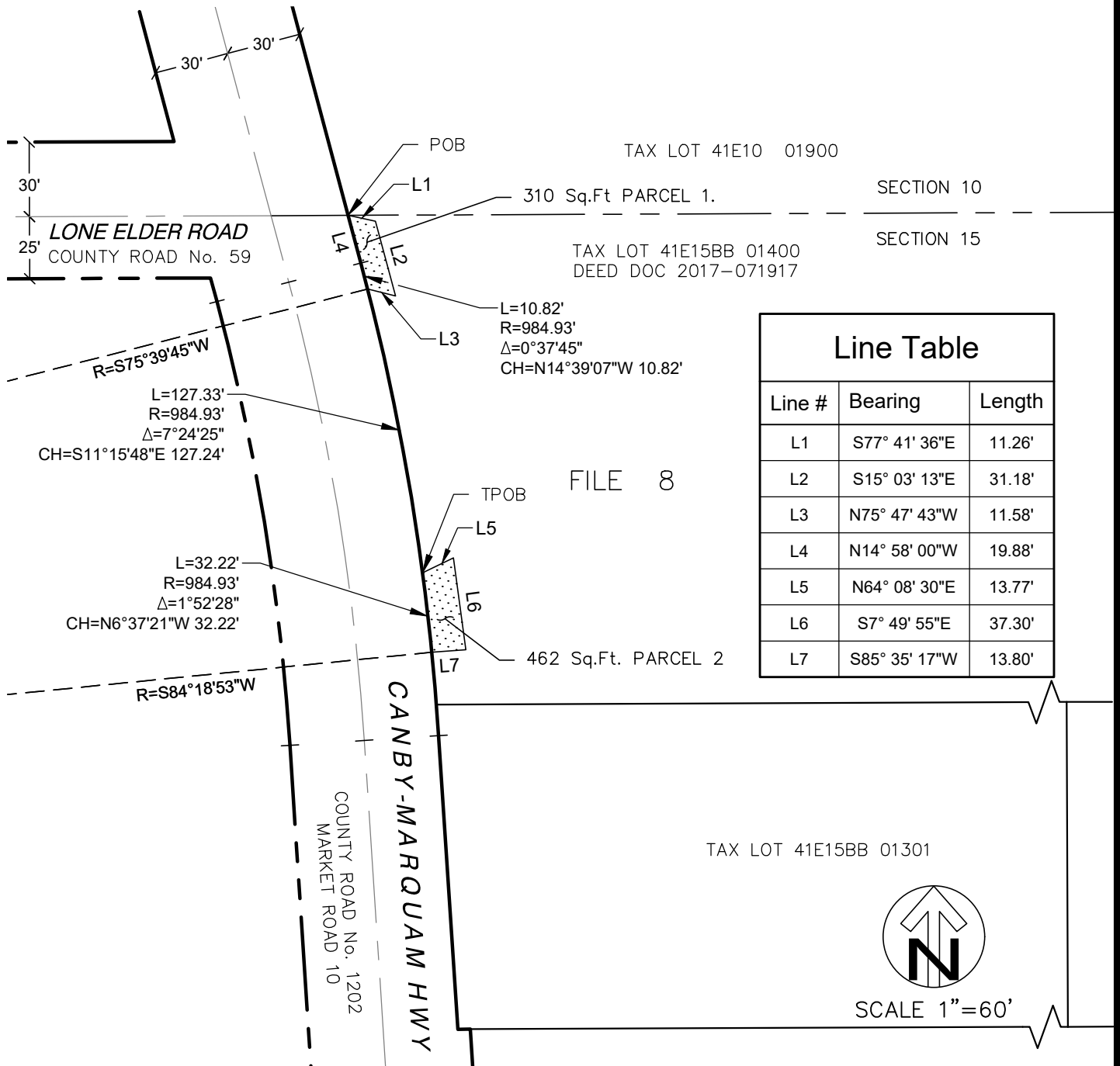
February 9, 2022

The land herein described contains 25 square feet, more or less.

Basis of bearings and boundary determination for this description was held from Survey SN2022-031.



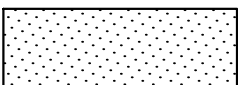
THE NW 1/4 OF SECTION 15, T.4S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON



Line Table		
Line #	Bearing	Length
L1	S77 $^{\circ}$ 41' 36"E	11.26'
L2	S15 $^{\circ}$ 03' 13"E	31.18'
L3	N75 $^{\circ}$ 47' 43"W	11.58'
L4	N14 $^{\circ}$ 58' 00"W	19.88'
L5	N64 $^{\circ}$ 08' 30"E	13.77'
L6	S7 $^{\circ}$ 49' 55"E	37.30'
L7	S85 $^{\circ}$ 35' 17"W	13.80'

LEGEND

POB POINT OF BEGINNING
TPOB TRUE POINT OF BEGINNING



TEMPORARY CONSTRUCTION EASEMENT
AREA PARCEL 1 = 310 Sq.Ft.±
AREA PARCEL 2 = 462 Sq. Ft. ±



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B-8"
CANBY-MARQUAM HWY AT
LONE ELDER RD INTERSECTION
IMPROVEMENTS
PAGE 1 OF 2

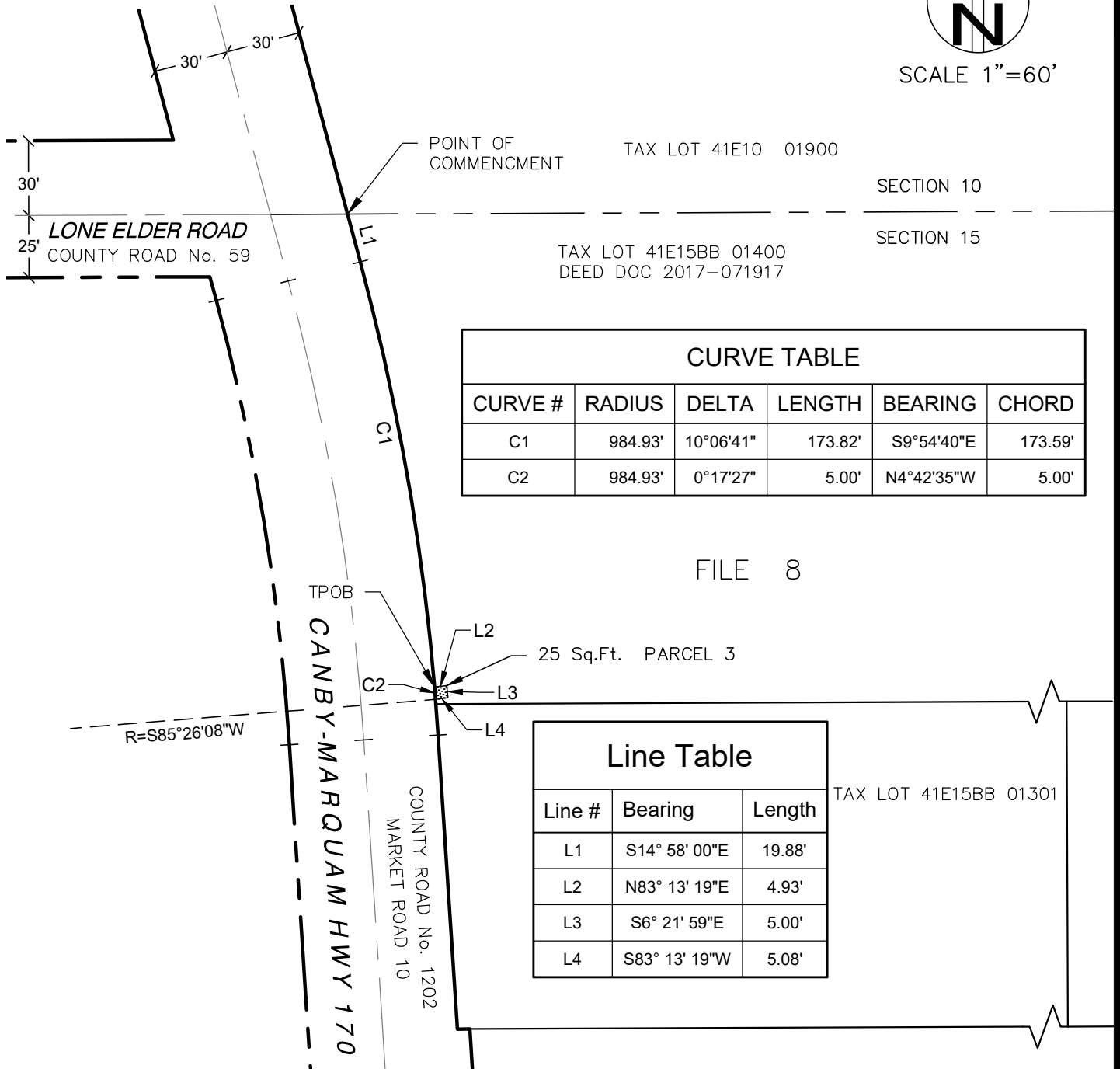
**TEMPORARY CONSTRUCTION
EASEMENT**

RD. FILE NO. 22291	DRAWN BY AAR	DESIGN BY AAR	DATE: 02/08/22
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THE NW 1/4 OF SECTION 15, T.4S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON



SCALE 1"=60'



CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	984.93'	10°06'41"	173.82'	S9°54'40"E	173.59'
C2	984.93'	0°17'27"	5.00'	N4°42'35"W	5.00'

Line Table		
Line #	Bearing	Length
L1	S14° 58' 00"E	19.88'
L2	N83° 13' 19"E	4.93'
L3	S6° 21' 59"E	5.00'
L4	S83° 13' 19"W	5.08'

TAX LOT 41E15BB 01301

LEGEND

TPOB TRUE POINT OF BEGINNING



PUBLIC UTILITY EASEMENT
AREA PARCEL 3 = 25 Sq.Ft.±



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B-8"
CANBY-MARQUAM HWY AT
LONE ELDER RD INTERSECTION
IMPROVEMENTS
PAGE 2 OF 2

**PUBLIC UTILITY
EASEMENT**

RD. FILE NO. 22291	DRAWN BY AAR	DESIGN BY AAR	DATE: 02/08/22
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EXHIBIT "A-9"

Page 1 of 1
File No. 9
February 7, 2022

TEMPORARY CONSTRUCTION EASEMENT

A tract of land located in the Northwest one quarter (NW 1/4) of Section 15, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and being a portion of land as described in the Bargain and Sale Deed, recorded as Document Number 2021-004124, Clackamas County Deed Records, as shown on Exhibit "B-9" attached hereto and by this reference made a part hereof, more particularly described as follows;

Beginning at the NW Corner of that land as described in said Document Number 2021-004124, also being a point on the easterly Right-of-Way of Canby-Marquam Highway 170;

Thence along the north property line of said Document Number 2021-004124, North 89°45'58" East, a distance of 16.04 feet to a point;

Thence leaving said north property line, South 03°43'38" East, a distance of 69.09 feet to a point;

Thence South 87°01'03" West, a distance of 16.00 feet to a point on the easterly Right-of-Way of the Canby-Marquam Highway 170;

Thence along said easterly Right-of-Way, North 03°43'38" West, a distance of 68.88 feet to the beginning of a tangent curve concave westerly, said curve has a radius of 984.93 feet;

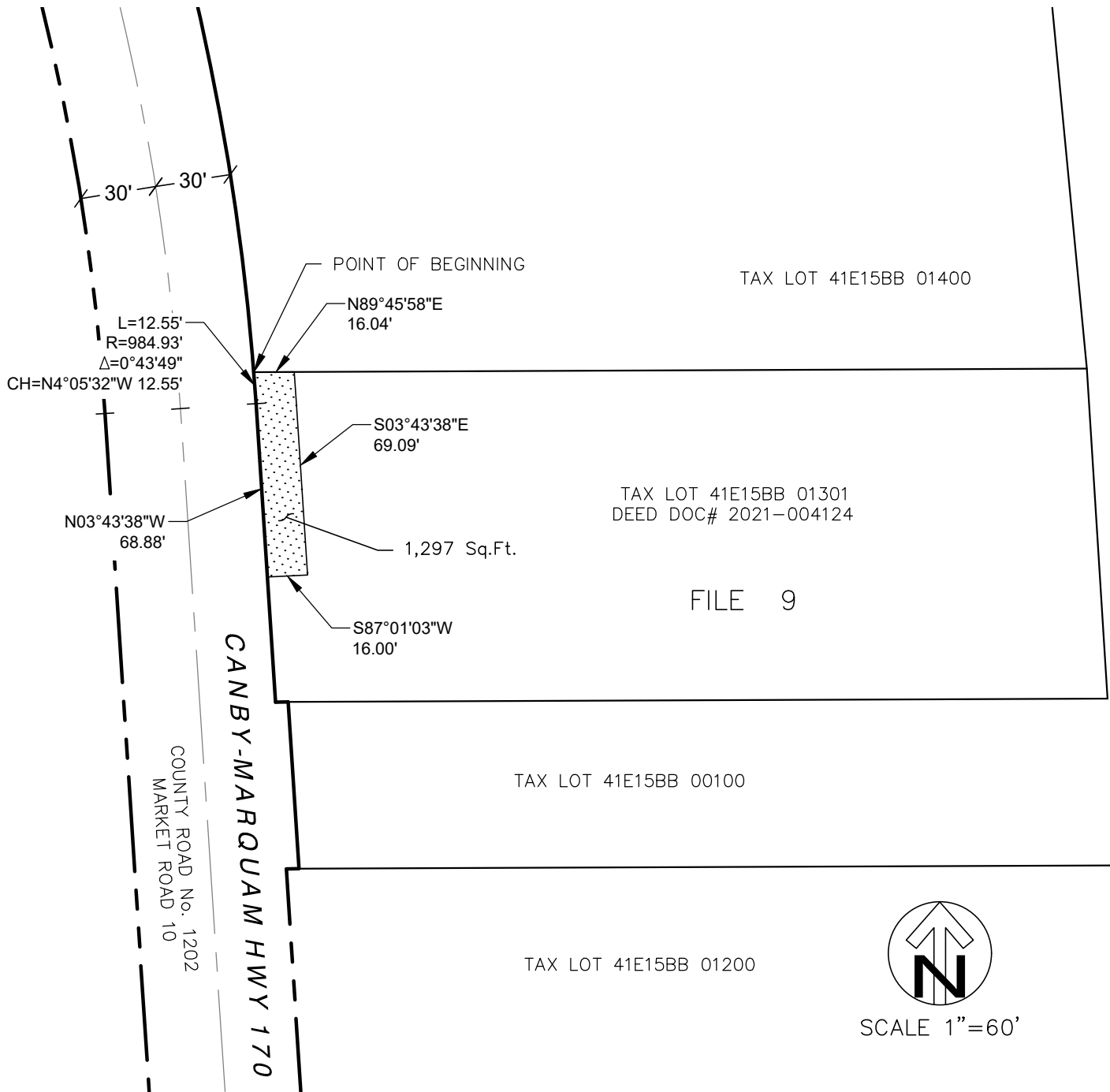
Thence continuing along said easterly Right-of-Way, northerly along said curve through a central angle of 0°43'49", an arc distance of 12.55 feet, the chord bears N 04°05'32" W – 12.55 feet, to the **Point of Beginning**;

The land herein described contains 1,297 square feet, more or less.

Basis of bearings and boundary determination for this description was held from Survey SN2022-031.

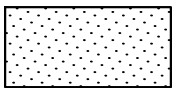


THE NW 1/4 OF SECTION 15, T.4S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON



LEGEND

DOC# DOCUMENT NUMBER



TEMPORARY CONSTRUCTION EASEMENT
AREA = 1,297 Sq.Ft.±

CLACKAMAS COUNTY
DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B-9"
CANBY-MARQUAM HWY AT
LONE ELDER RD INTERSECTION
IMPROVEMENTS
PAGE 1 OF 1

**TEMPORARY CONSTRUCTION
EASEMENT**

RD. FILE NO. 22291	DRAWN BY AAR	DESIGN BY AAR	DATE: 02/07/22
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