



DAN JOHNSON
DIRECTOR

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

November 30, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Sitting/Acting as the Development Agency Board
Clackamas County

Approval to Grant a Permanent Right of Way Easement for Road Purposes from the Clackamas County Development Agency to Clackamas County, and Grant a Quitclaim Deed from Clackamas County Development Agency to State of Oregon, Military Department. No Fiscal Impact. No County General Funds are involved.

Previous Board Action/Review	1/6/2011: Signing Memorandum of Understanding Between the State of Oregon and the County of Clackamas for the Sunrise JTA Project and Associated Projects 11/23/2022: Signing Property Agreement for Sunrise JTA Project between Oregon Department of Transportation And Clackamas County and Clackamas County Development Agency 11/28/2023: Request for Consent		
Performance Clackamas	Which indicator of success does this item affect? Building a strong infrastructure.		
Counsel Review	Yes; HH – 11-21-23	Procurement Review	No
Contact Person	Carol Hager	Contact Phone	503-742-4674

EXECUTIVE SUMMARY:

The Oregon Department of Transportation began construction of the Sunrise Corridor Jobs and Transportation Act (JTA) - Phase 1 (the Project) in August of 2013 and completed construction in June of 2016.

For Filing Use Only

The Development Agency partnered on the project with the advanced acquisition of necessary right-of-way through a “willing seller/willing buyer” program.

Before the post construction survey can be recorded the remaining property transfers must be completed.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners

- Approve the granting of a Permanent Right of Way Easement for Road Purposes from Clackamas County Development Agency to Clackamas County.
- Approve the granting of a Quitclaim deed from the Clackamas County Development Agency to the State of Oregon, by and through its Military Department.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development

Grantor: Clackamas County Development Agency		State of Oregon
Address: 150 Beaver creek Rd. Oregon City, OR 97045		
Grantee: Clackamas County 150 Beaver creek Rd. Oregon City, OR 97045		
After Recording Return to: Clackamas County Engineering 150 Beaver creek Rd. Oregon City, OR 97045		
Until a change is requested, all taxes shall be sent to: No Change		Accepted by Clackamas County by Act of the Road Official Acceptance Date: _____
Road Name: _____ DTD Rd. File No.		Authorized by Clackamas County Ordinance No. 02-2009 Project:

PERMANENT RIGHT OF WAY EASEMENT FOR ROAD PURPOSES
(Corporate or Non Profit Grantor)

For value received, Clackamas County Development Agency, the duly designated Urban Renewal Agency of the County of Clackamas, (Grantor), hereby grants, bargains, sells and conveys to Clackamas County, a political subdivision of the State of Oregon, its heirs, successors and assigns, (Grantee), a permanent easement dedicated to the public for road and right of way purposes, in, under, upon, and across Grantor's real property located in Clackamas County, State of Oregon.

Grantor's real property is more particularly described as follows: A parcel of land located in the NW 1/4 of the SW 1/4 of Section 28, T1S, R2E, WM, and more particularly described by that certain Statutory Warranty Deed recorded on October 8, 2009 as Document No. 2009-071164 in the Deed Records of Clackamas County, Oregon.

The Permanent Right of Way Easement for Road Purposes is more particularly described as follows: A strip of land described and depicted as Parcel 1 in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (the Easement Area).

Grantee's rights include, but are not limited to, Grantee's right to enter upon and utilize the Easement Area for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the Easement Area whenever necessary to accomplish these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described Easement Area.

This easement does not obligate the public or Grantee to replace landscaping, fencing, shrubs, trees or other improvements that may be placed within the Easement Area in the future, and which interfere with Grantee's use of the Easement Area for the purposes described in this document.

In witness whereof, the above named Grantor has hereunto set Grantor's hand to this document on this _____ day of _____ 2023.

Clackamas County Development Agency,
the duly designated Urban Renewal Agency of the County of Clackamas:

Tootie Smith, Chair

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me this ____ day of _____ 2023,
by Tootie Smith, Chair of the Board of County Commissioners on behalf of Clackamas County
Development Agency.

Notary Public for State of Oregon
My Commission Expires: _____

EXHIBIT A

Clackamas County – SE Minuteman Way
August 31, 2023
Page 1 of 3

County Project No. 22829

PARCEL 1 (Permanent Right-of-Way Easement for Road Purposes-County Road Purposes)

A parcel of land, as shown on attached Exhibit “B”, lying in the Northeast One-Quarter of Section 9, Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that tract of land as described by Parcel III of Statutory Bargain and Sale Deed to Clackamas County Development Agency, recorded October 10, 2005 as Document No. 2005-100311, Clackamas County Deed Records, said parcel also being a portion of SE Mather Road (County Road No. 203), said parcel being that portion of said Parcel III of Document No. 2005-100311 lying westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Beginning at a point 40.00 feet left of Proposed SE Minuteman Way Centerline Station 6+06.58;

Thence northerly, in a straight line, to a point 47.50 feet right of Proposed Minuteman Way Centerline Station 6+06.58 and the beginning of a 297.50 foot radius non-tangent curve to the left having a central angle of $0^{\circ}21'52''$, the radius point of which bears $S11^{\circ}59'55''W$;

Thence northwesterly along the arc of said non-tangent curve to the left (the long chord of which bears $N78^{\circ}11'01''W$, 1.89 feet) 1.89 feet to a point 47.50 feet right of Proposed Minuteman Way Centerline Station 6+08.17;

Thence westerly, in a straight line, to a point 47.50 feet right of Proposed Minuteman Way Centerline Station 8+43.11 and the beginning of a 252.50 foot radius curve to the right having a central angle of $32^{\circ}32'46''$;

Thence northwesterly along the arc of said curve to the right (the long chord of which bears $N62^{\circ}05'34''W$, 141.51 feet) 143.43 feet to a point 47.50 feet right of Proposed SE Minuteman Way Centerline Station 10+13.52;

Thence northwesterly, in a straight line, to a point 46.99 feet right of Proposed Minuteman Way Centerline Station 10+32.57 and the beginning of a 252.50 foot radius curve to the right having a central angle of $25^{\circ}51'15''$;

Thence northwesterly along the arc of said curve to the right (the long chord of which bears $N32^{\circ}53'33''W$, 112.97 feet) 113.94 feet to a point 40.50 feet right of Proposed Minuteman Way Centerline Station 11+63.34;

Thence northwesterly, in a straight line, to a point 40.50 feet right of Proposed Minuteman Way Centerline Station 13+67.05 and the beginning of a 469.50 foot radius curve to the right having a central angle of $11^{\circ}13'28''$;

Thence northwesterly along the arc of said curve to the right (the long chord of which bears $N14^{\circ}21'12''W$, 91.83 feet) 91.98 feet to a point 40.50 feet right of Proposed Minuteman Way Centerline Station 14+66.96;

August 31, 2023

Thence northerly, in a straight line, to a point 40.50 feet right of Proposed Minuteman Way Centerline Station 15+31.38 and the beginning of a 550.50 foot radius curve to the left having a central angle of $11^{\circ}13'28''$;

Thence northwesterly along the arc of said curve to the left (the long chord of which bears $N14^{\circ}21'12''W$, 107.67 feet) 107.85 feet to a point 40.50 feet right of Proposed Minuteman Way Centerline Station 16+31.29;

Thence northerly, in a straight line, to a point 40.50 feet right of Proposed Minuteman Way Centerline Station 21+03.50 and the beginning of a 550.50 foot radius curve to the left having a central angle of $5^{\circ}13'26''$;

Thence northwesterly along the arc of said curve to the left (the long chord of which bears $N22^{\circ}34'39''W$, 50.18 feet) 50.19 feet to a point 40.50 feet right of Proposed Minuteman Way Centerline Station 21+50.00 and the Terminus of said line.

The stationing used to describe this parcel is based upon the Proposed SE Minuteman Way Centerline as shown on Survey No. 2016-231, Clackamas County Survey Records, a portion of said Proposed Centerline is described as follows:

Beginning at Proposed SE Minuteman Way Centerline Station 2+00.00 as shown on said Survey No. 2016-231;

Thence $N01^{\circ}26'23''E$, 59.95 feet to Proposed SE Minuteman Way Centerline Station 2+59.95 and the beginning of a 250.00 foot radius curve to the left, having a central angle of $79^{\circ}48'20''$;

Thence northwesterly along the arc of said curve to the left (the long chord of which bears $N38^{\circ}27'47''W$, 320.74 feet) 348.22 feet to Proposed SE Minuteman Way Centerline Station 6+08.17;

Thence $N78^{\circ}21'57''W$, 234.94 feet to Proposed SE Minuteman Way Centerline Station 8+43.11 and the beginning of a 300.00 foot radius curve to the right having a central angle of $58^{\circ}24'01''$;

Thence northwesterly along the arc of said curve to the right (the long chord of which bears $N49^{\circ}09'56''W$, 292.72 feet) 305.78 feet to Proposed SE Minuteman Way Centerline Station 11+48.89;

Thence $N19^{\circ}57'56''W$, 218.16 feet to Proposed SE Minuteman Way Centerline Station 13+67.05 and the beginning of a 510.00 foot radius curve to the right having a central angle of $11^{\circ}13'28''$;

Thence northwesterly along the arc of said curve to the right (the long chord of which bears $N14^{\circ}21'12''W$, 99.75 feet) 99.91 feet to Proposed SE Minuteman Way Centerline Station 14+66.96;

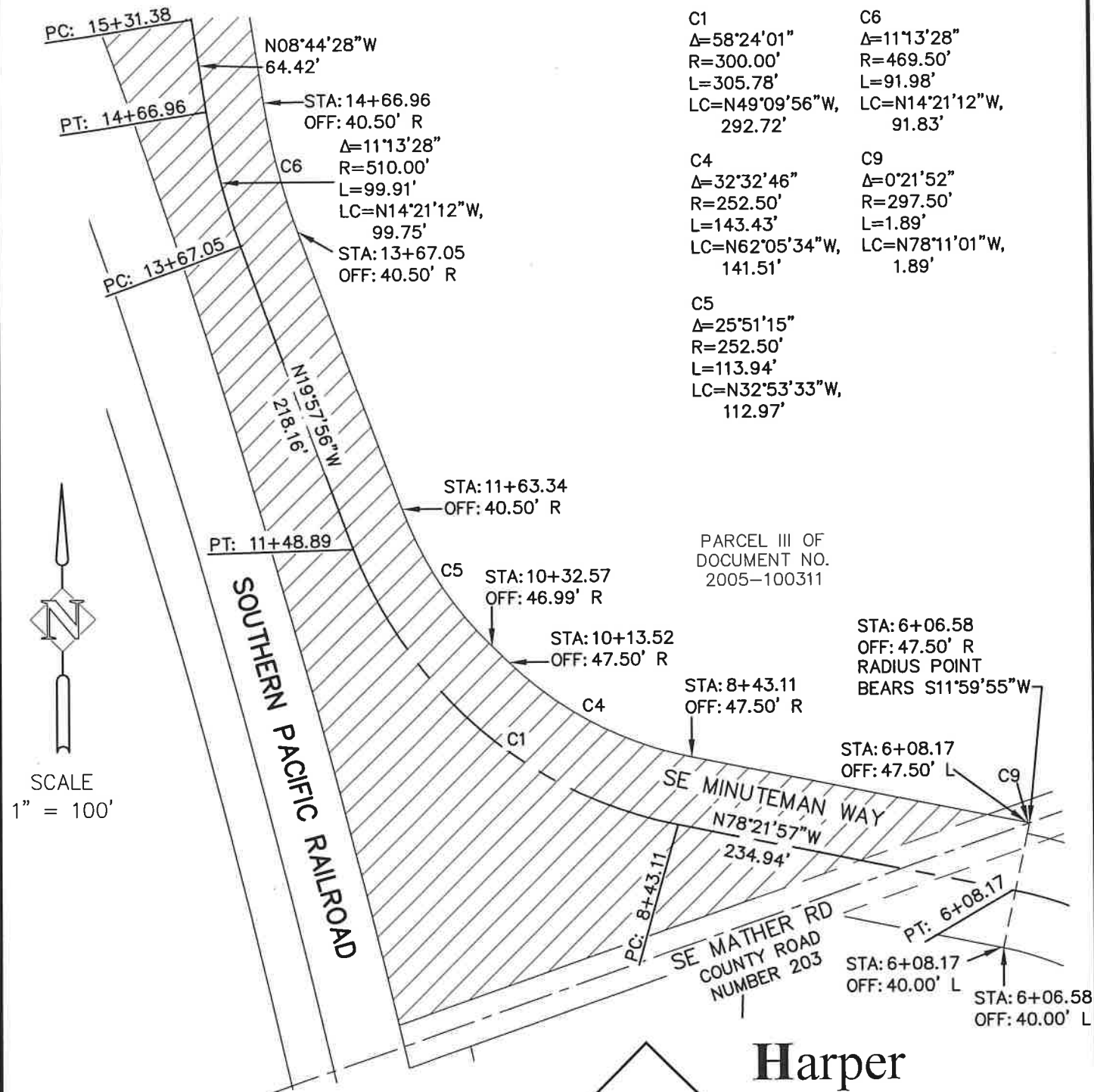
Thence $N08^{\circ}44'28''W$, 64.42 feet to Proposed SE Minuteman Way Centerline Station 15+31.38 and the beginning of a 510.00 foot radius curve to the left having a central angle of $11^{\circ}13'28''$;

Thence northwesterly along the arc of said curve to the left (the long chord of which bears $N14^{\circ}21'12''W$, 99.75 feet) 99.91 feet to Proposed SE Minuteman Way Centerline Station 16+31.29;

Thence $N19^{\circ}57'56''W$, 472.21 feet to Proposed SE Minuteman Way Centerline Station 21+03.50 and the beginning of a 510.00 foot radius curve to the left having a central angle of $8^{\circ}39'15''$;

EXHIBIT "B"

- | | |
|---|---|
| C1
Δ=58°24'01"
R=300.00'
L=305.78'
LC=N49°09'56"W,
292.72' | C6
Δ=11°13'28"
R=469.50'
L=91.98'
LC=N14°21'12"W,
91.83' |
| C4
Δ=32°32'46"
R=252.50'
L=143.43'
LC=N62°05'34"W,
141.51' | C9
Δ=0°21'52"
R=297.50'
L=1.89'
LC=N78°11'01"W,
1.89' |
| C5
Δ=25°51'15"
R=252.50'
L=113.94'
LC=N32°53'33"W,
112.97' | |



LEGEND



PERMANENT RIGHT-OF-WAY
EASEMENT FOR ROAD PURPOSES
(COUNTY ACCESS ROAD)
± 166,902 SQ.FT.

SEE ATTACHED
LEGAL DESCRIPTION

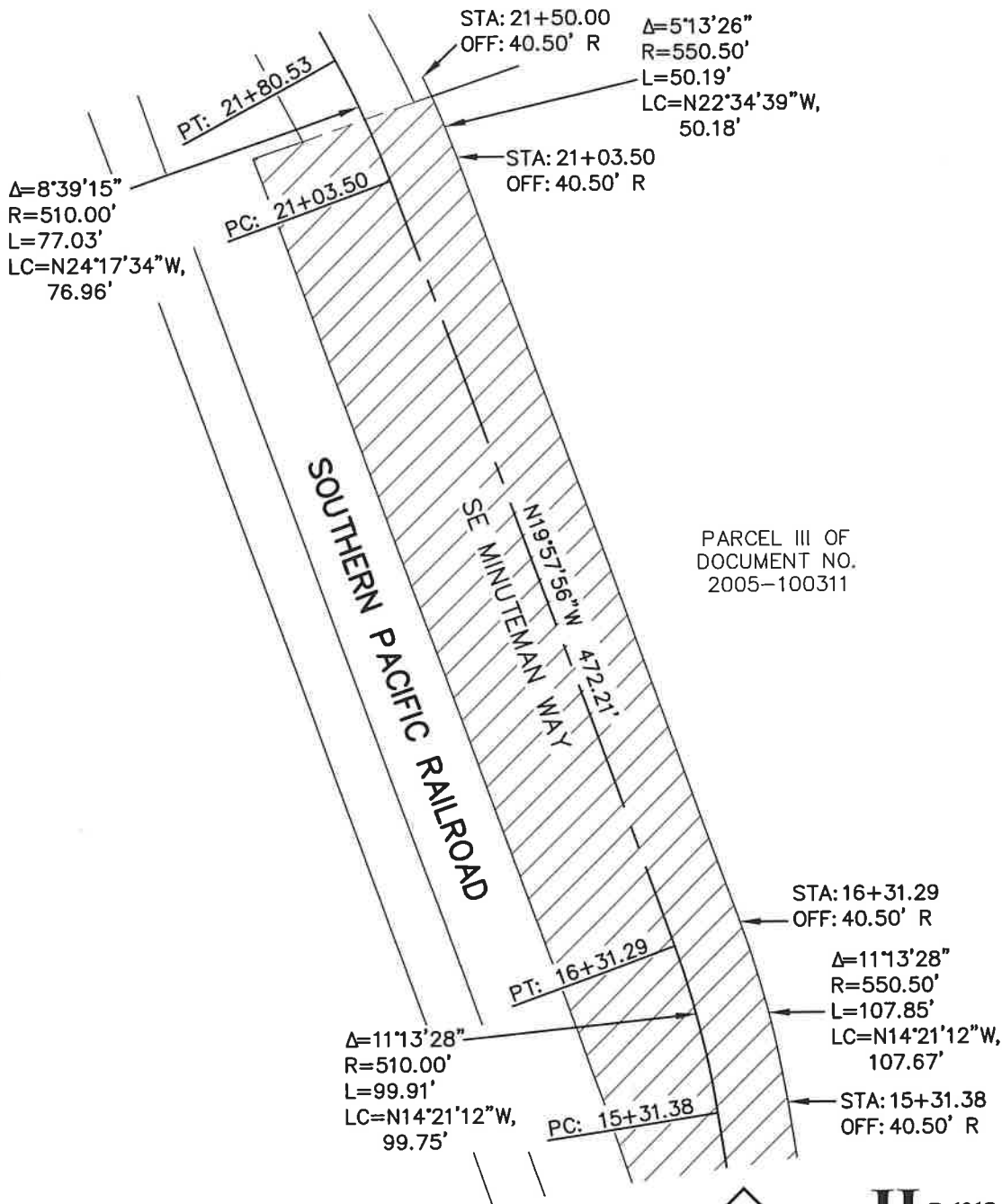


**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street Suite 200 Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171
CLA-64 BKH 08/31/2023 PAGE 1 OF 2

EXHIBIT "B"



LEGEND



PERMANENT RIGHT-OF-WAY
 EASEMENT FOR ROAD PURPOSES
 (COUNTY ACCESS ROAD)
 $\pm 166,902$ SQ.FT.

SEE ATTACHED
 LEGAL DESCRIPTION



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Grantor: Clackamas County	State of Oregon
Development Agency	
150 Beaver Creek Road	
Oregon City, OR 97045	
Grantee: State of Oregon	
Military Department	
After Recording Return to:	
Clackamas County Engineering	
150 Beaver Creek Rd.	
Oregon City, OR 97045	
Until a change is requested, all	
taxes shall be sent to: No Change	
	Accepted by: _____
	Acceptance Date: _____
	Board Agenda No.:
Road Name: Mather Road	Approval Date:

QUITCLAIM

KNOW ALL PERSONS BY THESE PRESENTS, THAT, Clackamas County Development Agency, the urban renewal agency of Clackamas County formed pursuant to ORS Chapter 457 (Grantor), for value received, hereby releases and quitclaims to the State of Oregon, by and through its Military Department, (Grantee), and Grantee’s heirs, successors and assigns, all of Grantor’s rights and interest to that certain property situated in Clackamas County, Oregon, and being more particularly described and depicted in Exhibits A and B attached hereto and by this reference made a part hereof.

Reserving unto the grantor herein, their heirs and assigns, and easement over the entirety for ingress, egress and public utilities.

Statutory Land Use Disclaimer: Before signing or accepting this instrument, the person transferring fee title should inquire about the person’s rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and Sections 2 to 7, Chapter 8, Oregon Laws 2010. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices, as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and Sections 2 to 7, Chapter 8, Oregon Laws 2010.

[Signatures and acknowledgement on following page]

In witness whereof, the above named Grantor has hereunto set Grantor's hand to this document on this _____ day of _____ 2023.

Clackamas County Development Agency,
The urban renewal agency of Clackamas County

By: _____
Tootie Smith, Chair
Clackamas County Board of County Commissioners
On behalf of the Clackamas County Development Agency

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me this _____ day of _____ 2023,
by Tootie Smith as the Chair of the Clackamas County Board of County Commissioners.

Notary Public for State of Oregon
My Commission Expires: _____

Accepted on behalf of the Oregon Military Department

EXHIBIT "A"

Mather Road- Sunrise Corridor Project
Owner: Clackamas County Development Agency

Map No. 22E09AB 200, 22E09A 800
August 29, 2019
Page 1 of 1

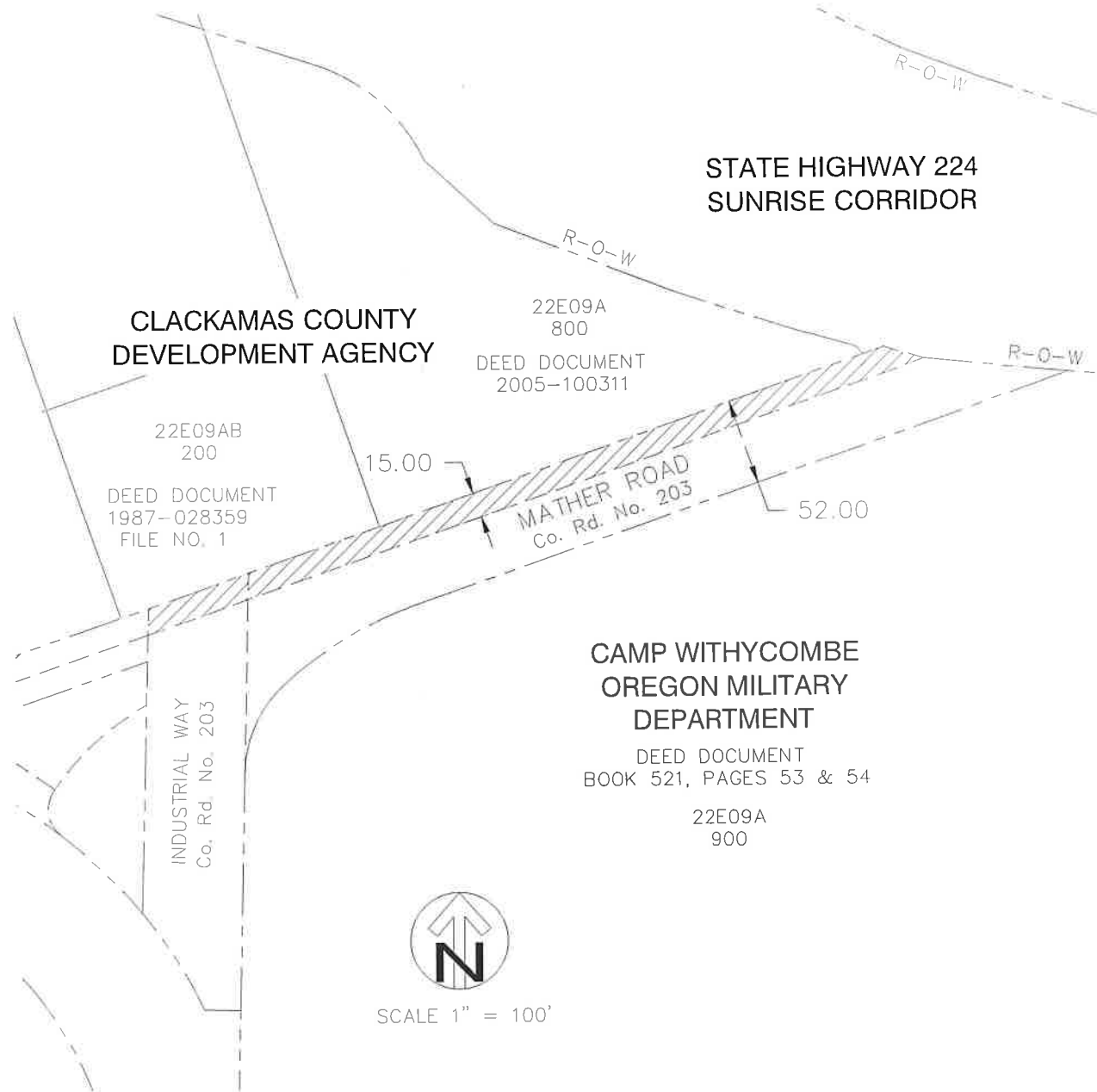
A strip of land, as shown on attached Exhibit "B", which by this reference made a part hereof, lying in the northeast quarter of Section 9, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, being a portion of those properties conveyed to Clackamas County Development Agency by Deed Documents 1987-28359 and 2005-100311, Clackamas County Deed Records, more particularly described as follows:

All of the above described property lying southerly of the northerly right of way line of Mather Road, County Road Number 203 and, easterly and between the northerly extension of the westerly right of way line of Industrial Way, as shown on SN2011-112, Clackamas County Survey Records, and the southwesterly right of way line of relocated Highway 224, also known as the Sunrise Corridor.

Containing 7,258 square feet, more or less.

Reserving unto the grantor herein, their heirs and assigns, an easement over the entirety for ingress egress and public utilities.

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



LEGEND

 QUIT CLAIM AREA
7,258 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