



DAN JOHNSON
DIRECTOR

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

November 23, 2022

Development Agency Board
Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Second Amendment to the Ground Lease between the Clackamas County Development Agency and Clackamas County. Funding is through Tax Increment Financing. County General Funds are not involved.

Purpose/Outcome	To approve an amendment to an existing lease between the Development Agency and Clackamas County related to the Veteran's Village
Dollar Amount and Fiscal Impact	There is no rent due as part of this lease
Funding Source	Not applicable
Duration	The amendment extends the lease until September 30, 2023
Previous Board Action/Review	Prior discussions related to expanding the lease area and Veteran's Village operations
Strategic Plan Alignment	<ol style="list-style-type: none"> 1. Build public trust through good government: The amendment continues cooperation between departments to provided needed community services. 2. Ensure safe, healthy and secure communities: The Veteran's Village provides services for those in need.
Counsel Review	Reviewed and approved by County Counsel on 11-1-22 (NB)
Procurement Review	<p>1. Was the item processed through Procurement? yes <input type="checkbox"/> no <input checked="" type="checkbox"/></p> <p>This item does not require Procurement's involvement</p>
Contact Person	David Queener, Development Agency Program Supervisor 503.742.4322

BACKGROUND:

Health Housing and Community Services (H3S) has leased Development Agency owned property since 2018 for use as a pilot transitional shelter community program known as the Veteran's Village. H3S desires to utilize additional Agency property adjacent to the existing facility in order to be able to expand their services.

Both parties wish to amend the existing lease to include the additional property with the same terms and conditions outlined in the lease. The term of the lease would also be amended to allow use until September 30, 2023 with an option to renew the lease for one addition year.

RECOMMENDATION:

Staff respectfully recommends that the Board, as the governing body of Clackamas County Development Agency, approve the amendment to the ground lease between the Clackamas County Development Agency and Clackamas County as presented.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

Attachment: Lease Amendment

**SECOND AMENDMENT TO THE GROUND LEASE BETWEEN CLACKAMAS COUNTY
DEVELOPMENT AGENCY AND CLACKAMAS COUNTY**

THIS SECOND AMENDMENT TO THE GROUND LEASE BETWEEN CLACKAMAS COUNTY DEVELOPMENT AGENCY AND CLACKAMAS COUNTY (“Amendment”) is entered into effective as of November ____, 2022, between **CLACKAMAS COUNTY DEVELOPMENT AGENCY**, the Urban Renewal Agency of Clackamas County, a corporate body politic (“**Lessor**”), and **Clackamas County**, a political subdivision of the State of Oregon, acting through the Clackamas County Department of Health, Housing and Human Services (“**Lessee**”).

RECITALS

A. Lessor and Lessee are parties to that certain Ground Lease dated effective as of October 1, 2018, and amended effective as of December 9, 2021 (referred to together herein as the “**Lease**”), concerning real property commonly known as 16575 SE 115th Avenue in Clackamas County, Oregon, and as more particularly described in the Lease (the “**Property**”).

B. Lessee has operated a pilot transitional shelter community program known as Veterans Village on the Property since October of 2018.

C. On December 15th, 2020, the Board of County Commissioners unanimously approved a resolution to allow Lessor to continue the current operations of the Veterans Village program, and to affirm its intent to continue with the lease of the Property from the Lessor while exploring options for the County, through its Department of Health, Housing and Human Services, to potentially purchase the Property for the continuation of the Veterans Village Program.

D. The parties desire to expand the area subject to the lease to allow Lessee to additionally utilize adjacent property located immediately to the north of the Property, on the same terms and conditions contained in the Lease.

E. The Lease automatically renewed by its terms on October 1, 2022 and the parties desire to extend the term of the Lease on the terms and conditions set forth herein. All capitalized terms used in this Amendment and not otherwise defined herein shall have their meanings as set forth in the Lease.

AGREEMENT

1. **Amendment to Section 2.1. Section 2.1 of the Lease, after amendment, currently reads:**

Starting on the Commencement Date, the Premises will be leased for a term of four (4) years ending on September 30, 2022 (the “Term”), unless earlier terminated pursuant to the terms of this Lease. This lease is renewable for one additional one (1) year term automatically unless one party provides notice of termination pursuant to paragraph 2.2.

Section 2.1 of the Lease is hereby deleted in its entirety and is replaced with the following:

Starting on the Commencement Date, the Premises will be leased for a term of five (5) years ending on September 30, 2023 (the “Term”), unless earlier terminated pursuant to the terms of this Lease. This lease is renewable for one additional one (1) year term automatically unless one party provides notice of termination pursuant to paragraph 2.2.

2. **Amendment to Exhibit A.** Exhibit A, depicting the land subject to the Lease, shall be deleted in its entirety and replaced with Exhibit A, attached hereto.

3. **Counterpart; Email.** This Amendment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Amendment. Facsimile or email transmission of any signed original of this Amendment, and retransmission of any signed facsimile or email transmission, shall be the same as delivery of an original. At the request of either party, the parties shall confirm transmitted signatures by signing an original document.

4. **Confirmation.** The Lease is hereby amended and modified in accordance with the terms of this Amendment. Except as expressly modified by this Amendment, the Lease and all its terms and provisions are hereby acknowledged, approved, ratified and confirmed and shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment effective as of the date first written above.

LESSOR:

CLACKAMAS COUNTY DEVELOPMENT AGENCY
the Urban Renewal Agency of Clackamas County

By: _____
Name: Tootie Smith
Its: Chair – Clackamas County Development Agency Board

LESSEE:

CLACKAMAS COUNTY
a political subdivision of the State of Oregon

By: _____
Name: Tootie Smith
Its: Chair – Clackamas County Board of County Commissioners

RECORD OF SURVEY

FOR A PROPERTY LINE ADJUSTMENT

LOCATED IN THE NE 1/4 OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M.,
CLACKAMAS COUNTY, OREGON
DATE: DECEMBER 3, 2018

CLACKAMAS COUNTY SURVEYOR

RECEIVED: _____

ACCEPTED FOR FILING: _____

SURVEY NUMBER: _____

PREPARED FOR
CLACKAMAS COUNTY DEVELOPMENT AGENCY
150 BEAVERCREEK ROAD
OREGON CITY, OR 97045

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE ADJUSTED PROPERTY LINE BETWEEN PARCEL VIII OF DOCUMENT NUMBER 2009-071163 AND TRACT 2 OF DOCUMENT NUMBER 2009-015937, CLACKAMAS COUNTY DEED RECORDS, AS APPROVED BY CLACKAMAS COUNTY UNDER DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT FILE NUMBER Z0490-18-PLA.

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN MONUMENTS (107) AND (150) ALONG THE SOUTH RIGHT-OF-WAY LINE OF SE CAPPS ROAD, HOLDING THE RECORD BEARING PER SURVEY NUMBER 2017-092, CLACKAMAS COUNTY SURVEYOR'S OFFICE.

ALL OF THE FOUND MONUMENTS WERE HELD, EXCEPT (127), TO ESTABLISH THE PROPERTY BOUNDARIES.

THE ONLY PROPERTY CORNER WHERE A MONUMENT WAS NOT RECOVERED WAS AT THE MOST SOUTHERLY NORTHWEST CORNER OF PARCEL VII. THAT CORNER WAS ESTABLISHED BY HOLDING MONUMENTS (112) AND (114) AND EXTENDING THAT LINE THE RECORD DISTANCE OF 20.00 FEET AS SHOWN ON SURVEY NUMBER 2017-092.

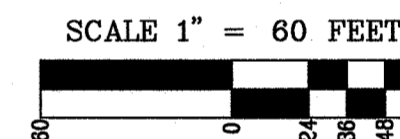
THE ADJUSTED NEW PROPERTY LINE WAS ESTABLISHED PER MY CLIENT'S WISHES AND THE ABOVE COUNTY APPROVAL.

FOUND MONUMENT DESCRIPTIONS

- (100) 5/8" IR WITH YPC STAMPED "CLACKAMAS CO. DTD"; PER SN 2015-225; HELD
- (101) 5/8" IR WITH NO CAP; PER SN 12605; HELD
- (107) 5/8" IR WITH YPC STAMPED "CLACKAMAS CO. DTD"; PER SN 2015-225; HELD
- (110) 5/8" IR WITH NO CAP; PER SN 2015-128; HELD
- (111) 3/4" IRON PIPE; PER SN 4201; HELD
- (112) 5/8" IR WITH NO CAP; PER SN 14591; HELD
- (113) 5/8" IR WITH YPC STAMPED "CLACKAMAS CO. DTD"; PER SN 2015-128; HELD
- (114) 5/8" IR WITH NO CAP; PER SN 14591; HELD
- (122) 5/8" IR WITH YPC STAMPED "W.B. WELLS & ASSOC. INC."; PER SN 25086; HELD FOR THE SOUTHEAST CORNER OF PARCEL 2 OF PARTITION PLAT 1995-164
- (127) 5/8" IR WITH YPC STAMPED "LOVE 747"; PER SN 18105; BEARS N84°46'56"E 0.15'
- (128) 3/4" IRON PIPE; PER SN 4201; HELD
- (136) 5/8" IR WITH YPC STAMPED "CLACKAMAS CO. DTD"; PER SN 2015-128; HELD
- (137) 3/4" IRON PIPE; PER SN 4201; HELD
- (140) 5/8" IR WITH ALC STAMPED "CLACKAMAS CO. DTD"; PER SN 2015-128; HELD
- (141) 5/8" IR WITH YPC STAMPED "CLACKAMAS CO. DTD"; PER SN 2015-128; HELD
- (150) 1-1/16" COPPER DISK STAMPED "ACS&P 503 668 3151"; PER SN 2017-092; HELD

LEGEND

- FOUND MONUMENT AS NOTED
- YPC YELLOW PLASTIC CAP
- ALC 1-1/2" ALUMINUM CAP
- IR IRON ROD
- SN SURVEY NUMBER, CLACKAMAS COUNTY SURVEYOR'S OFFICE
- DOC. NO. DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS
- PP PARTITION PLAT NUMBER, CLACKAMAS COUNTY PLAT RECORDS
- ()1 RECORD INFORMATION PER SN 2015-225
- ()2 RECORD INFORMATION PER SN 2017-120
- ()3 RECORD INFORMATION PER SN 2015-128
- ()4 RECORD INFORMATION PER SN 1995-164
- ()5 RECORD INFORMATION PER SN 2017-092



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

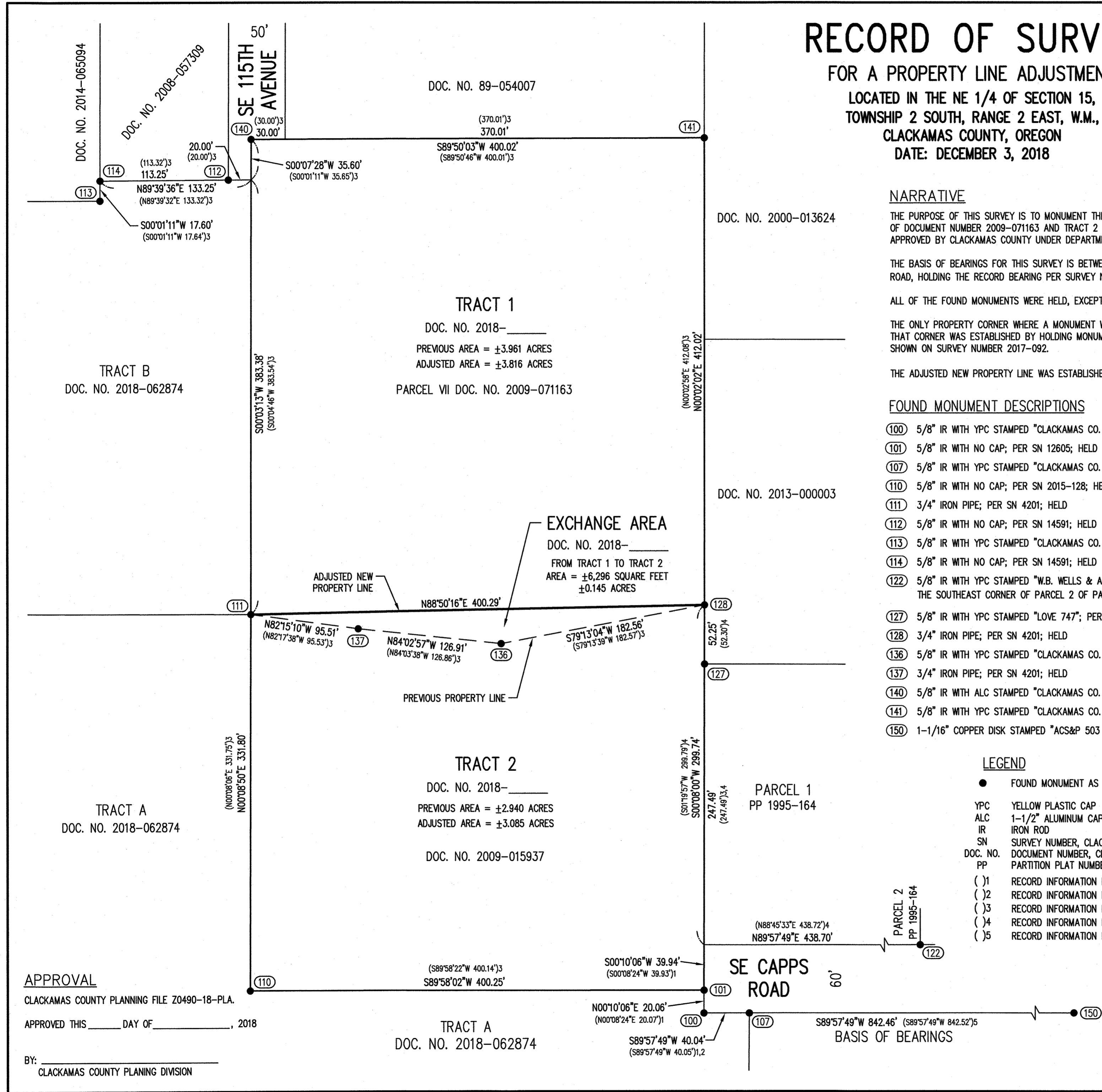
RENEWS: 06/30/20

REVIEW COPY

JOB NAME:	CAPPS ROAD
JOB NUMBER:	1821
DRAWN BY:	CDW
CHECKED BY:	CHS
DRAWING NO:	1821 ROS2

NORTHWEST
BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL
1815 NW 169th PLACE, SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127 FAX: 503-848-2179
www.nwsrvy.com

SURVEYING, Inc.



TRACT 1
DOC. NO. 2018-_____
PREVIOUS AREA = ±3.961 ACRES
ADJUSTED AREA = ±3.816 ACRES
PARCEL VII DOC. NO. 2009-071163

TRACT 2
DOC. NO. 2018-_____
PREVIOUS AREA = ±2.940 ACRES
ADJUSTED AREA = ±3.085 ACRES
DOC. NO. 2009-015937

TRACT B
DOC. NO. 2018-062874

TRACT A
DOC. NO. 2018-062874

EXCHANGE AREA
DOC. NO. 2018-_____
FROM TRACT 1 TO TRACT 2
AREA = ±6,296 SQUARE FEET
±0.145 ACRES

PARCEL 1
PP 1995-164

SE CAPPS ROAD

APPROVAL
CLACKAMAS COUNTY PLANNING FILE Z0490-18-PLA.
APPROVED THIS _____ DAY OF _____, 2018
BY: _____
CLACKAMAS COUNTY PLANNING DIVISION

TRACT A
DOC. NO. 2018-062874

BASIS OF BEARINGS

COVER SHEET

- New Agreement/Contract
- Amendment/Change/Extension to _____
- Other _____

Originating County Department: _____

Other party to contract/agreement: _____

Description:

After recording please return to: **X** _____

County Admin

Procurement

If applicable, complete the following:

Board Agenda Date/Item Number: _____

Agenda Item #

filed:

File #

Commissioners Journal