

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: July 30, 2013 **Approx Time:** 1:30p.m. **Approx Length:** 30 minutes

Presentation Title: Deliberation Regarding the Acceptance of an Easement

Department: Department of Transportation and Development

Presenters: Barbara Cartmill, Acting Director & Chris Storey, County Counsel

Other Invitees: Amanda Keller, Attorney; Kath Rose, Right of Way Agent

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Determine whether Clackamas County, through its Department of Transportation and Development (DTD), should accept an easement for storm drainage facilities located on the WinCo, Inc. property.

EXECUTIVE SUMMARY:

WinCo Foods, LLC, contacted Clackamas County in 2011 to consolidate certain easements on its property, some held by the County generally and some held by Clackamas County Service District No. 1. During this process, WinCo requested the County, through its Department of Transportation and Development, take a storm drainage easement covering two 72" diameter pipes holding Phillips Creek that run underneath their property up to and under ODOT's 82nd Ave. In the mid-1980's, the Development Agency constructed the pipelines to move the creek underground and make the property developable.

Staff engaged in significant research, but was unable to locate any storm drainage easements for the pipes holding Phillips Creek on WinCo's property. WinCo has been unable to provide any documentation that demonstrates the County accepted responsibility for the pipelines. Storm drainage easements on the parcel adjacent to WinCo's, under which the pipes are also located, contain explicit language specifically releasing the County from any obligation to maintain or repair the pipes. Additionally, an agreement signed by WinCo's predecessor, Cub, includes non-exclusive reciprocal easements for storm sewer lines, including responsibility for maintenance, repair and replacement. While not definitive proof of landowner responsibility, it reveals a certain level of awareness and acceptance of private responsibility for the storm water system on the property.

As a matter of practice, when the Development Agency is involved in a construction project, an alternate body is identified to perform maintenance, due to the fact that the Agency lacks a maintenance arm capable of performing the required work. Regardless, the County has a policy of not providing maintenance to infrastructure on private property. The storm drainage facilities are not associated with any County road, were not required for a County road project, nor were they a dedication requirement as a condition of approval for a land use development. WinCo's proposed easement covers a storm drainage facility on a private parcel that benefits private development, with no other association to County roads.

Fiscal Impact Form

RESOURCES:

Is this item in your current work plan and budget?

YES

NO

START-UP EXPENSES AND STAFFING (if applicable):

N/A

ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):

N/A

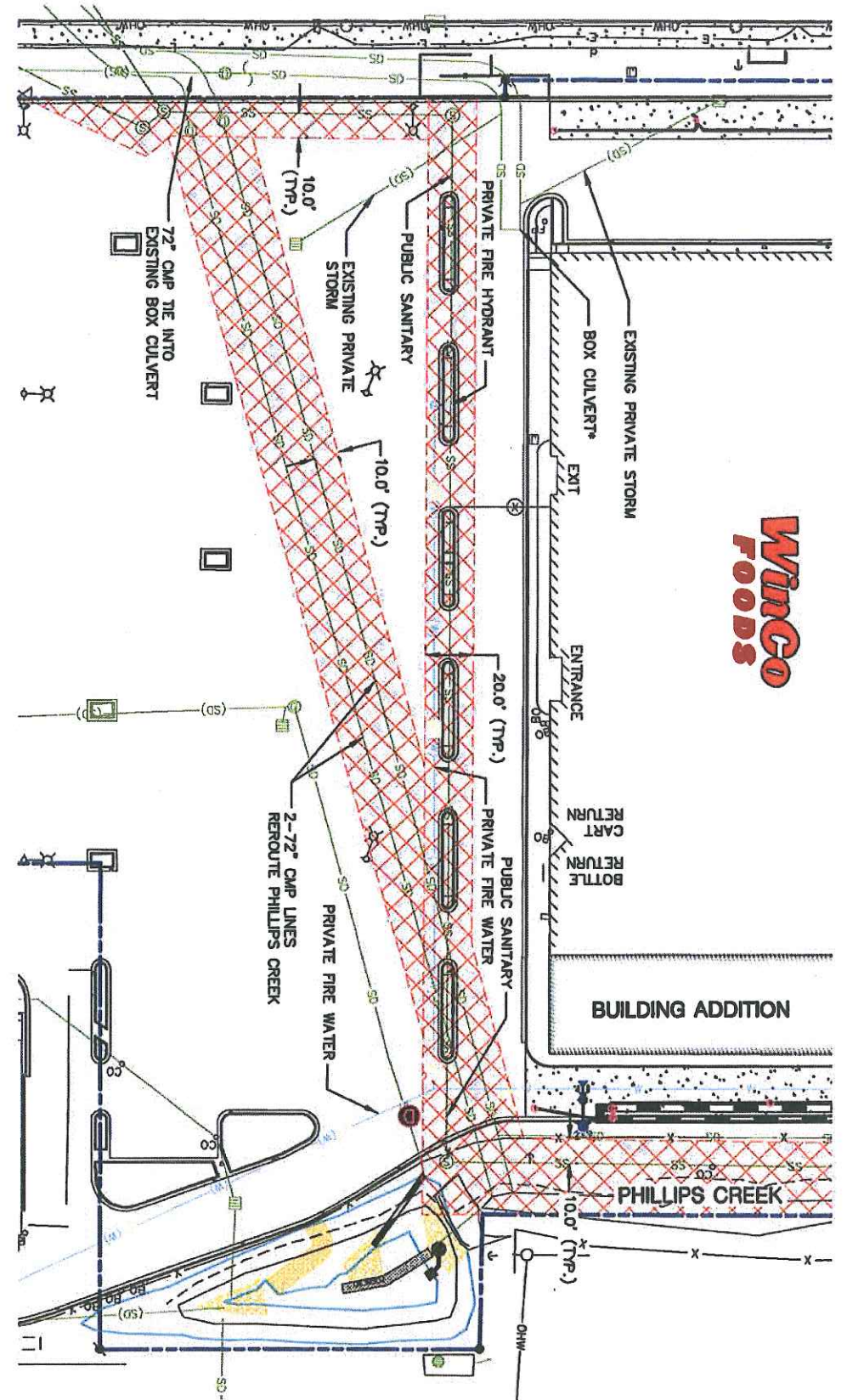
ANTICIPATED RESULTS:

COSTS & BENEFITS:

Costs:							
Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL	
Total Start-up Costs							
Ongoing Annual Costs							
Benefits/Savings:							
Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL	
Total Start-up Benefit/Savings							
Ongoing Annual Benefit/Savings							



100 feet 25 m



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Foods**

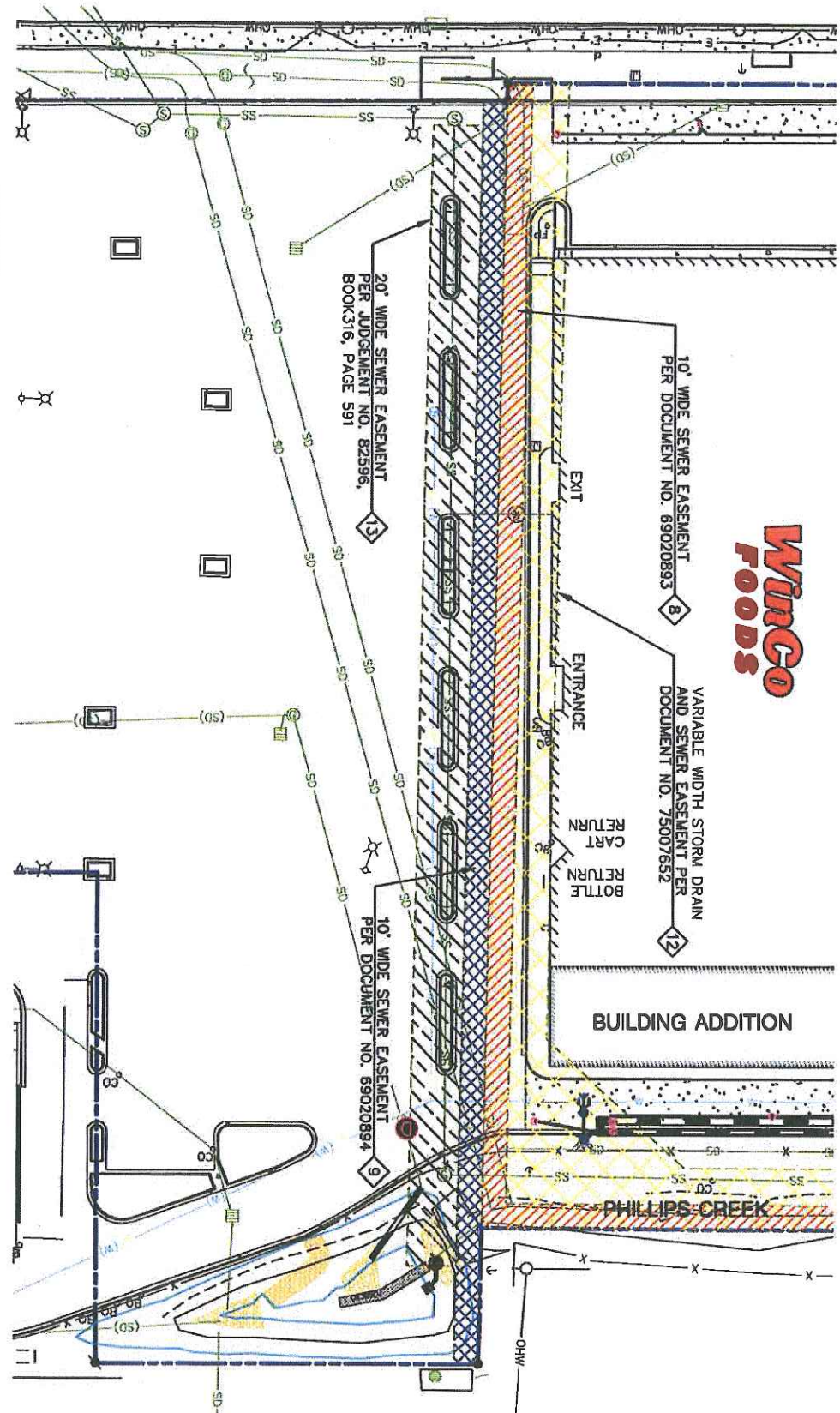
NOTE
EXISTING BOX CULVERT IS A CONCRETE 6x8' CULVERT AS A PART OF ENGINEERING DOCUMENTS DATED 09/07/1987



**PROPOSED STORM DRAINAGE & SEWER EASEMENT
WINCO #9 - SE 82ND AVENUE**

WINCO FOODS, L.L.C.
CLACKAMAS COUNTY, OREGON

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WRG**
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- EASEMENTS**
- 8 10' WIDE SEWER EASEMENT PER DOCUMENT NO. 69020893
 - 9 10' WIDE SEWER EASEMENT PER DOCUMENT NO. 69020894
 - 12 VARIABLE WIDTH STORM DRAIN AND SEWER EASEMENT PER DOCUMENT NO. 75007652
 - 13 20' WIDE SEWER EASEMENT PER JUDGEMENT NO. 82596, BOOK 316, PAGE 519

**STORM DRAINAGE & SEWER EASEMENT EXCEPTIONS
WINCO #9 - SE 82ND AVENUE**

WINCO FOODS, LLC.
CLACKAMAS COUNTY, OREGON

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