



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
Clackamas County

**Approval to Accept a Permanent Easement from Oregon Department of Transportation,
and Accept a Permanent Right of Way Easement for Road Purposes from the
Clackamas County Development Agency. 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.

Before the post construction survey can be recorded the agreed upon property transfers and easements must be completed.

For Filing Use Only

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners

- Accept the Permanent Right of Way Easement from Oregon Department of Transportation.
- Accept the Permanent Right of Way Easement for Road Purposes from Clackamas County Development Agency to Clackamas County as required for recording.
- Record the two Permanent Right of Way Easements for Road Purposes.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development

PERMANENT EASEMENT

STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantor, for no monetary consideration, does grant to the **CLACKAMAS COUNTY, a political subdivision of the State of Oregon, by and through its Elected Officials**, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property described **on Exhibit "A" and Exhibit "B" dated 4/06/2017**, attached hereto and by this reference made a part hereof.

AS SHOWN ON THE ATTACHED EXHIBIT "B" MAP, HEREIN AND MADE A PART OF THIS DOCUMENT AS SET FORTH ABOVE, THAT IN THE EVENT OF A CONFLICT OR DISCREPANCY BETWEEN THE EXHIBIT "B" MAP AS SHOWN AND THE WRITTEN LEGAL DESCRIPTION EXHIBIT "A", THE WRITTEN LEGAL DESCRIPTION EXHIBIT "A" SHALL PREVAIL.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 2-2E-04D 1001

Property Address:

File: PM203A-011
54886B
Map: Sketch

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this ____ day of _____, 20____.

**STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION**

By _____
Georgine Gleason, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated _____, 20____. Personally appeared Georgine Gleason, stated that she is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:

Notary Public for Oregon
My Commission expires _____

ACCEPTANCE

BOARD OF COUNTY COMMISSIONERS OF
CLACKAMAS COUNTY, OREGON

By _____

_____, Chair

ATTEST:

Recording Secretary

STATE OF OREGON)
) ss.
County of Clackamas)

BEFORE ME, a Notary Public, personally appeared _____, the above-named
Chair of the Board of County Commissioners of Clackamas County, Oregon and acknowledged the foregoing instrument
on behalf of Clackamas County, Oregon.

DATED this _____ day of _____, 2023.

Notary Public for Oregon
My Commission Expires _____

Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in the SE 1/4 and SW 1/4 of Section 4 and the NE1/4 of Section 9, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being a portion of that certain property described in that Statutory Warranty Deed to the State of Oregon, by and through the Department of Transportation, Recorded October 23, 1985 in Fee Number 85-37857, Clackamas County Deed Records; the said parcel being that portion of said property included in a strip of land variable in width, lying westerly and easterly of the center line of the relocated Industrial Way, which center line is described as follows:

Beginning at Engineer's Centerline Station 0+00.00, said point bears South 49°19'17" West, 1596.92 feet from the angle corner on the north line of the Samuel Campbell Donation Land Claim Number 64, in said Section 9; Thence North 01° 26' 23" East, 259.95 feet to Station 2+59.95 at the beginning of a 250.00 foot radius curve to the left; Thence along the arc of said curve through a central angle of 79° 48' 20" (the long chord of which bears North 38° 27' 47" West, 320.74 feet), an arc distance of 348.22 feet to Engineer's Centerline Station 6+08.17; Thence North 78° 21' 57" West, 234.94 feet to Engineer's Centerline Station 8+43.11 at the beginning of a 300.00 foot radius curve to the right; Thence along the arc of said curve, through a central angle of 58° 24' 01" (the long chord of which bears North 49° 09' 56" West, 292.72 feet), an arc distance of 305.78 feet to Engineer's Centerline Station 11+48.89; Thence North 19° 57' 56" West, 218.16 feet to Engineer's Centerline Station 13+67.05 at the beginning of a 510.00 foot radius curve to the right; Thence along the arc of said curve to the right, through a central angle of 11° 13' 28" (the long chord of which bears North 14° 21' 12" West, 99.75 feet), an arc distance of 99.91 feet to Engineer's Centerline Station 14+66.96; Thence North 08° 44' 28" West, 64.42 feet to Station 15+31.38 at the beginning of a 510.00 foot radius curve to the left; Thence along the arc of said curve, through a central angle of 11° 13' 28" (the long chord of which bears North 14° 21' 12" West, 99.75 feet); an arc distance of 99.91 feet to Engineer's Centerline Station 16+31.29; Thence North 19° 57' 56" West, 472.21 feet to Engineer's Centerline Station 21+03.50 at the beginning of a 510.00 foot radius curve to the left; Thence along the arc of said curve, through a central angle of 08° 39' 15" (the long chord of which bears North 24° 17' 34" West, 76.96 feet), an arc distance of 77.03 feet to Engineer's Centerline Station 21+80.53; Thence North 28° 37' 11" West, 135.82 feet to Engineer's Centerline Station 23+16.35 at the beginning of a 510.00 foot radius curve to the right; Thence along the arc of said curve, through a central angle of 08° 39' 15" (the long chord of which bears North 24° 17' 34" West, 76.96 feet), an arc distance of 77.03 feet to Engineer's Centerline Station 23+93.38; Thence North 19° 57' 56" West, 477.14 feet to Engineer's Centerline Station 28+70.52 at the beginning of a 120.00 foot radius curve to the right; Thence along the arc of said curve, through a central angle of 90° 59' 21" (the long chord of which bears North 25° 31' 44" East, 171.16 feet), an arc distance of 190.57 feet to Engineer's Centerline Station 30+61.09; Thence North 71° 01' 25" East,

188.91 feet to Engineer's Centerline Station 32+50.00, being the **Point of Terminus** of this description, said point bears South 70°56'52" West, 1547.66 feet from a 5/8" iron rod with aluminum cap marked "HHPR INC" in monument box (per SN 2012-032, Clackamas County Survey Records) at the centerline intersection of SE Lawnfield Road with SE 98th Court, said Angle Corner on the north line of the Samuel Campbell Donation Land Claim bears South 19°34'18" East, 2169.10 feet (from said centerline intersection point).

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
21+34.00		25+00.00	30.00 feet
25+00.00		28+68.79	26.00 feet
28+68.79		30+45.69	26.00 feet along the arc of a 92.00 foot radius curve to the right, through a central angle of 84°59'37" (the long chord bears N22°31'53"E, 124.30 feet), an arc distance of 136.47 feet to 29.52 feet
30+45.69		31+20.00	29.52 feet in a straight line to 22.86 feet

The width on the Westerly Side of Centerline is variable, being all that portion of said property lying west of said centerline of relocated Industrial Way.

Bearings are based on the northerly most northeast line of the William T Matlock Donation Land Claim Number 37, being North 19°32'23" West 4274.15 feet, between found monuments at the ends of said northerly most northeast line, as shown on SN 2012-033, Clackamas County Surveyor's office.

EXCEPT therefrom any portion of the above described strip of land lying within SE Lawnfield Road.

EXCEPT therefrom any portion of the above described strip of land lying westerly of the easterly right-of-way line of the Union Pacific Railroad.

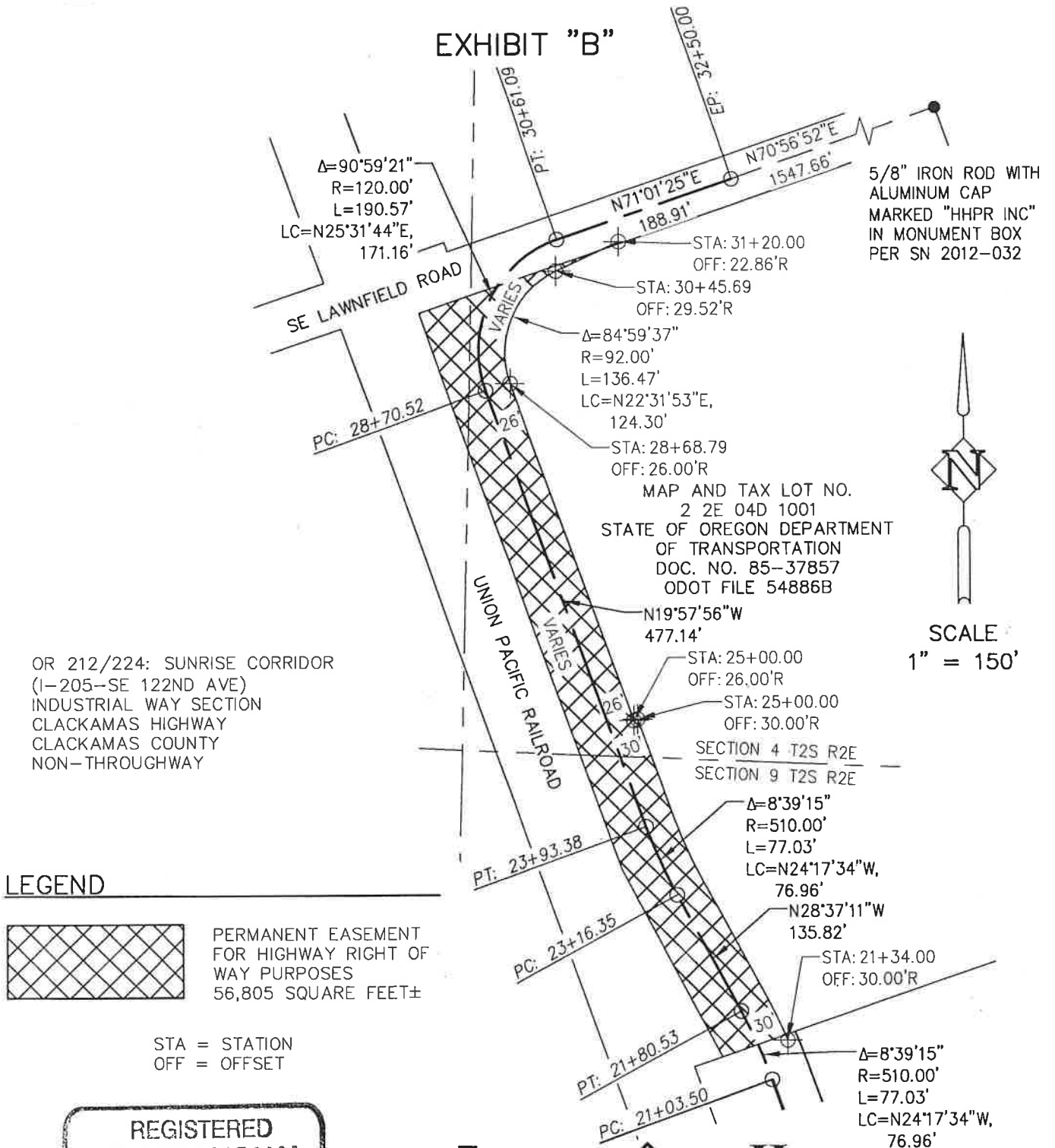
This parcel of land contains 56,805 square feet, more or less, outside the existing right of ways.

See the attached Exhibit "B", which is made a part hereof.

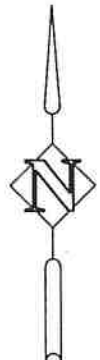


EXPIRES: 12-31-17

EXHIBIT "B"



5/8" IRON ROD WITH ALUMINUM CAP MARKED "HHPR INC" IN MONUMENT BOX PER SN 2012-032



SCALE
1" = 150'

OR 212/224: SUNRISE CORRIDOR
(I-205-SE 122ND AVE)
INDUSTRIAL WAY SECTION
CLACKAMAS HIGHWAY
CLACKAMAS COUNTY
NON-THROUGHWAY

MAP AND TAX LOT NO.
2 2E 04D 1001
STATE OF OREGON DEPARTMENT
OF TRANSPORTATION
DOC. NO. 85-37857
ODOT FILE 54886B

LEGEND

 PERMANENT EASEMENT FOR HIGHWAY RIGHT OF WAY PURPOSES
56,805 SQUARE FEET±

STA = STATION
OFF = OFFSET

REGISTERED
PROFESSIONAL
LAND SURVEYOR
John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60970 LS

EXPIRES: 12-31-17

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

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' | |



PARCEL III OF
DOCUMENT NO.
2005-100311

STA: 6+06.58
OFF: 47.50' R
RADIUS POINT
BEARS S11°59'55"W

STA: 6+08.17
OFF: 47.50' L

STA: 6+08.17
OFF: 40.00' L

STA: 6+06.58
OFF: 40.00' L

LEGEND



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

SEE ATTACHED
LEGAL DESCRIPTION



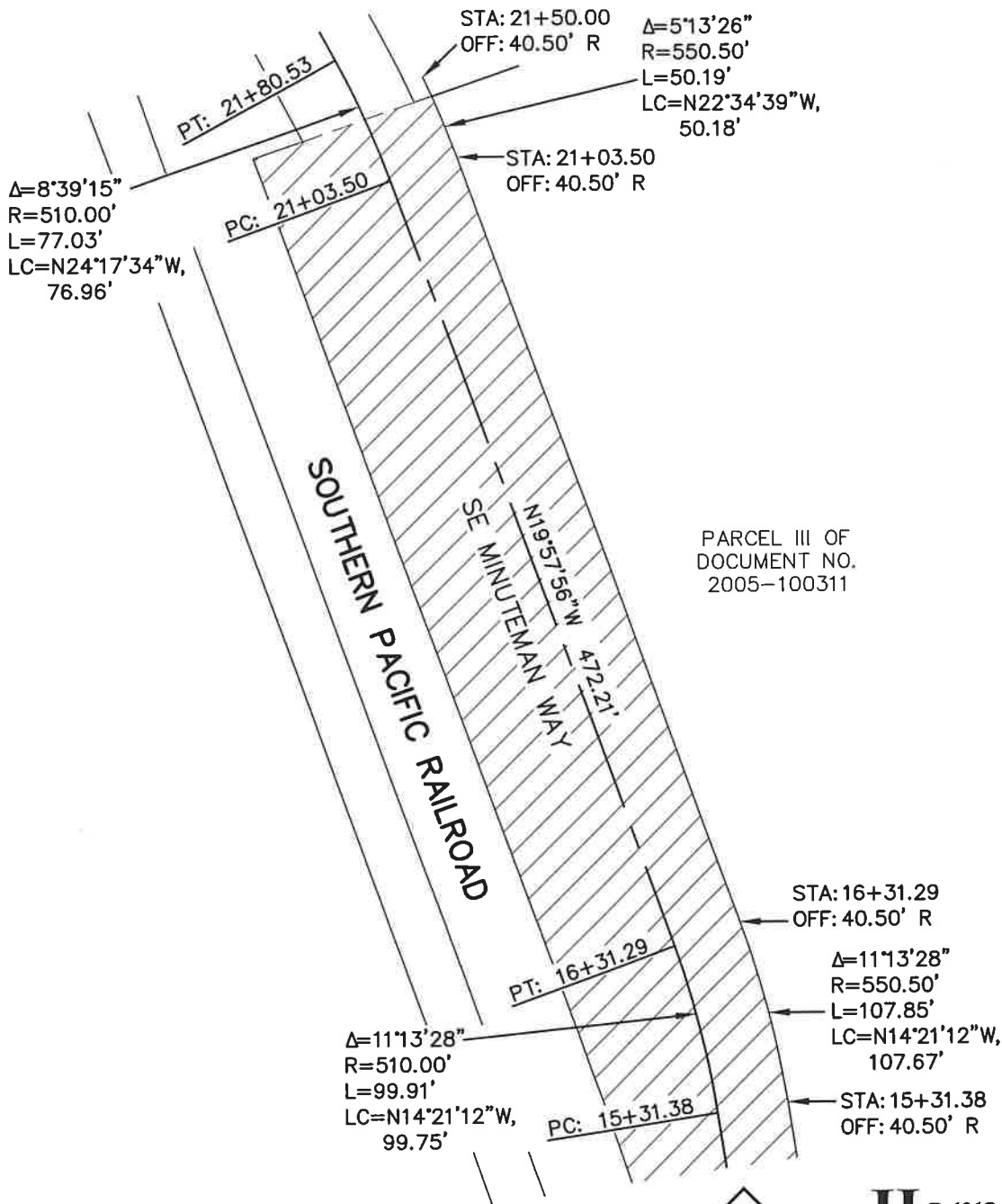
**Harper
Houf Peterson
Righellis Inc.**

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

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EXHIBIT "B"

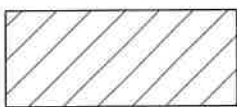


PARCEL III OF
DOCUMENT NO.
2005-100311



SCALE
1" = 100'

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

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