



DAN JOHNSON
DIRECTOR

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

February 29, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners

Approval of a Resolution Declaring the Public Necessity and purpose for Acquisition of Right of Way and Easements and Authorizing Good Faith Negotiations and Condemnation Actions for the Henry Creek (Arlie Mitchell Road) Culvert Replacement Project. Total Project Value is \$1,018,460. Project funding is through the City of Portland, Oregon Department of Fish and Wildlife, U.S. Forest Service, Oregon Watershed Enhancement Board, and \$99,756 in County Road Funds. No County General Funds are involved.

Previous Board Action/Review	2/27/24: Request for Consent 5/18/23: Approval of Henry Creek Culvert Fish-Passage Project Agreement with The Freshwater Trust 10/25/22: Letter of support for grant application		
Performance Clackamas	The project will build a strong infrastructure.		
Counsel Review	Yes – Hong Huynh	Procurement Review	No
Contact Person	Carol Hager	Contact Phone	503-742-4674

EXECUTIVE SUMMARY: Clackamas County entered into an agreement with The Freshwater Trust to replace the existing 12-foot-diameter culvert at Arlie Mitchell Road with a modular bridge. The existing culvert was installed in 1965 and is insufficient to accommodate all creek flow regimes. Because of the significantly perched outfall, the culvert is a barrier to fish passage and is a full or partial barrier to aquatic organisms throughout most of the year. The culvert is listed as number one on ODFW's Priority list.

In order to construct the improvements as designed, permanent and temporary easements and fee acquisitions will be required. The Project is expected to impact six (6) 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

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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 that 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 (DTD) project development procedures and the final legal descriptions required for acquisition of the needed rights of way and easements from six (6) properties affected by the Project are being developed.

DTD shall negotiate in good faith and accordance with all applicable laws, rules, and regulations in an attempt to reach an 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.

The resolution directs DTD 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 DTD 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 easements, by good faith negotiation if possible, or condemnation, if necessary.

Respectfully submitted,

Dan Johnson

Dan Johnson
Director of Transportation & Development

**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 Henry Creek (Arlie Mitchell Road) Culvert Replacement 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 29, 2024 and,

It appearing to the Board that the Henry Creek (Arlie Mitchell Road) Culvert Replacement Project ("the Project") will replace the existing 144" (12') culvert at Arlie Mitchell Road with a modular bridge; 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 legal descriptions and maps attached as Exhibits A and B for files 1-6 (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 Henry Creek (Arlie Mitchell Road) Culvert Replacement 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 _____, 2024.

Tootie Smith, Chair

Recording Secretary

EXHIBIT "A"

Henry Creek at
E. Arlie Mitchell Road
File 1

January 31, 2024
37E11BA00200
Page 1 of 2

TRACT 1

PERMANENT RIGHT OF WAY EASEMENT:

A portion of that property described in Document No. 2021-034505 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B-1' attached hereto and by this reference made a part hereof, more particularly described as follows:

Beginning at the Southeast corner of Lot 2, Block 11, of the Plat of Rhododendron, also being a point on the westerly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence along the southerly line of said Lot 2, North 88°46'16" West 15.00 feet; thence leaving said southerly line, North 01°22'31" East 31.31 feet; thence North 46°32'27" East 21.15 feet to said westerly right of way line; thence along said westerly right of way line, South 01°22'31" W 46.19 feet to the Point of Beginning,

Containing 581 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734

EXHIBIT "A"

Continued

Henry Creek at
E. Arlie Mitchell Road
File 1

January 31, 2024
37E11BA00200
Page 2 of 2

TRACT 2

TEMPORARY CONSTRUCTION EASEMENT:

A portion of that property described in Document No. 2021-034505 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B-2' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing from the Southeast corner of Lot 2, Block 11, of the Plat of Rhododendron, also being a point on the westerly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence along the southerly line of said Lot 2, North 88°46'16" West 15.00 feet to the Point of Beginning; thence continuing along said southerly line of said Lot 2, North 88°46'16" West 75.70 feet; thence leaving said southerly line, North 44°07'34" West 67.98 feet; thence North 27°06'44" West 44.65 feet; thence North 49°45'10" East 30.24 feet; thence South 38°25'00" East 38.46 feet; thence South 55°53'07" East 100.63 feet; thence North 45°52'39" East 40.84 feet to the westerly right of way line of said E. Arlie Mitchell Road; thence along said right of way line South 01°22'31" West 5.71 feet; thence leaving said right of way line, South 46°32'27" West 21.15 feet; thence South 01°22'31" West 31.31 feet to the Point of Beginning,

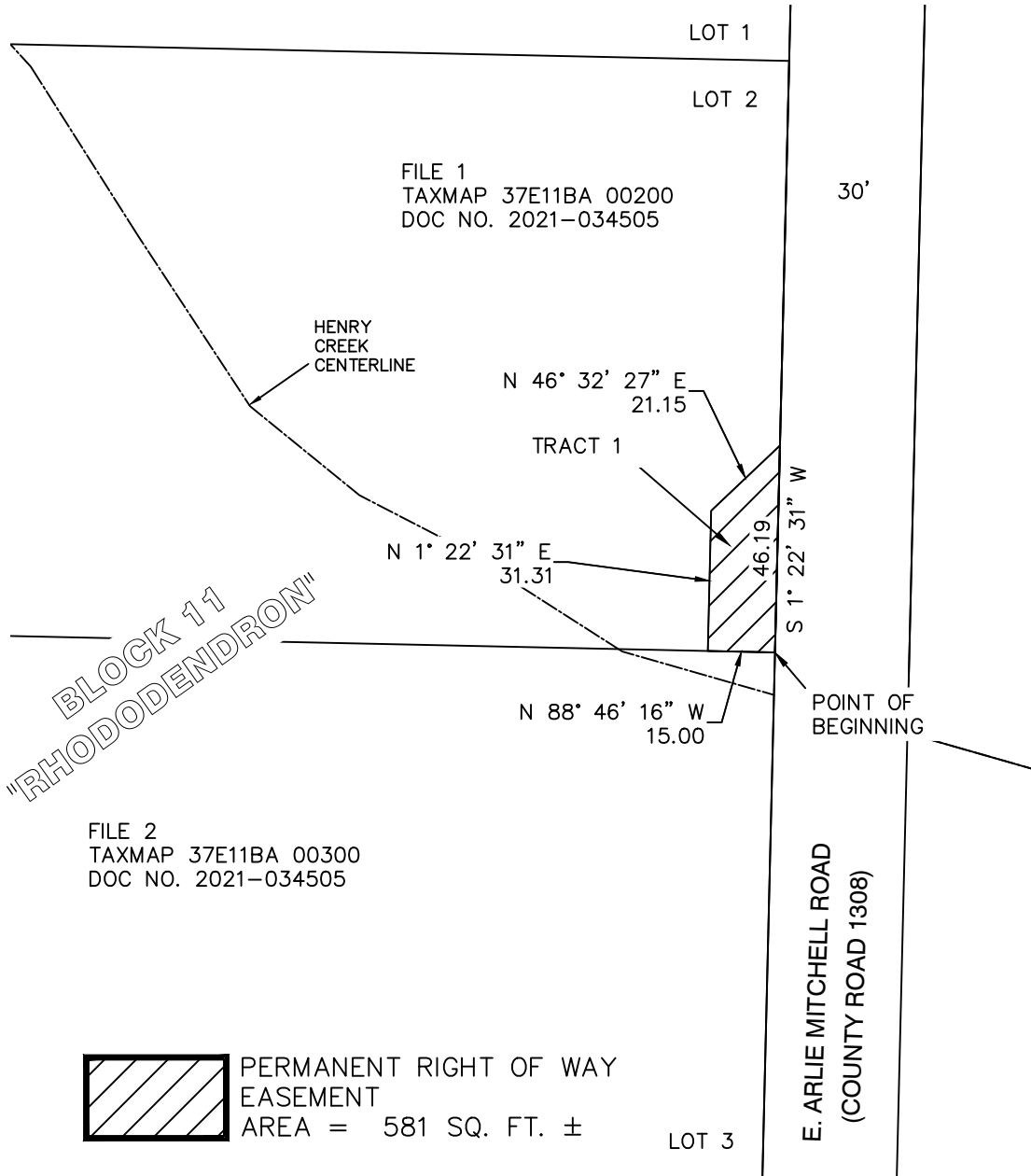
Containing 6607 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734



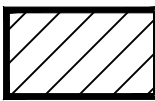
EXPIRATION DATE: 12-31-24

"FILE 1 B-1"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON



BLOCK 11
 "RHODODENDRON"

FILE 2
 TAXMAP 37E11BA 00300
 DOC NO. 2021-034505

 PERMANENT RIGHT OF WAY
 EASEMENT
 AREA = 581 SQ. FT. ±



SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

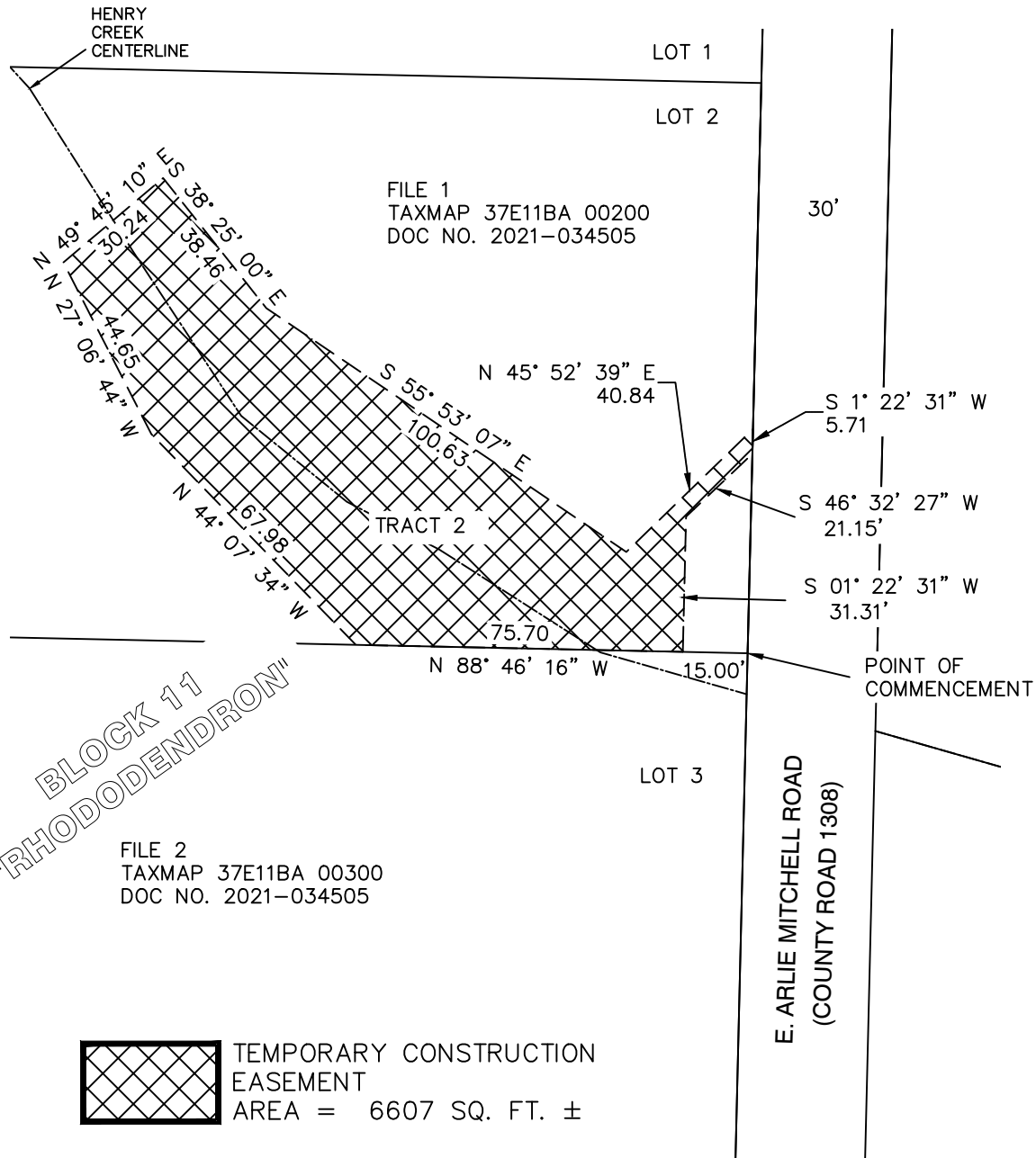
EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

PERMANENT RIGHT OF WAY
 EASEMENT

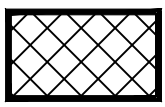
DRAWN BY BWP

DATE: 01/31/24

"FILE 1 B-2"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON



BLOCK 11
 "RHODODENDRON"

 TEMPORARY CONSTRUCTION
 EASEMENT
 AREA = 6607 SQ. FT. ±


 SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

TEMPORARY CONSTRUCTION
 EASEMENT

DRAWN BY BWP

DATE: 01/31/24

EXHIBIT "A"

Henry Creek at
E. Arlie Mitchell Road
File 2

January 31, 2024
37E11BA00300
Page 1 of 2

TRACT 1

PERMANENT RIGHT OF WAY EASEMENT:

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Beginning at the Southeast corner of Lot 2, Block 11, of the Plat of Rhododendron, also being a point on the westerly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence along said southerly line North 88°46'16" West 15.00 feet; thence leaving said southerly line, South 01°22'31" West 57.72 feet; thence South 42°41'35" East 21.57 feet to said westerly right of way line; thence along said right of way line, North 01°22'31" East 73.23 feet to the Point of Beginning,

Containing 982 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734

EXHIBIT "A"

Continued

Henry Creek at
E. Arlie Mitchell Road
File 2

January 31, 2024
37E11BA00300
Page 2 of 2

TRACT 2

TEMPORARY CONSTRUCTION EASEMENT:

A portion of that property described in Document No. 2021-034505 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B-2' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing from the Southeast corner of Lot 2, Block 11, of the Plat of Rhododendron, also being a point on the westerly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence along said southerly line North 88°46'16" West 15.00 feet to the Point of Beginning; thence leaving said southerly line, South 01°22'31" West 57.72 feet; thence South 42°41'35" East 21.57 feet to said westerly right of way line; thence along said right of way line, South 01°22'31" West 15.02 feet; thence leaving said right of way line, North 89°03'11" West 4.69 feet; thence North 36°00'24" West 60.05 feet; thence North 49°27'57" West 63.90 feet to said southerly line of Lot 2; thence along said southerly line South 88°46'16" East 75.70 feet to the Point of Beginning,

Containing 2783 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12-31-24

"FILE 2 B-1"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON

FILE 1
 TAXMAP 37E11BA 00200
 DOC NO. 2021-034505

LOT 2

LOT 3

BLOCK 11
 "RHODODENDRON"

HENRY
 CREEK
 CENTERLINE

N 88° 40' 46" W
 15.00

E. ARLIE MITCHELL ROAD
 (COUNTY ROAD 1308)

POINT OF
 BEGINNING

30'

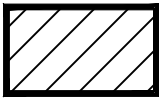
S 1° 22' 31" W
 57.72

TRACT 1

N 1° 22' 31" E
 73.23

S 42° 41' 35" E
 21.57

FILE 2
 TAXMAP 37E11BA 00300
 DOC NO. 2021-034505



PERMANENT RIGHT OF WAY
 EASEMENT
 AREA = 982 SQ. FT. ±



SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

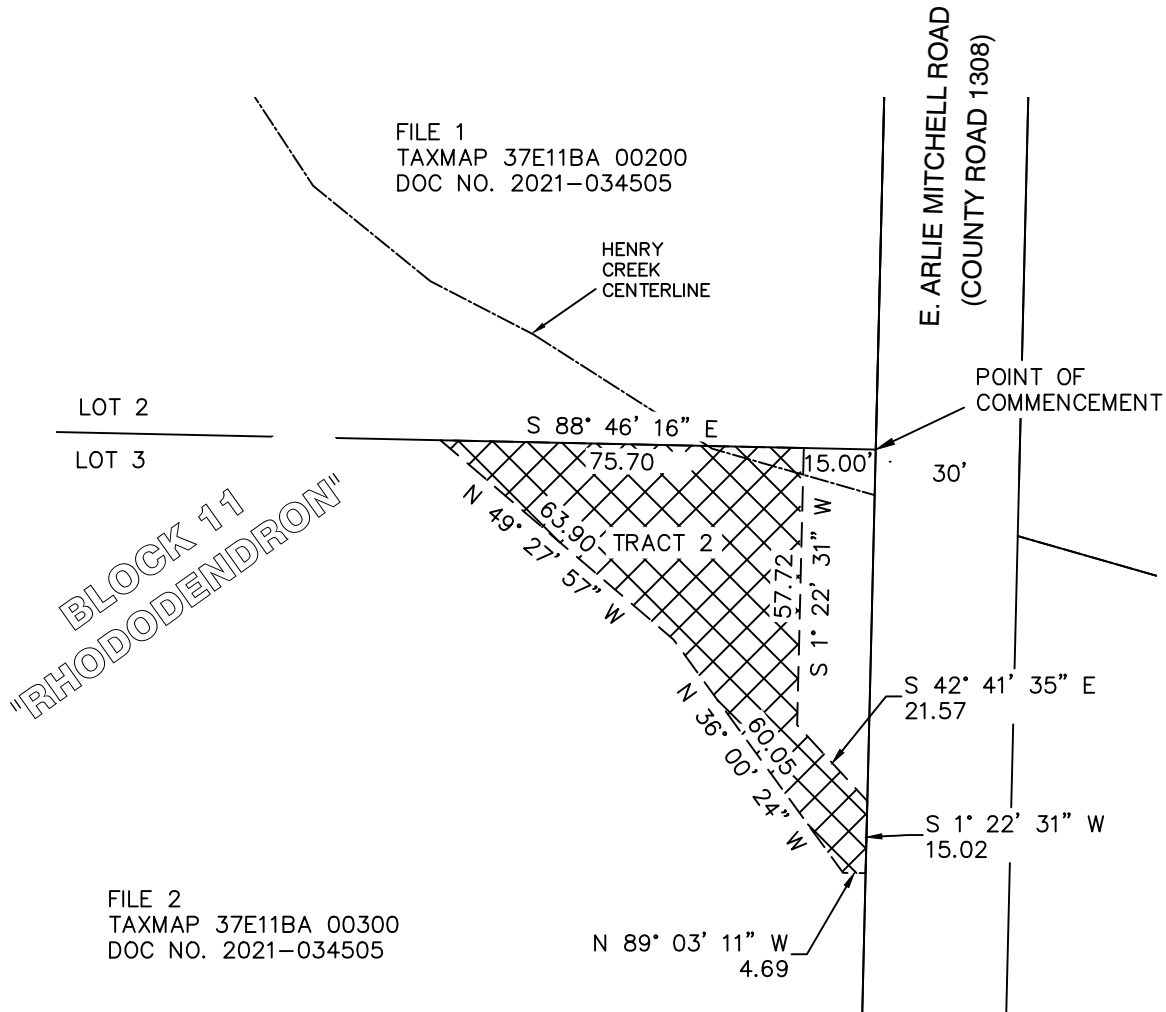
EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

PERMANENT RIGHT OF WAY
 EASEMENT

DRAWN BY BWP

DATE: 01/31/24

"FILE 2 B-2"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON



FILE 1
 TAXMAP 37E11BA 00200
 DOC NO. 2021-034505

HENRY
 CREEK
 CENTERLINE

E. ARLIE MITCHELL ROAD
 (COUNTY ROAD 1308)

POINT OF
 COMMENCEMENT

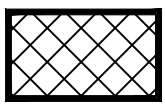
LOT 2

LOT 3

BLOCK 11
 "RHODODENDRON"

TRACT 2

FILE 2
 TAXMAP 37E11BA 00300
 DOC NO. 2021-034505

 TEMPORARY CONSTRUCTION
 EASEMENT
 AREA = 2783 SQ. FT. ±



SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

TEMPORARY CONSTRUCTION
 EASEMENT

DRAWN BY BWP

DATE: 01/31/24

EXHIBIT "A"

Henry Creek at
E. Arlie Mitchell Road
File 3

January 31, 2024
37E11AB00900
Page 1 of 2

TRACT 1

PERMANENT RIGHT OF WAY EASEMENT:

A portion of that property described in Document No. 2023-015940 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B-1' attached hereto and by this reference made a part hereof, more particularly described as follows:

Beginning at the Southwest corner of Lot 1, Block 3, of the Franzi Addition to the Plat of Rhododendron, also being a point on the easterly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence along said right of way line North $01^{\circ}22'31''$ East 89.47 feet; thence leaving said right of way line, South $21^{\circ}16'50''$ East 64.90 feet; thence South $01^{\circ}22'31''$ West 36.08 feet, more or less to the centerline of Henry Creek, being the southerly line of the subject property; thence along said centerline North $74^{\circ}02'21''$ West 25.83 feet, to the easterly right of way line of said E. Arlie Mitchell Road and Point of Beginning,

Containing 1569 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734

EXHIBIT "A"

Continued

Henry Creek at
E. Arlie Mitchell Road
File 3

January 31, 2024
37E11AB00900
Page 2 of 2

TRACT 2

TEMPORARY CONSTRUCTION EASEMENT:

A portion of that property described in Document No. 2023-015940 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B-2' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing from the Southwest corner of Lot 1, Block 3, of the Franzi Addition to the Plat of Rhododendron, also being a point on the easterly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence leaving said right of way line, and along the centerline of Henry Creek, South 74°02'21" East 25.83 feet to the Point of Beginning; thence leaving said centerline, North 01°22'31" East 36.08 feet; thence North 21°16'50" West 64.90 feet to said easterly right of way line; thence along said right of way line North 01°22'31" East 26.82 feet; thence leaving said right of way line, South 63°26'36" East 7.46 feet; thence South 19°21'32" East 63.95 feet; thence South 30°43'08" East 69.46 feet, more or less, to the southeasterly line of said Lot 1; thence along said southeasterly line, South 35°58'31" West 20.62 feet, more or less to the centerline of Henry Creek, also being the southerly line of the subject property; thence along the centerline of said creek, North 50°06'56" West 19.80 feet; thence North 74°02'21" West 15.46 feet to the Point of Beginning,

Containing 2586 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734

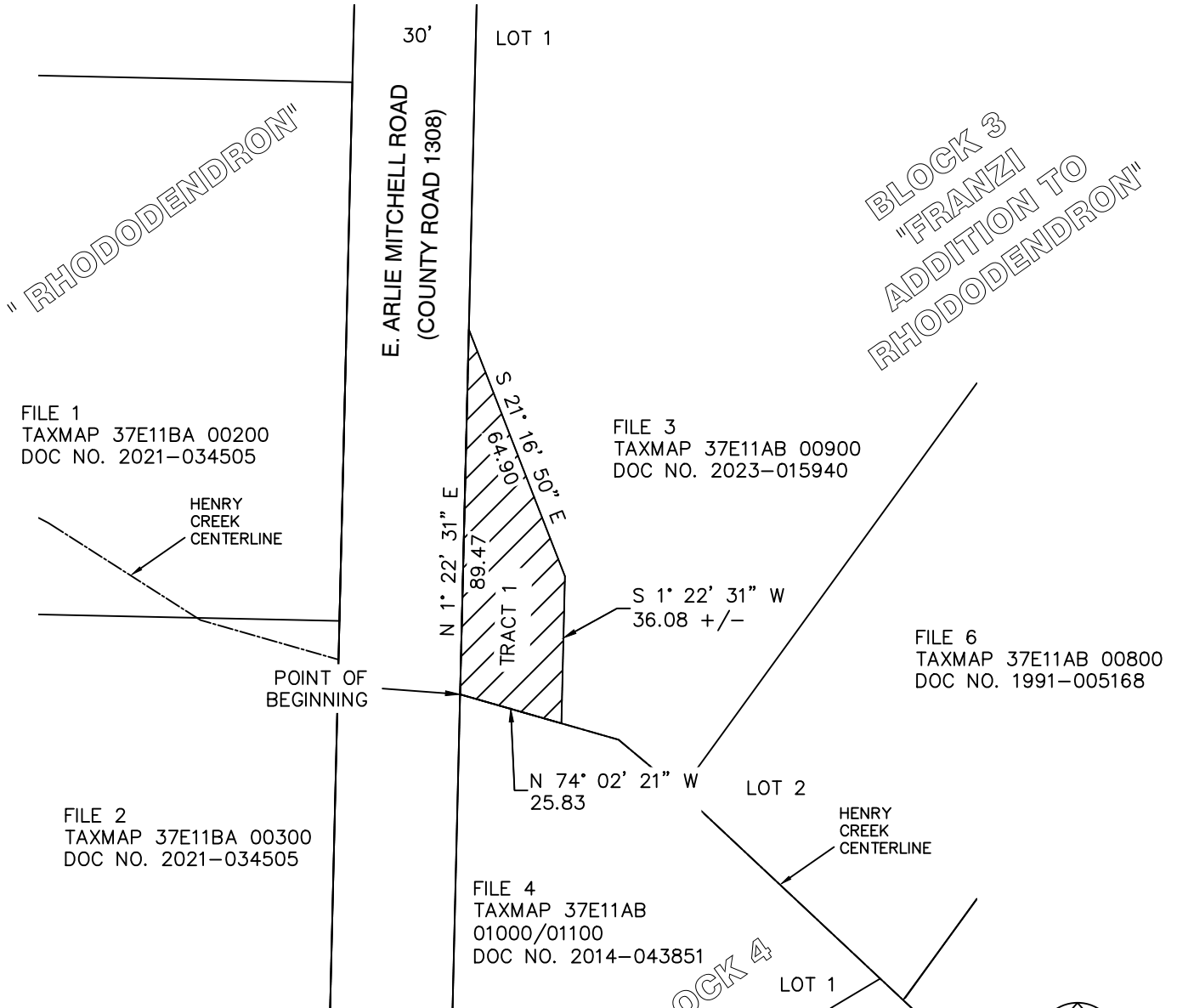
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12-31-24

"FILE 3 B-1"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON



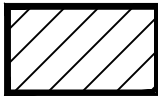
FILE 1
 TAXMAP 37E11BA 00200
 DOC NO. 2021-034505

FILE 3
 TAXMAP 37E11AB 00900
 DOC NO. 2023-015940

FILE 6
 TAXMAP 37E11AB 00800
 DOC NO. 1991-005168

FILE 2
 TAXMAP 37E11BA 00300
 DOC NO. 2021-034505

FILE 4
 TAXMAP 37E11AB
 01000/01100
 DOC NO. 2014-043851



PERMANENT RIGHT OF WAY
 EASEMENT
 AREA = 1569 SQ. FT. ±



SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

PERMANENT RIGHT OF WAY
 EASEMENT

DRAWN BY BWP

DATE: 01/31/24

"FILE 3 B-2"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON

"RHODODENDRON"

BLOCK 3
 "FRANZI
 ADDITION TO
 RHODODENDRON"

FILE 1
 TAXMAP 37E11BA 00200
 DOC NO. 2021-034505

HENRY CREEK CENTERLINE

E. ARLIE MITCHELL ROAD
 (COUNTY ROAD 1308)

FILE 3
 TAXMAP 37E11AB 00900
 DOC NO. 2023-015940

FILE 6
 TAXMAP 37E11AB 00800
 DOC NO. 1991-005168

FILE 2
 TAXMAP 37E11BA 00300
 DOC NO. 2021-034505

POINT OF COMMENCEMENT

S 74° 02' 21" E 15.46
 N 50° 06' 56" W 19.80

FILE 4
 TAXMAP 37E11AB
 01000/01100
 DOC NO. 2014-043851

BLOCK 4



TEMPORARY CONSTRUCTION
 EASEMENT
 AREA = 2586 SQ. FT. ±



SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

TEMPORARY CONSTRUCTION
 EASEMENT

DRAWN BY BWP

DATE: 01/31/24

EXHIBIT "A"

Henry Creek at
E. Arlie Mitchell Road
File 4

January 31, 2024
37E11AB01000
Page 1 of 2

TRACT 1

PERMANENT RIGHT OF WAY EASEMENT:

A portion of that property described in Document No. 2014-043851 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B-1' attached hereto and by this reference made a part hereof, more particularly described as follows:

Beginning at the Southwest corner of Lot 1, Block 3, of the Franzi Addition to the Plat of Rhododendron, also being a point on the easterly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence leaving said right of way line, and along the centerline of Henry Creek, South $74^{\circ}02'21''$ East 25.83 feet; thence leaving said centerline South $01^{\circ}22'31''$ West 26.04 feet; thence South $20^{\circ}03'41''$ West 78.03 feet to the easterly right of way line of said E. Arlie Mitchell Road; thence along said right of way line North $01^{\circ}22'31''$ East 106.46 feet to the Point of Beginning,

Containing 1656 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734

EXHIBIT "A"

Continued

Henry Creek at
E. Arlie Mitchell Road
File 4

January 31, 2024
37E11AB01000
Page 2 of 2

TRACT 2

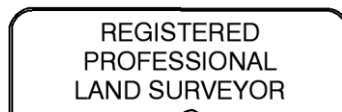
TEMPORARY CONSTRUCTION EASEMENT:

A portion of that property described in Document No. 2014-043851 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B-2' attached hereto and by this reference made a part hereof, more particularly described as follows:

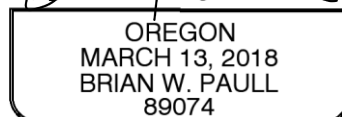
Commencing from the Southwest corner of Lot 1, Block 3, of the Franzi Addition to the Plat of Rhododendron, also being a point on the easterly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence leaving said right of way line, and along the centerline of Henry Creek, South 74°02'21" East 25.83 feet to the Point of Beginning; thence continuing along said centerline South 74°02'21" East 15.46 feet; thence South 50°06'56" East 19.80 feet; thence South 46°52'14" East 67.08 feet more or less to the southeasterly line of said Lot 1; thence along said southeasterly line, South 59°07'31" West 27.16 feet; thence leaving said southeasterly line, North 43°58'25" West 44.84 feet; thence South 62°47'40" West 28.96 feet; thence South 21°49'00" West 45.08 feet; thence South 89°56'07" West 8.59 feet to the easterly right of way line of said E. Arlie Mitchell Road; thence leaving said right of way line, North 20°03'41" East 78.03 feet; thence North 01°22'31" East 26.04 feet, more or less to the Point of Beginning,

Containing 3165 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734



Brian W. Paull



EXPIRATION DATE: 12-31-24

"RHODODENDRON"

"FILE 4 B-1"
LOCATED IN THE NW 1/4 OF
SECTION 11, T.3 S., R.7 E., W.M.
CLACKAMAS COUNTY, OREGON

BLOCK 3
"FRANZI"
ADDITION TO
RHODODENDRON"

FILE 1
TAXMAP 37E11BA 00200
DOC NO. 2021-034505

LOT 1

FILE 3
TAXMAP 37E11AB 00900
DOC NO. 2023-015940

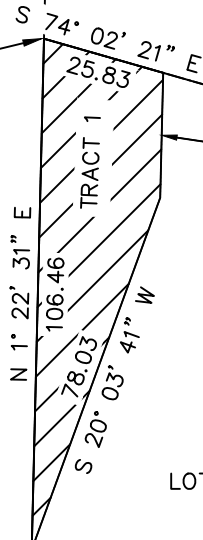
FILE 6
TAXMAP 37E11AB 00800
DOC NO. 1991-005168

HENRY CREEK CENTERLINE

POINT OF BEGINNING

FILE 2
TAXMAP 37E11BA 00300
DOC NO. 2021-034505

E. ARLIE MITCHELL ROAD
(COUNTY ROAD 1308)



BLOCK 4

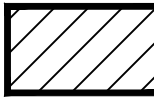
HENRY CREEK CENTERLINE

LOT 2

LOT 1

FILE 4
TAXMAP 37E11AB 01000
DOC NO. 2014-043851

FILE 5
TAXMAP 37E11AB 01100
DOC NO. 2014-043851



PERMANENT RIGHT OF WAY
EASEMENT
AREA = 1656 SQ. FT. ±



SCALE
1"=40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B"
HENRY CREEK AT ARLIE
MITCHELL ROAD

PERMANENT RIGHT OF WAY
EASEMENT

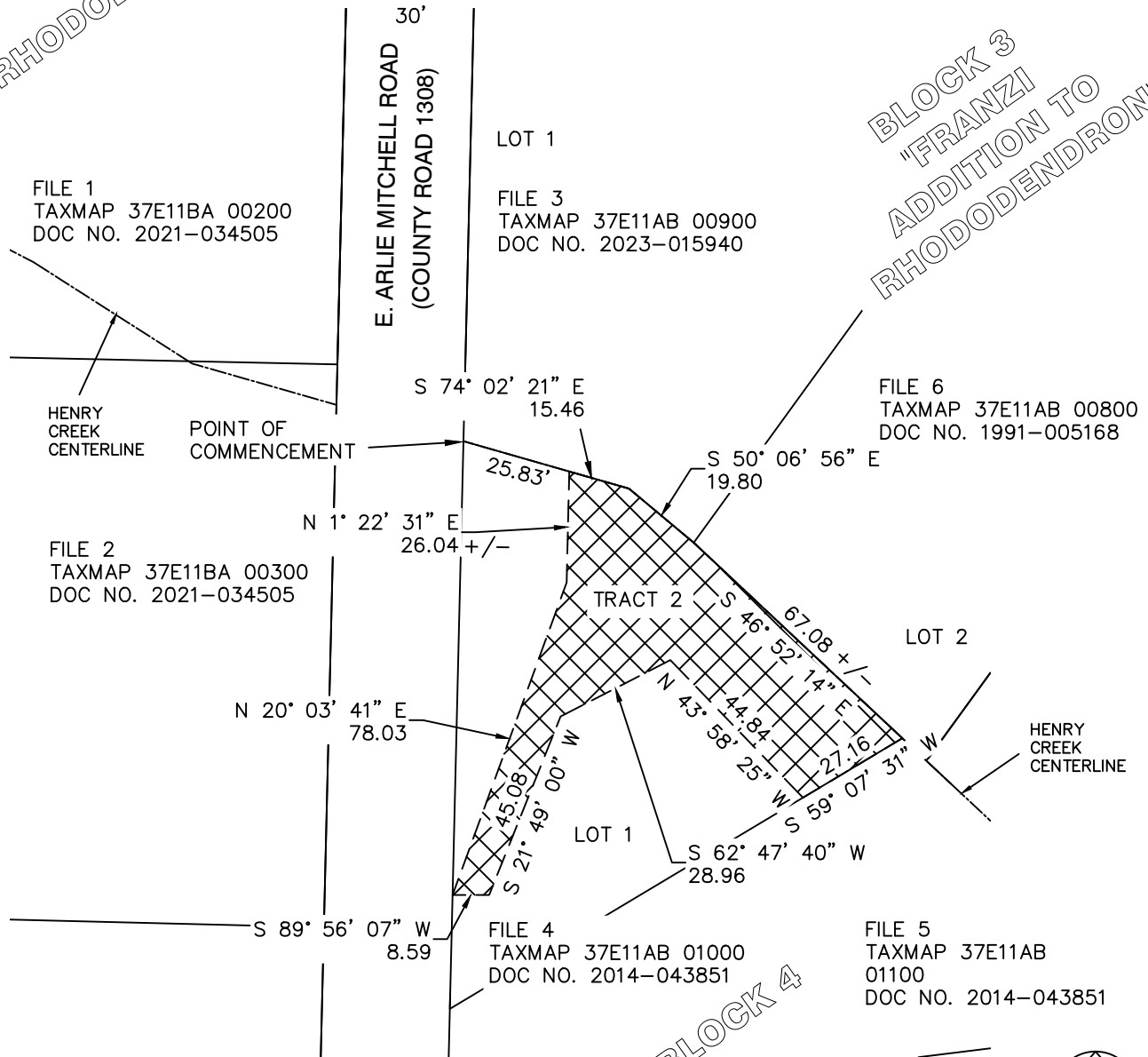
DRAWN BY BWP

DATE: 01/31/24

"RHODODENDRON"

"FILE 4 B-2"
LOCATED IN THE NW 1/4 OF
SECTION 11, T.3 S., R.7 E., W.M.
CLACKAMAS COUNTY, OREGON

BLOCK 3
"FRANZI"
ADDITION TO
RHODODENDRON"



FILE 1
TAXMAP 37E11BA 00200
DOC NO. 2021-034505

LOT 1

FILE 3
TAXMAP 37E11AB 00900
DOC NO. 2023-015940

FILE 6
TAXMAP 37E11AB 00800
DOC NO. 1991-005168

HENRY CREEK CENTERLINE

POINT OF COMMENCEMENT

FILE 2
TAXMAP 37E11BA 00300
DOC NO. 2021-034505

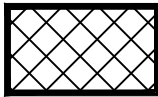
LOT 2

HENRY CREEK CENTERLINE

FILE 4
TAXMAP 37E11AB 01000
DOC NO. 2014-043851

FILE 5
TAXMAP 37E11AB 01100
DOC NO. 2014-043851

BLOCK 4



TEMPORARY CONSTRUCTION
EASEMENT
AREA = 3165 SQ. FT. ±



SCALE
1"=40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B"
HENRY CREEK AT ARLIE
MITCHELL ROAD

TEMPORARY CONSTRUCTION
EASEMENT

DRAWN BY BWP

DATE: 01/31/24

EXHIBIT "A"

Henry Creek at
E. Arlie Mitchell Road
File 5

January 31, 2024
37E11AB01100
Page 1 of 1

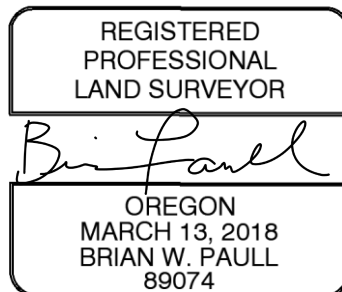
TEMPORARY CONSTRUCTION EASEMENT:

A portion of that property described in Document No. 2014-043851 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing from the Southernmost corner of Lot 1, Block 4, of the Franzi Addition to the Plat of Rhododendron, also being a point on the easterly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence leaving said right of way line and along the southeasterly line of said Lot 1, North 59°07'31" East 96.55 feet to the Point of Beginning; thence continuing along said southeasterly line, 59°07'31" East 27.16 feet more or less to the centerline of Henry Creek and most northerly corner for Lot 2 of said Franzi Addition; thence along said centerline of creek South 46°51'55" East 7.70 feet; thence leaving said centerline of creek South 36°10'35" West 27.24 feet; thence North 43°58'25" West 18.51 feet to the southerly line of said Lot 1 and Point of Beginning,

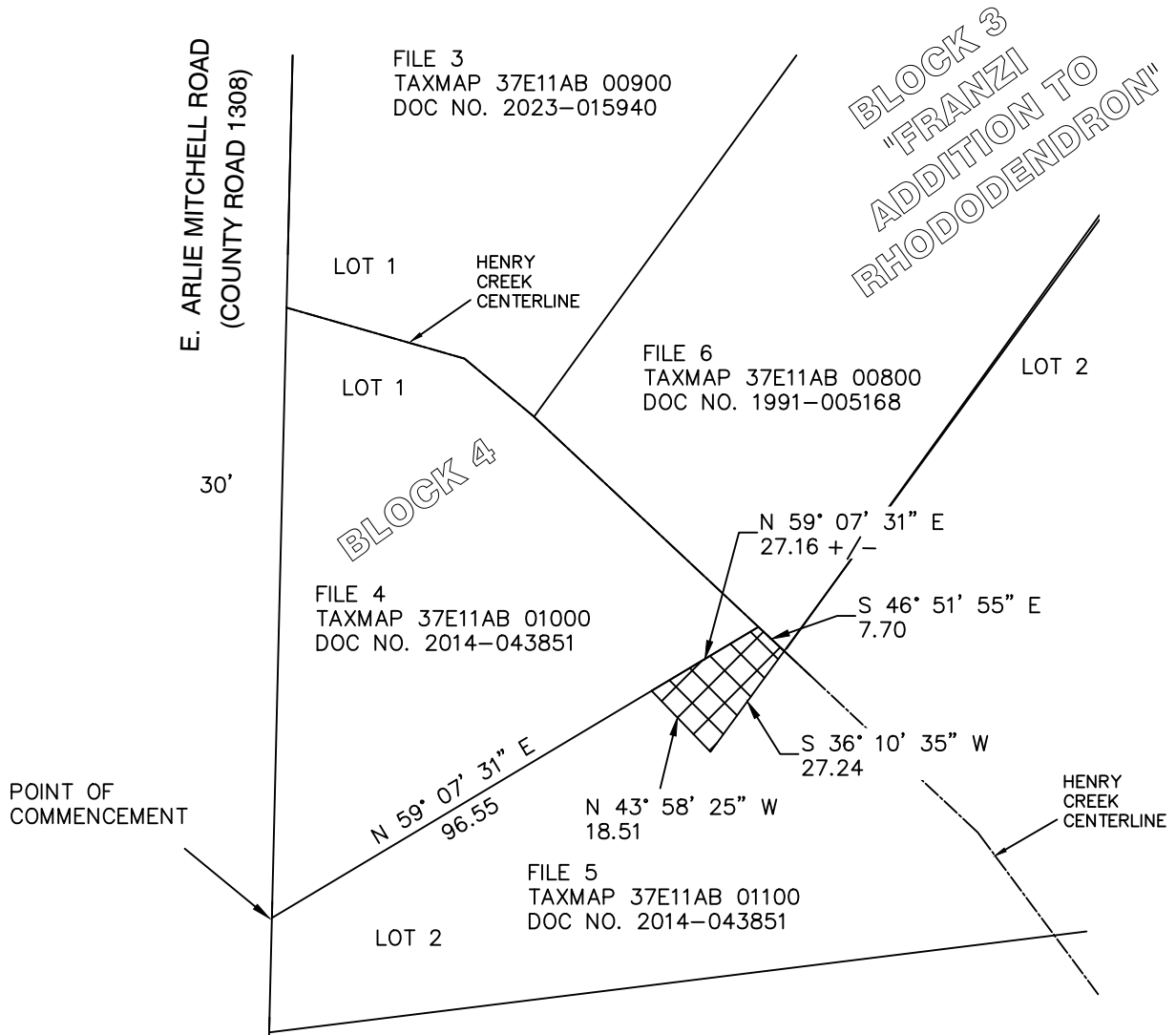
Containing 349 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734



EXPIRATION DATE: 12-31-24

"FILE 5 B"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON



BLOCK 3
 "FRANZI
 ADDITION TO
 RHODODENDRON"

BLOCK 4



TEMPORARY CONSTRUCTION
 EASEMENT
 AREA = 349 SQ. FT. ±



SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

TEMPORARY CONSTRUCTION
 EASEMENT

DRAWN BY BWP

DATE: 01/31/24

EXHIBIT "A"

Henry Creek at
E. Arlie Mitchell Road
File 6

January 31, 2024
37E11AB00800
Page 1 of 1

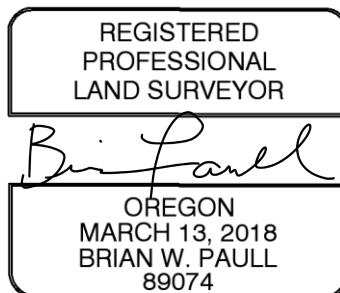
TEMPORARY CONSTRUCTION EASEMENT:

A portion of that property described in Document No. 1991-005168 of the Clackamas County Deed records, located in the NW 1/4 of Section 11, Township 3 South, Range 7 East, Willamette Meridian, as shown on Exhibit 'B' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing from the Southwest corner of Lot 1, Block 3, of the Franzi Addition to the Plat of Rhododendron, also being a point on the easterly right of way line of E. Arlie Mitchell Road (C.R. 1308); thence leaving said right of way line, and along the centerline of Henry Creek, South 74°02'21" East 40.40 feet, more or less; thence South 50°06'56" East 19.80 feet, more or less to the most westerly corner of Lot 2, Block 3 of said Franzi Addition and Point of Beginning; thence along the northwesterly line of said Lot 2, North 35°58'31" East 20.62 feet; thence leaving said northwesterly line, South 43°09'27" East 75.61 feet to the southeasterly line of said Lot 2; thence along said southeasterly line, South 36°10'35" West 15.67 feet, more or less to the centerline of Henry Creek and southwesterly line of the subject property; thence along said creek centerline North 46°52'12" West 74.48 feet, more or less to the Point of Beginning,

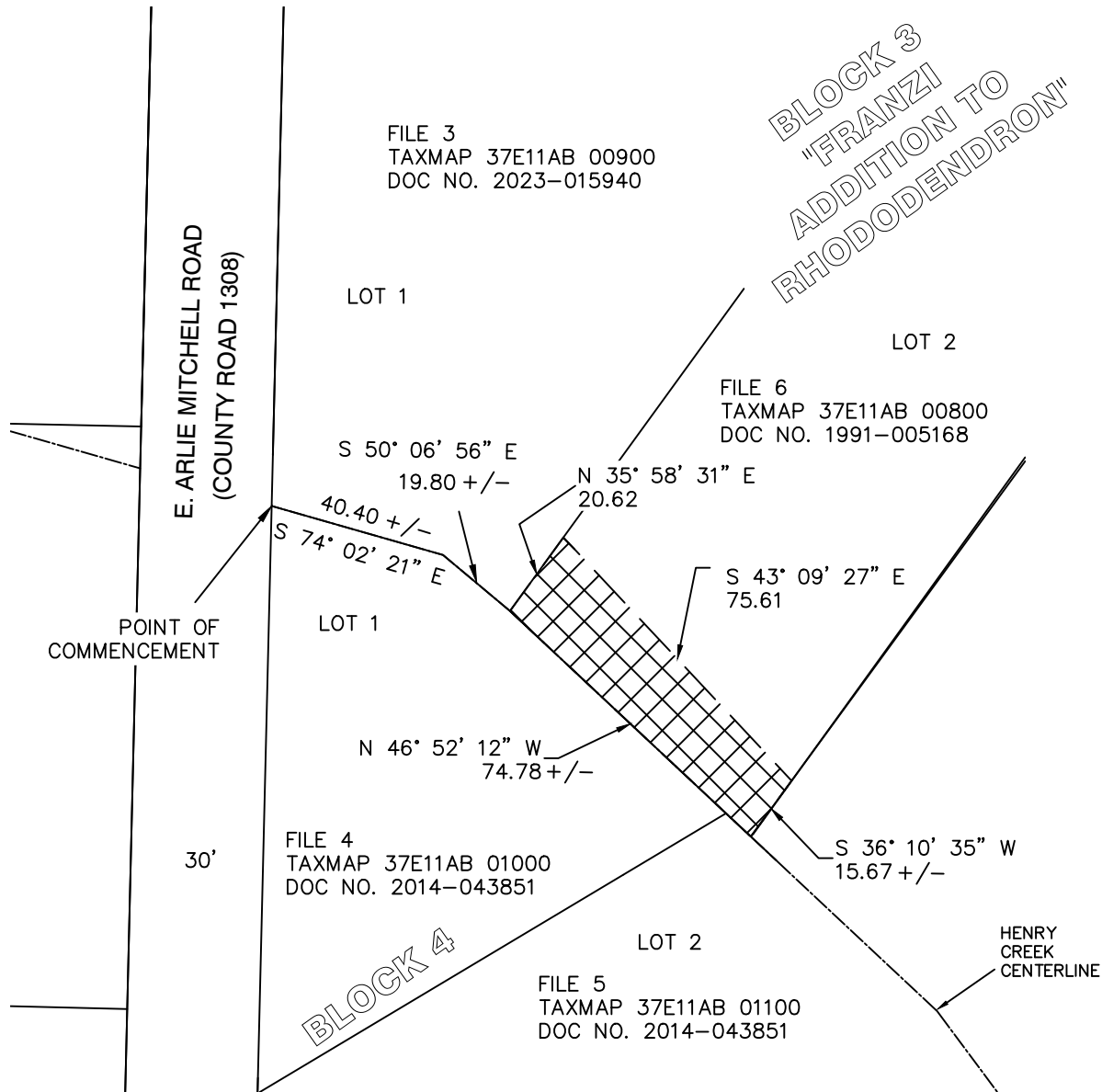
Containing 1347 square feet, more or less.

Basis of Bearing: NAD83(2011) Epoch 2010.00, OCRS Gresham-Warm Springs Zone per OAR 734



EXPIRATION DATE: 12-31-24

"FILE 6 B"
 LOCATED IN THE NW 1/4 OF
 SECTION 11, T.3 S., R.7 E., W.M.
 CLACKAMAS COUNTY, OREGON



BLOCK 3
 "FRANZI
 ADDITION TO
 RHODODENDRON"

FILE 3
 TAXMAP 37E11AB 00900
 DOC NO. 2023-015940

FILE 6
 TAXMAP 37E11AB 00800
 DOC NO. 1991-005168

FILE 4
 TAXMAP 37E11AB 01000
 DOC NO. 2014-043851

FILE 5
 TAXMAP 37E11AB 01100
 DOC NO. 2014-043851



TEMPORARY CONSTRUCTION
 EASEMENT
 AREA = 1347 SQ. FT. ±



SCALE
 1"=40'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian W. Paull

OREGON
 MARCH 13, 2018
 BRIAN W. PAULL
 89074

EXPIRATION DATE: 12/31/2024



DEPARTMENT OF
 TRANSPORTATION
 AND
 DEVELOPMENT

EXHIBIT "B"
 HENRY CREEK AT ARLIE
 MITCHELL ROAD

TEMPORARY CONSTRUCTION
 EASEMENT

DRAWN BY BWP

DATE: 01/31/24