



**DAN JOHNSON**  
DIRECTOR

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

September 27, 2018

Board of Commissioners  
Clackamas County

Members of the Board:

**A Board Order Adopting the Vacation of a Local Access Road**

<b>Purpose/Outcomes</b>	Vacates a Non-maintained Local Access Road
<b>Dollar Amount and Fiscal Impact</b>	Application and processing fee received.
<b>Funding Source</b>	N/A
<b>Duration</b>	Upon execution; permanent vacation.
<b>Previous Board Contact</b>	N/A
<b>Strategic Plan Alignment</b>	Grow a Vibrant Economy
<b>Contact Person</b>	Doug Cutshall, Engineering Technician (503) 742-4669

This undeveloped non-maintained Local Access Road was dedicated to the public as an exception in several deeds, the first being recorded August 1884 in Book Y, Page 71, and then on September 26, 1892 in Book 48, page 445 in the Clackamas County Deed Records. This right of way was briefly opened west of Springwater Road then later vacated to make a safer intersection. The petitioner is planning to construct a solar farm on their property, they and the adjoining property owners have no need for the unconstructed right of way easement.

The unconstructed non-maintained Local Access Road to be vacated is a 49.50 foot wide, 963 foot long, right-of-way that serves no public need and is not a benefit to the traveling public. Vacating this undeveloped Local Access Road will not deprive public access to adjoining properties and will not affect area traffic flow. The Petition to Vacate under ORS 368.341 has been filed with the determined fee and acknowledged signatures of owners of 100 percent of property abutting the public property proposed to be vacated, pursuant to ORS 368.351. All abutting property owners in this instance have signed the Consent to Vacate forms that have been acknowledged by the proper authority.

Clackamas County Department of Transportation Maintenance, Engineering, Planning, Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation. County Counsel has reviewed and approved this vacation.

**RECOMMENDATION**

Staff respectfully recommends that the Board adopt the attached Board Order approving the vacation of this undeveloped non-maintained Local Access Road.

Sincerely,

Doug Cutshall, Engineering Technician  
Transportation and Development

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of the Vacation of a  
Non-maintained Local Access  
Road, situated in Section 34,  
T.2 S., R.3 E., W.M.  
Clackamas County, Oregon



Board Order No. \_\_\_\_\_

*Page 1 of 1*

**This matter coming** before the Board of County Commissioners at this time and appearing to the Board that in accordance with ORS 368.341 and pursuant to ORS 368.351, a petition has been filed with the determined fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated, and a written report finding this vacation to be in the public interest from the County Road Official, Dan Johnson, Director, have been submitted in the matter of the vacation of a Non-maintained Local Access Road, described as follows:

All of that Non-maintained Local Access Road, situated in the southwest ¼ of Section 34, T.2 S., R.3 E., W.M., Clackamas County, Oregon, as described in Book Y, Page 71, and Book 48, Page 445, lying east of the northeasterly line of Springwater Road, Market Road 28, County Road No. 1150, depicted on attached Exhibit "A", and by this reference made a part hereof.

**Whereas** the Board having read said petition and report from the County Road Official and having determined the vacation of the above described portion of roadway to be in the public interest; and,

**Whereas** Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies, have been contacted and do not have any objections to this vacation; now therefore,

**IT IS HEREBY ORDERED** that the attached described portion of a Non-maintained Local Access Road, containing, 47,452 square feet, more or less, be vacated; and,

**IT IS FURTHER ORDERED**, that this Order and attached exhibits be recorded in the Deed Records for Clackamas County and that a copy be filed with the County Surveyor, County Assessor, and Finance Office/Fixed Assets.

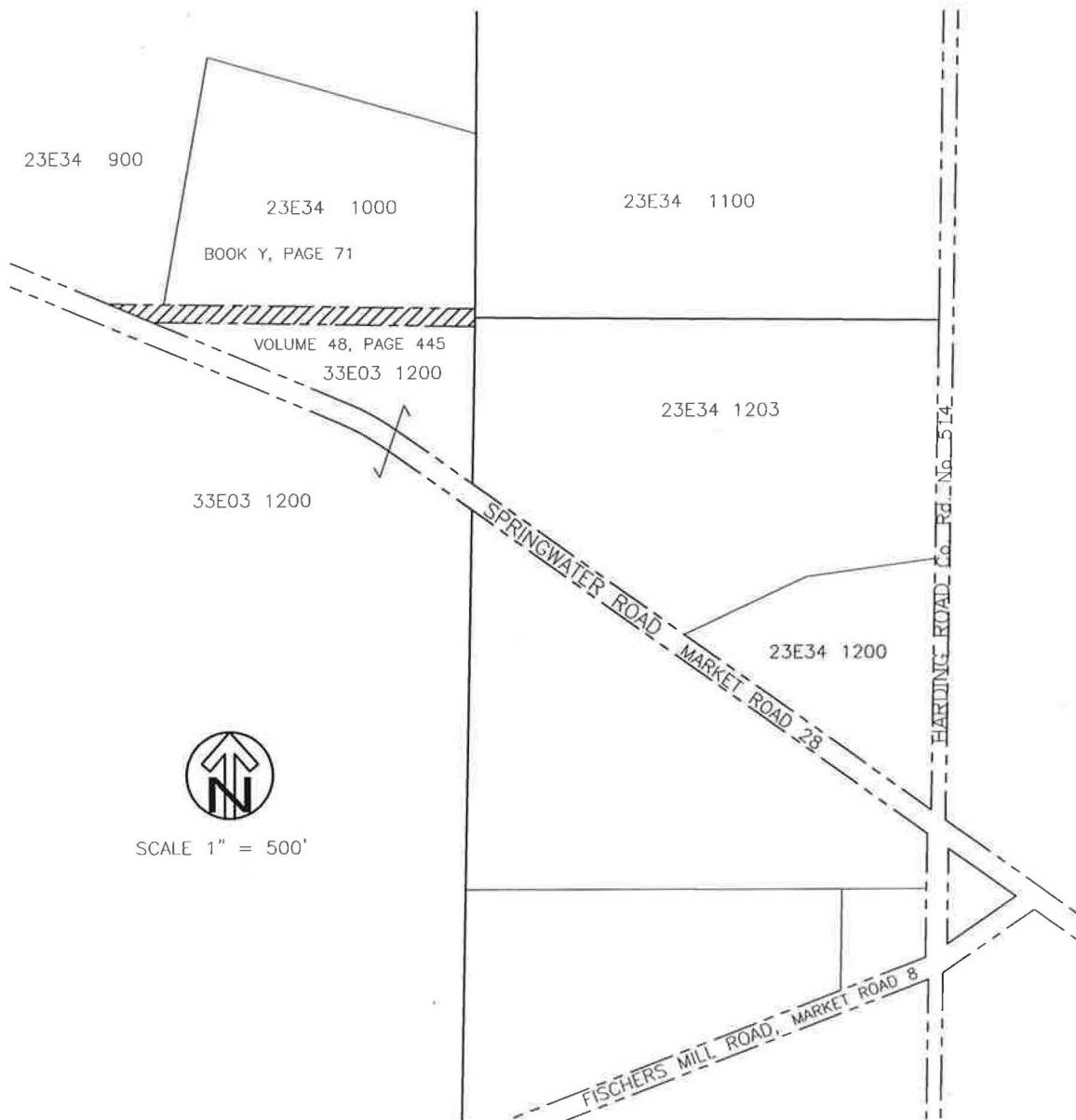
ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

SITUATED IN THE ROBERT ARTHUR DLC AND  
 THE SW $\frac{1}{4}$  OF SECTION 34, T.2 S., R.3 E., W.M.  
 CLACKAMAS COUNTY, OREGON



SCALE 1" = 500'

LEGEND



NON MAINTAINED LOCAL ACCESS  
 ROAD TO BE VACATED

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



BY: D. CUTSHALL

DATE: 08/07/2018

EXHIBIT "A"

SHEET

1 OF 1

## MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, Director D.T.D.

DATE: August 30, 2018

SUBJ: **ROAD OFFICIAL'S REPORT FOR THE VACATION OF A LOCAL ACCESS ROAD**

**LOCATION:** A Non-Maintained Local Access Road, situated in the SW1/4 of Section 34, T.2 S., R.3 E., W.M. and the Robert Arthur DLC No. 39

**FACTS AND FINDINGS:** This undeveloped Local Access Road was dedicated to the public as an exception in several deeds, the first being recorded August 1884 in Book Y, Page 71, and then on September 26, 1892 in Book 48, page 445 in the Clackamas County Deed Records. A short section of this right of way was briefly opened west of Springwater Road then later vacated to make a safer intersection. The petitioner is planning to construct a solar farm on their property, they and the adjoining property owners have no need for the unconstructed right of way easement. Vacating this 49.50 foot wide, 963 foot long portion of unimproved right of way will not deprive public access to adjoining properties and will not affect area traffic flow.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and, acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting the public property proposed to be vacated, pursuant to ORS 368.351. All abutting property owners in this instance have signed the Consent to Vacate forms that have been acknowledged by the proper authority.

Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies have been contacted and do not have any objections to this vacation.

After considering traffic impacts, fiscal impacts, and social impacts, it appears to be in the public interest to vacate the area petitioned.

It is my assessment to support the subject vacation.

Pursuant to ORS 368.351 and County policy, the Board may make its determination in the matter of this vacation without a public hearing. This is allowed when there is acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated, this Road Official's Report is submitted, and there is no controversy related to the proposed vacation.



**DAN JOHNSON**  
DIRECTOR

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

September 27, 2018

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of Amendment No. 1 to the  
Special Public Works Financing Contract with Oregon Infrastructure Authority for  
Construction of Improvements to Last Road**

<b>Purpose/Outcome</b>	To amend the contract with the State of Oregon to increase the grant funds available for construction of frontage improvements on Last Road.
<b>Dollar Amount and Fiscal Impact</b>	Total Construction Cost Estimate: \$442,649  The State will be increasing the grant amount by \$65,000 to cover construction bids that exceeded previous estimates.
<b>Funding Source</b>	State grant funds; General Sheet Metal matching contribution; County staff time and limited payment for engineering costs.
<b>Duration</b>	The project is to be complete by November 1, 2018.
<b>Previous Board Action/Review</b>	Approval of the Special Public Works Financing Contract – 4/2/15
<b>Strategic Plan Alignment</b>	<ul style="list-style-type: none"> <li>• Build public trust through good government</li> <li>• Build a strong infrastructure</li> </ul>
<b>Contact Person</b>	Joel Howie, Civil Engineering Supervisor, (503) 742-4658

In 2015, Clackamas County Business and Community Services (BCS) worked with General Sheet Metal (GSM) to expand its business in the Clackamas Industrial Area. As part of their expansion and in order to accommodate the increased demand on the transportation system adjacent to their business, the Department of Transportation and Development (DTD) required the County enter into an agreement with the State of Oregon to assist GSM with completing required infrastructure improvements on Last Road, Evelyn Street and Jennifer Street. In an effort to alleviate GSM of the cost of the infrastructure improvements, BCS applied for and was awarded a Special Public Works Fund Grant through the Oregon Infrastructure Finance Authority, which assists agencies to prepare industrial land with the intention of attracting, retaining and expanding local businesses. The grant required DTD to construct the improvements on behalf of GSM.

Increases in the cost of construction since the time of award led to bids that exceeded previous estimates. To help cover the additional cost of construction, the State has agreed to increase the grant amount by \$65,000, for a total contribution of \$315,000. The State has set aside \$15,000 of its contribution as a contingency in the event the project exceeds its budget. GSM is obligated to contribute the remainder of the costs to the project.

This amendment has been reviewed and approved by County Counsel.

## **RECOMMENDATION**

Staff respectfully recommends that the Board of County Commissioners approve this Amendment No. 1 to the Special Public Works Financing Contract.

Sincerely,

Mike Bezner  
Assistant Director, Department of Transportation and Development

Attachments: Special Public Works Financing Contract

**Amendment Number 1**

**Project Name:** Clackamas Industrial Area Last Road Improvements (General Sheet Metal)

This amendment is made and entered into by and between the State of Oregon, acting by and through the Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“IFA”), and the Clackamas County (“Recipient”), and amends the Financing Contract between Recipient and IFA, Project Number L15002, dated 9 April 2015, (“Contract”) for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

**Recital:** The purpose of this amendment is to increase the grant amount due to higher than anticipated construction costs and correspondingly increase the number of full-time equivalent jobs to maintain.

**The parties agree as follows:**

1. Amend the following Key Terms in Section 1 of the Contract as follows (deletion in ~~strikethrough~~; addition in double underline):

**Estimated Project Cost:**      ~~\$418,800~~      \$519,301.  
**Grant Amount:**                      ~~\$250,000~~      \$315,000.

2. Amend the first two paragraphs of section II Project Special Condition in Exhibit D of the Contract as follows (deletion in ~~strikethrough~~; addition in double underline):

Job Creation and Maintenance or Grant Repayment. In order to retain the Grant, Recipient is bound by the condition that General Sheet Metal Works, Inc. at its facility located in Clackamas, Oregon (“Facility”), retains at least ~~90~~ 114 full-time equivalent jobs (“FTEs”) and maintains those same FTEs for four consecutive calendar quarters beginning the calendar quarter immediately following the Project Completion Date (the “Maintenance Period”).

If at least ~~90~~ 114 FTEs are not maintained for the Maintenance Period, Recipient shall repay the portion of the Grant equal to ~~\$2,778~~ \$2,763 multiplied by the difference obtained by subtracting from ~~90~~ 114 the total number of FTEs that were maintained for the Maintenance Period, less any portion of the Grant not disbursed. Any amount due under this section will be payable upon demand by IFA.

3. Delete Exhibit E (Project Budget) and replace it with the following new Exhibit E:

<b>EXHIBIT E - PROJECT BUDGET</b>
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	OBDD Funds	Other / Matching Funds
Activity	Approved Budget	Approved Budget
Engineering	\$61,652	\$0
Construction	238,348	194,301
Construction Contingency	15,000	10,000
<b>Total</b>	<b>\$315,000</b>	<b>\$204,301</b>

IFA will have no obligation under this amendment, unless within 60 days after receipt, the Recipient delivers to IFA the following items, each in form and substance satisfactory to IFA and its Counsel:

- (i) this amendment duly executed by an authorized officer of the Recipient; and
- (ii) such other certificates, documents, opinions and information as IFA may reasonably require.

Except as specifically provided above, this amendment does not modify the Contract, and Contract shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



**STATE OF OREGON**  
acting by and through the  
Oregon Infrastructure Finance Authority



**CLACKAMAS COUNTY**

By: \_\_\_\_\_  
Chris Cummings, Assistant Director  
Economic Development

By: \_\_\_\_\_  
The Honorable Jim Bernard, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:**

\_\_\_\_\_  
Not required by OAR 137-045-0050