



DAN JOHNSON
DIRECTOR

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

January 19, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Board Order Vacating a Portion of Hemlock Drive, a Local Access Road. Vacation Fee \$1,139.18. Funding is through the petitioner. No County General Funds are involved.

Previous Board Action/Review	1/17/22: Discussion item at issues		
Performance Clackamas	-Build public trust through good government		
Counsel Review	Yes	Procurement Review	No
Contact Person	Doug Cutshall	Contact Phone	503-742-4669

EXECUTIVE SUMMARY: Hemlock Drive is an unimproved, non-maintained local access road, dedicated to the public on October 20, 1925 through "Map of Mount Hood Woodland Park", Plat Number 522. The unimproved 40 foot wide, 122 foot long right of way goes to nowhere except the petitioner's and neighbor's properties. The petitioner and the neighbor have been purchasing the surrounding properties to preserve a wetland area. This portion of road right-of-way serves no public need and is not a benefit to the traveling public.

The portion to be vacated contains approximately 4,899 square feet. Vacating this portion of road right of way will not affect area traffic flow or deprive public access to adjoining properties.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and acknowledged signatures of owners of 100 percent of the properties abutting 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, Development Review, Planning, Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation.

For Filing Use Only

RECOMMENDATION: Staff respectfully recommends that the Board adopt the attached Board Order approving the vacation of this portion of Hemlock Drive right of way.

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 the Vacation of a
portion of Hemlock Drive, situated
In Section 3, T.3 S., R.7 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 368.346, a petition has been filed with the determined fee, and a written report finding this vacation to be in the public interest from the County Road Official, Dan Johnson, Director of the Department of Transportation and Development, have been submitted in the matter of the vacation of a portion of Hemlock Drive right of way, described as follows:

All of that portion of Hemlock Drive, a public road dedicated in "Map of Mount Hood Woodland Park", Plat Number 522, Clackamas County Plat Records, situated in the SW¼ of Section 3, T.3 S., R.7 E., W.M., Clackamas County, Oregon, lying north of and, between the northerly right of way of Faubion Loop Road (Mount Hood Loop Highway, per Plat) and the southeasterly prolongation of the northeasterly line of Lots 6 through 9, Block 11 of said Plat Number 522. Being depicted on attached Exhibit "A" and, by this reference being a part of this description. Containing 4,899 square feet more or less.

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

Whereas the Board adopts as its own, the findings and conclusions contained in the written report from the County Road Official dated August 11, 2022; 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 above described portion of Hemlock Drive as depicted on attached Exhibit "A", containing, 4,899 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.

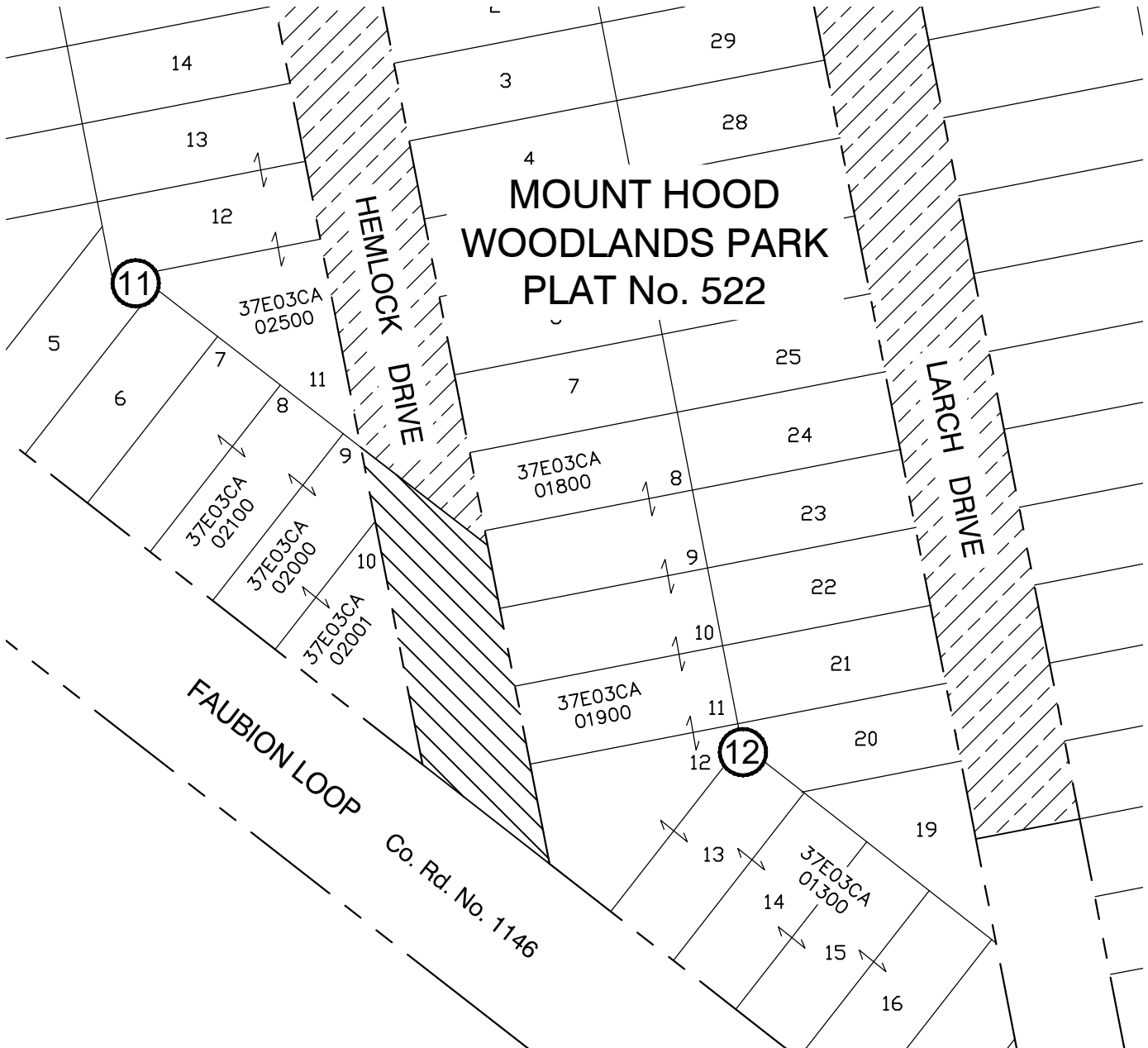
ADOPTED this _____ day of _____, 2023

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

SITUATED IN THE SW¹/₄ OF
SECTION 3, T.3 S., R.7 E., W.M.



LEGEND



VACATED AREA
4,899 Sq. Ft.



PREVIOUSLY
VACATED AREA
BO # 2004-109



SCALE 1" = 60'

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: D. CUTSHALL

DATE: 08/17/2022

EXHIBIT "A"

SHEET

1 OF 1

MEMORANDUM

TO: Board of Commissioners

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

DATE: August 11, 2022

SUBJ: **BOARD ORDER VACATING A PORTION OF HEMLOCK DRIVE**

LOCATION: The proposed road vacation is located in the southwest quarter of Section 3, Township 3 South, Range 7 East, Willamette Meridian.

FACTS AND FINDINGS: Hemlock Drive, a non-maintained local access road, dedicated to the public October 20, 1925 through “Map of Mount Hood Woodland Park”, Plat Number 522, is an un-improved 40 foot wide, 122 foot long right of way to nowhere except the petitioners and neighbors properties. The petitioner and the neighbor have been purchasing the surround properties to try to preserve the pristine nature of a mostly wetland area. This portion of road Right-of-Way serves no public need and is not a benefit to the traveling public.

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.

This road vacation does not violate any portion of Clackamas County Code 7.03.095 (4) (A). Said Code enumerated as follows;

a. Whether the vacation would inhibit or preclude access to an abutting property, and whether an access reservation would be adequate to protect that access;

Finding: Vacating this right of way would not inhibit or preclude access to any abutting property.

b. Whether it is physically possible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: This portion of Hemlock Drive right of way is may allow for the construction of a road meeting county road standards, however there is no public need.

c. Whether it is economically feasible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: It is economically feasible to build a road in this portion of this right of way however there is no public need to improve this right of way.

d. Whether there is another nearby road that can effectively provide the same access as the right-of-way to be vacated;

Finding: There are several roads in the area that effectively provides the same access.

e. Whether the right-of-way to be vacated has present or future value in terms of development potential, use in transportation linkages, or use in road replacements;

Finding: The right of way may have future value if the area is redeveloped however, transportation linkage and road replacement are unlikely.

f. Whether there are present and future likely benefits of the right-of way to the traveling public;

Finding: There are no present and future likely benefits of the right of way to the traveling public.

g. Whether anticipated growth or changes in use of the surrounding area are likely to impact the future use of the right-of-way proposed to be vacated;

Finding: There is no anticipated growth or changes in use of the surrounding area.

h. Whether the right-of-way proposed to be vacated leads to a creek, river, or other waterway that can be used for public recreation; and

Finding: Not applicable.

i. Whether the right-of-way proposed to be vacated leads to federal, state or local public lands that can be used for public recreation.

Finding: Not applicable.

It is my assessment that the proposed vacation is in the public interest.