



DAN JOHNSON  
DIRECTOR

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

June 6, 2024

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
Clackamas County

Approval of a Board Order Vacating a Portion of Charriere Road a Non-maintained Local Access Road. No fiscal impact. No County General Funds are not involved.

<b>Previous Board Action/Review</b>	6/4/24: Request for consent		
<b>Performance Clackamas</b>	Building a strong infrastructure		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	No
<b>Contact Person</b>	Douglas Cutshall	<b>Contact Phone</b>	503-742-4669

**EXECUTIVE SUMMARY:** A portion of Charriere Road, situated in the SW 1/4 of Section 34, T. 2 S., R. 3 E., W. M., is a 49.5' foot wide, unimproved right of way that originally ran easterly from Strobridge Road to Springwater Road, but the intersection was impractical and later moved westerly to its current location. The unused portion of the right of way is what the petitioner seeks to vacate. 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 15,316 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 for Road Easement Vacation under ORS 368.341 has been filed by the adjacent land owner with the required fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated.

For Filing Use Only

All abutting property owners in this instance have signed the Consent to Vacate forms, and said forms have been acknowledged by the proper authority. Pursuant to ORS 368.351, the Board of County Commissioners may decide on the proposed vacation without a hearing.

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, provided rights are reserved for all existing utilities. A Road Official assessment determines that vacation is in the public interest.

**RECOMMENDATION:** Staff respectfully recommends that the Board adopt the attached Board Order vacating the unused portion of Charrier Road right of way.

Respectfully submitted,

*Dan Johnson*

Dan Johnson, Director  
Transportation & Development

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

In the matter of the Vacation of  
A portion of Charriere 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 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 Charriere Road right of way, described as follows:

All of the northerly 24.75 foot wide portion of Charriere Road, situated in the SW 1/4 of Section 34, Township 2 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon, described in Book Y, Page 71, lying east of and between the easterly line of the relocated portion of Charriere Road described in Deed Book 264, Pages 558-560, and Commissioners Journal, Book 35, Page 472, Clackamas County Clerk Records, and the southwesterly line of Springwater Road, Market Road Number 28.

Also all of the southerly 24.75 foot wide portion of said Charriere Road right of way described in Deed Number 1983-28343, lying east of, and between the east line of that property described in Deed Number 1988-036950, and the southwesterly line of said Springwater Road Market Road Number 28. Being all of that right of way depicted on attached Exhibit "A", and by this reference being a part of this description.

Containing 15,316 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 May 28, 2024; 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, providing utility rights are reserved; now therefore,

**IT IS HEREBY ORDERED** that the above described portion of Charriere Road, as depicted on attached Exhibit "A", containing 15,316 square feet, more or less, be vacated; and

**IT IS FURTHER ORDERED** that rights for all existing utilities within the vacated Spaulding Avenue, be reserved, nothing contained herein shall cause or require the removal or abandonment of any storm or sanitary sewer, water main, gas line, conduit of any kind, wires, or poles which are now installed in said right-of-way and used or intended to be used for any public service or utility. In addition, rights are reserved to access, maintain, repair, construct or reconstruct, install, renew, and enlarge all utilities and, any storm or sanitary sewer that are now used for any public service or utility; 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 \_\_\_\_\_, 2024

**BOARD OF COUNTY COMMISSIONERS**

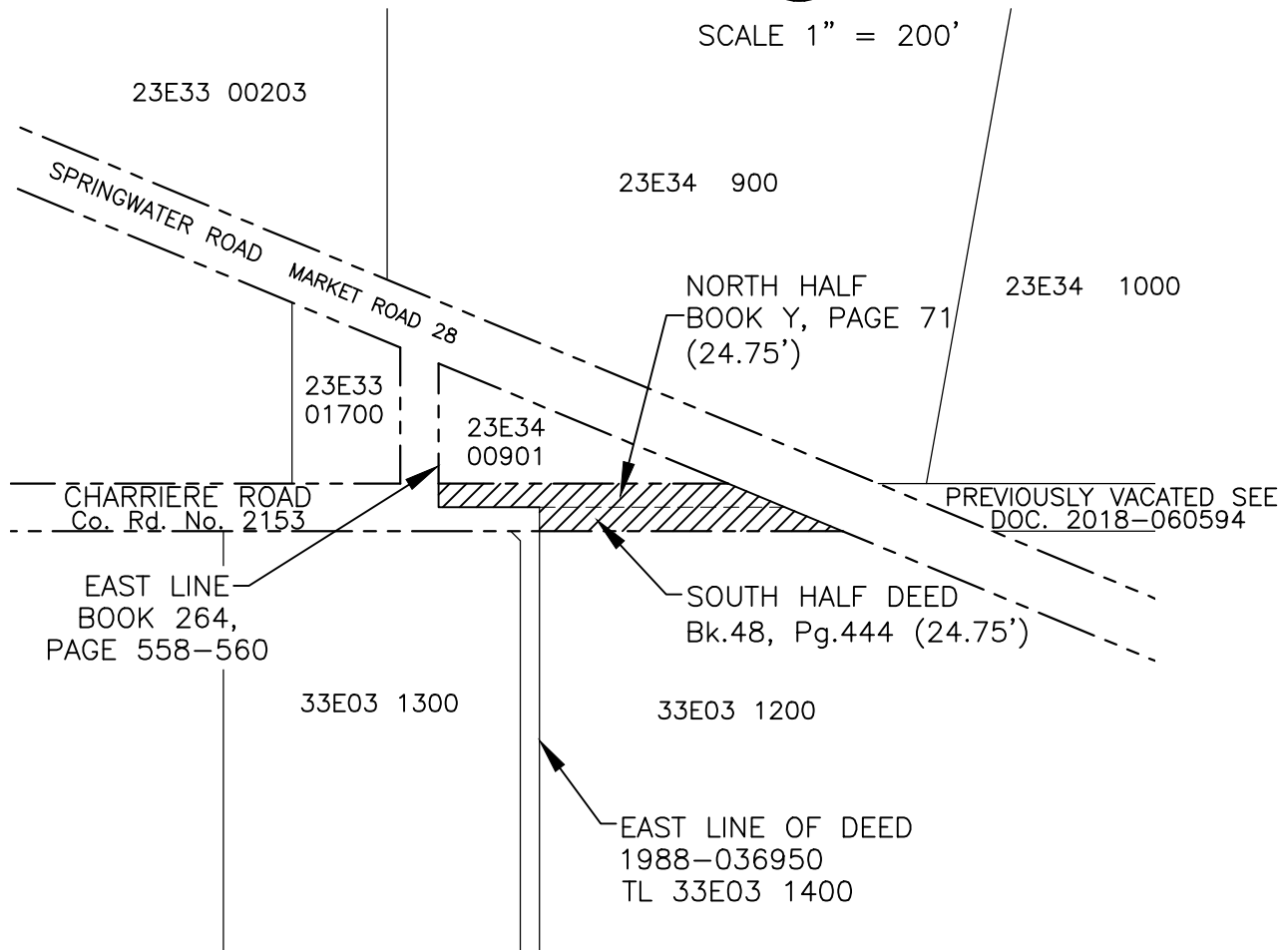
\_\_\_\_\_  
Chair

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

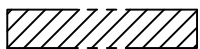
SITUATED IN THE ROBERT ARTHUR DLC AND  
 THE SW1/4 OF SECTION 34, T.2 S., R.3 E.,  
 W.M. CLACKAMAS COUNTY, OREGON



SCALE 1" = 200'



**LEGEND**



VACATED PORTION OF  
 CHARRIERE ROAD

## MEMORANDUM

TO: Board of Commissioners

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

DATE: May 28, 2024

SUBJ: **BOARD ORDER VACATING A PORTION OF CHARRIERE ROAD**

**LOCATION:** The proposed road vacation is located in SW 1/4 of Section 34, T. 2 S., R. 3 E., Willamette Meridian.

**FACTS AND FINDINGS:** The portion of Charriere Road, to be vacated is a 49.5' foot wide, unimproved right of way sandwiched between the relocated end of Charriere Road, County Road No. 2153, and Springwater Road. This 460 foot long portion of unimproved road right-of-way serves no current or future public need and is not a benefit to the traveling public.

The portion to be vacated contains approximately 15,316 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 for Road Easement Vacation under ORS 368.341 has been filed with the required fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated. All abutting property owners in this instance have signed the Consent to Vacate forms, and said forms have been acknowledged by the proper authority. Pursuant to ORS 368.351, the Board of County Commissioners may decide on the proposed vacation without a hearing.

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, provided rights are reserved for all existing utilities. This Road Official's assessment has determined this vacation is in the public interest.

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: A road can be constructed in this right of way.

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

Finding: It maybe economically feasible to build a road in 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 and private easements 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: There is no potential use for the right of way.

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

Finding: There are no future 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 anticipated growth that are better served through other dedicated rights of way.

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.

Dan Johnson  
Director of Transportation & Development

**From:** [Huynh, Hong](#)  
**To:** [Kitts, Laura](#); [Cutshall, Doug](#)  
**Subject:** FW: Charriere Rd Vacation  
**Date:** Monday, April 8, 2024 1:27:07 PM  
**Attachments:** [For Counsel review Charriere Road Vacation.msg](#)  
[In the matter of the Vacation of a portion of Charriere Road hh040824.docx](#)

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I did not see any difference in the 2 proposed board orders. So, I just reviewed one, and had minor formatting edit and some comments. See attached Word.

I have no comment/revisions to the staff report or the road official report. Thanks.

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**From:** Huynh, Hong  
**Sent:** Monday, April 8, 2024 1:04 PM  
**To:** Kitts, Laura <LKitts@clackamas.us>; Cutshall, Doug <DougCut@clackamas.us>  
**Subject:** Charriere Rd Vacation

I am starting in on the review of the attachment. Can you tell me why there are 2 proposed Board Orders? They look identical, but would appreciate your insight.

Please advise.

**Hong N. Huynh** (she/her)  
**Assistant County Counsel**  
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