



DAN JOHNSON
DIRECTOR

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

December 15, 2022

Board of Commissioners
Clackamas County

Members of the Board:

Approval of a Board Order Vacating Manzanita Way, a Local Access Road
Funding is through petitioner. Vacation Fee \$1,518.91.
County General Funds are not involved.

Purpose/Outcomes	Vacates Manzanita Way a local access road right of way
Dollar Amount and Fiscal Impact	\$1,518.91 fee paid by applicant.
Funding Source	Application and processing fee received.
Duration	Upon execution; permanent road vacation.
Previous Board Action	12/15/22: Discussion item at issues
Counsel Review	Reviewed and approved by County Counsel on 10/27/22; NB.
Procurement Review	Was the item processed through Procurement? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> This is a Petition for a Road Vacation.
Strategic Plan Alignment	Build public trust through good government
Contact Person	Doug Cutshall, Engineering Technician 503-742-4669
Contract No.	There is no contract

BACKGROUND

Manzanita Way is a non-maintained local access road, dedicated to the public April 4, 1930 through "Ray-Morr Hills", Plat Number 590. It is a 20 foot wide, 150 foot long, right of way that is cut short by a steep escarpment. The petitioner and other property owners adjoining the unused right of way feel the public is better served by vacating the right of way and putting the property therein on the tax roll. 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 3,000 square feet of right-of-way that serves no public need and is not a benefit to the traveling public. 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 property 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, provided that utility rights are reserved.

RECOMMENDATION

Staff respectfully recommends that the Board adopt the attached Board Order approving the vacation of Manzanita Way 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
Manzanita Way, situated
In Section 27, T.2 S., R.7 E., W.M.
Clackamas County, Oregon



Board Order No. _____
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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 Manzanita Way right of way, described as follows:

All of Manzanita Way, a public road dedicated in "Ray-Morr Hills", Plat Number 590, Clackamas County Plat Records, situated in the NE $\frac{1}{4}$ of Section 27, T.2 S., R.7 E., W.M., Clackamas County, Oregon, lying west of and, between the westerly right of way of Briarwood Road and the northerly extension of the west line of Lot 7, Block 4 of said plat. Being depicted on attached Exhibit "A" and, by this reference being a part of this description.

Containing 3,000 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 September 27, 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, provided that utility rights are reserved; now therefore,

IT IS HEREBY ORDERED, that the Board adopts as its own, the findings and conclusions contained in the written report from the County Road Official dated September 27, 2022; and,

IT IS FURTHER ORDERED, that the above described portion of Manzanita Way as depicted on attached Exhibit "A", containing, 3,000 square feet, more or less, be vacated; and,

IT IS FURTHER ORDERED, that rights for all existing utilities within the vacated area of Manzanita Way, be reserved; 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.

{SIGNATURE PAGE TO FOLLOW}

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

In the matter of the Vacation of
Manzanita Way, situated
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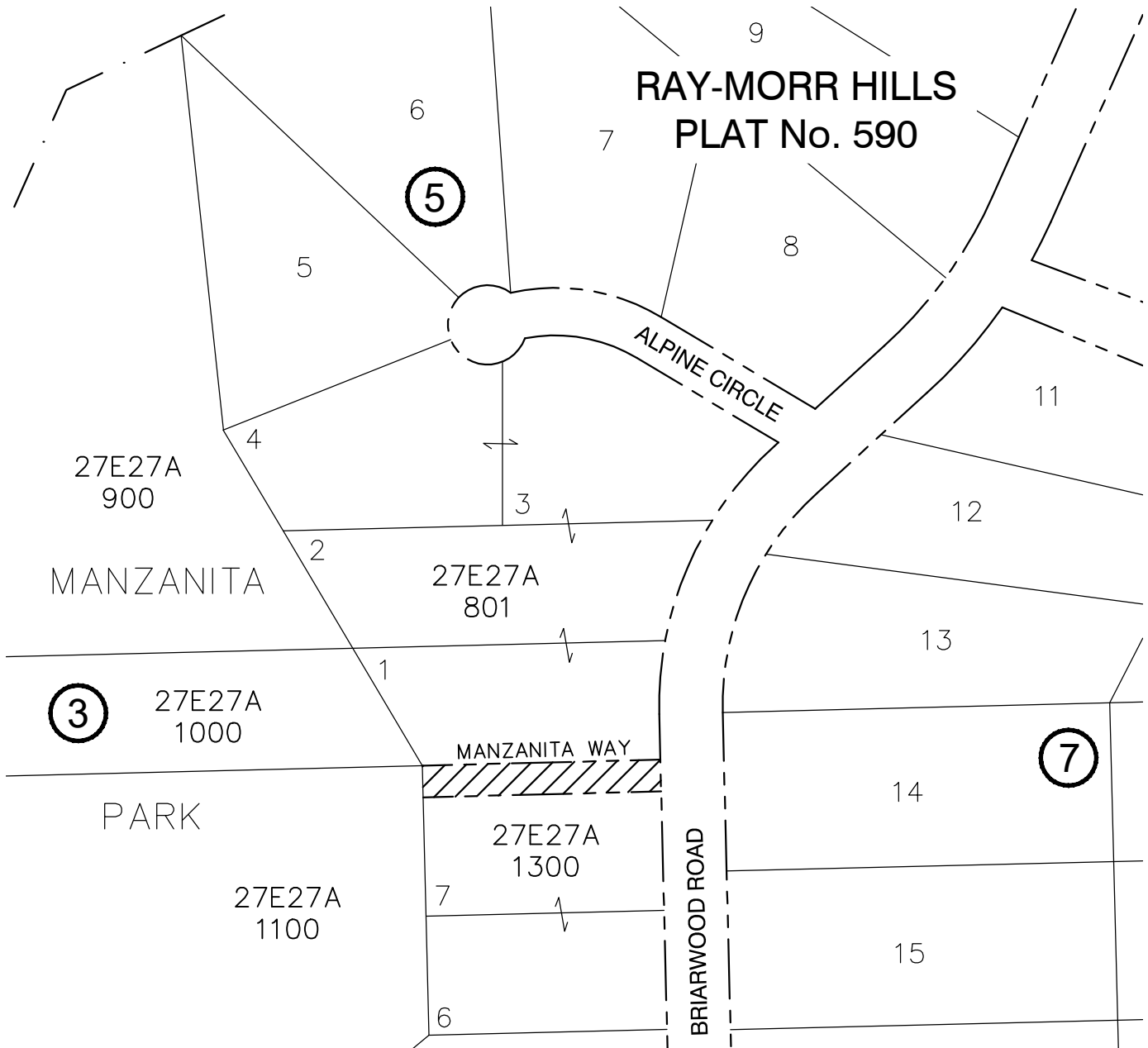
ADOPTED this _____ day of _____, 2022

BOARD OF COUNTY COMMISSIONERS

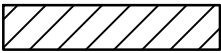
Chair

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.



SCALE 1" = 100'

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



BY: D. CUTSHALL DATE: 09/14/2022

EXHIBIT "A"

SHEET
1 OF 1

MEMORANDUM

TO: Board of Commissioners

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

DATE: September 27, 2022

SUBJ: **BOARD ORDER VACATING MANZANITA WAY**

LOCATION: The proposed road vacation is located in the northeast quarter of Section 27, Township 2 South, Range 7 East, Willamette Meridian.

FACTS AND FINDINGS: Manzanita Way, a non-maintained local access road, dedicated to the public April 4, 1930 through “Ray-Morr Hills”, Plat Number 590, is a 20 foot wide, 150 foot long unimproved right of way 75 feet of which drops off a steep escarpment. The petitioners reason to vacate the right of way is to get the property on to the tax roll. 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, provided that utility rights are reserved.

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: Manzanita Way right of way is only 20 feet wide which does not allow for the construction of a road meeting county road standards.

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 a short 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 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: The substandard width 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 substandard width 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.

COVER SHEET

- New Agreement/Contract
- Amendment/Change/Extension to _____
- Other _____

Originating County Department: _____

Other party to contract/agreement: _____

Description:

After recording please return to: **X** _____

County Admin

Procurement

If applicable, complete the following: _____

Board Agenda Date/Item Number: _____

Agenda Item #

filed:

File #

Commissioners Journal