DAN JOHNSON

DIRECTOR



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING 150 BEAVERCREEK ROAD OREGON CITY, OR 97045

April 24, 2025

BCC Agenda Date/Item:_____

Board of County Commissioners Clackamas County

Approval of two Permanent Easements with the City of Portland for the Johnson Creek Boulevard pavement and pedestrian improvements project. Total Easement Price is \$16,435. Funding is through County Road Funds. No County General Funds are involved.

Previous Board Action/Review	09/05/24: Approval of a Resolution Declaring the Public Necessity and purpose for Acquisition of Right of Way, Easements and Fee Property and Authorizing Good Faith Negotiations and Condemnation Actions for the Johnson Creek Blvd (79th PI - ECM) Improvements Project. 04/20/23: Approval of a Contract with Consor North America, Inc. for		
Performance	the Johnson Creek Blvd (79th - ECM) Improvements Project. Build a strong infrastructure.		
Clackamas	Ensure safe, healthy and secure communities.		
Counsel Review	Yes	Procurement Review	No
Contact Person	Bryant Cheong	Contact Phone	(503) 742-4675

EXECUTIVE SUMMARY: The County is utilizing County Road Funds through the HB2017 Program cost to implement pavement preservation and ADA curb ramp improvements on Johnson Creek Boulevard between 79th Place and the end of Clackamas County's maintained portion of the road at the Clackamas-Multnomah County line. Additionally, the pavement on Bell Avenue between Johnson Creek Boulevard and Alberta Avenue needs rehabilitation and is included in the project. The project requires public right-of-way easements along Johnson Creek Boulevard for ADA curb ramp retrofits or replacements in order to be in compliance with ADA standards and to improve accessibility and safety for pedestrians. Signalized corners will be modified to meet ADA standards for pedestrian push button reach, height, and level landing.

Two permanent easements are needed on three sites that are under the City of Portland's jurisdiction along Johnson Creek Boulevard. Each of these sites is associated with the Springwater Corridor.

Language in the easement agreements was negotiated with the City of Portland and reviewed by staff and County Counsel. The total cost of the two permanent easements is \$16,435, based on an Administrative Determination of Just Compensation.

For Filing Use Only

RECOMMENDATION: Staff respectfully recommends that the Board:

- Accept the easements from the City of Portland;
- Sign the two permanent easement documents; and
- Direct the recording of the signed easement documents.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director Department of Transportation and Development

Grantor: City of Portland	State of Oregon
1120 SW 5 th Ave. Ste. 858	
Portland, OR 97204	
Grantee: Clackamas County	
150 Beavercreek Rd.	
Oregon City, OR 97045	
After Recording Return to:	
Clackamas County Engineering	
150 Beavercreek Rd.	
Oregon City, OR 97045	
Until a change is requested,	
all taxes shall be sent to:	Accepted by Clackamas County by Act of the Road Official
No Change	Acceptance Date:
5	-
Road Name:	Authorized by Clackamas County Ordinance No. 02-2009
DTD Rd. File No.	Project: Johnson Creek Blvd. (79th PL to ECM) Improvements Project

EASEMENT FOR RIGHT-OF-WAY PURPOSES

The City of Portland, a municipal corporation of the State of Oregon, acting by and through its Bureau of Parks & Recreation ("City" or "Grantor"), in consideration of the sum of Eleven Thousand Four Hundred Thirty-Five and no/100 Dollars (\$11,435.00), and other good and valuable consideration paid by Clackamas County, a political subdivision of the State of Oregon ("Grantee), does hereby grant unto Grantee a permanent right-of-way easement (the "Easement") over a portion of Grantor's property, as described herein.

WHEREAS, the City owns property in fee title, commonly known as the Springwater Corridor, portions of which are located adjacent to and to the west of the intersection of SE Johnson Creek Boulevard and SE Stanley Avenue, in Clackamas County, identified as parcel 1S2E30AC-06100 (the "Property"); and more particularly described by that certain Statutory Bargain and Sale Deed and Assignment recorded on May 8, 1990 as Document #90-21136 in the Deed Records of Clackamas County, Oregon.

WHEREAS, Grantor has agreed to dedicate and assign portions of the Property as public right-of-way to accommodate a Clackamas County Transportation & Development right-of-way (ROW) improvement project adjacent to the Property and Grantee has agreed to maintain the Easement Area.

WHEREAS, both Parties understand that the Easement Area is located adjacent to the Springwater Corridor and every reasonable effort will be made to keep the Springwater Corridor trail open to trail users in the future.

NOW THEREFORE, Subject to the Oregon Constitution and the Oregon Tort Claims Act, Grantee shall indemnify, defend and hold harmless the City, its officers, directors, agents and employees from any and all liability, including any liability related to hazardous materials, connected with the Easement Area. The City, its officers, directors, agents and employees shall not be liable for any damage to improvements or any other property of Grantee located within the Easement Area, unless caused by or due to the sole negligence of the City, its officers, directors, agents and employees.

NOW THEREFORE, subject to all existing rights or interests within the Easement Area and the Property's railbanked status, Grantor hereby dedicates to the public for public use forever a permanent easement for street and right-of-way purposes across real property that is owned by the City and described as follows:

Easement Area: As described on Exhibit A and depicted on Exhibit B attached and incorporated by reference. All together containing 3,383 square feet, more or less.

The Easement Area on the Property is generally shown for reference on Exhibit C attached hereto.

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[the remainder of this page left blank intentionally]

[signatures appear on the following page]

IN WITNESS WHEREOF, the parties below have executed this Easement effective on the Acceptance Date as stated above.

Grantor: City of Portland, Bureau of Parks & Recreation

Nachaelford By:

JORDAN Printed Name: MICHAEL

Title: CITY ADMINISTATOR

STATE OF ORECON) ss. County of Munvourt

This record was acknowledged be	re me on <u>27</u> day of <u>Fesen and</u> 2025, by
MICHAEL JURDAN	as CITY ADMINISTRATER of City of Portland. Mild Lowerne Gresson
	Notary Public for State of OKETON
	Commission No.: 1025519
	My Commission Expires: June 29, 2020

APPROVED AS TO FORM:

Approved as

Digitally signed by Approved as to Form - LLaw to Form - LLaw Date: 2025.02.24 16:56:39

City Attorney



C	Olashawaa Country	
Grantee:	Clackamas County	
By:		
Printed N	Name:	
Title:		
	STATE OF	
	County of) ss.	
	This record was acknowledged before me on day of	
	2025, by	as
	of <u>Clackamas Coun</u>	ty
	Print Name:	
	Notary Public for State of Commission No.:	
	My Commission Expires:	



 AKS ENGINEERING & FORESTRY

 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

 P: (503) 563-6151

 F: (503) 563-6151

AKS Job #9794

Johnson Creek Blvd (79th to ECM) Improvements Project January 27, 2025 Page 1 of 2

County Project No. 300320356 Map and Tax Lot 1S2E30AC 06100 File No. 23

EXHIBIT A

Permanent Right-of-Way Easement

A tract of land located in the Northeast One-Quarter of Section 30, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being a portion of the property described in Document Number 90-21136, Clackamas County Deed Records, said parcel lying along Johnson Creek Boulevard, said Johnson Creek Boulevard centerline is described as follows:

Johnson Creek Centerline

Johnson Creek Boulevard, County Road Number 1215, located in the Northeast One-Quarter and the Northwest One-Quarter of Section 29 and the Northeast One-Quarter and the Northwest One-Quarter of Section 30, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southwesterly corner of Parcel 2 of Multnomah County Partition Plat No. 2011-008; thence South 40°01'12" East 233.69 feet to the Point of Beginning, said point being at centerline station 0+00.00 of Johnson Creek Boulevard; thence South 44°54'28" East 70.00 feet to an angle point, centerline station 0+70.00; thence South 64°11'23" East 828.19 feet to an angle point, centerline station 8+98.17; thence South 64°16'13" East 2639.35 feet to an angle point, centerline station 35+37.54; thence South 01°43'05" West 21.89 feet to an angle point, centerline station 35+59.44; thence South 64°16'13" East 978.72 feet to a point of curvature, centerline station 45+38.16; thence along a curve to the left with a Radius of 572.97 feet, Delta of 23°41'52", Length of 236.98 feet, and a Chord of South 76°07'08" East 235.30 feet to a point of tangency, centerline station 47+75.14; thence South 87°58'04" East 1237.30 feet to a point of curvature, centerline station 60+12.44; thence along a curve to the right with a Radius of 1273.19 feet, Delta of 5°11'25", Length of 115.33 feet, and a Chord of South 85°22'22" East 115.29 feet to a point of tangency, centerline station 61+27.77; thence South 82°46'39" East 13.54 feet to a point of curvature, centerline station 61+41.32; thence along a curve to the left with a Radius of 1273.30 feet, Delta of 5°10'00", Length of 114.82 feet, and a Chord of South 85°21'39" East 114.78 feet to a point of tangency, centerline station 62+56.14; thence South 87°56'39" East 1147.14 feet to a point of curvature, centerline station 74+03.28; thence along a curve to the left with a Radius of 477.46 feet, Delta of 51°27'16", Length of 428.78 feet, and a Chord of North 66°19'43" East 414.52 feet to a point of tangency, centerline station 78+32.06; thence North 40°36'05" East 31.31 feet to a point of curvature, centerline station 78+63.37; thence along a curve to the right with a Radius of 572.96 feet, Delta of 51°06'44", Length of 511.12 feet, and a

Johnson Creek Blvd (79th to ECM) Improvements ProjectCounty Project No. 300320356January 27, 2025Map and Tax Lot 1S2E30AC 06100Page 2 of 2File No. 23

Chord of North 66°09'27" East 494.34 feet to a point of tangency, centerline station 83+74.49; thence South 88°17'11" East 309.51 feet to centerline station 86+84.00 and the **Point of Terminus**.

The Basis of Bearings for this description is State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are ground values.



Said portions of said property lying northeasterly of the following described lines:

Parcel 1 – (20.00 Foot Permanent Right-of-Way Easement)

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Station to StationSouthwesterly Offset Distance from Centerline27+96.96 to 28+05.9720.00 feet in a straight line to 40.00 feet28+05.97 to 29+76.0040.00 feet parallel with said centerline

Excepting therefrom the portion lying within the existing right-of-way of Johnson Creek Boulevard and Stanley Avenue.

The parcel of land to which this describes contains 3,383 square feet, more or less.

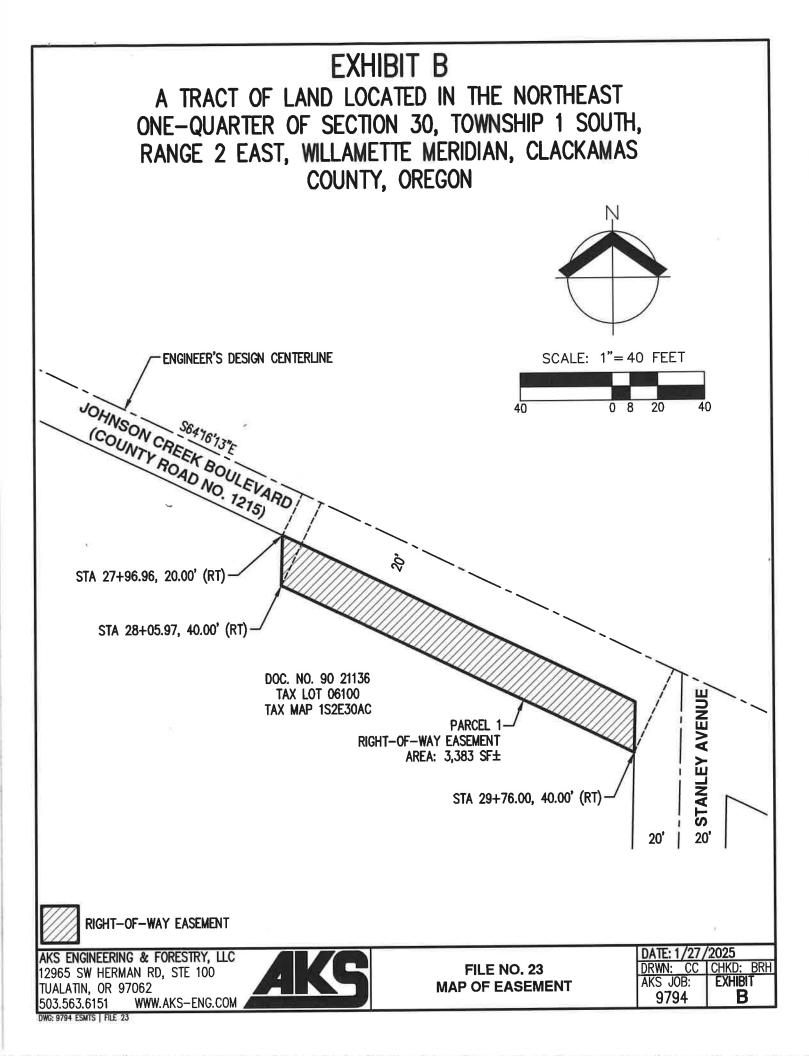


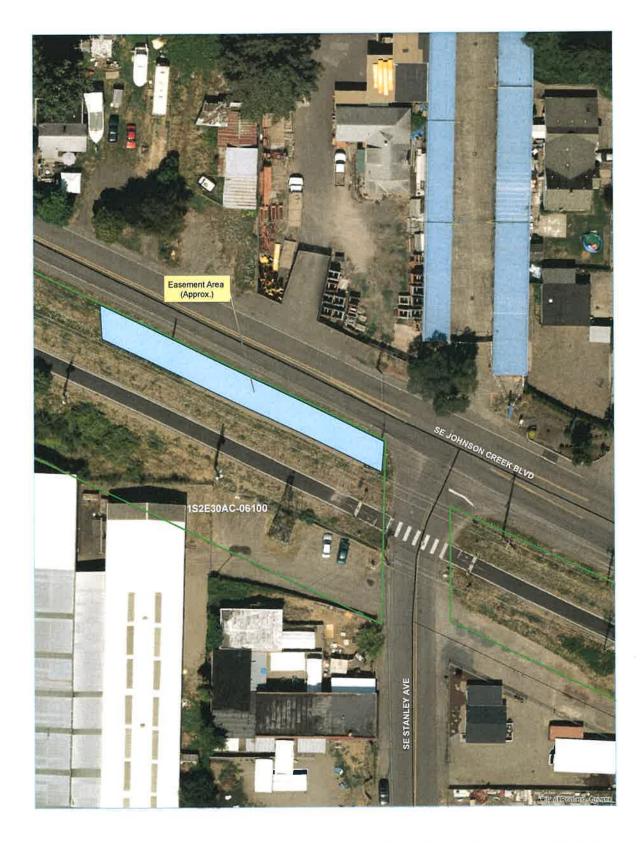
EXHIBIT C

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Permanent Right-of-Way Easement Clackasmas County-Springwater Corridor



0	25	50		100 Feet
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Grantor: City of Portland	State of Oregon
1120 SW 5 th Ave. Ste. 858	
Portland, OR 97204	
Grantee: Clackamas County	
150 Beavercreek Rd.	
Oregon City, OR 97045	
After Recording Return to:	
Clackamas County Engineering	
150 Beavercreek Rd.	
Oregon City, OR 97045	
TT (1) I and the second of	
Until a change is requested,	the stability of the second stability of the Bood Official
all taxes shall be sent to:	Accepted by Clackamas County by Act of the Road Official
No Change	Acceptance Date:
Road Name:	Authorized by Clackamas County Ordinance No. 02-2009
DTD Rd. File No.	Project: Johnson Creek Blvd. (79th PL to ECM) Improvements Project

EASEMENT FOR RIGHT-OF-WAY PURPOSES

The City of Portland, a municipal corporation of the State of Oregon, acting by and through its Bureau of Parks & Recreation ("City" or "Grantor"), in consideration of the sum of Five Thousand and no/100 Dollars (\$5,000.00), and other good and valuable consideration paid by Clackamas County, a political subdivision of the State of Oregon ("Grantee), does hereby grant unto Grantee a permanent right-of-way easement (the "Easement") over a portion of Grantor's property, as described herein.

WHEREAS, the City owns property in fee title, commonly known as the Springwater Corridor, portions of which are located at the southwest and northeast corners adjacent to the intersection of SE Johnson Creek Boulevard and SE Bell Avenue, in Clackamas County, identified as parcel 1S2E29BC-00901 and parcel 1S2E29BD-07500, respectively (the "Property"); and more particularly described by that certain Statutory Bargain and Sale Deed and Assignment recorded on May 8, 1990 as Document #90-21136 in the Deed Records of Clackamas County, Oregon.

WHEREAS, Grantor has agreed to dedicate and assign portions of the Property as public right-of-way to accommodate a Clackamas County Transportation & Development right-of-way (ROW) improvement project adjacent to the Property and Grantee has agreed to maintain the Easement Areas.

WHEREAS, both Parties understand that the Easement Areas are critical to the functioning of the Springwater Corridor and every reasonable effort will be made to keep the Easement Areas open to trail users in the future.

NOW THEREFORE, Subject to the Oregon Constitution and the Oregon Tort Claims Act, Grantee shall indemnify, defend and hold harmless the City, its officers, directors, agents and employees from any and all liability, including any liability related to hazardous materials, connected with the Easement Areas. The City, its officers, directors, agents and employees shall not be liable for any damage to improvements or any other property of Grantee located within the Easement Areas, unless caused by or due to the sole negligence of the City, its officers, directors, agents and employees.

NOW THEREFORE, subject to all existing rights or interests within the Easement Areas and the Property's railbanked status, Grantor hereby dedicates to the public for public use forever a permanent easement for street and right-of-way purposes across real property that is owned by the City and described as follows:

Easement Areas: As described and depicted on Exhibit A1:A&B and Exhibit B1:A&B attached and incorporated by reference. All together containing 426 square feet, more or less.

The Easement Areas on the Property are generally shown for reference on Exhibit C attached hereto.

[the remainder of this page left blank intentionally]

[signatures appear on the following page]

IN WITNESS WHEREOF, the parties below have executed this Easement effective on the Acceptance Date as stated above.

Grantor: City of Portland, Bureau of Parks & Recreation

Muchulford By: Michael Jordan

Printed Name:

City Administrator Title:

STATE OF Dregen) ss. County of Multhomah

This record was acknowledged before me on 25th day of February 2025, by Michael Jordan as City Administrator of City of Portland.

OFFICIAL STAMP KIMBERLY SUSAN MILLER NOTARY PUBLIC - OREGON COMMISSION NO. 1055453 MY COMMISSION EXPIRES JANUARY 27, 2029

Notary Public for State of <u>Oregon</u> My Commission Expires: <u>January 27</u>, 2029

APPROVED AS TO FORM:

Approved as to Form - LLaw Date: 2025.02.20 12:07:44

Digitally signed by Approved as to Form - LLaw

City Attorney

Grantee: Clackamas County	
By:	
Printed Name:	
Title:	
STATE OF	
) ss. County of)	
This record was acknowledged before me on day of	
2025, by	as
of <u>Clackamas County</u>	
Notary Public for State of	

My Commission Expires: _____

EXHIBIT A1: A&B



AKS ENGINEERING & FORESTRY 12965 SW Herman Road, Suite 100, Tualatin, OR 97062 P: (503) 563-6151 F: (503) 563-6152

AKS Job #9794

Johnson Creek Blvd (79th to ECM) Improvements Project January 27, 2025 Page 1 of 2 County Project No. 300320356 Map and Tax Lot 1S2E29BD 07500 File No. 13

EXHIBIT A

Permanent Right-of-Way Easement

A tract of land located in the Northwest One-Quarter of Section 29, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being a portion of the property described in Document Number 90 21136, Clackamas County Deed Records, said parcel lying along Johnson Creek Boulevard, said Johnson Creek Boulevard engineer's design centerline is described as follows:

Johnson Creek Engineer's Design Centerline

Johnson Creek Boulevard, County Road Number 1215, located in the Northeast One-Quarter and the Northwest One-Quarter of Section 29 and the Northeast One-Quarter and the Northwest One-Quarter of Section 30, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southwesterly corner of Parcel 2 of Multnomah County Partition Plat No. 2011-008; thence South 40°01'12" East 233.69 feet to the Point of Beginning, said point being at engineer's design centerline station 0+00.00 of Johnson Creek Boulevard; thence South 44°54'28" East 70.00 feet to an angle point, engineer's design centerline station 0+70.00; thence South 64°11'23" East 828.19 feet to an angle point, engineer's design centerline station 8+98.17; thence South 64°16'13" East 2639.35 feet to an angle point, engineer's design centerline station 35+37.54; thence South 01°43'05" West 21.89 feet to an angle point, engineer's design centerline station 35+59.44; thence South 64°16'13" East 978.72 feet to a point of curvature, engineer's design centerline station 45+38.16; thence along a curve to the left with a Radius of 572.97 feet, Delta of 23°41'52", Length of 236.98 feet, and a Chord of South 76°07'08" East 235.30 feet to a point of tangency, engineer's design centerline station 47+75.14; thence South 87°58'04" East 1237.30 feet to a point of curvature, engineer's design centerline station 60+12.44; thence along a curve to the right with a Radius of 1273.19 feet, Delta of 5°11'25", Length of 115.33 feet, and a Chord of South 85°22'22" East 115.29 feet to a point of tangency, engineer's design centerline station 61+27.77; thence South 82°46'39" East 13.54 feet to a point of curvature, engineer's design centerline station 61+41.32; thence along a curve to the left with a Radius of 1273.30 feet, Delta of 5°10'00", Length of 114.82 feet, and a Chord of South 85°21'39" East 114.78 feet to a point of tangency, engineer's design centerline station 62+56.14; thence South 87°56'39" East 1147.14 feet to a point of curvature, engineer's design centerline station 74+03.28; thence along a curve to the left with a Radius of 477.46 feet, Delta of 51°27'16", Length of 428.78 feet, and a Chord of North 66°19'43" East 414.52 feet to a point of tangency, engineer's design centerline station 78+32.06; thence North 40°36'05" East 31.31 feet

Johnson Creek Blvd (79th to ECM) Improvements ProjectCounty Project No. 300320356January 27, 2025Map and Tax Lot 1S2E29BD 07500Page 2 of 2File No. 13

to a point of curvature, engineer's design centerline station 78+63.37; thence along a curve to the right with a Radius of 572.96 feet, Delta of 51°06'44", Length of 511.12 feet, and a Chord of North 66°09'27" East 494.34 feet to a point of tangency, engineer's design centerline station 83+74.49; thence South 88°17'11" East 309.51 feet to engineer's design centerline station 86+84.00 and the **Point of Terminus**.

The Basis of Bearings for this description is State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are ground values.

1/27/2025 REGISTERED PROFESSIONAL LAND SURVEYOR DIGITALLY SIGNED OREGON MARCH 14, 2017 BENJAMIN R HUFF 84738PLS RENEWS: 6/30/25

Said portions of said property lying southwesterly of the following described lines:

Parcel 1 - (Varying Width Permanent Right-of-Way Easement)

Station to Station	Northeasterly Offset Distance from Engineer's Design Centerline
61+90.22 to 62+15.81	63.59 feet in a straight line to 43.03 feet
62+15.81 to 62+20.20	43.03 feet in a straight line to 43.20 feet
62+20.20 to 62+20.36	43.20 feet in a straight line to 38.88 feet

Excepting therefrom the portion lying within the existing right-of-way of Johnson Creek Boulevard and Bell Avenue.

The parcel of land to which this describes contains 372 square feet, more or less.

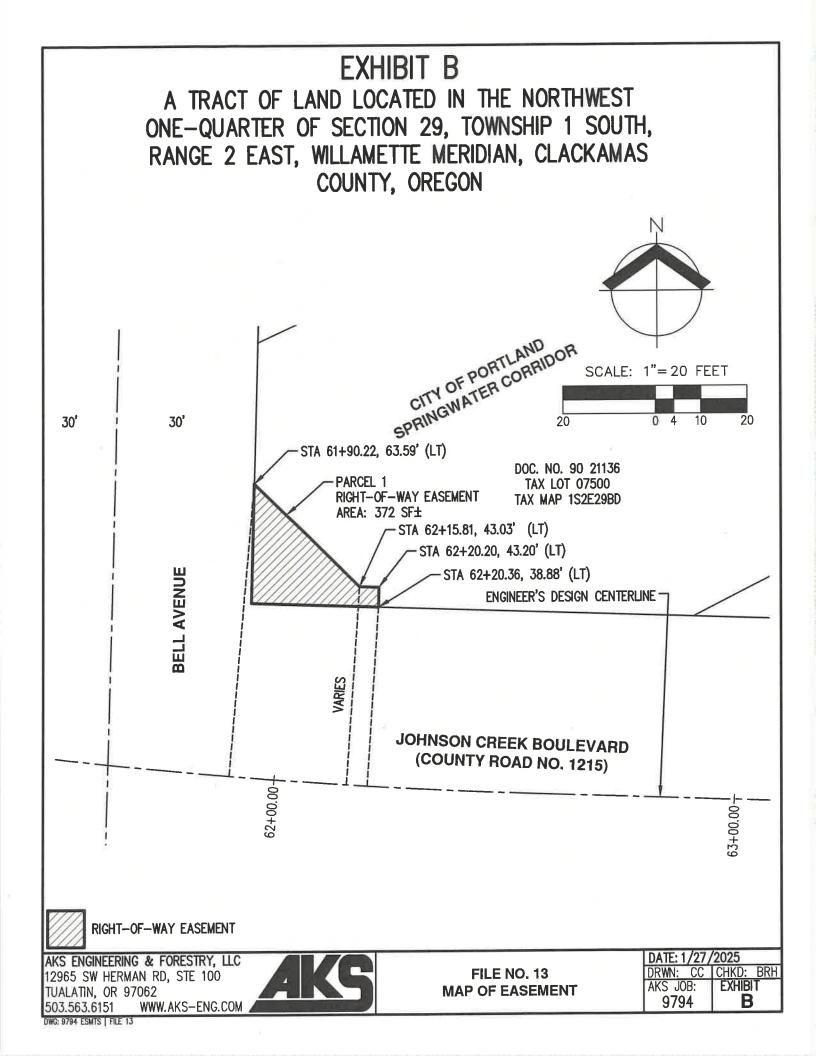


EXHIBIT B1: A&B



 AKS ENGINEERING & FORESTRY

 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

 P: (503) 563-6151

 F: (503) 563-6151

AKS Job #9794

Johnson Creek Blvd (79th to ECM) Improvements Project January 27, 2025 Page 1 of 2

County Project No. 300320356 Map and Tax Lot 1S2E29BC 00901 File No. 21

EXHIBIT A

Permanent Right-of-Way Easement

A tract of land located in the Northwest One-Quarter of Section 29, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being a portion of the property described in Document Number 90 21136, Clackamas County Deed Records, said parcel lying along Johnson Creek Boulevard, said Johnson Creek Boulevard engineer's design centerline is described as follows:

Johnson Creek Engineer's Design Centerline

Johnson Creek Boulevard, County Road Number 1215, located in the Northeast One-Quarter and the Northwest One-Quarter of Section 29 and the Northeast One-Quarter and the Northwest One-Quarter of Section 30, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southwesterly corner of Parcel 2 of Multnomah County Partition Plat No. 2011-008; thence South 40°01'12" East 233.69 feet to the Point of Beginning, said point being at engineer's design centerline station 0+00.00 of Johnson Creek Boulevard; thence South 44°54'28" East 70.00 feet to an angle point, engineer's design centerline station 0+70.00; thence South 64°11'23" East 828.19 feet to an angle point, engineer's design centerline station 8+98.17; thence South 64°16'13" East 2639.35 feet to an angle point, engineer's design centerline station 35+37.54: thence South 01°43'05" West 21.89 feet to an angle point, engineer's design centerline station 35+59.44; thence South 64°16'13" East 978.72 feet to a point of curvature, engineer's design centerline station 45+38.16; thence along a curve to the left with a Radius of 572.97 feet, Delta of 23°41'52", Length of 236.98 feet, and a Chord of South 76°07'08" East 235.30 feet to a point of tangency, engineer's design centerline station 47+75.14; thence South 87°58'04" East 1237.30 feet to a point of curvature, engineer's design centerline station 60+12.44; thence along a curve to the right with a Radius of 1273.19 feet, Delta of 5°11'25", Length of 115.33 feet, and a Chord of South 85°22'22" East 115.29 feet to a point of tangency, engineer's design centerline station 61+27.77; thence South 82°46'39" East 13.54 feet to a point of curvature, engineer's design centerline station 61+41.32; thence along a curve to the left with a Radius of 1273.30 feet, Delta of 5°10'00", Length of 114.82 feet, and a Chord of South 85°21'39" East 114.78 feet to a point of tangency, engineer's design centerline station 62+56.14; thence South 87°56'39" East 1147.14 feet to a point of curvature, engineer's design centerline station 74+03.28; thence along a curve to the left with a Radius of 477.46 feet, Delta of 51°27'16", Length of 428.78 feet, and a Chord of North 66°19'43" East 414.52 feet to a point of tangency, engineer's design centerline station 78+32.06; thence North 40°36'05" East 31.31 feet

Johnson Creek Blvd (79th to ECM) Improvements Project January 27, 2025 Page 2 of 2 County Project No. 300320356 Map and Tax Lot 1S2E29BC 00901 File No. 21

to a point of curvature, engineer's design centerline station 78+63.37; thence along a curve to the right with a Radius of 572.96 feet, Delta of 51°06'44", Length of 511.12 feet, and a Chord of North 66°09'27" East 494.34 feet to a point of tangency, engineer's design centerline station 83+74.49; thence South 88°17'11" East 309.51 feet to engineer's design centerline station 86+84.00 and the **Point of Terminus**.

The Basis of Bearings for this description is State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are ground values.



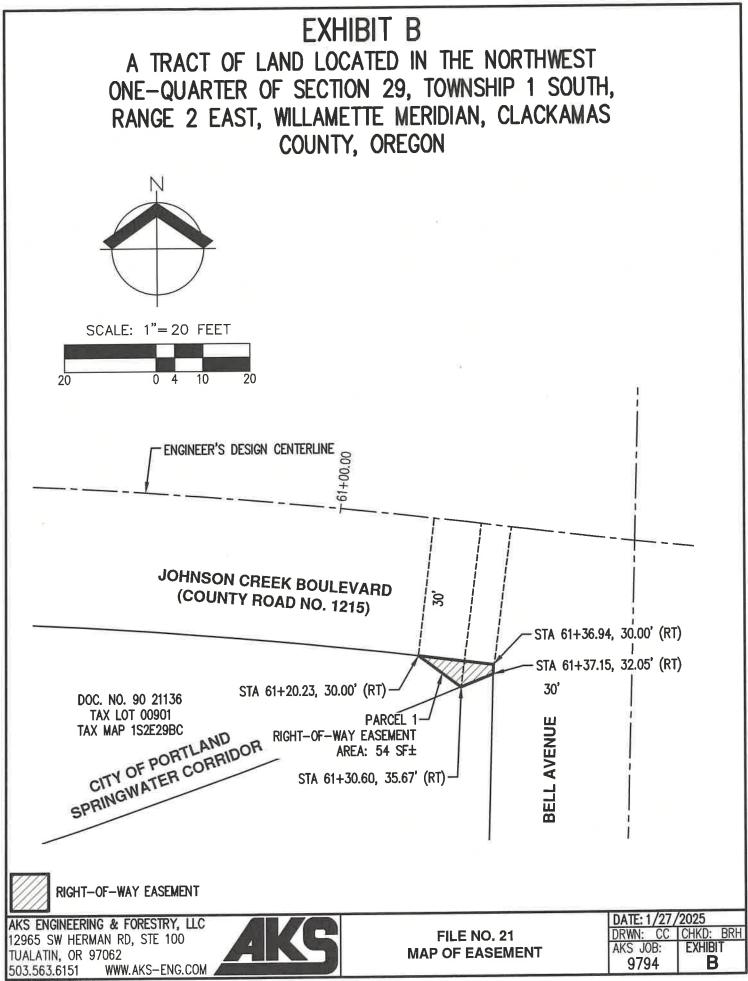
Said portions of said property lying northerly of the following described lines:

Parcel 1 – (Varying Width Permanent Right-of-Way Easement)

Station to Station	Southerly Offset Distance from Engineer's Design Centerline
61+20.23 to 61+30.60	30.00 feet in a straight line to 35.67 feet
61+30.60 to 61+37.15	35.67 feet in a straight line to 32.05 feet
61+37.15 to 61+36.94	32.05 feet in a straight line to 30.00 feet

Excepting therefrom the portion lying within the existing right-of-way of Johnson Creek Boulevard and Bell Avenue.

The parcel of land to which this describes contains 54 square feet, more or less.



DWG: 9794 ESMTS | FILE 21

EXHIBIT C



Permanent Right-of-Way Easement Clackmas County - Springwater Corridor



0 12.5 25 50 Feet