



DAN JOHNSON
DIRECTOR

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

April 2, 2020

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way and Easements for the Dryland Road Guardrail Project and Authorizing Good Faith Negotiations and Condemnation Actions

Purpose/Outcomes	Under ORS 35 and the federal Uniform Act, a local government agency is authorized to declare by resolution or ordinance the necessity and the purpose for which the project is required by enacting a Resolution of Necessity prior to initiating acquisition of the easements or other property rights needed from abutters to the project.
Dollar Amount and Fiscal Impact	The right of way budget for the project is \$10,000 and is included within the \$220,000 total project budget.
Funding Source	County Road Funds/HB 2017 Safety Fund
Duration	The Resolution remains active throughout the project's duration and terminates upon completion of the project or when all litigation associated with the project is concluded.
Previous Board Action	N/A
Strategic Plan Alignment	-Build a strong and safe infrastructure -Ensure safe, healthy and secure communities.
Counsel Review	County Counsel reviewed and approved March 12, 2020.
Contact Persons	Sharan Hams-LaDuca, DTD Sr. Right of Way Agent @ 503-742-4675

County Road funds utilizing the HB 2017 Safety Fund will be used to construct safety improvements along a 570 foot section of Dryland Road between MP 5.20 and MP 5.30.

There is a slight horizontal reverse curve that begins immediately south of a crest of a vertical curve at this section of Dryland Road. There have been two serious crashes at this location resulting in three fatalities. In both crashes the vehicles left the roadway after failing to navigate the horizontal curve. The County installed post-mounted delineators and enhanced warning signs after the first crash. This project will install guardrail along both sides of the roadway to help prevent vehicles from leaving the roadway and reduce the severity of lane departures.

This project will require the acquisition of Permanent Road Right of Way Easement and Temporary Construction Easements from two properties on the east side of the roadway.

The Board has authority to exercise the power of eminent domain under ORS Chapter 35 to acquire rights of way, easements, and fee property by purchase or condemnation proceedings.

The project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development (Department) project development procedures and the final legal descriptions required for acquisition of the needed rights of way and easements from two properties affected by the Project have been developed.

The Department shall negotiate in good faith and accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of Just Compensation owed each affected property owner. To fairly determine the amount of Just Compensation, staff will review current market sales data of comparable properties to prepare an Appraisal Waiver valuation.

The resolution directs Department staff to proceed with good faith negotiations for the acquisition of the needed property rights. The resolution further requires the Director of the Department to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel to file a Condemnation Action.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners approve the Resolution of Necessity and Purpose authorizing the acquisition of necessary rights of way and easements by good faith negotiation if possible, or condemnation, if necessary.

Sincerely,

Sharan LaDuca

Sharan LaDuca
Senior Right of Way Agent

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

In the Matter of Declaring the Necessity
and Purpose for Acquisition of Rights of
Way and Easements and Authorizing
Good Faith Negotiations and
Condemnation Actions for the Dryland
Road Guardrail Project



Resolution No. _____

Page 1 of 2

This matter comes before the Board of County Commissioners of Clackamas County, Oregon (the "Board") at its regularly scheduled meeting on April 2, 2020 and

It appearing to the Board that the Dryland Road Guardrail Project ("Project") will construct guardrail along a 570 foot section of Dryland Road between MP 5.20 and MP 5.30, which is in the public interest and necessary for improved transportation and public safety; and

It further appearing to the Board that the Project has been developed and reviewed by County Staff; and

It further appearing to the Board that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury; and

It further appearing to the Board that rights of way and easements within the boundaries described in the attached Exhibit A-1 and A-2 (Exhibits) are a necessary part of the Project, consistent with the powers and purposes of County government, and necessary for the continued growth, safety and welfare of the community; and

It further appearing that the Board has authority under ORS Chapter 203 and ORS Chapter 35 to acquire rights of way, easements, and fee property by good faith negotiation, agreement, and purchase or by exercise of the power of eminent domain with condemnation proceedings; and

It further appearing to the Board that immediate possession of the rights of way, easements, and fee property described in the Exhibits may be necessary and will be in the public interest in order to commence and complete the Project in a timely manner.

NOW, THEREFORE, IT IS HEREBY RESOLVED that this Board declares it necessary and in the public interest that the County Department of Transportation and Development ("the Department"), in connection with this Project, begin the acquisition process, in accordance with all applicable laws, rules, and regulations governing such process, for the necessary rights of way, easements, and fee property, either through good faith negotiation, agreement, and purchase, or, if necessary, by commencement of condemnation proceedings.

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

In the Matter of Declaring the Necessity
and Purpose for Acquisition of Rights of
Way and Easements and Authorizing
Good Faith Negotiations and
Condemnation Actions for the Dryland
Road Guardrail Project



Resolution No. _____

Page 2 of 2

IT IS FURTHER RESOLVED THAT:

1) The Department be authorized to, in good faith, attempt to negotiate agreements of just compensation with owners of affected property identified in the Exhibits; and

2) If the Director of the Department (the "Director") determines that changes to the design of the Project, unanticipated field conditions, or the need to accommodate uneconomic remnants makes it necessary or desirable to modify the rights of way, easements, and fee property required for the Project, the Director shall promptly bring before the Board, and the Board shall promptly consider a resolution amending the Exhibits; and

3) It is the intention of the Board that the required rights of way, easements, and fee property be obtained through good faith negotiation. The Board acknowledges that the exercise of the power of eminent domain may be necessary. The Director of the Department shall inform the Board when the Director deems eminent domain necessary. Thereafter, the Office of County Counsel is authorized to file complaints of condemnation with the circuit court of the County and take such other steps as it determines necessary for the immediate possession of required rights of way, easements, and fee property and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts, and other consultants deemed necessary to the successful conclusion of that litigation.

Dated this _____ day of _____, 2020.

Chair

Recording Secretary

EXHIBIT "A-1"

Dryland Road Improvements

March 2, 2020
Map No. 41E35 00500
File 1

Page 1 of 3

TRACT A (Permanent Right of Way Easement for Road Purposes):

A portion of that property described in Document No. 2019-042063 of the Clackamas County Deed records, located in the NW 1/4 of Section 35, Township 4 South, Range 1 East, Willamette Meridian, as shown on Exhibit 'B' attached hereto and by this reference made a part hereof, more particularly described as follows:

Beginning at the southwest corner of that property described in said Document No. 2019-042063 as "Parcel 2", being a point on the original easterly right of way of Dryland Road (County Road No. 231); thence along the southerly boundary line of said property, North 89°43'43" East 20.00 feet; thence leaving said property line, South 00°53'33" West 492.28 feet to the south line of "Parcel 3" of that property described in Document No. 2019-042063; thence along said south line, North 89°54'10" West 10.00 feet to the said original easterly right of way line of said Dryland Road; thence along said line, North 00°16'17" West 492.11 feet to the Point of Beginning.

Containing 7382 square feet, more or less.

Basis of Bearing: NAD83 2011 (epoch 2010) Oregon Coordinate Reference System, Portland Zone, Per OAR 734.

TRACT B (Temporary Construction Easement):

A portion of that property described in Document No. 2019-042063 of the Clackamas County Deed records, located in the NW 1/4 of Section 35, Township 4 South, Range 1 East, Willamette Meridian, as shown on Exhibit 'B' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the southwest corner of that property described in said Document No. 2019-042063 as "Parcel 2", being a point on the original easterly right of way of Dryland Road (County Road No. 231); thence along the southerly boundary line of said property, North 89°43'43" East 20.00 feet to the Point of Beginning; thence continuing along said southerly line, North 89°43'43" East 5.00'; thence leaving said property line, South 00°53'33" West 40.44 feet; thence North 89°06'26" West 5.00 feet; thence North 00°53'53" East 40.34 feet to the Point of Beginning.

EXHIBIT "A-1" (Continued)

Dryland Road Improvements

March 2, 2020
Map No. 41E35 00500

Page 2 of 3

File 1

Containing 202 square feet, more or less.

Basis of Bearing: NAD83 2011 (epoch 2010) Oregon Coordinate Reference System, Portland Zone, Per OAR 734.

TRACT C (Temporary Construction Easement):

A portion of that property described in Document No. 2019-042063 of the Clackamas County Deed records, located in the NW 1/4 of Section 35, Township 4 South, Range 1 East, Willamette Meridian, as shown on Exhibit 'B' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the southwest corner of that property described in said Document No. 2019-042063 as "Parcel 2", being a point on the original easterly right of way of Dryland Road (County Road No. 231); thence along the southerly boundary line of said property, North 89°43'43" East 20.00 feet; thence leaving said southerly line South 00°53'33" East 281.61 feet to the Point of Beginning; thence South 89°06'26" East 3.00 feet; thence South 00°53'33" West 50.30 feet; thence North 89°06'26" West 3.00 feet; thence North 00°53'53" East 50.30 feet to the Point of Beginning.

Containing 151 square feet, more or less.

Basis of Bearing: NAD83 2011 (epoch 2010) Oregon Coordinate Reference System, Portland Zone, Per OAR 734.

TRACT D (Temporary Construction Easement):

A portion of that property described in Document No. 2019-042063 of the Clackamas County Deed records, located in the NW 1/4 of Section 35, Township 4 South, Range 1 East, Willamette Meridian, as shown on Exhibit 'B' attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the southwest corner of that property described in said Document No. 2019-042063 as "Parcel 3", being a point on the original easterly right of way of Dryland Road (County Road No. 231); thence along the southerly boundary line of said property, South 89°54'10" East 10.00 feet; thence leaving said southerly line North 00°53'33" East 30.00 feet to

EXHIBIT "A-1" (Continued)

Dryland Road Improvements

March 2, 2020
Map No. 41E35 00500

Page 3 of 3

File 1

the Point of Beginning; thence continuing North 00°53'33" East 40.00 feet; thence South 89°06'26" East 5.00 feet; thence South 00°53'53" West 40.00 feet; thence North 89°06'26" West 5.00 feet to the Point of Beginning.

Containing 200 square feet, more or less.

Basis of Bearing: NAD83 2011 (epoch 2010) Oregon Coordinate Reference System, Portland Zone, Per OAR 734.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12-31-20

EXHIBIT "A-2"

Dryland Road Improvements

March 2, 2020
Map No. 41E35 00400
File 2

Page 1 of 1

TEMPORARY CONSTRUCTION EASEMENT:


A portion of that property described in Document No. 2019-042063 of the Clackamas County Deed records, located in the NW 1/4 of Section 35, Township 4 South, Range 1 East, Willamette Meridian, as shown on Exhibit 'B' attached hereto and by this reference made a part hereof, more particularly described as follows:

Beginning at the southwest corner of that property described in said Document No. 2019-042063 as "Parcel 2", being a point on the original easterly right of way of Dryland Road (County Road No. 231); thence along said right of way line North 0°16'17" West 5.07 feet; thence leaving said right of way line, South 89°57'38" East 25.03 feet; thence South 0°02'22" West 4.94 feet to the southerly boundary line of said Parcel 2; thence along said boundary line South 89°43'43" West 25.00 to the Point of Beginning.

Containing 125 square feet, more or less.

Basis of Bearing: NAD83 2011 (epoch 2010) Oregon Coordinate Reference System, Portland Zone, Per OAR 734.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12-31-20



DAN JOHNSON
DIRECTOR

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

April 2, 2020

Board of County Commissioners
Development Agency Board

Members of the Board:

Approval of a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property for the Fuller Road Station Project and Authorizing Good Faith Negotiations and Condemnation Actions

Purpose/Outcomes	Under ORS 35 and the federal Uniform Act, a local government agency is authorized to declare by resolution or ordinance the necessity and the purpose for which the project is required by enacting a Resolution of Necessity prior to initiating acquisition of the easements or other property rights needed from abutters to the project.
Dollar Amount and Fiscal Impact	The right of way budget for the project is \$900,000 and is included within the \$4,075,000 total project budget.
Funding Source	-Clackamas County Development Agency -North Clackamas Revitalization Urban Renewal District
Duration	The Resolution remains active throughout the project's duration and terminates upon completion of the project or when all litigation associated with the project is concluded.
Previous Board Action	-Board approval of the Project Budget in June 2019. -Board approval of a contract for A & E Services with HHPR in June 2019.
Strategic Plan Alignment	-This item will support the growth of a vibrant economy. -This item will ensure safe, healthy and secure communities.
Counsel Review	County Counsel reviewed and approved March 12, 2020.
Contact Persons	Sharan Hams-LaDuca, DTD Sr. Right of Way Agent @ 503-742-4675

The Board of County Commissioners previously approved funding for the Fuller Road Station Project, which will construct new neighborhood streets that are included in the Fuller Road Station Area Master Plan. The new streets are in the vicinity of the TriMet Park and Ride north of Otty Road and east of Fuller Road. Construction of these streets will facilitate redevelopment of the area as envisioned in the master plan.

The project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury.

In order to construct the improvements as designed, additional rights of way, easements, and fee property will be required.

Under ORS Chapter 35 the Board has authority to exercise the power of eminent domain to acquire rights of way, easements, and fee property by purchase or condemnation proceedings.

In accordance with the design of the project, the Development Agency (Agency) has developed the legal descriptions required for acquisition of the needed rights of way and easements.

The resolution directs Development Agency to negotiate in good faith and accordance with all applicable laws, rules, and regulations governing such acquisitions, in an attempt to reach agreement as to the amount of Just Compensation owed each affected property owner and authorizes staff to utilize the expertise of authorized real estate appraisers and other such experts to assist in the acquisition process. The resolution further requires the Manager of the Development Agency to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel to file a Condemnation Action.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners approve the Resolution of Necessity and Purpose authorizing the acquisition of necessary rights of way, easements, and fee property by good faith negotiation if possible, or condemnation, if necessary.

Sincerely,

Sharan Hams-LaDuca

Sharan Hams-LaDuca
Senior Right of Way Agent

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

In the Matter of Declaring the Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property, and Authorizing Good Faith Negotiations and Condemnation Actions for the Fuller Road Station Project



Resolution No. _____

Page 1 of 2

This matter comes before the Board of County Commissioners of Clackamas County, Oregon (the "Board") at its regularly scheduled meeting on April 2, 2020; and

It appearing to the Board that funding for the Fuller Road Station Project ("Project") was included within the Clackamas County Development Agency ("Agency") approved 2019-2020 budget; that the Project will provide for the construction of two new streets in the North Clackamas Revitalization Area Urban Renewal District which is in the public interest and necessary for improved transportation and public safety; and that the Project is consistent with the powers and purposes of County government; and

It further appearing to the Board that the Project has been developed and reviewed by County Staff; and

It further appearing to the Board that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury; and

It further appearing to the Board that rights of way and easements within the boundaries described in the attached Exhibits A-1, A-2, and A-3 ("Exhibits") are a necessary part of the Project, consistent with the powers and purposes of County government, and necessary for the continued growth, safety and welfare of the community; and

It further appearing that the Board has authority under ORS Chapter 203 and ORS Chapter 35 to acquire rights of way, easements, and fee property by good faith negotiation, agreement, and purchase or by exercise of the power of eminent domain with condemnation proceedings; and

It further appearing to the Board that immediate possession of the rights of way, easements, and fee property described in the Exhibits may be necessary and will be in the public interest in order to commence and complete the Project in a timely manner.

NOW, THEREFORE, IT IS HEREBY RESOLVED that this Board declares it necessary and in the public interest that the Agency, in connection with this Project, begin the acquisition process, in accordance with all applicable laws, rules, and regulations governing such process, for the necessary rights of way, easements, and fee property, either through good faith negotiation, agreement, and purchase, or, if necessary, by commencement of condemnation proceedings.

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

In the Matter of Declaring the Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property, and Authorizing Good Faith Negotiations and Condemnation Actions for the Fuller Road Station Project



Resolution No. _____

Page 2 of 2

IT IS FURTHER RESOLVED THAT:

1) The Agency be authorized to, in good faith, attempt to negotiate agreements of just compensation with owners of affected property identified as necessary within the boundaries of the Exhibits. In so doing, the Agency is authorized to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist Staff with this process; and

2) If the Manager of the Agency ("Manager") determines that changes to the design of the Project, unanticipated field conditions, or the need to accommodate uneconomic remnants makes it necessary or desirable to modify the rights of way, easements, and fee property required for the Project, the Manager shall promptly bring before the Board, and the Board shall promptly consider a resolution amending the Exhibits; and

3) It is the intention of the Board that the required rights of way, easements, and fee property be obtained through good faith negotiation. The Board acknowledges that the exercise of the power of eminent domain may be necessary. The Manager of the Agency shall inform the Board when the Manager deems eminent domain necessary. Thereafter, the Office of County Counsel is authorized to file complaints of condemnation with the circuit court of the County and take such other steps as it determines necessary for the immediate possession of required rights of way, easements, and fee property and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts, and other consultants deemed necessary to the successful conclusion of that litigation.

Dated this _____ day of _____, 2020.

Chair

Recording Secretary

EXHIBIT A-1

Clackamas County
Fuller Station Project
November 19, 2019

County Project No. DD-16
Map & Tax Lot No. 12E28CB-1900
Property No. 1

Page 1 of 2

PARCEL 1 (Permanent Right-Of-Way Easement For Road Purposes)

A parcel of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 5, Plat of "BATTIN ACRES", Plat No. 634, Clackamas County Survey Records, also being a portion of that tract of land as described by Statutory Warranty Deed to Kenneth J Marquardt and Emily B Marquardt, recorded September 30, 2016 as Document No. 2016-067333, Clackamas County Deed Records, said parcel being that portion of said property lying northerly and westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property;

Beginning at a point 124.00 feet right of Proposed D Street Centerline Station 10+00.00;

Thence easterly, in a straight line, to a point 124.00 feet right of Proposed D Street Centerline Station 10+30.13;

Thence northerly, in a straight line, to a point 30.00 feet right of Proposed D Street Centerline Station 10+47.37;

Thence easterly, in a straight line, to a point 30.00 feet right of Proposed D Street Centerline Station 12+76.00.

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Fuller Road.

The stationing used to describe this parcel is based on the Proposed Centerline of D Street, being more particularly described as follows:

Beginning at a point on the centerline of S.E. Fuller Road (Price-Fuller Road)(County Road No. 53) which bears N11°16'14"E, 476.25 feet from a 5/8" iron rod with orange plastic cap inscribed "HHPR INC" in a monument box at the centerline intersection of said S.E. Fuller Road and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

Thence leaving said centerline S89°07'18"E, 712.29 feet to the terminus of this description

This legal description, along with the Basis of Bearings thereof, is based on Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records. The centerline of S.E. Otty Road, between S.E. Fuller Road (County Road No. 53) and S.E. 82nd Avenue (Cascade Highway 213)(Market Road No. 38), was held to be S89°09'39"E per said survey.

The parcel of land to which this description applies contains 8,987 square feet more or less.

PARCEL 2 (Temporary Construction Easement)

A parcel of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 5, Plat of "BATTIN ACRES", Plat No. 634, Clackamas County Survey Records, also being a portion of that tract of land as described by Statutory Warranty Deed to Kenneth J Marquardt and Emily B Marquardt, recorded September 30, 2016 as Document No. 2016-067333, Clackamas County Deed Records, said parcel being that portion of said property lying northerly and westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property;

Beginning at a point 124.00 feet right of Proposed D Street Centerline Station 10+00.00;

Thence easterly, in a straight line, to a point 124.00 feet right of Proposed D Street Centerline Station 10+45.38;

Thence northerly, in a straight line, to a point 45.00 feet right of Proposed D Street Centerline Station 10+59.86;

Thence easterly, in a straight line, to a point 45.00 feet right of Proposed D Street Centerline Station 12+76.00.

EXCEPTING therefrom the above described Parcel 1.

ALSO EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Fuller Road.

The stationing used to described this parcel is based on the Proposed Centerline of D Street described herein, being more particularly described in Parcel 1.

The parcel of land to which this description applies contains 4,333 square feet more or less.



EXPIRES: 12-31-21

EXHIBIT A-2

Clackamas County
Fuller Station Project
January 13, 2020

County Project No. DD-16
Map & Tax Lot No. 12E28CB-1800
Property No. 2

Page 1 of 2

PARCEL 1 (Permanent Right-Of-Way Easement For Road Purposes)

A parcel of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 6, Plat of "BATTIN ACRES", Plat No. 634, Clackamas County Survey Records, also being a portion of that tract of land as described by Warranty Deed to Dennis V. Snyder Sr., Barbara A. Washburn, Linda M. Hall, Louise J. Dees, recorded December 13, 1985 as Document No. 85-44126, Clackamas County Deed Records, also being a portion of that tract of land as described by Warranty Deed to Dennis V. Snyder, recorded January 31, 1989 as Document No. 89-04659, Clackamas County Deed Records, said parcel being that portion of said property lying westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property;

Beginning at a point 52.00 feet right of Existing S.E. Fuller Road Centerline Station 2+45.00;
Thence northerly, in a straight line, to a point 52.00 feet right of Existing S.E. Fuller Road Centerline Station 3+82.00;

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Fuller Road.

The stationing used to describe this parcel is based on the Existing Centerline of S.E. Fuller Road, being more particularly described as follows:

Beginning at a 5/8" iron rod with orange plastic cap inscribed "HHPR INC" set in a monument box at the centerline intersection of S.E. Fuller Road (Price-Fuller Road)(County Road No. 53) and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

Thence N11°16'14"E, along the centerline of said S.E. Fuller Road, 476.25 feet to the terminus of this description.

This legal description, along with the Basis of Bearings thereof, is based on Survey No. 2017-109, Clackamas County Survey Records. The centerline of S.E. Otty Road, between S.E. Fuller Road (County Road No. 53) and S.E. 82nd Avenue (Cascade Highway 213)(Market Road No. 38), was held to be S89°09'39"E.

The parcel of land to which this description applies contains 2,505 square feet more or less.

PARCEL 2 (Temporary Construction Easement)

A parcel of land, as shown on attached Exhibit “B”, lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 6, Plat of “BATTIN ACRES”, Plat No. 634, Clackamas County Survey Records, also being a portion of that tract of land as described by Warranty Deed to Dennis V. Snyder Sr., Barbara A. Washburn, Linda M. Hall, Louise J. Dees, recorded December 13, 1985 as Document No. 85-44126, Clackamas County Deed Records, also being a portion of that tract of land as described by Warranty Deed to Dennis V. Snyder, recorded January 31, 1989 as Document No. 89-04659, Clackamas County Deed Records, said parcel being that portion of said property lying westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property;

Beginning at a point 57.00 feet right of Existing S.E. Fuller Road Centerline Station 2+45.00;

Thence northerly, in a straight line, to a point 57.00 feet right of Existing S.E. Fuller Road Centerline Station 3+07.42;

Thence easterly, in a straight line, to a point 67.00 feet right of Existing S.E. Fuller Road Centerline Station 3+07.42;

Thence northerly, in a straight line, to a point 67.00 feet right of Existing S.E. Fuller Road Centerline Station 3+27.42;

Thence westerly, in a straight line, to a point 57.00 feet right of Existing S.E. Fuller Road Centerline Station 3+27.42;

Thence northerly, in a straight line, to a point 57.00 feet right of Existing S.E. Fuller Road Centerline Station 3+82.00.

EXCEPTING therefrom the above described Parcel 1.

ALSO EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Fuller Road.

The stationing used to described this parcel is based on the Existing Centerline of S.E. Fuller Road described herein, being more particularly described in Parcel 1.

The parcel of land to which this description applies contains 769 square feet more or less.

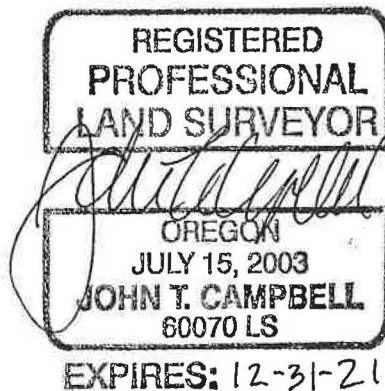


EXHIBIT A-3

Clackamas County
Fuller Station Project
March 2, 2020

County Project No. DD-16
Map & Tax Lot No. 12E28CB-1601
Property No. 3

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PARCEL 1 (Permanent Right-Of-Way Easement For Road Purposes)

A parcel of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 8, Plat of "BATTIN ACRES", Plat No. 634, Clackamas County Survey Records, also being a portion of that tract of land as described by Parcel I of Warranty Deed to Gordon Robert Jantz, recorded June 03, 2009 as Document No. 2009-038859, Clackamas County Deed Records, also being a portion of that tract of land as described by Parcel I of Warranty Deed to Carrie Elizabeth Jantz (an undivided one-half interest), recorded August 3, 2015 as Document No. 2015-051587, Clackamas County Deed Records, said parcel being subject to a Real Estate Contract with H.V. Properties LLC, an Oregon Limited Liability Company, recorded August 3, 2015 as Document No. 2015-051588, Clackamas County Deed Records, said parcel being that portion of said property lying southwesterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property;

Beginning at a point 60.76 feet right of Existing S.E. Fuller Road Centerline Station 0+20.00;
Thence northwesterly, in a straight line, to a point 15.56 feet right of Existing S.E. Fuller Road Centerline Station 0+46.00;

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Fuller Road.

ALSO EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Otty Road.

The stationing used to describe this parcel is based on the Existing Centerline of S.E. Fuller Road, being more particularly described as follows:

Beginning at a 5/8" iron rod with orange plastic cap inscribed "HHPR INC" set in a monument box at the centerline intersection of S.E. Fuller Road (Price-Fuller Road)(County Road No. 53) and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

March 2, 2020

Thence N11°16'14"E, along the centerline of said S.E. Fuller Road, 476.25 feet to the terminus of this description.

This legal description, along with the Basis of Bearings thereof, is based on Survey No. 2017-109, Clackamas County Survey Records. The centerline of S.E. Otty Road, between S.E. Fuller Road (County Road No. 53) and S.E. 82nd Avenue (Cascade Highway 213)(Market Road No. 38), was held to be S89°09'39"E.

The parcel of land to which this description applies contains 93 square feet more or less.

PARCEL 2 (Temporary Construction Easement)

A parcel of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 8, Plat of "BATTIN ACRES", Plat No. 634, Clackamas County Survey Records, also being a portion of that tract of land as described by Parcel I of Warranty Deed to Gordon Robert Jantz, recorded June 03, 2009 as Document No. 2009-038859, Clackamas County Deed Records, also being a portion of that tract of land as described by Parcel I of Warranty Deed to Carrie Elizabeth Jantz (an undivided one-half interest), recorded August 3, 2015 as Document No. 2015-051587, Clackamas County Deed Records, said parcel being subject to a Real Estate Contract with H.V. Properties LLC, an Oregon Limited Liability Company, recorded August 3, 2015 as Document No. 2015-051588, Clackamas County Deed Records, said parcel being that portion of said property lying southerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property;

Beginning at a point 125.00 feet right of Existing S.E. Fuller Road Centerline Station 0+48.27;

Thence westerly, in a straight line, to a point 46.57 feet right of Existing S.E. Fuller Road Centerline Station 0+33.93;

Thence northwesterly, in a straight line, to a point 18.63 feet right of Existing S.E. Fuller Road Centerline Station 0+50.00;

EXCEPTING therefrom the above described Parcel 1.

ALSO EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Fuller Road.

ALSO EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Otty Road.

The stationing used to described this parcel is based on the Existing Centerline of S.E. Fuller Road described herein, being more particularly described in Parcel 1.

The parcel of land to which this description applies contains 457 square feet more or less.

