



DAN JOHNSON
DIRECTOR

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

March 30, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

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 Stafford Road: Pattulo Way to Rosemont Road Project. Total project value is \$16,516,846. Funding through Community Road Fund, System Development Charges and HB 2017 Safety Funds. No County General Funds are involved.

Previous Board Action/Review	03/28/23: Discussion item at issues		
Performance Clackamas	Build a strong infrastructure Ensure safe, healthy and secure communities		
Counsel Review	Yes	Procurement Review	No
Contact Person	Carol Hager	Contact Phone	503-742-4674

EXECUTIVE SUMMARY:

SW Stafford Road has long been identified as a priority improvement project in the Clackamas County Transportation System Plan (TSP). This project will improve Stafford Rd between Pattulo Way and Rosemont Rd by realigning intersections at Johnson Road and Childs Road and widening Stafford Road to add shoulders and bike lanes. The project will also add a southbound left-turn lane at Johnson Road and a roundabout at Childs Road.

In order to construct the improvements as designed, permanent and temporary easements and fee acquisitions will be required. The Project is expected to impact 17 properties abutting the Project alignment. The Board has authority to exercise the power of eminent domain under ORS Chapter 203 and ORS Chapter 35 to acquire the needed rights of way, easements, and fee property by purchase or condemnation proceedings. In accordance with the procedure set forth in ORS Chapter 35, a Resolution of Necessity is required before offers are made for rights of way, easements, and fee property.

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The Project design team has collected and analyzed data sufficient to choose an alternative and advance the design of the Project. 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 (the "Department") project development procedures and the final legal descriptions required for acquisition of the needed rights of way and easements from 17 properties affected by the Project are being 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 utilize the expertise of authorized real estate appraisers and other such experts.

The resolution directs Department staff to proceed with good faith negotiations for the acquisition of the needed property rights and to utilize the expertise of authorized real estate appraisers and other such experts to assist in the acquisition process. 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 easements, by good faith negotiation if possible, or condemnation, if necessary.

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 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 Stafford Road: Pattulo Way to Rosemont Road Project



Resolution No. _____

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This matter comes before the Board of County Commissioners of Clackamas County, Oregon (the "Board") at its regularly scheduled meeting on March 30, 2023 and,

It appearing to the Board that the Stafford Road: Pattulo Way to Rosemont Road Project (the "Project") will improve Stafford Rd between Pattulo Way and Rosemont Rd by realigning intersections at Johnson Road and Childs Road, widening Stafford Road to add bike lanes, adding a southbound left-turn lane at Johnson Road and adding a roundabout at Childs Road; is consistent with the powers and purposes of County government; and is necessary for public use and the continued growth, safety and welfare of the community; and,

It further appearing that the Board has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.

It further appearing to the Board that the Project has been planned in accordance with appropriate standards for the improvement of transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded; and

It further appearing to the Board that the Project is being 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" impacting the properties listed in the attached Exhibit "B" are a necessary part of the Project; and,

It further appearing to the Board that the acquisition of the necessary rights of way and easements shall occur within the areas described in Exhibit "A"; the width of right-of-way will be in accordance with the Clackamas County Comprehensive Plan and Transportation System Plan; ancillary easements including restricted development, sign, slope, sidewalk, utility, wetland mitigation, storm water treatment, storm water detention, traffic and safety facility, and temporary construction purposes, together with such incidental additional right-of-way at intersections and due to topography, all as may be reasonably necessary to accommodate Project design; and any uneconomic remnants, as determined by appraisal; all being in the public interest in order to commence and complete the Project in a timely manner; and,

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It further appearing that the Board has authority under ORS Chapter 203 and under 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.

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 the 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.

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 as necessary within the boundaries of Exhibit "A". In so doing, the Department is authorized to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist staff with the acquisition process; and,

2). 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 _____, 2023.

Tootie Smith, Chair

Recording Secretary

EXHIBIT "A"

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 County Project No. 22297
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**DESIGN CENTERLINE DESCRIPTION FOR A PORTION OF SW CHILDS ROAD
 COUNTY ROAD 838**

A roadway commonly known as SW Childs Road, County Road No. 838, located in the SW 1/4 of Section 21, Township 2 South, Range 1 East Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

COMMENCING at an angle point in the existing centerline of SW Childs Road, said point being 256.19 feet South and 852.63 feet West of the North One-quarter corner of Section 21, Township 2 South, Range 1 East, W.M; thence South 60°04'44" East 64.27 feet to the **TRUE POINT OF BEGINNING** at Engineer's centerline station 'C' 100+00.00 a point of curvature, said station being 288.25 feet South and 796.93 feet West of the North One-quarter corner of Section 21, Township 2 South, Range 1 East, W.M, the radial line of said point of curvature bears South 1°48'01" West; thence along the arc of a 800.00 foot radius curve to the right having a central angle of 7°09'07" (the long chord of which bears South 84°37'20" East 99.80 feet) 99.86 feet, engineer's centerline station 'C' 100+99.86; thence South 81°02'03" East 271.87 to a point of curvature, engineer's centerline station 'C' 103+71.73; thence along the arc of a 1993.00 foot radius curve to the right having a central angle of 04°37'28" (the long chord of which bears South 78°44'02" East 160.82 feet) 160.86 feet, engineer's centerline station 'C' 105+32.57; thence along the arc of a 140.00 foot radius curve to the right having a central angle of 28°46'11" (the long chord of which bears South 62°02'12" East 69.56 feet) 70.30 feet, engineer's centerline station 'C' 106+02.89; thence South 47°39'07" East 95.42 feet, engineer's centerline station 'C' 106+98.31 and the **TERMINUS** of this centerline description.

The side lines outer limits in feet of the strips of land herein described are as follows:

Station to Station	Width on Northerly (Left) Side of Centerline	Width on Southerly (Right) Side of Centerline
'C' 101+47.45 TO 'C' 101+62.00		16.68 FEET IN A STRAIGHT LINE TO 26.00 FEET
'C' 101+94.45 TO 'C' 102+90.00	30.39 FEET IN A STRAIGHT LINE TO 52.00 FEET	
'C' 101+62.00 TO 'C' 102+01.07		26.00 FEET IN A STRAIGHT LINE TO 28.42 FEET
'C' 102+01.07 TO 'C' 102+03.48		28.42 FEET IN A STRAIGHT LINE TO 35.58 FEET
'C' 102+03.48 TO 'C' 103+48.42		35.58 FEET IN A STRAIGHT LINE TO 44.53 FEET
'C' 102+90.00 TO 'C' 103+80.00	52.00 FEET IN A STRAIGHT LINE TO 61.00 FEET	

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Station to Station	Width on Northerly (Left) Side of Centerline	Width on Southerly (Right) Side of Centerline
'C' 103+48.42 TO 'C' 103+56.00		44.53 FEET IN A STRAIGHT LINE TO 51.32 FEET
'C' 103+56.00 TO 'C' 104+72.00		61.69 FEET IN A STRAIGHT LINE TO 89.76 FEET
'C' 103+80.00 TO 'C' 104+50.00	61.00 IN A STRAIGHT LINE TO 39.74 FEET	
'C' 104+50.00 TO 'C' 105+41.00	39.74 IN A STRAIGHT LINE TO 56.00 FEET	
'C' 104+72.00 TO 'C' 104+57.00		89.76 FEET IN A STRAIGHT LINE TO 155.00 FEET
'C' 104+57.00 TO 'C' 104+98.65		155.00 FEET IN A STRAIGHT LINE TO 181.25 FEET
'C' 104+98.65 TO 'C' 104+78.42		181.25 FEET IN A STRAIGHT LINE TO 220.19 FEET
'C' 104+78.42 TO 'C' 104+52.67		220.19 FEET IN A STRAIGHT LINE TO 288.97 FEET
'C' 104+52.67 TO 'C' 104+54.63		288.97 FEET IN A STRAIGHT LINE TO 290.06 FEET
'C' 105+41.00 TO 'C' 105+53.09	88.00 FEET IN A STRAIGHT LINE TO 93.91 FEET	

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DESIGN CENTERLINE DESCRIPTION FOR A PORTION OF SW JOHNSON ROAD COUNTY ROAD 349

A roadway commonly known as SW Johnson Road, County Road No. 349, located in the SW 1/4 of Section 21, Township 2 South, Range 1 East Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at Engineer's centerline station 'J' 50+00.00, said station being 1656.18 feet South and 707.56 feet West of the North One-quarter corner of Section 21, Township 2 South, Range 1 East, W.M., said station also bears North 16°37'00" West 436.94 feet from the existing point of terminus of SW Johnson Road; thence South 81°27'12" East 57.65 feet to a point of curvature, engineer's centerline station 'J' 50+57.65; thence along the arc of a 87.00 foot radius curve to the right having a central angle of 77°20'33" (the long chord of which bears South 42°46'56" East 108.72 feet) 117.44 feet, engineer's centerline station 'J' 51+75.09; thence South 04°06'39" East 154.79 to a point of curvature, engineer's centerline station 'J' 53+29.88; thence along the arc of a 345.00 foot radius curve to the left having a central angle of 53°28'51" (the long chord of which bears South 30°51'04" East 310.46 feet) 322.03 feet, engineer's centerline station 'J' 56+51.91; thence South 57°35'30" East 168.09 feet, engineer's centerline station 'J' 58+20.00 and the **TERMINUS** of this centerline description.

The side lines outer limits in feet of the strips of land herein described are as follows:

Station to Station	Width on Westerly (Left) Side of Centerline	Width on Easterly (Right) Side of Centerline
'J' 50+32.89 TO 'J' 50+66.77	55.00 FEET IN A STRAIGHT LINE TO 61.00 FEET	
'J' 50+66.77 TO 'J' 51+55.00	61.00 FEET PARALLEL TO CENTERLINE	
'J' 51+55.00 TO 'J' 53+00.00	61.00 FEET IN A STRAIGHT LINE TO 42.00 FEET	
'J' 53+00.00 TO 'J' 55+00.00	42.00 FEET PARALLEL TO CENTERLINE	
'J' 55+00.00 TO 'J' 56+20.00	42.00 FEET IN A STRAIGHT LINE TO 24.70 FEET	
'J' 56+20.00 TO 'J' 56+33.74	24.70 FEET IN A STRAIGHT LINE TO 20.00 FEET	
'J' 50+60.97 TO 'J' 52+03.60		0.00 FEET IN A STRAIGHT LINE TO 50.08 FEET
'J' 52+03.60 TO 'J' 53+92.63		50.08 FEET VARIABLE IN WIDTH TO 0.00 FEET

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EXISTING CENTERLINE DESCRIPTION FOR A PORTION OF SW STAFFORD ROAD COUNTY ROAD 1208

A roadway commonly known as SW Stafford Road, Market Road 12, County Road No. 1208, located in the SE 1/4 of Section 16 and South 1/2 of Section 21, Township 2 South, Range 1 East Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at Engineer's centerline station 7+00.00 of Stafford Road (County Road 1208) per SN 1961-023, said station being 2632.50 feet South and 702.27 feet West of the North One-quarter corner of Section 21, Township 2 South, Range 1 East, W.M.; thence North $18^{\circ}55'46''$ East 230.32 feet to a point of curvature, engineer's centerline station 9+30.32; thence along the arc of a 506.82 foot radius curve to the left having a central angle of $47^{\circ}50'00''$ (the long chord of which bears North $04^{\circ}59'14''$ West 410.94 feet) 423.12 feet, engineer's centerline station 13+53.44; thence North $28^{\circ}54'14''$ West 27.76 feet to a point of curvature, engineer's centerline station 13+81.20; thence along the arc of a 381.03 foot radius curve to the right having a central angle of $37^{\circ}38'23''$ (the long chord of which bears North $10^{\circ}05'02''$ West 245.84 feet) 250.31 feet, engineer's centerline station 16+31.51; thence North $8^{\circ}44'09''$ East 59.03 feet to a point of curvature, engineer's centerline station 16+90.54; thence along the arc of a 570.20 foot radius curve to the left having a central angle of $20^{\circ}15'18''$ (the long chord of which bears North $1^{\circ}23'30''$ West 200.53 feet) 201.58 feet, engineer's centerline station 18+92.12; thence North $11^{\circ}31'09''$ West 86.98 feet to a point of curvature, engineer's centerline station 19+79.10; thence along the arc of a 571.01 foot radius curve to the right having a central angle of $24^{\circ}01'54''$ (the long chord of which bears North $0^{\circ}29'48''$ East 237.75 feet) 239.50 feet, engineer's centerline station 22+18.60; thence North $12^{\circ}30'45''$ East 78.68 feet to a point of curvature, engineer's centerline station 22+97.28; thence along the arc of a 382.40 foot radius curve to the right having a central angle of $31^{\circ}53'10''$ (the long chord of which bears North $28^{\circ}27'20''$ East 210.08 feet) 212.81 feet, engineer's centerline station 25+10.09; thence North $44^{\circ}23'55''$ East 412.84 feet to a point of curvature, engineer's centerline station 29+22.93; thence along the arc of a 572.19 foot radius curve to the right having a central angle of $15^{\circ}00'49''$ (the long chord of which bears North $51^{\circ}54'20''$ East 149.51 feet) 149.94 feet, engineer's centerline station 30+72.87; thence North $59^{\circ}24'44''$ East 289.93 feet to a point of curvature, engineer's centerline station 33+62.80; thence along the arc of a 390.69 foot radius curve to the left having a central angle of $41^{\circ}30'18''$ (the long chord of which bears North $38^{\circ}39'35''$ East 276.87 feet) 283.02 feet, engineer's centerline station 36+45.82; thence North $17^{\circ}54'05''$ East 308.21 feet to a point of curvature, engineer's centerline station 39+54.03; thence along the arc of a 1435.55 foot radius curve to the left having a central angle of $8^{\circ}18'54''$ (the long chord of which bears North $13^{\circ}44'38''$ East 208.15 feet) 208.33 feet, engineer's centerline station 41+62.36; thence North $9^{\circ}35'11''$ East 824.74 feet to a point of curvature, engineer's centerline station 49+87.10; thence along the arc of a 724.24 foot radius curve to the right having a central angle of $11^{\circ}09'11''$

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(the long chord of which bears North 15°09'47" East 140.76 feet) 140.98 feet, engineer's centerline station 51+28.08; thence North 20°44'22" East 171.92 feet to engineer's centerline station 53+00.00 and the **TERMINUS** of this centerline description.

The side lines outer limits in feet of the strips of land herein described are as follows:

Station to Station	Width on Westerly (Left) Side of Centerline	Width on Easterly (Right) Side of Centerline
7+58.91 TO 8+59.22		34.00 FEET PARALLEL TO CENTERLINE
8+59.22 TO 8+67.49		34.00 FEET IN A STRAIGHT LINE TO 58.41 FEET
8+67.49 TO 8+99.17		58.41 FEET PARALLEL TO CENTERLINE
8+99.17 TO 8+92.59		58.41 FEET IN A STRAIGHT LINE TO 39.00 FEET
8+92.59 TO 10+85.00		39.00 FEET PARALLEL TO CENTERLINE
10+85.00 TO 11+98.17		39.00 FEET IN A STRAIGHT LINE TO 85.84 FEET
17+65.55 TO 19+61.55		78.00 FEET IN A STRAIGHT LINE TO 105.26 FEET
19+61.55 TO 22+14.00		105.26 FEET IN A STRAIGHT LINE TO 88.00 FEET
22+14.00 TO 23+75.00		88.00 FEET IN A STRAIGHT LINE TO 77.00 FEET
23+75.00 TO 25+45.00		77.00 FEET IN A STRAIGHT LINE TO 57.00 FEET
25+45.00 TO 29+20.00		57.00 FEET IN A STRAIGHT LINE TO 57.00 FEET
29+20.00 TO 30+05.00		57.00 FEET IN A STRAIGHT LINE TO 38.00 FEET
30+85.00 TO 31+90.00		63.00 FEET PARALLEL TO CENTERLINE
31+75.71 TO 31+95.35	192.35 FEET IN A STRAIGHT LINE TO 225.55 FEET	
31+90.00 TO 33+70.00		49.00 FEET PARALLEL TO CENTERLINE
31+95.35 TO 32+70.00	225.55 FEET IN A STRAIGHT LINE TO 175.00 FEET	
32+70.00 TO 33+60.00	175.00 FEET IN A STRAIGHT LINE TO 220.00 FEET	

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Station to Station	Width on Westerly (Left) Side of Centerline	Width on Easterly (Right) Side of Centerline
33+60.00 TO 35+95.00	220.00 FEET IN A STRAIGHT LINE TO 155.00 FEET	
34+65.00 TO 35+06.18		43.00 FEET PARALLEL TO CENTERLINE
35+95.00 TO 36+70.00	155.00 FEET IN A STRAIGHT LINE TO 145.00 FEET	
36+65.00 TO 37+85.00		35.00 FEET PARALLEL TO CENTERLINE
36+70.00 TO 37+10.00	145.00 FEET IN A STRAIGHT LINE TO 120.00 FEET	
37+10.00 TO 38+16.15	120.00 FEET IN A STRAIGHT LINE TO 112.23 FEET	
37+85.00 TO 38+20.00		61.00 FEET PARALLEL TO CENTERLINE
38+20.00 TO 39+35.00		35.00 FEET PARALLEL TO CENTERLINE
38+16.15 TO 39+80.00	112.23 FEET IN A STRAIGHT LINE TO 59.00 FEET	
39+80.00 TO 41+15.00	44.00 FEET PARALLEL TO CENTERLINE	
41+15.00 TO 41+55.00	67.00 FEET PARALLEL TO CENTERLINE	
41+55.00 TO 43+79.47	44.00 FEET PARALLEL TO CENTERLINE	
44+00.00 TO 47+35.00		36.00 FEET PARALLEL TO CENTERLINE
47+35.00 TO 49+45.00		38.00 FEET PARALLEL TO CENTERLINE

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EXISTING CENTERLINE DESCRIPTION FOR A PORTION OF SW ZIVNEY LN.

A roadway commonly known as SW Zivney Lane, located in the NE 1/4 of Section 21, Township 2 South, Range 1 East Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at Engineer's centerline station 'ZRW' 10+00.00 of Zivney Lane, also being existing Stafford Road centerline station 34+31.98, said station being 320.60 feet South and 98.42 feet East of the North One-quarter corner of Section 21, Township 2 South, Range 1 East, W.M.; thence South 11°30'38" West 374.62 feet to engineer's centerline station 'ZRW' 13+74.62 and the **TERMINUS** of this centerline description.

The side lines outer limits in feet of the strips of land herein described are as follows:

Station to Station	Width on Westerly (Right) Side of Centerline	Width on Easterly (Left) Side of Centerline
'ZRW' 10+85.00 TO 'ZRW' 11+87.00	31.00 FEET PARALLEL TO CENTERLINE	
'ZRW' 10+02.76 TO 'ZRW' 10+06.21		35.24 FEET IN A STRAIGHT LINE TO 40.15 FEET
'ZRW' 10+06.21 TO 'ZRW' 10+20.05		40.15 FEET IN A STRAIGHT LINE TO 30.00 FEET
'ZRW' 10+20.05 TO 'ZRW' 11+09.00		30.00 FEET PARALLEL TO CENTERLINE
'ZRW' 11+09.00 TO 'ZRW' 11+30.00		30.00 FEET IN A STRAIGHT LINE TO 25.00 FEET
'ZRW' 11+87.00 TO 'ZRW' 12+10.00	31.00 FEET IN A STRAIGHT LINE TO 25.00 FEET	

Exhibit B

File No.	Property Address	Tax Lot
11	1600 SW Childs Rd., Lake Oswego, OR 97034	21E21B 00602
12	No Situs, Lake Oswego, OR 97034	21E21B 00601
14	1551 SW Childs Rd., Lake Oswego, OR 97034	21E21BA00400
15	18783 SW Stafford Rd., Lake Oswego, OR 97034	21E21BA00302
16	18691 SW Stafford Rd., Lake Oswego, OR 97034	21E16C 00602
18	10 S Rosemont Rd., Lake Oswego, OR 97034	21E16D 01201
20	No Situs, Lake Oswego, OR 97034	21E16D 01200
21	18600 SW Stafford Rd., Lake Oswego, OR 97034	21E21AB00100
22	18650 SW Stafford Rd., Lake Oswego, OR 97034	21E21BA00100
23	18810 SW Stafford Rd., Lake Oswego, OR 97034	21E21BA00200
24	1500 SW Zivney Ln., Lake Oswego, OR 97034	21E21BA00500
25	No Situs, Lake Oswego, OR 97034	21E21BA00600
26	19300 SW Stafford Rd., Lake Oswego, OR 97034	21E21BA00700
27	19525 SW Johnson Rd., West Linn, OR 97068	21E21BD00101
30	19700 SW Johnson Rd., West Linn, OR 97068	21E21BD02400
31	No Situs, West Linn, OR 97068	21E21BD02500
32	19550 SW Stafford Rd., West Linn, OR 97068	21E21BD02700