



DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

May 16, 2019

Development Agency Board
Board of County Commissioners
Clackamas County

Members of the Board:

Granting of a Permanent Right of Way Easement for Road Purposes and
a Permanent Slope, Wall, and Public Utility Easement

Purpose/Outcome	Authorization for the Chair to execute a Permanent Right of Way Easement for Road Purposes and a Permanent Slope, Wall, and Public Utility Easement in favor of Clackamas County to become part of SE Capps Road right of way.
Dollar Amount and Fiscal Impact	N/A
Funding Source	Not applicable. No funding is required as part of this transaction.
Duration	Permanent upon execution.
Previous Board Action/Review	On May 9, 2019, the Board of County Commissioners approved a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property for the SE Capps Road Terminus Project.
Strategic Plan Alignment	"Build a strong infrastructure".
Counsel Review	Reviewed and Approved by County Counsel on May 8, 2019
Contact Person	Sharan Hams-LaDuca, Senior Right of Way Agent, Dept. of Transportation and Development, Engineering - 503-742-4675

BACKGROUND: The Development Agency is planning construction of the SE Capps Road Terminus Project (the Project). The Board of County Commissioners approved funding for the Project as part of the Development Agency's 2018-2019 Budget and a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements and Fee Property. A Permanent Right of Way Easement and a Permanent Slope, Wall and Public Utility Easement is needed for the Project. The property from which these easements come is currently owned by the Agency, but will soon be sold for redevelopment purposes. The easements must be conveyed to Clackamas County prior to closing on

the sale. The easement areas are described in the attached Exhibits “A” and “B”.

The Agency is requesting the Board approve and execute the attached Permanent Right of Way Easement for Road Purposes and Permanent Slope, Wall, and Public Utility Easement to Clackamas County.

RECOMMENDATION: Staff respectfully recommends the Board, as the governing body of the Clackamas County Development Agency:

- Approve the Permanent Right of Way Easement for Road Purposes and the Permanent Slope, Wall, and Public Utility Easement
- Delegate authority to the Chair to execute the Permanent Right of Way Easement for Road Purposes and Permanent Slope, Wall, and Public Utility Easement
- Record the Permanent Right of Way Easement for Road Purposes and Permanent Slope, Wall, and Public Utility Easement

Respectfully submitted,

David Queener,
Clackamas County Development Agency Program Supervisor

Grantor: Clackamas County Development Agency 150 Beaver creek Rd. Oregon City, OR 97045	State of Oregon
Grantee: Clackamas County 150 Beaver creek Rd. Oregon City, OR 97045	
After Recording Return to: Clackamas County Engineering 150 Beaver creek Rd. Oregon City, OR 97045	
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Clackamas County by Act of the Road Official Acceptance Date: _____
Road Name: <u>SE Capps Road</u> DTD Rd. File No. _____	Authorized by Clackamas County Ordinance No. 02-2009 Project: _____

PERMANENT RIGHT OF WAY EASEMENT FOR ROAD PURPOSES
(Corporate or Non Profit Grantor)

For value received, Clackamas County Development Agency, (Grantor), hereby grants, bargains, sells and conveys to Clackamas County, a political subdivision of the State of Oregon, its heirs, successors and assigns, (Grantee), a permanent easement dedicated to the public for road and right of way purposes, in, under, upon, and across Grantor's real property located in Clackamas County, State of Oregon.

Grantor's real property is more particularly described as follows: A tract of land located in the NE 1/4 of Section 15, T2S, R2E, WM, as more particularly described as Tract 1 in that Property Line Adjustment Deed recorded on April 19, 2019, as Document No. 2019-020590 in the Deed Records of Clackamas County, Oregon.

The Permanent Right of Way Easement for Road Purposes is more particularly described as follows: A strip of land described and depicted as Tract 1 in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (the Easement Area).

Grantee's rights include, but are not limited to, Grantee's right to enter upon and utilize the Easement Area for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the Easement Area whenever necessary to accomplish these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described Easement Area.

This easement does not obligate the public or Grantee to replace landscaping or improvements of any kind placed within the Easement Area and which interferes with Grantee's use of the Easement Area for the purposes described in this document.

Statutory Land Use Disclaimer: Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and Sections 2 to 7, Chapter 8, Oregon Laws 2010. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and

EXHIBIT "A"

SE Capps Road Dedication
Owner: Clackamas County
Development Agency

Map No. 22E15A01700
February 4, 2019
Page 1 of 3

**TRACT 1
PERMANENT RIGHT OF WAY EASEMENT FOR ROAD PURPOSES**

A tract of land located in Northeast one quarter of Section 15, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, State of Oregon, being a portion of that tract of land described as Tract 1 recorded as Document No. 2019-020590, Clackamas County Deed Records, 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 Parcel 1, Partition Plat 1995-164; Thence along the west line of said Parcel 1, North 00°08'00" East, 23.24 feet; Thence departing the west line of Parcel 1, 31.02 feet along a non-tangent curve to the left with a radius of 58.00 feet, a delta of 30°38'34" and a long chord of South 51°15'53" West, 30.65 feet to a point of reverse curve; Thence 20.74 feet along a tangent curve to the right with a radius of 22.00 feet, a delta of 54°01'13" and long chord of South 62°57'13" West, 19.98 feet to a point of tangency; Thence South 89°57'49" West, 4.09 feet; Thence South 00°02'11" East, 46.04 feet; Thence 23.45 feet along a non-tangent curve to the right with a radius of 22.00 feet, a delta of 61°03'36" and a long chord of South 63°04'48" East, 22.35 feet to a point of reverse curve; Thence 74.95 feet along a tangent curve to the left with a radius of 58.00 feet, a delta of 74°02'11" and long chord of South 69°34'06" East, 69.84 feet; Thence North 00°27'26" East, 25.60 feet to a point on the southerly right of way of SE Capps Road, County Road No. 3393; Thence along the said southerly right of way, South 89°57'49" West, 40.04 feet; Thence leaving the said southerly right of way, North 00°10'06" East, 60.00 feet to the point of beginning.

Containing 4,357 square feet more or less.

Basis of bearings for this description is held from Record of Survey Number 2017-092 Clackamas County Surveyor Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

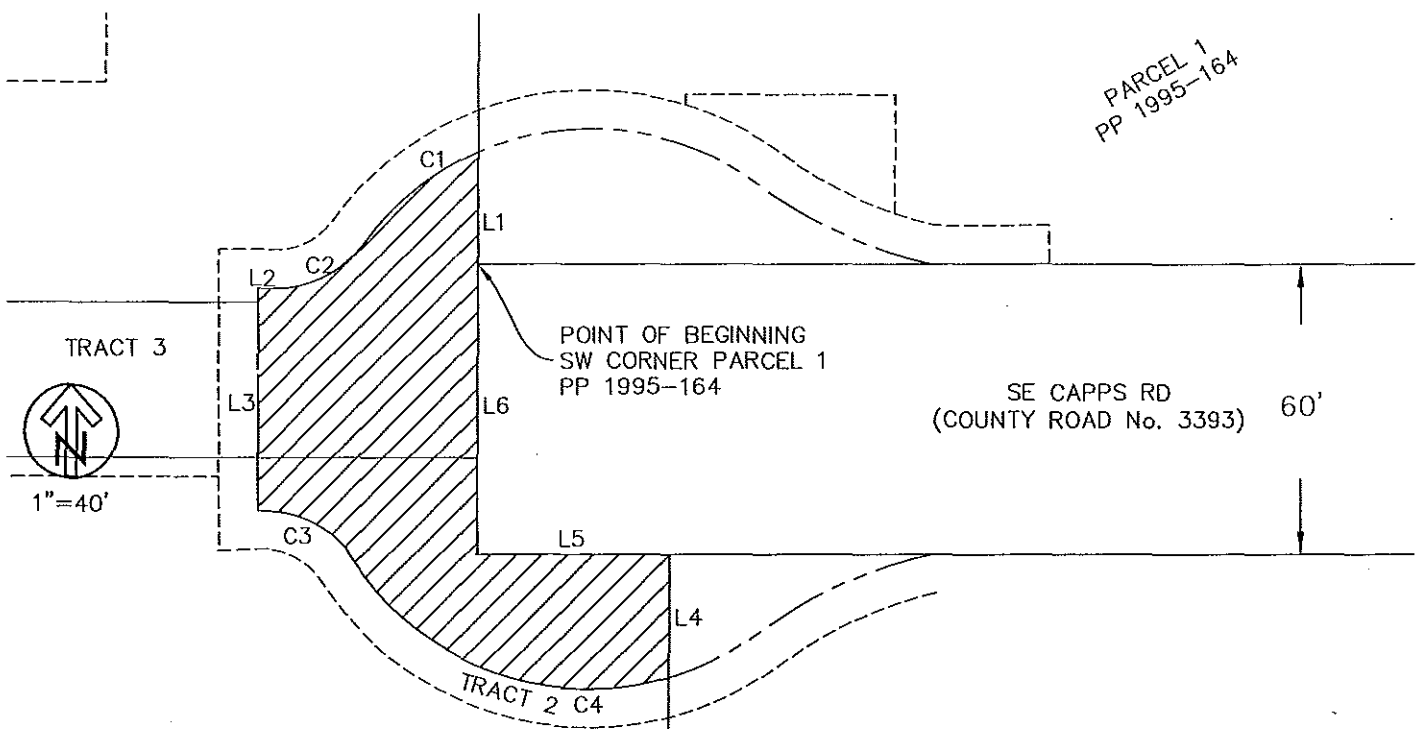
Brian W. Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12/31/20

LOCATED IN THE NE 1/4 OF SECTION
15 T2S., R2E., W.M.
CLACKAMAS COUNTY, OREGON

PARCEL 1
PP 1995-164



TRACT 3



1"=40'

POINT OF BEGINNING
SW CORNER PARCEL 1
PP 1995-164

SE CAPPS RD
(COUNTY ROAD No. 3393) 60'

TRACT 2 C4

CLACKAMAS COUNTY
DEVELOPMENT AGENCY
TAXMAP 22E15A 01700
DOC# 2019-020590

Line Table		
Line #	Length	Bearing
L1	23.24'	N00° 08' 00"E
L2	4.09'	S89° 57' 49"W
L3	46.04'	S00° 02' 11"E
L4	25.60'	N00° 27' 26"E
L5	40.04'	S89° 57' 49"W
L6	60.00'	N00° 10' 06"E

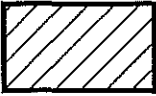
Curve Table				
Curve #	Length	Radius	Delta	LongChord
C1	31.02'	58.00'	30°38'34"	S51°15'53"W 30.65'
C2	20.74'	22.00'	54°01'13"	S62°57'13"W 19.98'
C3	23.45'	22.00'	61°03'36"	S63°04'48"E 22.35'
C4	74.95'	58.00'	74°02'11"	S69°34'06"E 69.84'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12/31/20



TRACT 1
PERMANENT RIGHT OF WAY
EASEMENT
AREA = 4,357 Sq.Ft.±



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B"
CAPPS ROAD PROJECT
PROJECT NO. DB-57
PAGE 1 OF 3

PERMANENT RIGHT OF WAY
EASEMENT CLACKAMAS COUNTY
DEVELOPMENT AGENCY

RD. FILE NO.	DRAWN BY	DESIGN BY	DATE:
DB-57	STAFF		02-04-19

Grantor: Clackamas County Development Agency	State of Oregon
Address: 150 Beaver Creek Rd. Oregon City, OR 97045	
Grantee: Clackamas County 150 Beaver Creek Rd. Oregon City, OR 97045	
After Recording Return to: Clackamas County Engineering 150 Beaver Creek Rd. Oregon City, OR 97045	
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Clackamas County by Act of the Road Official Acceptance Date: _____
Road Name: <u>SE Capps Road</u> DTD Rd. File No.	Authorized by Clackamas County Ordinance No. 02-2009 Project:

PERMANENT SLOPE, WALL, and PUBLIC UTILITY EASEMENT

For value received, Clackamas County Development Agency, (Grantor), hereby grants and conveys to Clackamas County, a political subdivision of the State of Oregon, its heirs, successors and assigns, (Grantee), a permanent easement dedicated to the public for the construction, reconstruction, upgrade, replacement, repair, maintenance, and inspection of slopes, walls, public utilities, and related appurtenances, in, under, upon, and across Grantor's real property located in Clackamas County, State of Oregon.

Grantor's real property is more particularly described as follows: A tract of land located in the NE 1/4 of Section 15, T2S, R2E, WM, as more particularly described as Tract 1 in that Property Line Adjustment Deed recorded on April 19, 2019, as Document No. 2019-020590 in the Deed Records of Clackamas County, Oregon.

The Permanent Slope, Wall, and Public Utility Easement is more particularly described as follows: A strip of land as described and depicted as Tract 2 in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (the Easement Area).

Grantee shall have the right to enter upon and utilize the Easement Area for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the Easement Area whenever necessary to accomplish these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described Easement Area without prior written approval from the Clackamas County Department of Transportation and Development. In addition, Grantor, Grantor's heirs, successors, assigns or representatives shall not alter the configuration of the material forming the slope or the wall, including alteration by addition or removal of material, without prior written approval from the Clackamas County Department of Transportation and Development.

This easement does not obligate the public or Grantee to replace landscaping, fencing, shrubs, trees, or other improvements that may be placed within the Easement Area and which interferes with Grantee's use of the Easement Area for the purposes described in this document. Grantee or Grantee's designee, if for utility use, will stabilize and reseed the slope following any work in the Easement Area. Grantee or Grantee's utility designee agrees to repair any damage to the property caused by Grantee's or Grantee's utility designee's incidental use of the land outside the Easement Area.

EXHIBIT "A"

SE Capps Road Dedication
Owner: Clackamas County
Development Agency

Map No. 22E15A01700
February 4, 2019
Page 2 of 3

TRACT 2
PERMANENT SLOPE, WALL AND PUBLIC UTILITY EASEMENT

A tract of land located in Northeast one quarter of Section 15, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, State of Oregon, being a portion of that tract of land described as Tract 1 recorded as Document No. 2019-020590, Clackamas County Deed Records, 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 Parcel 1, Partition Plat 1995-164; Thence along the west line of said Parcel 1, North 00°08'00" East, 23.24 feet; Thence departing the west line of Parcel 1, 31.02 feet along a non-tangent curve to the left with a radius of 58.00 feet, a delta of 30°38'34" and a long chord of South 51°15'53" West, 30.65 feet to a point of reverse curve; Thence 20.74 feet along a tangent curve to the right with a radius of 22.00 feet, a delta of 54°01'13" and long chord of South 62°57'13" West, 19.98 feet to a point of tangency; Thence South 89°57'49" West, 4.09 feet; Thence South 00°02'11" East, 2.94 feet to the True Point of Beginning;

Thence South 89°58'02" West, 8.00 feet; Thence South 00°02'11" East, 51.35 feet; Thence North 88°11'42" East, 9.50 feet; Thence 13.93 feet along a tangent curve to the right with a radius of 14.06 feet, a delta of 56°59'32" and long chord of South 61°02'46" East, 13.36 feet to a point of reverse curve; Thence 82.84 feet along a tangent curve to the left with a radius of 66.00 feet, a delta of 71°55'08" and long chord of South 68°30'34" East, 77.51 feet; Thence North 00°27'26" East, 8.32 feet; Thence 74.95 feet along a non-tangent curve to the right with a radius of 58.00 feet, a delta of 74°02'11" and a long chord of North 69°34'06" West, 69.84 feet to a point of reverse curve; Thence 23.45 feet along a tangent curve to the left with a radius of 22.00 feet, a delta of 61°03'36" and long chord of North 63°04'48" West, 22.35 feet; Thence North 00°02'11" West, 46.04 feet to the point of beginning.

Containing 1,196 square feet more or less.

Basis of bearings for this description is held from Record of Survey Number 2017-092, Clackamas County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

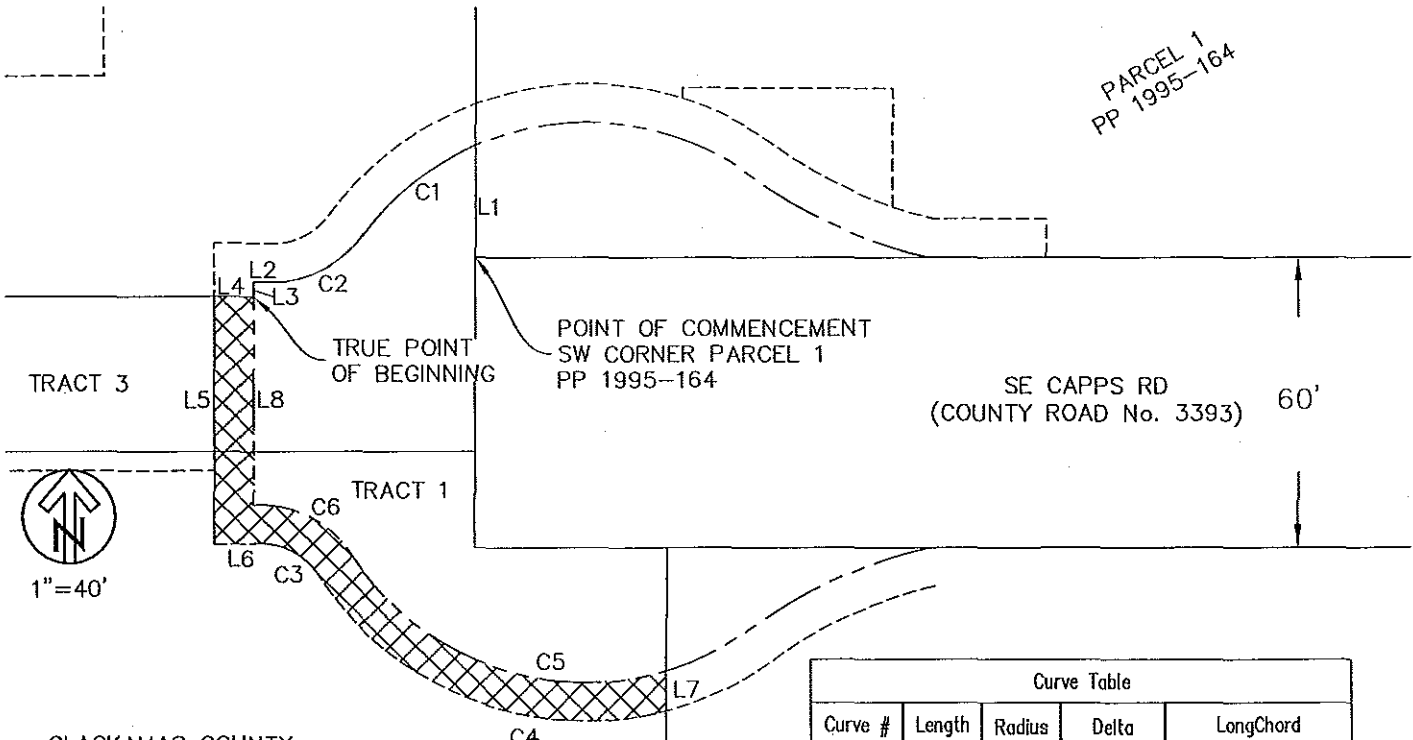
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EXPIRATION DATE: 12/31/20

LOCATED IN THE NE 1/4 OF SECTION
15 T2S., R2E., W.M.
CLACKAMAS COUNTY, OREGON

PARCEL 1
PP 1995-164



TRACT 3

TRUE POINT OF BEGINNING

POINT OF COMMENCEMENT
SW CORNER PARCEL 1
PP 1995-164

SE CAPPS RD
(COUNTY ROAD No. 3393) 60'

TRACT 1



1"=40'

CLACKAMAS COUNTY
DEVELOPMENT AGENCY
TAXMAP 22E15A 01700
DOC# 2019-020590

Curve Table				
Curve #	Length	Radius	Delta	LongChord
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C4	82.84'	66.00'	71°55'08"	S68°30'34"E 77.51'
C5	74.95'	58.00'	74°02'11"	N69°34'06"W 69.84'
C6	23.45'	22.00'	61°03'36"	N63°04'48"W 22.35'

Line Table		
Line #	Length	Bearing
L1	23.24'	N00° 08' 00"E
L2	4.09'	S89° 57' 49"W
L3	2.94'	S00° 02' 11"E
L4	8.00'	S89° 58' 02"W
L5	51.35'	S00° 02' 11"E
L6	9.50'	N88° 11' 42"E
L7	8.32'	N00° 27' 26"E
L8	46.04'	N00° 02' 11"W

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Paull

OREGON
MARCH 13, 2018
BRIAN W. PAULL
89074

EXPIRATION DATE: 12/31/20



TRACT 2
PERMANENT SLOPE, WALL
AND PUBLIC UTILITY
EASEMENT = 1,196 Sq.Ft.±



DEPARTMENT OF
TRANSPORTATION
AND
DEVELOPMENT

EXHIBIT "B"
CAPPS ROAD PROJECT
PROJECT NO. DB-57
PAGE 2 OF 3

PERMANENT SLOPE, WALL AND PUBLIC
UTILITY EASEMENT CLACKAMAS
COUNTY DEVELOPMENT AGENCY

RD. FILE NO. DB-57	DRAWN BY STAFF	DESIGN BY	DATE: 02-04-19
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