



DAN JOHNSON
DIRECTOR

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

December 15, 2022

Board of County Commissioners
Clackamas County

Approval of a Quitclaim Deed with the City of West Linn. Total Value: \$0.00. County General Funds are not involved.

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| Purpose/Outcome | Execution of a Quitclaim Deed with the City of West Linn. |
| Dollar Amount and Fiscal Impact | \$0.00 |
| Funding Source | N/A |
| Duration | At time of agreement execution |
| Previous Board Action/Review | 12/13/22: Discussion item at issues |
| Strategic Plan Alignment | 1. Build trust with good government 2. Ensure safe, healthy and secure communities |
| Counsel Review | Date of Counsel review: 12/7/22; NB |
| Procurement Review | 1. Was this item processed through Procurement? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 2. Not a contract |
| Contact Person | Mike Bezner, Assistant Director of Transportation x4651 |
| Contract No. | N/A |

BACKGROUND:

In 2007 Clackamas County purchased right-of-way as part of the project that replaced the Borland Road (Tualatin River) Bridge. This included an area on the West Linn side of the bridge to provide for storm water needs associated with the bridge project. Jurisdiction of Borland Road (known as Willamette Falls Drive on the West Linn side of the river) had already been transferred to the City in 2003. This Quitclaim deed clarifies that the additional right-of-way acquired as part of the 2007 bridge project is under the jurisdiction of West Linn, consistent with the 2003 transfer. Additionally, the Quitclaim deed states that West Linn agrees to maintain the storm water infrastructure within the easement to provide adequate and sufficient storm water conveyance for the Tualatin River Bridge.

RECOMMENDATION:

Staff respectfully recommends that the Board approve a Quitclaim Deed with the City of West Linn.

Respectfully submitted,

Dan Johnson

Dan Johnson- Director
Transportation & Development

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|---|---|
| Grantor: Clackamas County 2051 Kaen Rd. Oregon City, OR 97045 | State of Oregon |
| Grantee: City of West Linn 22500 Salamo Rd. West Linn, OR 97068 | |
| After Recording Return to: City of West Linn 22500 Salamo Rd. West Linn, OR 97068 | |
| Until a change is requested, all taxes shall be sent to: City of West Linn 22500 Salamo Rd. West Linn, OR 97068 | Accepted by City of West Linn Acceptance Date: |

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, THAT, the Clackamas County, a political subdivision of the State of Oregon (Grantor), for value received, hereby releases and quitclaims to the City of West Linn, an Oregon municipal corporation, (Grantee), its heirs, successors and assigns, any and all interest that Grantor may have, except as further described below, in that certain real property situated in Clackamas County, Oregon, and being more particularly described in that Permanent Right of Way Easement for Road Purposes, recorded in the Clackamas County real property records as Document No. 2007-074763, and as more particularly described and depicted on Exhibits "A" and "B" which are attached hereto and incorporated herein.

This transfer of land is an intergovernmental transfer. Consideration other than money was the true and actual consideration for this conveyance.

The real property subject to this transfer was dedicated to the public through Clackamas County, as evidenced by that Permanent Right of Way Easement for Road Purposes, recorded in the Clackamas County real property records as Document No. 2007-074763. Prior to this transfer, Clackamas County had transferred, and the City of West Linn had accepted, jurisdiction of the adjacent roadway as evidenced by City of West Linn Resolution No. 02-12 (April 17, 2002), City of West Linn Agenda Bill No. 03-06-08 (June 4, 2003), and Clackamas County Order No. 2003-173 (August 21, 2003). The parties intend that this quitclaim deed be evidence that the parties acknowledge the real property subject to this transfer, and described herein, to be properly under the jurisdiction of Grantee. The parties further acknowledge and agree that the dedication of real property was originally intended to provide storm water drainage as part of the Borland Road Bridge Replacement Project (See Clackamas County Official Records – Commissioners’ Journals, Agreements & Contracts - Document No. 2013-3497), and that Grantee shall continue to maintain the property described herein in a manner that provides adequate and sufficient storm water conveyance for the adjacent Borland Road Bridge.

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 regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices, as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, 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.

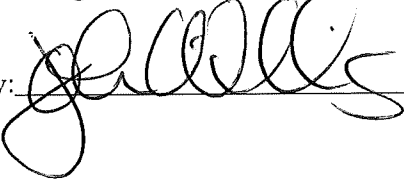
In witness whereof, the above-named Grantor has hereunto set Grantor's hand to this document on this _____ day of _____ 2022.

CLACKAMAS COUNTY
A Political Subdivision of the State of Oregon

By: _____
Tootie Smith, Chair

Accepted this 26th day of Nov., 2022.

CITY OF WEST LINN,
An Oregon Municipal Corporation

By:  _____

[Acknowledgements on Following Page]

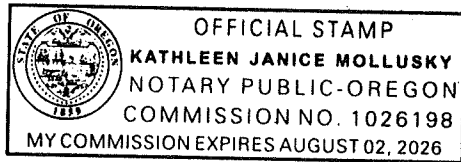
STATE OF OREGON)
) ss.
County of _____)

This instrument was signed and attested before me this _____ day of _____ 2022,
by Tootie Smith, Chair, Clackamas County Board of County Commissioners.

Notary Public for State of Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was signed and attested before me this 28th day of November 2022,
by John Williams _____.



Kathleen Mollusky
Notary Public for State of Oregon
My Commission Expires: 8-2-26

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| Grantor: Portland General Electric | State of Oregon |
| Grantee: Clackamas County 9101 SE Sunnybrook Blvd. Clackamas, OR 97015 | Clackamas County Official Records Sherry Hall, County Clerk |
| After Recording Return to: Clackamas County Engineering 9101 SE Sunnybrook Blvd. Clackamas, OR 97015 | 2007-074763 NO FEE 08/29/2007 11:27:42 AM |
| Until a change is requested, all taxes shall be sent to: No Change | 01139111200700747630040049 D-E Cnt=1 Stn=1 TIFFANYCLA This is a no fee document |
| Road Name: <u>Borland Road</u> DTD Rd. File No. | Accepted by Clackamas County Agenda Date & Number: <u>8-23-07 I.C.2.</u> Board Order No. or A&C No.: _____ Project: _____ |

PERMANENT RIGHT OF WAY EASEMENT FOR ROAD PURPOSES

KNOW ALL PERSONS BY THESE PRESENTS, THAT Portland General Electric, a corporation of Oregon (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, and more particularly described as follows:

A parcel of land located in the SW 1/4 of Section 34, T 2 S, R 1 E, WM, described as Lot 4000, and being a portion of item number 104 of that property conveyed to Portland General Electric, a corporation of Oregon, recorded in Volume 209, pages 1 to 89, with said Permanent Right of Way Easement for Road Purposes a strip of land as more particularly described by Exhibits "A" and "B" attached hereto and by this reference made a part hereof.

Grantee shall have the right to enter upon this real property 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. Grantee shall repair any damage to the property caused by Grantee's use of the property for these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described real property 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 or trees that may be placed within the easement area in the future, and which interfere with Grantee's use of the easement area for the purposes described in this document.

Grantor hereby covenants to and with Grantee, its successors and assigns, that Grantor is the owner of the property which is free from all encumbrances except for easements, conditions and restrictions of record and will warrant and defend the rights herein granted from all lawful claims whatsoever, except as stated in this document.

EXHIBIT "A"

Project: Borland Road Bridge (County Project No. CP-22092)
Owner: Portland General Electric

Map No. 21E34CA
DEA, Inc. – 11/17/2006
Property No. 3

Permanent Right of way Easement for Road Purposes

A strip of land as shown on Exhibit "B" attached hereto, 100.00 feet in width, situated in the Joseph A. Fields Donation Land Claim Number 67 in the Southwest one-quarter of Section 34, Township 2 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of item number 104 of that property conveyed to Portland General Electric Company, a corporation of Oregon, recorded in Volume 209 at Pages 1 through 89, deed records of Clackamas County (tax lot 4000, map no. 2-1E-34CA), the said parcel being that portion of said property lying Northeasterly of, as measured at right angles to the following described centerline, to wit:

Commencing at a found 2-inch Aluminum Cap set flush with the asphalt roadway surface, marking the centerline of the intersection of Dollar Street (County Road No. 171) and River Heights Circle in the Plat of River Heights No. 4 (Plat #3018), a subdivision recorded the 17th day of December, 1992 in Book 98 at Page 20, Plat Records of Clackamas County; thence South 48°34'02" West, a distance of 423.43 feet to Engineer's project Centerline Station 55+00.00 and the TRUE POINT OF BEGINNING; thence North 46°06'25" West, a distance of 771.76 feet to project centerline station 62+71.76 TS; thence on a spiral curve right (the long chord of which bears North 44°06'26" West, 199.90 feet) 200.00 feet to project centerline station 64+71.76 SC; thence on a 10-degree circular curve to the right (the long chord of which bears North 32°47'56" West, 242.94 feet), 243.60 feet to project centerline station 67+15.36 PT and the point of terminus of the herein described centerline.

The widths in feet of the strip of land above referred to are as follows:

| STATION | to | STATION | R/W Width on Northerly side (right side) of centerline |
|----------|----|----------|--|
| 59+30.00 | | 60+70.00 | 100.00 ft. |
| | | | |
| | | | |

Save and except existing right of way of Borland Road.

The parcel of land to which this description applies contains 7,115 square feet, more or less.

The basis of bearings for lines within this description are referenced from the map of the relocated centerline of Market Road No. 14 (Borland Road), map number T-31 in the Clackamas County Surveyors Office.

COVER SHEET

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

Originating County Department: _____

Other party to contract/agreement: _____

Description:

After recording please return to: X _____

County Admin

Procurement

If applicable, complete the following: _____

Board Agenda Date/Item Number: _____

Agenda Item #
filed:
File #
Commissioners Journal