



DAN JOHNSON  
DIRECTOR

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

March 21, 2024

BCC Agenda Date/Item: \_\_\_\_\_

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of a Board Order vacating a portion of Spaulding Avenue, County Road 2229. No fiscal impact. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	03/19/24: Request for consent		
<b>Performance Clackamas</b>	-Build a strong infrastructure		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	No
<b>Contact Person</b>	Douglas Cutshall	<b>Contact Phone</b>	503-742-4669

**EXECUTIVE SUMMARY:** Spaulding Avenue, County Road 2229, dedicated to the public on June 7, 1911 through "Plat of Spaulding Acres", Plat Number 298, situated in the NE 1/4 of Section 12, T. 2 S., R. 1 E., W. M., is a 50' foot wide, improved right of way that ends at a cul de sac. The cul de sac is incorporated as part of the parking area of the former Concord Elementary School. North Clackamas Parks and Recreation District is in the process of erecting a new building on the former school property and has petitioned the County for vacation of the right of way. The location and size of the new building is being constrained due to offset restrictions to the cul de sac right of way. This portion of road right-of-way serves no current or future public need and is not a benefit to the traveling public.

The portion to be vacated contains approximately 6,092 square feet. Vacating this portion of road right of way will not affect area traffic flow or deprive public access to adjoining properties.

The Petition for Road Easement Vacation under ORS 368.341 has been filed with the required fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated. All abutting property owners in this instance have signed the Consent to Vacate forms, and said forms have been acknowledged by the proper authority. Pursuant to ORS 368.351, the Board of County Commissioners may decide on the proposed vacation without a hearing.

For Filling Use Only

Clackamas County Department of Transportation Maintenance, Engineering, Planning, Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation, provided rights are reserved for all existing utilities. A Road Official assessment determines that vacation is in the public interest.

**RECOMMENDATION**

Staff respectfully recommends that the Board adopt the attached Board Order approving the vacation of a portion of Spaulding Avenue right of way.

Sincerely,

*Dan Johnson*

Dan Johnson – Director  
Director of Transportation & Development

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

In the matter of the Vacation of  
A portion of Spaulding Avenue,  
situated In Section 12, T.2 S., R.1 E.,  
W.M. Clackamas County, Oregon



Board Order No. \_\_\_\_\_  
Page 1 of 1

This matter coming before the Board of County Commissioners at this time and appearing to the Board that in accordance with ORS 368.341 and pursuant to ORS 368.351, a petition has been filed with the determined fee, and a written report finding this vacation to be in the public interest from the County Road Official, Dan Johnson, Director of the Department of Transportation and Development, have been submitted in the matter of the vacation of a portion of Spaulding Avenue right of way, described as follows:

All of that portion of Spaulding Avenue, County Road Number 2229, in "Plat of Spaulding Acres", Plat Number 298, situated in the NE 1/4 of Section 12, Township 2 South, Range 1 East, Willamette Meridian. Clackamas County, Oregon, lying southwesterly of the southeasterly prolongation of the southwesterly line of Lot 3 of said plat. Being all of the partial cul de sac depicted on attached Exhibit "A" and, by this reference being a part of this description. Containing 6,092 square feet more or less.

**Whereas** the Board having read said petition and report from the County Road Official, have determined the vacation of the above described portion of roadway to be in the public interest; and,

**Whereas** the Board adopts as its own, the findings and conclusions contained in the written report from the County Road Official dated October 23, 2023; and,

**Whereas** Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies, have been contacted and do not have any objections to this vacation, providing utility rights are reserved; now therefore,

**IT IS HEREBY ORDERED** that the above described portion of Spaulding Avenue, County Road 2229, as depicted on attached Exhibit "A", containing 6,092 square feet, more or less, be vacated; and

**IT IS FURTHER ORDERED** that rights for all existing utilities within the vacated Spaulding Avenue, be reserved, nothing contained herein shall cause or require the removal or abandonment of any storm or sanitary sewer, water main, gas line, conduit of any kind, wires, or poles which are now installed in said right-of-way and used or intended to be used for any public service or utility. In addition, rights are reserved to access, maintain, repair, construct or reconstruct, install, renew, and enlarge all utilities and, any storm or sanitary sewer that are now used for any public service or utility; and,

**IT IS FURTHER ORDERED**, that this Order and attached exhibits be recorded in the Deed Records for Clackamas County and that a copy be filed with the County Surveyor, County Assessor, and Finance Office/Fixed Assets.

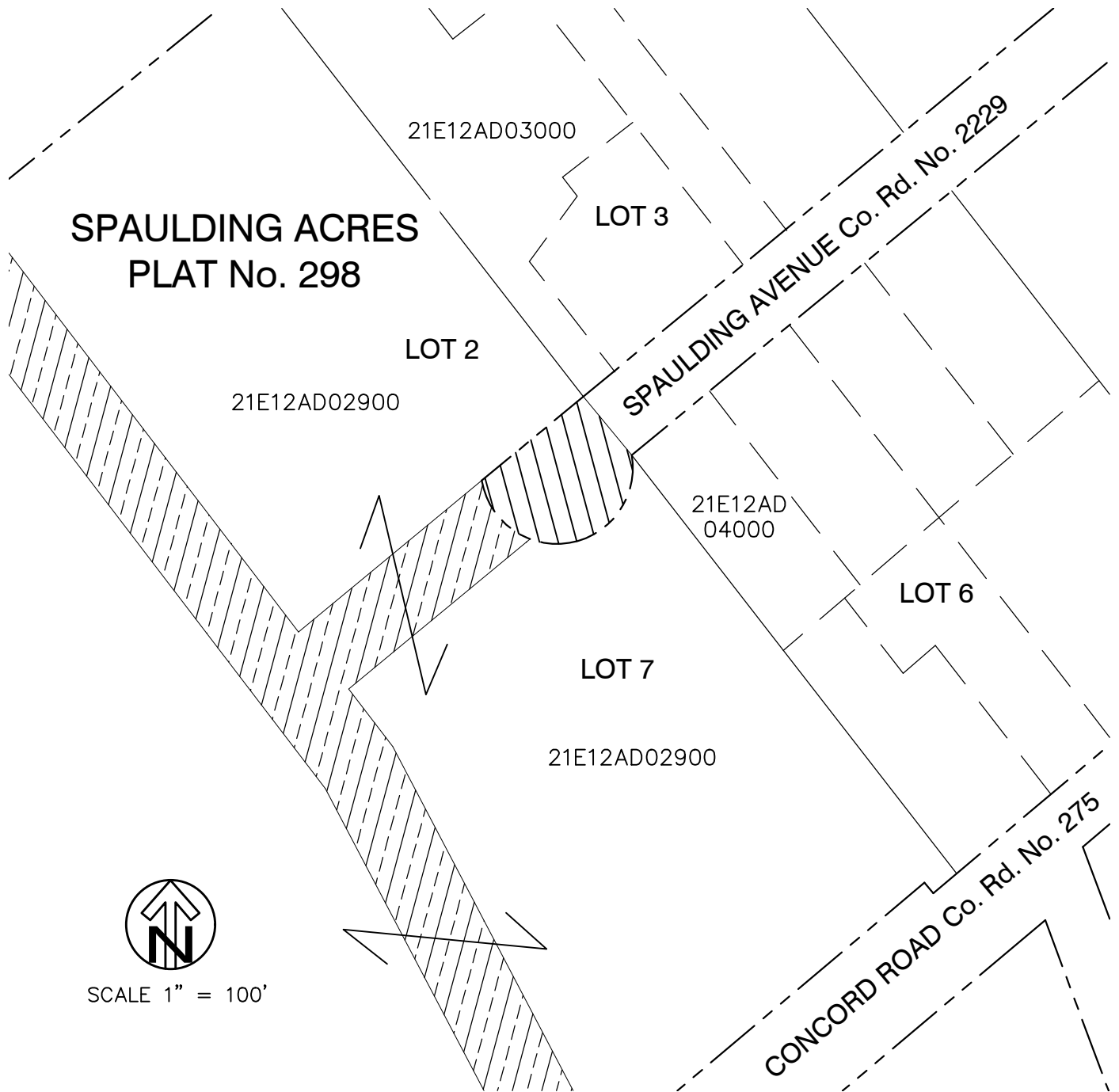
**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

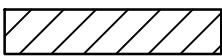
\_\_\_\_\_  
Recording Secretary

SITUATED IN THE NE 1/4 OF  
SECTION 12, T.2 S., R.1 E., W.M.

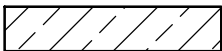


SCALE 1" = 100'

**LEGEND**



VACATED AREA  
6,092 Sq. Ft.



PREVIOUSLY VACATED AREA

DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT

150 BEAVERCREEK ROAD  
OREGON CITY, OR 97045



BY: D. CUTSHALL

DATE: 10/23/2023

**EXHIBIT "A"**

SHEET

1 OF 1

## MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, Director D.T.D.

DATE: October 23, 2023

SUBJ: **BOARD ORDER VACATING A PORTION OF SPAULDING AVENUE**

**LOCATION:** The proposed road vacation is located in “Plat of Spaulding Acres”, Plat Number 298, situated in the NE 1/4 of Section 12, T. 2 S., R. 1 E., Willamette Meridian.

**FACTS AND FINDINGS:** Spaulding Avenue, County Road Number 2229, is a 50’ foot wide, improved right of way that ends at a cul de sac. The cul de sac is incorporated as part of the parking area to the former Concord Elementary School. North Clackamas Parks and Recreation District is in the process of erecting a new building on this former school property and has petitioned the County for vacation of the right of way. The location and size of the new building is being constrained due to offset restrictions to the cul de sac right of way. This portion of road right-of-way serves no current or future public need and is not a benefit to the traveling public.

The portion to be vacated contains approximately 6,092 square feet. Vacating this portion of road right of way will not affect area traffic flow or deprive public access to adjoining properties.

The Petition for Road Easement Vacation under ORS 368.341 has been filed with the required fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated. All abutting property owners in this instance have signed the Consent to Vacate forms, and said forms have been acknowledged by the proper authority. Pursuant to ORS 368.351, the Board of County Commissioners may decide on the proposed vacation without a hearing.

Clackamas County Department of Transportation Maintenance, Engineering, Planning, Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation, provided rights are reserved for all existing utilities. A Road Official assessment determines that vacation is in the public interest.

This road vacation does not violate any portion of Clackamas County Code 7.03.095 (4) (A). Said Code enumerated as follows;

a. Whether the vacation would inhibit or preclude access to an abutting property, and whether an access reservation would be adequate to protect that access;

Finding: Vacating this right of way would not inhibit or preclude access to any abutting property.

b. Whether it is physically possible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: A reconfigured cul de sac can be constructed in this area.

c. Whether it is economically feasible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: It is economically feasible to build a cul de sac in this right of way.

d. Whether there is another nearby road that can effectively provide the same access as the right-of-way to be vacated;

Finding: There are several roads and private easements in the area that effectively provides the same access.

e. Whether the right-of-way to be vacated has present or future value in terms of development potential, use in transportation linkages, or use in road replacements;

Finding: There is no potential use for the right of way.

f. Whether there are present and future likely benefits of the right-of way to the traveling public;

Finding: There are future likely benefits of the right of way to the traveling public.

g. Whether anticipated growth or changes in use of the surrounding area are likely to impact the future use of the right-of-way proposed to be vacated;

Finding: There is anticipated growth that will be better served through a dedicated cul de sac.

h. Whether the right-of-way proposed to be vacated leads to a creek, river, or other waterway that can be used for public recreation; and

Finding: Not applicable.

i. Whether the right-of-way proposed to be vacated leads to federal, state or local public lands that can be used for public recreation.

Finding: Not applicable.

It is my assessment that the proposed vacation is in the public interest.