



November 3, 2022

Board of Commissioners
Clackamas County

Members of the Board:

**Board Order Vacating a Portion of Hood Avenue, a Local Access Road
Funding is through petitioner. County General Funds are not involved.**

Purpose/Outcomes	Vacates a portion of Hood Avenue right of way
Dollar Amount and Fiscal Impact	None
Funding Source	Application and processing fee received, Revenue
Duration	Upon execution; permanent right of way easement and road vacation.
Previous Board Action	11/1/22: Discussion item at issues
Counsel Review	Reviewed and approved by County Counsel on 8/30/22
Procurement Review	Was the item processed through Procurement? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> This is a Petition for a Road Vacation.
Strategic Plan Alignment	Build a Strong Infrastructure
Contact Person	Doug Cutshall, Engineering Technician 503-742-4669
Contract No.	There is no contract

BACKGROUND

Hood Avenue, a non-maintained local access road, dedicated to the public April 5, 1910 through “Deer Park”, Plat Number 246, contains a 12 foot wide gravel road within the 20 foot wide right of way that dead ends at a small ravine 100 feet east of Sleret Road. The petitioners small cabin was destroyed by a fallen tree two years ago and the property owner would like to rebuild. The new cabin plan has a larger footprint than the old one which will cause the new garage to encroach into the Hood Avenue right of way. To avoid the encroachment the petitioner proposes to vacate 150.00 feet of road right-of-way.

The portion to be vacated contains approximately 3,000 square feet, of right-of-way that serves no public need and is not a benefit to the traveling public. Vacating this portion of road right of way will not affect area traffic flow or deprive public access to adjoining properties.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated, pursuant to ORS 368.351. All abutting property owners in this instance have signed the Consent to Vacate forms that have been acknowledged by the proper authority.

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 that utility rights are reserved.

RECOMMENDATION

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

Sincerely,

Douglas Cutshall

Douglas Cutshall

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

In the matter of the Vacation of a
portion of Hood Avenue, situated
In Section 9, T.3 S., R.7 E., W.M.
Clackamas County, Oregon



Board Order No. _____
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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 368.346, 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 Hood Avenue right of way, described as follows:

All of that portion of Hood Avenue, a public road dedicated in "Deer Park", Plat Number 246, Clackamas County Plat Records, situated in the NW¼ of Section 9, T.3 S., R.7 E., W.M., Clackamas County, Oregon, lying 1 foot east of and, between the northerly prolongation of the west line of Lot 5, Block 9 and, the northerly prolongation of the west right of way of Second Street of said "Deer Park", Plat Number 246. Being depicted on attached Exhibit "A" and, by this reference being a part of this description. Containing 2,978 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 August 3, 2022; 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 provided that utility rights are reserved; now therefore,

IT IS HEREBY ORDERED that the above described portion of Hood Avenue as depicted on attached Exhibit "A", containing, 2,978 square feet, more or less, be vacated; and,

IT IS FURTHER ORDERED that rights for all existing utilities within the vacated Hood Avenue right of way, 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, the rights are reserved to access, maintain, repair, construct or reconstruct, install, renew, and enlarge all utilities that are now used for any public service or utility; and,

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}

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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.

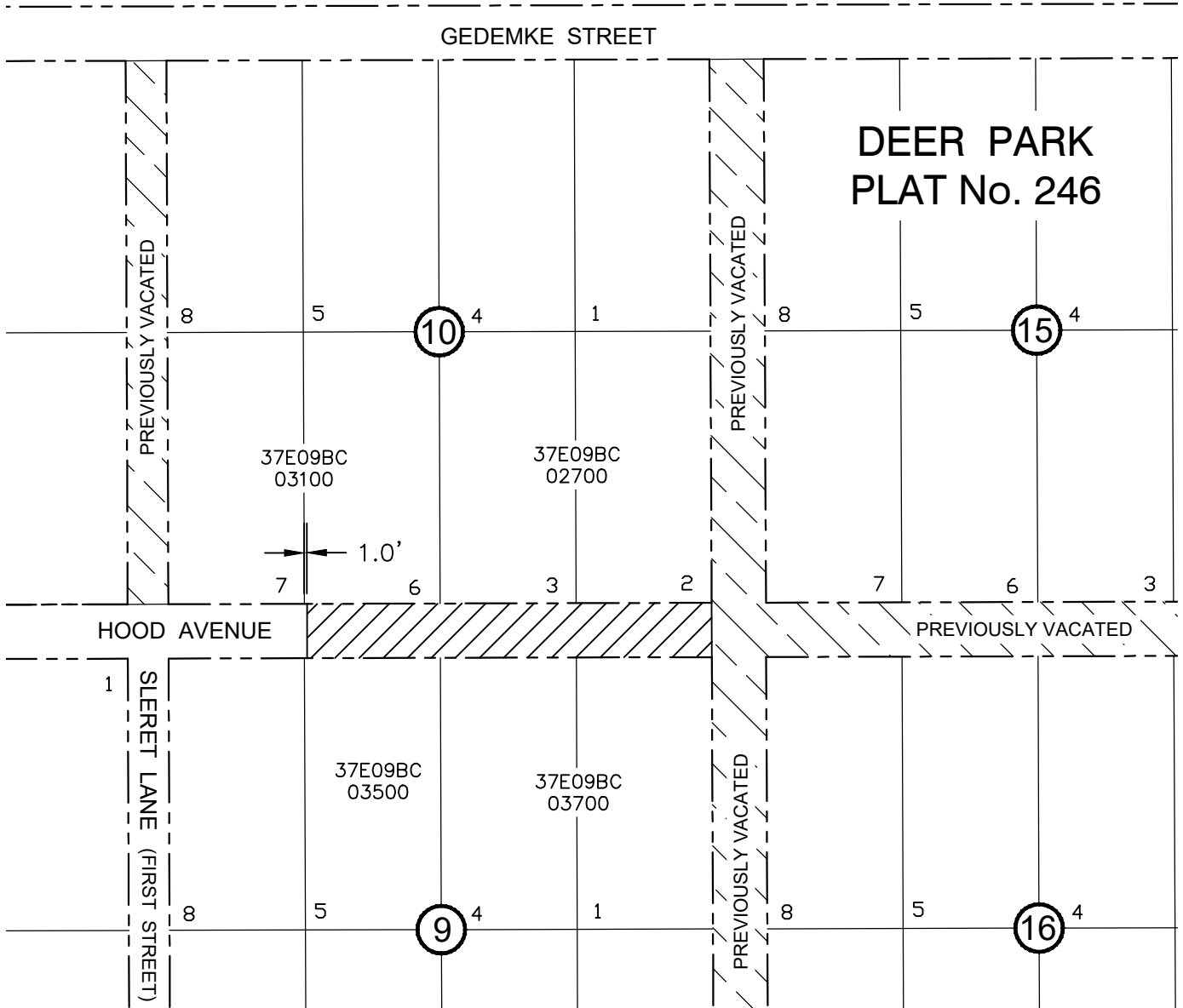
ADOPTED this _____ day of _____, 2022

BOARD OF COUNTY COMMISSIONERS

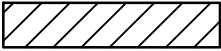
Chair

Recording Secretary

SITUATED IN THE NW¹/₄ OF
SECTION 9, T.3 S., R.7 E., W.M.



LEGEND

 VACATED AREA
2,978 Sq. Ft.



SCALE 1" = 60'

MEMORANDUM

TO: Board of Commissioners

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

DATE: August 3, 2022

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

LOCATION: The proposed road vacation is located in the northwest quarter of Section 9, Township 3 South, Range 7 East, Willamette Meridian.

FACTS AND FINDINGS: Hood Avenue, a non-maintained local access road, dedicated to the public April 5, 1910 through "Deer Park", Plat Number 246, contains a 12 foot wide gravel road within the 20 foot wide right of way that dead ends at a small ravine 100 feet east of Sleret Road. The petitioners small cabin was destroyed by a tree that fell victim to gravity two years ago, the property owner would like to rebuild. The new cabin plan has a larger footprint than the old one which will cause the new garage to encroach into the Hood Avenue right of way. To avoid the encroachment the petitioner proposes to vacate 150.00 feet of road right-of-way. This portion of road Right-of-Way serves no public need and is not a benefit to the traveling public.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and, acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting the public property proposed to be vacated, pursuant to ORS 368.351. All abutting property owners in this instance have signed the Consent to Vacate forms that have been acknowledged by the proper authority.

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, provided that utility rights are reserved.

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: This portion of Hood Avenue right of way is only 20 feet wide which does not allow for the construction of a road meeting county road standards.

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 road in this portion of this right of way however there is no public need to further improve 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: The substandard width right of way may have future value if the area is redeveloped however, transportation linkage and road replacement are unlikely.

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

Finding: There are no present and future likely benefits of the substandard width 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 no anticipated growth or changes in use of the surrounding area.

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.

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: _____