



**DAN JOHNSON**  
DIRECTOR

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

August 3, 2023

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

Board of County Commissioners  
Sitting/Acting as Development Agency Board  
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 with Development Agency for the Monroe Street Improvements Project. Right of way budget is \$1,000,000. Funding is through Clackamas County Development Agency. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	12/10/20: Approval of design contract 12/20/18: Approval of IGA amendment with the City of Milwaukie 02/22/18: IGA with the City of Milwaukie 03/19/15: Approval of TGM grant agreement with ODOT for developing the Monroe Design Plan		
<b>Performance Clackamas</b>	This item aligns with “Ensure safe, healthy and secure communities” by adding bicycle and pedestrian facilities, upgrading curb ramps, adding landscaping strips, repairing the road base and installing a mini roundabout thereby ensuring safer vehicle and pedestrian travel.		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	No
<b>Contact Person</b>	Carol Hager	<b>Contact Phone</b>	503-742-4674

**EXECUTIVE SUMMARY:**

The Monroe Street Improvements Project will make improvements on Monroe Street between Linwood Avenue and Fuller Road, 72<sup>nd</sup> Avenue between Monroe Street and Thompson Road, and Thompson Road between 72<sup>nd</sup> Avenue and Lot Whitcomb Elementary School. Improvements will include filling in sidewalk gaps, adding a multi-use path separated from traffic, upgrading curb ramps, adding landscaping strips, repairing the road base, improving the stormwater system, and adding a mini-roundabout at the intersection of Monroe and 72<sup>nd</sup> Avenue.

For Filing Use Only

In order to construct the improvements as designed, permanent and temporary easements and fee acquisitions will be required. The Project is expected to impact 51 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.

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 Development Agency (the "Agency") project development procedures and the final legal descriptions required for acquisition of the needed rights of way and easements from 51 properties affected by the Project are being developed.

The Agency 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 Agency 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 Manager of the Development Agency 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  
Department 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 Monroe Street Improvements Project



Resolution No. \_\_\_\_\_

*Page 1 of 2*

This matter comes before the Board of County Commissioners of Clackamas County, Oregon (the "Board") at its regularly scheduled meeting on August 3, 2023 and,

It appearing to the Board that the Monroe Street Improvements Project (the "Project") was included within the Clackamas County Development Agency ("Agency") approved 2023-23 budget; that the project will add bicycle and pedestrian facilities, upgrade curb ramps, improve stormwater and sanitary sewer systems, add landscaping strips, and repair the road base on Monroe Street between Linwood Avenue and Fuller Road, and 72<sup>nd</sup> Avenue between Monroe Street and Thompson Road, and on Thompson Road between 72<sup>nd</sup> Avenue and Lot Whitcomb Elementary School. The Project will also install a mini roundabout at the intersection of Monroe Street and 72<sup>nd</sup> Avenue. The Project 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 to the Board that the Project has been planned in accordance with appropriate standards for the improvement of transportation infrastructure such that property impacts are minimized, transportation is promoted, and travel is 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 impact; and,

It further appearing to the Board that rights of way and easements within the boundaries described in the attached Exhibit "A-1" and "A-2" 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 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,

**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 Monroe Street Improvements Project.



Resolution No. \_\_\_\_\_  
*Page 2 of 2*

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, when necessary, 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 Agency, 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 Agency 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 Manager of the Agency 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.

\_\_\_\_\_  
Chair

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

## EXHIBIT "A-1"

SE Monroe Street  
County Project No. DD-24  
March 24, 2023

Page 1 of 5

### Centerline Description for a Portion of SE Monroe Street:

A roadway located in the Northwest One-Quarter and the Northeast One-Quarter of Section 32, Township 1 South, Range 2 East, of the Willamette Meridian in Clackamas County, Oregon, the centerline of which is more particularly described as follows:

Beginning at a 3-1/4 inch bronze disk at the northeast corner of the John D. Garrett Donation Land Claim (DLC) No. 38, also being located on the south line of the Daniel Hathaway DLC No. 40 per U.S.B.T Entry 2002-028, Clackamas County Survey Records, said point being centerline station 0+00.00;

Thence S87°52'42"E, along the south line of said DLC No. 40, 2,477.50 feet to the beginning of a 107.00 foot radius curve to the left, having a central angle of 44°41'19" at centerline station 24+77.50;

Thence leaving said south line northeasterly along the arc of said curve to the left (the long chord of which bears N69°46'38"E, 81.36 feet) 83.46 feet to the beginning of a 107.00 foot radius reverse curve to the right, having a central angle of 44°19'58" at centerline station 25+60.96;

Thence northeasterly along the arc of said reverse curve to the right (the long chord of which bears N69°35'58"E, 80.74 feet) 82.79 feet to centerline station 26+43.75;

Thence S88°14'03"E, 2251.40 feet to the intersection with the centerline of SE Fuller Road (County Road 368) at centerline station 48+95.15 and the terminus of this description

This legal description, along with the Basis of Bearings thereof, is based on the Oregon State Plane Coordinate System – North Zone – Reference Frame: NAD83(2011)(EPOCH 2010.00) International Feet. The south line of the Daniel Hathaway DLC No. 40 was held to be S87°52'42"E per Survey Number 2021-033 and Survey Number 2022-059, Clackamas County Survey Records.

**EXHIBIT "A-1"**

SE Monroe Street  
County Project No. DD-24  
March 24, 2023

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The sidelines in feet of the strips of land herein described are as follows:

<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>	<u>Width on Southerly Side of Centerline</u>
0+95.20 to 1+05.93	48.43 feet in a straight line to 37.00 feet	
1+05.93 to 1+64.14	37.00 feet	
1+64.14 to 1+97.50	53.50 feet	
1+97.50 to 2+39.07	50.50 feet	
2+39.07 to 3+03.91	37.00 feet	
3+03.91 to 3+30.89	45.50 feet	
3+30.89 to 3+97.56	37.00 feet	
3+97.56 to 4+20.94	68.00 feet	
4+20.94 to 5+54.63	37.00 feet	
5+54.63 to 5+97.57	58.00 feet	
5+97.57 to 6+41.93	52.00 feet	
6+41.93 to 6+97.77	37.00 feet	
6+97.77 to 7+97.74	54.00 feet	
7+97.74 to 8+42.05	55.75 feet	
8+42.05 to 9+97.85	37.00 feet	
10+47.86 to 12+06.11	37.00 feet	
12+06.11 to 12+47.74	51.00 feet	
12+47.74 to 12+58.28	37.00 feet	
12+58.28 to 12+87.28	49.50 feet	
12+87.28 to 13+30.94	37.00 feet	
13+30.94 to 13+47.80	40.50 feet	
13+47.80 to 13+72.41	37.00 feet	
13+72.41 to 14+04.41	53.00 feet	
14+04.41 to 14+47.82	37.00 feet	
14+47.82 to 14+80.22	40.00 feet	
14+80.22 to 15+47.67	37.00 feet	
15+47.67 to 15+76.97	71.00 feet	

**EXHIBIT "A-1"**

SE Monroe Street  
County Project No. DD-24  
March 24, 2023

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<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>	<u>Width on Southerly Side of Centerline</u>
15+76.97 to 16+18.51	37.00 feet	
16+18.51 to 16+47.68	71.00 feet	
16+47.68 to 16+72.49	63.00 feet	
16+72.49 to 18+21.07	40.00 feet	
18+21.07 to 18+47.80	51.00 feet	
18+47.80 to 19+04.55	37.00 feet	
19+04.55 to 19+49.50	40.00 feet	
19+49.50 to 20+17.53	37.00 feet	
20+77.51 to 22+93.84	42.00 feet	
22+93.84 to 24+29.73	42.00 feet in a straight line to 45.85 feet	
24+29.73 to 24+29.51	45.85 feet in a straight line to 53.85 feet	
24+29.51 to 24+66.61	53.85 feet in a straight line to 54.90 feet	
24+66.61 to 24+66.39	54.90 feet in a straight line to 90.86 feet	
24+66.39 to 26+37.89	90.86 feet in a straight line to 30.21 feet	
26+37.89 to 26+38.47	30.21 feet in a straight line to 45.19 feet	
26+38.47 to 28+53.57	45.19 feet in a straight line to 45.00 feet	
28+53.57 to 28+87.23	52.00 feet	
28+87.23 to 29+36.83	37.00 feet	
29+36.83 to 29+44.64	33.00 feet	
29+44.64 to 29+68.66	47.00 feet	
29+68.66 to 29+87.83	39.00 feet	
29+87.83 to 30+21.01	33.00 feet	
35+53.83 to 37+68.68	40.00 feet	

**EXHIBIT "A-1"**

SE Monroe Street  
 County Project No. DD-24  
 March 24, 2023

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Station to Station	Width on Northerly Side of Centerline	Width on Southerly Side of Centerline
0+87.87 to 1+08.08		30.94 feet in a straight line to 13.00 feet
1+08.08 to 1+37.81		13.00 feet
1+37.81 to 1+61.81		17.00 feet
1+61.81 to 1+91.16		13.00 feet
4+10.01 to 4+25.27		15.00 feet
4+25.27 to 4+59.27		24.00 feet
4+59.27 to 5+08.55		15.00 feet
5+60.35 to 5+80.81		17.00 feet
5+80.81 to 6+08.81		24.50 feet
6+08.81 to 6+59.59		14.00 feet
8+20.57 to 8+24.74		13.00 feet
8+24.74 to 8+53.74		44.50 feet
8+53.74 to 9+09.56		13.00 feet
9+49.55 to 9+66.12		14.00 feet
9+66.12 to 9+99.62		40.00 feet
9+99.62 to 11+25.37		13.00 feet
11+25.37 to 11+69.23		29.00 feet
19+39.26 to 23+33.08		20.00 feet
23+33.08 to 23+91.04		40.00 feet
23+91.04 to 24+78.87		29.00 feet
24+78.87 to 25+08.49		29.00 feet in a straight line to 78.57 feet
25+08.49 to 25+28.90		78.57 feet in a straight line to 96.27 feet
25+28.90 to 25+34.95		96.27 feet in a straight line to 79.00 feet
25+34.95 to 25+46.39		79.00 feet in a straight line to 94.74 feet
25+46.39 to 26+03.70		94.74 feet in a straight line to 39.31 feet

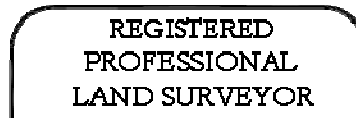


EXHIBIT "A-1"

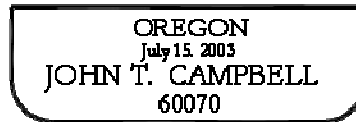
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<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>	<u>Width on Southerly Side of Centerline</u>
26+03.70 to 26+27.65		39.31 feet in a straight line to 43.28 feet
26+27.65 to 26+30.54		43.28 feet in a straight line to 29.41 feet
43+17.92 to 43+89.92		60.00 feet



Digitally Signed



RENEWS: 12/31/2023

**EXHIBIT "A-2"**

SE Monroe Street  
County Project No. DD-24  
March 24, 2023

Centerline Description for a Portion of SE 72nd Avenue and SE Thompson Road:  
A roadway located in the Northwest One-Quarter and the Northeast One-Quarter of Section 32, Township 1 South, Range 2 East, of the Willamette Meridian in Clackamas County, Oregon, the centerline of which is more particularly described as follows:

Beginning at a point on the east line of the Daniel Hathaway Donation Land Claim (DLC) No. 40 which bears N01°17'40"E, 30.00 feet from a 3-1/4 inch bronze disk at the southeast corner of said DLC No. 40 per U.S.B.T. Entry 2002-029, Clackamas County Survey Records, said point being centerline station 0+00.00.

Thence S05°30'34"W, along the centerline of SE 72<sup>nd</sup> Avenue (County Road 909), 430.23 feet to the intersection with the centerline of SE Thompson Road (County Road 909) at centerline station 4+30.23;

Thence S88°16'30"E, along the centerline of SE Thompson Road (County Road 909), 387.66 feet to centerline station 8+17.89 and the terminus of this description.

This legal description, along with the Basis of Bearings thereof, is based on the Oregon State Plane Coordinate System – North Zone – Reference Frame: NAD83(2011)(EPOCH 2010.00) International Feet. The south line of the Daniel Hathaway DLC No. 40 was held to be S87°52'42"E per Survey Number 2021-033 and Survey Number 2022-059, Clackamas County Survey Records.

The sidelines in feet of the strips of land herein described are as follows:

<u>Station to Station</u>	<u>Width on Easterly Side of Centerline</u>	<u>Width on Westerly Side of Centerline</u>
0+81.85 to 1+06.85	43.00 feet	
1+06.85 to 1+61.17	33.00 feet	
1+61.17 to 1+95.17	55.00 feet	
1+95.17 to 2+42.24	30.00 feet	
2+42.24 to 2+72.57	41.00 feet	
2+72.57 to 3+67.00	27.00 feet	
3+67.00 to 4+02.54	55.00 feet	
1+03.45 to 4+30.23		41.00 feet
		Thence S05°30'34"W, 22.91 feet to a point

EXHIBIT "A-2"

SE Monroe Street  
County Project No. DD-24  
March 24, 2023

Station to Station	Width on Easterly Side of Centerline	Width on Westerly Side of Centerline
		Thence S57°49'05"E, 49.02 feet to a point
		Thence S88°16'30"E, 0.16 feet to a point 45.00 feet southerly when measured at right angles to Station 4+30.23

Station to Station	Width on Northerly Side of Centerline	Width on Southerly Side of Centerline
4+86.94 to 6+29.81	24.00 feet	
4+30.23 to 5+07.81		45.00 feet
5+07.81 to 7+36.88		38.00 feet
7+36.88 to 7+67.85		46.90 feet

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Digitally Signed

OREGON  
July 15, 2003  
JOHN T. CAMPBELL  
60070

RENEWS: 12/31/2023

## Exhibit B

<b>File No.</b>	<b>Property Address</b>	<b>Map and Tax lot number</b>
1	6201 SE Monroe St, Milwaukie, OR 97222	12E32BB-05200
2	6231 SE Monroe St, Milwaukie, OR 97222	12E32BB-05100
3	6303 SE Monroe St, Milwaukie, OR 97222	12E32BB-05000
4	6311 SE Monroe St, Milwaukie, OR 97222	12E32BB-04900
5	6409 SE Monroe St, Milwaukie, OR 97222	12E32BB-04800
6	6411 SE Monroe St, Milwaukie, OR 97222	12E32BB-04700
7	6505 SE Monroe St, Milwaukie, OR 97222	12E32BB-04600
8	6507 SE Monroe St, Milwaukie, OR 97222	12E32BB-04500
9	6519 SE Monroe St, Milwaukie, OR 97222	12E32BB-04400
10	6611 SE Monroe St, Milwaukie, OR 97222	12E32BB-01600
11	6619 SE Monroe St, Milwaukie, OR 97222	12E32BB-01500
12	6709 SE Monroe St, Milwaukie, OR 97222	12E32BB-01400
13	6759 SE Monroe St, Milwaukie, OR 97222	12E32BB-01300
14	6789 SE Monroe St, Milwaukie, OR 97222	12E32BA-02400
15	6815 SE Monroe St, Milwaukie, OR 97222	12E32BA-02500
16	6823 SE Monroe St, Milwaukie, OR 97222	12E32BA-02600
17	6905 SE Monroe St, Milwaukie, OR 97222	12E32BA-02700
18	6989 SE Monroe St, Milwaukie, OR 97222	12E32BA-02900
19	10750 SE 70th Ave, Milwaukie, OR 97222	12E32BA-00400
20	7290 SE King Rd., Milwaukie, OR 97222	12E32AB-04400
21	7307 SE Monroe St., Milwaukie, OR 97222	12E32AB-02700
22	7319 SE Monroe St., Milwaukie, OR 97222	12E32AB-02600
24	7411 SE Monroe St, Milwaukie, OR 97222	12E32AB-02400
26	7565 SE Monroe St, Milwaukie, OR 97222	12E32AB-01002
27	7577 SE Monroe Street, Milwaukie, OR 97222	12E32AB-01000
28	10777 SE 77th Ave, Milwaukie, OR 97222	12E32AB-00900
32	8057 SE Monroe St, Milwaukie, OR 97222	12E32AA-05300
35	10807 SE Green Vista Dr, Milwaukie, OR 97222	12E32AA-04500
52	10852 SE 72nd Ave, Milwaukie, OR 97222	12E32AB-04500
53	10856 SE 72nd Ave, Milwaukie, OR 97222	12E32AB-04600
54	10890 SE 72nd Ave, Milwaukie, OR 97222	12E32AB-04700
55	10920 SE 72nd Ave, Milwaukie, OR 97222	12E32AB-04800
56	10966 SE 72nd Ave, Milwaukie, OR 97222	12E32AB-04900
93	7300 SE Thompson Rd., Milwaukie, OR 97222	12E32AC-01400
94	No Site Address	12E32BA-04900
95	6990 SE Monroe St, Milwaukie, OR 97222	12E32BA-03001
96	6900 SE Monroe St, Milwaukie, OR 97222	12E32BA-03002
97	6868 SE Monroe St, Milwaukie, OR 97222	12E32BA-03000
99	6707 SE Mapplehurst Rd, Milwaukie, OR 97222	12E32BA-03104
100	6676 SE Monroe St, Milwaukie, OR 97222	12E32BB-08800
101	6632 SE Monroe St, Milwaukie, OR 97222	12E32BB-08700
102	6600 SE Monroe St, Milwaukie, OR 97222	12E32BB-08600
103	6570 SE Monroe St, Milwaukie, OR 97222	12E32BB-08000
104	6560 SE Monroe St, Milwaukie, OR 97222	12E32BB-07900
105	6424 SE Monroe St, Milwaukie, OR 97222	12E32BB-07801
106	6454 SE Monroe St, Milwaukie, OR 97222	12E32BB-07200

## Exhibit B

107	10817 SE 64th Ave, Milwaukie, OR 97222	12E32BB-07100
108	6330 SE Monroe St, Milwaukie, OR 97222	12E32BB-07000
109	6260 SE Monroe St, Milwaukie, OR 97222	12E32BB-05600
110	6236 SE Monroe St, Milwaukie, OR 97222	12E32BB-05500
111	10810 SE Linwood Ave, Milwaukie, OR 97222	12E32BB-05300