



**DAN JOHNSON**  
DIRECTOR

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

August 11, 2022

Development Agency Board  
Clackamas County

Members of the Board:

**Approval and Granting of Permanent Right of Way Easements for Road Purposes for the Fuller Road Station Project. Total value – Granting Right of Way to County. No Funding is required. County General Funds are not involved.**

<b>Purpose/Outcome</b>	Authorization for the Chair to execute three Permanent Right of Way Easements for Road Purposes in favor of Clackamas County to become part of the D Street right of way.
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	Not applicable. No funding is required as part of this transaction.
<b>Duration</b>	Permanent upon execution.
<b>Previous Board Action/Review</b>	On April 2, 2020, the Board approved a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property for the Fuller Road Station Project.
<b>Strategic Plan Alignment</b>	How does this item align with the County's Performance Clackamas goals? This item aligns with "Build a Strong Infrastructure" by granting easements to become part of the D Street right of way.
<b>Counsel Review</b>	Reviewed and approved on July 7, 2022. NB
<b>Procurement Review</b>	<i>Was the item processed through Procurement?</i> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> This item grants right of way to the County. No procurement action needed.
<b>Contact Person</b>	Mendi Houx, Right of Way Agent, Dept. of Transportation and Development, Engineering (503)742-4672

**BACKGROUND:** The Development Agency constructed the Fuller Road Station Project (the Project). The Board of County Commissioners has previously approved funding for the Project as part of the Development Agency's 2019-2020 Budget and a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements and Fee Property. The Permanent Right of Way Easements for Road Purposes (the Easements) were needed for the Project and need to be conveyed to Clackamas County. The Easements and their descriptions are attached.

The Agency is requesting the Board approve and execute the Easements granting the right of way to Clackamas County. County Counsel has reviewed and approved the Easements.

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

- Approve the three Permanent Right of Way Easements for Road Purposes
- Delegate authority to the Chair to execute the three Permanent Right of Way Easements for Road Purposes

Respectfully submitted,

*David Queener*

David Queener  
Development Agency Program Manager

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: _____ DTD Rd. File No.		Authorized by Clackamas County Ordinance No. 02-2009 Project: Fuller Road Station

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

For value received, Clackamas County Development Agency, the duly designated Urban Renewal Agency of the County of Clackamas, (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 parcel of land located in the NW 1/4 of the SW 1/4 of Section 28, T1S, R2E, WM, and more particularly described by that certain Statutory Warranty Deed recorded on October 8, 2009 as Document No. 2009-071164 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 Parcel 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, fencing, shrubs, trees or other improvements 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.

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

Clackamas County Development Agency,  
the duly designated Urban Renewal Agency of the County of Clackamas:

\_\_\_\_\_  
Tootie Smith, Chair

STATE OF OREGON                    )  
  ) ss.  
County of \_\_\_\_\_)

This instrument was signed and attested before me this \_\_\_\_\_ day of \_\_\_\_\_ 2022,  
by Tootie Smith, Chair of the Clackamas County Development Agency Board.

\_\_\_\_\_  
Notary Public for State of Oregon  
My Commission Expires: \_\_\_\_\_

EXHIBIT A

Clackamas County  
Fuller Station Project  
January 14, 2022  
OWNER: Clackamas County  
Development Agency  
Page 1 of 2

County Project No. DD-16  
Map & Tax Lot No. 12E28CB-1200  
Property No. 4

**PARCEL 1 (Permanent Right-Of-Way Easement For Road Purposes )**

A parcel of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 9, Plat of "BATTIN ACRES", Plat No. 634, Clackamas County Survey Records, said parcel being that portion of said Lot 9 lying northerly and easterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said Lot 9;

Beginning at a point 30.00 feet right of Proposed D Street (East/West) Centerline Station 12+50.00;

Thence easterly, in a straight line, to a point 30.00 feet right of Proposed D Street (East/West) Centerline Station 13+32.80, said point also being 41.00 feet left of Proposed D Street (North/South) Centerline Station 14+39.09;

Thence southerly, in a straight line, to a point 41.00 feet left of Proposed D Street (North/South) Centerline Station 10+00.00;

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Otty Road (William Otty Road)(County Road No. 196).

The stationing used to describe this parcel is based on the Proposed Centerline of D Street (East/West) and the Proposed Centerline of D Street (North/South), being more particularly described as follows:

**Proposed Centerline of D Street (East/West):**

Beginning at centerline station 10+00.00, being a point on the centerline of S.E. Fuller Road (Price-Fuller Road)(County Road No. 53) which bears N11°16'14"E, 476.25 feet from a 5/8" iron rod with orange plastic cap inscribed "HHPR INC" in a monument box at the centerline intersection of said S.E. Fuller Road and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

Thence leaving said centerline S89°07'18"E, 750.00 feet to centerline station 17+50.00 and the terminus of the Proposed Centerline of D Street (East/West).

**Proposed Centerline of D Street (North/South):**

Beginning at proposed centerline station 10+00.00, being a point on the centerline of S.E. Otty Road (William Otty Road)(County Road No. 196) which bears S89°05'34"E, 464.04 feet from a 5/8" iron rod with orange plastic cap inscribed "HHPR INC" in a monument box at the centerline intersection of said S.E. Fuller Road and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

Thence leaving said centerline N00°18'47"E, 468.69 feet to centerline station 14+68.69 at the intersection with the above described centerline of Proposed D Street (East/West) and the terminus of the Proposed Centerline of D Street (North/South).

This legal description, along with the Basis of Bearings thereof, is based on Pre-Construction Record of Survey recorded as SN 2021-031, Clackamas County Survey Records. The centerline of S.E. Otty Road (County Road No. 196), east of S.E. Fuller Road (County Road No. 53), was held to be S89°05'34"E per said survey.

The parcel of land to which this description applies contains 21,136 square feet more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Digitally Signed 2022.01.14  
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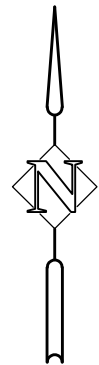
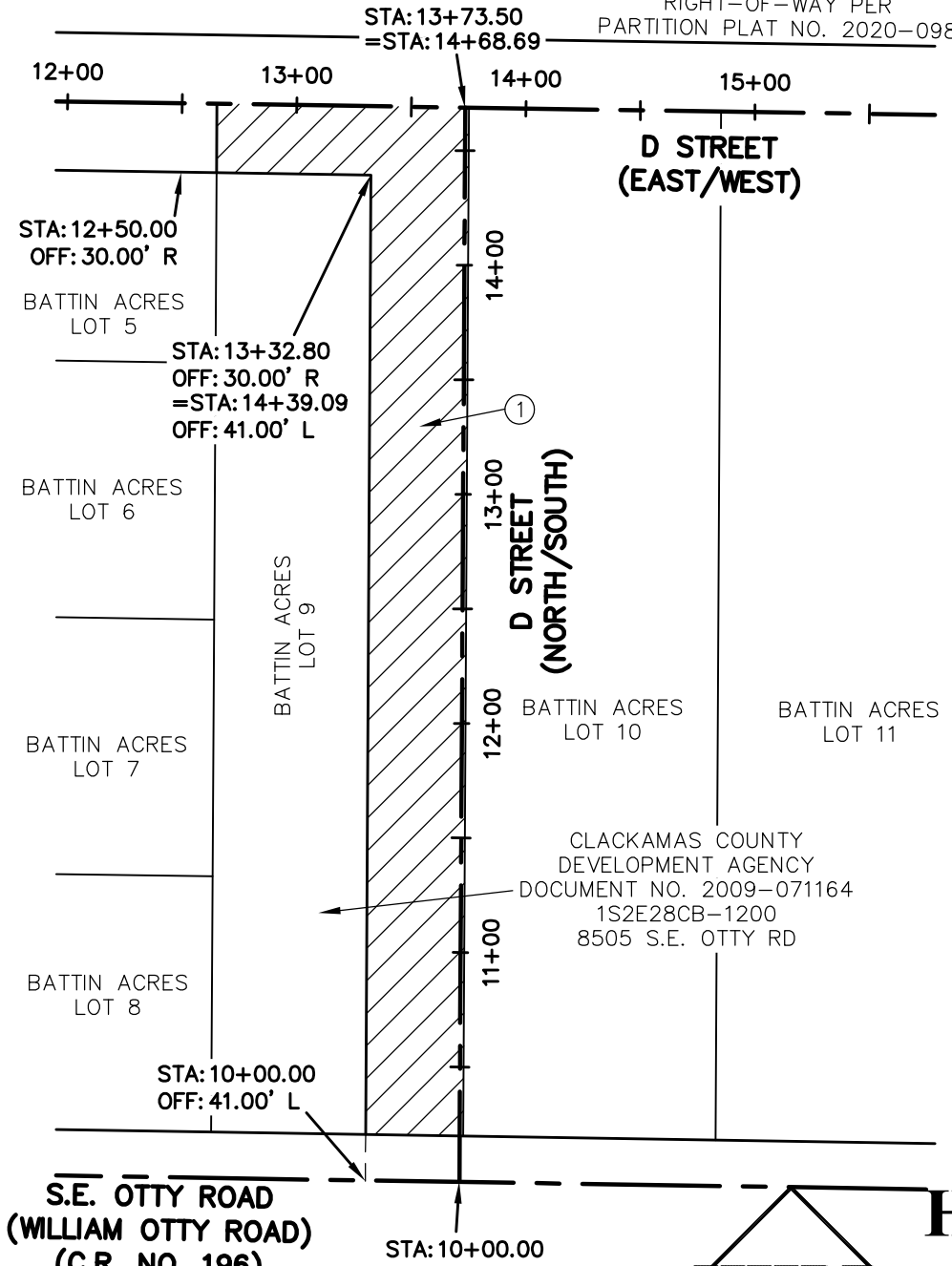
OREGON  
July 15, 2003  
JOHN T. CAMPBELL  
60073

RENEWS: 12/31/2023

**EXHIBIT "B"**  
**PROPERTY 4**  
**FULLER STATION PROJECT**  
**COUNTY PROJECT NO. DD-16**

PARCEL 1  
 PARTITION PLAT  
 NO. 2020-098

RIGHT-OF-WAY PER  
 PARTITION PLAT NO. 2020-098

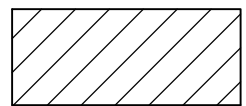


SCALE  
 1" = 80'

CLACKAMAS COUNTY  
 DEVELOPMENT AGENCY  
 DOCUMENT NO. 2009-071164  
 1S2E28CB-1200  
 8505 S.E. OTTY RD

**S.E. OTTY ROAD  
 (WILLIAM OTTY ROAD)  
 (C.R. NO. 196)**

**LEGEND**



① PERMANENT RIGHT-OF-WAY  
 EASEMENT FOR ROAD PURPOSES  
 ± 21,136 SQ.FT.

SEE ATTACHED  
 LEGAL DESCRIPTION

**HHPR** Harper  
 Houf Peterson  
 Righellis Inc.

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS  
 205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
 CLA-91 JTC 1/14/2022 PAGE 1 OF 1

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: _____ DTD Rd. File No.		Authorized by Clackamas County Ordinance No. 02-2009 Project: Fuller Road Station

**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 parcel of land located in the NW 1/4 of the SW 1/4 of Section 28, T1S, R2E, WM, and more particularly described by that certain Statutory Warranty Deed recorded on September 3, 2010 as Document No. 2010-054606 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 Parcel 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, fencing, shrubs, trees or other improvements 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.



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

Clackamas County Development Agency:

\_\_\_\_\_  
Tootie Smith, Chair

STATE OF OREGON            )  
  ) ss.  
County of \_\_\_\_\_)

This instrument was signed and attested before me this \_\_\_\_\_ day of \_\_\_\_\_ 2022,  
by Tootie Smith, Chair of the Clackamas County Development Agency Board.

\_\_\_\_\_  
Notary Public for State of Oregon  
My Commission Expires: \_\_\_\_\_

EXHIBIT A

Clackamas County  
Fuller Station Project  
January 14, 2022  
OWNER: Clackamas County  
Development Agency  
Page 1 of 2

County Project No. DD-16  
Map & Tax Lot No. 12E28CB-800  
Property No. 5

**PARCEL 1 (Permanent Right-Of-Way Easement For Road Purposes )**

A parcel of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lot 10, Plat of "BATTIN ACRES", Plat No. 634, Clackamas County Survey Records, said parcel being that portion of said Lot 10 lying westerly and northerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said Lot 10;

Beginning at a point 41.00 feet right of Proposed D Street (North/South) Centerline Station 10+00.00;

Thence northerly, in a straight line, to a point 41.00 feet right of Proposed D Street (North/South) Centerline Station 14+38.28, said point also being 30.00 feet right of Proposed D Street (East/West) Centerline Station 14+14.80;

Thence easterly, in a straight line, to a point 30.00 feet right of Proposed D Street (East/West) Centerline Station 15+00.00;

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Otty Road (William Otty Road)(County Road No. 196).

The stationing used to describe this parcel is based on the Proposed Centerline of D Street (East/West) and the Proposed Centerline of D Street (North/South), being more particularly described as follows:

**Proposed Centerline of D Street (East/West):**

Beginning at centerline station 10+00.00, being a point on the centerline of S.E. Fuller Road (Price-Fuller Road)(County Road No. 53) which bears N11°16'14"E, 476.25 feet from a 5/8" iron rod with orange plastic cap inscribed "HHPR INC" in a monument box at the centerline intersection of said S.E. Fuller Road and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

Thence leaving said centerline S89°07'18"E, 750.00 feet to centerline station 17+50.00 and the terminus of the Proposed Centerline of D Street (East/West).

**Proposed Centerline of D Street (North/South):**

Beginning at proposed centerline station 10+00.00, being a point on the centerline of S.E. Otty Road (William Otty Road)(County Road No. 196) which bears S89°05'34"E, 464.04 feet from a 5/8" iron rod with orange plastic cap inscribed "HHPR INC" in a monument box at the centerline intersection of said S.E. Fuller Road and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

Thence leaving said centerline N00°18'47"E, 468.69 feet to centerline station 14+68.69 at the intersection with the above described centerline of Proposed D Street (East/West) and the terminus of the Proposed Centerline of D Street (North/South).

This legal description, along with the Basis of Bearings thereof, is based on Pre-Construction Record of Survey recorded as SN 2021-031, Clackamas County Survey Records. The centerline of S.E. Otty Road (County Road No. 196), east of S.E. Fuller Road (County Road No. 53), was held to be S89°05'34"E per said survey.

The parcel of land to which this description applies contains 19,797 square feet more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Digitally Signed 2022.01.14  
08:30:42 -08'00'

OREGON  
July 15, 2003  
JOHN T. CAMPBELL  
60073

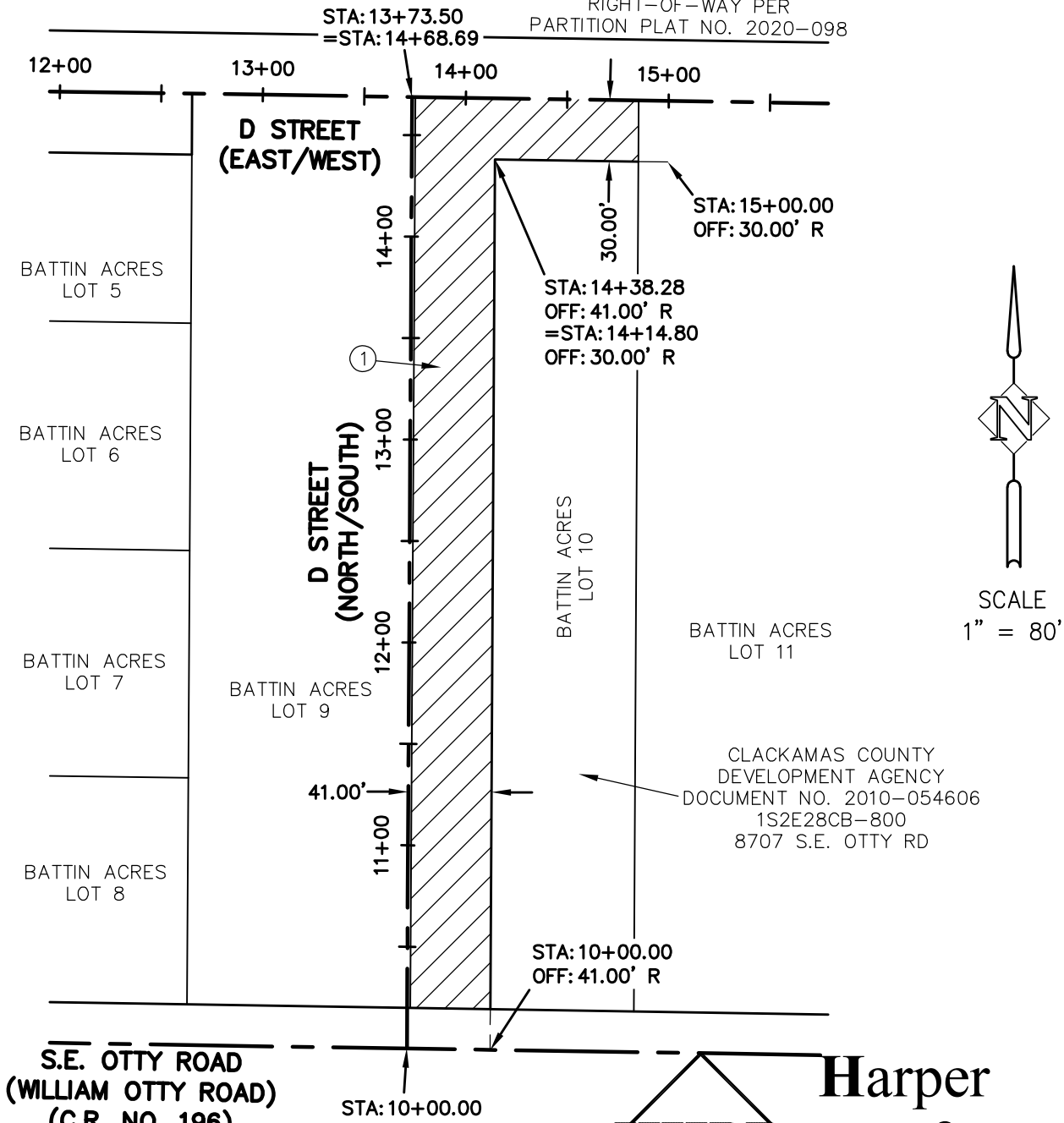
RENEWS: 12/31/2023

# EXHIBIT "B"

## PROPERTY 5 FULLER STATION PROJECT COUNTY PROJECT NO. DD-16

PARCEL 1  
PARTITION PLAT  
NO. 2020-098

RIGHT-OF-WAY PER  
PARTITION PLAT NO. 2020-098



CLACKAMAS COUNTY  
DEVELOPMENT AGENCY  
DOCUMENT NO. 2010-054606  
1S2E28CB-800  
8707 S.E. OTTY RD

S.E. OTTY ROAD  
(WILLIAM OTTY ROAD)  
(C.R. NO. 196)

### LEGEND

 ① PERMANENT RIGHT-OF-WAY  
EASEMENT FOR ROAD PURPOSES  
± 19,797 SQ.FT.

SEE ATTACHED  
LEGAL DESCRIPTION

**Harper**  
**HHPR** Houf Peterson  
Righellis Inc.

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS  
205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
CLA-91 JTC 1/14/2022 PAGE 1 OF 1

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: _____ DTD Rd. File No.		Authorized by Clackamas County Ordinance No. 02-2009 Project: Fuller Road Station

**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 parcel of land located in the NW 1/4 of the SW 1/4 of Section 28, T1S, R2E, WM, and more particularly described by that certain Statutory Warranty Deed recorded on September 3, 2010 as Document No. 2010-054606 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 Parcel 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, fencing, shrubs, trees or other improvements 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.

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

Clackamas County Development Agency:

\_\_\_\_\_  
Tootie Smith, Chair

STATE OF OREGON            )  
  ) ss.  
County of \_\_\_\_\_)

This instrument was signed and attested before me this \_\_\_\_\_ day of \_\_\_\_\_ 2022,  
by Tootie Smith, Chair of the Clackamas County Development Agency Board.

\_\_\_\_\_  
Notary Public for State of Oregon  
My Commission Expires: \_\_\_\_\_

EXHIBIT A

Clackamas County  
Fuller Station Project  
January 14, 2022  
OWNER: Clackamas County  
Development Agency  
Page 1 of 2

County Project No. DD-16  
Map & Tax Lot No. 12E28CB-700  
Property No. 6

**PARCEL 1 (Permanent Right-Of-Way Easement For Road Purposes )**

A parcel of land, as shown on attached Exhibit “B”, lying in the Northwest One-Quarter of the Southwest One-Quarter of Section 28, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Lots 11, 12, and 13 of the Plat of “BATTIN ACRES”, Plat No. 634, Clackamas County Survey Records, said parcel being that portion of said Lots 11, 12, and 13 lying northerly of the following described line, said line is to be lengthened or shortened to terminate at the west boundary line of said Lot 11 and the westerly line of Parcel 2 of Warranty Deed to Tri-County Metropolitan Transportation District of Oregon, recorded July 25<sup>th</sup>, 2007 as Document No. 2007-064760, Clackamas County Deed Records;

Beginning at a point 30.00 feet right of Proposed D Street (East/West) Centerline Station 14+50.00;

Thence easterly, in a straight line, to a point 30.00 feet right of Proposed D Street (East/West) Centerline Station 17+50.00;

EXCEPTING therefrom that portion lying within the existing right-of-way of Interstate 205.

The stationing used to describe this parcel is based on the Proposed Centerline of D Street (East/West), being more particularly described as follows:

**Proposed Centerline of D Street (East/West):**

Beginning at centerline station 10+00.00, being a point on the centerline of S.E. Fuller Road (Price-Fuller Road)(County Road No. 53) which bears N11°16'14"E, 476.25 feet from a 5/8" iron rod with orange plastic cap inscribed “HHPR INC” in a monument box at the centerline intersection of said S.E. Fuller Road and S.E. Otty Road (County Road No. 3442) per Post-Construction Record of Survey recorded as SN 2017-109, Clackamas County Survey Records.

Thence leaving said centerline S89°07'18"E, 750.00 feet to centerline station 17+50.00 and the terminus of the Proposed Centerline of D Street (East/West).

This legal description, along with the Basis of Bearings thereof, is based on Pre-Construction Record of Survey recorded as SN 2021-031, Clackamas County Survey Records. The centerline of S.E. Otty Road (County Road No. 196), east of S.E. Fuller Road (County Road No. 53), was held to be S89°05'34"E per said survey.

The parcel of land to which this description applies contains 6,750 square feet more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

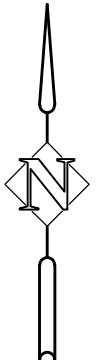
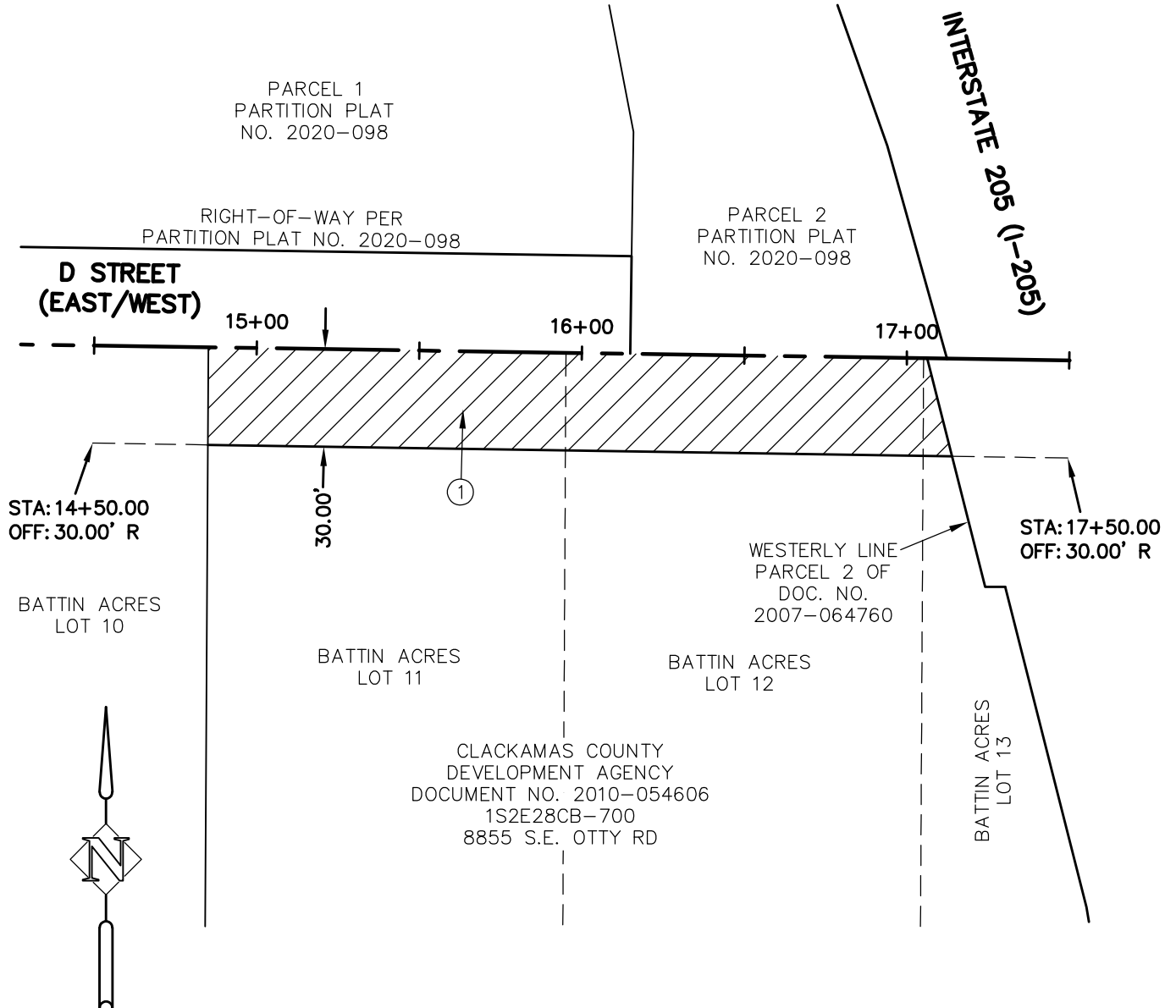
Digitally Signed 2022.01.14  
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OREGON  
July 15, 2003  
JOHN T. CAMPBELL  
60073

RENEWS: 12/31/2023

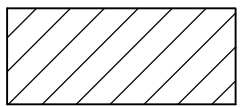


**EXHIBIT "B"**  
**PROPERTY 6**  
**FULLER STATION PROJECT**  
**COUNTY PROJECT NO. DD-16**



SCALE  
 1" = 50'

**LEGEND**



① PERMANENT RIGHT-OF-WAY  
 EASEMENT FOR ROAD PURPOSES  
 ± 6,750 SQ.FT.

SEE ATTACHED  
 LEGAL DESCRIPTION



**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

# 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**

**Please do not record in deed records yet. Documents should be returned to DevAgency**

County Admin

Procurement

If applicable, complete the following: \_\_\_\_\_

Board Agenda Date/Item Number: \_\_\_\_\_