



**DAN JOHNSON**  
DIRECTOR

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

September 12, 2024

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

Board of County Commissioners  
Acting as the Development Agency Board  
Clackamas County

**Approval of a Funding Agreement with Conveyco Manufacturing Company for the installation of gates on Clackamas Road. Total value is \$50,000 for one year. Funding through Clackamas Industrial Area funds. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	Gate Permit Briefed at Issues – 6/11/24 Gate Permit Briefed at Issues – 6/25/24 Public Hearing at BCC Business Meeting – 7/25/24 Funding Briefed at Issues – 7/30/24 Funding Agreement Briefed at Issues – 9/10/24		
<b>Performance Clackamas</b>	Ensure safe, healthy and secure communities		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	No
<b>Contact Person</b>	Mike Bezner	<b>Contact Phone</b>	503-742-4651

**EXECUTIVE SUMMARY:** Clackamas Road is a dead-end County Road between Minuteman Way and the Union Pacific Railroad in the Clackamas Industrial Area. The public road only serves two property owners in addition to the railroad and a small piece of property owned by the Oregon Department of Transportation (ODOT). Currently, there is a collection of campers and RVs using the right-of-way resulting in garbage piles, waste, and hazardous debris. One of the property owners has offered to construct fencing and gates to secure the area and the Board of County Commissioners (BCC) has authorized a gate permit to be issued. In addition, the Board agreed to contribute \$50,000 towards the installation. This funding agreement authorizes reimbursement of expenses, up to \$50,000, using Urban Renewal funds subject to terms and conditions.

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**RECOMMENDATION:** Staff respectfully recommends that the BCC approve the Funding Agreement with Conveyco Mfg Co.

Respectfully submitted,

*Dan Johnson*

Dan Johnson  
Director of Transportation & Development

**FUNDING AGREEMENT  
BETWEEN  
THE CLACKAMAS COUNTY DEVELOPMENT AGENCY  
AND  
CONVEYCO MFG. CO**

This Agreement is entered into and is effective as of this 29<sup>th</sup> day of August 2024 by and between Clackamas County Development Agency, the Urban Renewal Agency of Clackamas County, Oregon (the "Agency"), and Conveyco Mfg. Co., a Washington corporation ("Conveyco"), both herein referred to individually or collectively as "Party" or "Parties."

**RECITALS**

- A. The Agency administers the Clackamas Industrial Area ("CIA") Development Plan (the "Plan") pursuant to ORS Chapter 457, as adopted by the Clackamas County Board of County Commissioners (the "BCC") on July 26, 1984, and amended on September 21, 2023;
- B. Conveyco operates a facility near a portion of SE Clackamas Road, County road no. 22234, that is within a significant commercial and industrial part of the CIA, but has a chronic collection of campers and vehicles that poses immediate safety and health risks to the public;
- C. To mitigate the safety and health risks, on July 25, 2024, the BCC approved Order No. 2024-055, attached hereto as Exhibit 1, that among other things, authorizes gates to be constructed on either end of a portion of SE Clackamas Road, located between the Union Pacific Railroad and Minuteman Way, on as shown on Exhibit A of BCC Order No. 2024-055 (the "Subject Road");
- D. Section 625 of the Plan allow urban renewal funds to be used to "[i]mprove the physical image in the highly visible parts of the CIA with techniques such as landscaping, street treatments, and other efforts";
- E. On July 29, 2024, the Agency Board approved up to \$50,000 of urban renewal funds to be granted to Conveyco to assist in the installation of the gate at the Subject Road; and
- F. The Agency will provide the grant funds to Conveyco, and Conveyco will accept said funds, subject to the following terms and conditions:

**NOW THEREFORE, it is agreed by the parties as follows:**

- 1. **Project.** Grant funding by the Agency under this Agreement must be used to pay for costs associated with the project to install or construct the gates and associated components (collectively "gates") at the Subject Road, as approved by and consistent with BCC Order No. 2024-055 (the "Project"). The Project includes design, locating, and constructing said gates.
- 2. **No Construction Authorized.** Nothing in this Agreement authorizes Conveyco to commence the Project. Conveyco must obtain all prior approvals and permits necessary to

commence and complete the Project, including from Clackamas County as required under Section 4.2.3 of this Agreement.

**3. Obligations of the Agency.**

- 3.1. The Agency agrees to provide Conveyco grant funding in an amount not to exceed \$50,000 for eligible costs of the Project.
- 3.2. Within 30 days of receiving an invoice or request for grant funds from Conveyco that complies with Section 4.1, the Agency shall transfer the requested funds to Conveyco.
- 3.3. Agency has no ownership or any other interest in, or obligation associated with, the gates that are constructed as part of Project.

**4. Obligations of the Conveyco.**

- 4.1. Conveyco may invoice or issue a request for grant funding for eligible Project costs of that collectively do not exceed \$50,000 and that has the following information:
  - 4.1.1. Itemize eligible costs that Conveyco has incurred;
  - 4.1.2. Send or addressed to Agency's contact as listed on Section 6.1.
- 4.2. Conveyco is responsible for all aspects of the gates that are constructed under this Agreement, including but not limited:
  - 4.2.1. Be responsible, or allocate responsibilities with other necessary landowners or parties within the vicinity of the Subject Road, for the construction of the gates;
  - 4.2.2. Be responsible, or allocate responsibilities with other necessary landowners or parties within the vicinity of the Subject Road, for the operation and maintenance of the gates after construction; and
  - 4.2.3. Complying with all laws and regulations in the construction, and operation and maintenance of the gates, including BCC Order 2024-055, and the permitting requirements of Clackamas County.

**5. Indemnification.** Conveyco agrees to indemnify, defend, save and hold harmless the Agency, and Clackamas County, its officers, agents, and employees, from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from tort, as now or hereafter defined in ORS 30.260, caused or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Conveyco and its officers, agents, employees or subcontractors. It is the specific intention of the Parties that the Agency and the aforesaid parties shall, in all instances except for claims arising solely from their own negligent or willful acts or omissions, be indemnified by from and against any and all claims.

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## 6. General Terms.

- 6.1. **Notices.** Any notice required or permitted under this Agreement shall be in writing and shall be given to the addresses set forth below:

Conveyco Mfg. Co.  
Attn: Suzanne Warman, Property Site Manager  
15151 SE Industrial Way  
Clackamas, Oregon 97015

Clackamas County Development Agency  
Attn: Agency Manager  
150 Beaver Creek Road  
Oregon City, Oregon 97045

- 6.2. **Amendments.** This Agreement may be amended, modified or extended only by written instrument executed by both parties.
- 6.3. **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
- 6.4. **Binding Effect.** Covenants, conditions and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors and assigns of the parties hereto.
- 6.5. **Execution and Counterparts.** This Agreement may be executed in any number of counterparts each of which counterparts, when so executed and delivered, shall be deemed to be an original and all of which counterparts, taken together, shall constitute but one and the same Agreement.
- 6.6. **Non-Assignment.** This Agreement may not be assigned in whole or in part without the prior written consent of Agency, which may withhold its consent in its sole discretion.
- 6.7. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.
- 6.8. **Waiver.** The Agency and Conveyco shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach be of the same nature as that waived.

IN WITNESS HEREOF, the parties have executed this Agreement by the date set forth opposite their names below.

**CLACKAMAS COUNTY DEVELOPMENT AGENCY**, by and through its Board of Commissioners

By: \_\_\_\_\_

Title: Chair

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Recording Secretary

**CONVEYCO MFG. CO**, by and through its Officer

By:  \_\_\_\_\_

Title: GENERAL MANAGER

Date 8-29-2024

**EXHIBIT 1**

**CLACKAMAS COUNTY BOARD OF COMMISSION BOARD  
ORDER NO. 2024-055**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

20240725 II.A

**OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Gate Installation on a Portion  
of the Public Road at SE Clackamas Road



Board Order No. 2024-055

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**Whereas**, this matter coming before the Board at this time, and it appearing that the health, welfare and safety of the public on the County's road are important to the vitality of the region;

**Whereas**, County Code 7.03.20(F) designates the Director of the Department of Transportation and Development as the Road Official of the County;

**Whereas**, SE Clackamas Road is a public County right-of-way road, No. 22234, is located in a significant commercial and industrial part of the County, and provides access to a number of businesses and employers;

**Whereas**, overtime a portion of SE Clackamas Road, between the Union Pacific Railroad and Minuteman Way, as shown on Exhibit A and referred to as the "Subject Road," has a chronic collection of campers and recreational vehicles that results in an accumulation of garbage piles, waste, and hazardous debris, obstructs road access, and has proven to pose immediate safety and health risks to the public;

**Whereas**, under County Code 7.03.030, the Road Official or the Board may take any action deemed to safeguard the best interests of the traveling public, specifically including the authority to erect gates when necessary;

**Whereas**, it appears to the Board that 100% of the land owners that access from or adjoin the public road consent to closure and agree to gate the Subject Road;

**Whereas**, one of the adjoining landowners is willing to construct two gates at their sole expense;

**Whereas**, it appears to the Board that there are extraordinary circumstances and is necessary for the health, welfare and safety of the public, that access through the Subject Road be regulated with a gate that limits access to said public road.

**NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order**

1. That gates may be constructed by the appropriate landowner(s), at their sole expenses, on either end of a portion of the public road called SE Clackamas Road, located between the Union Pacific Railroad and Minuteman Way, as shown on Exhibit A, and is referred hereto as the "Subject Road;"
2. The Director of the Department of Transportation and Development (the "Director") is directed and authorized to administer and implement, in their discretion and in a manner



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consistent with this Order and all applicable laws and regulations, a permit for the construction and regulation of the gate on the Subject Road, including conditions or specifications to regulate the public road; and

3. That access by the general public through and upon the Subject Road is blocked and restricted, and shall be regulated by the Director in manner commensurate to the operation of the gate.

DATED this 25th day of July, 2024

**BOARD OF COUNTY COMMISSIONERS**

Chair

Recording Secretary

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Gate Installation on a Portion  
of the Public Road at SE Clackamas Road



Board Order No. 2024-055

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Exhibit A:

