



DAN JOHNSON
DIRECTOR

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

November 8, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

**Consent to the Annexation of a Portion of
SE Armstrong Circle to the City of Happy Valley**

Purpose/Outcomes	Provide consent to the annexation of a portion of SE Armstrong Circle into the City of Happy Valley.
Dollar Amount and Fiscal Impact	None. The County will transfer jurisdiction and maintenance responsibilities after annexation.
Funding Source	N/A
Duration	Indefinite
Previous Board Action	October 18, 2018. Board approval of a transfer of roadway jurisdiction of SE Armstrong Circle to the City of Happy Valley.
Strategic Plan Alignment	Build public trust through good government.
Contact Person	Rick Maxwell – 503-742-4651
Contract No.	N/A

BACKGROUND:

Recently, the Board authorized the transfer of right of way jurisdiction to the City of Happy Valley for SE Armstrong Circle. The majority of this road is already inside city limits. The remainder of the road must be within city limits in order to finalize the jurisdictional transfer.

ORS 222.125 permits a city to annex property without an election or a hearing where all of the owners of land in the territory to be annexed and not less than 50 percent of the electors, if any, residing in the territory to be annexed consent in writing to the annexation and file a statement of their consent with the city. Because this annexation only involves a portion of SE Armstrong Circle, and because recent case law has clarified that the County is the “owner” of right of way for purposes of providing the required consent under ORS 222.125, the City must receive the County’s consent before processing the annexation using the procedures set forth in ORS 222.125. The City of Happy Valley represents that any other consents required under state law have been obtained.

A copy of the annexation petition, along with a map and legal description identifying the right of way proposed to be annexed is attached to this report.



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

November 8, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

**Consent to the Annexation of a Portion of
SE Hemrich Road to the City of Happy Valley**

Purpose/Outcomes	Provide consent to the annexation of a portion of SE Hemrich Road into the City of Happy Valley.
Dollar Amount and Fiscal Impact	None. The County will transfer jurisdiction and maintenance responsibilities after annexation.
Funding Source	N/A
Duration	Indefinite
Previous Board Action	October 18, 2018. Board approval of a transfer of roadway jurisdiction of SE Hemrich to the City of Happy Valley.
Strategic Plan Alignment	Build public trust through good government.
Contact Person	Mike Bezner– 503-742-4651
Contract No.	N/A

BACKGROUND:

Recently, the Board authorized the transfer of right of way jurisdiction to the City of Happy Valley for SE Hemrich Road. In order to finalize the jurisdictional transfer, this section of SE Hemrich Road must be within city limits. The portion of SE Hemrich Road subject to this particular annexation request contains 9,234 square feet.

ORS 222.125 permits a city to annex property without an election or a hearing where all of the owners of land in the territory to be annexed and not less than 50 percent of the electors, if any, residing in the territory to be annexed consent in writing to the annexation and file a statement of their consent with the city. Because this annexation only involves a portion of SE Hemrich Road, and because recent case law has clarified that the County is the “owner” of right of way for purposes of providing the required consent under ORS 222.125, the City must receive the County’s consent before processing the annexation using the procedures set forth in ORS 222.125. The City of Happy Valley represents that any other consents required under state law have been obtained.

A copy of the annexation petition, along with a map and legal description identifying the right of way proposed to be annexed is attached to this report.

RECOMMENDATION:

Staff respectfully requests that the Board indicate its consent to a portion of SE Hemrich Road to the City of Happy Valley by signing the attached annexation petition.

Respectfully submitted,

Mike Bezner

Assistant Director of Transportation – Department of Transportation and Development

Attachments:

Annexation Petition

Legal Description

Maps



16000 SE Misty Drive
 Happy Valley, OR 97086
 Phone: 503-783-3800 Fax: 503-658-5174

PETITION TO ANNEX APPLICATION

To the City Council of the
 City of Happy Valley, Oregon

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition and give consent to, annexation of said property to the City of Happy Valley.

The consent for annexation is for the following described property:

SEE ATTACHED
 Street Address of Property (if address has been assigned)

 Tax Map and Tax Lot Number

SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)

_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

Street Address

Home Phone

Work Phone

Mailing Address

City, State and Zip Code

Please submit a copy of the applicable Clackamas County Assessor's Map for the subject site, and mark or outline the property.

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective Indefinitely, or until 12/31/19.

Signature

Date

Signature

Date

The Population Research Center at Portland State University compiles population estimates which they report to the State of Oregon on an annual basis. The State of Oregon then uses these estimates to determine the City's Fair Share of state funds. If applicable, please help us with this effort by indicating below the number of housing units on the above indicated tax lots and the number of people residing in these housing units. THANK YOU!

Number of housing unit on above lot: _____

Types of housing units: ___ Single Family ___ Multi-Family ___ Mobile Home or Trailer

Number of people occupying these units: _____



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #2582

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A Annexation Description

A portion of right-of-way located in the Southwest One-Quarter of Section 29 and the Southeast One-Quarter of Section 30 and the Northeast One-Quarter of Section 31 and the Northwest One-Quarter of Section 32, Township 1 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the Southwest One-Quarter corner of said Section 29, also being on the centerline of SE Hemrich Road; thence along said centerline, South 89°15'46" West 74.37 feet to the southerly extension of the easterly line of Document Number 2002-012198, Clackamas County Deed Records, and the City of Happy Valley city limits line, and the Point of Beginning; thence along said southerly extension and said city limits line, North 00°09'15" West 30.00 feet to the southeasterly corner of said deed, also being on the northerly right-of-way line of SE Hemrich Road (30.00 feet from centerline); thence leaving said city limits line along said northerly right-of-way line, North 89°15'46" East 147.86 feet to the westerly right-of-way line of SE Foster Road (30.00 feet from centerline); thence along said westerly right-of-way line, South 11°34'25" East 61.09 feet to the southerly right-of-way line of SE Hemrich Road (30.00 feet from centerline); thence along said southerly right-of-way line, South 89°15'46" West 159.95 feet to the southerly extension of the easterly line of said deed and said city limits line; thence along said southerly extension and said city limits line, North 00°09'15" West 30.00 feet to the Point of Beginning.

The above described tract of land contains 9,234 square feet, more or less.

9/13/2018

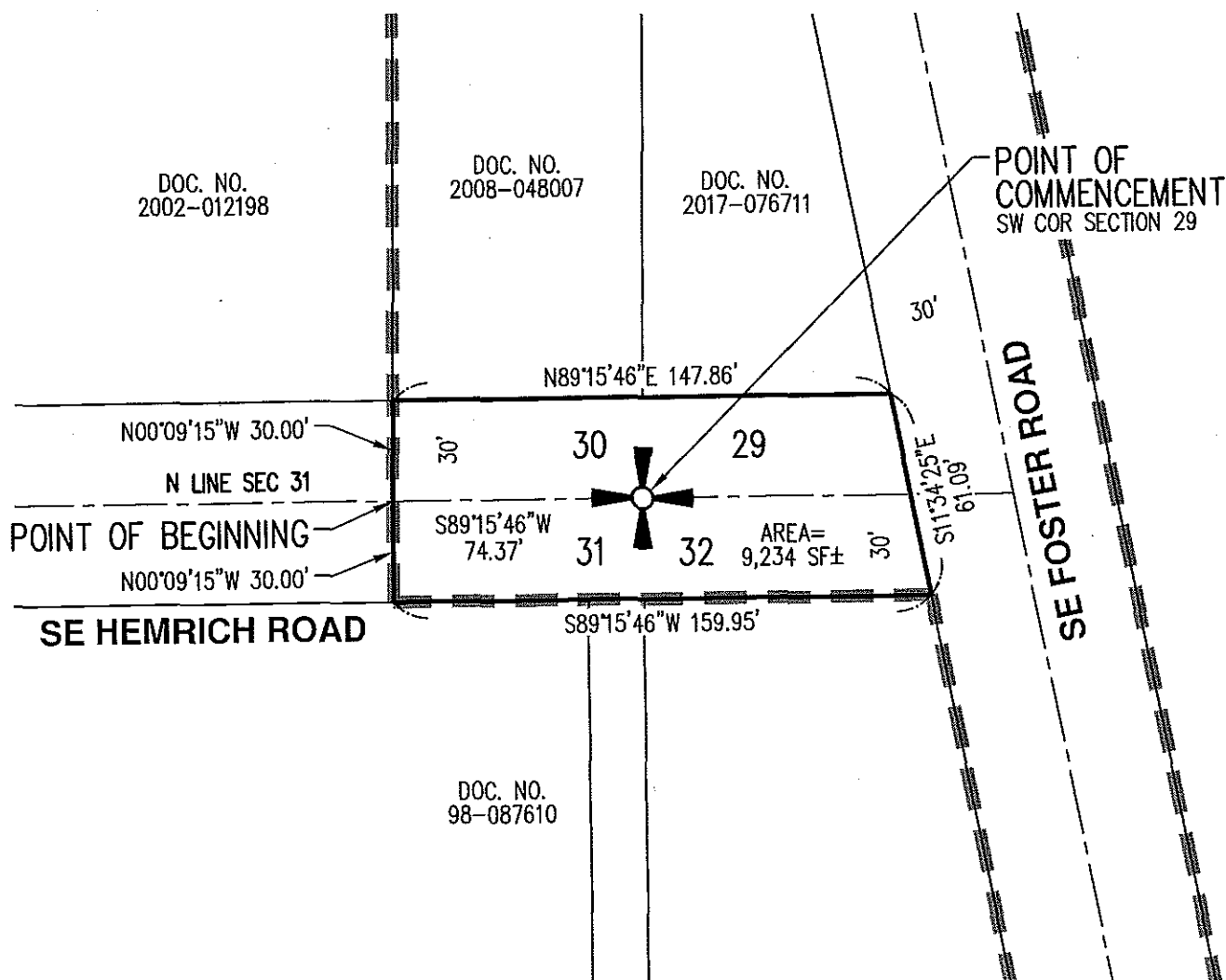
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/20

EXHIBIT A

A PORTION OF RIGHT-OF-WAY LOCATED IN THE SOUTHWEST 1/4 OF SECTION 29 AND THE SOUTHEAST 1/4 OF SECTION 30 AND THE NORTHEAST 1/4 OF SECTION 31 AND THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



LEGEND

--- CITY OF HAPPY VALLEY CITY LIMITS LINE

9/13/2018

REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White

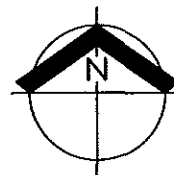
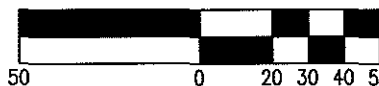
OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/20

PREPARED FOR

CITY OF HAPPY VALLEY
 16000 SE MISTY DRIVE
 HAPPY VALLEY, OR 97086

SCALE: 1" = 50 FEET



ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT
A

DRWN: WCB
 CHKD: NSW
 AKS JOB:
 2582

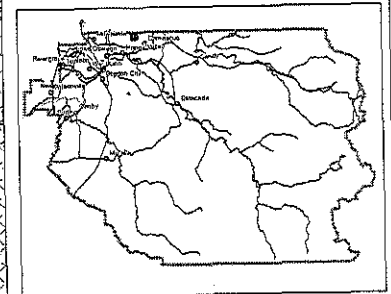
S.E. 1/4 SEC. 30 T.1S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots

- 1700
- 300
- 220E1
- 230A



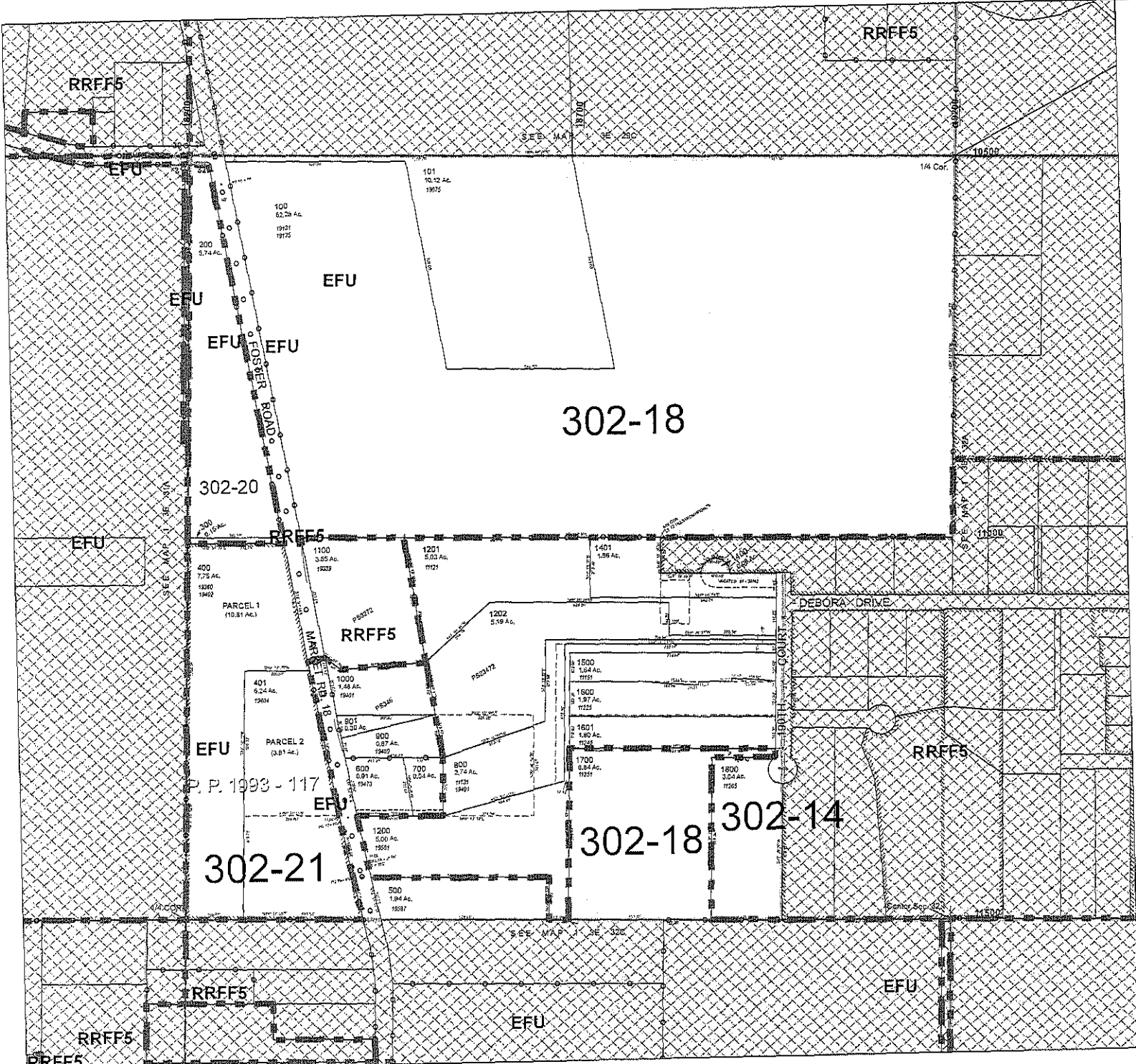
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



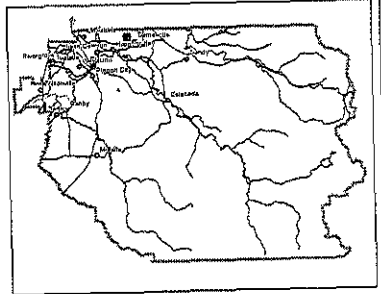
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

N.W.1/4 SEC.32 T.1S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots
1300



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- - - WaterLines
- Land Use Zoning
- ▨ Plats
- ▨ Water
- ⊙ Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- - - DLC Line
- - - Meander Line
- - - PLSS Section Line
- ⊙ Historic Corridor 40'
- ⊙ Historic Corridor 20'

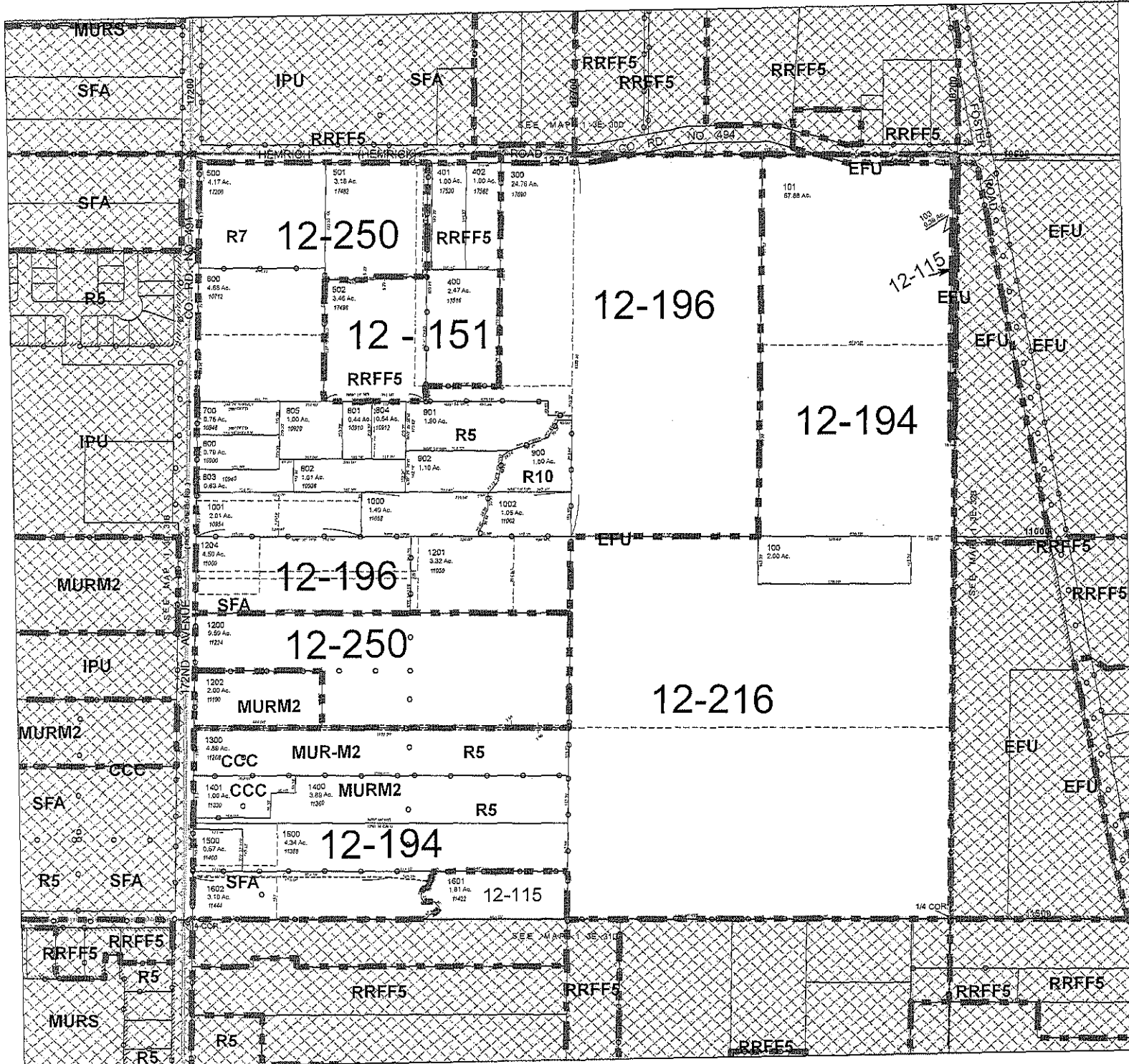


THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

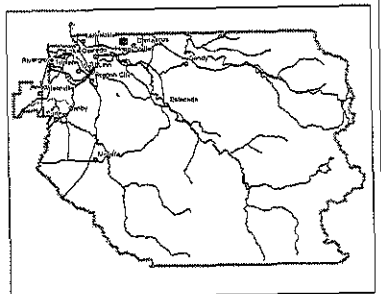


N.E.1/4 SEC.31 T.1S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots
1200
1100
1200



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
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- Historic Corridor 40'
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THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

RECOMMENDATION:

Staff respectfully requests that the Board indicate its consent to a portion of SE Armstrong Circle to the City of Happy Valley by signing the attached annexation petition.

Respectfully submitted,

Rick Maxwell
Engineering Technician
Department of Transportation and Development

Attachments:
Annexation Petition
Legal Description
Maps



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 Phone: 503-783-3800 Fax: 503-658-5174

PETITION TO ANNEX APPLICATION

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 City of Happy Valley, Oregon

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition and give consent to, annexation of said property to the City of Happy Valley.

The consent for annexation is for the following described property:

SEE ATTACHED
 Street Address of Property (if address has been assigned)

 Tax Map and Tax Lot Number

SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)

_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

Street Address

Home Phone

Work Phone

Mailing Address

City, State and Zip Code

Please submit a copy of the applicable Clackamas County Assessor's Map for the subject site, and mark or outline the property.

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective Indefinitely, or until 12/31/19.

Signature

Date

Signature

Date

The Population Research Center at Portland State University compiles population estimates which they report to the State of Oregon on an annual basis. The State of Oregon then uses these estimates to determine the City's Fair Share of state funds. If applicable, please help us with this effort by indicating below the number of housing units on the above indicated tax lots and the number of people residing in these housing units. THANK YOU!

Number of housing unit on above lot: _____

Types of housing units: ___ Single Family ___ Multi-Family ___ Mobile Home or Trailer

Number of people occupying these units: _____



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AKS Job #2582

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Annexation Description

A tract of land and portion of right-of-way, located in the Northeast One-Quarter of Section 7, Township 2 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the East One-Quarter corner of said Section 7; thence along the south line of said Northeast One-Quarter, North 88°50'26" West 278.80 feet; thence continuing along said south line, North 88°52'56" West 404.95 feet; thence leaving said south line, North 01°07'04" East 30.00 feet to the intersection of the northeasterly right-of-way line of SE Armstrong Circle (30.00 feet from centerline) and the northerly right-of-way line of State Highway 212 (30.00 feet from centerline), also being on the City of Happy Valley city limits line and the Point of Beginning; thence leaving said city limits line along said northerly right-of-way line, North 88°52'56" West 635.52 feet to the southwesterly corner of Document Number 2008-051073, Clackamas County Deed Records; thence along the westerly line of said deed, North 01°57'02" East 168.62 feet to the southwesterly right-of-way line of SE Armstrong Circle (30.00 feet from centerline); thence along said southwesterly right-of-way line, North 67°53'58" West 17.04 feet to the northwesterly corner of Document Number 2005-111064, Clackamas County Deed Records, and said city limits line; thence leaving said southwesterly right-of-way line along said city limits line, North 01°38'01" East 64.04 feet to the southwesterly corner of Document Number 2009-077394, Clackamas County Deed Records, also being on the northeasterly right-of-way line of SE Armstrong Circle (30.00 feet from centerline); thence along said northeasterly right-of-way line and said city limits line, South 67°53'58" East 179.32 feet to the southwesterly corner of Document Number 2018-026295, Clackamas County Deed Records; thence leaving said city limits line along said northeasterly right-of-way line, South 67°53'58" East 189.60 feet to the southeasterly corner of said deed and said city limits line; thence along said northeasterly right-of-way line and said city limits line, South 67°53'58" East 253.63 feet; thence along a curve to the left with a Radius of 256.48 feet, a Delta of 15°27'29", a Length of 69.20 feet, and a Chord of South 75°37'43" East 68.99 feet to the Point of Beginning.

The above described tract of land contains 1.65 acres, more or less.

9/13/2018

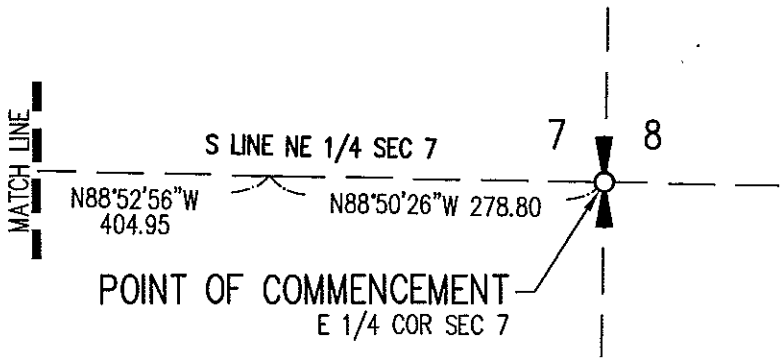
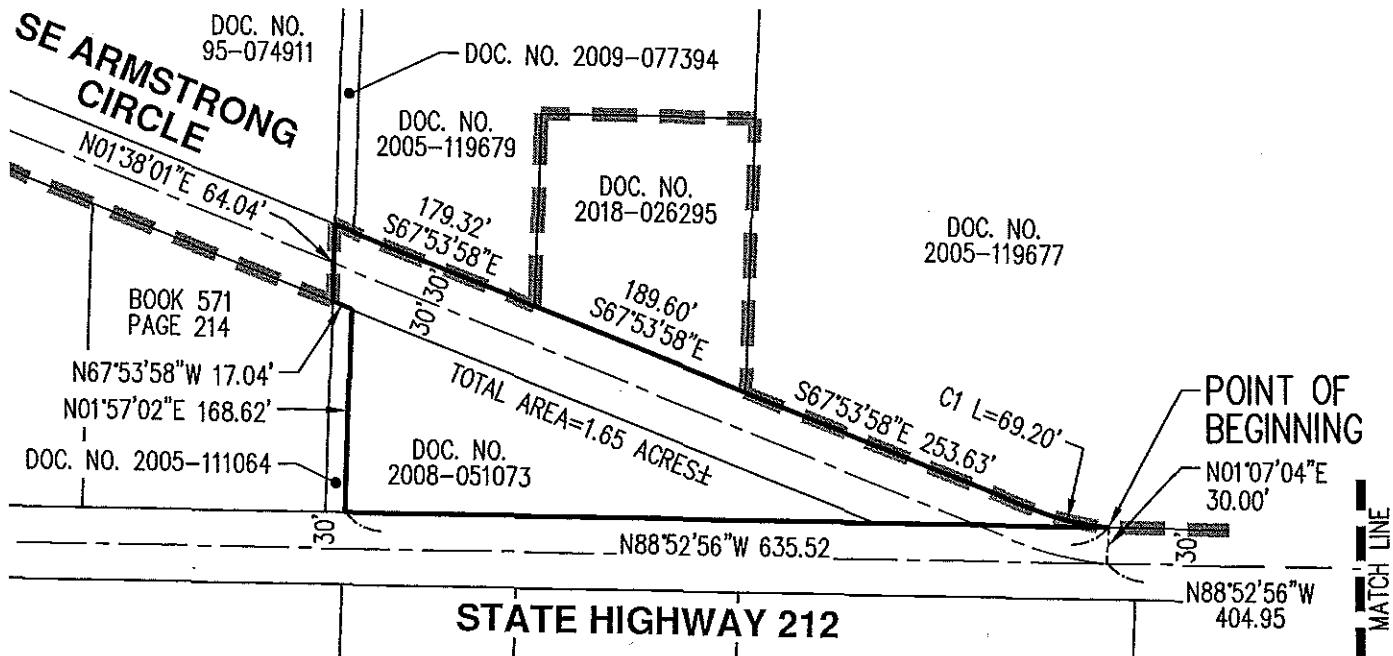
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/20

EXHIBIT A

A TRACT OF LAND AND A PORTION OF RIGHT-OF-WAY,
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 7,
 TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN,
 CLACKAMAS COUNTY, OREGON



CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	256.48'	15°27'29"	69.20'	S75°37'43"E 68.99'

LEGEND

CITY OF HAPPY VALLEY CITY LIMITS LINE

9/13/2018

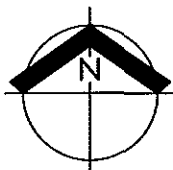
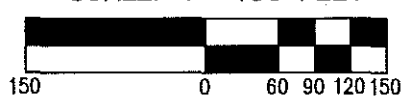
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White
 OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS
 RENEWS: 6/30/20

PREPARED FOR

CITY OF HAPPY VALLEY
 16000 SE MISTY DRIVE
 HAPPY VALLEY, OR 97086

SCALE: 1" = 150 FEET



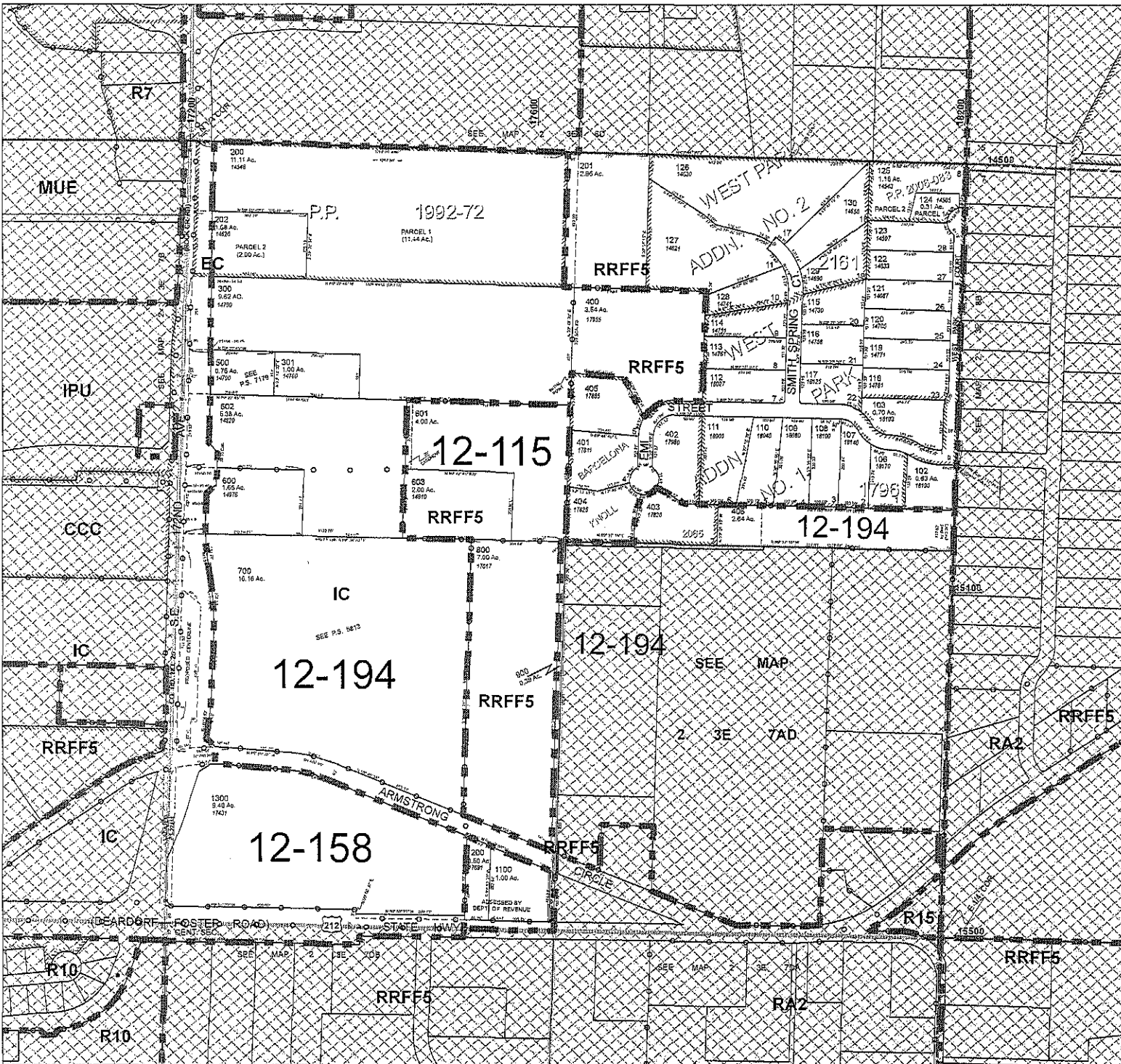
ANNEXATION MAP		EXHIBIT A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: WCB CHKD: NSW AKS JOB: 2582



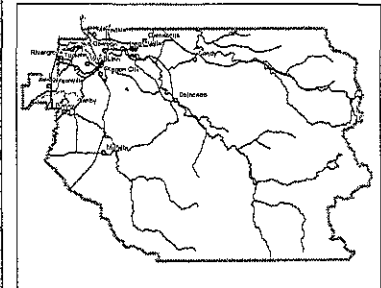
N.E.1/4 SEC.7 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots

- 100
- 101
- 104
- 105
- 1060



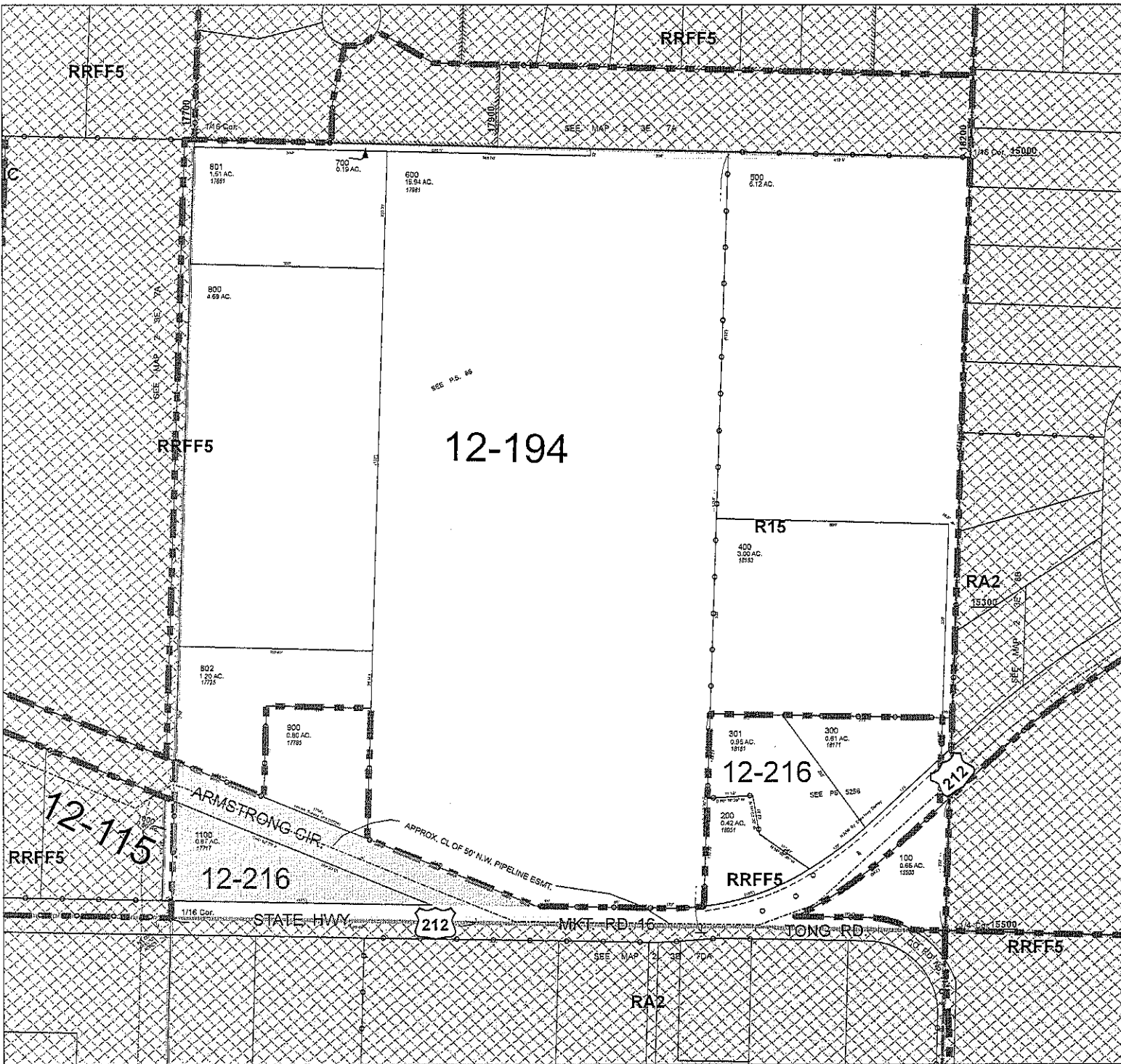
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
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- Corner
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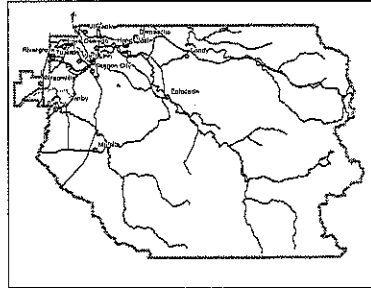
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

S.E.1/4 N.E.1/4 SEC.7 T.2S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 100'

Cancelled Taxlots
1090



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- - - WaterLines
- Land Use Zoning
- Plat
- Water
- ⊙ Corner
- Section Corner
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- ⊗ Historic Corridor 40'
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PURPOSES ONLY



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DIRECTOR

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

November 8, 2018

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Clackamas County

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Dollar Amount and Fiscal Impact	None. The County will transfer jurisdiction and maintenance responsibilities after annexation.
Funding Source	N/A
Duration	Indefinite
Previous Board Action	October 18, 2018. Board approval of a transfer of roadway jurisdiction of SE Hemrich to the City of Happy Valley.
Strategic Plan Alignment	Build public trust through good government.
Contact Person	Rick Maxwell– 503-742-4671
Contract No.	N/A

BACKGROUND:

Recently, the Board authorized the transfer of right of way jurisdiction to the City of Happy Valley for SE Hemrich Road. In order to finalize the jurisdictional transfer, this section of SE Hemrich Road must be within city limits. The portion of SE Hemrich Road subject to this particular annexation request contains 20,849 square feet.

ORS 222.125 permits a city to annex property without an election or a hearing where all of the owners of land in the territory to be annexed and not less than 50 percent of the electors, if any, residing in the territory to be annexed consent in writing to the annexation and file a statement of their consent with the city. Because this annexation only involves a portion of SE Hemrich Road, and because recent case law has clarified that the County is the “owner” of right of way for purposes of providing the required consent under ORS 222.125, the City must receive the County’s consent before processing the annexation using the procedures set forth in ORS 222.125. The City of Happy Valley represents that any other consents required under state law have been obtained.

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Respectfully submitted,

Rick Maxwell
Engineering Technician
Department of Transportation and Development

Attachments:
Annexation Petition
Legal Description
Maps



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 Tax Map and Tax Lot Number

SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)

_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

Street Address

Home Phone

Work Phone

Mailing Address

City, State and Zip Code

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Signature

Date

Signature

Date

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Types of housing units: __ Single Family ____ Multi-Family ____ Mobile Home or Trailer

Number of people occupying these units: _____



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AKS Job #2582

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Annexation Description

A portion of right-of-way located in the Southeast One-Quarter of Section 30 and the Northeast One-Quarter of Section 31, Township 1 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the North One-Quarter corner of said Section 31, also being on the intersection of SE 172nd Avenue and SE Hemrich Road; thence along the north line of said Section 31, North 89°37'09" East 976.27 feet to the southerly extension of the westerly line of Document Number 97-014071, Clackamas County Deed Records, and the City of Happy Valley city limits line, and the Point of Beginning; thence along said southerly extension and said city limits line, North 00°03'14" West 30.00 feet to the southwesterly corner of said deed, also being on the northerly right-of-way line of SE Hemrich Road (30.00 feet from centerline); thence leaving said city limits line along said northerly right-of-way line, North 89°37'09" East 347.49 feet to the southeasterly corner of Document Number 2004-059781, Clackamas County Deed Records, and the City of Happy Valley city limits line; thence along said city limits line, South 00°03'14" East 60.00 feet to the southerly right-of-way line of SE Hemrich Road (30.00 feet from centerline); thence along said southerly right-of-way line and said city limits line, South 89°37'09" West 252.62 feet to the northeasterly corner of Document Number 91-052820, Clackamas County Deed Records; thence leaving said city limits line along said southerly right-of-way line, South 89°37'09" West 94.87 feet to the southerly extension of the westerly line of said Document Number 97-014071 and the City of Happy Valley city limits line; thence along said southerly extension and said city limits line, North 00°03'14" West 30.00 feet to the Point of Beginning.

The above described tract of land contains 20,849 square feet, more or less.

9/13/2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

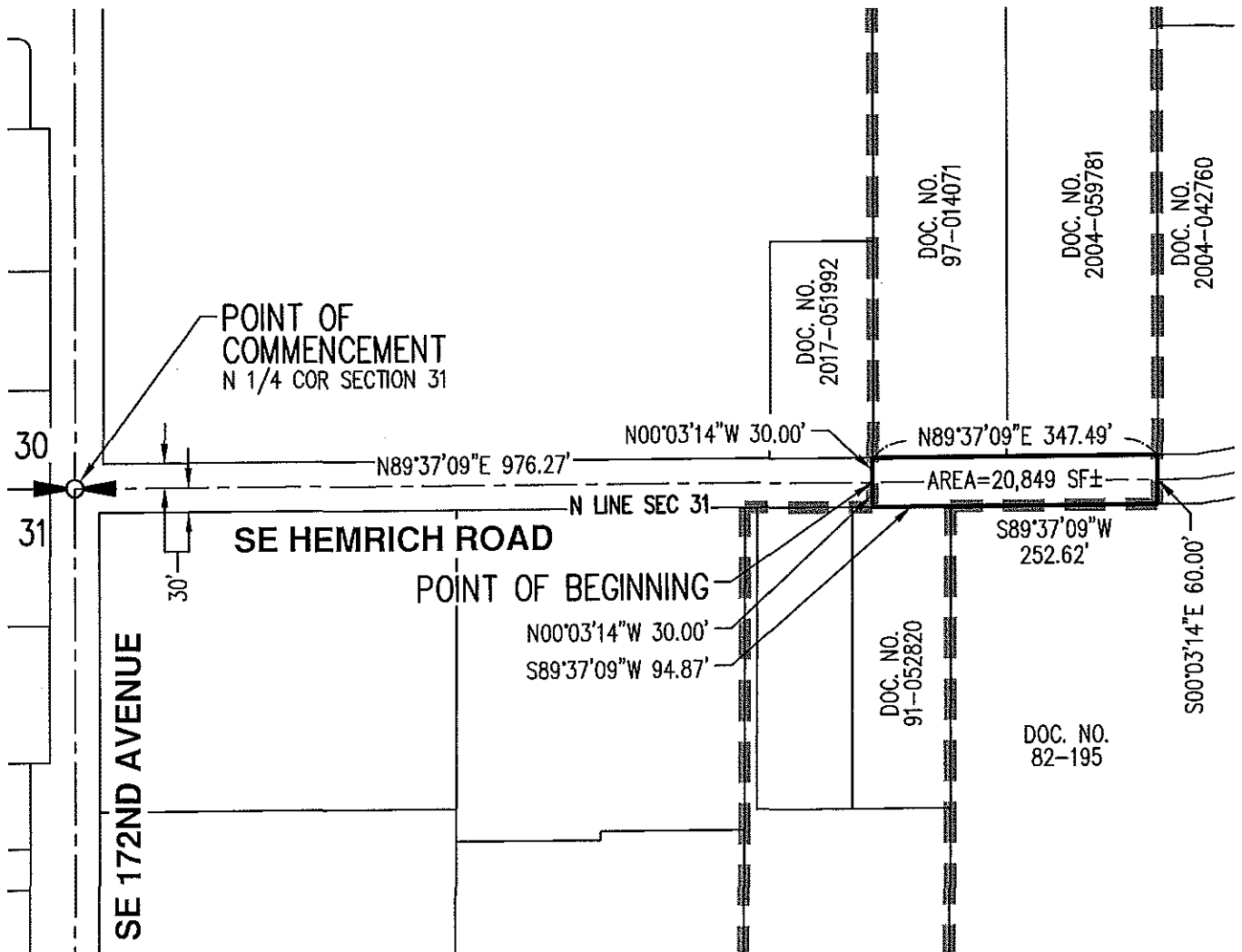
Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/20

EXHIBIT A

A PORTION OF RIGHT-OF-WAY
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 30 AND
 THE NORTHEAST 1/4 OF SECTION 31,
 TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN,
 CLACKAMAS COUNTY, OREGON



LEGEND

--- CITY OF HAPPY VALLEY CITY LIMITS LINE

9/13/2018

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White

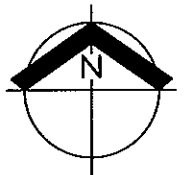
OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/20

PREPARED FOR

CITY OF HAPPY VALLEY
 16000 SE MISTY DRIVE
 HAPPY VALLEY, OR 97086

SCALE: 1" = 200 FEET



ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062

P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT
A

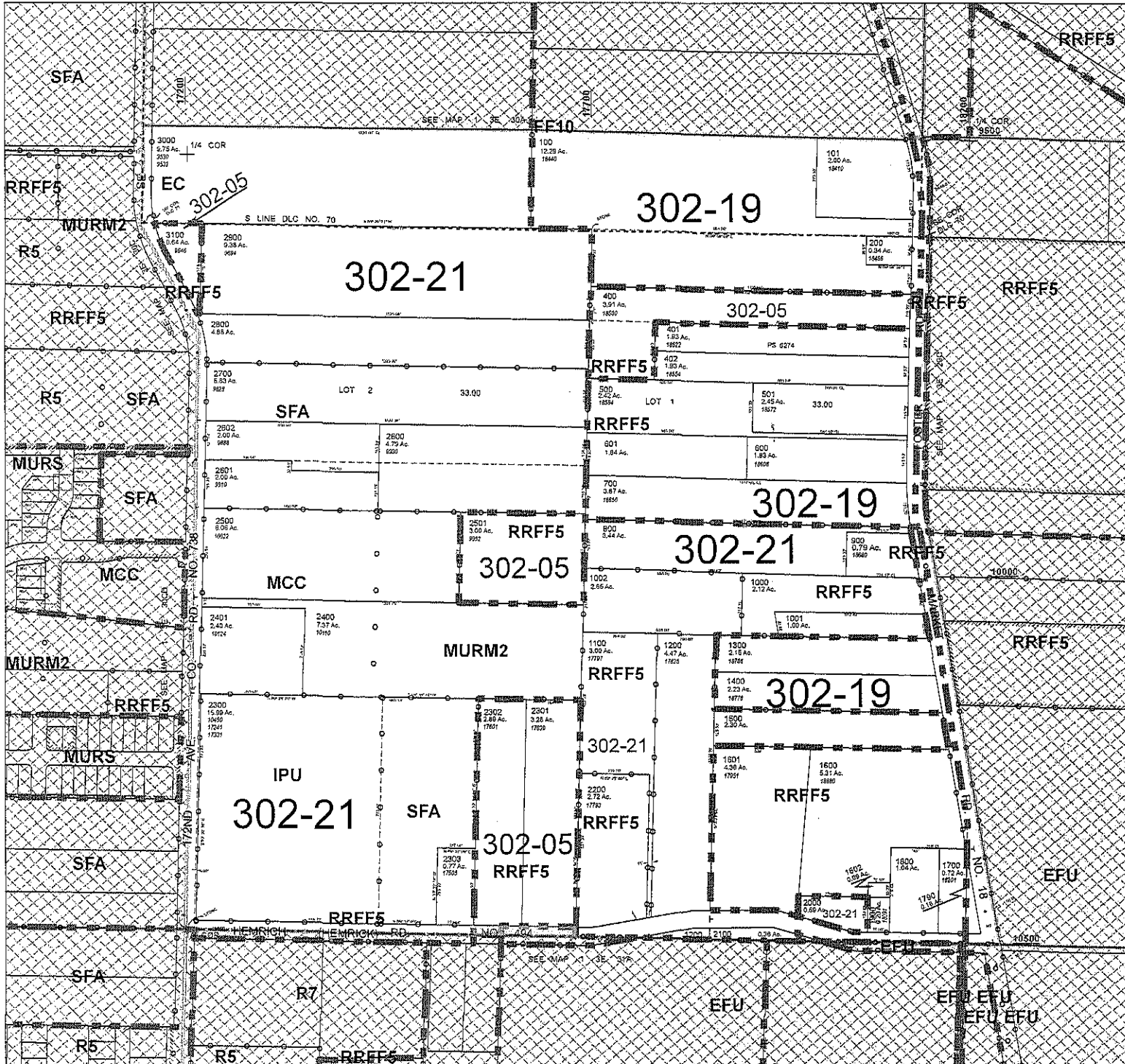
DRWN: WCB
 CHKD: NSW

AKS JOB:
 2582

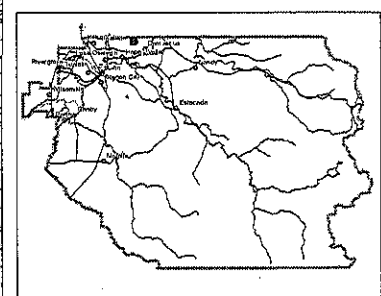
S.E.1/4 SEC.30 T.1S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots

- 1700
- 300
- 2500E1
- 2004



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- - - Railroad Centerline
- ▬ TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- ⊙ Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- ⊗ Historic Corridor 40'
- ⊗ Historic Corridor 20'

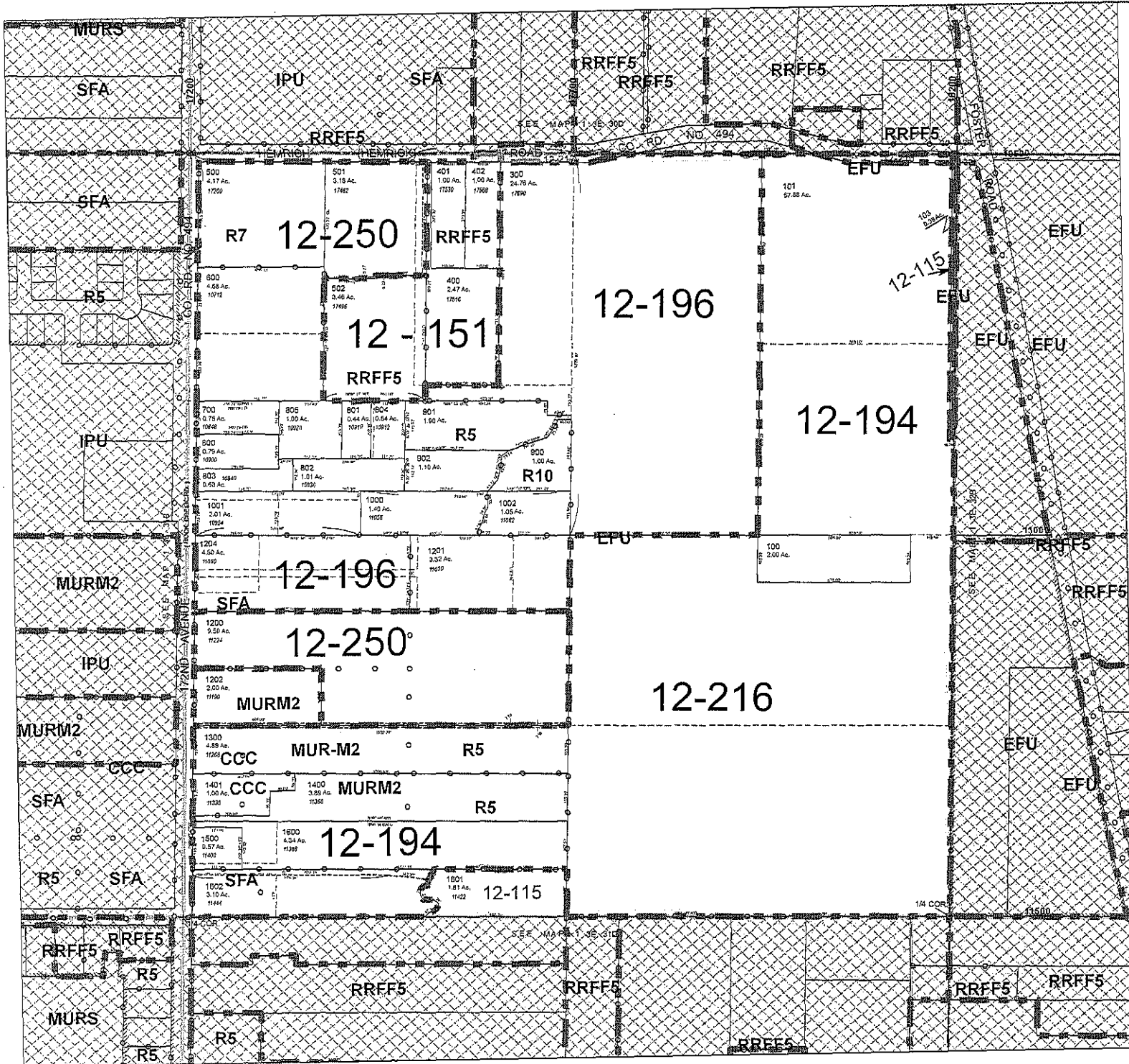


THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

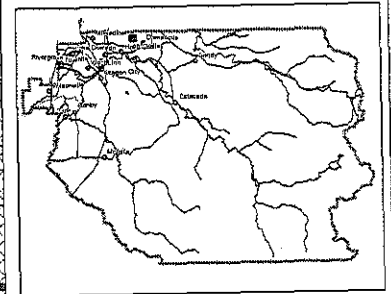
N.E.1/4 SEC.31 T.1S. R.3E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots

200
1100
1200



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- - - Railroad Centerline
- ▣ TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- - - DLC Line
- - - Meander Line
- - - PLS Section Line
- ⊗ Historic Corridor 40'
- ⊙ Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



DAN JOHNSON
DIRECTOR

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

November 8, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

**Consent to the Annexation of a Portion of
SE Crosswater Way to the City of Happy Valley**

Purpose/Outcomes	Provide consent to the annexation of a portion of SE Crosswater Way into the City of Happy Valley.
Dollar Amount and Fiscal Impact	None. The County will transfer jurisdiction and maintenance responsibilities after annexation.
Funding Source	N/A
Duration	Indefinite
Previous Board Action	October 18, 2018. Board approval of a transfer of roadway jurisdiction of SE Crosswater Way to the City of Happy Valley.
Strategic Plan Alignment	Build public trust through good government.
Contact Person	Rick Maxwell– 503-742-4671
Contract No.	N/A

BACKGROUND:

Recently, the Board authorized the transfer of right of way jurisdiction to the City of Happy Valley for several roads including SE Hemrich Road, a portion of SE Armstrong Circle, SE Vogel Road, SE Rock Creek Court, SE Stoneybrook Court, a portion of SE Sunnyside Road. Because these roads are defined as County Roads pursuant to ORS 368, state law prescribes specific procedures in order to formally transfer jurisdiction do a city for those County Roads within the limits of that city. The same procedural requirements to not apply to “local access roads” as that term is defined in ORS 368. Once a local access road is annexed into a city, jurisdiction automatically transfers to the annexing city.

SE Crosswater Way is a local access road. Along with the County Roads identified for transfer above, the City of Happy Valley desires to assume jurisdiction over the half of SE Crosswater Way that is outside of city limits. As described above, a jurisdictional transfer can be accomplished simply through annexation.

ORS 222.125 permits a city to annex property without an election or a hearing where all of the owners of land in the territory to be annexed and not less than 50 percent of the electors, if any, residing in the territory to be annexed consent in writing to the annexation and file a statement of their consent with the city. Because this annexation only involves a portion of SE Crosswater Way, and because recent case law has clarified that the County is the “owner” of right of way for

purposes of providing the required consent under ORS 222.125, the City must receive the County's consent before processing the annexation using the procedures set forth in ORS 222.125. The City of Happy Valley represents that any other consents required under state law have been obtained.

A copy of the annexation petition, along with a map and legal description identifying the right of way proposed to be annexed is attached to this report.

RECOMMENDATION:

Staff respectfully requests that the Board indicate its consent to a portion of SE Crosswater Way to the City of Happy Valley by signing the attached annexation petition.

Respectfully submitted,

Rick Maxwell
Engineering Technician
Department of Transportation and Development

Attachments:
Annexation Petition
Legal Description
Maps



16000 SE Misty Drive
 Happy Valley, OR 97086
 Phone: 503-783-3800 Fax: 503-658-5174

PETITION TO ANNEX APPLICATION

To the City Council of the
 City of Happy Valley, Oregon

I (we), the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition and give consent to, annexation of said property to the City of Happy Valley.

The consent for annexation is for the following described property:

SEE ATTACHED
 Street Address of Property (if address has been assigned)

 Tax Map and Tax Lot Number

SIGNATURE(S) OF LEGAL OWNER(S) AND/OR REGISTERED VOTER(S)

_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Signature	_____ Owner Initial	_____ Voter Initial	_____ Date
_____ Other Authorized Signature	_____ Owner Initial	_____ Voter Initial	_____ Date

Street Address

Home Phone

Work Phone

Mailing Address

City, State and Zip Code

Please submit a copy of the applicable Clackamas County Assessor's Map for the subject site, and mark or outline the property.

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than a year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective Indefinitely, or until 12/31/19.

_____ Signature	_____ Date	_____ Signature	_____ Date
--------------------	---------------	--------------------	---------------

The Population Research Center at Portland State University compiles population estimates which they report to the State of Oregon on an annual basis. The State of Oregon then uses these estimates to determine the City's Fair Share of state funds. If applicable, please help us with this effort by indicating below the number of housing units on the above indicated tax lots and the number of people residing in these housing units. THANK YOU!

Number of housing unit on above lot: _____

Types of housing units: __ Single Family _____ Multi-Family ____ Mobile Home or Trailer

Number of people occupying these units: _____



AKS ENGINEERING & FORESTRY, LLC
 12965 SW Heriman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #2582

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Annexation Description

A portion of right-of-way located in the Northwest One-Quarter of Section 12, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the southwesterly corner of Lot 14 of the plat "Wyatt's Park", Plat No. 4448, Clackamas County Plat Records, also being on the City of Happy Valley city limits line and on the right-of-way line of SE Crosswater Way (variable width from centerline); thence leaving said city limits line along said right-of-way line along a non-tangent curve to the right with a Radius of 56.00 feet, a Delta of $184^{\circ}54'57''$, a Length of 180.73 feet, and a Chord of South $16^{\circ}43'05''$ East 111.90 feet; thence continuing along said right-of-way line along a curve to the left with a Radius of 19.00 feet, a Delta of $75^{\circ}40'48''$, a Length of 25.10 feet, and a Chord of South $37^{\circ}54'00''$ West 23.31 feet; thence continuing along said right-of-way line (25.00 feet from centerline), South $00^{\circ}03'36''$ West 102.61 feet; thence continuing along said right-of-way line (variable width from centerline) along a curve to the left with a Radius of 20.00 feet, a Delta of $31^{\circ}01'22''$, a Length of 10.83 feet, and a Chord of South $15^{\circ}27'05''$ East 10.70 feet; thence continuing along said right-of-way line along a curve to the right with a Radius of 50.00 feet, a Delta of $75^{\circ}09'04''$, a Length of 65.58 feet, and a Chord of South $06^{\circ}36'46''$ West 60.98 feet to the southwesterly corner of Tract 'B' of said plat, also being on the northerly right-of-way line of SE Wenzel Drive (variable width); thence along said northerly right-of-way line, South $89^{\circ}58'30''$ East 62.37 feet to the northwesterly corner of Tract C of the plat "Wenzel Park Estates", Plat No. 4049, Clackamas County Plat Records; thence along the easterly right-of-way line of SE Wenzel Drive, South $00^{\circ}01'53''$ West 15.23 feet to the northeasterly corner of Lot 7 of said plat; thence along the southerly line of SE Wenzel Drive (variable width), North $89^{\circ}58'07''$ West 76.24 feet to the City of Happy Valley city limits line; thence leaving said southerly right-of-way line along said city limits line, North $00^{\circ}01'30''$ East 44.39 feet to a line which is parallel with and 7.00 feet easterly of, when measured at right angles to, the centerline of SE Crosswater Way; thence along said parallel line, North $00^{\circ}03'36''$ East 269.88 feet to the Point of Beginning.

The above described tract of land contains 12,008 square feet, more or less.

6/19/2018

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

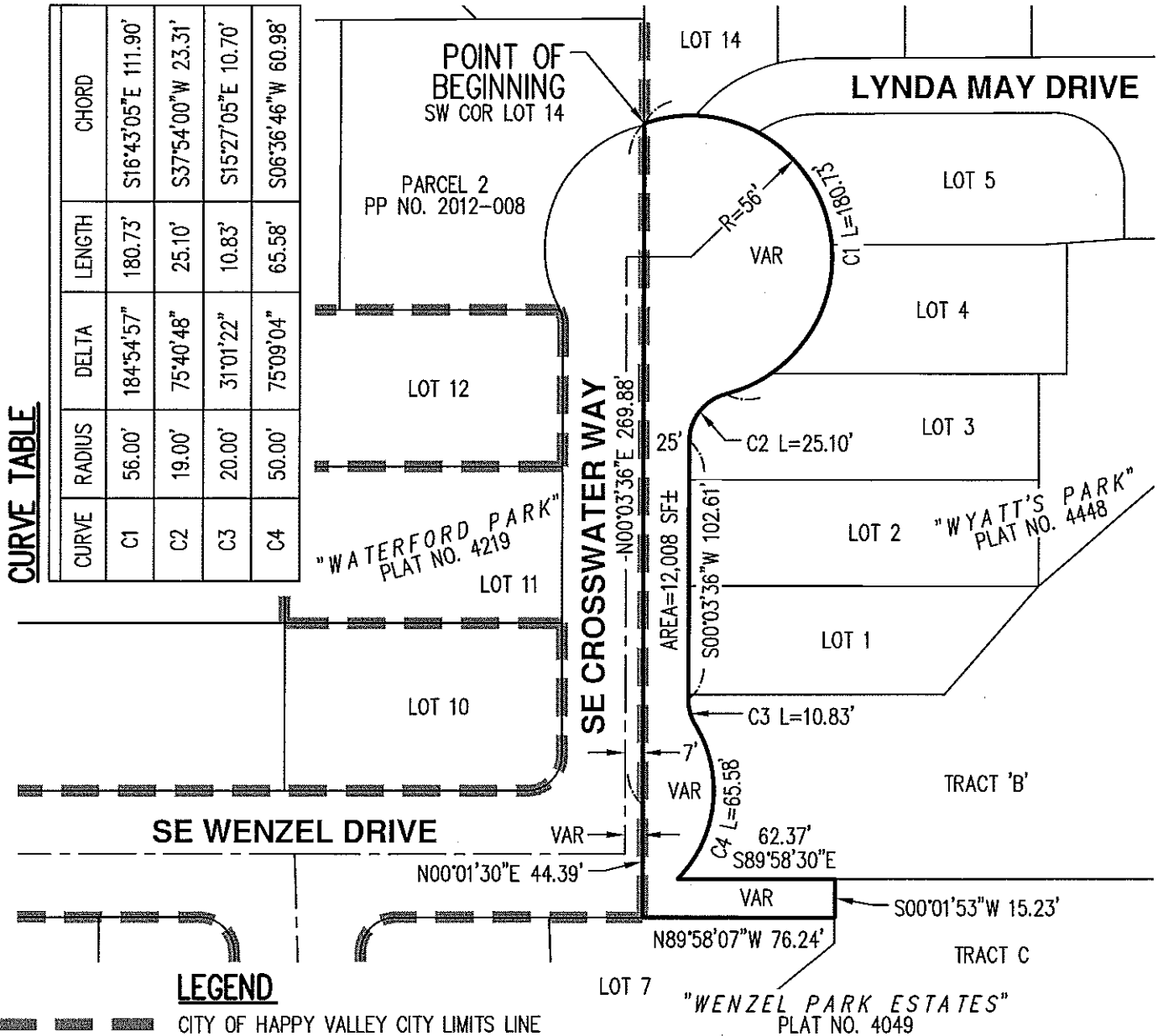
Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/20

EXHIBIT A

A PORTION OF RIGHT-OF-WAY LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	56.00'	184°54'57"	180.73'	S16°43'05"E 111.90'
C2	19.00'	75°40'48"	25.10'	S37°54'00"W 23.31'
C3	20.00'	31°01'22"	10.83'	S15°27'05"E 10.70'
C4	50.00'	75°09'04"	65.58'	S06°36'46"W 60.98'

LEGEND

CITY OF HAPPY VALLEY CITY LIMITS LINE

6/19/2018

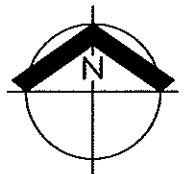
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/20

PREPARED FOR

CITY OF HAPPY VALLEY
16000 SE MISTY DRIVE
HAPPY VALLEY, OR 97086

SCALE: 1" = 60 FEET



CITY OF HAPPY VALLEY ANNEXATIONS
CROSSWATER WAY & WENZEL DRIVE

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com



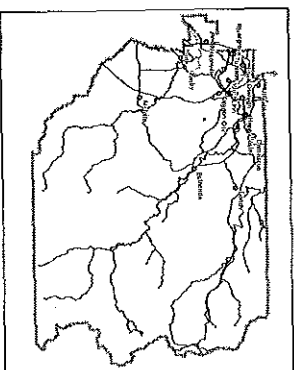
EXHIBIT
A

DRWN: WCB
CHKD: NSW
AKS JOB:
2582

Cancelled Taxlots

500
200
400
300
100
700

- Private Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Taxlot Lines
- Map Index
- Washlines
- o o Land Use Zoning
- Plats
- Vias
- o Corner
- Station Corner
- 575th Line
- Gert Lot Line
- Old Line
- Meander Line
- P.L.S.S Section Line
- Historic Corridor 40
- Historic Corridor 20



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



8/22/2017

2 2 E 12BB





DAN JOHNSON
DIRECTOR

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

November 8, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of the Termination of the Construction Contract and
Settlement Agreement between Clackamas County and PCR, Inc.
for the Jennings Lodge Pedestrian Improvements Project**

Purpose/Outcomes	Approval will allow staff to terminate the contract with PCR Inc. for the Jennings Lodge Pedestrian Improvements Project and resolve any outstanding claims.
Dollar Amount and Fiscal Impact	Community Development Block Grant funds in the amount of \$240,000 County Road Fund: \$87,700
Funding Source	U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) funds matched by County Road funds.
Duration	Not Applicable
Previous Board Action	05/05/16: CDBG Action Plan Approved 06/07/18: Approval of a Construction Contract between Clackamas County and PCR Inc. for the Jennings Lodge Pedestrian Improvements Project 10/30/18: Executive session to discuss settlement terms
Strategic Plan Alignment	1. Ensure safe, healthy and sure communities
Contact Person	Joel Howie, Civil Engineering Supervisor: Ext. 4658 Steve Kelly, Housing and Community Development: Ext. 5665

BACKGROUND:

Contract Number H3S 8862 with PCR Inc. was approved by the Board for construction of the Jennings Lodge Pedestrian Improvements Project. The project will provide approximately 1,000 linear feet of sidewalk along Portland Avenue between Jennings and Hull avenues adjacent to Candy Lane Elementary School.

The County's relationship with PCR Inc. has been challenging and PCR Inc. has submitted over \$430,000 in claims. The claims relate to utility delays and claims of defective plans. DTD staff met with PCR Inc. and their Surety to discuss terminating the contract. An agreement was made to terminate the contract for public convenience and pay PCR Inc. \$60,000 to settle all claims on the project and payment for outstanding work. The terms of the proposed settlement are set forth in the attached draft Settlement Agreement and General Release of Claims. Upon termination of this contract, DTD will modify the contract plans and special provisions and rebid the contract for the remaining work to complete the project.

The Settlement Agreement and General Release of Claims has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners approve terminating for public convenience Contract Number H3S 8862 with PCR Inc. for the Jennings Lodge Pedestrian Improvements Project and settling all potential outstanding claims consistent with the terms generally set forth in the draft Settlement Agreement and General Release of Claims.

Respectfully submitted,

Joel Howie- DTD Civil Engineering Supervisor

Attachment:

Draft Settlement Agreement and General Release of Claims

SETTLEMENT AGREEMENT AND GENERAL RELEASE OF CLAIMS

This Settlement Agreement and General Release of Claims (“Agreement”) is entered between Clackamas County (“County”) and P.C.R., Inc. (“PCR”).

In or about June, 2018, the County and (“PCR”) entered into a contract (No. 53526) (“Contract”) under which PCR was to construct the Jennings Lodge Pedestrian Improvement Project and related improvements (“Project”). The Project included approximately 1,000 linear feet of sidewalk along Portland Avenue between Jennings and Hull avenues adjacent to Candy Lane Elementary School.

The County’s relationship with PCR has been challenging and PCR has submitted over \$430,000 in claims. The claims relate to utility delays and claims of defective plans.

The Parties desire to settle and compromise fully and finally any and all differences between them including, but not limited to, formal claims filed by PCR, all claims asserted in correspondence between the Parties, and all matters which could have been asserted.

After extensive investigation of the Project and as a result of discussions, meetings and an informal mediation, the parties hereto have reached a settlement as follows:

1. In consideration of this Agreement, the County shall pay PCR the one-time sum of \$60,000 plus retainage in the amount of \$9,964.85 for a total of \$69,964.85, which is inclusive of all costs and fees. Payment shall be made by the County upon the later of 30 days of when this Agreement is fully executed, or when PCR provides all documents identified in an October 25, 2018 letter from Steve Kelly to Jeff Cox, a copy of which is attached to this Agreement. The County, in its reasonable discretion, shall determine whether the “Payroll Documents,” the “Other Documents,” and the “Final Documents” identified in the letter described herein and submitted by PCR are sufficient to allow the County to close out the project and fulfill the County’s administrative labor compliance requirements.

2. The Contract shall be deemed terminated in its entirety for convenience after the County provides PCR and its surety 7 calendar days’ written note of termination per Section 00180.90(c). Other than those terms specifically included in this Agreement, PCR and the County will have no further obligations under the Contract or for any aspect of the Project to the other and PCR will remove its equipment and materials and provide the County immediate and peaceful possession of the project site.

3. The County hereby releases PCR’s performance and retainage bonds for the Project.

4. PCR will load out the temporary protective fencing that was actually utilized for the Project and that shall remain the property of PCR. All unused materials purchased for use in the Project shall be the property of County, including, but not limited to, erosion control materials such as sediment fencing, inlet protection, and temporary orange protective fencing. PCR shall have no further claim against the County that would obligate the County to purchase these unused materials.

5. Subject to the terms herein, PCR hereby generally releases and discharges the County and their employees, elected officials, officers, agents, insurers, and all those parties for whom they may be responsible for from any and all claims, demands, suits or actions of any kind, whether known or unknown arising out of or related to the Project or the Contract. PCR shall indemnify, defend and hold harmless County and its employees, elected officials, officers, agents, insurers or all those parties for whom they may be responsible or liable from any claims, demands, suits or actions by any third-party, including any claims for additional compensation for materials or labor provided to the Project by or through materials suppliers or subcontractors. This release includes any and all claims of any nature that PCR may have that arose prior to the date of its signature on this Agreement. This is a full and final waiver and release of any such claims that PCR has or might have asserted against the County and it intends that the release have the broadest effect possible under law. PCR represents that it has no claim against the County which is not released under this Agreement.

6. Subject to the terms herein, the County hereby generally releases and discharges PCR and their officers, employees, agents and all those parties for whom they may be responsible or liable from any and all claims, demands, suits or actions of any kind, whether known or unknown arising out of or related to the Project or the Contract. This release includes any and all claims of any nature that County may have that arose prior to the date of its signature on this Agreement. This is a full and final waiver and release of any such claims that the County has or might have asserted against PCR and it intends that the release have the broadest effect possible under law. The County represents that it has no claim against PCR which is not released under this Agreement.

7. Notwithstanding any other provision of this Agreement, PCR's warranty obligations and responsibility for claims arising from or related to latent defects, if any, under the Contract and related to the Project work itself remain and are unaffected by this Agreement.

8. A "covenant not to sue" is a legal term that means a person promises not to file a lawsuit or other legal proceeding. It is different from the release of claims contained above. Besides waiving and releasing the claims above, the Parties promise never to file or prosecute any legal claim of any kind against each other in any forum for any reason based on any act, omission, event, occurrence, or non-occurrence, through the Effective Date of this Agreement, including but not limited to claims, laws, or theories covered by the Parties' releases contained in Sections 5 and 6 above.

9. This Agreement is not to be considered a mediation document.

10. Each Party hereto states that the Party has carefully read this Agreement, that the Party has had the opportunity to have it reviewed and explained to the Party by an attorney of its choosing, that the Party fully understands its final and binding effect, and that the Party is signing this Agreement voluntarily and with the full intent of releasing all claims.

11. This Agreement sets forth the entire agreement between the Parties. PCR is not relying on any other agreements or oral representations not fully addressed in this Agreement. Any prior agreements between or directly involving PCR and the County are superseded by this Agreement. The provisions of this Agreement are severable, and if any part of this Agreement is

found by a court of law to be unenforceable, the remainder of this Agreement will continue to be valid and effective.

12. This Agreement may be signed in counterparts with electronic or facsimile copies used in lieu of originals.

13. To be valid and enforceable this Agreement must be approved by a majority of the five member Clackamas County Board of Commissioners at a duly noticed public meeting.

CLACKAMAS COUNTY

By: _____

Its: _____

Date: _____

Approved as to form:

Stephen L. Madkour
Attorney for Clackamas County

P.C.R., Inc.

By: _____

Its: _____

Date: _____

Attachment: Letter from Steve Kelly to Jeff Cox dated October 25, 2018.

October 25, 2018

Jeff R. Cox, President
PCR, Inc.
PO Box 630
Beavercreek, OR 97004

**RE: JENNINGS LODGE PEDESTRIAN IMPROVEMENTS PROJECT – NEEDED
ITEMS FOR PROJECT CLOSE-OUT**

Mr. Cox:

Thank you for attending the Project Resolution Meeting with Clackamas County Department of Transportation and Development (DTD) and Housing and Community Development Division, Tuesday, 9:30am, October 23, 2018, in the Development Services Building, in Conference Room 332. Also present for this meeting were The Traveler Companies, Inc., and LaPorte Insurance as requested by PCR, Inc. As I stated at the end of the meeting, I would provide you a letter listing all required items for Project Close-out, in order for our office to release your company's project retainage. Below is the list of documents I must receive, review and approve for Project Close-out:

A. Payroll Documents:

1. Provide original No-Work-Performed Certificates for PCR, Inc., for Payrolls Number 13 (September 15) through Number 19 (October 27), being the final week.
2. Provide original Payroll(s) for any of the following subcontractors that worked on the project: A & D Flagging, Fox Erosion Control & Landscaping, Pacific Excavation, Apply-A-Line, Laser Site Surveying, and Willamette Fencing
3. Provide Weekly Payroll for Truck Driver – Mr. Craig Reed, as employee of PCR, Inc., or as an Owner Operator, with a State of Oregon CCB License Number.

Note 1: If any of your assigned Subcontractors never worked on the site, because the project canceled, please provide a statement on PCR, Inc. letterhead to this fact. It can be one letter, all inclusive.

Note 2: All Prevailing Wage Rates per classification, whichever is higher between Federal Davis-Bacon and State of Oregon Bureau of Labor and Industries (BOLI) will be reviewed to ensure all employees that worked on this project have received correct wages and fringe benefits per their listed classification.

B. Other Documents:

1. Need original Subcontractor/ Contractor Certifications-CD Forms for the following Companies: A & D Flagging, Fox Erosion Control & Landscaping, Pacific Excavation, Apply-A-Line, Laser Site Surveying, and Willamette Fencing
2. Provide original Subcontractor/ Contractor Certifications-CD Form for Truck Driver – Mr. Craig Reed, and his price for working on this project. If you need a new electronic form, I would provide that to you, email me a request.

Note 1: Only copies were provided by PCR, Inc. to our office, please send originals.

C. Final Documents:

1. Consent to Surety to Final Payment for your company.
2. Affidavit of Debts and Claims for your company, and applicable suppliers and/ or subcontractors.
3. Release of Liens for your company, and applicable suppliers and/ or subcontractors.

Each items needed items were discussed in the PreConstruction Conference, held on Thursday, afternoon, June 14, 2018, in the Development Services Building, Conference Room 320. If you have any questions, or need clarification(s) of this list, please call me at my direct phone number 503-650-5665, Mondays through Thursdays from 7:30am until 6:00pm for assistance.

Sincerely,



Steve Kelly, Project Coordinator

Cc: Joel Howie, Clackamas County-DTD, Engineering Supervisor
Bob Knorr, Clackamas County-DTD, Project Manager
Kelly, Niemela, LaPorte Insurance, Surety Bond Manager
Patrick Toulouse, Travelers, Bond & Special Insurance, Technical Director & Counsel