



COPY 4

M. BARBARA CARTMILL  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 12, 2015

Board of Commissioners  
Clackamas County

Members of the Board:

**A Board Order Adopting the Vacation of Browndale Farm Road**

<b>Purpose/Outcomes</b>	Vacates a portion of Browndale Farm Road
<b>Dollar Amount and Fiscal Impact</b>	Application and processing fee received.
<b>Funding Source</b>	N/A
<b>Safety Impact</b>	The vacation of this portion of Browndale Farm Road will have no negative impact on the traveling public.
<b>Duration</b>	Upon execution; permanent vacation.
<b>Previous Board Action</b>	N/A
<b>Contact Person</b>	Doug Cutshall, Engineering Technician 503-742-4669

**BACKGROUND**

Browndale Farm Road, County Road Number 802, Department of Transportation and Development Maintenance Number 31036, located east of Charbonneau and the northeast quarter of Section 30, T.3 S., R.1 E., W.M., was established January 2, 1913, to provide a county road to Browndale and other area farms. The portion of Browndale Farm Road to be vacated will not deprive public access to any adjoining properties. The petitioner has provided an extension to the existing access easement to Bonneville Power Administration over the vacated portion of right-of-way. Vacating this portion of Browndale Farm Road will not affect traffic flow nor reduce the established width of sixty feet.

This portion of Browndale Farm Road is a 60 foot wide, 410 foot long, right-of-way that serves no public need and is not a benefit to the traveling public.

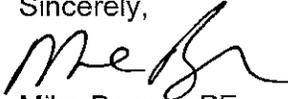
The Petition to Vacate has been filed with the determined fee and signed by 100 percent of the abutting property owners. All abutting property owners have signed Consent to Vacate forms that have been acknowledged by the proper authority. Clackamas County Department of Transportation Maintenance, Engineering, Planning, and Traffic Divisions, along with all local utility companies including Bonneville Power Administration, have been contacted and do not have any objections to this vacation.

County Counsel has reviewed and approved this vacation.

**RECOMMENDATION**

Staff respectfully recommends that the Board adopt the attached Board Order approving the vacation of a portion of Browndale Farm Road, County Road Number 802, Department of Transportation and Development Maintenance Number 31036.

Sincerely,



Mike Bezner, PE  
Transportation Engineering Manager

For information on this issue or copies of attachments  
please contact Doug Cutshall at 503-742-4669.

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

In the matter of the Vacation  
Of a portion of Browndale Farm Road  
County Road No. 802 situated in  
Section 30, T.3 S., R.1 E., WM  
Clackamas County, Oregon



Order No.  
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This matter coming before the Board of County Commissioners at this time and appearing to the Board that in accordance with ORS 368.351 a petition signed by 100 percent of the abutting owners and a written report finding this vacation to be in the public interest from the County Road Official, M. Barbara Cartmill, Director, have been submitted in the matter of the vacation of a portion of Browndale Farm Road, County Road Number 802, described as follows:

All that portion of Browndale Farm Road, County Road Number 802, situated in Section 30, T.3 S., R.1 E., WM, Clackamas County, Oregon, as more particularly described and shown on attached Exhibits "A" and "B".

IT FURTHER APPEARING that the Board having read said petition and report from the County Road Official and having determined the vacation of the above described portion of roadway to be in the public interest; and,

IT FURTHER APPEARING that Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies, including Bonneville Power Administration, have been contacted and do not have any objections to this vacation providing that utility easement rights are reserved; now therefore,

IT IS HEREBY ORDERED that the attached described portion of Browndale Farm Road, County Road Number 802, containing 23,414 square feet, more or less, be vacated; and,

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

In the matter of the Vacation  
Of a portion of Browndale Farm Road  
County Road No. 802 situated in  
Section 30, T.3 S., R.1 E., WM  
Clackamas County, Oregon



Order No.  
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IT IS FURTHER ORDERED that rights for all exiting utilities within the vacated portion of Browndale Farm Road be reserved. Nothing contained herein shall cause or require the removal or abandonment of any storm or sanitary sewer, water main, gas line, conduit of any kind, wires or poles which are now installed in said right-of-way and used or intended to be used for any public service or utility. In addition, the rights are reserved to maintain, repair, construct or reconstruct, install, renew, and enlarge all utilities that are now used for any public service or utility; and,

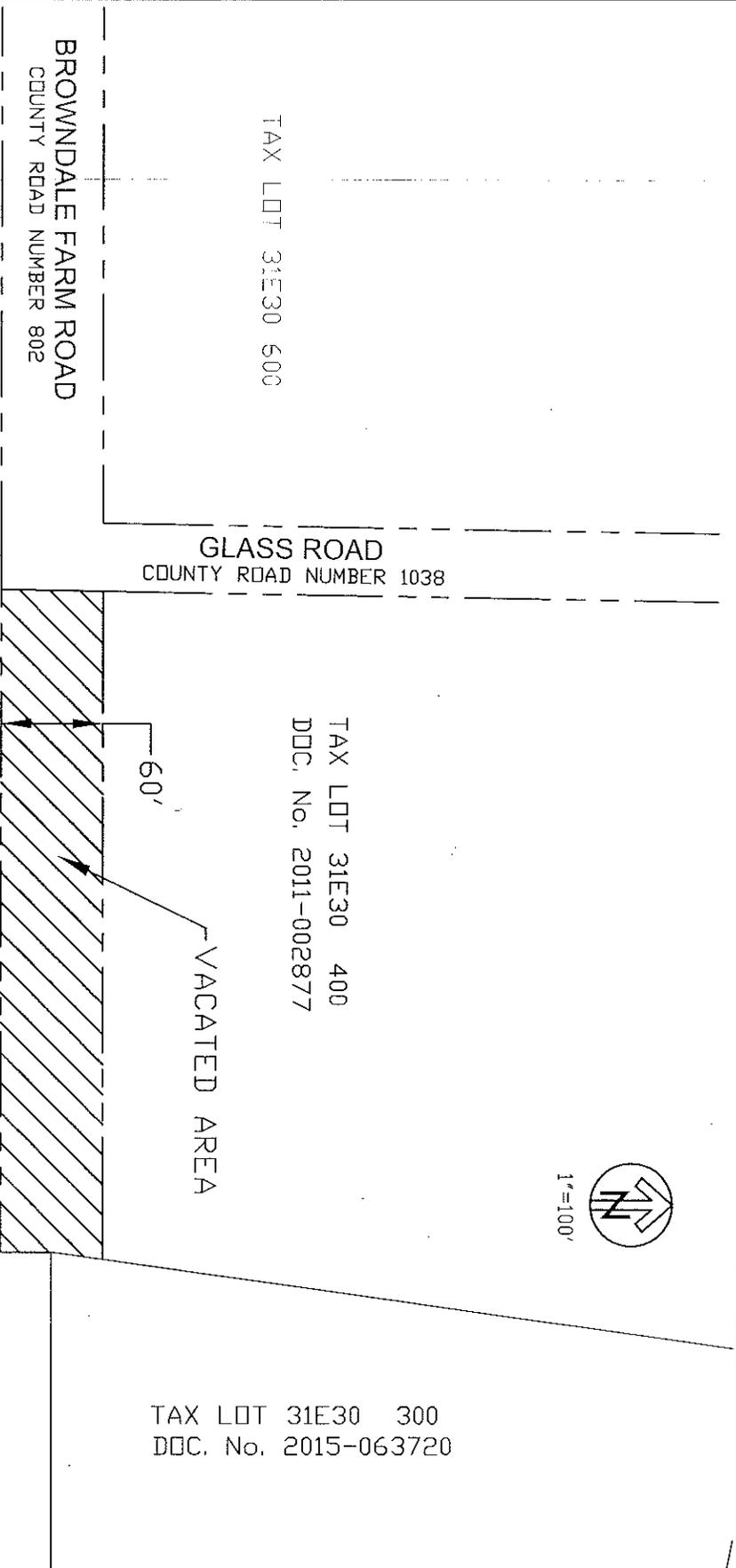
IT IS FURTHER ORDERED, that this Order and attached exhibits be recorded in the Deed Records for Clackamas County and that a copy be filed with the County Surveyor, County Assessor, and Finance Office/Fixed Assets.

ADOPTED this 12th day of November, 2015

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

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



TAX LOT 31E30 1100

TAX LOT 31E30 600

GLASS ROAD  
COUNTY ROAD NUMBER 1038

TAX LOT 31E30 500  
DDC. No. 2015-063720

TAX LOT 31E30 400  
DDC. No. 2011-002877

60'

VACATED AREA



TAX LOT 31E30 300  
DDC. No. 2015-063720

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEBRUARY 08, 2000  
GEFFORY N. ADAIR  
58984

RENEWS: 12-31-15

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



BY: D. CUTSHALL DATE: 07/31/2015

EXHIBIT "B"

SHEET  
PAGE 1

## Exhibit "A"

Browndale Farm Road

DTD Maintenance No. 31036

Map No. 31E30 00500

Date: September 10, 2015

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### VACATION OF A PORTION OF BROWNDALE FARM ROAD

A portion of Browndale Farm Road, as shown on attached Exhibit "B", which by this reference is made a part hereof, being a portion of County Road Number 802, located near Wilsonville, Oregon, situated in the northeast quarter of Section 30, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, said portion of road right-of-way being more particularly described as follows:

All of Browndale Farm Road, County Road Number 802, lying east of the southerly extension of the east right-of-way line of Glass Road, County Road Number 1038. Said portion of Browndale Farm Road is 60 feet wide and 410 feet long more or less, and shown on Private Survey Number 1922, a map by Thomas Telford, Clackamas County Survey Records, which by this reference is made a part hereof.

Containing 23,414 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
FEBRUARY 08, 2000  
GEFFORY N. ADAIR  
58984

RENEWES: 12-31-15

## MEMORANDUM

TO: Board of Commissioners

FROM: M. Barbara Cartmill, Director D.T.D.

DATE: November 12, 2015

SUBJ: **ROAD OFFICIAL'S REPORT FOR THE VACATION OF A PORTION OF  
BROWNDALE FARM ROAD**

**LOCATION:** Browndale Farm Road, County Road Number 802, is located in the northeast quarter of Section 30, T.3 S., R.1 E., W.M. near Charbonneau.

**FACTS AND FINDINGS:** The subject portion of Browndale Farm Road, Department of Transportation and Development Maintenance Number 31036, became a part of the county road system January 2, 1913, to provide a county road to Browndale and other area farms. The portion of Browndale Farm Road to be vacated will not deprive public access to adjoining properties. The petitioner has provided an extension to an existing access easement to Bonneville Power Administration over the vacated portion of right-of-way.

This portion of Browndale Farm Road is a 60 foot wide, 410 foot long, right-of-way that serves no public need and is not a benefit to the traveling public. Vacating this portion of Browndale Farm Road will not affect traffic flow nor reduce the established width of sixty feet.

The Petition to Vacate has been filed with the determined fee and signed by 100 percent of the abutting property owners. All abutting property owners have signed Consent to Vacate forms, which have been acknowledged by the proper authority.

Clackamas County Departments of Transportation Maintenance, Engineering, Planning, Traffic, along with all local utility companies and Bonneville Power Administration have been contacted and do not have any objections to this vacation.

After considering traffic impacts, fiscal impacts, and social impacts, it appears to be in the public interest to vacate the area petitioned.

It is my assessment to support the subject vacation.

Pursuant to ORS 368.351 and County policy, the Board may make its determination in the matter of this vacation without a public hearing. This is allowed when there is 100% agreement from the affected property owners, this Road Official's Report is submitted, and there is no controversy related to the proposed vacation.