



M. BARBARA CARTMILL  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

February 18, 2016

Board of County Commissioners  
Clackamas County

Members of the Board:

Delegate Authority to the Director of the Department of Transportation and Development  
to Execute a Quitclaim of a Permanent Slope Easement  
for a Planned Redevelopment adjacent to SE Sunnyside Road

Purpose/Outcomes	Release by quitclaim of an existing slope easement which was used to construct Sunnyside Road Phase III improvements, the area of which is now needed for redevelopment which will bring jobs and income to the County.
Dollar Amount and Fiscal Impact	None
Funding Source	N/A
Duration	Permanent Transfer
Previous Board Action	None
Strategic Plan Alignment	1. Grow a vibrant economy.
Contact Person	M. Barbara Cartmill, Director 503-742-4326
Contract No.	4326

**BACKGROUND:**

The Clackamas County Department of Transportation and Development (DTD) acquired extensive easements and property along SE Sunnyside Road in order to construct three phases of a major transportation improvement project in the area. Phase III easements acquired on the north side of Sunnyside Road at its intersection with 172<sup>nd</sup> Avenue allowed for construction of the road improvements. The subject Permanent Slope Easement, County Deed Record No. 2007-070939, was designed such that when and if future development occurred, the easement could be released to accommodate the redevelopment if plans submitted required use of the area.

The developer has presented plans to DTD proposing an appropriate use of the easement area meeting land use needs and conditions, while protecting the integrity of the road system. The developer proposes to construct a retaining wall, thereby protecting the roadway and eliminating the need for a permanent slope easement. Currently, acceptance of deeds and easements for County road projects is delegated to the Director of the Department of Transportation and Development by Clackamas County Code – Chapter 2.13. However, the Director of the Department of Transportation and Development is not specifically authorized to release or quitclaim specific easements. Therefore, the Director of DTD requests the authority to quitclaim and release the subject easement to accommodate the planned redevelopment.

**RECOMMENDATION:**

Staff recommends that the Board:

- Delegate authority to the Director of the Department of Transportation and Development to quitclaim the County's interest in County Deed Record No. 2007-070939.
- Approve the form of "Quitclaim of a Permanent Slope Easement" as attached.
- Delegate authority for staff to act on behalf of Clackamas County at closing.
- Direct that the Quitclaim of a Permanent Slope Easement be recorded in the Deed records of Clackamas County at no cost.

Respectfully submitted,

M. Barbara Cartmill, Director  
Transportation and Development