



M. BARBARA CARTMILL
DIRECTOR

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

November 23, 2016

Board of Commissioners
Clackamas County

Members of the Board:

Approval of a Board Order Adopting the Vacation of Nickel Road

Purpose/Outcomes	Vacates a portion of Nickel Road
Dollar Amount and Fiscal Impact	Application and processing fee received.
Funding Source	N/A
Duration	Upon execution; permanent vacation.
Previous Board Contact	N/A
Strategic Plan Alignment	Building trust through good government.
Contact Person	Doug Cutshall, Engineering Technician 503-742-4669

BACKGROUND

Nickel Road, Local Access Road Number P4084, is situated in the northeast and southeast one quarters of Section 34, T.2 S., R.4 E., W.M. and Erle Crest, Plat Number 287, Clackamas County Plat Records. Nickel Road, was dedicated to the public by the Erle Crest Plat, April 7, 1911. This portion of Nickel Road was constructed outside of the legal right of way. The petitioner views the road as though it is their exclusive driveway. The petitioner has provided an errant vehicle turn around area at the end of the as traveled road. The portion of Nickel Road to be vacated will not deprive public access to adjoining properties.

This portion of Nickel Road is a 40 foot wide, 380 foot long right-of-way that serves no public need and is not a benefit to the traveling public. Vacating this portion of Nickel Road will not affect traffic flow nor reduce the established width of 40 feet of the remaining road.

The Petition to Vacate under ORS 368.341 has been filed with the determined fee and acknowledged signatures of owners of 100 percent of the affected owners of property proposed to be vacated pursuant to ORS 368.351. All abutting property owners in this instance have signed the 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 the Bureau of Land Management, 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 Nickel Road, Local Access Road Number P4084.

Sincerely,

Mike Bezner, PE
Assistant Director of Transportation

In the matter of the Vacation
Of a portion of Nickel Road
Local Access Road No. P4084
Situating in the NE 1/4 & SE 1/4 of
Section 34, T.2 S., R.4 E., WM

Order No.

This matter coming before the Board of County Commissioners at this time and appearing to the Board that in accordance with ORS 368.341 and pursuant to ORS 368.351, a petition has been filed with the determined fee and acknowledged signatures of owners of 100 percent of the affected owners of property proposed to be vacated, 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 Nickel Road, Local Access Road Number P4084, described as follows:

A portion of Nickel Road, Local Access Road Number P4084, situated in the NE 1/4 & SE 1/4 of Section 34, T.2 S., R.4 E., WM, and Erle Crest, Plat Number 287, Clackamas County Plat Records, 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 the Bureau of Land Management, have been contacted and do not have any objections to this vacation; now therefore,

IT IS HEREBY ORDERED that the attached described portion of Nickel Road, Local Access Road Number P4084, containing 15,170 square feet, more or less, be vacated; and,

IT IS FURTHER ORDERED that rights for all exiting utilities within the vacated portion of Nickel 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 ____ day of _____, 2016

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary