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Clackamas County
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DAN JOHNSON
DIRECTOR

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

August 13, 2026

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Resolution Declaring the Public Necessity and Purpose for the Acquisition of Rights of Way, Easements, and Fee Property, and Authorizing Good Faith Negotiations and, if Necessary, Condemnation Proceedings, for the Sunnyside Rd & 142nd Pavement Overlay & Ramp Project. Project Value is \$11,935,000. Funding is through County Road Fund. No County General Funds are involved.

Previous Board Action/Review: 6/5/25 Approval of a design contract with Consor North America

Performance Clackamas: Strong Infrastructure; Safe, Secure and Livable Communities

Counsel Review: Yes

Procurement Review: No

Contact Person: Carol Hager

Contact Phone: 503-742-4674

EXECUTIVE SUMMARY: The Sunnyside Rd & 142nd Pavement Overlay & ADA Ramp Project (the "Project") will complete pavement overlay and curb ramp retrofits on Sunnyside Road between 101st and 119th Avenues, on Sunnyside Road between 162nd and 172nd Avenues, and on 142nd Avenue between Sunnyside Road and Highway 212; and will modify signals at six corners to meet ADA requirements for pedestrian push button reach, height, and level landing.

The Project design team has collected and analyzed data sufficient to choose an alternative and advance the design of the Project. The Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development's (the "Department's") project development procedures.

In order to construct the Project as designed, the County will need to acquire rights of way, easements, and fee property. The Project is expected to impact nineteen (19) abutting properties. The County has authority under ORS chapter 203 and ORS chapter 35 to acquire the needed property rights by agreement or purchase or by exercise of the power of eminent domain. In accordance with ORS chapter 35, the Board must adopt a Resolution of Necessity before the County can make any offers.

The attached resolution would direct the Department to negotiate in good faith and in accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of compensation owed to each affected property owner, and to utilize authorized real estate appraisers and other such experts to determine just compensation. The resolution would further require the Director of the Department to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed would the resolution authorize the Office of County Counsel to commence condemnation proceedings.

RECOMMENDATION: Staff recommends that the Board approve the attached Resolution of Necessity for the Project, authorizing acquisition of the needed property rights by good faith negotiations, if possible, or condemnation proceedings, if necessary.
Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Declaring the Public
Necessity and Purpose for the Acquisition of
Rights of Way, Easements, and Fee
Property, and Authorizing Good Faith
Negotiations and Condemnation
Proceedings, for the Sunnyside Rd & 142nd
Pavement Overlay & ADA Ramp Project



Resolution No.

Page 1 of 2

Whereas, the Sunnyside Rd & 142nd Pavement Overlay & ADA Ramp Project (the “Project”) will complete pavement overlay and curb ramp retrofits on Sunnyside Road between 101st and 119th Avenues, on Sunnyside Road between 162nd and 172nd Avenues, and on 142nd Avenue between Sunnyside Road and Highway 212; and will modify signals at six corners to meet ADA requirements for pedestrian push button reach, height, and level landing; and

Whereas, the Project is consistent with the powers and purposes of county government, and is necessary for public use and the continued growth, safety, and welfare of the community; and

Whereas, the Board is responsible for providing safe transportation routes for commerce, for convenience, and to adequately serve the traveling public; and

Whereas, the Project has been planned in accordance with appropriate standards for the improvement of transportation infrastructure such that property damage is minimized, transportation is promoted, and travel is safeguarded; and

Whereas, the Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury; and

Whereas, in order to construct the Project as designed, the County will need to acquire rights of way, easements, and fee property within the boundaries described in the attached Exhibit “A,” which will impact the properties listed in the attached Exhibit “B” (the “Exhibits”); and

Whereas, the width of the right of way will be in accordance with the Clackamas County Comprehensive Plan and Transportation System Plan; and

Whereas, ancillary easements for sign, slope, sidewalk, utility, wetland mitigation, storm water treatment, storm water detention, traffic and safety facility, and temporary construction purposes, together with incidental additional rights of way at intersections and due to topography, as may be reasonably necessary to accommodate the Project design, and any uneconomic remnants, as determined by appraisal, are all in the public interest in order to commence and complete the Project in a timely manner; and

Whereas, the County has authority under ORS chapter 203 and ORS chapter 35 to acquire the needed property rights by agreement or purchase through good faith negotiations or by exercise of the power of eminent domain through condemnation proceedings;

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Declaring the Public
Necessity and Purpose for the Acquisition of
Rights of Way, Easements, and Fee
Property, and Authorizing Good Faith
Negotiations and Condemnation
Proceedings, for the Sunnyside Rd & 142nd
Pavement Overlay & ADA Ramp Project



Resolution No.

Page 2 of 2

NOW, THEREFORE, the Clackamas County Board of Commissioners does hereby resolve as follows:

- Section 1:** The Board declares it necessary and in the public interest that the Department of Transportation and Development (the “Department”) begin the acquisition process for the needed property rights in accordance with all applicable laws, rules, and regulations.
- Section 2:** The Department is directed to, in good faith, attempt to negotiate agreements of just compensation with the owners of property within the boundaries of the Exhibits and to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist with the acquisition process.
- Section 3:** It is the intention of the Board that the needed property rights be obtained through good faith negotiations. However, the Board acknowledges that the exercise of the power of eminent domain may be necessary. The Director of the Department shall inform the Board when the Director deems that exercise necessary. Thereafter, the Office of County Counsel is authorized to file complaints of condemnation with the circuit court and to take such other steps as it determines necessary for the immediate possession of the needed property rights and for the successful litigation of the condemnation proceedings, including the retention of real estate appraisers, experts, and other consultants.

DATED this 13th day of August 2026

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



EXHIBIT "A"

Clackamas County
Sunnyside Rd. & 142nd Pavement Overlay & ADA Ramp Project
County Project Number: CI-3-25353
July 14, 2026
Page 1 of 3

Existing Centerline Description for a Portion of SE Sunnyside Road

A roadway commonly known as SE Sunnyside Road, County Road No. 96, located in the Southeast One-Quarter of Section 33 and the Southwest One-Quarter of Section 34, and the Southeast One-Quarter of Section 34, Township 1 South, Range 2 East, and the Northwest One-Quarter of Section 2 and the Northeast One-Quarter of Section 3, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at centerline station 331+90.66, which bears North 75°14'16" East 1,345.20 feet from a 2-1/4 inch brass disk per U.S.B.T 2002-106 at the South One-Quarter corner of Section 33, Township 1 South, Range 2 East, Willamette Meridian; thence North 87°16'18" East 1,611.26 feet; thence North 86°18'35" East 967.39 feet to a point of curvature; thence along a 3772.97 foot radius curve to the right (the long chord of which bears South 86°56'02" East 887.75 feet), through a central angle of 13°30'45", a distance of 889.81 feet to a point of tangency; thence South 80°10'40" East 96.67 feet to a point of curvature; thence along a 3,280.84 foot radius curve to the right (the long chord of which bears South 71°39'09" East 972.74 feet), through a central angle of 17°03'02", a distance of 976.34 feet to a point of tangency; thence South 63°07'38" East 594.04 feet to a point of curvature; thence along a 3,280.84 foot radius curve to the right (the long chord of which bears South 58°55'36" East 480.61 feet), through a central angle of 8° 24'03", a distance of 481.04 feet to a point of tangency; thence South 54°43'35" East 1,033.80 feet to centerline station 398+41.01 and the end of this description.

The Basis of Bearings for this description is Oregon Coordinate Reference System, Portland Zone, NAD83(2011) Epoch 2010.00.

The sidelines in feet of the strips of land along SE Sunnyside Road herein described as follows:

Station to Station	Width on Southerly Side of Centerline	Width on Northerly Side of Centerline
342+26.81 to 343+00.81		123.00
342+31.60 to 342+91.60	180.00	
348+73.40 to 349+95.58	200.00	
354+32.86 to 354+53.12	73.48 in a straight line to 53.52	
371+44.31 to 371+96.39		105.02 in a straight line to 55.54
371+84.24 to 372+22.26	93.69 in a straight line to 56.00	
372+72.66 to 373+89.39		65.00
373+89.39 to 374+25.96		65.00 in a straight line to 98.96
384+29.77 to 385+28.25	130.87 in a straight line to 132.09	
394+53.23 to 396+00.78		235.00
395+58.76 to 395+92.54	101.36 in a straight line 67.61	



Existing Centerline Description for a portion of SE 142nd Avenue

A roadway Commonly known as SE 142nd Avenue, County Road No. 723, located in the Southwest One-Quarter of Section 1, the Southeast One-Quarter of Section 2, the Northeast One-Quarter of Section 11, and 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 centerline station 0+00, said station being the calculated West One-Quarter corner of Section 1, Township 2 South, Range 2 East, Willamette Meridian; said corner bears South 00°11'54" East 10.94 feet from a 5/8" iron rod with yellow plastic cap as shown on U.S.B.T. 2016-011, thence South 0°22'16" East 2,637.98 feet to a 3-1/4 inch bronze disk per U.S.B.T. 1999-047 at the Southwest corner of said Section 1; thence South 0°09'59" East 1,108.78 feet to centerline station 37+46.75 and the end of this description.

The Basis of Bearings for this description is Oregon Coordinate Reference System, Portland Zone, NAD83(2011) Epoch 2010.00.

The sidelines in feet of the strips of land along SE 142nd Avenue herein described as follows:

Station to Station	Width on Westerly Side of Centerline	Width on Easterly Side of Centerline
4+72.05 to 4+81.02		70.00
4+81.02 to 5+01.45		37.00
6+71.70 to 6+86.64		40.00
6+98.46 to 7+27.87	53.46 in a straight line to 30.00	
6+99.34 to 7+34.69		40.00
9+00.19 to 9+21.37		35.41 in a straight line to 35.28
9+21.37 to 9+35.55		35.28 in a straight line to 59.45
15+41.17 to 15+53.32		70.00
15+53.32 to 15+64.26		44.89 in a straight line 40.10
16+82.49 to 16+95.49		41.54 in a straight line to 41.49
16+95.49 to 17+79.70		225.00
17+79.70 to 17+87.93		42.00
19+10.35 to 19+43.21		30.00 in a straight line to 70.43
19+81.17 to 20+13.21		66.68 in a straight line to 30.00
23+53.62 to 23+69.86		31.00
23+69.86 to 23+79.05		31.00 in a straight line to 38.28
23+79.05 to 24+29.06		125.00
24+29.06 to 24+48.62		37.29 in a straight line to 30.00
35+19.65 to 35+37.60		45.00
35+37.60 to 35+53.15		45.00 in a straight line to 88.67
36+01.12 to 36+32.36		64.60 in a straight line to 35.00



Existing Centerline Description of a Portion of SE Sunnyside Road

A roadway commonly known as SE Sunnyside Road, County Road No. 96, located in the Northeast One-Quarter of Section 1, Township 2 South, Range 2 East, and the Northwest One-Quarter of Section 6, Township 2 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at a point of curvature at centerline station 506+29.43 of SE Sunnyside Road (County Road No. 96), which bears South 19°15'05" West 1,989.98 feet from a 3-1/4 inch bronze disk per U.S.B.T. 2007-110 at the Northwest corner of Section 6, Township 2 South, Range 3 East, Willamette Meridian; thence along a 13,123.36 foot radius curve to the left (the long chord of which bears North 84°53'21" East 1197.81 feet), through a central angle of 5°13'53", a distance of 1,198.23 feet to a point of reverse curve; thence along a 3,280.84 foot radius curve to the right (the long chord of which bears South 87°43'33" East 1,139.49 feet), through a central angle of 20°00'04", a distance of 1,145.29 feet to centerline station 529+72.95 and the end of this description.

The Basis of Bearings for this description is Oregon Coordinate Reference System, Portland Zone, NAD83(2011) Epoch 2010.00.

The sidelines in feet of the strips of land along SE Sunnyside Road herein described as follows:

Station to Station	Width on Southerly Side of Centerline	Width on Northerly Side of Centerline
518+62.15 to 519+23.86	100.00	

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Timothy E. Brown
Vancouver, WA
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tebr@deainc.com
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OREGON
NOVEMBER 12, 2019
TIMOTHY E. BROWN
91314

RENEWS: 12/31/2027



EXHIBIT "B"

Page 1 of 1

File No.	Site Address	Tax Lot No.
1	10185 SE Sunnyside Rd, Clackamas, 97015	12E33DD0-3000
2	10201 SE Sunnyside Rd, Clackamas, 97015	12E33DD0-2900
3	10100 SE Sunnyside Rd, Clackamas, 97015	22E04A 0-0100
4	12230 SE Valley View Ter, Happy Valley, 97086	12E34DC0-7000
5	11271 SE Sunnyside Rd, Clackamas, 97015	12E34DC0-8500
6	11650 SE Sunnyside Rd, Clackamas, 97015	22E03AB0-0400
7	11899 SE Sunnyside Rd, Clackamas, 97015	22E03AA0-0400
8	11995 SE Sunnyside Rd, Clackamas, 97015	22E03AA0-0700
9	16416 SE Sunnyside Rd, Clackamas, 97015	23E06BC0-0200
10	14202 SE Princeton Vlg Way, Clackamas, 97015	22E01CB0-0100
11	No Situs	22E01CB1-0700
12	14201 SE Oregon Trail Dr, Clackamas, 97015	22E01CB0-7100
13	14202 SE Territory Dr, Clackamas, 97015	22E01CC-12300
14	14203 SE Village Slope Ct, Clackamas, 97015	22E01CC0-6501
15	No Situs	22E01CC0-6513
16	14202 SE Village Slope Ct, Clackamas, 97015	22E01CC0-6512
17	14205 SE Christenson Ct, Clackamas, 97015	22E01CC0-6609
18	14202 SE Christenson Ct, Clackamas, 97015	22E01CC0-6601
19	14263 SE Wenzel Dr, Clackamas, 97015	22E12BB0-0100