



DAN JOHNSON

DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

January 15, 2026

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
Clackamas County

**Approval of a Board Order vacating a portion of Zivney Lane, a non-maintained local access road. Order Value is \$2,899.09. Funding is through the petitioner. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	None		
<b>Performance Clackamas</b>	1. Strong Infrastructure 2. Vibrant Economy 3. Safe, Secure and Livable Communities		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	No
<b>Contact Person</b>	Douglas Cutshall	<b>Contact Phone</b>	503-742-4669

**EXECUTIVE SUMMARY:** Zivney Lane, situated in the NE 1/4 of Section 21, T. 2 S., R. 1 E., W. M., is a 50-foot-wide, 1,509-foot-long right of way that was dedicated to the public on April 14, 1959, as recorded in Book 553, on Pages 677 to 679, of the Clackamas County Deed Records. A Petition for Road Easement Vacation under ORS 368.341 has been filed with the required fee. The petition proposes to vacate the easterly 590.03 feet of right of way, containing approximately 29,501 square feet. The portion to be vacated is a dead-end gravel road surrounded by the petitioner's property, and it appears to be nothing more than a private driveway. This portion of road right of way serves no public need and is not a benefit to the traveling public. Vacating this portion of right of way will not affect area traffic flow or deprive the public of access to adjoining properties.

All abutting property owners have signed Consent to Vacate forms, and their signatures have been acknowledged. The attached report from the County Road Official determines that the vacation is in the public interest. Under ORS 368.351, the Board may make a decision on the proposed vacation without a hearing.

The Clackamas County Department of Transportation and Development's Maintenance, Engineering, Planning, and Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation, provided rights are reserved for all existing utilities.

For Filing Use Only

**RECOMMENDATION:** Staff respectfully recommends that the Board adopt the attached Board Order vacating the above described portion of Zivney Lane right of way.

Respectfully submitted,

*Dan Johnson*

Dan Johnson, Director  
Department of Transportation and Development

# BEFORE THE BOARD OF COUNTY COMMISSIONERS

## OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of a Petition to Vacate a Portion  
of Zivney Lane, Situated in Section 21, T. 2  
S., R. 1 E., W. M., Clackamas County,  
Oregon



Board Order No.

*Page 1 of 2*

**Whereas**, this matter coming before the Board at this time, and it appearing that, in accordance with ORS 368.341 to ORS 368.366, a petition has been filed with the required fee for the vacation of a portion of Zivney Lane described as follows:

All of that portion of Zivney Lane, situated in the NE 1/4 of Section 21, Township 2 South, Range 1 East, Willamette Meridian, lying east of a line that is 590.03 feet west of the most easterly end of the road right of way described in Book 553, on Pages 677 to 679, Clackamas County Deed Records, and depicted on SN 2761, Clackamas County Survey Records, being all of that right of way depicted on Exhibit "A," attached hereto and by this reference incorporated herein, subject to a Reciprocal Access and Utility Easement and Maintenance Agreement, recorded as Document No. 2025-045453, Clackamas County Deed Records, and containing 29,501 square feet, more or less; and

**Whereas**, the County Road Official has submitted a written report, dated December 1, 2025, finding this vacation to be in the public interest; and

**Whereas**, the Board, having read said petition and report, has determined this vacation to be in the public interest; and

**Whereas**, the Clackamas County Department of Transportation and Development's Maintenance, Engineering, Planning, and Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation, provided rights are reserved for all existing utilities;

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

**Section 1:** The above described portion of Zivney Lane is vacated.

**Section 2:** The Board adopts as its own the findings and conclusions contained in the written report from the County Road Official, dated December 1, 2025.

**Section 3:** Rights for all existing utilities within the vacated portion of Zivney Lane are reserved. Nothing 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, rights are reserved to access, maintain, repair, construct or reconstruct, install, and renew all utilities that are now used for any public service or utility.

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OF CLACKAMAS COUNTY, STATE OF OREGON

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Board Order No.

*Page 2 of 2*

**Section 4:** This order and any attachments shall be recorded in the Clackamas County Deed Records, and a copy shall be filed with the County Surveyor, Assessor, and Finance/Fixed Assets Offices.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_ 2026

## BOARD OF COUNTY COMMISSIONERS

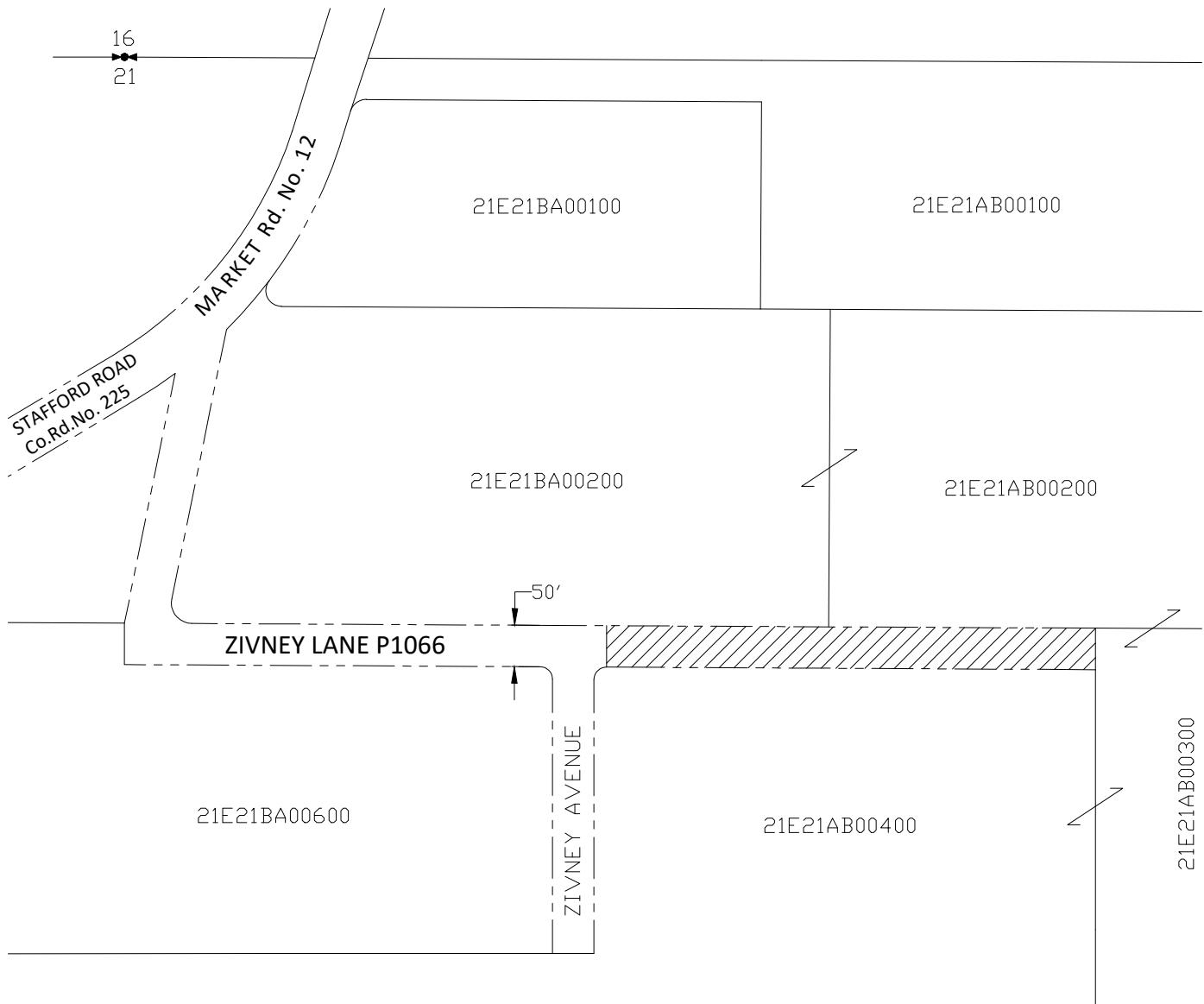
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Chair

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Recording Secretary

SITUATED IN THE NE1/4 OF  
SECTION 21, T.2S., R.1E., W.M  
CLACKAMAS COUNTY, OREGON.



VACATED RIGHT OF WAY  
AREA 29,501 Sq. Ft.±



SCALE 1'=200'

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT 150 BEAVERCREEK ROAD OREGON CITY, OR 97045		DRAWN BY: CUTSHALL 09/17/2025	SHEET 1 OF 1
EXHIBIT "A"			

## MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, DTD Director

DATE: December 1, 2025

SUBJ: **PETITION TO VACATE A PORTION OF ZIVNEY LANE**

**LOCATION:** The road proposed to be vacated is located in the NE 1/4 of Section 21, T. 2 S., R. 1 E., W. M.

**FACTS AND FINDINGS:** Zivney Lane is a 50-foot-wide, 1,509-foot-long right of way that was dedicated to the public on April 14, 1959, as recorded in Book 553, on Pages 677 to 679, of the Clackamas County Deed Records. A Petition for Road Easement Vacation under ORS 368.341 has been filed with the required fee. The petition proposes to vacate the easterly 590.03 feet of right of way, containing approximately 29,501 square feet. The portion to be vacated is a dead-end gravel road surrounded by the petitioner's property, and it appears to be nothing more than a private driveway. This portion of road right of way serves no public need and is not a benefit to the traveling public. Vacating this portion of right of way will not affect area traffic flow or deprive the public of access to adjoining properties.

All abutting property owners have signed Consent to Vacate forms, and their signatures have been acknowledged. Under ORS 368.351, the Board may make a decision on the proposed vacation without a hearing.

The Clackamas County Department of Transportation and Development's Maintenance, Engineering, Planning, and Traffic Divisions, and all local utility companies, have been contacted and do not have any objections to this vacation, provided rights are reserved for all existing utilities.

Road vacations are governed by the criteria in Clackamas County Code 7.03.095(A)(4), each of which is addressed below.

a. Whether the vacation would inhibit or preclude access to an abutting property, and whether an access reservation would be adequate to protect that access;

Finding: No properties will be adversely affected by this road vacation.

b. Whether it is physically possible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: A gravel road is constructed within this right of way.

c. Whether it is economically feasible to build a road that meets contemporary standards over the existing terrain or right of way;

Finding: It is economically feasible to build a road in this right of way.

d. Whether there is another nearby road that can effectively provide the same access as the right-of-way to be vacated;

Finding: The remainder of Zivney Lane provides access to all adjoining properties.

e. Whether the right-of-way to be vacated has present or future value in terms of development potential, use in transportation linkages, or use in road replacements;

Finding: There is no potential use for this right of way.

f. Whether there are present and future likely benefits of the right-of way to the traveling public;

Finding: There are no future benefits of this right of way to the traveling public.

g. Whether anticipated growth or changes in use of the surrounding area are likely to impact the future use of the right-of-way proposed to be vacated;

Finding: There is anticipated growth that is better served through other dedicated rights of way.

h. Whether the right-of-way proposed to be vacated leads to a creek, river, or other waterway that can be used for public recreation; and

Finding: Not applicable.

i. Whether the right-of-way proposed to be vacated leads to federal, state or local public lands that can be used for public recreation.

Finding: Not applicable.

It is my assessment that the proposed vacation is in the public interest.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director  
Department of Transportation and Development