



September 4, 2025

BCC Agenda Date/Item: _____

Board of County Commissioners
Acting as the governing body of Water Environment Services
Clackamas County

**Approval of an Ingress and Egress Easement Agreement with Craig and Cinda Brooks for access to a future accessory dwelling unit site in Welches area.
No fiscal impact. No County General Funds are involved.**

Previous Board Action/Review	N/A		
Performance Clackamas	1. Implement operationally efficient preventative maintenance programs for WES' assets to ensure service delivery, reliability, and regulatory compliance. 2. This project supports the County's Strategic Priorities of Strong Infrastructure, Vibrant Economy, and Safe, Secure and Livable Communities.		
Counsel Review	Yes	Procurement Review	Yes
Contact Person	Ron Wierenga	Contact Phone	503-742-4581

EXECUTIVE SUMMARY: WES desires to grant a non-exclusive ingress and egress easement (Easement Area) to an adjacent property owner to facilitate the access and future construction of an Accessory Dwelling Unit. The Easement Area is a strip of land 30 feet wide by 458.38 feet long located on a parcel of property owned by WES in the Hoodland Service Area near Welches. This Easement Area overlaps an existing access easement utilized by different property owner to access another parcel of property and does not conflict with WES' use or planned use of the property. No temporary or permanent building, structure or improvement shall be constructed upon said Easement Area. The Grantees shall maintain the Easement Area at their sole expense. Grantees assume all risk arising out of their use of the Easement Area, and Grantor shall have no liability to Grantees or others for any condition existing therein. Grantee shall indemnify and hold harmless the Grantor, its Board of Directors, its employees and agents from any and all claims, actions, demands or losses (including attorney fees) arising out of use of the Easement Area. Grantees, shall limit activities to those necessary to achieve the purpose of constructing, replacing, repairing, or maintaining a gravel roadway surface.

RECOMMENDATION: Staff recommends that the Board of County Commissioners of Clackamas County, acting as the governing body of Water Environment Services, approve an Ingress Egress Easement of a parcel of property to assist in future construction of an accessory dwelling unit.

For Filing Use Only

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Greg L Geist", with a long horizontal flourish extending to the right.

Greg Geist
Director, WES

Attachment: Non-exclusive Ingress Egress Easement

After recording, return to:
Clackamas Water Environment Services
150 Beavercreek Road, Suite #430
Oregon City OR 97045

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Reserve this area for recording stamp

NON-EXCLUSIVE INGRESS EGRESS EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Water Environment Services an intergovernmental entity formed pursuant to ORS Chapter 190 (successor to Clackamas County Service District No. 1), hereinafter referred to as the Grantor, bargains and conveys an ingress and egress easement to Craig Brooks and Cinda Brooks and their successors as legal owners of a parcel of property known as taxlot 37E05A 00400 as described in Clackamas County Deed Reference 2020-089212, and hereinafter referred to as the Grantees, an ingress and egress easement for the purposes to cross over and construct and maintain a gravel surface adequate for vehicular traffic, in, upon, and across that portion of the real property owned by the Grantor, that is situated in the County of Clackamas and State of Oregon, and more described as follows:

Non-Exclusive Permanent Ingress and Egress Easement

A portion of that property located in the northeast quarter of Section 5, Township 3 South, Range 7 East Willamette Meridian, in the County of Clackamas and State of Oregon described as the following:

A strip of land 30-feet wide by 458.38-feet long located on the north boundary of a parcel of property conveyed to Clackamas County Service District No.1 by County Deed 1996-0888948, and subsequently conveyed to Water Environment Services, by Bargain and Sale Deed 2018-041336.

The Easement Area that provides for ingress and egress is described in Exhibit "A" – Legal Description and Exhibit "B" - Map, attached hereto.

It is understood and agreed that no temporary or permanent building, structure or improvement shall be erected upon said Easement Area without the written consent of the Grantor. The Grantees and their successors will use said Easement Area for the sole purpose to provide ingress and egress access to and from the Grantees property.

Grantees shall maintain the Easement Area at their sole expense. Grantees assume all risk arising out of their use of the Easement Area, and Grantor shall have no liability to Grantees or others for any condition existing therein. Grantee shall indemnify and hold harmless the Grantor, its Board of Commissioners, its employees and agents from any and all claims, actions, demands or losses (including attorney fees) arising out of use of the Easement Area.

Grantees, shall limit activities to those necessary to achieve the purpose of constructing, replacing, repairing, or maintaining a gravel roadway surface.

Grantees agree to undertake no activity or otherwise harm or impair the Easement Area and shall cooperate during periods of joint use to minimize the interference of others use of the Easement Area.

This easement will remain in effect until such time as an alternative in-kind permanent ingress and egress access is provided at the same location where the Grantees are accessing their property. This easement shall be considered null and void upon the recording and construction of an alternate permanent ingress and egress easement or roadway.

Grantees agree to undertake no activity or otherwise harm or impair the Easement Area to prevent or impede the intended use of the Easement Area.

Upon the execution of this instrument, it grants the Grantee the legal right to the use of the Easement Area for the sole purpose to provide ingress and egress to their property and shall be recorded in the Clackamas County deed records.

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the date set forth below.

Water Environment Services (Grantor)

by: _____

Craig Roberts

Chair of the Board of Directors for Water Environment Services

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on this _____ day of _____, 20____
by _____ on behalf of Water Environment Services.

Notary Public for Oregon

My Commission Expires: _____

EXHIBIT A – Legal Description

References:

- Little Meadows plat record #1867
- Clackamas County Private Survey record #SN26612
- County Deed record #1996-088948

EASEMENT AREA:

A part of a parcel of property located in Section 5, Township 3 South, Range 7 East, of the Willamette Meridian, in County of Clackamas and State of Oregon, described as follows:

Beginning at the southwest corner of Lot 1, Little Meadows plat recorded in Clackamas County plat number 1867, this corner being the TRUE POINT OF BEGINNING; thence north 88°35'34" west along a westerly extension of the south line of said Lot 1, 208-feet more or less to a point; thence south 00°58'33" west 30-feet more or less, to an interior angle point of a parcel of property conveyed to Clackamas County Service District No.1 by County Deed 1996-088948; thence south 88°35'34" east along a line parallel to the westerly extension of the south line of Lot 1, Little Meadow plat 458.39-feet more or less to a point of intersection with the exterior boundary line of Little Meadow plat; thence north 00°58'33" east along the exterior boundary line of Little Meadow plat 30-feet more or less to an interior angle point of Little Meadow plat; thence north 88°35'34" west along the exterior boundary line of Little Meadow plan 250.39-feet more or less to the southwest corner of said Lot 1, Little Meadow plat, said corner also being the TRUE POINT OF BEGINNING.

The Easement Area is approximately 458.39-feet long by 30-feet wide, which contains about 1,372 square feet.

EXHIBIT B – Map (not to scale)

References:

- Clackamas County Private Survey record #SN26612
- Easement Area shaded

