



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

November 13, 2025

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Permanent Non-Exclusive Utility Easement to Canby Utility for development of the County Fair multi-purpose building. No County General Funds are involved.

Previous Board Action/Review	• May 23, 2024 Board entered into IGA w/ County Fair Board for construction of new fairground & event center multi-use building		
Performance Clackamas	• Public Trust in Good Government • Vibrant Economy		
Counsel Review	Yes, CH, 10/15/2025	Procurement Review	No
Contact Person	Laura Edmonds	Contact Phone	(503) 742-4366

EXECUTIVE SUMMARY:

Clackamas County's Fair & Event Center, through the Department of Transportation and Development, requests approval to grant a permanent non-exclusive utility easement to Canby Utility for water and electric. The utility easement is a condition of development for the new County Fair multi-purpose building and required as part of the City's permitting process.

RECOMMENDATION: Staff respectfully recommends that the Board of County Commissioners:

- Approve the granting of a Permanent Non-Exclusive Utility Easement for water and electric to Canby Utility.
- Sign and return to Canby Utility the Permanent Easement for the purpose of acceptance and recording.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

ATTACHMENTS:

Attachment A: Permanent Non-exclusive Utility Easement

For Filing Use Only

AFTER RECORDING RETURN TO:
LOREN P. BELL, P.C.
PO Box 729, Canby, OR 97013

This space is provided for recorder's use.

PERMANENT NON-EXCLUSIVE UTILITY EASEMENT
For water and electric, for the benefit of Canby Utility

CLACKAMAS COUNTY ("**Grantor**") does hereby grant unto **CANBY UTILITY** ("**Grantee**") a permanent, non-exclusive easement to construct, reconstruct, operate, and maintain a water line and an electrical line under, upon, and across Grantor's real property located in Clackamas County, State of Oregon:

Grantor's real property is a parcel of land located in the NE 1/4 of Section 33, T3S, R1E, WM, more particularly described by that certain deed recorded on March 13, 1916, on pages 130-132 in book 143 of the Deed Records of Clackamas County, Oregon (**the "Property"**).

The easement area is a strip of land described and depicted in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (**the "Easement Area"**).

Upon the completion of any construction, Grantee shall restore the surface of the Easement Area to its original condition and, to the extent allowed under the Oregon Constitution and the Oregon Tort Claims Act, indemnify and hold Grantor harmless against all loss, cost, or damage arising out of the exercise of Grantee's rights under this Easement.

Grantor reserves the right to use the Easement Area for any purpose, including but not limited to walkways, plantings, parking, and related uses, that do not interfere with the rights granted herein. No buildings or permanent structures shall be placed upon, under, or within the Easement Area by Grantor without the written permission of Grantee, which permission shall not be unreasonably withheld.

The true consideration for this Easement is other value given, the receipt and sufficiency of which is hereby acknowledged by Grantor.

In construing this Easement, and where the context so requires, the singular includes the plural. Any rule of construction interpreting a document against its drafter shall be inapplicable.

This Easement shall run with the Property, and the terms and conditions hereof shall be binding on and inure to the benefit of the parties' successors and assigns.

The cost to construct, reconstruct, operate, and maintain Grantee's water line and electrical line within the Easement Area shall be paid by Grantee.

Any dispute arising between the parties shall be submitted to arbitration and resolved by a sole arbitrator mutually agreeable to the parties. If the parties cannot agree on an arbitrator, the parties agree to accept the selection of an arbitrator chosen by the presiding judge of the circuit court in and for Clackamas County, Oregon. The decision or award of the arbitrator shall be final and binding to the extent allowed by law, no appeal shall be taken therefrom, and judgment may be entered on the award. The arbitration shall take place in Clackamas County, Oregon.

Time is of the essence of the performance of each of the obligations under this Easement.

The parties hereby submit to jurisdiction in Clackamas County, Oregon, and agree that any and all disputes arising out of or related to this Easement shall be arbitrated exclusively in Clackamas County, Oregon, and in no federal court or court of another county or state, and that any suit brought under this Easement shall be tried without a jury. Each party further agrees that, pursuant to such arbitration, the party and the party's officers, employees, and other agents shall appear, at that party's expense, for arbitration in Clackamas County, Oregon.

Signatures on next page.

IN WITNESS WHEREOF, this Easement was executed this _____ day of _____ 2025.

GRANTOR:

Clackamas County:

Signature

Print Name and Title

STATE OF _____)
County of _____) ss.

This instrument was acknowledged before me this _____ day of _____ 2025,

by _____ as _____

of the Clackamas County Board of Commissioners.

Notary Public for State of _____

My Commission Expires: _____

GRANTEE:

Canby Utility:

Kari J. Duncan

Signature

Kari J. Duncan General Manager

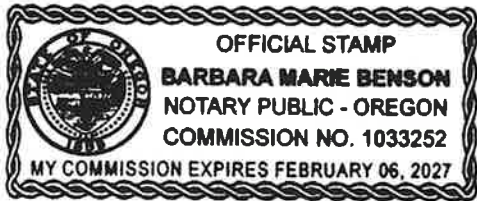
Print Name and Title

STATE OF Oregon)
County of Clackamas) ss.

This instrument was acknowledged before me this 28th day of October 2025,

by Kari Duncan as General Manager

of Canby Utility.



Barbara Benson

Notary Public for State of Oregon

My Commission Expires: 02/06/2027



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Clackamas County Fairgrounds
694 NE 4TH Avenue
Tax Lot 31E33 00100

Exhibit "A"
Non-Exclusive Utility Easement for
Water and Electric, for the benefit of Canby Utility
Legal Description

A Tract of land being a portion of that property described in Deed Book 143, Page 130 to 132 (recorded 5/13/1916), Deed Book records of Clackamas County, located in the Northeast one-quarter of Section 33, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at a point on the North right of way line of NE 4TH Avenue, being 30.00 feet Northerly of the South line of that property described in Deed Book 143, Page 130 to 132 (recorded 5/13/1916), Deed Book records of Clackamas County when measured at right angles; said right of way established in Survey Number 1928-016, Clackamas County Survey records, said point on said North right of way line bears N00°09'55"W, 30.00 feet; thence S89°56'00"W, 401.25 feet from the Southeast corner of said Deed Book 143, Page 130 to 132 (recorded 5/13/1916); thence along said North right of way line, S89°56'00"W, 65.05 feet; thence leaving said South line, N02°06'17"E, 392.78 feet; thence N46°05'09"E, 54.58 feet; thence N00°49'34"E, 219.82 feet; thence N43°54'51"W, 7.02 feet; thence N01°05'09"E, 94.43 feet; thence S88°58'08"W, 791.59 feet; thence N01°59'15"W, 133.77 feet to a point on the North line of said Deed Book 143, Page 131 (recorded 5/13/1916); thence along said North line, N89°58'25"E, 15.01 feet; thence leaving said North line, S01°59'15"E, 118.51 feet; thence N88°58'08"E, 792.41 feet; thence S01°05'09"W, 103.78 feet; thence S43°54'51"E, 6.98 feet; thence S00°49'34"W, 232.25 feet; thence S46°05'09"W, 4.38 feet; thence S02°06'17"W, 120.18 feet; thence S42°53'43"E, 21.21 feet; thence S02°06'17"W, 285.34 feet to the **POINT OF BEGINNING**.

As Shown on attached Exhibit "B" and by this reference a part hereof.

Contains 43,940 square feet, more or less.

SIGNED ON: 10-13-2025

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

EXPIRES: 12-31-2025

RENEWALS: DECEMBER 31, 2025

OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

REGISTERED
PROFESSIONAL
LAND SURVEYOR

SIGNED ON: 10-13-2025



30' PER
SURVEY NUMBER
1928-016

NE 4TH AVENUE



= NON-EXCLUSIVE
UTILITY EASEMENT
FOR WATER AND
ELECTRIC, FOR THE
BENEFIT OF CANBY
UTILITY
43,940 S.F.

SECTION LINE

S89°56'00"W
65.05'

POINT OF
BEGINNING

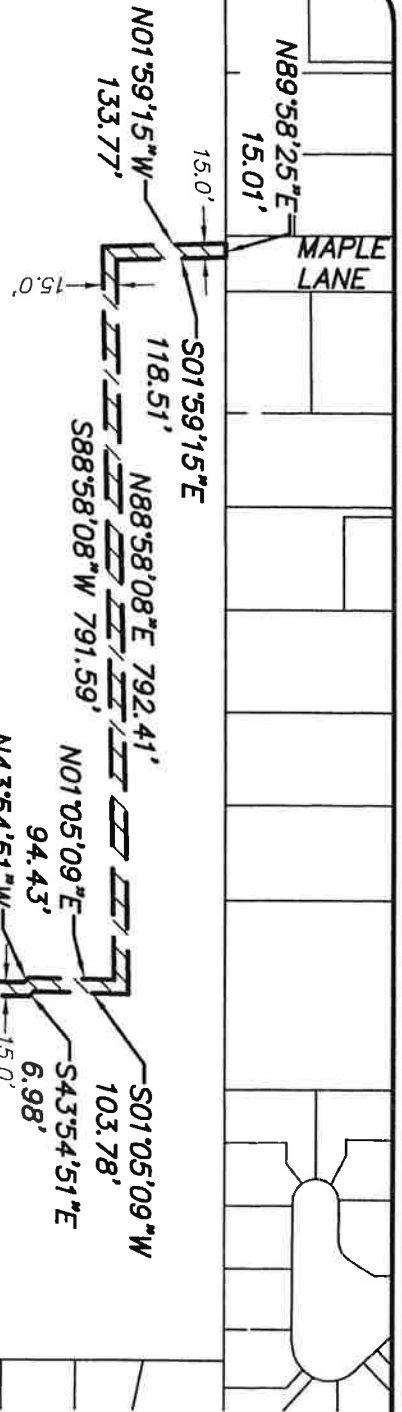
S.E. CORNER
DEED BOOK 143
PAGE 130
(5/13/1916)

EAST 1/4
CORNER OF
SECTION 33
S89°56'00"W
309.70'

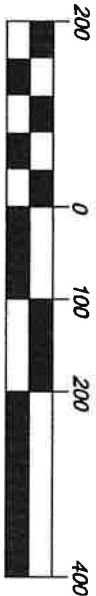
N. PINE STREET

CLACKAMAS COUNTY FAIRGROUNDS
TAX LOT NO. 31E33 00100

DEED BOOK 143
PAGE 130
(5/13/1916)



GRAPHIC SCALE



(IN FEET)
1 INCH = 200 FT.

CLIENT: CC FACILITIES
ORIG. DATE: 10/11/2025
DRAWN BY: MPW
PAGE NO. 2 OF 2

EXHIBIT "B"
NON-EXCLUSIVE UTILITY EASEMENT FOR WATER
AND ELECTRIC, FOR THE BENEFIT OF CANBY UTILITY
CITY OF CANBY, CLACKAMAS COUNTY, OREGON
NE 1/4 SECTION 33, T.3S., R.1E., W.M.


CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189