CLACKAMAS COUNTY

DAN JOHNSON
DIRECTOR

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

November 12, 2026 BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Board Order vacating a portion of 172nd Avenue. Funding is through the petitioner. No County General Funds are involved.

Previous Board Action/Review: None
Performance Clackamas: Strong Infrastructure, Vibrant Economy, Secure and Livable Communities
Counsel Review: Yes **Procurement Review:** No
Contact Person: Douglas Cutshall **Contact Phone:** 503-742-4669

EXECUTIVE SUMMARY: SE 172nd Avenue, County Road No. 25, was declared a county road on October 4, 1870. A Petition for Road Easement Vacation under ORS 368.341 has been filed with the required fee. The petition proposes to vacate a portion of SE 172nd Avenue situated in the NW 1/4 of Section 7, T. 2 S., R. 3 E., W. M., near Happy Valley. The portion to be vacated lies in the SW corner of the intersection of SE 172nd Avenue and SE Rock Creek Boulevard. In 2007, this intersection was planned to be the site of a future roundabout. However, changes at the intersection allow a portion of right of way to be vacated. This portion 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 affected 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 City of Happy Valley has adopted a resolution concurring that this vacation is in the public interest. The Clackamas County Department of Transportation and Development's Maintenance, Engineering, Planning, and Traffic Programs have been contacted and do not have any objections to this vacation.

RECOMMENDATION: Staff recommends that the Board adopt the attached Board Order vacating a portion of SE 172nd Avenue right of way.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Transportation and Development

ATTACHMENTS:
County Road Official Report
Board Order with Exhibits

For Filing Use Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of a Petition to Vacate a Portion of SE 172nd Avenue Situated in the NW 1/4 of Section 7, T. 2 S., R. 3 E., W. M., Clackamas County, Oregon	Board Order No. *Page 1 of 2*

Whereas, in accordance with ORS 368.341 to 368.366, a petition has been filed with the required fee for the vacation of a portion of the right of way of SE 172nd Avenue, County Road No. 25, located in the Northwest Quarter of Section 7, Township 2 South, Range 3 East, Willamette Meridian, Clackamas County, Oregon, depicted on Exhibit "A," attached hereto and by this reference incorporated herein, and more particularly described as follows:

All that portion of property described in Document Nos. 2010-19619 and 2010-19620, Clackamas County Deed Records, lying westerly and southerly of the following described line:

Beginning at a point 65.54 feet left of SE 172nd Avenue centerline station 16+71.98;

Thence northwesterly, in a straight line, to a point 78.98 feet left of SE 172nd Avenue centerline station 17+11.99;

Thence westerly, in a straight line, to a point 104.00 feet left of SE 172nd Avenue centerline station 17+11.99;

Excepting therefrom any portion lying within the existing right of way of SE Rock Creek Boulevard, and containing 722 square feet, more or less;

The above-referenced centerline stationing being based on the above-referenced deeds and on Survey No. SN 2011-032, Clackamas County Survey Records; and

Whereas, the County Road Official has submitted a written report, dated August 10, 2026, 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 above-described portion of SE 172nd Avenue lies within the City of Happy Valley's Urban Growth Boundary; and

Whereas, on September 15, 2026, the City adopted Resolution No. 26-19, attached hereto as Exhibit "B," concurring that this vacation is in the public interest; and

\\

\\

\\

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of a Petition to Vacate a Portion of SE 172nd Avenue Situated in the NW 1/4 of Section 7, T. 2 S., R. 3 E., W. M., Clackamas County, Oregon	Board Order No. *Page 2 of 2*

Whereas, The Clackamas County Department of Transportation and Development's Maintenance, Engineering, Planning, and Traffic Programs have been contacted and do not have any objections to this vacation;

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

Section 1: The above-described portion of SE 172nd Avenue, County Road No. 25, 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 August 10, 2026.

Section 3: 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.

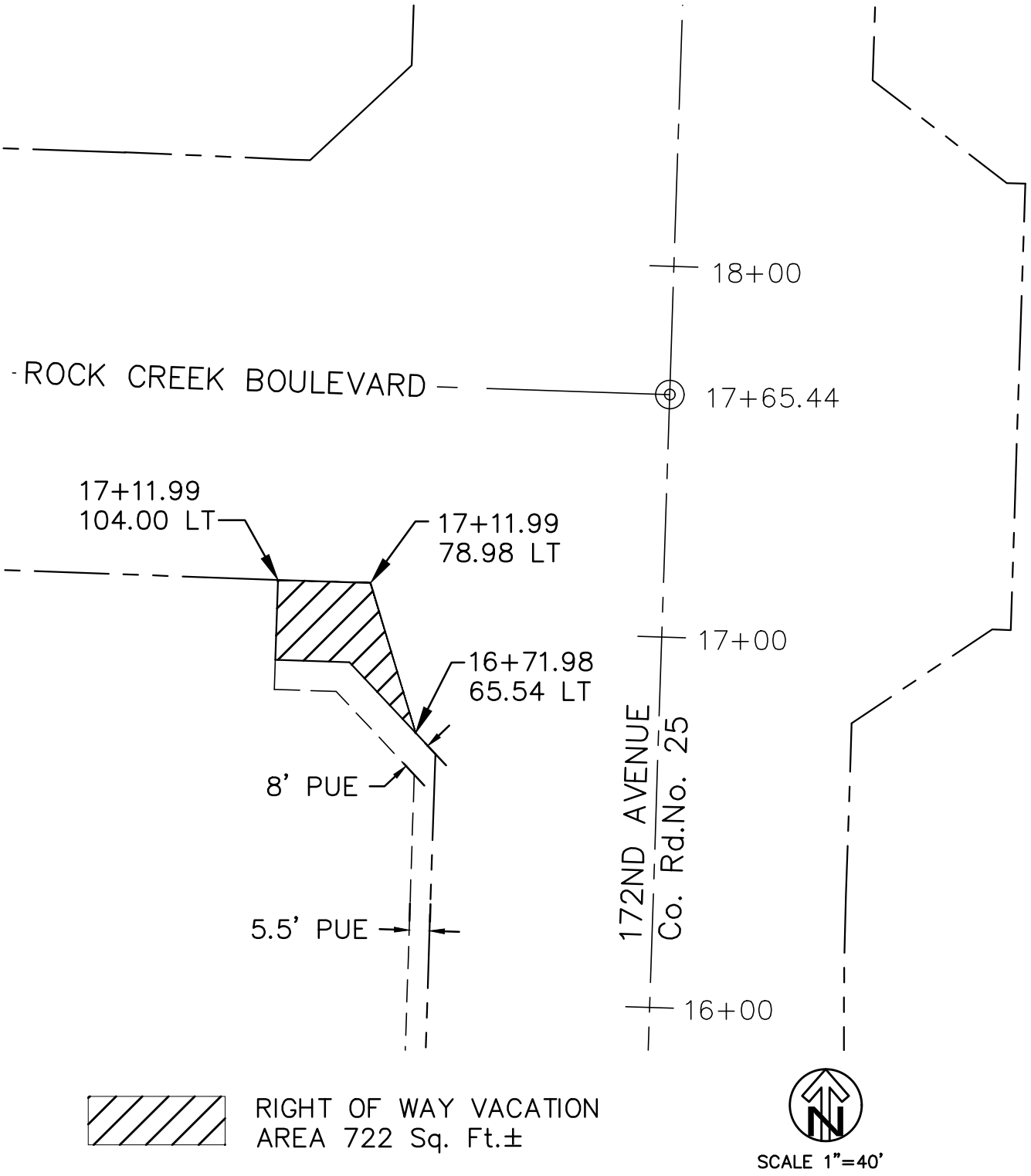
DATED this ___ day of _____ 2026

BOARD OF COUNTY COMMISSIONERS

_____
Chair

_____
Recording Secretary

SITUATED IN THE NW 1/4 OF
SECTION 7, T.2S., R.3E., W.M. HAPPY
VALLEY, CLACKAMAS COUNTY,
OREGON



RIGHT OF WAY VACATION
AREA 722 Sq. Ft.±

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT 150 BEAVERCREEK ROAD OREGON CITY, OR 97045	CLACKAMAS COUNTY	BY:D. CUTSHALL DATE:08/11/2026 EXHIBIT "A"	SHEET 1 OF 1

Docusign Envelope ID: CCFD9E76-60E9-8457-8260-38D977C9C199

Exhibit 'B'

CITY OF HAPPY VALLEY
RESOLUTION 26-19

172ND AVENUE STREET VACATION - RESOLUTION OF SUPPORT

WHEREAS, Per ORS 368.361(3) when a road or public property to be vacated lies in county jurisdictions within a city, each jurisdiction can choose to conduct separate vacations or concur by resolution or order, with the findings of the county governing body; and,

WHEREAS, the City of Happy Valley has reviewed the materials submitted by Clackamas County regarding the proposed vacation of the portion of 172nd Avenue illustrated in Exhibit A; and,

WHEREAS, the City Council finds no reason not to support the proposed street vacation which will benefit surrounding property/business owners located in the city limits; and,

WHEREAS, the City Council supports the notion of having a single Board Order to satisfy the vacation request (versus having two public hearings).

NOW THEREFORE, THE CITY OF HAPPY VALLEY RESOLVES AS FOLLOWS:

Section 1. The City of Happy Valley City Council supports the proposed vacation of a portion of 172nd Avenue by Board Order per the provisions of ORS.368.361(3).

Resolution 26-19 is enacted by the City Council of the City of Happy Valley, this 15th day of September 2026.

Tom Ellis
Tom Ellis
Mayor

ATTEST:

Kara Kerpan
Kara Kerpan
City Recorder

MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, DTD Director

DATE: August 10, 2026

SUBJ: **PETITION TO VACATE A PORTION OF SE 172ND AVENUE**

LOCATION: NW 1/4 of Section 7, T. 2 S., R. 3 E., W. M., Clackamas County, Oregon.

FACTS AND FINDINGS: SE 172nd Avenue, County Road No. 25, was declared a county road on October 4, 1870, and has seen many changes since. The initial plan for the intersection at Rock Creek Boulevard has resulted in a surplus of unused right of way. A Petition for Road Easement Vacation under ORS 368.341 has been filed with the required fee. The petition proposes to vacate a portion of SE 172nd Avenue at the intersection with Rock Creek Boulevard containing approximately 722 square feet. This portion of 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. As explained below, I have determined that this vacation is in the public interest. Under ORS 368.351, the Board may make a decision on the proposed vacation without a hearing. The City of Happy Valley has adopted a resolution concurring that this vacation is in the public interest. The Clackamas County Department of Transportation and Development's Maintenance, Engineering, Planning, and Traffic Programs have been contacted and do not have any objections to this vacation.

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: The adjoining property owners have recorded public access.

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

Finding: A road has been constructed in 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 was 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: There are several other roads in this location that can effectively provide the same access.

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 portion of 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.

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, Director
Department of Transportation and Development