



DAN JOHNSON
DIRECTOR

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

March 12, 2026

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Release of Permanent Storm Drainage Easement to Dick S. Yabuki and Janet S. Yabuki at 12968 SE Sunnyside Rd, Clackamas. No fiscal impact. No County General Funds are involved.

Previous Board Action/Review	None		
Performance Clackamas	Vibrant economy Build safe, secure and livable communities		
Counsel Review	Yes	Procurement Review	No
Contact Person	Jonathan Gish	Contact Phone	503-742-4707

EXECUTIVE SUMMARY: The Department of Transportation and Development (DTD) is seeking approval to grant a Release of Permanent Storm Drainage Easement to Dick and Janet Yabuki. The Permanent Storm Drainage Easement was originally obtained as part of the 2007 S.E. Sunnyside Road Phase 2 project. A change in design during construction led to no drainage pipe being constructed in the Permanent Storm Drainage Easement granted by tax lot 22E02BD01100 and shown in the attached Easement 2007-056065. The County no longer requires the easement area as shown in Exhibit A and B of document number 2007-056065.

The Property owner has submitted for a Design Review land use application through City of Happy Valley for redevelopment into a commercial setting for tenant lease. Approving the Release of Permanent Storm Drainage Easement will allow the property owner to fully develop the land as proposed.

RECOMMENDATION: Staff respectfully recommends the Board of County Commissioners approve the Release of Permanent Storm Drainage Easement, document number 2007-056065 to Dick and Janet Yabuki.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation &
Development

For Filing Use Only

5 pap

Grantor: Dick S. Yabuki Janet S. Yabuki	Clackamas County Official Records Sherry Hall, County Clerk	2007-056065
Grantee: Clackamas County 9101 SE Sunnybrook Blvd. Clackamas, OR 97015	 01117963200700560650050052	NO FEE
After Recording Return to: Clackamas County Engineering 9101 SE Sunnybrook Blvd. Clackamas, OR 97015	D-E Cnt=1 Stn=9 DIANNAW This is a no fee document	06/26/2007 12:26:07 PM
Until a change is requested, all taxes shall be sent to: No Change	Accepted by Clackamas County Agenda Date & Number: <u>6-21-07 I.B.7</u>	
Road Name: _____ DTD Rd. File No. _____	Board Order No. or A&C No.: _____ Project: _____	

PERMANENT STORM DRAINAGE EASEMENT
(Individual Grantor)

KNOW ALL PERSONS BY THESE PRESENTS, THAT Dick S. Yabuki and Janet S. Yabuki, Trustees, (Grantor), hereby grants, bargains, sells and conveys to Clackamas County, a political subdivision of the State of Oregon, its heirs, successors and assigns, (Grantee), a permanent easement for the construction, reconstruction, upgrade, replacement, repair, maintenance, and inspection of storm drainage facilities and related appurtenances, in, under, upon, and across Grantor's real property located in Clackamas County, State of Oregon, and more particularly described as follows:

A portion of a parcel of land located in the SE 1/4 of the NW 1/4 of Section 2, T2S, R2E, WM, as described in that certain Warranty Deed – Statutory Form, recorded on February 10, 1995, as record number 95-007894 in the Deed Records of Clackamas County, with said Permanent Storm Drainage Easement being a strip of land as more particularly described by Exhibits "A" and "B" attached hereto and by this reference made a part hereof.

Grantee shall have the right to enter upon this real property for the purposes described in this document. Grantee may remove trees, shrubs, brush, paving or other materials within the easement area whenever necessary to accomplish these purposes. Grantee shall repair any damage to the property caused by Grantee's use of the property for these purposes.

Grantor, Grantor's heirs, successors, assigns or representatives, shall not construct or maintain any building or other structures upon the above described real property without prior written approval from the Clackamas County Department of Transportation and Development. In addition, Grantor, Grantor's heirs, successors, assigns or representatives shall not alter the configuration of the material within the Storm Drainage Easement, including alteration by addition or removal of material, without prior written approval from the Clackamas County Department of Transportation and Development.

This easement does not obligate the public or Grantee to replace landscaping, fencing, shrubs or trees that may be placed within the easement area in the future, and which interfere with Grantee's use of the easement area for the purposes described in this document.

Grantor hereby covenants to and with Grantee, its successors and assigns, that Grantor is the owner of the property which is free from all encumbrances except for easements, conditions and restrictions of record and will warrant and defend the rights herein granted from all lawful claims whatsoever, except as stated in this document.

The true consideration for this conveyance is SIX THOUSAND EIGHT HUNDRED FIFTY FIVE DOLLARS and NO/100 (\$6,855.00).

Statutory Land Use Disclaimer and Measure 37 Disclosure: The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations, which, in farm and forest zones, may not authorize construction or siting of a residence and that limit lawsuits against farming or forest practices as defined in ORS 30.930 in all zones. Before signing or accepting this instrument, the person transferring the property interest should inquire about the person's rights, if any, under ORS 197.352. Before signing or accepting this instrument, the person acquiring the property interest to the property should check with the appropriate city or county planning department to verify approved uses, the existence of fire protection for structures and the rights of neighboring property owners, if any under ORS 197.352.

In witness whereof, the above named Grantor has hereunto set Grantor's hand to this document on this 6th day of June 2007.

Dick S. Yabuki
Dick S. Yabuki

Janet S. Yabuki
Janet S. Yabuki

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was signed and attested before me this 6th day of June 2007,
by Dick S. Yabuki and Janet S. Yabuki, Trustees



Kathleen A. Rose
Notary Public for State of Oregon
My Commission Expires: 2-22-08

EXHIBIT A

S.E. SUNNYSIDE ROAD PHASE 2
April 18, 2007
OWNER: Dick S. Yabuki and Janet S. Yabuki, Trustees
Page 1 of 2

County Project No. CP-1443
Map & Tax Lot No. 22E02BD-1100
Property No. 31

3.048m (10.00') Permanent Storm Drainage Easement

A parcel of land lying in the Southeast One-Quarter of the Northwest One-Quarter of Section 2, Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that tract of land as described by Warranty Deed – Statutory Form to Dick S. Yabuki and Janet S. Yabuki, Trustees, or their successors in trust, under the Dick & Janet Yabuki Living Trust, dated January 26, 1995, recorded February 10, 1995 as Fee No. 95-007894, Clackamas County Deed Records, excepting therefrom that tract of land as described by Parcel I of Perpetual Right-of-Way Easement and Access Control, recorded April 16, 2004 as Fee No. 2004-032708, Clackamas County Deed Records, said parcel, described herein, being a strip of land 3.048 meters (10.00 feet) wide lying 1.524 meters (5.00 feet) on each side of the following described centerline, the sidelines of which are to be lengthened or shortened to terminate at the boundary lines of said property:

Beginning at a point 42.568 meters (139.66 feet) right of the relocated centerline of S.E. Sunnyside Road station 12+969.00;

Thence southeasterly, in a straight line, to a point 74.772 meters (245.31 feet) right of relocated centerline station 12+993.00;

The parcel of land to which this description applies contains 92.2 square meters (992 square feet) more or less.

The stationing used to describe this parcel is based on the relocated centerline of S.E. Sunnyside Road, being more particularly described as follows:

Beginning at a point on the relocated centerline of S.E. Sunnyside Road Station 12+602.181 PT as recorded under Survey Number PS 28948, Clackamas County Survey Records, said point bears South, 520.612 meters (1708.04 feet) and East, 278.044 meters (912.22 feet) from the found brass disk marking the Northwest Corner of Section 2, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon;

Thence S 78°24'24" E, 312.423 meters (1025.01 feet) to Station 12+914.604 PC and the beginning of a 2000.000 meter (6561.68 foot) radius curve to the right, having a central angle of 2°11'56";

Thence along the arc of said curve to the right (the long chord of which bears S 77°18'26" E, 76.755 meters (251.82 feet)) 76.760 meters (251.84 feet) to Station 12+991.364 PT;

Thence S 76°12'28" E, 269.037 meters (882.67 feet) to Station 13+260.401 PI;

Thence S 76°37'22" E, 104.147 meters (341.69 feet) to Station 13+364.549 PC and the beginning of a 500.000 meter (1640.42 foot) radius curve to the right, having a central angle of 21°03'33";

Thence along the arc of said curve to the right (the long chord of which bears S 66°05'35" E, 182.744 meters (599.55 feet)) 183.777 meters (602.94 feet) to Station 13+548.326 PRC;

Thence along the arc of a 500.000 meter (1640.42 foot) radius curve to the left, having a central angle of 32°57'09" (the long chord of which bears S 72°02'23" E, 283.617 meters (930.50 feet)) 287.564 meters (943.45 feet) to Station 13+835.889 PT;

Thence S 88°30'57" E, 140.000 meters (459.32 feet) to Station 13+975.889 PI;

Thence S 88°20'22" E, 584.590 meters (1917.95 feet) to Station 14+560.479 PC and the beginning of a 500.000 meter (1640.42 foot) radius curve to the left, having a central angle of 30°21'56";

Thence along the arc of said curve to the left (the long chord of which bears N 76°28'40" E, 261.900 meters (859.25 feet)) 264.990 meters (869.39 feet) to Station 14+825.470 PT;

Thence N 61°17'42" E, 164.305 meters (539.06 feet) to Station 14+989.775 PC and the beginning of a 500.000 meter (1640.42 foot) radius curve to the right, having a central angle of 27°34'05";

Thence along the arc of said curve to the right (the long chord of which bears N 75°04'44" E, 238.262 meters (781.70 feet)) 240.576 meters (789.29 feet) to Station 15+230.351 PT;

Thence N 88°51'47" E, 201.502 meters (661.10 feet) to Station 15+431.853 PC and the beginning of a 4000.000 meter (13123.36 foot) radius curve to the left, having a central angle of 2°53'59";

Thence along the arc of said curve to the left (the long chord of which bears N 87°24'47" E, 202.424 meters (664.12 feet)) 202.446 meters (664.19 feet) to Station 15+634.299 PT and the Point of Terminus of this relocated centerline description of S.E. Sunnyside Road, said Point of Terminus bears South, 558.552 meters (1832.52 feet) and West, 11.180 meters (36.68 feet) from the found brass disk marking the Northeast Corner of Section 1, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon.

This legal description and the basis of bearing thereof are established from a record of survey recorded under Survey Number SN 2007-053, Clackamas County Survey Records.

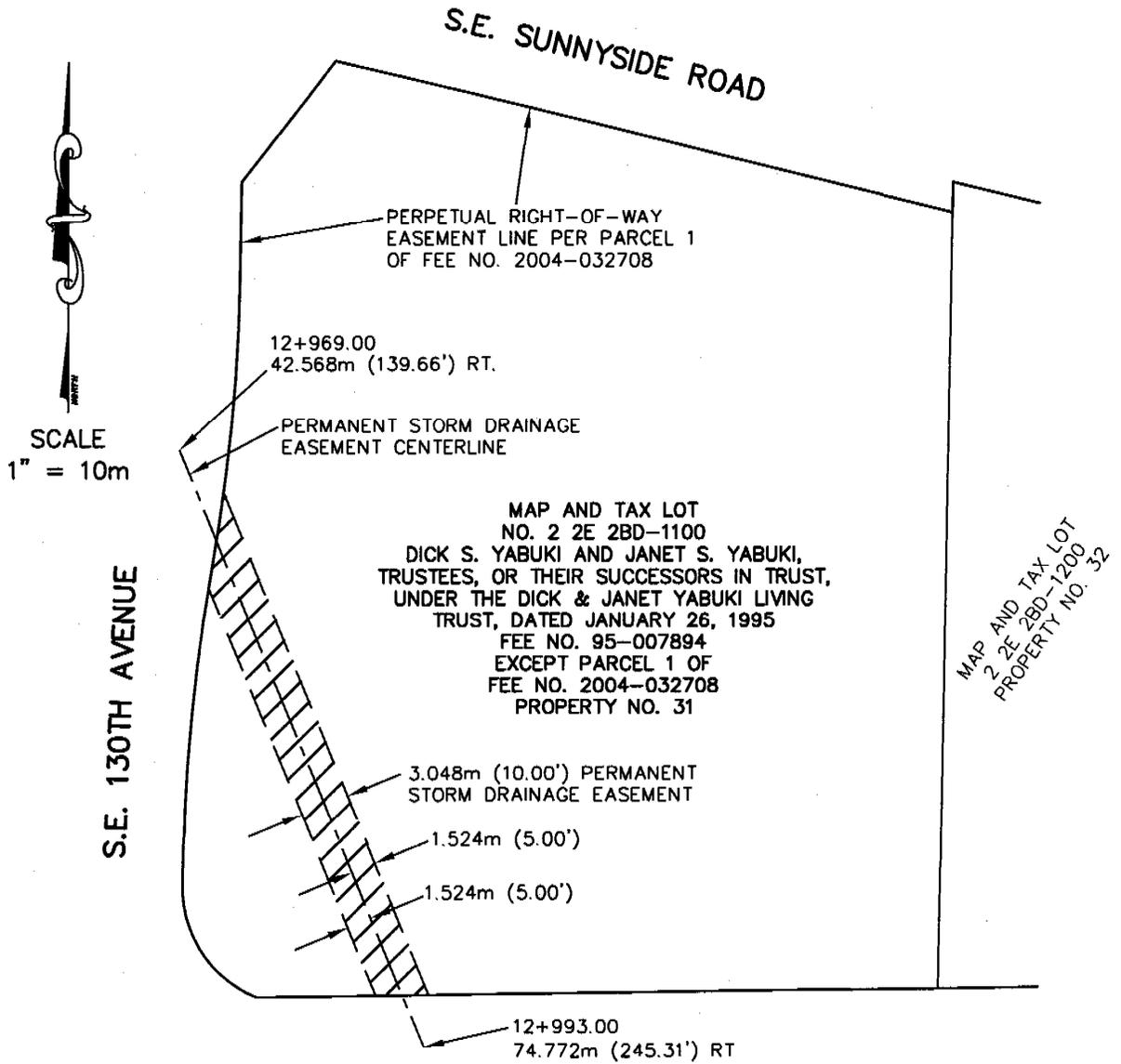


12-31-07

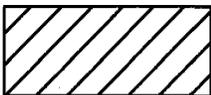
4

EXHIBIT "B"

PAGE 1 OF 1
APRIL 18, 2007
PROPERTY NO. 31



LEGEND



3.048m (10.00') PERMANENT STORM DRAINAGE EASEMENT
± 92.2 SQUARE METERS
(992 SQUARE FEET)



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS • SURVEYORS
5200 SW MACADAM AVENUE, SUITE 580, PORTLAND, OR 97239
TEL 503.221.1131 www.hhpr.com FAX 503.221.1171

5