



DAN JOHNSON
DIRECTOR

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

December 4, 2025

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of a Resolution Declaring the Public Necessity and Purpose for the Acquisition of Rights of Way, Easements, and Fee Property, and Authorizing Good Faith Negotiations and, If Necessary, Condemnation Proceedings, for the Oatfield Rd - Jennings Ave Signal Rebuild project. Project Value is \$2,961,079. Funding is through Transportation System Development Charges. No County General Funds are involved.

Previous Board Action/Review	• 10/31/24: BCC approval of a contract with PBS Engineering and Environmental LLC for the Oatfield Rd - Jennings Ave Signal Rebuild Safety Work Project		
Performance Clackamas	• Strong Infrastructure • Safe, Secure and Livable Communities		
Counsel Review	Yes	Procurement Review	No
Contact Person	Bryant Cheong	Contact Phone	503 742-4675

EXECUTIVE SUMMARY: The Oatfield Road - Jennings Avenue Signal Rebuild Safety Work Project (the "Project") will replace an existing signal that is nearing the end of its life span, add illumination, and bring the existing pedestrian facilities to current ADA standards by updating ADA curb ramps and pushbuttons.

In order to construct the Project as designed, the County will need to acquire rights of way, easements, and fee property. The Project is expected to impact three (3) abutting properties. The County has authority under ORS chapter 203 and ORS chapter 35 to acquire the needed property rights by agreement or purchase or by exercise of the power of eminent domain. In accordance with ORS chapter 35, the Board must adopt a Resolution of Necessity before the County can make any offers.

The Project design team has collected and analyzed data sufficient to choose an alternative and advance the design of the Project. The Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development's (the "Department's") project development procedures, and final legal descriptions for the needed property rights are being developed.

The attached resolution would direct the Department to negotiate in good faith and in accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of compensation owed to each affected property owner, and to utilize authorized real estate appraisers and other such experts to determine just compensation. The resolution would further require the Director of the Department to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed would the resolution authorize the Office of County Counsel to commence condemnation proceedings.

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RECOMMENDATION: Staff recommends that the Board approve the attached Resolution of Necessity for the Project, authorizing acquisition of the needed property rights by good faith negotiations, if possible, or condemnation proceedings, if necessary.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

ATTACHMENTS:
Resolution of Necessity

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Declaring the Public
Necessity and Purpose for the Acquisition of
Rights of Way, Easements, and Fee
Property, and Authorizing Good Faith
Negotiations and Condemnation
Proceedings, for the Oatfield Rd - Jennings
Ave Signal Rebuild Safety Work project.



Resolution No.

Page 1 of 2

Whereas, the Oatfield Rd Jennings Ave Signal Rebuild Safety Work Project (the “Project”) will rebuild an existing traffic signal, add illumination, and update pedestrian facilities to meet current ADA requirements; and

Whereas, the Project is consistent with the powers and purposes of County government, and is necessary for public use and the continued growth, safety, and welfare of the community; and

Whereas, the Board is responsible for providing safe transportation routes for commerce, convenience, and to adequately serve the traveling public; and

Whereas, the Project has been planned in accordance with appropriate standards for the improvement of transportation infrastructure such that property damage is minimized, transportation is promoted, and travel is safeguarded; and

Whereas, the Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury; and

Whereas, in order to construct the Project as designed, the County will need to acquire rights of way, easements, and fee property within the boundaries described in the attached Exhibits A and B for Properties 1, 2, and 3 (the “Exhibits”); and

Whereas, the width of the right of way will be in accordance with the Clackamas County Comprehensive Plan and Transportation System Plan; and

Whereas, ancillary easements for temporary construction purposes, together with incidental additional rights of way at intersections and due to topography, as may be reasonably necessary to accommodate the Project design, and any uneconomic remnants, as determined by appraisal, are all in the public interest in order to commence and complete the Project in a timely manner; and

Whereas, the County has authority under ORS chapter 203 and ORS chapter 35 to acquire the needed property rights by agreement or purchase through good faith negotiations or by exercise of the power of eminent domain through condemnation proceedings;

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Declaring the Public
Necessity and Purpose for the Acquisition of
Rights of Way, Easements, and Fee
Property, and Authorizing Good Faith
Negotiations and Condemnation
Proceedings, for the Oatfield Rd - Jennings
Ave Signal Rebuild Safety Work project.



Resolution No.

Page 2 of 2

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

- Section 1:** The Board declares it necessary and in the public interest that the Department of Transportation and Development (the “Department”) begin the acquisition process for the needed property rights in accordance with all applicable laws, rules, and regulations.
- Section 2:** The Department is directed to, in good faith, attempt to negotiate agreements of just compensation with the owners of property within the boundaries of the Exhibits and to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist with the acquisition process.
- Section 3:** It is the intention of the Board that the needed property rights be obtained through good faith negotiations. However, the Board acknowledges that the exercise of the power of eminent domain may be necessary. The Director of the Department shall inform the Board when the Director deems that exercise necessary. Thereafter, the Office of County Counsel is authorized to file complaints of condemnation with the circuit court and to take such other steps as it determines necessary for the immediate possession of the needed property rights and for the successful litigation of the condemnation proceedings, including the retention of real estate appraisers, experts, and other consultants.

DATED this 4th day of December 2025

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



EXHIBIT "A"

Oatfield Rd - Jennings Ave
Signal Rebuild Safety Work
August 18, 2025
Page 1 of 3

Clackamas County DTD
Project No. 300324341
Map & Tax Lot No. 2 2E 17BC 1900
Property No. 1

PARCEL 1 (Permanent Right-Of-Way Easement for Road Purposes)

BEING a portion of that property described in Deed Document Number 2016-074821, located in the Northeast One-Quarter of Section 18, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING FROM a 1/2 " iron pipe set at Station 69+35.5 P.I. in centerline of Market Road 34 (Oatfield Road) in Survey Number 22,758, Clackamas County Survey Records;

Thence N 43°31'19" W, along said centerline, 672.60 feet to a point;

Thence N 46°28'41" E, 38.63 feet to a 5/8" iron rod with yellow plastic cap marked "Clackamas County D.T.D." at an angle point in the northeasterly right-of-way line of said Oatfield Road and the **TRUE POINT OF BEGINNING** of the herein described easement;

Thence S 42°25'32" E, along said northeasterly right-of-way line, 11.87 feet to a point;

Thence leaving said right-of-way line, N 47°34'28" E, 8.51 feet to an angle point;

Thence N 42°25'32" W, 8.18 feet to an angle point;

Thence N 19°02'23" W, 20.14 feet to an angle point;

Thence N 09°04'01" E, 17.50 feet to an angle point;

Exhibit "A" Continued

Property No. 1
Page 2 of 3

Thence N 29°22'56" E, 21.04 feet to the southeasterly right-of-way line of Jennings Avenue;

Thence S 42°11'17" W, along said southeasterly right-of-way line 40.60 feet to a 5/8" iron rod with yellow plastic cap marked "Clackamas County D.T.D." at an angle point in said southeasterly right-of-way line;

Thence S 23°28'32" E, 30.07 feet to the **POINT OF BEGINNING**;

Contains 566 square feet more or less.

See Exhibit B attached.

PARCEL 2 (Temporary Construction Easement)

BEING a portion of that property described in Deed Document Number 2016-074821, located in the Northeast One-Quarter of Section 18, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING FROM a 1/2 " iron pipe set at Station 69+35.5 P.I. in centerline of Market Road 34 (Oatfield Road) in Survey Number 22,758, Clackamas County Survey Records;

Thence N 43°31'19" W, along said centerline, 672.60 feet to a point;

Thence N 46°28'41" E, 38.63 feet to a 5/8" iron rod with yellow plastic cap marked "Clackamas County D.T.D." at an angle point in the northeasterly right-of-way line of said Oatfield Road;

Thence S 42°25'32" E, along said northeasterly right-of-way line, 11.87 feet to the **TRUE POINT OF BEGINNING** of the herein described easement;

Thence leaving said right-of-way line, N 47°34'28" E, 8.51 feet to an angle point;

Thence N 42°25'32" W, 8.18 feet to an angle point;

Thence N 19°02'23" W, 20.14 feet to an angle point;

Thence N 09°04'01" E, 17.50 feet to an angle point;

Thence N 29°22'56" E, 21.04 feet to the southeasterly right-of-way line of Jennings Avenue;

Exhibit "A" Continued

Property No. 1
Page 3 of 3

Thence N 42°11'17" E, along said southeasterly right-of-way line 16.25 feet to a point;

Thence leaving said right-of-way line, S 47°48'43" E, 10.00 feet to an angle point;

Thence S 29°40'41" W, 40.00 feet to an angle point;

Thence S 15°48'05" E, 34.00 feet to an angle point;

Thence S 47°34'28" W, 14.00 feet to the northeasterly right-of-way line of said Oatfield Road;

Thence N 42°25'32" W, 6.99 feet to the **POINT OF BEGINNING**;

Contains 1,008 square feet more or less.

See Exhibit B attached.

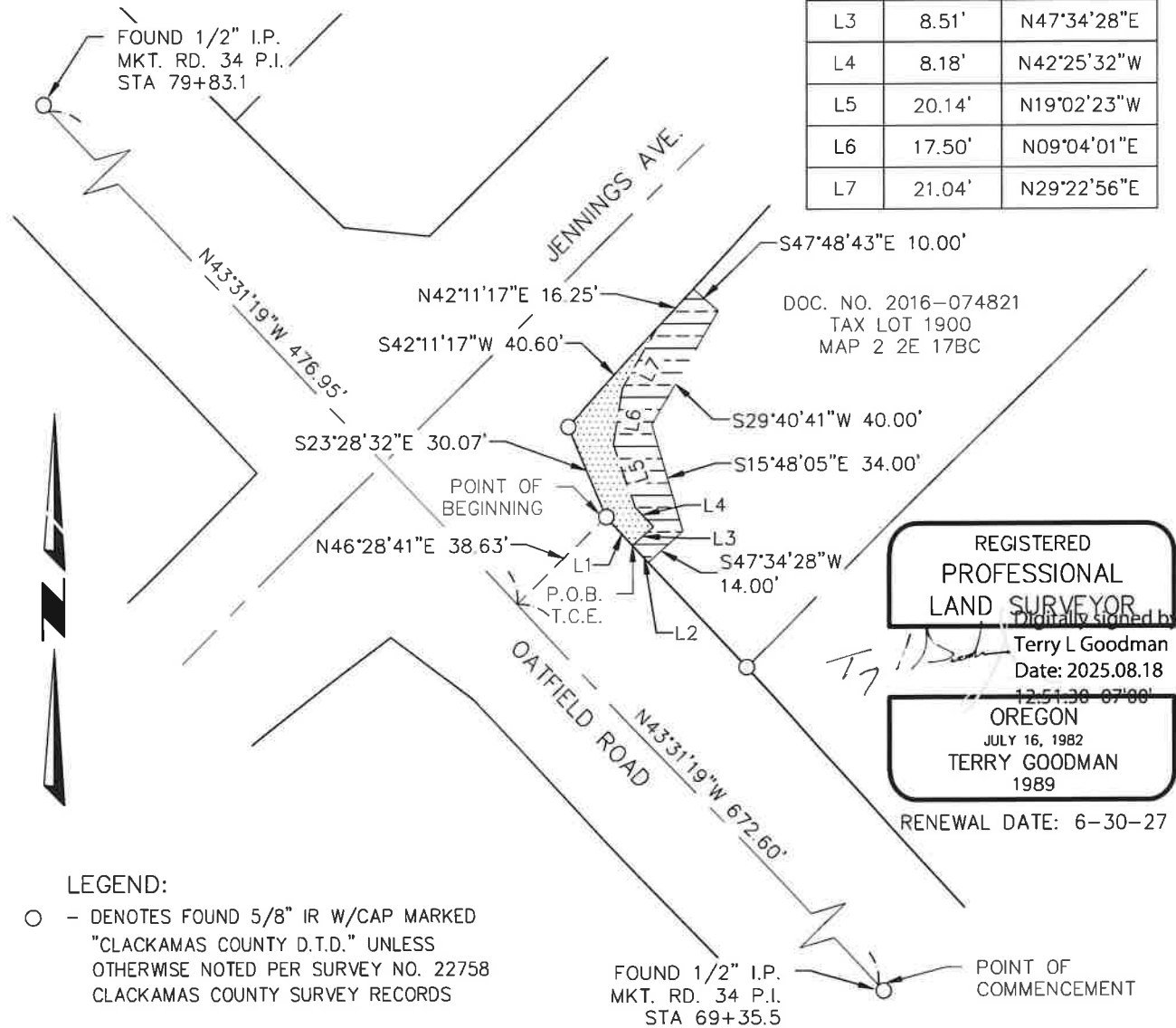
Basis of Bearings: Oregon Coordinate Reference System (OCRS) Portland Zone,
NAD 1983 (2011) Epoch 2010.00



EXHIBIT B EASEMENT MAP

SITUATED IN THE NE 1/4 OF
SECTION 18, T. 2 S., R. 2 E., W.M.,
CLACKAMAS COUNTY, OREGON

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	11.87'	S42°25'32"E
L2	6.99'	N42°25'32"W
L3	8.51'	N47°34'28"E
L4	8.18'	N42°25'32"W
L5	20.14'	N19°02'23"W
L6	17.50'	N09°04'01"E
L7	21.04'	N29°22'56"E



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally signed by

Terry L Goodman

Date: 2025.08.18

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OREGON

JULY 16, 1982

TERRY GOODMAN

1989

RENEWAL DATE: 6-30-27

APEX

DRAWN BY: TLG

SCALE: 1"=50'

8/18/2025

CHECKED BY: TLG

PRJ.# CLA057-24012274

SHEET 1 OF 1



EXHIBIT "A"

Oatfield Rd - Jennings Ave
Signal Rebuild Safety Work
August 26, 2025
Page 1 of 3

Clackamas County DTD
Project No. 300324341
Map & Tax Lot No. 2 2E 18AD 2300
Property No. 2

PARCEL 1 (Permanent Right-Of-Way Easement for Road Purposes)

BEING a portion of that property described in Deed Document Number 2021-016872, located in the Northeast One-Quarter of Section 18, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING FROM a 1/2 " iron pipe set at Station 69+35.5 P.I. in centerline of Market Road 34 (Oatfield Road) in Survey Number 22,758, Clackamas County Survey Records;

Thence N 43°31'19" W, along said centerline, 815.03 feet to a point;

Thence N 46°28'41" E, 40.13 feet to the northeasterly right-of-way line of said Oatfield Road and the **TRUE POINT OF BEGINNING** of the herein described easement;

Thence S 45°48'52" E, along said northeasterly right-of-way line, 22.42 feet to an angle point;

Thence S 84°02'19" E, 25.79 feet to the northwesterly right-of-way line of Jennings Avenue;

Thence N 45°34'34" E, along said right-of-way line, 17.17 feet to an angle point;

Thence leaving said right-of-way line, S 87°46'49" W, 28.97 feet to an angle point;

Thence N 69°01'02" W, 5.51 feet to an angle point;

Exhibit "A" Continued

Property No. 2
Page 2 of 3

Thence N 45°48'52" W, 18.06 feet to an angle point;

Thence S 44°11'08" W, 9.96 feet to the **POINT OF BEGINNING**;

Contains 516 square feet more or less.

See Exhibit B attached.

PARCEL 2 (Temporary Construction Easement)

BEING a portion of that property described in Deed Document Number 2021-016872, located in the Northeast One-Quarter of Section 18, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING FROM a 1/2 " iron pipe set at Station 69+35.5 P.I. in centerline of Market Road 34 (Oatfield Road) in Survey Number 22,758, Clackamas County Survey Records;

Thence N 43°31'19" W, along said centerline, 815.03 feet to a point;

Thence N 46°28'41" E, 40.13 feet to the northeasterly right-of-way line of said Oatfield Road and the **TRUE POINT OF BEGINNING** of the herein described easement;

Thence N 45°48'52" W, 15.03 feet to an angle point;

Thence leaving said right-of-way line, N 44°11'08" E, 46.41 feet to an angle point;

Thence S 44°25'26" E, 58.44 feet to the northwesterly right-of-way line of Jennings Avenue;

Thence S 45°34'34" W, along said northwesterly right-of-way line 11.87 feet to a point;

Thence leaving said right-of-way line, S 87°46'49" W, 28.97 feet to an angle point;

Thence N 69°01'02" W, 5.51 feet to an angle point;

Thence N 45°48'52" W, 18.06 feet to an angle point;

Exhibit "A" Continued

Property No. 2
Page 3 of 3

Thence S 44°11'08" W, 9.96 feet to the **POINT OF BEGINNING**;

Contains 1,970 square feet more or less.

See Exhibit B attached.

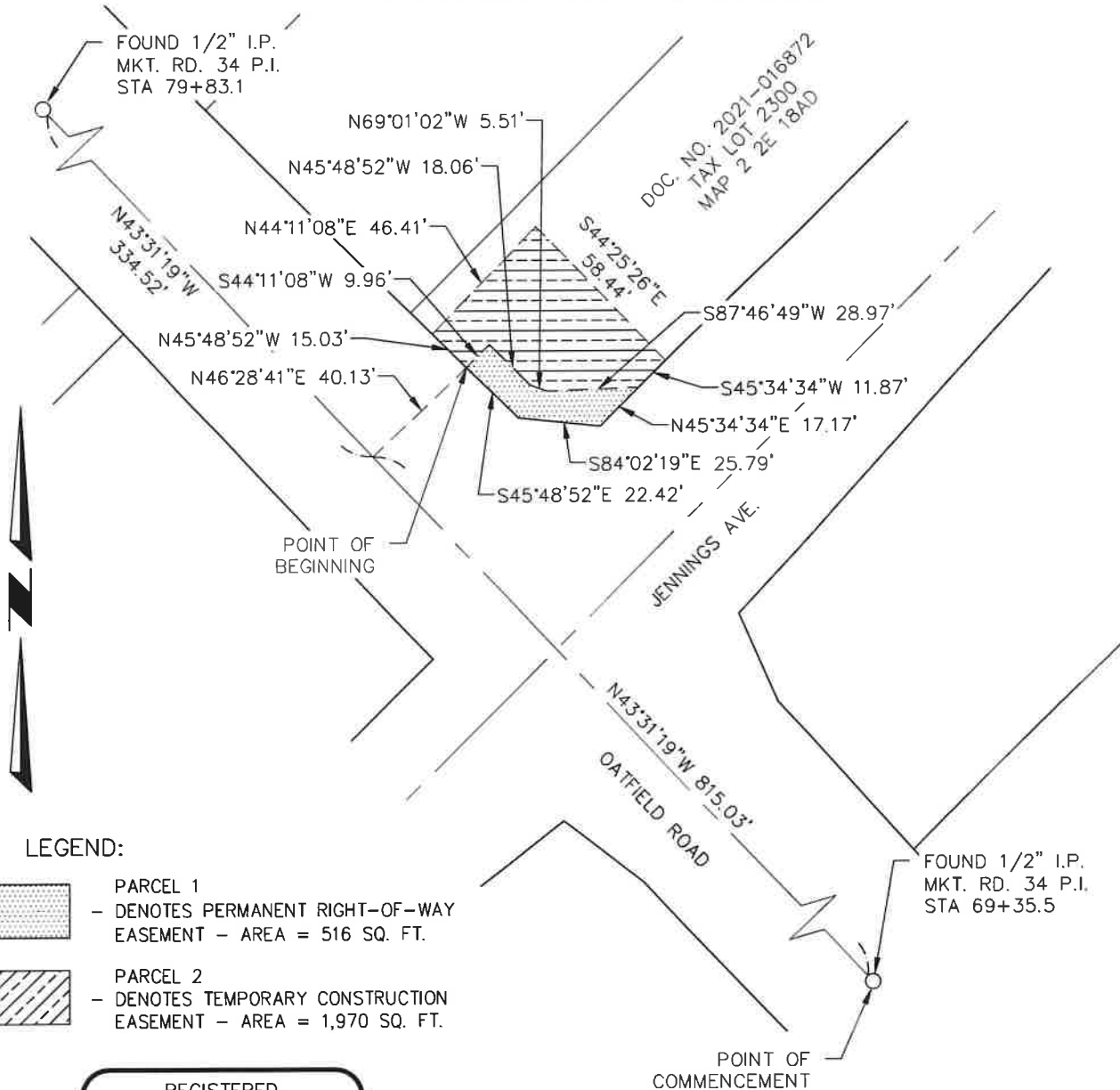
Basis of Bearings: Oregon Coordinate Reference System (OCRS) Portland Zone,
NAD 1983 (2011) Epoch 2010.00



EXHIBIT B EASEMENT MAP

PROPERTY NO. 2

SITUATED IN THE NE 1/4 OF
SECTION 18, T. 2 S., R. 2 E., W.M.,
CLACKAMAS COUNTY, OREGON



LEGEND:

- PARCEL 1
- DENOTES PERMANENT RIGHT-OF-WAY
EASEMENT - AREA = 516 SQ. FT.
- PARCEL 2
- DENOTES TEMPORARY CONSTRUCTION
EASEMENT - AREA = 1,970 SQ. FT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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Date: 2025.08.26

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OREGON
JULY 16, 1982
TERRY GOODMAN
1989

RENEWAL DATE: 6-30-27

APEX.

DRAWN BY: TLG

SCALE: 1"=50'

8/18/2025

CHECKED BY: TLG

PRJ.# CLA057-24012274

SHEET 1 OF 1



EXHIBIT "A"

Oatfield Rd - Jennings Ave
Signal Rebuild Safety Work
August 18, 2025
Page 1 of 2

Clackamas County DTD
Project No. 300324341
Map & Tax Lot No. 2 2E 18AD 4500
Property No. 3

PARCEL 1 (Permanent Right-Of-Way Easement for Road Purposes)

BEING a portion of that property described in Deed Document Number 2022-027564, located in the Northeast One-Quarter of Section 18, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING FROM a 1/2 " iron pipe set at Station 69+35.5 P.I. in centerline of Market Road 34 (Oatfield Road) in Survey Number 22,758, Clackamas County Survey Records;

Thence N 43°31'19" W, along said centerline, 776.13 feet to a point;

Thence S 46°28'41" W, 30.00 feet to the southwesterly right-of-way line of said Oatfield Road and the **TRUE POINT OF BEGINNING** of the herein described easement;

Thence S 00°00'23" E, 27.59 feet to an the northwesterly right-of-way line of Jennings Avenue;

Thence N 45°02'07" E, along said right-of-way line, 19.00 feet to the southwesterly right-of-way line of Oatfield Road;

Thence N 43°31'19" W, 19.53 feet to the **POINT OF BEGINNING**;

Contains 185 square feet more or less.

See Exhibit B attached.

Exhibit "A" Continued

Property No. 3
Page 2 of 2

PARCEL 2 (Temporary Construction Easement)

BEING a portion of that property described in Deed Document Number 2022-027564, located in the Northeast One-Quarter of Section 18, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING FROM a 1/2 " iron pipe set at Station 69+35.5 P.I. in centerline of Market Road 34 (Oatfield Road) in Survey Number 22,758, Clackamas County Survey Records;

Thence N 43°31'19" W, along said centerline, 776.13 feet to a point;

Thence S 46°28'41" W, 30.00 feet to the southwesterly right-of-way line of said Oatfield Road and the **TRUE POINT OF BEGINNING** of the herein described easement;

Thence S 00°00'23" E, 27.59 feet to an the northwesterly right-of-way line of Jennings Avenue;

Thence S 45°02'07" W, along said right-of-way line, 4.24 feet to a point;

Thence N 00°00'23" W, 26.48 feet to an angle point;

Thence N 43°31'19" W, 28.64 feet to an angle point;

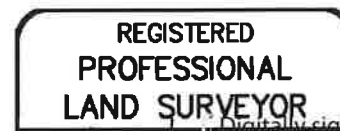
Thence N 46°28'41" E, 5.00 feet to the southwesterly right-of-way line of said Oatfield Road;

Thence S 43°31'19" E, 27.73 feet to the **POINT OF BEGINNING**;

Contains 222 square feet more or less.

See Exhibit B attached.

Basis of Bearings:
Oregon Coordinate Reference System (OCRS)
Portland Zone, NAD 1983 (2011) Epoch 2010.00



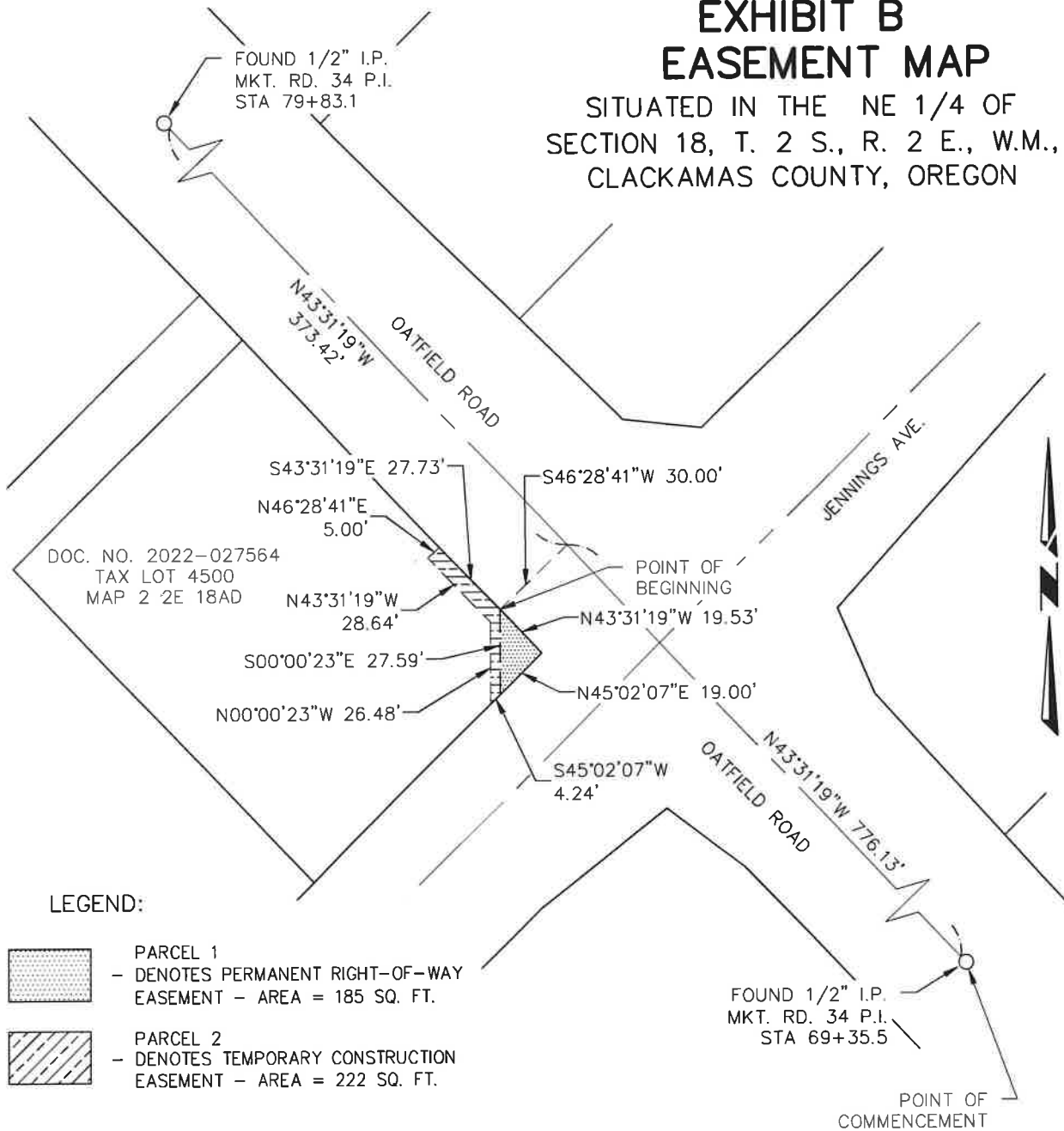
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RENEWAL DATE: 6-30-27

EXHIBIT B EASEMENT MAP

SITUATED IN THE NE 1/4 OF
SECTION 18, T. 2 S., R. 2 E., W.M.,
CLACKAMAS COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

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OREGON
JULY 16, 1982
TERRY GOODMAN
1989

RENEWAL DATE: 6-30-27

APEX

DRAWN BY: TLG	SCALE: 1"=50'	8/18/2025
CHECKED BY: TLG	PRJ.# CLA057-24012274	SHEET 1 OF 1