

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.: 19-02-05-03

IN THE MATTER OF THE ESTABLISHMENT OF A SECTION OF SPRINGFIELD-CRESWELL HWY (OR 222), COMMONLY KNOWN AS CLOVERDALE ROAD, AS PART OF COUNTY ROAD NO. 937, LOCATED IN SECTIONS 7, 8, AND 18, TOWNSHIP 19 SOUTH, RANGE 2 WEST, AND SECTIONS 13 AND 14, TOWNSHIP 19 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN. (19-02-07, 08 & 18) (19-03-13 & 14)

WHEREAS, ORS 190.110, 366.572 and 366.576 allows the State to enter into cooperative agreements with counties, cities, and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties; and

WHEREAS, by the authority granted in Oregon Revised Statute (ORS) 366.395, State may relinquish title to any of its property not needed by it for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by State; and

WHEREAS, under the provisions of ORS 366.290(3) with the written consent of the county in which a particular highway or part hereof is located, the State may, when in its opinion the interest of the State will be best served, eliminate from the state highway system any bridge, road, or highway or part thereof. Thereafter the bridge, road, or highway or part thereof eliminated shall become a county road, highway, or bridge, and the construction, repair, maintenance or improvement, and jurisdiction over such highway shall be exclusively under the county in which such road, highway or bridge is located.

WHEREAS, the Board approved Jurisdictional Transfer Agreement No. 829, hereinafter referred to as "Agreement", between the Oregon Department of Transportation (ODOT) and Lane County on July 24th, 2018, pursuant to Order No. 18-07-24-05, formally transferring jurisdiction for all of ODOT's interest in Springfield-Creswell Hwy (OR 222), commonly known as Cloverdale Road to Lane County; and

WHEREAS, said Agreement was fully executed by both parties on September 26th, 2018; and

WHEREAS, the portion of Cloverdale Road to be transferred is described in Exhibit "A" of this Order; and

WHEREAS, under ORS 368.106, Cloverdale Road needs to be established as county road right of way; and

WHEREAS, Lane County Transportation Engineering has examined the road and recommends it be classified as a Rural Minor Arterial; and

WHEREAS, the Board of County Commissioners is satisfied that Cloverdale Road will be of public utility and benefit.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. Cloverdale Road is hereby established as described in the legal description marked Exhibit "A", which is attached and made a part of this Order.
2. In support of this action, the Board of County Commissioners adopts the report of the Director of Public Works as set forth in Exhibit "B", which is attached and made part of this Order.
3. That Cloverdale Road is classified as a Rural Minor Arterial.
4. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor; and that this Order is final and operates to establish the road as part of County Road No. 937, also known as Cloverdale Road.

ADOPTED this 5th day of February, 2019



Pete Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 2021/05/15

LANE COUNTY OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

**CLOVERDALE ROAD
DESCRIPTION**

All the right of way boundaries of the existing Springfield-Creswell Highway No. 222 and the relocated Springfield-Creswell Highway No. 222 beginning at the northerly limits of the right of way properties owned by the Oregon Department of Transportation in Section 8, Township 19 South, Range 2 West, W.M. at approximate Mile Point 11.91 of the Hendricks Road Connector at joint Mile Point 11.63; thence Southerly and Westerly to the end of Part 2 at the intersection of said highway and the East right of way of The City of Creswell street named Emerald Parkway in Section 14, Township 19 South, Range 3 West, W.M. at approximate Mile Point 14.36.

AND ALSO that frontage road known as Bear Creek Frontage Road and that connector road known as Bear Creek Connector.

EXHIBIT "B"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S REPORT

IN THE MATTER OF THE ESTABLISHMENT OF A SECTION OF SPRINGFIELD-CRESWELL HWY (OR 222), COMMONLY KNOWN AS CLOVERDALE ROAD, AS PART OF COUNTY ROAD NO. 937, LOCATED IN SECTIONS 7, 8, AND 18, TOWNSHIP 19 SOUTH, RANGE 2 WEST, AND SECTIONS 13 AND 14, TOWNSHIP 19 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN. (19-02-07, 08 & 18) (19-03-13 & 14)

Staff from Lane County Engineering and Construction Services and the Oregon Department of Transportation (ODOT) have caused to be executed Jurisdictional Transfer Agreement No. 829, hereinafter referred to as "Agreement", formally transferring ODOT's interest in the Springfield-Creswell Hwy (OR 222), commonly known as Cloverdale Road, to Lane County as described in Exhibit "A" of the Order. The Board, pursuant to Order No. 18-07-24-05, approved the terms of the Agreement and authorized the County Administrator to execute the agreement on July 24th, 2018.

The section of Cloverdale Road being transferred to Lane County is approximately 2.45 miles in length and includes one frontage road known as Bear Creek Frontage Road and a connector road known as Bear Creek Connector. The roadways are generally defined as being located southerly of the intersection of current County Road No. 937, in the vicinity of Hendricks Road, and running southerly and westerly to the easterly right of way of City of Creswell street known as Emerald Parkway. The right of way width of Cloverdale Road varies depending on location.

Lane County Transportation Engineering has examined the road and has recommended it be classified a Rural Minor Arterial.

Lane County and ODOT staff have agreed to a phased payment of \$30,000,000 in state funds to be paid by the State for future costs of preservation, improvements, and maintenance of Springfield-Creswell Highway (Cloverdale Road) and other roads currently being negotiated to be transferred. The Agreement was fully executed by both parties on September 26th, 2018, and the first installment of \$5,000,000 is scheduled to be paid into the Road Fund in Fiscal Year (FY) 2019.

By the authority granted in Oregon Revised Statute (ORS) 366.395, State may relinquish title to any of its property not needed by it for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by State.

By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities, and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

Under the provisions of ORS 366.290(3) with the written consent of the county in which a particular highway or part hereof is located, the State may, when in its opinion the interest of the State will be best served, eliminate from the state highway system any bridge, road, or highway or part thereof. Thereafter the bridge, road, or highway or part thereof eliminated shall become a county road, highway, or bridge, and the

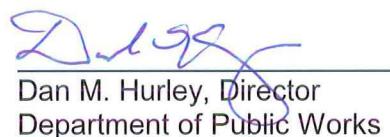
EXHIBIT "B"

construction, repair, maintenance or improvement, and jurisdiction over such highway shall be exclusively under the county in which such road, highway or bridge is located.

An Order to legally establish this road has been prepared in accordance with ORS 368.106. The legal description of the alignment is marked Exhibit "A" and is attached to the Order of Establishment.

The public interest will be served, as the road provides a safe, convenient route through the area. If the Order is approved it will establish the road as part of County Road No. 937 and will allow it to be included as part of the Lane County Road Maintenance System. It is therefore recommended the Order of Establishment be approved and that it be filed with the County Clerk's Office and entered in the Commissioners' Journal of Administration. It is also recommended the Final Order be entered into the legal County Road files administered by the Department of Public Works and County Surveyor for public record.

DATED this 22nd day of January, 2019.


Dan M. Hurley, Director
Department of Public Works

| Lane County /State of Oregon – Dept. of Transportation
Agreement No. 829

