

AGENDA COVER MEMO

DATE: March 31, 2004
TO: Lane County Board of Commissioners
FROM: Bill Robinson, Lane County Surveyor
DEPARTMENT: Public Works, Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF SETTING A PUBLIC HEARING ON THE PROPOSED SURRENDER OF A PORTION OF WEST 10TH AVENUE, COUNTY ROAD NUMBER 98, FROM OAKLEA DRIVE, EASTERLY TO ROSE STREET, TO THE CITY OF JUNCTION CITY.

I. MOTION

TO APPROVE THE RESOLUTION AND ORDER TO SET A PUBLIC HEARING DATE OF JUNE 9, 2004 AT 1:30 P.M., FOR THE SURRENDER OF A PORTION OF WEST 10TH AVENUE, COUNTY ROAD NUMBER 98, LOCATED WITHIN THE CITY LIMITS OF JUNCTION CITY, BEING MORE PARTICULARLY DESCRIBED IN THE RESOLUTION AND ORDER, TO THE CITY OF JUNCTION CITY.

II. ISSUE

To decide whether or not to approve the Resolution and Order to set a public hearing, for the surrender of a portion of West 10th Avenue, County Road Number 98, to the City of Junction City.

III. DISCUSSION

A. Background:

The City of Junction City is requesting the surrender of a portion of West 10th Avenue (County Road Number 98) located within the city limits. West 10th Avenue (originally called Casper Rickard Road) was established as a county road in 1900. The portion of road now being proposed for surrender is within the area annexed to the City in 1999.

The City of Junction City has enacted Resolution Number 794 formally requesting the jurisdiction over a portion of the above-mentioned County Road. The segment of West 10th Avenue is all within the city limits and is described in Exhibit "A" of the attached Resolution and Order. This proposal of transferring the described road from Lane County to the City of Junction City is in accordance with the County/City Roads Partnership Program Agreement of July 2003.

B. Analysis:

The portion of West 10th Avenue requested for surrender by the City of Junction City through Resolution Number 794 is under the jurisdiction of Lane County. Said portion of road is within the city limits of Junction City. The proposed surrender of this segment of road will allow the City to maintain, develop and improve it as necessary to the City's specifications, standards and timetable.

ORS 373.270 provides for the transfer of jurisdiction over County Roads within a city. Setting the above hearing date would be the final step in the process of surrender and transfer of jurisdiction of this segment of county road, from Lane County to the City of Junction City.

The proposed surrender is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003. The proposed surrender of this 0.34-mile portion of West 10th Avenue may slightly increase the payment to the City of Junction City but it would not increase the overall total payment by the County to cities in the amended County/City Partnership Program Agreement of July 1, 2003. The public's interest was determined to be benefited when this agreement was reached. Setting this date for the hearing will allow time for public posting or notice and is recommended as being appropriate if the issue of timing is to be addressed.

The attached Resolution and Order will set a public hearing to consider the merits of the request for transfer of jurisdiction of the described portion of road from Lane County to the City of Junction City as requested by the City.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the Resolution and Order to set a public hearing to consider the surrender of a portion of West 10th Avenue, County Road Number 98, to the City of Junction City.
2. Deny all or any portion of the Resolution and Order to set a public hearing to consider the surrender of said portion of West 10th Avenue.
3. Postpone further action until a future date.

D. Recommendations:

The Public Works Director's Preliminary Report recommends that the Board of Commissioners approve Option 1. This will approve the Resolution and Order to set a public hearing date for the proposed surrender of the portion of West 10th Avenue, as described in the Resolution and Order.

E. Timing:

Timing in this matter is important as the surrender of County roads is part of the County/City Roads Partnership Program Agreement and would address the request by the City of Junction City to conclude the surrender process.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval of the Resolution and Order to set a public hearing, the County Surveyor will carry out the necessary steps under ORS 373.270 to provide public notice of the Hearing. Subsequently, a final report will be prepared and submitted at that hearing by the Director of the Public Works Department. If the Board is in support of surrendering the described road to the City, a Final Order will be prepared for their approval.

- V. ATTACHMENTS:**
- Resolution and Order w/attachments:
 - Legal Description – Exhibit “A”
 - Director’s Preliminary Report – Exhibit “B”
 - Vicinity Map - Attachment “A”

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON**

FILE NO. 4103

**IN THE MATTER OF SETTING A PUBLIC HEARING)
ON THE PROPOSED SURRENDER OF A PORTION) RESOLUTION AND
OF WEST 10TH AVENUE, COUNTY ROAD NUMBER 98,) ORDER NO.
FROM OAKLEA DRIVE, EASTERLY TO ROSE)
STREET, TO THE CITY OF JUNCTION CITY)**

WHEREAS, the City of Junction City, by its Resolution Number 794 requested that jurisdiction over the portion of West 10th Avenue, County Road Number 98, that lies within the city limits, be transferred to the City of Junction City; and

WHEREAS, the amended County/City Roads Partnership Program Agreement of July 1, 2003 between Lane County and the City of Junction City called for the surrender of County Roads which have been annexed into the city and the public's interest was determined to be benefited when this agreement was reached; and

WHEREAS, ORS 373.270 provides for the surrender and transfer of jurisdiction over County Roads within a City. The County may transfer jurisdiction over County Roads or parts thereof within a city when it is considered to be necessary, expedient, or in the best interest of the County to do so; and the governing body of the City deems it necessary or expedient and in the best interest of the City to acquire jurisdiction over the County Roads or portions thereof and to the same extent as it has over public streets and alleys of the City; and

WHEREAS, Lane County and the City of Junction City deem it necessary and expedient and in the best interest of each governing body to proceed with the surrender and transfer of jurisdiction over the above described County Roads, now therefore, it is hereby

ORDERED, that a public hearing be set for June 9, 2004 at 1:30 p.m., at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon, to formally consider the surrender of the portion of West 10th Avenue, County Road Number 98, as described in Exhibit "A" attached hereto and made a part hereof by this Order, to the City of Junction City; and further, it is hereby

ORDERED, that legal notice of hearing be posted or published, in accordance with ORS 373.270; and further; it is hereby

ORDERED, that the Director of the Lane County Department of Public Works prepare and provide a final report on the proposed surrender.

Inquiries regarding these surrender proceedings may be directed to Bill Robinson, Lane County Surveyor, Public Service Building, 125 E. 8th Avenue; Eugene, OR 97401, telephone (541) 682-4195.

DATED this _____ day of _____, 2004

Chair
LANE COUNTY BOARD OF COMMISSIONERS

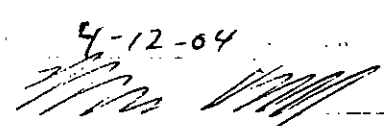
4-12-04


EXHIBIT "A"

LEGAL DESCRIPTION

MILEAGE

WEST 10TH AVENUE (COUNTY ROAD NUMBER 98)

00.34

Beginning at the intersection of West 10th Avenue and the easterly right of way line of Oaklea Drive (County Road No. 98 and 867, being 60 feet in width), thence Easterly 1812 feet, more or less, to the former city limits of Junction City at the centerline of Rose Street extended southerly, all in Section 31, Township 15 South, Range 4 West of the Willamette Meridian.

EXHIBIT "B"

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON**

FILE NO. 4103

**IN THE MATTER OF SETTING A PUBLIC HEARING)
ON THE PROPOSED SURRENDER OF A PORTION) **PRELIMINARY**
OF WEST 10th AVENUE, COUNTY ROAD NUMBER 98,) **DIRECTOR'S**
FROM OAKLEA ROAD, EASTERLY TO ROSE)
STREET, TO THE CITY OF JUNCTION CITY)**

The City of Junction City is requesting the surrender of a portion of County Road Number 98 (West 10th Avenue) located within the city limits.

County Road Number 98 (West 10th Avenue) was originally established in 1900. The 0.34 mile portion of road now being proposed for surrender was annexed to the City in 1999. Other segments of West 10th Avenue, east of subject portion, have previously been surrendered to the City of Junction City.

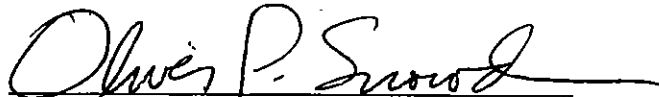
The City of Junction City has enacted Resolution Number 794 formally requesting that the jurisdiction over the above said portion of County Road, all within the city limits and described in the attached Resolution and Order, be transferred from Lane County to the City of Junction City. This action by the City is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003.

ORS 373.270 provides for the transfer of jurisdiction over County Roads within a city. The county may transfer jurisdiction over county roads or portions thereof within a city when it is considered to be necessary, expedient or in the best interest of the county to do so; and the governing body of the city deems it necessary or expedient and for the best interest of the city to acquire jurisdiction over the portion of county road to the same extent as it has over public streets and alleys of the city.

The proposed surrender would enable the city to maintain, develop, improve, and use the road for the surrounding area to its own specifications, standards, and timetables.

It is recommended that a public hearing date be established on the proposed surrender of jurisdiction of the portion of West 10th Avenue, County Road Number 98, as described in the Resolution and Order.

DATED this 8th day of April, 2004

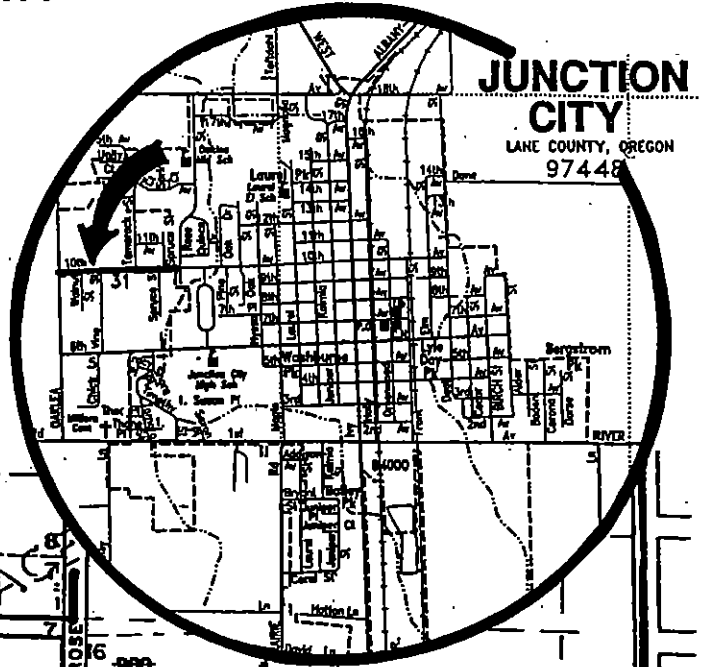


Oliver P. Snowden, Director
Department of Public Works

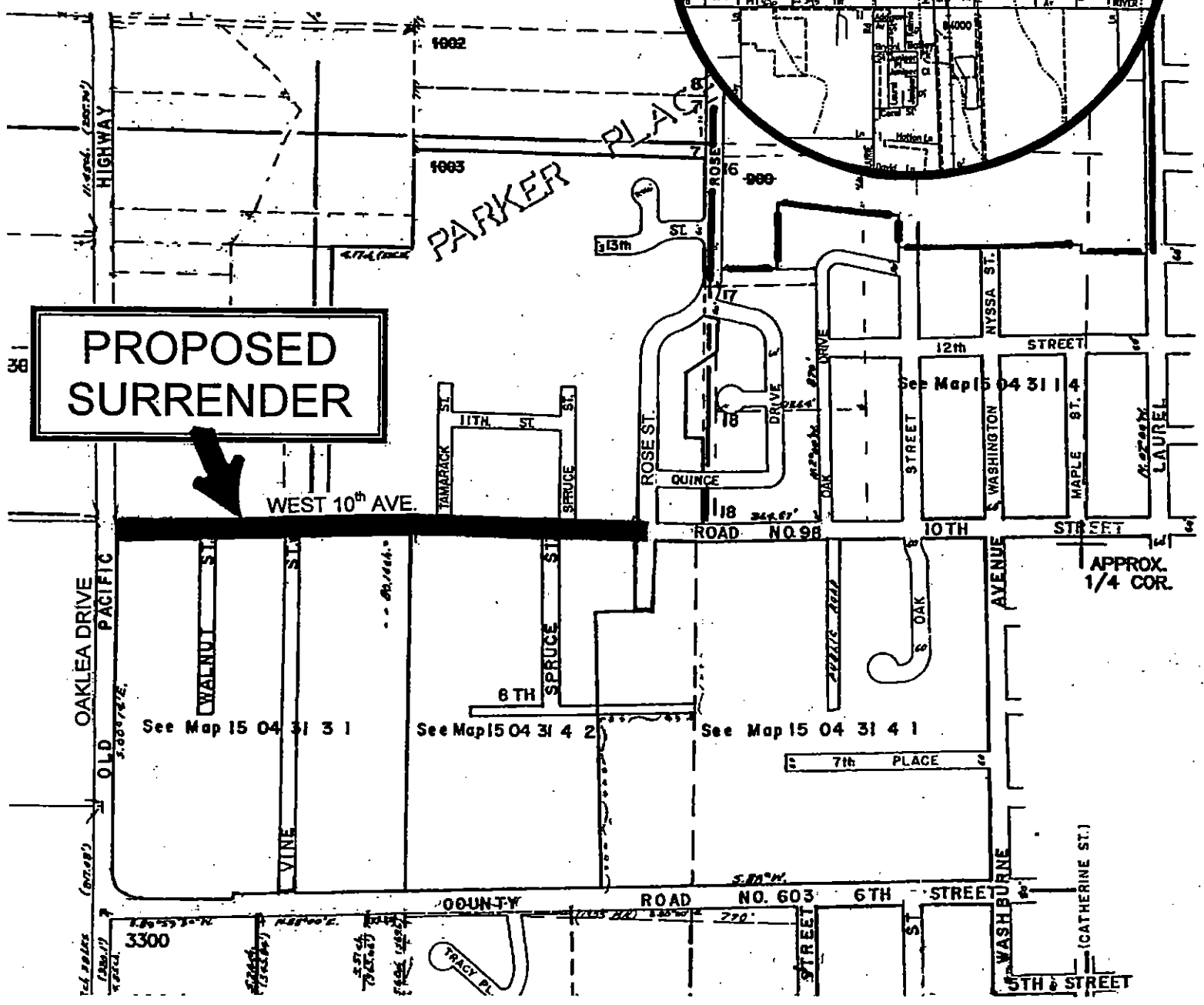
ATTACHMENT "A"

NW 1/4 & SW 1/4 Section 31 T. 15 S. R. 4 W. W.M.
LANE COUNTY

NO SCALE



JUNCTION CITY
LANE COUNTY, OREGON
97448



PROPOSED SURRENDER



WEST 10th AVE.

OAKLEA DRIVE

PACIFIC

WALNUT ST.

VINE ST.

SPRUCE ST.

ROSE ST.

OAK ST.

AVENUE

WASHINGTON ST.

MAPLE ST.

LAUREL

ROAD NO. 603

6TH STREET

5TH STREET

APPROX. 1/4 COR.

See Map 15 04 31 3 1

See Map 15 04 31 4 2

See Map 15 04 31 4 1

3300

TRACY PL.