

W.T.C.I.

AGENDA COVER MEMO

DATE: November 18, 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 LINCOLN AVENUE (COUNTY ROAD NUMBER 1131) AND A PORTION OF SOUTH 10TH STREET (COUNTY ROAD NUMBERS 1163 AND 1930) TO THE CITY OF COTTAGE GROVE

I. MOTION:

To Approve the Resolution and Order to Set a Public Hearing Date of January 3, 2005 at 1:30 P.M., for the Surrender of a Portion of Lincoln Avenue (County Road Number 1131) and a Portion of South 10th Street (County Road Numbers 1163 and 1930) to the City of Cottage Grove.

II. ISSUE:

To decide whether or not to approve the Resolution and Order to set a Public Hearing, for the surrender of portions of Lincoln Avenue (County Road Number 1131) and South 10th Street (County Road Numbers 1163 and 1930) to the City of Cottage Grove.

III. DISCUSSION

A. Background:

The City of Cottage Grove is requesting the surrender of portions of Lincoln Avenue (County Road Number 1131) and South 10th Street (County Road Numbers 1163 and 1930) located within the city limits. The subject portion of Lincoln Avenue and the portion of South 10th Street south of Lincoln Avenue were annexed into the City of Cottage Grove in 1999 by Annexation EC CG 99-69. The portion of South 10th Street between Cooper Avenue and Lincoln Avenue was annexed into the City by Annexation EC CG 01-25 in 2001.

The portion of Lincoln Avenue (formerly known as Nokes Avenue and Vinal T. Randall Road) was established as a county road in 1936 with a right of way width of 50 feet. South 10th Street (formerly known as South Mill Street) was established as a county road in 1939 with a right of way width of 60 feet.

The City of Cottage Grove has enacted Resolution Number 1432 formally requesting that the jurisdiction over the above described portions of County Roads, all within the city limits and described in the attached Resolution and Order, be transferred from Lane County to the City of Cottage Grove. This action by the City is in accordance with the County/City Road Partnership Agreement of July 1, 2004.

B. Analysis:

The subject portions of Lincoln Avenue and South 10th Street are within the city limits of Cottage Grove, but are under the jurisdiction of Lane County and are currently being maintained by Lane County Public Works Department. The proposed surrender of these segments of roads will transfer the jurisdiction to the City of Cottage Grove and allow the City to maintain, develop and improve them 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 is a necessary step in the process of surrender and transfer of jurisdiction from the County to the City of Cottage Grove for these segments of county roads.

The proposed surrender is in accordance with the County/City Roads Partnership Program Agreement of July 1, 2004. The proposed surrender of this 0.03 mile portion of Lincoln Avenue and 0.09 mile portion of South 10th Street may slightly increase the payment to the City of Cottage Grove but it would not increase the overall total payment by the County to cities in the County/City Partnership Program Agreement of July 1, 2004. 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 surrender and transfer of jurisdiction of the described portions of roads to the City of Cottage Grove 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 Lincoln Avenue (County Road Number 1131) and South 10th Street (County Road Number 1163 and 1930) to the City of Cottage Grove.
2. Deny all or any portion of the Resolution and Order to set a public hearing to consider surrender of said portions of Lincoln Avenue and South 10th Street.
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 portions of Lincoln Avenue and South 10th Street, 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 Cottage Grove 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. 4117

IN THE MATTER OF SETTING A PUBLIC)	
HEARING ON THE PROPOSED SURRENDER OF)	
A PORTION OF LINCOLN AVENUE (COUNTY)	RESOLUTION
ROAD NUMBER 1131) AND A PORTION OF SOUTH)	AND
10TH STREET (COUNTY ROAD NUMBERS 1163 AND)	ORDER NO.
1930) TO THE CITY OF COTTAGE GROVE)	

WHEREAS, the City of Cottage Grove, by its Resolution Number 1432, requested that jurisdiction over a portion of Lincoln Avenue (County Road Number 1131) and a portion of South 10th Street (County Road Numbers 1163 and 1930) which lie within the city limits, be transferred to the City of Cottage Grove; and

WHEREAS, the County/City Roads Partnership Program Agreement of July 1, 2004, between Lane County and the City of Cottage Grove, 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 Cottage Grove 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

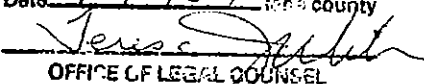
ORDERED, that a public hearing be set for January 3, 2005 at 1:30 p.m., at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon, to formally consider the surrender of the portions of Lincoln Avenue (County Road Number 1131) and South 10th Street (County Road Number 1163 and 1930) as described in Exhibit "A" attached hereto and made a part hereof by this Order, to the City of Cottage Grove; 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.

APPROVED AS TO FORM
Date 12/1/04 Lane County

OFFICE OF LEGAL COUNSEL

Chair
LANE COUNTY BOARD OF COMMISSIONERS

EXHIBIT "A"

LEGAL DESCRIPTION

MILEAGE

Lincoln Avenue (County Road No. 1131):

Beginning at the former city limits near the Northwest corner of Lot 10, Block 2 of Cooper and Randall's Addition to Cottage Grove, Oregon, as platted and recorded in Book 3, Page 27, Lane County, Oregon Plat Records; thence easterly 160 feet, more or less, to the easterly right of way of South 10th Street at the present city limits, being all within Section 33, Township 20 South, Range 3 West of the Willamette Meridian in Cottage Grove, Lane County, Oregon.	0.03
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South 10th Street (County Road No. 1163 and 1930):

Beginning at the north line of Johnson Avenue, being also the south line of Cooper and Randall's Addition to Cottage Grove, Oregon, as platted and recorded in Book 3, Page 27, Lane County, Oregon Plat records; thence northerly 500 feet, more or less, to the former city limits at the south right of way of Cooper Avenue, being all within Section 33, Township 20 South, Range 3 West of the Willamette Meridian in Cottage Grove, Lane County, Oregon.	0.09
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EXHIBIT "B"
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

FILE NO. 4117

IN THE MATTER OF SETTING A PUBLIC)	
HEARING ON THE PROPOSED SURRENDER OF)	
A PORTION OF LINCOLN AVENUE (COUNTY)	PRELIMINARY
ROAD NUMBER 1131) AND A PORTION OF SOUTH)	DIRECTOR'S
10TH STREET (COUNTY ROAD NUMBERS 1163 AND)	REPORT
1930) TO THE CITY OF COTTAGE GROVE)	

The City of Cottage Grove is requesting the surrender of a portion of Lincoln Avenue (County Road Number 1131) and a portion of South 10th Street (County Road Numbers 1163 and 1930) located within the city limits.

Lincoln Avenue was established as a county road in 1936 with a right of way width of 50 feet and South 10th Street was established in 1939 with a right of way width of 60 feet.

The 0.03 mile portion of Lincoln Avenue proposed for surrender and portions of South 10th Street were annexed into the City of Cottage Grove in 1999 by Annexation EC CG 99-69. The portion of South 10th Street between Cooper Avenue and Lincoln Avenue was annexed into the City in 2001 by Annexation EC CG 01-25.

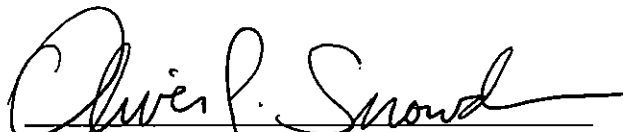
The City of Cottage Grove has enacted Resolution Number 1432 formally requesting that the jurisdiction over the above said portions of County Roads, all within the city limits and described in the attached Resolution and Order, be transferred from Lane County to the City of Cottage Grove. This action by the City is in accordance with the County/City Roads Partnership Program Agreement of July 1, 2004.

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 county roads or portions thereof 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 portions of Lincoln Avenue (County Road Number 1131) and South 10th Street (County Road Numbers 1163 and 1930) as described in the Resolution and Order.

DATED this 23rd day of November, 2004.


Oliver P. Snowden, Director
Department of Public Works

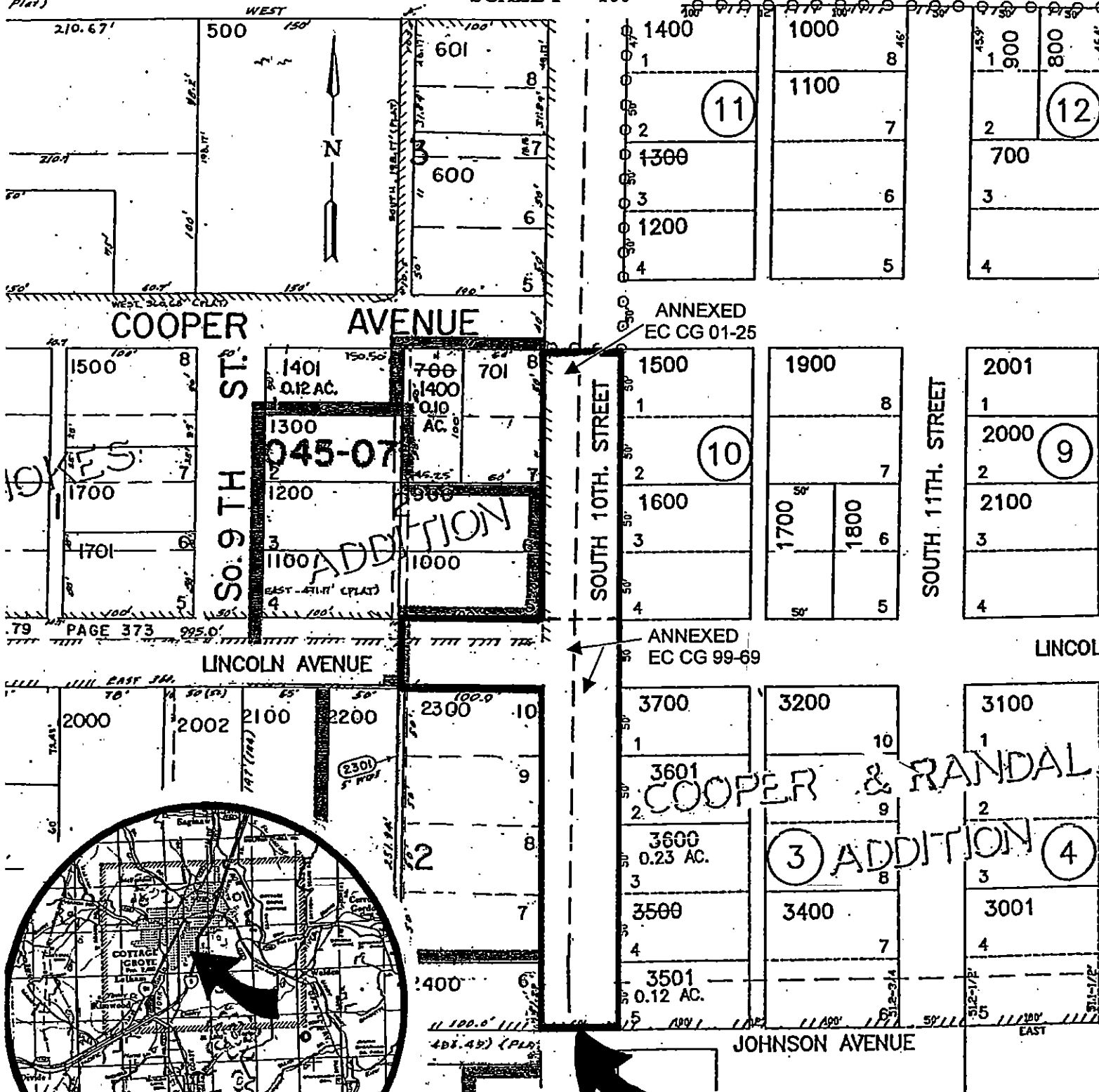
ATTACHMENT "A"

SECTION 33, T 20 S, R 3 W, W. M.

LANE COUNTY

SCALE 1" = 100'

1.5' West
(of PL 62
Plat)



VICINITY MAP