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ORIGINAL

AGENDA COVER MEMO

DATE: February 9, 2004
TO: Lane County Board of Commissioners
FROM: Bill Robinson, Lane County Surveyor *BR*
DEPARTMENT: Public Works, Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF THE SURRENDER OF PORTIONS OF SOUTH GARDEN WAY (COUNTY ROADS NUMBER 307, 388, 531 AND 1304), TO THE CITY OF EUGENE.

I. MOTION:

TO APPROVE THE ORDER TO SURRENDER JURISDICTION OF PORTIONS OF SOUTH GARDEN WAY (COUNTY ROADS NUMBER 307, 388, 531 AND 1304), LOCATED WITHIN THE CITY LIMITS OF EUGENE, BEING MORE PARTICULARLY DESCRIBED IN THE FINAL ORDER, TO THE CITY OF EUGENE.

II. ISSUE:

To decide whether or not to approve the Final Order to surrender the jurisdiction of portions of South Garden Way, County Road Number 307, 388, 531 and 1304, located within the city limits of Eugene, to the City of Eugene.

III. DISCUSSION

A. Background:

The City of Eugene has enacted Ordinance No. 20304, formally requesting that the jurisdiction over portions of South Garden Way, as described in Exhibit "A" and shown on Attachment "A" and being located within the city limits, be transferred from Lane County to the City of Eugene. This action by the City is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003.

South Garden Way consists of portions of County Roads No. 307 and 388 (Campbell Road, established in 1874 and 1884, respectively), County Road No. 531 (W. T. Pattison Road established in 1903) and County Road No. 1304 (Centennial Boulevard established in 1960). The portion of road now being proposed for surrender to the city of Eugene is within the area annexed to the City in 2003 and the City is planning for the reconstruction and improvement of this road.

Resolution, Notice of Hearing and Order No. 04-1-20-2 set a public hearing date of February 25, 2004, before the Board, to consider the merits of transferring jurisdiction of the subject road to the City of Eugene. If the Board approves to surrender jurisdiction of the described portions of South Garden Way, County Roads Number 307, 388, 531 and 1304, it will complete the road surrender process.

All legal notice has been provided regarding this matter as required by ORS 373.270(2).

B. Analysis:

ORS 373.270 provides for the transfer of jurisdiction over County Roads within a city. The described portions of South Garden Way are currently under the jurisdiction of Lane County but are within the city limits of Eugene. The proposed surrender of jurisdiction of these segments of road will allow the City to maintain, develop and improve them as necessary and to the City's specifications, standards and timetable.

The proposed transfer of jurisdiction is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003. The public's interest was determined to be benefited when this agreement was reached.

The attached Order will complete the surrender process and transfer of jurisdiction of the described portions of South Garden Way to the city of Eugene as requested by the City.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the Order to surrender jurisdiction of portions of South Garden Way, County Roads Number 307, 388, 531 and 1304, to the city of Eugene.
2. Deny all or any portion of the Order to surrender jurisdiction of said portions of South Garden Way.
3. Postpone further action until a future date.

D. Recommendations:

The Public Works Director's Report recommends that the Board of Commissioners approve Option 1. This will approve the Order to surrender jurisdiction of the portions of South Garden Way, as described in the Final Order, to the city of Eugene.

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 ordinance submitted by the city of Eugene to transfer jurisdiction of the described portions of South Garden Way within 150 days of said ordinance.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval of the Order transferring jurisdiction of these roads, the County's involvement in the process will be concluded. The County Clerk shall file the Order in the Commissioner's Journal of Administration and forward copies to the city of Eugene, the Lane County Surveyor and the Department of Public Works Director for updating appropriate indexes and County Road records.

V. ATTACHMENTS:

Final Order w/attachments:
 Legal Description – Exhibit "A"
 Final Director's Report - Exhibit "B"
 Affidavit of Posting – Exhibit "C"
 Vicinity Map - Attachment "A"
 Copy of City of Eugene Ordinance No. 20304

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

ORIGINAL

FILE NO. 4111

IN THE MATTER OF THE SURRENDER OF)
PORTIONS OF SOUTH GARDEN WAY (COUNTY) FINAL ORDER NO.
ROADS NUMBER 307, 388, 531 AND 1304), TO THE)
CITY OF EUGENE.)

WHEREAS, by Resolution Notice of Hearing and Order Number 04-1-20-2, the Board of County Commissioners set the date of February 25, 2004 at 1:30 P.M. at the Lane County Courthouse, to conduct a public hearing on the matter of the surrender, and transfer of jurisdiction, of portions of South Garden Way, consisting of portions of County Roads Number 307, 388, 531 and 1304, located within the city limits of Eugene, to the City of Eugene; and

WHEREAS, the City of Eugene has enacted Ordinance No. 20304 formally requesting that the jurisdiction over the described portions of South Garden Way, County Roads Number 307, 388, 531 and 1304, be transferred from Lane County to the City of Eugene within 150 days of said Ordinance; and

WHEREAS, ORS 373.270 provides for the 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 for 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 and to the same extent as it has over public streets and alleys of the city; and

WHEREAS, all legal notice has been provided regarding this matter as required by law as witnessed by an Affidavit of Posting by the Lane County Surveyor marked as Exhibit "C", attached hereto and made a part hereof, and the Public Works Director of Lane County recommends that the portions of South Garden Way, County Roads Number 307, 388, 531 and 1304, be surrendered; as shown on the Final Director's Report, Exhibit "B" attached hereto, and made a part hereof, by this order; and

WHEREAS, there are no known objections to the proposed surrender and it appears that the surrender of the portions of South Garden Way, County Roads Number 307, 388, 531 and 1304, would be in the best interest of the county; now therefore it is hereby

ORDERED, that Lane County, in accordance with ORS 373.270, hereby surrenders jurisdiction of the portions of South Garden Way, consisting of portions of County Roads Number 307, 388, 531 and 1304, as described in Exhibit "A" attached hereto and made a part hereof by this Order, to the City of Eugene; and it is further

ORDERED, that this Order be filed with the Lane County Clerk in the Commissioner's Journal of Administration and copies be forwarded to the City of Eugene, the Lane County Surveyor, and the Department of Public Works for updating appropriate indexes and County Road records.

DATED this _____ day of _____, 2004

APPROVED AS TO FORM

Date 2/13/04 _____

OFFICE OF LEGAL COUNSEL

Chair

Lane County Board of Commissioners

LEGAL DESCRIPTIONS**MILEAGE**

SOUTH GARDEN WAY (COUNTY ROAD NUMBER 307 AND 388) from the former Eugene city limits near the southwesterly right of way line of Interstate 105/ Interstate 5, Southerly, 1525 feet, more or less, to the present city limits, all in Section 28, Township 17 South, Range 3 West of the Willamette Meridian.	00.29
 SOUTH GARDEN WAY (COUNTY ROAD NUMBER 531) from the west end of County Road No. 531, as established with Centennial Boulevard in 1966, being the easterly boundary of the previous city limits and the east line of Parcel 1 of Land Partition Plat No. 94-P0521, Lane County, Oregon Plat Records, Easterly 100 feet, more or less, to the present Eugene city limits, all in Section 28, Township 17 South, Range 3 West of the Willamette Meridian.	 00.02
 SOUTH GARDEN WAY (COUNTY ROAD NUMBER 1304), originally established as a connector to Centennial Boulevard, from the north line of said Centennial Boulevard (now Martin Luther King Jr. Boulevard), Northerly, 145 feet, more or less, to the south line of County Road No. 531, all in Section 28, Township 17 South, Range 3 West of the Willamette Meridian.	 00.03

EXHIBIT "B"

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

FILE NO. 4111

IN THE MATTER OF THE SURRENDER OF)	
PORTIONS OF SOUTH GARDEN WAY (COUNTY)	FINAL DIRECTOR'S
ROADS NUMBER 307, 388, 531, AND 1304), TO THE)	REPORT
CITY OF EUGENE)	

The City of Eugene is requesting the surrender of jurisdiction of portions of South Garden Way (County Roads Number 307, 388, 531 and 1304) located within the city limits.

South Garden Way consists of portions of County Road No. 307 and 388 (Campbell Road, established in 1874 and 1884, respectively), County Road No. 531 (W. T. Pattison Road established in 1903) and County Road No. 1304 (Centennial Boulevard established in 1960). The portions of road now being proposed for surrender were annexed to the City of Eugene in 2003 and the City is planning for the reconstruction and improvement of this road.

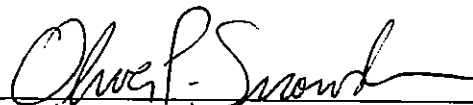
The City of Eugene has enacted Ordinance No. 20304 formally requesting that the jurisdiction over the above described portions of County Road, located within the city limits and described in the attached Final Order, be transferred from Lane County to the City of Eugene. This action by the City is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003. The public's interest was determined to be benefited when this agreement was reached.

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 for 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.

All legal notice for the public hearing to consider the matter of the surrender of these segments of South Garden Way, County Roads Number 307, 388, 531 and 1304, has been provided by the County Surveyor, as required by law.

The surrender of these segments of road will allow the city to have full jurisdiction of them to maintain, develop, improve, and use them and the surrounding areas to their own specifications, standards, and timetables. It is therefore recommended that the portions of South Garden Way, portions of County Roads Number 307, 388, 531 and 1304, as described in the Final Order, be surrendered to the City of Eugene, as it will be in the best interest of the county.

DATED this 10th day of February, 2004


 Oliver P. Snowden, Director
 Department of Public Works

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

FILE NO. 4111

IN THE MATTER OF THE SURRENDER OF PORTIONS OF SOUTH GARDEN WAY (COUNTY ROAD NUMBER 307, 388, 531 AND 1304), TO THE CITY OF EUGENE.)))))	AFFIDAVIT OF POSTING
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I, Bill Robinson, Lane County Surveyor, certify as follows:

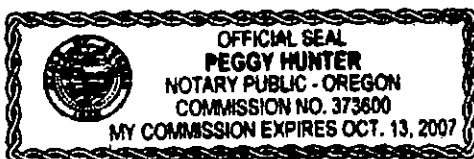
That on the 3rd day of February, 2004, and in accordance with ORS 373.270, I caused to be posted four (4) copies of the Notice of Hearing in the above entitled matter in four places, positioned to be visible to the traveling public, as follows:

1. Posted on a stop sign post at the Southwest corner of South Garden Way and Commons Drive.
2. Posted on a stop sign post on South Garden Way, 0.15 miles northerly of Martin Luther King, Jr. Boulevard.
3. Posted on a lamppost on South Garden Way, 0.05 miles northerly of Martin Luther King, Jr. Boulevard.
4. Posted on a signal pole at the Northeast corner of South Garden Way and Martin Luther King, Jr. Boulevard.

Bill Robinson

Bill Robinson
Lane County Surveyor

Subscribed and sworn to before me this 9th day of February, 2004

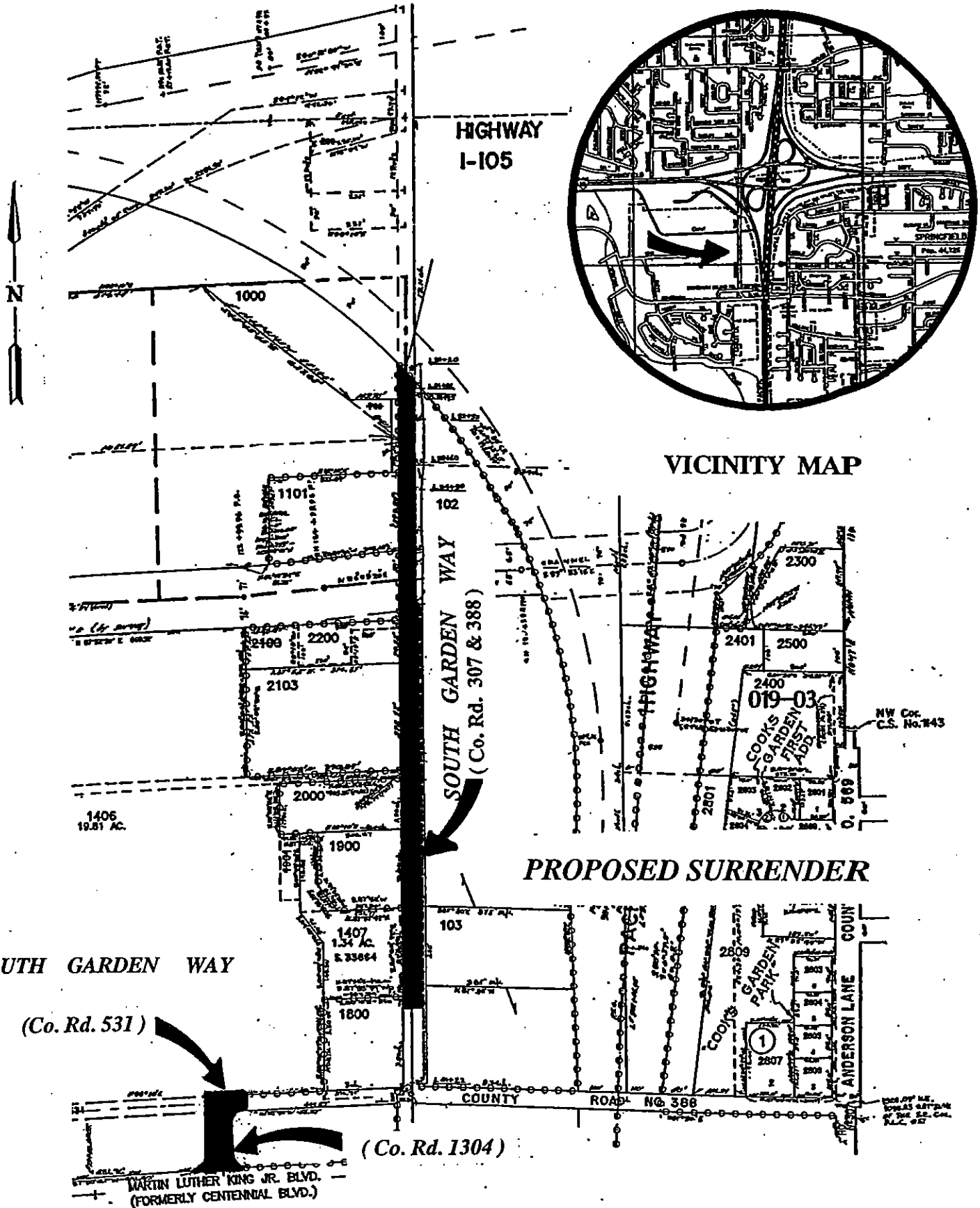


Peggy Hunter
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/13/2007

ATTACHMENT "A"

SECTION 28, T 17 S, R 3 W, W. M.
LANE COUNTY.
No Scale

ORIGINAL



ORDINANCE NO. 20304

AN ORDINANCE REQUESTING THAT JURISDICTION OVER A PORTION OF COUNTY ROAD NO. 307, 388, 531, AND 1304 (GARDEN WAY) BE TRANSFERRED TO THE CITY OF EUGENE WITHIN A SPECIFIED PERIOD OF TIME.

The City Council of the City of Eugene finds that:

A. The City Council finds it necessary and expedient and in the best interests of the City to acquire jurisdiction over a portion of a certain county road, to-wit, County Road No. 307, 388, 531, and 1304 (Garden Way), more particularly described in Exhibit A attached hereto and incorporated herein by reference, which lies within the corporate limits of the City, to the same extent as it has over other public streets and alleys of the City.

B. The Board of County Commissioners of Lane County, Oregon has authority under provisions of ORS 373.270 to release jurisdiction over county roads within the limits of the City of Eugene, and should be requested to do so.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Based upon the above findings, which are incorporated herein by reference, the City Council of the City of Eugene finds it necessary, expedient, and in the best interests of the City to acquire jurisdiction over the portion of County Road No. 307, 388, 531, and 1304 (Garden Way) located within the City of Eugene, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference, to the same extent as it has over other public streets and alleys of the City.

Section 2. The City Council directs that a copy of this Ordinance be forwarded to the Board of County Commissioners of Lane County, Oregon, which Board is requested to release jurisdiction of the above described portion of County Road No. 307, 388, 531, and 1304 (Garden Way) to the City of Eugene in accordance with the provisions of ORS 373.270.

Section 3. Upon receipt by the City Manager, within 150 days from the date hereof, of a certified copy of an order of the Board of County Commissioners of Lane County, Oregon releasing jurisdiction of the above described portion of County Road No. 307, 388, 531, and 1304 (Garden Way) to the City of Eugene, the City shall have the same control, power and jurisdiction over the road as it has over all other streets and alleys within the City of Eugene.

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Section 4. In the event of the Board of County Commissioners of Lane County fails to enter the order referred to in Section 3 above within 150 days from the date this Ordinance is adopted by the Council and approved by the Mayor, the request and authorization contained herein shall terminate as though this Ordinance had not been adopted.

Passed by the City Council this

1st day of December, 2003



City Recorder

Approved by the Mayor this

1st day of December, 2003



Mayor

*PRELIMINARY DESCRIPTIONS FOR SOUTH GARDEN WAY
PROPOSED SURRENDER*

LEGAL DESCRIPTIONS

MILEAGE

SOUTH GARDEN WAY (COUNTY ROAD NUMBER 307 AND 388) 00.29
from the former Eugene city limits near the southwesterly right of way line of
Interstate 105/ Interstate 5, Southerly, 1525 feet, more or less, to the
present city limits, all in Section 28, Township 17 South,
Range 3 West of the Willamette Meridian.

SOUTH GARDEN WAY (COUNTY ROAD NUMBER 531) 00.02
from the west end of County Road No. 531, as established
with Centennial Boulevard in 1966, being the easterly boundary
of the previous city limits and the east line of Parcel 1 of Land Partition
Plat No. 94-P0521, Lane County, Oregon Plat Records, Easterly
100 feet, more or less, to the present Eugene city limits, all in Section
28, Township 17 South, Range 3 West of the Willamette Meridian.

SOUTH GARDEN WAY (COUNTY ROAD NUMBER 1304), originally 00.03
established as a connector to Centennial Boulevard, from the north line of
said Centennial Boulevard (now Martin Luther King Jr. Boulevard),
Northerly, 145 feet, more or less, to the south line of County Road
No. 531, all in Section 28, Township 17 South, Range 3 West of the
Willamette Meridian.