

M. L. A.  
05-1-3-1

## AGENDA COVER MEMO

**DATE:** December 14, 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 A PORTION OF LINCOLN AVENUE (COUNTY ROAD NUMBER 1131) AND A PORTION OF SOUTH 10<sup>TH</sup> STREET (COUNTY ROAD NUMBERS 1163 AND 1930) TO THE CITY OF COTTAGE GROVE.

### I. MOTION

To Approve the Order to Surrender Jurisdiction of a Portion of Lincoln Avenue (County Road Number 1131) and a Portion of South 10<sup>th</sup> Street (County Road Numbers 1163 and 1930) to the City of Cottage Grove.

### II. ISSUE

To decide whether or not to approve the Order to surrender the jurisdiction of a portion of Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> 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 10<sup>th</sup> Street (County Road Numbers 1163 and 1930) being described in Exhibit "A" and shown on Attachment "A" and being located within the city limits. The subject portion of Lincoln Avenue and the portion of South 10<sup>th</sup> 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 10<sup>th</sup> 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

10<sup>th</sup> 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 Order, be transferred from Lane County to the City of Cottage Grove. The proposed surrender is in accordance with the County/City Road Partnership Agreement of July 1, 2004.

Resolution and Order No. 04-12-8-3 set a public hearing date of January 3, 2005, before the Board, to consider the merits to transfer jurisdiction of the subject roads to the City of Cottage Grove. If the Board approves the surrender of jurisdiction of Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> Street (County Road Number 1163 and 1930), 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 subject portions of Lincoln Avenue and South 10<sup>th</sup> 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.

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 10<sup>th</sup> 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.

The attached Order will complete the surrender process 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 Order to surrender jurisdiction of the portion of Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> Street (County Road Number 1163 and 1930) to the City of Cottage Grove.
2. Deny the Order to surrender jurisdiction of the portion of Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> Street (County Road Number 1163 and 1930) to the City of Cottage Grove.
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 Lincoln Avenue and South 10<sup>th</sup> Avenue, as described in the Final Order, to the City of Cottage Grove.

**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 resolution submitted by the City of Cottage Grove to transfer jurisdiction of the described portions of the county roads.

**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 Lane County Surveyor and Public Works Director for updating appropriate indexes and County Road records.

**V. ATTACHMENTS**

Final Order w/attachments:

Legal Description – Exhibit "A"

Director's Report – Exhibit "B"

Affidavit of Posting - Exhibit "C"

Vicinity Map - Attachment "A"

Copy of City of Cottage Grove Resolution No. 1432 – Attachment "B"

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

**FILE NO. 4117**

<b>IN THE MATTER OF THE SURRENDER OF A</b>	)	
<b>PORTION OF LINCOLN AVENUE (COUNTY</b>	)	
<b>ROAD NUMBER 1131) AND A PORTION OF</b>	)	<b>FINAL ORDER NO.</b>
<b>SOUTH 10<sup>TH</sup> STREET (COUNTY ROAD NUMBERS</b>	)	
<b>1163 AND 1930) TO THE CITY OF COTTAGE GROVE</b>	)	

**WHEREAS**, by Resolution and Order Number 04-12-8-3 the Board of County Commissioners set January 3, 2005 at 1:30 P.M. to conduct a public hearing on the matter of the surrender, and transfer of jurisdiction, of a portion of Lincoln Avenue (County Road Number 1131) and a portion of South 10<sup>th</sup> Street (County Road Numbers 1163 and 1930) which lie within the city limits, to the City of Cottage Grove; and

**WHEREAS**, the City of Cottage Grove has enacted Resolution Number 1432, formally requesting that the jurisdiction over a portion of Lincoln Avenue (County Road Number 1131) and a portion of South 10<sup>th</sup> Street (County Road Numbers 1163 and 1930) which lie within the city limits, be transferred to the City of Cottage Grove; 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 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**, 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 portion of Lincoln Avenue (County Road 1131) and South 10<sup>th</sup> Street (County Road Number 1163 and 1930) be surrendered; as shown on the Final Director's Report, Exhibit "B" attached hereto, and made a part hereof, by this order; and

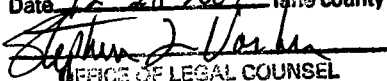
**WHEREAS**, there are no known objections to the proposed surrender, and it appears that the surrender of the described portion of Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> Street (County Road Numbers 1163 and 1930) would be in the best interest of the county; now therefore it is hereby

**ORDERED**, that Lane County, in accordance with ORS 373.270, hereby surrenders jurisdiction of the portion Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> Street (County Road Numbers 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 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 Lane County Surveyor and the Department of Public Works for updating appropriate indexes and County Road records.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**APPROVED AS TO FORM**

Date 12-28-2004 lane county  
  
**OFFICE OF LEGAL COUNSEL**

\_\_\_\_\_  
Chair  
Lane County Board of Commissioners

## EXHIBIT "A"

### LEGAL DESCRIPTION

### MILEAGE

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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**

<b>IN THE MATTER OF THE SURRENDER OF A</b>	)	
<b>PORTION OF LINCOLN AVENUE (COUNTY</b>	)	<b>FINAL</b>
<b>ROAD NUMBER 1131) AND A PORTION OF SOUTH</b>	)	<b>DIRECTOR'S</b>
<b>10<sup>TH</sup> STREET (COUNTY ROAD NUMBERS 1163 AND</b>	)	<b>REPORT</b>
<b>1930) TO THE CITY OF COTTAGE GROVE</b>	)	

The City of Cottage Grove is requesting the surrender of a portion of Lincoln Avenue (County Road Number 1131) and a portion of South 10<sup>th</sup> 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 10<sup>th</sup> 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 Final 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. The proposed surrender of this 0.03 mile portion of Lincoln Avenue and 0.09 mile portion of South 10<sup>th</sup> 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.

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.

All legal notice for the public hearing to consider the matter of the surrender of these segments of Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> Street (County Road Numbers 1163 and 1930) 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 these roads and to maintain, develop, improve, and use these roads and the surrounding area to their own specifications, standards, and timetables. It is therefore recommended that the portion of Lincoln Avenue (County Road Number 1131) and South 10<sup>th</sup> Avenue, (County Road Numbers 1163 and 1930) as described in the Final Order, be surrendered to the City of Cottage Grove, as it will be in the best interest of the county.

DATED this 17<sup>th</sup> day of December, 2004.

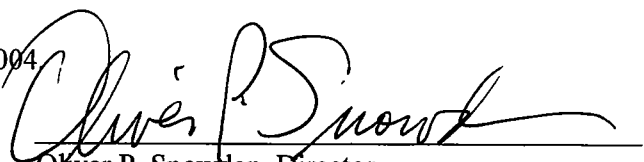
  
Oliver P. Snowden, Director  
Department of Public Works

EXHIBIT "C"

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

FILE NO. 4117

IN THE MATTER OF THE SURRENDER OF A )  
PORTION OF LINCOLN AVENUE (COUNTY ) AFFIDAVIT OF  
ROAD NUMBER 1131) AND A PORTION OF ) POSTING  
SOUTH 10<sup>th</sup> STREET (COUNTY ROAD NUMBERS )  
1163 AND 1930) TO THE CITY OF COTTAGE GROVE )

I, Bill Robinson, Lane County Surveyor, certify as follows:

That on the 14th day of December, 2004, and in accordance with ORS 373.270, I caused to be posted three (3) copies of the Notice of Hearing in the above entitled matter in three places, positioned to be visible to the traveling public, as follows:

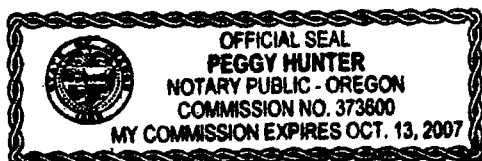
1. Posted on PP&L Power Pole Number 334308 at the northwest corner of South 10<sup>th</sup> Street and Cooper Avenue.
2. Posted on PP&L Power Pole Number 335201 at the southeast corner of South 10<sup>th</sup> Street and Johnson Avenue.
3. Posted on PP&L Power Pole Number 334300 at the northeast corner of South 8<sup>th</sup> Street and Lincoln Avenue.

Bill Robinson

Bill Robinson  
Lane County Surveyor

State of Oregon )  
County of Lane )

Subscribed and sworn to before me this 16<sup>th</sup> day of December, 2004, by  
Bill Robinson, as Lane County Surveyor.



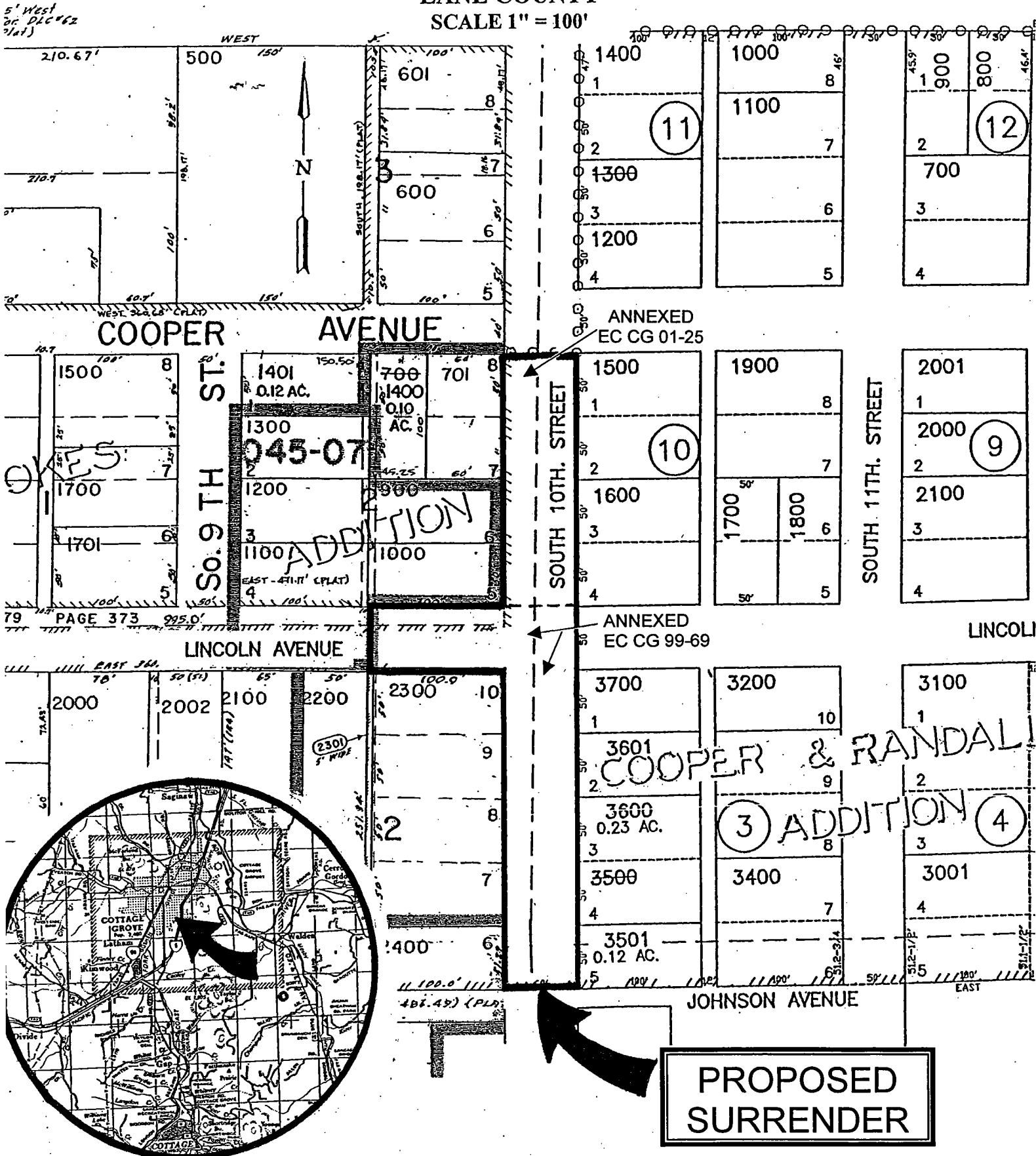
Peggy Hunter  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: October 13, 2007

# ATTACHMENT "A"

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

LANE COUNTY

SCALE 1" = 100'





RESOLUTION NO. 1432

A RESOLUTION REQUESTING SURRENDER OF A PORTION OF LINCOLN AVENUE (COUNTY ROAD NO. 1131) AND A PORTION OF SOUTH 10<sup>TH</sup> STREET (COUNTY ROAD NO. 1163 & 1930) LOCATED INSIDE THE CITY LIMITS OF COTTAGE GROVE

WHEREAS, the City of Cottage Grove and Lane County have entered into a County/City Roads Partnership Program Agreement dated August 30, 2000; and

WHEREAS, the County/City Roads Partnership Program Agreement has provisions whereby the County will enact appropriate legislation transferring to City's jurisdiction, roads that are annexed by the City; and

WHEREAS, the County/City Roads Partnership Agreement has provisions whereby the City will assume jurisdiction for County Roads within the City Limits; and

WHEREAS, those portions of Lincoln Avenue (County Road No. 1131) and South 10<sup>th</sup> Street (County Road No. 1163 & 1930) as shown in Exhibit "A" and described by legal description in Exhibit "B" attached hereto has been annexed into the City; and

WHEREAS, Lane County provides street maintenance funding through the County/City Roads Partnership Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Cottage Grove in accordance with ORS 373.270(6) hereby requests and will accept full and complete jurisdiction over those portions of Lincoln Avenue (County Road No. 1131) and South 10<sup>th</sup> Street (County Road No. 1163 & 1930) shown in Exhibit "A" and described by legal description in Exhibit "B" hereto and by this reference incorporated herein.

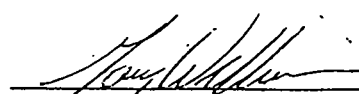
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon adoption.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 8TH DAY OF APRIL, 2002.

ATTEST:

APPROVED:

  
Richard Meyers, City Manager

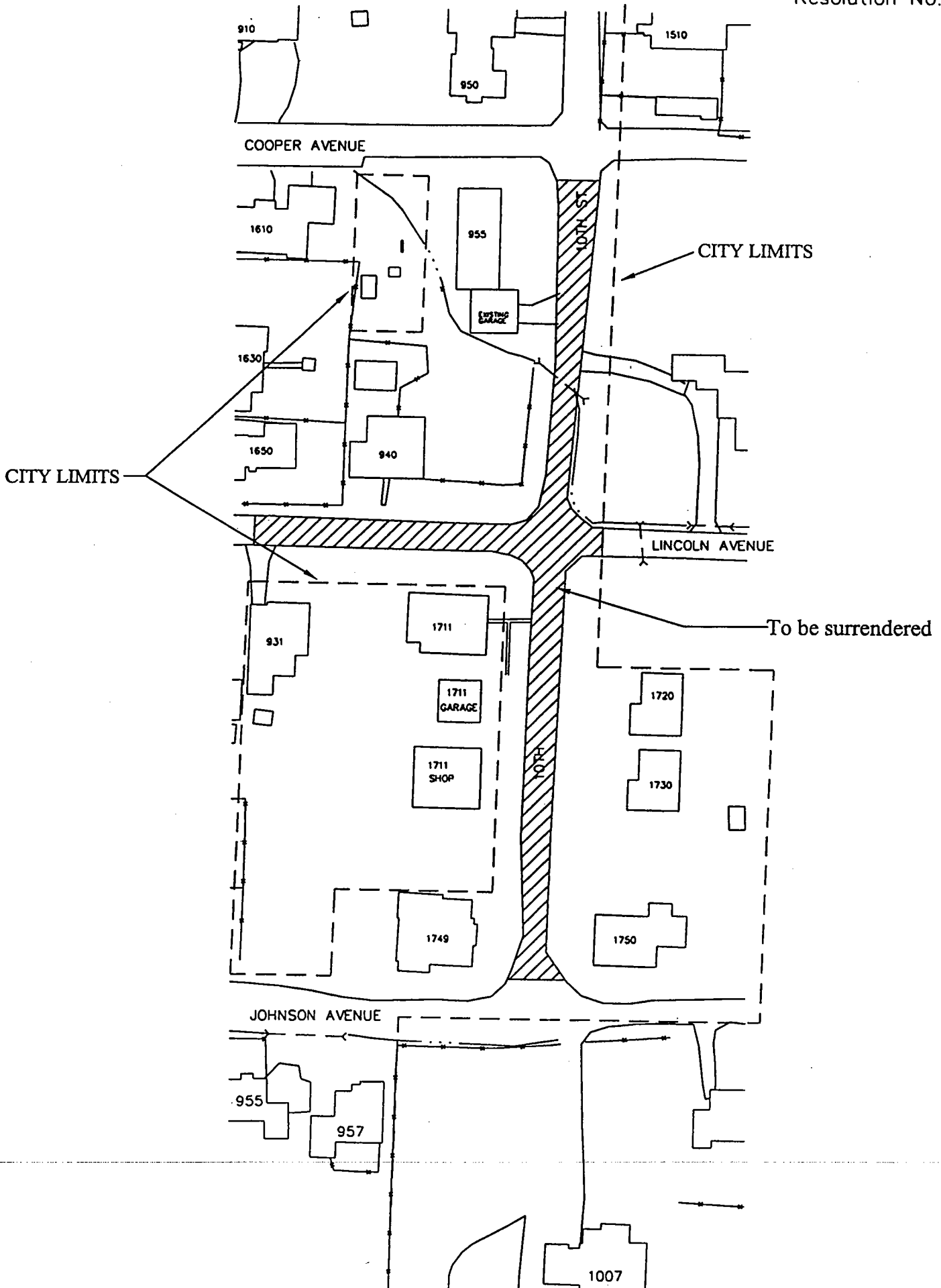
  
Gary Williams, Mayor

Date: April 8, 2002

Date: April 8, 2002

# EXHIBIT "A"

April 8, 2002  
Resolution No. 1432



## **EXHIBIT B**

### **LINCOLN AVENUE (COUNTY ROAD NO. 1131)**

0.03 miles

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 10<sup>th</sup> 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.

### **SOUTH 10<sup>TH</sup> STREET (COUNTY ROAD NO. 1163 AND 1930)**

0.09 miles

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.