

W. 14. a.

ORIGINAL

Memorandum Date: January 17, 2007
Order Date: February 7, 2007

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division
PRESENTED BY: Bill Robinson, Lane County Surveyor ^{BR}
AGENDA ITEM TITLE: IN THE MATTER OF THE SURRENDER OF SEGMENTS OF COUNTY ROAD NUMBERS 615 (BUTTE ROAD), 1173 (NIBLOCK ROAD), AND 1088 (HARVEY ROAD) TO THE CITY OF CRESWELL.

I. MOTION

TO APPROVE THE ORDER SURRENDERING SEGMENTS OF COUNTY ROAD NUMBERS 615 (BUTTE ROAD), 1173 (NIBLOCK ROAD), AND 1088 (HARVEY ROAD) TO THE CITY OF CRESWELL.

II. AGENDA ITEM SUMMARY

To decide whether or not to approve the Order surrendering segments of County Road Numbers 615 (Butte road), 1173 (Niblock road), and 1088 (Harvey road) to the City of Creswell.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

County Road No. 615 (Butte Road) was originally established in 1908. Segments of this road have been surrendered to the City of Creswell. The segment of this road now being proposed for surrender was annexed to the City in 2006 by Annexation orders EC CR 05-30.

County Road No. 1173 (Niblock Road) was originally dedicated to the public in 1909 by the plat of A.C. Bohrnstedt Co. Fruit Lands, and subsequently established as a County Road. The segment of this road now being proposed for surrender was annexed to the City in 2006 by Annexation orders EC CR 06-12.

County Road No. 1088 (Harvey Road) was originally established in 1944. Segments of this road have been surrendered to the City of Creswell. The segment of this road now being proposed for surrender was annexed to the City in

2005 and 2006 by Annexation orders EC CR 05-24, EC CR 05-50, EC CR 06-20 and EC CR 06-41.

The City of Creswell has enacted Resolution Number 2006-27 formally requesting that jurisdiction over portions of the above mentioned County Roads, all within the city limits and described in Exhibit "A" of the attached Order, be transferred from Lane County to the City of Creswell.

By previous action, the Board of County Commissioners approved Resolution and Order No. 07-1-3-9, setting a Public Hearing for this date.

B. Policy Issues

ORS 373.270 provides for the transfer of jurisdiction over county roads within a city. The portions of right-of-way described in Exhibit "A" were annexed into the City of Creswell in 2005 and 2006. The City of Creswell has enacted Resolution Number 2006-27 formally requesting that jurisdiction over portions of the above mentioned County Roads, all within the city limits and described in Exhibit "A" of the attached Order, be transferred from Lane County to the City of Creswell. This action by the City is in accordance with the County/City Roads Partnership Program Agreement of July, 2004. The Public's interest was determined to be benefited when this agreement was reached.

C. Board Goals

There does not appear to be anything within the County goals and the Strategic Plan goals that would not support or be inconsistent with the surrender of jurisdiction of a County Road to an incorporated city.

D. Financial and/or Resource Considerations

The proposed surrender may increase the payment to the City of Creswell, but it would not increase the overall payment by Lane County to the cities in the County/City Road Partnership Agreement. Surrender of these County Road segments will transfer maintenance, improvement and development responsibilities to the City of Creswell. Acceptance of the proposed order would have nominal administrative and recording costs associated with the transfer.

E. Analysis

The segments of the said county roads, as described in Exhibit "A" are under the jurisdiction of Lane County. The proposed surrender will allow the City to maintain, develop and improve these roads, as needed, to the City's specifications, standards and timetable.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the Order to surrender the segments of County Roads as described in Exhibit "A." Approval of this Order will ensure consistency with the above stated policy issues.
2. Deny all or any portion of the Order to surrender these segments of County Roads. Denial would be inconsistent with the above stated policy issues.
3. Postpone further action until a future date. Postponement would delay planned development in these areas.

IV. TIMING/IMPLEMENTATION

Timing in this matter is important as the surrender of these County Roads is part of the County/City Roads Partnership Program Agreement and would address the request by the City of Creswell in a timely manner. Development is planned for these areas and immediate implementation of this Order will allow for the least amount of interruption by the County.

V. RECOMMENDATION

The Director of the Lane County Department of Public Works has prepared a written report recommending that the Board support Option 1, to approve the Order to surrender the described segments of County Road to the City of Creswell.

VI. FOLLOW-UP

The County Clerk shall file the Final Order in the Commissioner's Journal of Administration and forward copies to the Lane County Surveyor and the Department of Public Works Director for updating appropriate indexes and County Road Records.

VII. ATTACHMENTS

Final Order w/attachments:

- Legal Descriptions - Exhibit "A"
- Director's Report – Exhibit "B"
- Affidavit of Posting – Exhibit "C"
- Resolution from City of Creswell – Exhibit "D"
- Vicinity Map - Attachment "A"

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

FILE NO. 4143

IN THE MATTER OF THE SURRENDER OF)
SEGMENTS OF COUNTY ROAD NUMBERS 615)
(BUTTE ROAD), 1173 (NIBLOCK ROAD), AND) FINAL ORDER NO.
1088 (HARVEY ROAD), TO THE CITY OF)
CRESWELL)

WHEREAS, by Resolution and Order Number 07-1-3-9 the Board of Commissioners set February 7, 2007 at 1:30 p.m. to conduct a public hearing on the matter of the surrender of segments of County Road Number 615 (Butte Road), 1173 (Niblock Road), and 1088 (Harvey Road) to the city of Creswell; and

WHEREAS, County Road Number 615 (Butte Road) was originally established in 1908, County Road Number 1173 (Niblock Road) was dedicated to the public in 1909 by the plat of A.C. Bohrstedt Co. Fruit Lands, and subsequently established as a County Road, and County Road Number 1088 (Harvey Road) was originally established in 1944 and segments of Butte Road and Harvey Road have been previously surrendered to the City of Creswell; and

WHEREAS, additional property including segments of Butte Road, Niblock Road and Harvey Road have been annexed into the City in 2005 and 2006 by Annexation orders EC CR 05-30 (Butte Road), EC CR 06-12 (Niblock Road), and EC CR 05-24, EC CR 05-50, EC CR 06-20 and EC CR 06-41 (Harvey Road); and

WHEREAS, the City of Creswell, by its Resolution Number 2006-27 Exhibit "D" attached hereto, and made a part hereof, has requested that jurisdiction over these segments of County Road Numbers 615, 1173 and 1088 as described on Exhibit "A" attached to and made a part hereof, by this Order, be transferred to the City of Creswell; and

WHEREAS, the County/City Roads Partnership Program Agreement of July, 2004 between Lane County and the City of Creswell provided for the proposed surrender; 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, Lane County and the City of Creswell deem it necessary and expedient and in the best interest of each governing body to proceed with the transfer of jurisdiction over the portions of the county roads described on the attached Exhibit "A"; and

WHEREAS, there are no known objections to the proposed surrender and it appears that surrender of the segments of County Road Number 615 (Butte Road), 1173 (Niblock Road), and 1088 (Harvey Road) would be in the best interest of the County; and

WHEREAS, the Director of the Lane County Department of Public Works recommends that segments of County Road Number 615 (Butte Road), 1173 (Niblock Road), and 1088 (Harvey Road) be surrendered, as outlined in the Director's Report, Exhibit "B" attached hereto, and made a part hereof; and

WHEREAS, all legal notice has been provided regarding this matter as required by ORS 373.270, and evidenced by the Affidavit of Posting and Publication labeled as Exhibit "C", attached hereto, and made a part hereof; now therefore it is hereby

ORDERED, that Lane County, in accordance with ORS 373.270, hereby surrenders jurisdiction of portions of County Road Numbers 615 (Butte Road), 1173 (Niblock Road), and 1088 (Harvey Road) as described in Exhibit "A" attached hereto, and made a part hereof, to the City of Creswell; and it is further

ORDERED, that these legal proceedings be filed with the County Clerk's Office in the Commissioners' Journal of Administration, and that a copy be retained in the County Road Records administered by the Director of Public Works and the County Surveyor.

DATED this ____ day of _____, 2007.

Chair
LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 1-24-07 lane county



OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

LEGAL DESCRIPTIONS

MILEAGE

BUTTE ROAD (COUNTY ROAD NUMBER 615) 0.12

All that segment of Butte Road, County Road Number 615, from the angle point, which is 420 feet West of the East line of the Elizabeth Miller Donation Land Claim, more or less, Southerly 615 feet, more or less, to the South line of The City of Creswell's present city limits, all in Section 15, Township 19 South, Range 3 West of the Willamette Meridian.

NIBLOCK ROAD (COUNTY ROAD NUMBER 1173) 0.10

All that segment of Niblock Road bounded by The City of Creswell's present city limits, from the Northerly extension of the East boundary of Lot 3, A.C. BOHRNSTEDT COMPANY FRUIT LANDS, Book 4, Page 26, Lane County Oregon Plat Records, East 535 feet, more or less, to the Northerly extension of a line 100 feet East from, and parallel with, the East boundary of Lot 4 of said plat, all in Section 10, Township 19 South, Range 3 West of the Willamette Meridian.

HARVEY ROAD (COUNTY ROAD NUMBER 1088) 0.21

All that segment of Harvey Road, County Road Number 1088, being bounded by The City of Creswell's present city limits, from the North line of S.O. Martin Donation Land Claim Number 79, south 1100 feet, more or less, to the westerly extension of a line 32 feet South from, and parallel with, the Northern boundary of Lot 12 of THE A.C. BOHRNSTEDT COMPANY FRUIT LANDS, Book 4, Page 26, Lane County Oregon Plat Records and County, all in Section 11, Township 19 South, Range 3 West of the Willamette Meridian.

The above descriptions of Butte Road, Niblock Road and Harvey Road are shown on Attachment "A" attached hereto and made a part hereof these descriptions.

EXHIBIT "B"

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

FILE NO. 4143

IN THE MATTER OF THE SURRENDER OF)	
SEGMENTS OF COUNTY ROAD NUMBERS 615)	FINAL
(BUTTE ROAD), 1173 (NIBLOCK ROAD), AND)	DIRECTOR'S
1088 (HARVEY ROAD), TO THE CITY OF)	REPORT
CRESWELL)	

County Road No. 615 (Butte Road) was originally established in 1908. County Road No. 1173 (Niblock Road) was dedicated to the public in 1909 by the plat of A.C. Bohrnstedt Co. Fruit Lands, and subsequently established as a County Road. County Road No. 1088 (Harvey Road) was originally established in 1944. Segments of Butte Road and Harvey Road have been previously surrendered to the City of Creswell. The segments of said roads proposed for surrender were annexed into the City in 2006 by Annexation orders EC CR 05-30 (Butte Road), EC CR 06-12 (Niblock Road), and EC CR 05-24, EC CR 05-50, EC CR 06-20 and EC CR 06-41 (Harvey Road).

The City of Creswell has enacted Resolution Number 2006-27 formally requesting that jurisdiction over portions of the above mentioned County Roads, all within the city limits and described in Exhibit "A" of the attached Order, be transferred from Lane County to the City of Creswell. This action by the City is in accordance with the County/City Roads Partnership Program Agreement of July, 2004. The public's interest was determined to be benefited when this agreement was reached.

The surrender includes 0.12 miles of Butte Road, 0.10 miles of Niblock Road, and 0.21 miles of Harvey Road.

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 or expedient and 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, to the same extent as it has over other 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 County Road No. 615 (Butte Road), 1173 (Niblock), and 1088 (Harvey Road) has been provided as required by ORS 373.270.

The surrender of these segments of road will allow the City to have full jurisdiction of these roads and to maintain, develop and improve them and the surrounding area to their own specification, standards and timetables. It is therefore recommended that the segments of County Road Number 615 (Butte Road), 1173 (Niblock Road), and 1088 (Harvey Road), as described in Exhibit "A", be surrendered to the City of Creswell.

DATED this 22nd day of JANUARY, 2007.

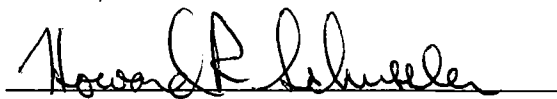

 Department of Public Works
 FOR Oliver P. Snowden, Director

EXHIBIT "C"
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

FILE NO. 4143

IN THE MATTER OF THE SURRENDER OF)
SEGMENTS OF COUNTY ROAD NUMBERS 615) AFFIDAVIT OF
(BUTTE ROAD), 1173 (NIBLOCK ROAD), AND) POSTING & PUBLICATION
1088 (HARVEY ROAD), TO THE CITY OF)
CRESWELL)

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

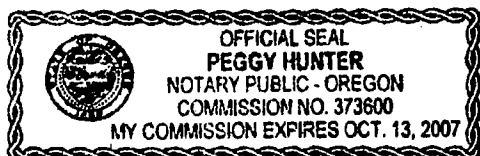
That on the 9th day of January, 2007, and in accordance with ORS 373.270, I caused to be posted six (6) sets (two (2) pages each) of copies of the Notice of Hearing in the above entitled matter in six (6) places, positioned to be visible to the traveling public, as follows:

1. Posted on E.P.U.D. Power Pole Number 11401 located at the northwest corner of Harvey Road and Irish Lane.
2. Posted on L.E.C. Power Pole Number T23 located at the southwest corner of Harvey Road and Niblock Lane.
3. Posted on L.E.C. Power Pole Number T18 located on the south side at the west end of Niblock Lane.
4. Posted on a stop sign located at the southwest corner of Niblock Lane and Willis Street.
5. Posted on E.P.U.D. Power Pole Number 157102 located at the northwest corner of Butte Road and Ruby Claire Drive, approximately 0.1 miles south of the most southerly angle point on Butte Road within the current city limits.
6. Posted on E.P.U.D. Power Pole Number 158132 located on the north side of Butte Road at Ruby Claire Drive, approximately 0.1 miles east of the most southerly angle point on Butte Road within the current city limits.

Bill Robinson
Bill Robinson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 11th day of January, 2007, by Bill Robinson, as Lane County Surveyor.



Peggy Hunter
NOTARY PUBLIC FOR OREGON

EXHIBIT "D"

RESOLUTION 2006-27

A RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF LANE COUNTY TO SURRENDER CERTAIN STREETS IN CRESWELL, OREGON

Whereas, the Common Council of the City of Creswell has determined that it is in the public interest to seek surrender from the Board of Commissioners of Lane County of certain streets located in Creswell as described and set forth in the document attached to the resolution, and

Whereas, in the event such a surrender occurs, the City of Creswell assumes all right and title to said streets in existing condition and assumes all maintenance responsibilities, and

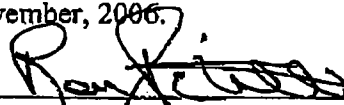
Whereas, the City is requesting surrender of said streets in consideration of the terms set forth in the agreement entered into by the City and Lane County titles "Urban Transition Agreement, Streets and Roads".

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRESWELL, a municipal corporation of the State of Oregon, at a regular meeting held on the 13th day of November, 2006, that:


Section 1. The Board of Commissioners of Lane County are hereby requested to surrender to the City of Creswell those streets described and set forth in the document attached to this Resolution, and

Section 2. City of Creswell staff personnel are hereby directed to provide Lane County with all information and documentation requested in order to support this Resolution to the Board of Lane County.

The foregoing Resolution adopted this 13th day of November, 2006.

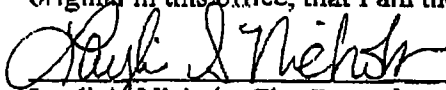


Mayor



Attest
Layli A. Nichols, City Recorder

I certify that I have compared the foregoing document consisting of one page with the original in this office, that I am the custodian, and the foregoing is a true and correct copy.



Layli A. Nichols, City Recorder

ORIGINAL

EXHIBIT "D"
EXHIBIT "A"

LEGAL DESCRIPTIONS MILEAGE

BUTTE ROAD (COUNTY ROAD NUMBER 615) 0.12

All that segment of Butte Road, County Road Number 615, from the angle point, which is 420 feet West of the East line of the Elizabeth Miller Donation Land Claim, more or less, Southerly 615 feet, more or less, to the South line of The City of Creswell's present city limits, all in Section 15, Township 19 South, Range 3 West of the Willamette Meridian.

NIBLOCK ROAD (COUNTY ROAD NUMBER 1173) 0.10

All that segment of Niblock Road bounded by The City of Creswell's present city limits, from the Northerly extension of the East boundary of Lot 3, A.C. BOHRNSTEEDT COMPANY FRUIT LANDS, Book 4, Page 26, Lane County Oregon Plat Records, East 535 feet, more or less, to the Northerly extension of a line 100 feet East from, and parallel with, the East boundary of Lot 4 of said plat, all in Section 10, Township 19 South, Range 3 West of the Willamette Meridian.

HARVEY ROAD (COUNTY ROAD NUMBER 1088) 0.16

All that segment of Harvey Road, County Road Number 1088, being bounded by The City of Creswell's present city limits, from the North line of S.O. Martin Donation Land Claim Number 79, south 1100 feet, more or less, to the westerly extension of a line 32 feet South from, and parallel with, the Northern boundary of Lot 12 of THE A.C. BOHRNSTEEDT COMPANY FRUIT LANDS, Book 4, Page 26, Lane County Oregon Plat Records and County, all in Section 11, Township 19 South, Range 3 West of the Willamette Meridian.

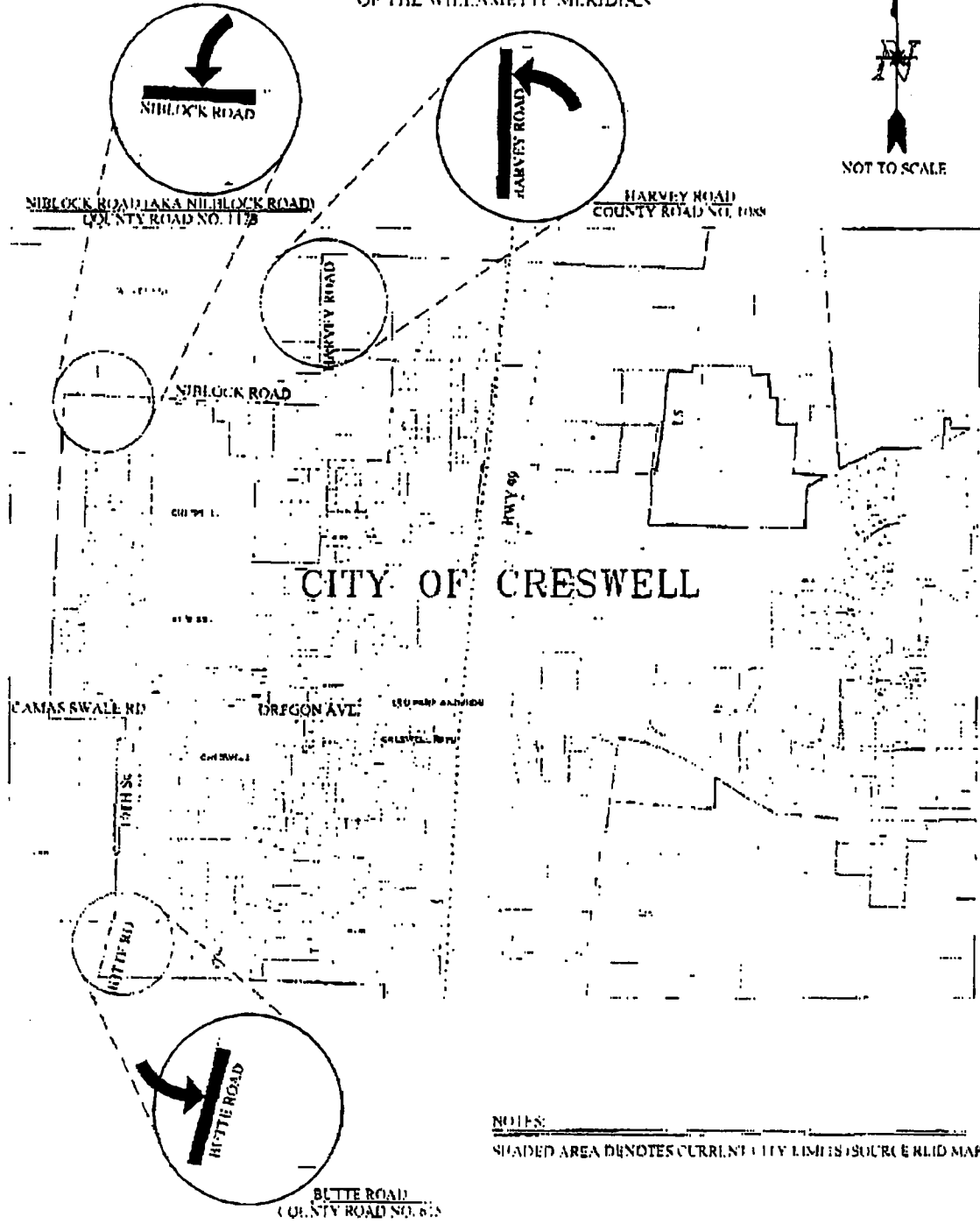
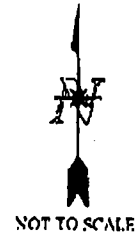
The above descriptions of Butte Road, Niblock Road and Harvey Road are shown on Attachment "A" attached hereto and made a part hereof these descriptions.

EXHIBIT "A" - Legal Descriptions Surrender of Portions of County Road No.'s 615 (Butte Road), 1173 (Niblock Road) and 1088 (Harvey Road) to the City of Creswell.

EXHIBIT "D"

ORIGINAL

ATTACHMENT "A"
 DEPICTION OF COUNTY ROADS
 PROPOSED TO BE SURRENDERED
 CITY OF CRESWELL
 SECTIONS 10, 11 & 15, T.19S., R.3W.
 OF THE WILLAMETTE MERIDIAN



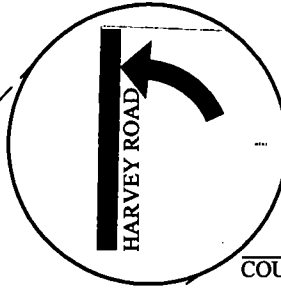
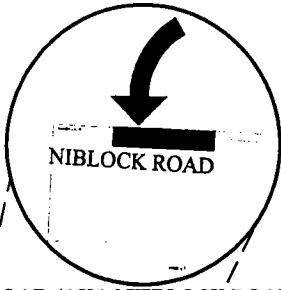
NOTES:
 SHADED AREA DENOTES CURRENT CITY LIMITS (SOURCE: RLID MAP)

ATTACHMENT "A"

DEPICTION OF COUNTY ROADS
PROPOSED TO BE SURRENDERED
CITY OF CRESWELL
SECTIONS 10, 11 & 15, T.19S., R.3W.
OF THE WILLAMETTE MERIDIAN

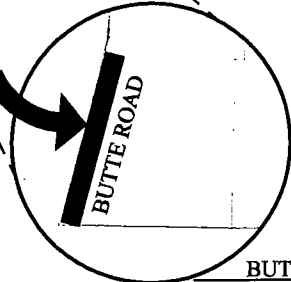
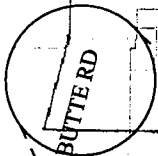
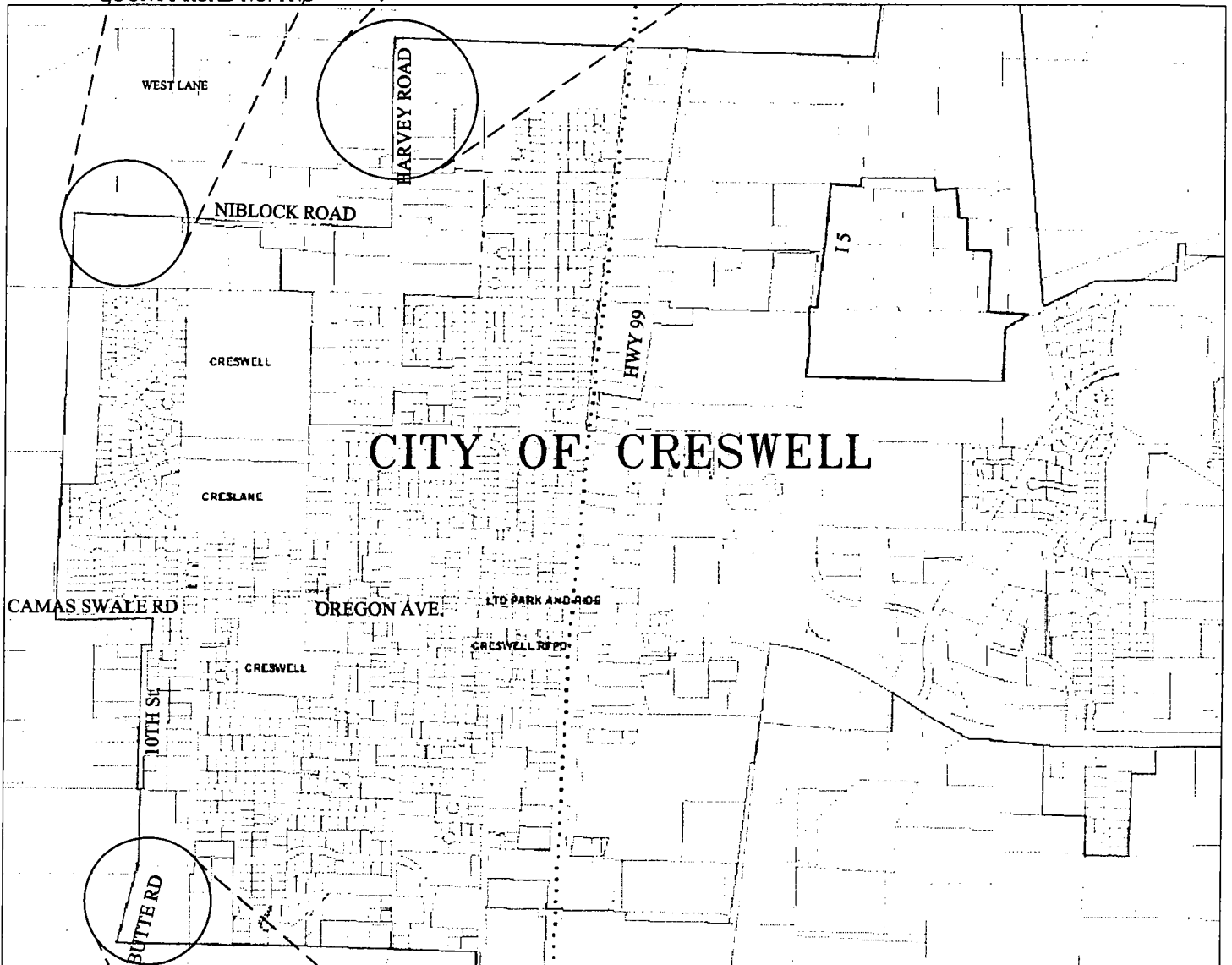


NOT TO SCALE



NIBLOCK ROAD (AKA NIEBLOCK ROAD)
COUNTY ROAD NO. 1178

HARVEY ROAD
COUNTY ROAD NO. 1088



BUTTE ROAD
COUNTY ROAD NO. 615

NOTES:

SHADED AREA DENOTES CURRENT CITY LIMITS (SOURCE RLID MAP)