

Memorandum Date: December 7, 2006  
Order Date: January 3, 2007

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**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 SETTING A PUBLIC HEARING ON THE PROPOSAL TO SURRENDER SEGMENTS OF COUNTY ROAD NUMBERS 615 (BUTTE ROAD), 1173 (NIBLOCK ROAD), AND 1088 (HARVEY ROAD) TO THE CITY OF CRESWELL

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**I. MOTION**

**TO APPROVE THE RESOLUTION AND ORDER TO SET A PUBLIC HEARING DATE OF FEBRUARY 7, 2007 AT 1:30 P.M. TO CONSIDER THE SURRENDER OF SEGMENTS OF COUNTY ROAD NUMBERS 615 (BUTTE ROAD), 1173 (NIBLOCK ROAD), AND 1088 (HARVEY ROAD) TO THE CITY OF CRESWELL.**

**II. DISCUSSION**

**A. Background / Analysis**

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.

ORS 373.270 provides for the transfer of jurisdiction over county roads within a city and that legal notice of hearing be posted or published. 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. Setting this date for the hearing will allow time for public posting or notice and is recommended as being appropriate.

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

**B. Recommendation**

The Public Works Director's Preliminary Report recommends that the Board of Commissioners approve the Resolution and Order to set a public hearing date for the proposal to surrender segments of County Road No.'s 615 (Butte Road), 1173 (Niblock Road), and 1088 (Harvey Road), as described in the Resolution and Order.

**III. ATTACHMENTS**

Resolution and Order w/attachments:

Legal Descriptions – 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. 4143**

<b>IN THE MATTER OF SETTING A PUBLIC HEARING</b>	)	
<b>ON THE PROPOSAL TO SURRENDER SEGMENTS</b>	)	
<b>OF COUNTY ROAD NUMBERS 615 (BUTTE ROAD),</b>	)	<b>RESOLUTION AND</b>
<b>1173 (NIBLOCK ROAD), AND 1088 (HARVEY ROAD),</b>	)	<b>ORDER NO.</b>
<b>TO THE CITY OF CRESWELL</b>	)	

**WHEREAS**, County Road No. 615 (Butte Road) was originally established in 1908, 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, and County Road No. 1088 (Harvey Road) was originally established in 1944; 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 has requested that jurisdiction over segments of County Road No. 615, 1173 and 1088 as described on Exhibit "A" attached to and made a part hereof, by this Resolution and 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 is in support of 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**, the Public Works Director of Lane County has recommended a public hearing date be established to consider the offer of surrender to the City of Creswell those segments of said Butte Road, Niblock Road and Harvey Road as described herein, and has provided a written report attached hereto and made a part hereof by this Order, and marked as Exhibit "B"; 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"; now therefore, it is hereby

**ORDERED**, that a public hearing be set for February 7, 2007 at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon, to formally consider the surrender to the City of Creswell, those segments of County Road No. 615 (Butte Road), 1173 (Niblock Road), and 1088 (Harvey Road) as described on the attached Exhibit "A", and 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 proceedings may be directed to Bill Robinson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Chair

LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 1-26-06 lane county

*[Signature]*  
OFFICE OF LEGAL COUNSEL

**EXHIBIT "A"****LEGAL DESCRIPTIONS****MILEAGE**

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**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 SETTING A PUBLIC HEARING	)	
ON THE PROPOSAL TO SURRENDER SEGMENTS	)	PRELIMINARY
OF COUNTY ROAD NUMBERS 615 (BUTTE ROAD),	)	DIRECTOR'S
1173 (NIBLOCK ROAD), AND 1088 (HARVEY ROAD),	)	REPORT
TO THE CITY OF CRESWELL	)	

County Road No. 615 (Butte Road) was originally established in 1908. County Road No. 1173 (Niblock Road) was originally established as a County Road in 1940 from a platted Public 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 to 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).

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 Resolution and 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.

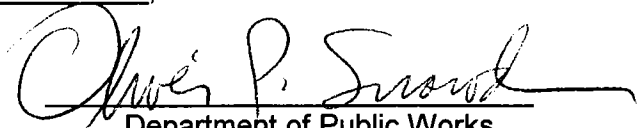
The proposed surrender includes 0.12 miles of Butte Road, 0.10 miles of Niblock Road, and 0.21 miles of Harvey Road.

ORS 373.270 provides for the transfer of jurisdiction over county roads within a City and that legal notice of hearing be posted or published. 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.

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) are required by ORS 373.270.

The proposed 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 a public hearing date be established and that legal notice of hearing be posted or published for the proposal to surrender to the City of Creswell the segments of County Road Number 615 (Butte Road), 1173 (Niblock), and 1088 (Harvey Road), as described in Exhibit "A."

DATED this 15<sup>th</sup> day of December, 2006.

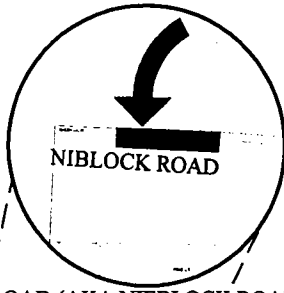
  
Department of Public Works  
Oliver P. Snowden, Director

ATTACHMENT "A"

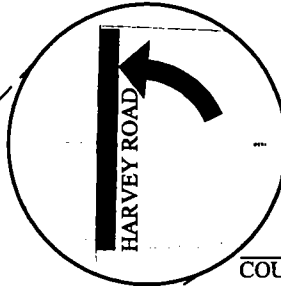
DEPICTION OF COUNTY ROADS  
PROPOSED TO BE SURRENDERED  
CITY OF CRESWELL  
SECTIONS 10, 11 & 15, T.19S., R.3W.  
OF THE WILLAMETTE MERIDIAN



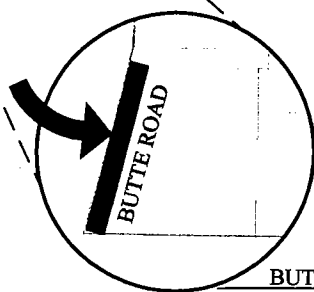
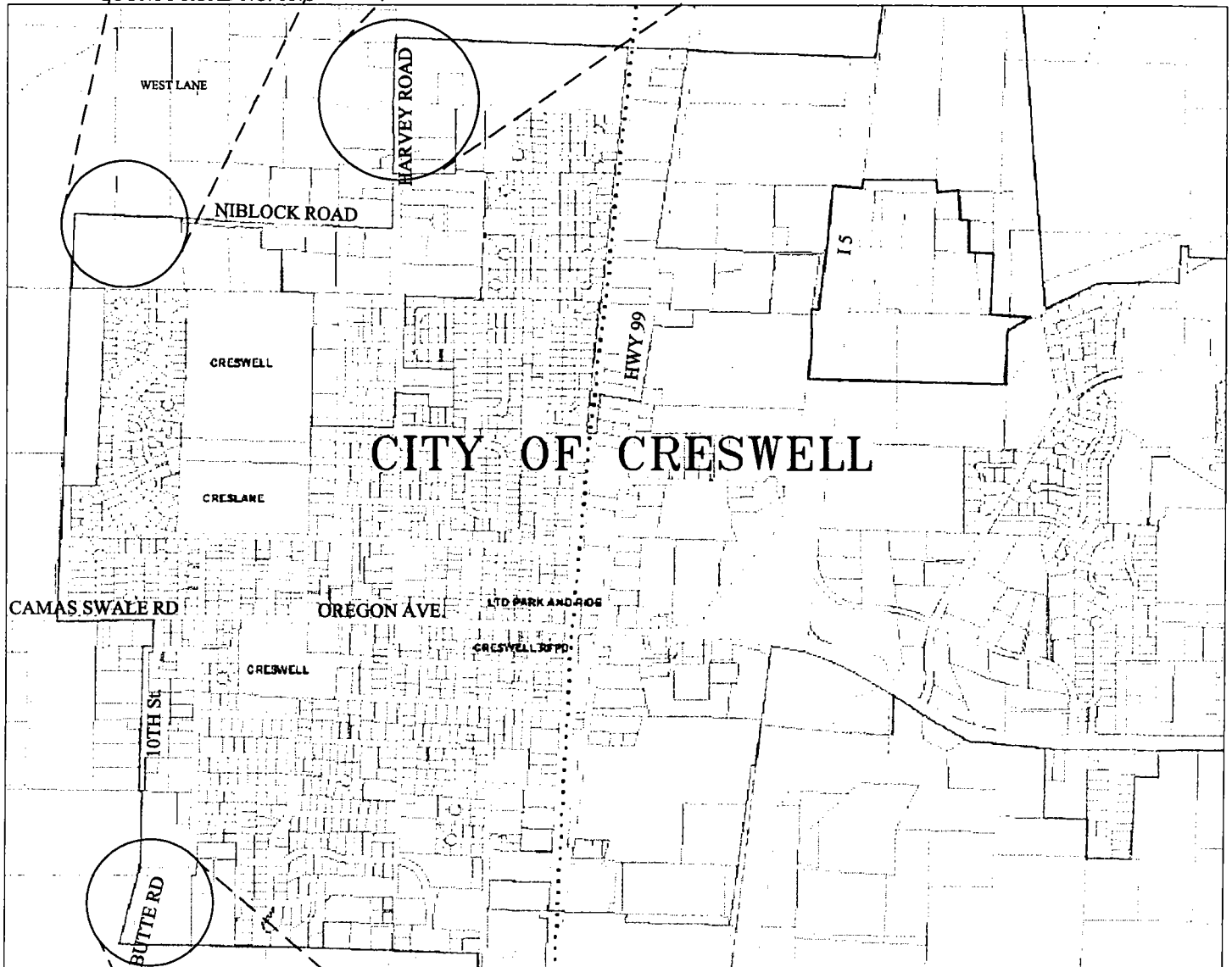
NOT TO SCALE



NIBLOCK ROAD (AKA NIEBLOCK ROAD)  
COUNTY ROAD NO. 117B



HARVEY ROAD  
COUNTY ROAD NO. 1088



BUTTE ROAD  
COUNTY ROAD NO. 615

NOTES:

SHADED AREA DENOTES CURRENT CITY LIMITS (SOURCE RLID MAP)