


W.I.A.

Memorandum Date: April 8, 2009
 Order Date: April 29, 2009

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: D. Michael Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF THE SURRENDER OF A PORTION OF OLD COBURG ROAD (CO. RD. NO. 180) TO THE CITY OF EUGENE

I. MOTION

TO APPROVE THE ORDER SURRENDERING A PORTION OF OLD COBURG ROAD (COUNTY ROAD NUMBER 180) TO THE CITY OF EUGENE.

II. AGENDA ITEM SUMMARY

To decide whether or not to approve the Order surrendering a portion of Old Coburg Road (Co. Rd. No. 180) to the City of Eugene.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The portion of Old Coburg Road (County Road No. 180) herein proposed for surrender was originally established in 1856. Portions of County Road 180 have already been surrendered to the City of Eugene. The portion of this road now being proposed for surrender was annexed to the City in 2009 by Eugene City Council Resolution No. 4965, Annexation No. A 08-7.

The City of Eugene has enacted Resolution Number 4967 formally requesting that jurisdiction over a portion of the above mentioned county road, all within the city limits and described in Exhibit "A" of the attached Order, be transferred from Lane County to the City of Eugene.

By previous action, the Board of County Commissioners approved Resolution and Order No. 09-4-1-9, setting a Public Hearing for April 29, 2009.

B. Policy Issues

ORS 373.270 provides for the transfer from county jurisdiction to city jurisdiction of county roads within the corporate limits of a city whenever the county governing body

deems it 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 parts thereof to the same extent as it has over other public streets and alleys of the city.

C. Board Goals

Part of Lane County's Strategic Plan is to "contribute to appropriate community development in the area of transportation and.....land development" (Lane County Strategic Plan, Goals, P. 8). The surrender of this portion of county road will be consistent with this goal by transferring jurisdiction of this portion of right of way, which lies within the city limits, to the City of Eugene.

D. Financial and/or Resource Considerations

Since there is no current Partnership Program Agreement in effect, there is no monetary consideration associated with this surrender. Surrender of this portion of county road will transfer maintenance, improvement and development responsibilities to the City of Eugene. Acceptance of the proposed order will have nominal administrative and recording costs associated with the transfer.

E. Analysis

The portion of the county road, as described in Exhibit "A", is presently under the jurisdiction of Lane County. The proposed surrender will allow the City of Eugene to maintain, develop and improve this portion of road, as needed, to the City's specifications, standards and timetable. The surrender of this portion of road will help facilitate the city's planned extension of Chad Drive to North Game Farm Road, including a relocated and improved intersection with North Game Farm Road which will replace the existing intersection of Old Coburg Road with North Game Farm Road.

Resolution and Order No. 09-4-1-9 set a public hearing date of April 29, 2009 to consider the merits of transferring jurisdiction of the portion of the county road listed in Exhibit "A" of the attached Order to the City of Eugene. If the Board approves the surrender of jurisdiction of said road it will complete the road surrender process.

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

F. Alternatives/Options

The Board of County Commissioners has the option to:

1. Approve the Order to surrender the jurisdiction of the portion of the county road as described in Exhibit "A" to the City of Eugene.
2. Deny all or any portion of the Order to surrender jurisdiction of said road.
3. Postpone further action until a future date.

IV. TIMING/IMPLEMENTATION

If the Board of Commissioners does not approve the Order for surrender within 150 days from the date of the City's Ordinance requesting the surrender (March 9, 2009), the City's request and authorization shall terminate. Timing in this matter is also important in order to facilitate timely jurisdictional developmental planning by the City of Eugene associated with the subject road and properties in the area, and to facilitate the construction schedule for the planned Chad Drive extension.

V. RECOMMENDATION

The Director of the Lane County Department of Public Works has prepared a written report recommending that the Board support Option 1. This will approve the Order to surrender the portion of county road as described in Exhibit "A" of the Final Order.

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 Description - Exhibit "A"
- Director's Final Report - Exhibit "B"
- Affidavit of Posting - Exhibit "C"
- Resolution from City of Eugene - Exhibit "D"
- Vicinity Map - Attachment "A"

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

IN THE MATTER OF THE SURRENDER OF A PORTION)
OF OLD COBURG ROAD (CO. RD. NO. 180) TO THE) FINAL ORDER NO.
CITY OF EUGENE)
)

WHEREAS, by Resolution and Order Number 09-4-1-9 the Board of Commissioners set April 29, 2009 at 1:30 P.M. to conduct a public hearing on the matter of the surrender and transfer of jurisdiction of a portion of Old Coburg Road (County Road No. 180), which lies within the city limits, to the City of Eugene; and

WHEREAS, Old Coburg Road (County Road No. 180) was originally established in 1856, and portions of it have already been surrendered to the City of Eugene; and

WHEREAS, the portion of Old Coburg Road (County Road No. 180) proposed for surrender was annexed to the City in 2009 by Annexation Order 4965, Annexation No. A 08-7; and

WHEREAS, the City of Eugene has enacted Resolution Number 4967, dated March 9, 2009, marked as Exhibit "D", attached hereto and made a part hereof by this Order, formally requesting that the jurisdiction of the subject portion of County Road No. 180 as described in the attached Exhibit "A", which lies within the city limits, be transferred to the City of Eugene; and

WHEREAS, the surrender of this portion of road will help facilitate the city's planned extension of Chad Drive to North Game Farm Road, including a relocated and improved intersection with North Game Farm Road which will replace the existing intersection of Old Coburg Road with North Game Farm Road; and

WHEREAS, the City of Eugene is requesting this surrender without a Partnership Program Agreement; and

WHEREAS, ORS 373.270 provides for the transfer from county jurisdiction to city jurisdiction of county roads within the corporate limits of a city whenever the county governing body deems it 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 parts thereof to the same extent as it has over other public streets and alleys of the city; and

WHEREAS, Lane County and the City of Eugene deem it necessary and expedient and in the best interest of each governing body to proceed with the transfer of jurisdiction over the portion of the county road described in the attached Exhibit "A"; and

WHEREAS, the road, or portion thereof, proposed to be surrendered is described in Exhibit "A", attached hereto and made a part hereof by this Order; and

WHEREAS, the Public Works Director of Lane County recommends that this portion of road be surrendered, as stated in the Final Director's Report, marked as Exhibit "B", attached hereto and made a part hereof by this Order; and

WHEREAS, all legal notice has been provided regarding this matter as required by law as witnessed by the Affidavit of Posting by the Lane County Surveyor marked as Exhibit "C", 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 portion of Old Coburg Road (County Road No. 180) as described in the attached Exhibit "A" 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 of Old Coburg Road (County Road No. 180) as described in the Exhibit "A" attached hereto and made a part hereof by this Order, to the City of Eugene; and it is further

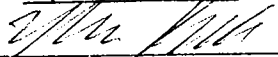
ORDERED, that this Order be filed with the Lane County Clerk in the Commissioners' Journal of Administration and copies be forwarded to the Lane County Surveyor and the Department of Public Works for updating appropriate indexes and County Road records.

DATED this _____ day of _____, 2009

Chair
LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 4-20-09 lane county



OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

LEGAL DESCRIPTION

MILEAGE

OLD COBURG ROAD (COUNTY ROAD NUMBER 180)

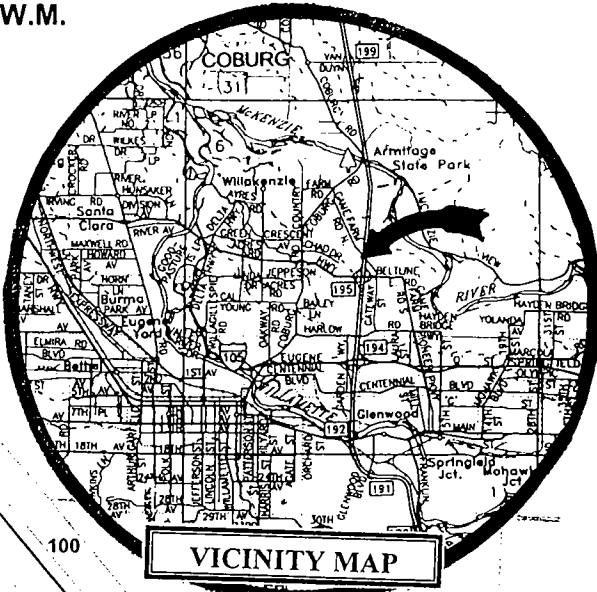
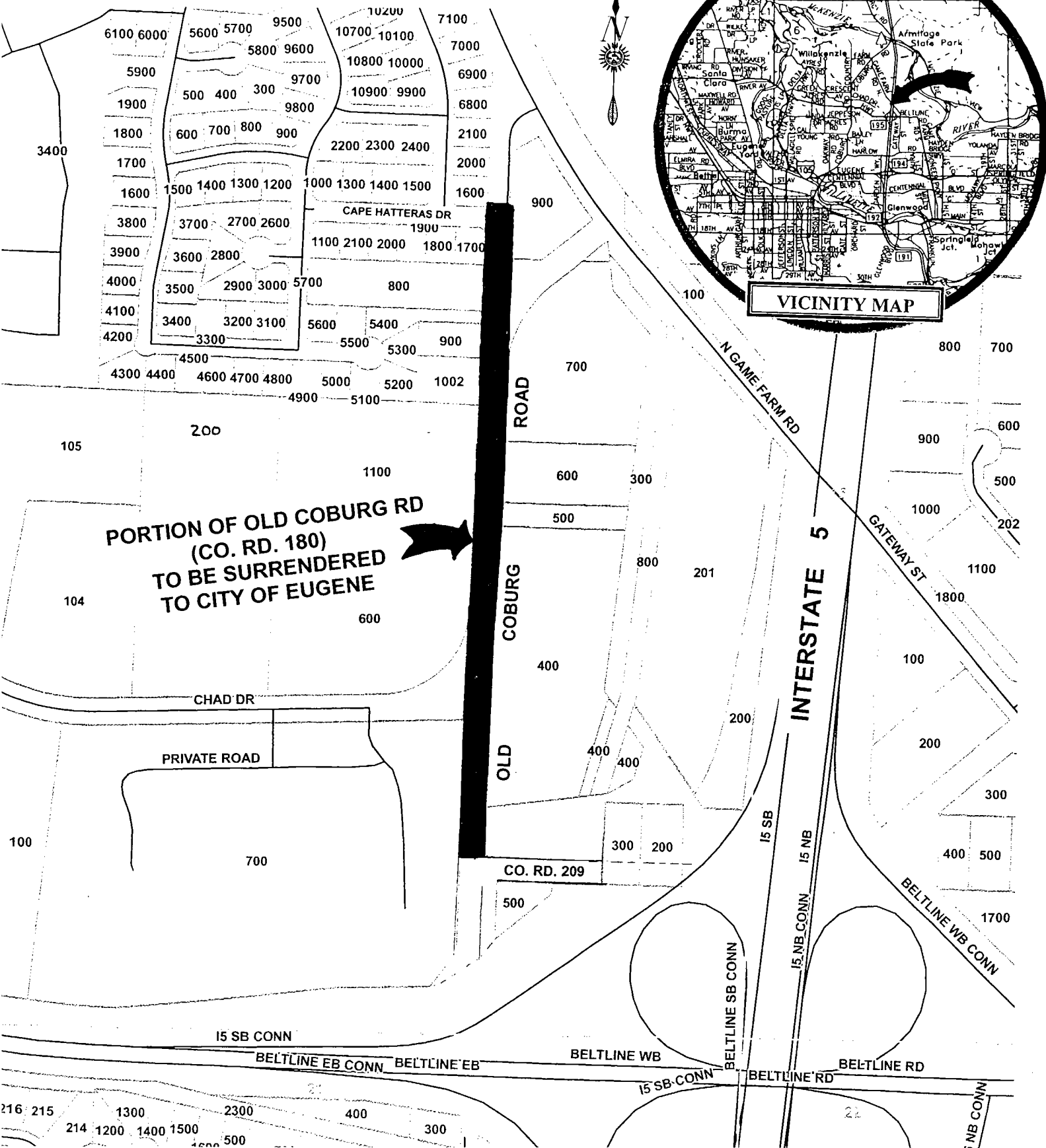
0.37

All that portion of Old Coburg Road (County Road Number 180) from a westerly extension of the north right of way line of County Road Number 209, Northerly 0.37 miles, more or less, to a point 182.64 feet northerly from an easterly extension of the south line of Lot 20 of Hawthorne Estates P.U.D., as recorded on Reception Number 2004-058044 in the Lane County, Oregon Deed Records, all in the Southeast One Quarter (SE1/4) of Section 16, Township 17 South, Range 3 West of the Willamette Meridian in Lane County, Oregon.

The above description for Old Coburg Road is shown on Attachment "A" attached hereto and made a part hereof.

ATTACHMENT "A"

SURRENDER OF PORTION OF OLD COBURG ROAD (CO. RD. 180)
TO THE CITY OF EUGENE
SE1/4 Section 16, T. 17 S. R. 3W., W.M.
LANE COUNTY
NO SCALE



**PORTION OF OLD COBURG RD
(CO. RD. 180)
TO BE SURRENDERED
TO CITY OF EUGENE**

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

IN THE MATTER OF THE SURRENDER OF A PORTION)
OF OLD COBURG ROAD (CO. RD. NO. 180) TO THE CITY) AFFIDAVIT OF POSTING
OF EUGENE)
)

I, D. Michael Jackson, Lane County Surveyor, certify as follows:

That on the 7th day of April, 2009, and in accordance with ORS 373.270, I caused to be posted five (5) copies of the Notice of Hearing in the above entitled matter in five (5) places, positioned to be visible to the traveling public, as follows:

1. Posted at the south end of the portion of road to be surrendered on a chain link fence panel adjacent to the easterly end of a 15 feet wide gate across Old Coburg Road.
2. Posted on an 18" diameter oak tree along the easterly side of Old Coburg Road approximately 36 feet north of an easterly extension of Chad Drive.
3. Posted on power pole number 15706 along the westerly side of Old Coburg Road at approximately a westerly extension of the southerly line of tax lot 17-03-16-41-500.
4. Posted on a "Dead End / 5 MPH" sign post at the southwest corner of the intersection of Old Coburg Road and Cape Hatteras Drive.
5. Posted on power pole #31713 at the southwest corner of the intersection of Old Coburg Road and North Game Farm Road.



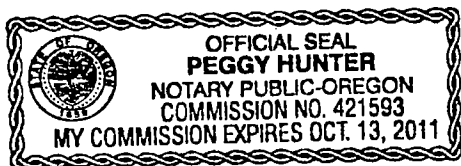
D. Michael Jackson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 10th day of April, 2009 by
D. Michael Jackson.



NOTARY PUBLIC FOR OREGON
My Commission Expires:



RESOLUTION NO. 4967

A RESOLUTION REQUESTING THAT JURISDICTION OVER A PORTION OF COUNTY ROAD NO. 180 (OLD COBURG ROAD) 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 the portion of County Road No. 180 (Old Coburg Road) described in Exhibit A attached to this Resolution and incorporated herein by reference, to the same extent as it has over other public streets and alleys of the City. The described portion of the county road lies within the corporate limits of the City of Eugene.

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,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, 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. 180 (Old Coburg Road) described in Exhibit A attached to this Resolution and incorporated herein by reference, to the same extent as it has over other public streets and alleys of the City. The described portion of the county road lies within the corporate limits of the City of Eugene.

Section 2. The City Council directs that a copy of this Resolution 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. 180 (Old Coburg Road) to the City of Eugene in accordance with the provisions of ORS 373.270.

Section 3. Within 150 days from the date this Resolution is adopted, and upon receipt by the City Manager 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. 180 (Old Coburg Road) 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.

Section 4. In the event 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 Resolution is adopted, the request and authorization contained herein shall terminate as though this Resolution had not been adopted.

The foregoing Resolution adopted the 9th day of March, 2009.

Elizabeth Forrest

AIC City Recorder

EXHIBIT "A" of City of Eugene Resolution 4967

LEGAL DESCRIPTION

MILEAGE

OLD COBURG ROAD (COUNTY ROAD NUMBER 180)

0.37

All that portion of Old Coburg Road (County Road Number 180) from a westerly extension of the north right of way line of County Road Number 209, Northerly 0.37 miles, more or less, to a point 182.64 feet northerly from an easterly extension of the south line of Lot 20 of Hawthorne Estates P.U.D., as recorded on Reception Number 2004-058044 in the Lane County, Oregon Deed Records, all in the Southeast One Quarter (SE1/4) of Section 16, Township 17 South, Range 3 West of the Willamette Meridian in Lane County, Oregon.