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Memorandum Date: December 15, 2008
 Order Date: January 7, 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 SETTING A PUBLIC HEARING FOR THE PROPOSED SURRENDER OF PORTIONS OF RHODODENDRON DRIVE (CO. RD. NO. 65) AND SEBASTIAN STREET (CO. RD. NO. 1969) TO THE CITY OF FLORENCE

I. MOTION

TO APPROVE THE RESOLUTION AND ORDER TO SET A PUBLIC HEARING DATE OF FEBRUARY 4, 2009 AT 1:30 P.M. TO CONSIDER THE SURRENDER OF PORTIONS OF RHODODENDRON DRIVE (CO. RD. NO. 65) AND SEBASTIAN STREET (CO. RD. NO. 1969) TO THE CITY OF FLORENCE.

II. DISCUSSION

A. Background / Analysis

Rhododendron Drive (County Road No. 65) was originally established in 1897 and then altered in 1968. Portions of this road have already been surrendered to the City of Florence. The portion of this road now being proposed for surrender was annexed to the City in 1991 by Annexation Order 937 (File C FL 91-01) and in 2007 by Annexation Order 1316 (File C FL 07-36).

Sebastian Street (County Road No. 1969) was originally dedicated to the public in 1960 by the plat of East Heceta Beach, and subsequently established as a county road in 1971. The portion of this road now being proposed for surrender was annexed to the City in 2007 by Annexation Order 1316 (File C FL 07-36)

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 Florence in 1991 and 2007. The City of Florence has enacted Resolution Number 37, Series 2008 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 Florence. The City is requesting this surrender without a Partnership Program Agreement. 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 roads from Lane County to the City of Florence 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 proposed surrender of portions of Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969), 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. 4148

IN THE MATTER OF SETTING A PUBLIC HEARING FOR)
THE PROPOSED SURRENDER OF PORTIONS OF) RESOLUTION AND
RHODODENDRON DRIVE (CO. RD. NO. 65) AND) ORDER
SEBASTIAN STREET (CO. RD. NO. 1969) TO THE CITY)
OF FLORENCE)

WHEREAS, Rhododendron Drive (County Road No. 65) was originally established in 1897, altered in 1968, and portions of it have already been surrendered to the City of Florence; and

WHEREAS, the portion of Rhododendron Drive (County Road No. 65) proposed for surrender was annexed to the City in 1991 by Annexation Order 937 (File C FL 91-01) and in 2007 by Annexation Order 1316 (File C FL 07-36); and

WHEREAS, Sebastian Street (County Road No. 1969) was originally dedicated to the public in 1960 by the plat of East Heceta Beach, and subsequently established as a county road in 1971; and

WHEREAS, the portion of Sebastian Street (County Road No. 1969) proposed for surrender was annexed to the City in 2007 by Annexation Order 1316 (File C FL 07-36); and

WHEREAS, the City of Florence, by its Resolution Number 37, Series 2008 has requested that jurisdiction over portions of County Roads No. 65 and 1969, as described in Exhibit "A" attached to and made a part hereof by this Resolution and Order, be transferred to the City of Florence; and

WHEREAS, the City of Florence 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, 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 Florence those portions of said Rhododendron Drive and Sebastian Street 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 Florence 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 in the attached Exhibit "A"; now, therefore, it is hereby

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

ORDERED, that a public hearing be set for February 4, 2009 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 Florence those portions of Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969) as described in 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 D. Michael Jackson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

DATED this _____ day of _____, 2009.

Chair
LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 12-24-08 lane county

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

LEGAL DESCRIPTIONS	MILEAGE
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RHODODENDRON DRIVE (COUNTY ROAD NUMBER 65)	1.32
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All that portion of Rhododendron Drive (County Road Number 65) from the North line of the Southwest one-quarter of the Northwest one-quarter of Section 15, Township 18 South, Range 12 West of the Willamette Meridian, Northerly 1.3 miles, more or less, to the projection of the Northern Right of Way of Sebastian Street, all in Sections 4, 9, 10 and 15, Township 18 South, Range 12 West of the Willamette Meridian.

SEBASTIAN STREET (COUNTY ROAD NUMBER 1969)	0.11
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All that portion of Sebastian Street (County Road Number 1969) within East Heceta Beach as Platted and Recorded in Book 30, Page 7, Lane County Deed Records, Lane County Oregon, from Rhododendron Drive, West 556 feet, more or less, to the Western boundary of said East Heceta Beach, all in Section 4, Township 18 South, Range 12 West of the Willamette Meridian.

The above descriptions for Rhododendron Drive and Sebastian Street are shown on Attachment "A" attached hereto and made a part hereof.

ATTACHMENT "A"
DEPICTION OF COUNTY ROADS
PROPOSED TO BE SURRENDERED
TO CITY OF FLORENCE
SECTIONS 4, 9, 10 & 15, T.18S., R.12W.

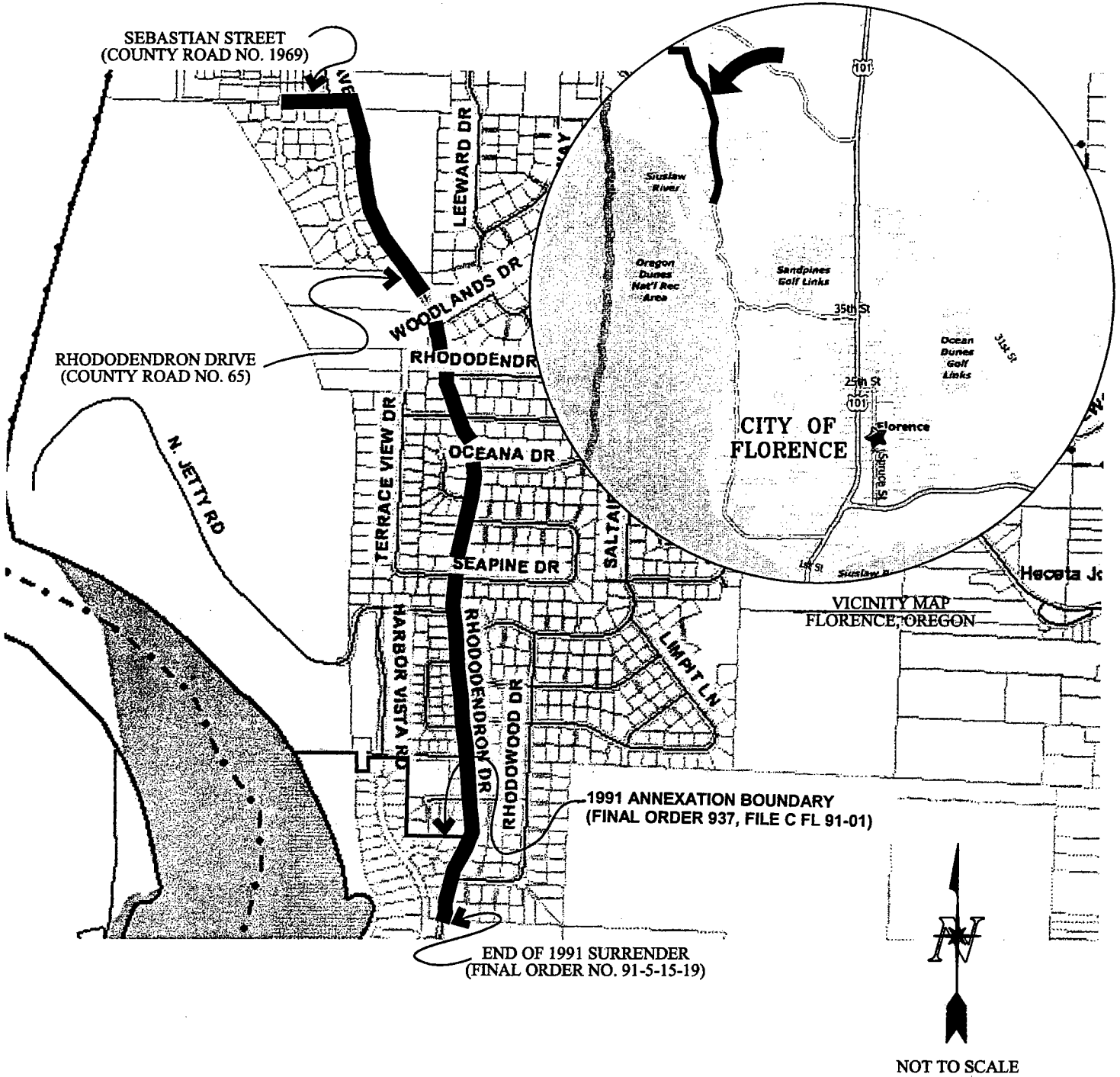


EXHIBIT "B"

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

FILE NO. 4148

IN THE MATTER OF SETTING A PUBLIC HEARING FOR)	
THE PROPOSED SURRENDER OF PORTIONS OF)	DIRECTOR'S PRELIMINARY
RHODODENDRON DRIVE (CO. RD. NO. 65) AND)	REPORT
SEBASTIAN STREET (CO. RD. NO. 1969) TO THE CITY OF)	
FLORENCE)	

Rhododendron Drive (County Road No. 65) was originally established in 1897 and then altered in 1968. Portions of this road have already been surrendered to the City of Florence. The portion of this road now being proposed for surrender was annexed to the City in 1991 by Annexation Order 937 (File C FL 91-01) and in 2007 by Annexation Order 1316 (File C FL 07-36).

Sebastian Street (County Road No. 1969) was originally dedicated to the public in 1960 by the plat of East Heceta Beach, and subsequently established as a county road in 1971. The portion of this road now being proposed for surrender was annexed to the City in 2007 by Annexation Order 1316 (File C FL 07-36)

The City of Florence has enacted Resolution Number 37, Series 2008 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 Florence. The City is requesting this surrender without a Partnership Program Agreement. Setting this date for the hearing will allow time for public posting or notice and is recommended as being appropriate.

The proposed surrender includes approximately 1.32 miles of Rhododendron Drive and 0.11 miles (556 feet) of Sebastian Street.

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.

Legal notice for the public hearing to consider the matter of the surrender of these portions of Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969) is required by ORS 373.270.

The proposed surrender of these portions 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 specifications, 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

EXHIBIT "B"

surrender to the City of Florence the portions of Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969), as described in Exhibit "A."

DATED this 22nd day of December, 2008.



Director
Department of Public Works