


Memorandum Date: September 17, 2010
Order Date: October 6, 2010

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE PROPOSED SURRENDER OF A PORTION OF BOLTON HILL ROAD (COUNTY ROAD NUMBERS 405 & 1183) TO THE CITY OF VENETA

I. MOTION

TO APPROVE THE ORDER TO SET A PUBLIC HEARING DATE OF NOVEMBER 3, 2010 AT 1:30 P.M. TO CONSIDER THE SURRENDER OF A PORTION OF BOLTON HILL ROAD (CO. RD. NO. 405 & 1183) TO THE CITY OF VENETA

II. AGENDA ITEM SUMMARY

Pursuant to an Intergovernmental Agreement (IGA) between Lane County and the City of Veneta, the City has requested surrender of a portion of Bolton Hill Road (M.P. 0.000 to M.P. 0.653) located within the City Limits of Veneta. As provided by ORS 373.270, it is required that a date for a public hearing be set to allow testimony to be entered into the public record regarding the proposed Surrender of jurisdiction.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

County Road No. 405 was originally established in 1886, beginning at the road that is now the State Highway known as Territorial Highway and extending westerly approximately 12-1/2 miles to near the present day intersection of State Highway 126 and Penn Road. A portion of the originally established County Road No. 405, beginning at Territorial Highway and extending southwesterly approximately 3.3 miles to the Crow-Vaughn Road, was relocated and altered in 1940 and established as County Road No. 1183.

The portion of the road herein proposed for surrender extends from Territorial Highway westerly and southwesterly approximately 0.68 miles, and lies entirely within the area originally incorporated as the City of Veneta in 1962 by Lane County Commissioners Proclamation filed April 6, 1962 in Commissioners' Journal 14, Page 73.

By Order 07-5-16-7 the Board approved the FY 07/08 - 11/12 Five-Year Capital Improvement Program (CIP), including the Bolton Hill Road Improvement Project with funding at \$1,750,000. The Board subsequently approved the Design Concept for the

Bolton Hill Road Improvement Project (M.P. 0.000 to M.P. 0.653) pursuant to Order 07-7-11-7, and the County entered into an Intergovernmental Agreement (IGA) with the City of Veneta dated July 30, 2007 concerning the construction of the project.

The IGA called for the County to survey, perform design and construction engineering, right of way acquisition and contract administration services for the project and to provide funding for the project not to exceed \$1,750,000 unless agreed upon by both parties. In addition, the County agreed to assess specially-benefiting properties, both within the city and outside the city limits, for the costs of curbs, gutters and sidewalks to be constructed in connection with the project.

The City agreed to contribute funding for the project in the amount of \$360,000, and to pay the full cost of any Road Fund-ineligible costs as defined by the Oregon constitution. The City also agreed to accept surrender of Bolton Hill Road in the project area as a city street and to furnish any city council actions necessary to accomplish the surrender.

The project was completed and approved by the County Engineer on January 9, 2009. The total cost of the Road Fund-eligible items constructed in connection with the project, excluding sanitary sewer and water supply lines that were paid for by the City, was \$1,630,026. A total of \$190,460 was assessed to benefiting properties.

Shortly after completion of the project and pursuant to Order 09-5-6-5, the Board approved an alteration of the legal right of way within the project area to formally establish and accept the additional right of way acquired for the project as a county road.

The City of Veneta has adopted Resolution Number 999 formally requesting that jurisdiction over the 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 Veneta.

B. Policy Issues

The portion of Bolton Hill Road proposed for surrender is located entirely within the City Limits of Veneta, and the request for its surrender as a city street is in accordance with the IGA between the County and the City.

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

This action is consistent with the *Strategic Plan* goal of protecting the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure, and with the County goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development".

D. Financial and/or Resource Considerations

Any outstanding assessments levied in connection with the project will remain payable to Lane County and be credited to the Road Fund. Any deferred assessments will remain a lien on the affected properties until paid or removed in accordance with Lane Code 15.636(1)(b). Surrender of this portion of Bolton Hill Road will relieve the County of the obligation of future maintenance costs, estimated at approximately \$78,500 over the next ten years.

IV. ANALYSIS

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 portion of right-of-way described in Exhibit "A" was annexed into the City of Veneta in 1962. The City of Veneta has adopted Resolution Number 999 formally requesting that jurisdiction over the 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 Veneta. The attached Order will set a public hearing to consider the merits of the request for transfer of jurisdiction of the described portion of road from Lane County to the City of Veneta as requested by the City.

V. ALTERNATIVES/OPTIONS

1. Approve the Order setting a date for the public hearing.
2. Deny the Order and direct staff otherwise.

VI. TIMING/IMPLEMENTATION

Timing in this matter is important in order to facilitate timely jurisdictional developmental planning by the City of Veneta associated with the subject road and properties in the area, and also to avoid potential County liability for construction warranty items. The proposed hearing date as specified in the Order will allow time for public posting or notice and is recommended as being appropriate.

VII. RECOMMENDATION

The Public Works Director's Preliminary Report, a copy of which is attached and marked as "Exhibit B" recommends that the Board of Commissioners approve the Order to set a public hearing date for the proposed surrender of the portion of Bolton Hill Road (County Road No. 405 and 1183), as described in the Order.

VIII. FOLLOW-UP

Upon approval of the Order to set a public hearing, the County Surveyor will carry out the necessary steps under ORS 373.270 to provide public notice of the hearing. Subsequently, a final report will be prepared and submitted at that hearing by the Director of the Public Works Department. If the Board is in support of surrendering the described road to the City of Veneta, a Final Order will be prepared for their approval.

IX. ATTACHMENTS

Order to Set Public Hearing w/attachments:
Legal Description - Exhibit "A"
Director's Preliminary Report - Exhibit "B"
Vicinity Map - Attachment "A"

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

IN THE MATTER OF SETTING A PUBLIC HEARING FOR) ORDER NO.
THE PROPOSED SURRENDER OF A PORTION OF)
BOLTON HILL ROAD (COUNTY ROAD NUMBERS 405 &)
1183) TO THE CITY OF VENETA)

WHEREAS, Bolton Hill Road (County Road No. 405 & 1183) was originally established in 1886, and altered in 1940 and 2009; and

WHEREAS, the portion of the road herein proposed for surrender extends from Territorial Highway westerly and southwesterly approximately 0.68 miles, and lies entirely within the area originally incorporated as the City of Veneta in 1962 by Lane County Commissioners Proclamation filed April 6, 1962 in Commissioners' Journal 14, Page 73; and

WHEREAS, in 2009 Lane County completed construction of the Bolton Hill Road Improvement Project (M.P. 0.000 to M.P. 0.653) and by Order No. 09-5-6-5 the Board approved an alteration of said road, beginning at Territorial Highway and extending westerly and southwesterly approximately 0.68 miles to a point just south of Dogwood Lane. In connection with said project, Lane County and the City of Veneta entered into an Intergovernmental Agreement (IGA) per ORS 373.260(1) whereby the City authorized Lane County to make improvements, acquire right of way, and assess properties within the corporate limits of the city for the Bolton Hill Road Improvement Project, and agreed to accept surrender as a city street the project portion of Bolton Hill Road upon completion of the project; and

WHEREAS, the City of Veneta, by its Resolution Number 999, has requested that jurisdiction over the portion of Bolton Hill Road (County Road No. 405 and 1183) as described in Exhibit "A", attached to and made a part hereof by this Order, be transferred to the City of Veneta; 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 Veneta that portion of said Bolton Hill 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 Veneta 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"; now, therefore, it is hereby

ORDERED, that a public hearing be set for November 3, 2010 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 Veneta that portion of Bolton Hill Road (County Road No. 405 & 1183) 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 Mike Jackson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

EFFECTIVE DATE: _____ day of _____, 2010

Chair

LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM:

Date 9-23-10 Lane County.



OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

LEGAL DESCRIPTION	MILEAGE
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BOLTON HILL ROAD (COUNTY ROAD NUMBERS 405 and 1183)	0.68
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All that portion of Bolton Hill Road (County Road Numbers 405 and 1183) from Territorial Highway westerly to centerline station L 35+89.99 PT Bk = L 36+13.16 POT Ah of that survey by the Lane County Department of Public Works filed February 18, 2009 in the Office of the Lane County Surveyor as county survey file number 41391, all in Section 36, Township 17 South, Range 6 West of the Willamette Meridian.

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

EXHIBIT "B"

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

IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE PROPOSED SURRENDER OF A PORTION OF BOLTON HILL ROAD (COUNTY ROAD NUMBERS 405 & 1183) TO THE CITY OF VENETA)))))	DIRECTOR'S PRELIMINARY REPORT
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County Road #405 was originally established in 1886, beginning at the road that is now the State Highway known as Territorial Highway and extending westerly approximately 12-1/2 miles to near the present day intersection of State Highway 126 and Penn Road. A portion of County Road #405, beginning at Territorial Highway and extending southwesterly approximately 3.3 miles to the Crow-Vaughn Road, was relocated and altered in 1940 and established as County Road #1183.

In 2009, Lane County completed construction of the Bolton Hill Road Improvement Project (M.P. 0.000 to M.P. 0.653) and by Order No. 09-5-6-5 the Board approved an alteration of said road, beginning at Territorial Highway and extending westerly and southwesterly approximately 0.68 miles to a point just south of Dogwood Lane. In connection with said project, Lane County and the City of Veneta entered into an Intergovernmental Agreement (IGA) per ORS 373.260(1) whereby the City authorized Lane County to make improvements, acquire right of way, and assess properties within the corporate limits of the city for the Bolton Hill Road Improvement Project, and agreed to accept surrender as a city street the project portion of Bolton Hill Road upon completion of the project.

The portion of the road herein proposed for surrender lies entirely within the area originally incorporated as the City of Veneta in 1962 by Lane County Commissioners Proclamation filed April 6, 1962 in Commissioners' Journal 14, Page 73.

The City of Veneta has adopted Resolution Number 999 formally requesting that jurisdiction over the 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 Veneta. Setting this date for the hearing will allow time for public posting or notice and is recommended as being appropriate.

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 this portion of Bolton Hill Road (County Road No. 405 & 1183) is required by ORS 373.270.

The surrender of this portion of road will allow the City to have full jurisdiction of the road and to maintain, develop and improve it and the surrounding area to their own specifications, standards and timetables. The value to the County of this jurisdictional transfer of responsibilities will be an estimated reduction in maintenance costs of \$78,500 over 10 years. It is therefore recommended

EXHIBIT "B"

ORIGINAL

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 Veneta the portion of Bolton Hill Road (County Road No. 405 & 1183), as described in Exhibit "A."

DATED this 21 day of September, 2010.



Director
Department of Public Works

**SURRENDER OF PORTION OF BOLTON HILL ROAD (CO. RD. #405 & #1183)
TO THE CITY OF VENETA**
Section 36, T. 17 S. R. 6 W., W.M.
LANE COUNTY
NO SCALE

