

T. 8. C. 1.

## AGENDA COVER MEMO

**DATE:** January 5, 2004

**TO:** Lane County Board of Commissioners

**FROM:** Bill Robinson, Lane County Surveyor *BR*

**DEPARTMENT:** Public Works, Land Management Division

**AGENDA ITEM TITLE:** IN THE MATTER OF SETTING A PUBLIC HEARING ON THE PROPOSED SURRENDER OF PORTIONS OF SOUTH GARDEN WAY (COUNTY ROADS NUMBER 307, 388, 531 AND 1304), TO THE CITY OF EUGENE.

**I. MOTION:**

**TO APPROVE THE RESOLUTION, NOTICE OF HEARING AND ORDER SETTING A DATE OF FEBRUARY 25, 2004 AT 1:30 P.M. AT THE LANE COUNTY COURTHOUSE, EUGENE, OREGON, FOR THE PURPOSE OF CONDUCTING A PUBLIC HEARING TO CONSIDER THE SURRENDER OF PORTIONS OF SOUTH GARDEN WAY (COUNTY ROADS NUMBER 307, 388, 531 AND 1304), LOCATED WITHIN THE CITY LIMITS OF EUGENE, BEING MORE PARTICULARLY DESCRIBED IN THE RESOLUTION, NOTICE OF HEARING AND ORDER, TO THE CITY OF EUGENE.**

**II. ISSUE:**

To decide whether or not to approve the Resolution and Order to set a public hearing, for the surrender of portions of South Garden Way (County Roads Number 307, 388, 531, and 1304), to the City of Eugene.

**III. DISCUSSION****A. Background:**

The City of Eugene is requesting the surrender of portions of South Garden Way (County Roads Number 307, 388, 531 and 1304) located within the city limits. South Garden Way consists of portions of County Road No. 307 and 388 (Campbell Road, established in 1874 and 1884, respectively), County Road No. 531 (W. T. Pattison Road established in 1903) and County Road No. 1304 (Centennial Boulevard established in 1960). The portion of road now being proposed for surrender is within the area annexed to the City in 2003.

The City of Eugene has enacted Ordinance No. 20304 formally requesting the jurisdiction over portions of the above mentioned County Road. The segments of South Garden Way are all within the city limits and are described in Exhibit "A" of the attached Resolution, Notice of Hearing and Order. This proposal of transferring the described road from Lane County to the City of Eugene is in accordance with the County/City Roads Partnership Program Agreement of July 2003.

B. Analysis:

The portions of South Garden Way requested for surrender by the City of Eugene through Ordinance No. 20304 are under the jurisdiction of Lane County. Said portions of road have been recently annexed into the city limits of Eugene. The City is planning for the reconstruction and improvement of this road and the proposed surrender of these segments of road will allow the City to maintain, develop and improve them as necessary to the City's specifications, standards and timetable.

ORS 373.270 provides for the transfer of jurisdiction over County Roads within a city. Setting the above hearing date would be the final step in the process of surrender and transfer of jurisdiction of these segments of county road, from Lane County to the City of Eugene.

The proposed surrender is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003. The public's interest was determined to be benefited when this agreement was reached. Setting this date for the hearing will allow time for public posting or notice and is recommended as being appropriate if the issue of timing is to be addressed.

The attached Resolution and 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 Eugene as requested by the City.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the Resolution, Notice of Hearing and Order to set a public hearing to consider the surrender of portions of South Garden Way, County Roads Number 307, 388, 531, and 1304, to the City of Eugene.
2. Deny all or any portion of the Resolution, Notice of Hearing and Order to set a public hearing to consider the surrender of portions of said South Garden Way.
3. Postpone further action until a future date.

D. Recommendations:

The Public Works Director's Preliminary Report recommends that the Board of Commissioners approve Option 1. This will approve the Resolution, Notice of Hearing and Order to set a public hearing date for the proposed surrender of the portions of South Garden Way, as described in the Resolution and Order.

**E. Timing:**

Timing in this matter is important as the surrender of County roads is part of the County/City Roads Partnership Program Agreement and would address the request by the City of Eugene to conclude the surrender process within 150 days of said Ordinance No. 20304. The surrender process needs to be completed to facilitate the City's planned reconstruction and improvement of said road.

**IV. IMPLEMENTATION/FOLLOW-UP**

Upon approval of the Resolution and 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, a Final Order will be prepared for their approval.

**V. ATTACHMENTS:**      Resolution, Notice of Hearing and Order 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**

**FILE NO. 4111**

**IN THE MATTER OF SETTING A PUBLIC HEARING     ) RESOLUTION,  
ON THE PROPOSED SURRENDER OF PORTIONS     ) NOTICE OF HEARING  
OF SOUTH GARDEN WAY (COUNTY ROADS NUMBER     ) AND ORDER NO.  
307, 388, 531 AND 1304), TO THE CITY OF EUGENE     )**

**WHEREAS**, the City of Eugene, by its Ordinance No. 20304, requested that jurisdiction over portions of South Garden Way, County Roads Number 307, 388, 531 and 1304 that lie within the city limits, be transferred to the City of Eugene within 150 days of said Ordinance; and

**WHEREAS**, the amended County/City Roads Partnership Program Agreement of July 1, 2003 between Lane County and the City of Eugene called for the surrender of County Roads which have been annexed into the city and the public's interest was determined to be benefited when this agreement was reached; and

**WHEREAS**, ORS 373.270 provides for the surrender and 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 Eugene deem it necessary and expedient and in the best interest of each governing body to proceed with the surrender and transfer of jurisdiction over the above described County Roads, now therefore, it is hereby

**ORDERED**, that a public hearing be set for **February 25, 2004** at 1:30 p.m., at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon, to formally consider the surrender of the portions of South Garden Way, County Roads Number 307, 388, 531 and 1304, as described in Exhibit "A" attached hereto and made a part hereof by this Order, to the City of Eugene; and further, it is hereby

**ORDERED**, that legal notice of hearing be posted or published, in accordance with ORS 373.270; and further; it is hereby

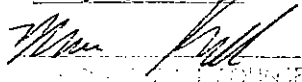
**ORDERED**, that the Director of the Lane County Department of Public Works prepare and provide a final report on the proposed surrender.

Inquiries regarding these surrender proceedings may be directed to Bill Robinson, Lane County Surveyor, Public Service Building, 125 E. 8th Avenue; Eugene, OR 97401, telephone (541) 682-4195.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004

APPROVED AS TO FORM

Date 1-8-04 \_\_\_\_\_ lane county

  
\_\_\_\_\_  
CHAIR

Chair

LANE COUNTY BOARD OF COMMISSIONERS

## EXHIBIT "A"

## LEGAL DESCRIPTIONS

## MILEAGE

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SOUTH GARDEN WAY (COUNTY ROAD NUMBER 307 AND 388) 00.29  
from the former Eugene city limits near the southwesterly right of way line of  
Interstate 105/ Interstate 5, Southerly, 1525 feet, more or less, to the  
present city limits, all in Section 28, Township 17 South,  
Range 3 West of the Willamette Meridian.

SOUTH GARDEN WAY (COUNTY ROAD NUMBER 531) 00.02  
from the west end of County Road No. 531, as established  
with Centennial Boulevard in 1966, being the easterly boundary  
of the previous city limits and the east line of Parcel 1 of Land Partition  
Plat No. 94-P0521, Lane County, Oregon Plat Records, Easterly  
100 feet, more or less, to the present Eugene city limits, all in Section  
28, Township 17 South, Range 3 West of the Willamette Meridian.

SOUTH GARDEN WAY (COUNTY ROAD NUMBER 1304), originally 00.03  
established as a connector to Centennial Boulevard, from the north line of  
said Centennial Boulevard (now Martin Luther King Jr. Boulevard),  
Northerly, 145 feet, more or less, to the south line of County Road  
No. 531, all in Section 28, Township 17 South, Range 3 West of the  
Willamette Meridian.

## EXHIBIT "B"

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

FILE NO. 4111

<b>IN THE MATTER OF SETTING A PUBLIC HEARING</b>	)	
<b>ON THE PROPOSED SURRENDER OF PORTIONS</b>	)	<b>PRELIMINARY</b>
<b>OF SOUTH GARDEN WAY (COUNTY ROADS NUMBER</b>	)	<b>DIRECTOR'S</b>
<b>307, 388, 531 AND 1304), TO THE CITY OF EUGENE</b>	)	<b>REPORT</b>

The City of Eugene is requesting the surrender of portions of County Roads Number 307, 388, 531 and 1304 (South Garden Way) located within the city limits.

South Garden Way consists of portions of County Roads Number 307 and 388 (Campbell Road, established in 1874 and 1884, respectively), County Road No. 531 (W.T. Pattison Road established in 1903) and County Road No. 1304 (Centennial Boulevard established in 1960).

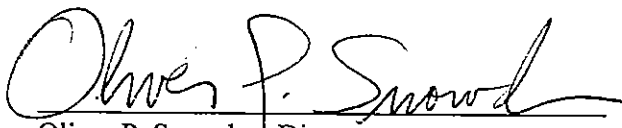
The City of Eugene has enacted Ordinance No. 20304 formally requesting that the jurisdiction over the above said portions of County Road, all within the city limits and described in the attached Resolution and Order, be transferred from Lane County to the City of Eugene. This action by the City is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003 and necessary to facilitate the City's planned reconstruction and improvement of the 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, 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 portion of county road to the same extent as it has over public streets and alleys of the city.

The proposed surrender would enable the city to maintain, develop, improve, and use the road for the surrounding area to its own specifications, standards, and timetables.

It is recommended that a public hearing date be established on the proposed surrender of jurisdiction of portions of South Garden Way, County Roads Number 307, 388, 531 and 1304, as described in the Resolution and Order.

DATED this 6<sup>th</sup> day of January, 2004

  
 Oliver P. Snowden, Director  
 Department of Public Works

# ATTACHMENT "A"

ORIGINAL

SECTION 28, T 17 S, R 3 W, W. M.  
LANE COUNTY.  
No Scale

