

W. 15. b.

ORIGINAL

AGENDA COVER MEMO

DATE: May 24, 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 THE SURRENDER OF A PORTION OF WEST 10TH AVENUE, COUNTY ROAD NUMBER 98, FROM OAKLEA DRIVE, EASTERLY TO ROSE STREET, TO THE CITY OF JUNCTION CITY.

I. MOTION

TO APPROVE THE ORDER TO SURRENDER JURISDICTION OF A PORTION OF WEST 10TH AVENUE, COUNTY ROAD NUMBER 98, LOCATED WITHIN THE CITY LIMITS OF JUNCTION CITY, BEING MORE PARTICULARLY DESCRIBED IN THE ORDER, TO THE CITY OF JUNCTION CITY.

II. ISSUE

To decide whether or not to approve the Order to surrender the jurisdiction of a portion of West 10th Avenue, County Road Number 98, located within the city limits of Junction City, to the City of Junction City.

III. DISCUSSION

A. Background:

The City of Junction City has enacted Resolution Number 794, formally requesting that the jurisdiction over a portion of West 10th Avenue, as described in Exhibit "A" and shown on Attachment "A" and being located within the city limits, be transferred from Lane County to the City of Junction City. This action by the City is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003.

West 10th Avenue (originally called Casper Rickard Road) was established as a County Road Number 98 in 1900. The portion of road now being proposed for surrender to the city of Junction City is within the area annexed to the City in 1999.

Resolution and Order No. 04-4-28-14 set a public hearing date of June 9, 2004, before the Board of Commissioners, to consider the merits to transfer jurisdiction of the subject road to the City of Junction City. If the Board approves to surrender jurisdiction of the described portion of West 10th Avenue, County Road Number 98, it will complete the road surrender process.

All legal notice has been provided regarding this matter as required by ORS 373.270(2).

B. Analysis:

ORS 373.270 provides for the transfer of jurisdiction over County Roads within a city. The described portion of West 10th Avenue is currently under the jurisdiction of Lane County but is within the city limits of Junction City. The proposed surrender of jurisdiction of this segment of road will allow the City to maintain, develop and improve it as necessary and to the City's specifications, standards and timetable.

The proposed transfer of jurisdiction is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003. The proposed surrender of this 0.34 mile portion of West 10th Avenue may slightly increase the payment to the city of Junction City but it would not increase the overall total payment by the County to cities in the amended County/City Partnership Program Agreement of July 1, 2003. The public's interest was determined to be benefited when this agreement was reached.

The attached Order will complete the surrender process and transfer of jurisdiction of the described portion of West 10th Avenue to the city of Junction City as requested by the City.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the Order to surrender jurisdiction of the portion of West 10th Avenue, County Road Number 98, to the city of Junction City.
2. Deny all or any portion of the Order to surrender jurisdiction of said portion of West 10th Avenue.
3. Postpone further action until a future date.

D. Recommendations:

The Public Works Director's Report recommends that the Board of Commissioners approve Option 1. This will approve the Order to surrender jurisdiction of the portion of West 10th Avenue, as described in the Final Order to the city of Junction City.

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 resolutions submitted by the city of Junction City to transfer jurisdiction of the described portion of the West 10th Avenue.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval of the Order transferring jurisdiction of these roads, the County's involvement in the process will be concluded. The County Clerk shall file the Order in the Commissioner's Journal of Administration and forward copies to the city of Junction City, the Lane County Surveyor and the Department of Public Works Director for updating appropriate indexes and County Road records.

V. ATTACHMENTS:

Final Order w/attachments:
 Legal Description – Exhibit "A"
 Final Director's Report - Exhibit "B"
 Affidavit of Posting – Exhibit "C"
 Vicinity Map - Attachment "A"
 Copy of City of Junction City Resolution No. 794

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

FILE NO. 4103

IN THE MATTER OF THE SURRENDER OF)
A PORTION OF WEST 10TH AVENUE, COUNTY)
ROAD NUMBER 98, FROM OAKLEA DRIVE,) FINAL ORDER NO.
EASTERLY TO ROSE STREET, TO THE CITY)
OF JUNCTION CITY)

WHEREAS, by Resolution and Order Number 04-4-28-14 the Board of County Commissioners set June 9, 2004 at 1:30 P.M. to conduct a public hearing on the matter of the surrender, and to consider the transfer of jurisdiction of a portion of West 10th Avenue, County Road Number 98, located within the city limits of Junction City, to the City of Junction City; and

WHEREAS, the City of Junction City has enacted Resolution No. 794 formally requesting that the jurisdiction over the described portion West 10th Avenue, County Road Number 98, be transferred from Lane County to the City of Junction City; 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, all legal notice has been provided regarding this matter as required by law as witnessed by an Affidavit of Posting by the Lane County Surveyor marked as Exhibit "C", attached hereto and made a part hereof, and the Public Works Director of Lane County recommends that the portion of West 10th Avenue, County Road Number 98, be surrendered, as indicated on the Final Director's Report, Exhibit "B" 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 West 10th Avenue, County Road Number 98, would be in the best interest of the county; now therefore it is hereby

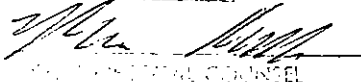
ORDERED, that Lane County, in accordance with ORS 373.270, hereby surrenders jurisdiction of the portion of West 10th Avenue, County Road Number 98, as described in Exhibit "A" attached hereto and made a part hereof by this Order, to the City of Junction City; and it is further

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

DATED this _____ day of _____, 2004

APPROVED AS TO FORM

Date 5-26-04 lane county,



LANE COUNTY SURVEYOR

Chair
Lane County Board of Commissioners

EXHIBIT "A"

ORIGINAL

LEGAL DESCRIPTION

MILEAGE

WEST 10TH AVENUE (COUNTY ROAD NUMBER 98)

00.34

Beginning at the intersection of West 10th Avenue and the easterly right of way line of Oaklea Drive (County Road No. 98 and 867, being 60 feet in width), thence Easterly 1812 feet, more or less, to the former city limits of Junction City at the centerline of Rose Street extended southerly, all in Section 31, Township 15 South, Range 4 West of the Willamette Meridian.

EXHIBIT "B"

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

FILE NO. 4103

IN THE MATTER OF THE SURRENDER OF)
A PORTION OF WEST 10TH AVENUE, COUNTY)
ROAD NUMBER 98, FROM OAKLEA DRIVE,)
EASTERLY TO ROSE STREET, TO THE CITY)
OF JUNCTION CITY)

FINAL DIRECTOR'S
REPORT

The City of Junction City is requesting the surrender of jurisdiction of a portion West 10th Avenue (County Road Number 98) located within the city limits.

County Road Number 98 (West 10th Avenue) was originally established in 1900. The 0.34 mile portion of road now being proposed for surrender was annexed to the City in 1999. Other segments of West 10th Avenue, east of subject portion, have previously been surrendered to the City of Junction City.

The City of Junction City has enacted Resolution No. 794 formally requesting that the jurisdiction over the above described portion of County Road, located within the city limits and described in the attached Final Order, be transferred from Lane County to the City of Junction City. This action by the City is in accordance with the amended County/City Roads Partnership Program Agreement of July 1, 2003. The proposed surrender of this 0.34 mile portion of West 10th Avenue may slightly increase the payment to the City of Junction City but it would not increase the overall total payment by the County to cities in the amended County/City Partnership Program Agreement of July 1, 2003. The public's interest was determined to be benefited when this agreement was reached.

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 in 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 portions thereof to the same extent as it has over public streets and alleys of the city.

All legal notice for the public hearing to consider the matter of the surrender of this segment West 10th Avenue, County Road Number 98, has been provided by the County Surveyor, as required by law.

The surrender of this segment of road will allow the city to have full jurisdiction of it to maintain, develop, improve, and use it and the surrounding area to their own specifications, standards, and timetables. It is therefore recommended that the portion of West 10th Avenue, County Road Number 98, as described in the Final Order, be surrendered to the City of Junction City; as it will be in the best interest of the county.

DATED this 24th day of May, 2004

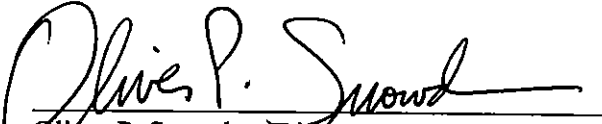

Oliver P. Snowden, Director
Department of Public Works

EXHIBIT "C"

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

FILE NO. 4103

IN THE MATTER OF THE SURRENDER OF A)	
PORTION OF WEST 10 th AVENUE, COUNTY)	AFFIDAVIT OF
ROAD NUMBER 98, FROM OAKLEA DRIVE)	POSTING
EASTERLY TO ROSE STREET, TO THE CITY)	
OF JUNCTION CITY)	

I, Bill Robinson, Lane County Surveyor, certify as follows:

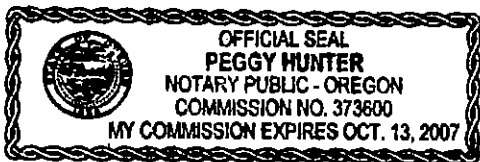
That on 18th day of May, 2004, and in accordance with ORS 373.270, I caused to be posted three (3) copies of the Notice of Hearing in the above entitled matter in three places, positioned to be visible to the traveling public, as follows:

1. Posted on a power pole numbered 317501 at the northwest corner of West 10th Avenue and Rose Street.
2. Posted on a sign post at the northwest corner of West 10th Avenue and Tamarack Street.
3. Posted on an unnumbered power pole, on the northeast corner of West 10th Avenue and Oaklea Drive.

Bill Robinson

Bill Robinson
Lane County Surveyor

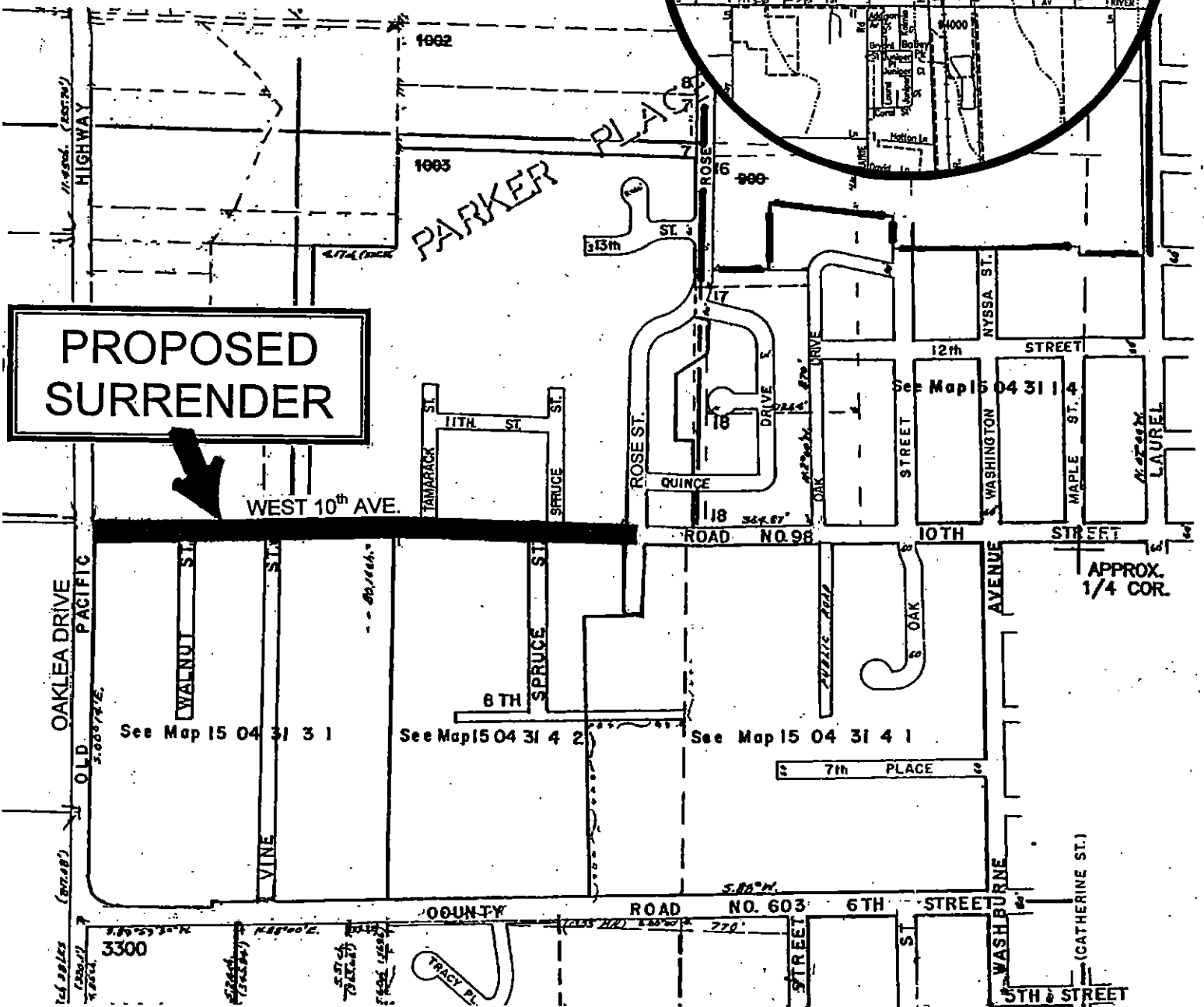
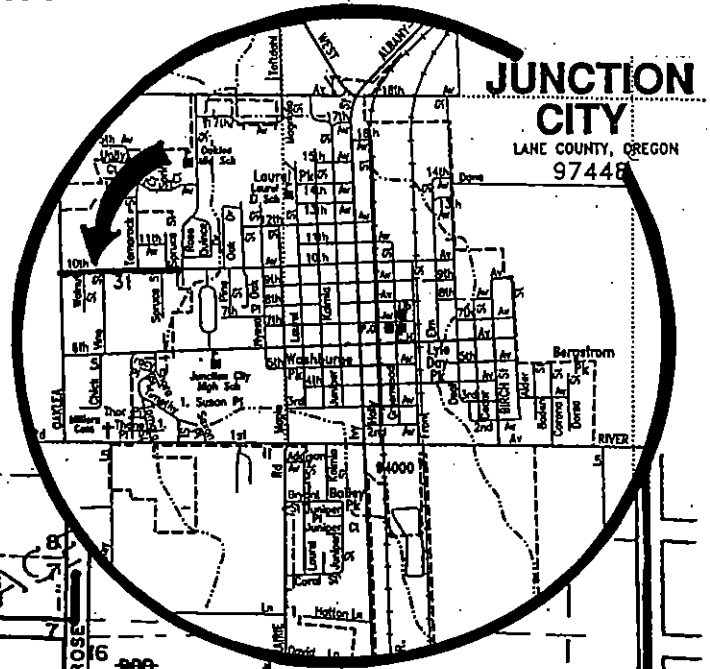
Subscribed and sworn to before me this 24th day of May, 2004



Peggy Hunter
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: October 13, 2007

NW 1/4 & SW 1/4 Section 31 T. 15 S. R. 4 W. W.M.
LANE COUNTY

NO SCALE



PROPOSED SURRENDER

WEST 10th AVE.

APPROX. 1/4 COR.

PARKER PLACE

See Map 15 04 31 3 1

See Map 15 04 31 4 2

See Map 15 04 31 4 1

ROAD NO. 603

ROAD NO. 98

OAKLEA DRIVE
OLD PACIFIC

WALNUT ST.

VINE ST.

TAMARACK ST.

SPRUCE ST.

ROSE ST.

QUINCE DRIVE

OAK ST.

WASHINGTON ST.

MAPLE ST.

LAUREL ST.

3300

TRACY PL.

WASHBURNE AVENUE
(CATHERINE ST.)

5th STREET

ORIGINAL

RESOLUTION NO. 794

A RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF LANE COUNTY TO SURRENDER THAT CERTAIN PORTION OF WEST 10TH AVENUE IN JUNCTION CITY, OREGON, RUNNING FROM ROSE STREET WEST TO OAKLEA DRIVE.

WHEREAS, the City Council of the City of Junction City has determined that it is in the public interest to seek surrender from the Board of Commissioners of Lane County that portion of West 10th Avenue, from Rose Street West to Oaklea Drive, located in Junction City, Oregon, described as follows:

"West 10th Avenue (County Road Number 98) – 00.34 Miles. Beginning at the intersection of West 10th Avenue and the easterly right-of-way line of Oaklea Drive (County Road No. 98 and 867, being 60 feet in width), thence Easterly 1,812 feet, more or less, to the former city limits of Junction City at the centerline of Rose Street extended southerly, all in Section 31, Township 15 South, Range 4 West of the Willamette Meridian."

and

WHEREAS, in the event that such surrender occurs, the City of Junction City assumes all jurisdiction of said street in its existing condition and all maintenance responsibilities; and

WHEREAS, the City of Junction City is requesting surrender of said street in consideration of the terms set forth in an agreement entered into by the City and Lane County, titled County/City road Partnership Agreement; now, therefore

THE CITY OF JUNCTION CITY DOES RESOLVE AS FOLLOWS:

Section 1. The Board of County Commissioners of Lane County are hereby requested to surrender to the City of Junction City the street described as follows:

"West 10th Avenue (County Road Number 98) – 00.34 Miles. Beginning at the intersection of West 10th Avenue and the easterly right-of-way line of Oaklea Drive (County Road No. 98 and 867, being 60 feet in width), thence Easterly 1,812 feet, more or less, to the former city limits of Junction City at the centerline of Rose Street extended southerly, all in Section 31, Township 15 South, Range 4 West of the Willamette Meridian."

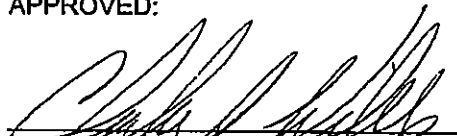
Section 2. City of Junction City personnel are hereby directed to provide to Lane County all information and documentation requested in order to support this Resolution to the Board of County Commissioners of Lane County.

Section 3. This Resolution shall be in full force and effect upon its passage by the City Council and Approval of the Mayor.

Passed by the City Council this 12th day of November 2002.

Approved by the Mayor this 12th day of November 2002.

APPROVED:



Clarke D. Wilde, Mayor

ATTEST:


Barbara Scott, City Recorder