


W. J. A.

ORIGINAL

Memorandum Date: October 19, 2007
Order Date: November 7, 2007

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 FIVE COUNTY ROADS, OR PORTIONS THEREOF, TO THE CITY OF COTTAGE GROVE.

I. MOTION

TO APPROVE THE ORDER SURRENDERING FIVE COUNTY ROADS, OR PORTIONS THEREOF, TO THE CITY OF COTTAGE GROVE.

II. AGENDA ITEM SUMMARY

To decide whether or not to approve the Order surrendering five County Roads, or portions thereof, to the City of Cottage Grove.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Cottage Grove Cemetery Road (County Road Number 445) is an Urban Local Street originally established in 1896 as a 60 foot wide County Road. Other segments of this road have been previously surrendered -- the last being in 1989 by Ord. No. 89-9-27-6. The segment of road now being proposed for surrender was annexed to the City in 1994, 1999 and 2005 by Annexation Orders EC CG 94-66, C CG 99-65 and C CG 05-20 respectively.

Cottage Grove-Lorane Highway (Market Road 27) from West Main Street to County Road 445 is an Urban Major Collector and was established as a 50 foot wide Market Road in 1925. Other segments of this road have been previously surrendered -- the last being in 1989 by Ord. No 89-9-27-6. The segment of this road now being proposed for surrender was annexed to the City in 1994, 1999 and 2005 by Annexation Orders EC CG 91-22, EC CG 98-42 and C CG 06-32 respectively.

6TH Street South (County Road Number 538) is an Urban Minor Arterial originally established in 1904 as a 50 foot wide County Road which was altered in 2000 to a 60 foot wide with intermittent varying widths. Other segments of this road have been previously

surrendered -- the last being in 2001 by Ord. No 01-4-11-7. The segment of this road now being proposed for surrender was annexed to the City in 2006 by Annexation Orders EC CG 05-44.

South River Road (County Road Number 2224, 295 & 163) is a Rural Major Collector and a Rural Local Street originally established in 1855 and legalized in 1989 as a 60 foot wide County Road. Other segments of this road have been previously surrendered -- the last being in 1989 by Ord. No 89-9-27-6. The segments of road now being proposed for surrender was annexed to the City in 1991, 1998 and 2006 by Annexation Orders EC CG 94-66, C CG 99-65 and C CG 05-20 respectively.

North River Road (County Road Number 963) was established in 1923 as a 40 foot wide County Road. Other segments of this road have been previously surrendered -- the last being in 1989 by Ord. No 89-9-27-6. The segment of this road now being proposed for surrender was annexed to the City in 1980 by Annexation Orders C CG 80-20.

The City of Cottage Grove has enacted Resolution Number 1639 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 Cottage Grove. The surrender includes 1.22 miles of right of way.

By previous action, the Board of County Commissioners approved Resolution and Order No. 07-10-3-9, setting a Public Hearing for this date.

B. Policy Issues

ORS 373.270 provides for the transfer of jurisdiction over county roads within a city. The segments of right-of-way described in Exhibit "A" were annexed into the City of Cottage Grove between 1980 and 2006. The City of Cottage Grove has enacted Resolution Number 1639 formally requesting that jurisdiction over segments 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 Cottage Grove. This action was initiated by the City without a County/City Roads Partnership Program Agreement. The Public's interest was determined to be benefited when this agreement was reached.

C. Board Goals

There does not appear to be anything within the County goals and the Strategic Plan goals that would not support or be inconsistent with the surrender of jurisdiction of a County Road to an incorporated city.

D. Financial and/or Resource Considerations

A County/City Road Partnership Agreement has not been entered into. Therefore, the proposed surrender will not increase the payment to the City of Cottage Grove. Surrender of these County Road segments will transfer maintenance, improvement and development

responsibilities to the City of Cottage Grove. Acceptance of the proposed order would have nominal administrative and recording costs associated with the transfer.

E. Analysis

The segments of the said county roads, as described in Exhibit "A" are under the jurisdiction of Lane County. The proposed surrender will allow the City to maintain, develop and improve these roads, as needed, to the City's specifications, standards and timetable.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the Order to surrender the segments of County Roads as described in Exhibit "A." Approval of this Order will ensure consistency with the above stated policy issues.
2. Deny all or any portion of the Order to surrender these segments of County Roads. Denial may be inconsistent with the above stated policy issues.
3. Postpone further action until a future date. Postponement may delay planned development in these areas.

IV. TIMING/IMPLEMENTATION

Timing in this matter is important as the surrender of these County Roads would address the request by the City of Cottage Grove in a timely manner. Development is planned for these areas and immediate implementation of this Order will allow for the least amount of delay by the County.

V. RECOMMENDATION

The Director of the Lane County Department of Public Works has prepared a written report recommending that the Board support Option 1, to approve the Order to surrender the described segments of County Roads to the City of Cottage Grove.

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 Descriptions - Exhibit "A"

Final Director's Report – Exhibit "B"

Affidavit of Posting – Exhibit "C"

Resolution from City of Creswell – Exhibit "D"

Vicinity Map - Attachment "A"

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

FILE NO. 4151

IN THE MATTER OF SURRENDERING SEGMENTS)	
OF FIVE COUNTY ROADS, OR PORTIONS THEREOF,)	FINAL ORDER
TO THE CITY OF COTTAGE GROVE)	NO.

WHEREAS, by Resolution and Order Number 07-10-3-9 the Board of Commissioners set November 7, 2007 at 1:30 p.m. to conduct a public hearing on the matter of the surrender of segments of Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963) to the city of Cottage Grove.

WHEREAS, Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street South (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963) were originally established as County Roads in 1896, 1925, 1904, 1855 and 1923 respectively; and

WHEREAS, additional property including segments of Cottage Grove Cemetery Road, Cottage Grove-Lorane Highway, 6TH Street South, South River Road and North River Road have been annexed into the City between 1980 and 2006 by Annexation Orders EC CG 94-66, C CG 99-65, C CG 05-20, EC CG 91-22, EC CG 98-42, C CG 06-32, EC CG 05-44, and CG 80-20; and

WHEREAS, the City of Cottage Grove, by its Resolution Number 1639 has requested that jurisdiction over segments of County Road No. 445, 27, 538, 2224, 295 163, and 963 as described on Exhibit "A" attached to and made a part hereof, by this Resolution and Order, be transferred to the City of Cottage Grove; and

WHEREAS, This action was initiated by the City without a County/City Roads Partnership Program Agreement; 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, Lane County and the City of Cottage Grove 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 on the attached Exhibit "A"; and

WHEREAS, there are no known objections to the proposed surrender and it appears that surrender of the segments of Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street South (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963) would be in the best interest of the County; and

WHEREAS, the Director of the Lane County Department of Public Works recommends that segments of Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street South (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963) be surrendered, as outlined in the Final Director's Report, Exhibit "B" attached hereto, and made a part hereof; and

WHEREAS, all legal notice has been provided regarding this matter as required by ORS 373.270, and evidenced by the Affidavit of Posting labeled as Exhibit "C", attached hereto, and made a part hereof; now therefore it is hereby

ORDERED, that Lane County, in accordance with ORS 373.270, hereby surrenders jurisdiction of segments Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street South (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963) as described in Exhibit "A" attached hereto, and made a part hereof, to the City of Cottage Grove; and it is further

ORDERED, that these legal proceedings be filed with the County Clerk's Office in the Commissioners' Journal of Administration, and that a copy be retained in the County Road Records administered by the Director of Public Works and the County Surveyor.

DATED this _____ day of _____, 2007

Chair

LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 10-24-07 lane county



OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

LEGAL DESCRIPTIONS

MILEAGE

COTTAGE GROVE CEMETERY ROAD (COUNTY ROAD NUMBER 445) 0.17

Beginning 443 feet west of the Southerly projection of the West line of Lot 1, one-half Block 5, D.G. McFARLAND'S FIFTH ADDITION TO COTTAGE GROVE, Oregon, as platted and recorded in Book 3, Page 65, Lane County, Oregon Plat Records, westerly approximately 885 feet to the southerly projection of the west boundary of parcel 1 of Land Partition Plat 2000-P1424, as platted and recorded in Lane County Deeds and Records, Lane County Oregon, all in Section 29, Township 20 South, Range 3 West of the Willamette Meridian.

COTTAGE GROVE-LORANE HIGHWAY (MARKET ROAD 27) 0.23

Beginning 443 feet west of the Southerly projection of the West line of Lot 1, one-half Block 5, D.G. McFARLAND'S FIFTH ADDITION TO COTTAGE GROVE, Oregon, as platted and recorded in Book 3, Page 65, Lane County, Oregon Plat Records, westerly and southwesterly approximately 1,220 feet to the center of the channel of what is commonly known as Silk Creek, all in Section 29, Township 20 South, Range 3 West of the Willamette Meridian.

6TH STREET SOUTH (COUNTY ROAD NUMBER 538) 0.15

Beginning at the westerly projection of the south boundary of GREENRIDGE, File 75, Slide 993, Lane County, Oregon Plat Records, southerly approximately 782 feet to a point approximately 6.5 feet south of the intersection of Cleveland Street and 6th Street, all in Section 4, Township 21 South, Range 3 West and Section 33, Township 20 South, Range 3 West of the Willamette Meridian.

SOUTH RIVER ROAD (COUNTY ROAD NUMBER 2224, 295 & 163) 0.42

Beginning at the easterly projection of the South boundary of Lot 1, Block 2 of WHITE HILLS, Book 49, Page 29, Lane County Oregon Plat Records, southerly along the 2003 road alteration approximately 1,850 feet to Highway 99; ALSO, the segment of County Road No. 295 lying easterly of the above described right of way from opposite station L2 2+974, southerly approximately 370 feet to the westerly projection of the north line of the tract of land conveyed to the State of Oregon by that certain deed recorded in Book 396, Page 417, Lane County, Oregon Deed Records all in Section 32, Township 20 South, Range 3 West of the Willamette Meridian.

NORTH RIVER ROAD (COUNTY ROAD NUMBER 963) 0.25

Beginning 140 feet North of Woodson Bridge, north approximately 1,320 feet to Bennett Creek Road all in Section 28, Township 20 South, Range 3 West of the Willamette Meridian.

The above descriptions are shown on Attachment "A" attached hereto and made a part hereof these descriptions.

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

FILE NO. 4151

IN THE MATTER OF THE SURRENDER OF) FIVE COUNTY ROADS, OR PORTIONS THEREOF,) TO THE CITY OF COTTAGE GROVE)	FINAL DIRECTOR'S REPORT
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Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street South (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963) were originally established as County Roads in 1896, 1925, 1904, 1855 and 1923 respectively. The segments of these roads now being proposed for surrender were annexed into the City between 1980 and 2006 by Annexation Orders EC CG 94-66, C CG 99-65, C CG 05-20, EC CG 91-22, EC CG 98-42, C CG 06-32, EC CG 05-44, and CG 80-20.

The City of Cottage Grove has enacted Resolution Number 1639 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 Resolution and Order, be transferred from Lane County to the City of Cottage Grove. This action was initiated by the City without a County/City Roads Partnership Program Agreement; however the public's interest has been determined to be benefited.

The proposed surrender includes approximately 0.17 miles for Cottage Grove Cemetery Road, 0.23 miles for Cottage Grove-Lorane Highway, 0.15 miles for 6th Street South, 0.42 miles for South River Road and 0.25 miles for North River Road for a total of approximately 1.22 miles of 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 or expedient and 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, to the same extent as it has over other public streets and alleys of the city.

All legal notices for the public hearing to consider the matter of the surrender of these segments of Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street South (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963) has been provided as required by ORS 373.270.

The surrender of these segments 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 specification, standards and timetables. It is therefore recommended that the segments of County Road Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorane Highway (Market Road 27), 6TH Street South (County Road Number 538), South River Road (County Road Number 2224, 295 & 163) and North River Road (County Road Number 963), as described in Exhibit "A", be surrendered to the City of Cottage Grove.

DATED this 23rd day of October, 2007.

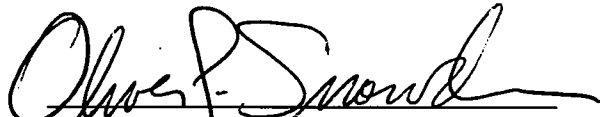

Department of Public Works
Oliver P. Snowden, Director

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

FILE NO. 4151

IN THE MATTER OF SETTING A PUBLIC HEARING)	
ON THE PROPOSAL TO SURRENDER FIVE)	AFFIDAVIT OF
COUNTY ROADS, OR PORTIONS THEREOF, TO)	POSTING
THE CITY OF COTTAGE GROVE)	

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

That on the 18th day of October, 2007, and in accordance with ORS 373.270, I caused to be posted nine (9) sets (two (2) pages each) of copies of the Notice of Hearing in the above entitled matter in nine (9) places, positioned to be visible to the traveling public, as follows:

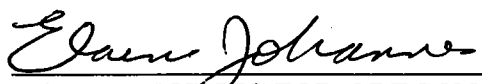
1. Posted on a power pole located at the northwest corner of Ash Avenue and Cemetery Road.
2. Posted on a power pole located at the northeast corner of Cottage Grove-Lorane Highway and Cemetery Road.
3. Posted on a power pole located at the southeast corner of Cottage Grove-Lorane Highway and Gowdyville Road.
4. Posted on a power pole located at the southwest corner of Bear Creek Road and North River Road.
5. Posted on a power pole located on the northeast corner of North River Road and Woodson Place.
6. Posted on a power pole located on the northwest corner of Whitman Boulevard and South River Road.
7. Posted on a power pole located at the southwest corner of South River Road and Highway 99.
8. Posted on a power pole located at the southeast corner of Wilson Avenue and 6th Street.
9. Posted on a power pole located on the west side of 6th Street at the east end of Cleveland Street.



 D. Michael Jackson
 Lane County Surveyor

Subscribed and sworn to before me this 22ND day of OCTOBER, 2007





 NOTARY PUBLIC FOR OREGON
 My Commission Expires: 3/16/11

ORIGINAL

EXHIBIT "D"

I, JOAN HOEHN CITY RECORDER OF THE CITY
OF COTTAGE GROVE, DO HEREBY CERTIFY THAT THE FOREGOING
DOCUMENT REPRESENTS A TRUE AND CORRECT COPY OF

Resolution No. 1639 ON FILE IN MY OFFICE.

Resolution No 1639

Signed: Joan Hoehn

**A RESOLUTION REQUESTING SURRENDER OF A PORTION OF
SEVERAL COUNTY ROADS LOCATED INSIDE THE CITY LIMITS OF
COTTAGE GROVE**

WHEREAS, the City of Cottage Grove has annexed land into the City including roads that are under Lane County jurisdiction; and

WHEREAS, the County will enact appropriate legislation transferring to City jurisdiction, roads that are annexed by the City pursuant to the County/City Roads Partnership Program Agreement; and

WHEREAS, the City will assume jurisdiction for County Roads within the City Limits; and


WHEREAS, those portions of Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorraine Highway (Market Road 27), North River Road (County Road Number 538), South River Road (County Road Number 2224, 295, & 163), and 6th Street South (County Road Number 963) as described by legal description in Exhibit "A" and shown in Exhibit "B" hereto have been annexed into the City;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Cottage Grove, in accordance with ORS 373.270(6) hereby requests and will accept full and complete jurisdiction over those portions of Cottage Grove Cemetery Road (County Road Number 445), Cottage Grove-Lorraine Highway (Market Road 27), North River Road (County Road Number 538), South River Road (County Road Number 2224, 295, & 163), and 6th Street South (County Road Number 963) as described by legal description in Exhibit "A" and shown in Exhibit "B" and by this reference incorporated as part of this resolution.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon adoption.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 10th
DAY OF SEPTEMBER 2007.

ATTEST:


Richard Meyers, City Manager
Date: Sept. 10, 2007

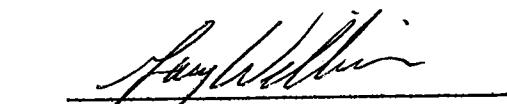

Gary Williams, Mayor
Date: Sept. 10, 2007

EXHIBIT "A"

LEGAL DESCRIPTIONS

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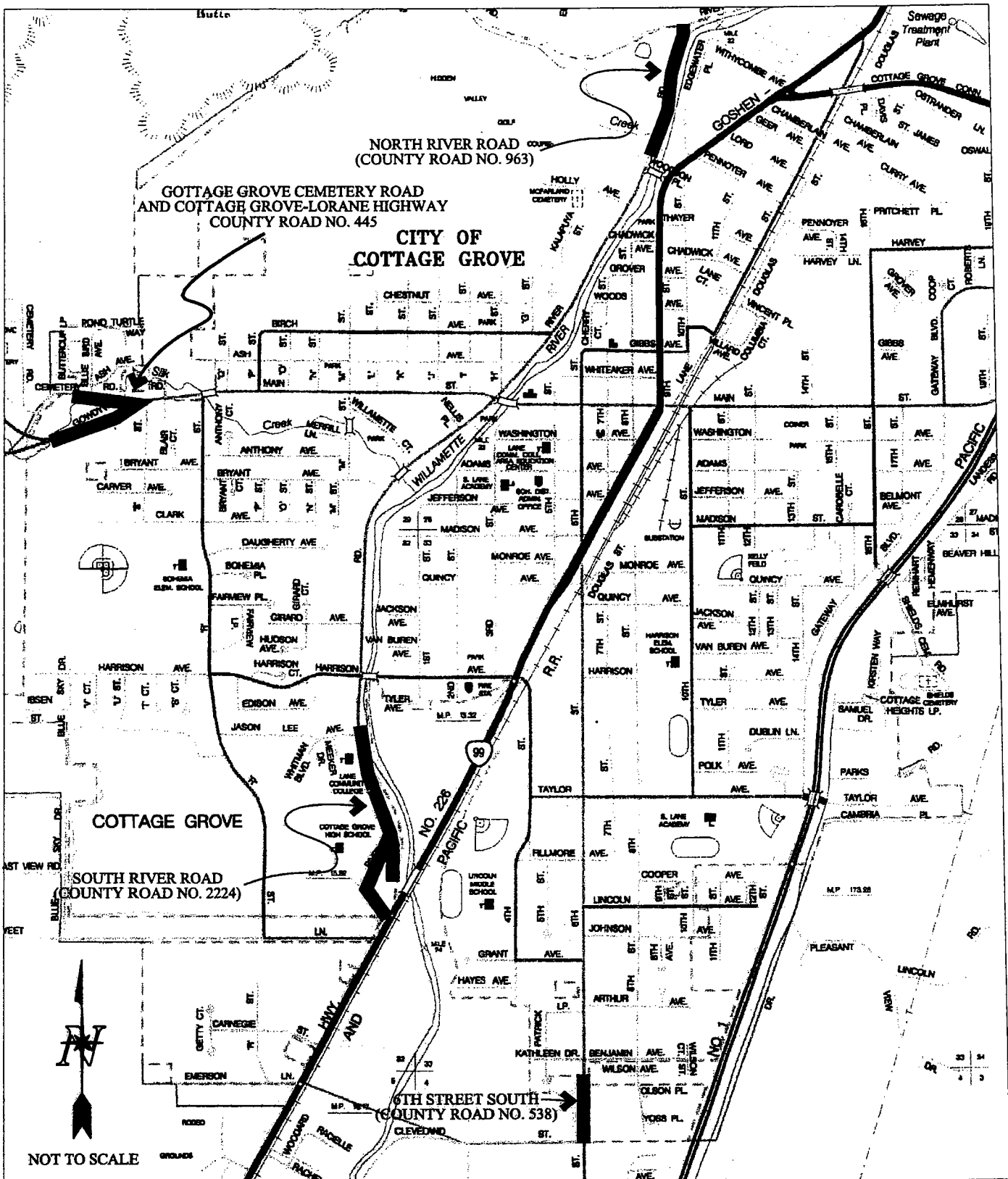
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ORIGINAL

EXHIBIT B

DEPICTION OF COUNTY ROADS
PROPOSED TO BE SURRENDERED
TO THE CITY OF COTTAGE GROVE
SECTION 4, T21S. R3W. & SECTIONS 29 & 32, T.20S., R.3W.



ATTACHMENT "A"

DEPICTION OF COUNTY ROADS
PROPOSED TO BE SURRENDERED
TO THE CITY OF COTTAGE GROVE
SECTION 4, T21S. R3W. & SECTIONS 29 & 32, T.20S., R.3W.

