


W.3.F.1.

ORIGINAL

Memorandum Date: September 4, 2007
Order Date: October 3, 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 ACCEPTING AN OFFER FROM THE OREGON DEPARTMENT OF TRANSPORTATION TRANSFERRING JURISDICTION OF A SECTION OF SPRINGFIELD-CRESWELL HIGHWAY, STATE HIGHWAY NO. 222 (JASPER ROAD) TO LANE COUNTY AS RIGHT OF WAY FOR COUNTY ROAD NO. 2273 (18-02-04, 05, 09, 10, 14 AND 15)**

I. MOTION

TO APPROVE THE ORDER ACCEPTING AN OFFER FROM THE OREGON DEPARTMENT OF TRANSPORTATION TRANSFERRING JURISDICTION OF A SECTION OF SPRINGFIELD-CRESWELL HIGHWAY, STATE HIGHWAY NO. 222 (JASPER ROAD) TO LANE COUNTY AS RIGHT OF WAY FOR COUNTY ROAD NO. 2273 (18-02-04, 05, 09, 10, 14 AND 15)

II. DISCUSSION

A. Background / Analysis

The Board through adoption of the Intergovernmental Agreement with the Oregon Department of Transportation has determined that it was necessary to transfer a 4.2 mile section of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) from the Oregon Department of Transportation (ODOT) to Lane County. The section of right of way extends from South 42nd Street to Jasper-Lowell Road.

Lane County is constructing a new arterial roadway in southeast Springfield, the Bob Straub Parkway, which requires approval from the ODOT to connect the south end to Springfield-Creswell Highway, State Highway No. 222 (Jasper Road). Pursuant ORS 366.290, the State and County may enter into agreements for the disposition of sections of any state highway that may be eliminated from the original route when the interests of the State are best served thereby.

By Order Number 07-5-16-4, the Board of Commissioners authorized the County Administrator to sign an intergovernmental agreement with ODOT concerning the transfer of a section of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) and on July 17, 2007, Lane County entered into an agreement to transfer jurisdiction.

Through Jurisdictional Transfer Document 786, ODOT deemed that the segment of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) is no longer needed for state highway purposes and resolved to transfer jurisdiction to Lane County as a County Road according to the terms and conditions therein.

Acceptance of the transfer of jurisdiction over this portion of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) appears to be consistent with Oregon Revised Statute Chapter 368 and Lane Code Chapter 15.

B. Recommendation

The Director of the Lane County Department of Public Works is in support of the jurisdictional transfer of this portion of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) to Lane County as right of way from the State to the County. Therefore, it is recommended that The Board of County Commissioners approve the Order Accepting the Transfer of Jurisdiction from the State to the County.

III. ATTACHMENTS

Final Order w/attachment:

Jurisdictional Transfer Document

Jurisdictional Transfer No. 786

JURISDICTIONAL TRANSFER DOCUMENT

**OR 222: Springfield South City Limits (SCL) – Jasper Bridge Project
Bob Straub Parkway: 57th Street – Jasper Road Project
Jasper Road (M.P. 0.80 to M.P. 5.11) Section
Springfield – Creswell Highway, State Highway No. 222
Lane County**

Pursuant to ORS 366.290, State and County may enter into agreements for the disposition of sections of any state highway that may be eliminated from the original route when the interests of the State are best served thereby. The eliminated section shall, if needed for the service of persons living thereon or for a community served thereby, be maintained by the State and/or County on such terms and conditions as may be agreed upon.

The Jasper Road (M.P. 0.80 to M.P. 5.11) Section of the Springfield-Creswell Highway, State Highway No. 222, is no longer needed for state highway purposes and has been eliminated by departmental resolution as a portion of the Springfield-Creswell Highway. The segment eliminated from the highway is designated as Unit A, as more fully described below, and as shown on the map attached hereto marked Exhibit A, Sheet 1, and by this reference made a part hereof. Unit A is needed for the service of persons living thereon or for a community served thereby.

Lane County and the Oregon Transportation Commission entered into an agreement on July 23, 2007, relating to the elimination disposition, maintenance and repair of Unit A. Said agreement provides that the Oregon Transportation Commission shall, by resolution, formally eliminate Unit A from the Springfield-Creswell Highway and the state highway system; that all right, title, and interest of the State of Oregon in Unit A shall be conveyed to the County; and that the Unit shall be maintained by the County as a portion of its county road system as long as needed for the service of persons living thereon or for a community served thereby.

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Jurisdictional Transfer No. 786

THEREFORE, IT HAS BEEN RESOLVED BY THE OREGON TRANSPORTATION COMMISSION AS FOLLOWS:

1. The Jasper Road (M.P. 0.80 to M.P. 5.11) Section of the Springfield-Creswell Highway, State Highway No. 222, in Lane County, Oregon, is no longer needed by the State of Oregon as a portion of the state highway system. Said portion hereinafter referred to as Unit A has been duly eliminated as a portion of the Springfield-Creswell Highway and the state highway system. All right, title, and interest of the State of Oregon in Unit A hereby passes to and vests in Lane County as a portion of its county road system as long as needed for the service of persons living thereon or a community served thereby.

Any right-of-way being transferred in which state has any title shall be vested in County only so long as used for public road purposes. If said right-of-way is no longer used for public road purposes, it shall automatically revert to State. Unit A is described as follows:

Unit A

All land within the right of way boundaries of the Springfield-Creswell Highway, State Highway No. 222 beginning at the Easterly edge of the South 42nd Street/Jasper Road intersection, said point of beginning being at approximately mile point 0.80; thence Easterly and Southeasterly to County Road No. 1020 (Jasper - Lowell Road), said ending point being at Engineer's Station 270+31.48, approximately mile point 5.11; said right of way boundaries being in Sections 4, 5, 9, 10, 14, and 15, Township 18 South, Range 2 West, W.M., Lane County, Oregon.

EXCEPTING therefrom that portion of said right of way boundaries occupied by the Willamette River Jasper Bridge No. 04117A.

2. The property above described is transferred subject to the rights of any utilities located within said property and further subject to the rights of the owners of said existing facilities if any there be, to operate, reconstruct, and maintain their utility facilities presently located within said property.

Jurisdictional Transfer No. 786

Under the authority delegated by the Oregon Transportation Commission to the Director in Delegation Order No. 2 dated June 18, 2003, the Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan For Jurisdictional Transfer No. 786 was approved on August 7, 2007.

The Oregon Transportation Commission, by a duly adopted Delegation Order No. 3, dated June 18, 2003, and Sub-Delegation Order No. 4, dated July 7, 2005, and Letter of Authority Paragraph No. 13, dated February 22, 2002, authorize the State Right of Way Manager to sign this Jurisdictional Transfer Document for and on behalf of the Commission.

By Deolinda G. Jones
Deolinda G. Jones,
State Right of Way Manager

Date: 8/8/07

STATE OF OREGON, County of Marion

Dated August 8, 2007 Personally appeared Deolinda G. Jones, who being sworn, stated that she is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document accurately reflects action taken by the Oregon Transportation Commission. Before me:

Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2007

Accepted on behalf of Lane County

By _____

Date _____



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

FILE NO. 4150

**IN THE MATTER OF ACCEPTING AN OFFER FROM)
THE OREGON DEPARTMENT OF TRANSPORTATION)
TRANSFERRING JURISDICTION OF A SECTION OF) ORDER
SPRINGFIELD-CRESWELL HIGHWAY, STATE)
HIGHWAY NO. 222 (JASPER ROAD) TO LANE)
COUNTY AS RIGHT OF WAY FOR COUNTY)
ROAD NO. 2273 (18-02-04, 05, 09, 10, 14 AND 15))**

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and the Board through adoption of an Intergovernmental Agreement with the Oregon Department of Transportation, has determined that it was necessary to transfer a 4.2 mile section of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) from the Oregon Department of Transportation (ODOT) to Lane County. The section of right of way extends from South 42nd Street to Jasper-Lowell Road; and

WHEREAS, Lane County desires to construct a new arterial roadway in southeast Springfield, the Bob Straub Parkway, which requires approval from the ODOT to connect the south end to Springfield-Creswell Highway, State Highway No. 222 (Jasper Road); and

WHEREAS, pursuant ORS 366.290, the State and County may enter into agreements for the disposition of sections of any state highway that may be eliminated from the original route when the interests of the State are best served thereby; and

WHEREAS, by Order Number 07-5-16-4, the Board of Commissioners authorized the County Administrator to sign an intergovernmental agreement with ODOT concerning the transfer of a section of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road); and

WHEREAS, on July 17, 2007, Lane County entered into an agreement with ODOT for cooperative improvements and transfer jurisdiction of a section of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road); and

WHEREAS, by Jurisdictional Transfer Document 786, ODOT deemed that the segment of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) is no longer needed for state highway purposes and resolved to transfer jurisdiction to Lane County as a County Road according to the terms and conditions therein; now therefore, it is hereby

ORDERED that Lane County accepts the offer made by Oregon Department of Transportation to transfer jurisdiction of the section of Springfield-Creswell Highway, State Highway No. 222 (Jasper Road) from South 42nd Street to Jasper-Lowell Road through the Jurisdictional Transfer Document, Jurisdictional Transfer No. 786 as County Road No. 2273 to be known as Jasper Road; and

ORDERED, the Jurisdictional Transfer Document, Jurisdictional Transfer No. 786, be signed and recorded in the Lane County Deeds and Records Office, and 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

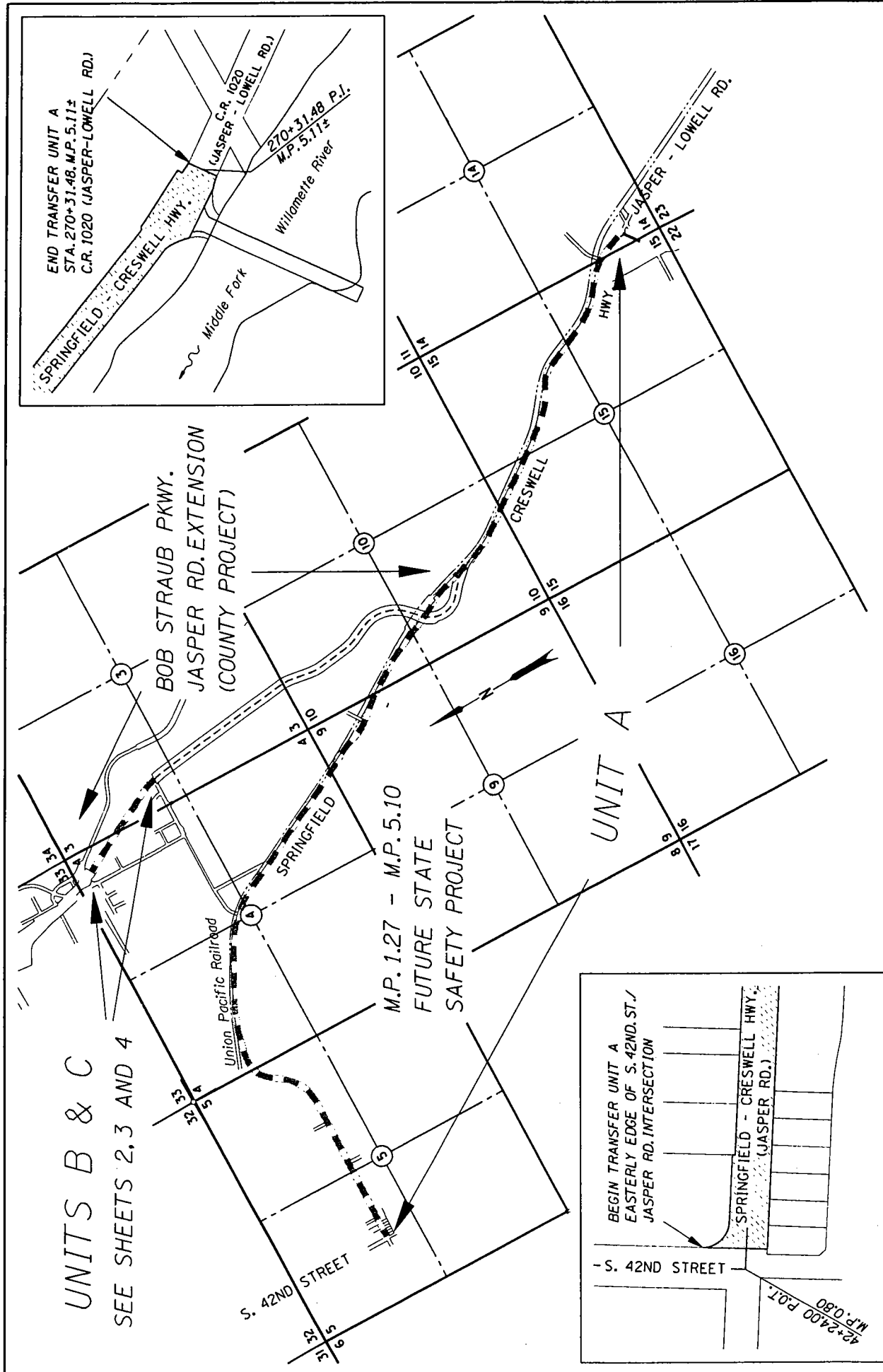
APPROVED AS TO FORM


Date 9-19-07 lane county


OFFICE OF LEGAL COUNSEL

Chair

LANE COUNTY BOARD OF COMMISSIONERS



OREGON DEPARTMENT OF TRANSPORTATION		Section	Jasper Road (M.P. 0.80 to M.P. 5.11)	Scale	1" = 2500'
 JURISDICTIONAL TRANSFER EXHIBIT A SHEET 1 OF 4		Highway	Springfield - Creswell Highway No. 222	Date	May, 2007
		County	Lane County	File	JT No. 786