

W. 3. F. 3.

ORIGINAL

Memorandum Date: September 14, 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 SETTING A PUBLIC HEARING ON THE PROPOSAL TO SURRENDER FIVE COUNTY ROADS, OR PORTIONS THEREOF, TO THE CITY OF COTTAGE GROVE

I. MOTION

TO APPROVE THE RESOLUTION AND ORDER TO SET A PUBLIC HEARING DATE OF NOVEMBER 7, 2007 AT 1:30 P.M. ON THE PROPOSAL TO SURRENDER FIVE COUNTY ROADS, OR PORTIONS THEREOF, TO THE CITY OF COTTAGE GROVE

II. DISCUSSION

A. Background / Analysis

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.

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 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 consisting of approximately 1.22 miles of right of way. Setting this date for the hearing will allow time for public posting or notice and is recommended as being appropriate.

The attached Resolution and Order will set a public hearing to consider the merits of the request for transfer of jurisdiction of the described segments of road from Lane County to the City of Cottage Grove as requested.

B. Recommendation

The Public Works Director's Preliminary Report recommends that the Board of Commissioners approve the Resolution and Order to set a public hearing date for the proposal to surrender segments of five County Roads, or portions thereof, as described in the Resolution and Order.

III. ATTACHMENTS

Resolution and Order w/attachments:

- Legal Descriptions – 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. 4151

**IN THE MATTER OF SETTING A PUBLIC HEARING)
ON THE PROPOSAL TO SURRENDER FIVE COUNTY) RESOLUTION AND
ROADS, OR PORTIONS THEREOF, TO THE CITY) ORDER
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 Nos. 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, 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 Cottage Grove those segments of said Cottage Grove Cemetery Road, Cottage Grove-Lorane Highway, 6TH Street South, South River Road and North River 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 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"; now therefore, it is hereby

ORDERED, that a public hearing be set for November 7, 2007 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 Cottage Grove, those 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) as described on 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 D. Michael Jackson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

DATED this _____ day of _____, 2007.

Chair

LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 9-21-07 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.

EXHIBIT "B"

**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 COUNTY ROADS, OR PORTIONS THEREOF, TO THE CITY OF COTTAGE GROVE) PRELIMINARY) DIRECTOR'S) REPORT)
--	--

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.

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 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

EXHIBIT "B"

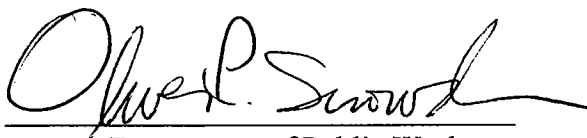
initiated by the City without a County/City Roads Partnership Program Agreement. Setting this date for the hearing will allow time for public posting or notice and is recommended as being appropriate.

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.

Legal notice for the public hearing to consider the matter of the surrender of these segments of County Road which includes approximately 0.17 miles for Cottage Grove Cemetery Road, 0.23 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 mile of surrendered County Road.

The proposed 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 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 Cottage Grove of said segments of County Roads.

DATED this 18th day of September, 2007.



Department of Public Works
Oliver P. Snowden, Director

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.

