


Memorandum Date: January 14, 2009
Order Date: February 4, 2009

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 PORTIONS OF RHODODENDRON DRIVE (CO. RD. NO. 65) AND SEBASTIAN STREET (CO. RD. NO. 1969) TO THE CITY OF FLORENCE

I. MOTION

TO APPROVE THE ORDER SURRENDERING PORTIONS OF RHODODENDRON DRIVE (CO. RD. NO. 65) AND SEBASTIAN STREET (COUNTY ROAD NUMBER 1969) TO THE CITY OF FLORENCE.

II. AGENDA ITEM SUMMARY

To decide whether or not to approve the Order surrendering portions of Rhododendron Drive (Co. Rd. No. 65) and Sebastian Street (Co. Rd. No. 1969) to the City of Florence.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Rhododendron Drive (County Road No. 65) was originally established in 1897 and then altered in 1968. Portions of this road have already been surrendered to the City of Florence. The portion of this road now being proposed for surrender was annexed to the City in 1991 by Annexation Order 937 (File C FL 91-01) and in 2007 by Annexation Order 1316 (File C FL 07-36).

Sebastian Street (County Road No. 1969) was originally dedicated to the public in 1960 by the plat of East Heceta Beach, and subsequently established as a county road in 1971. The portion of this road now being proposed for surrender was annexed to the City in 2007 by Annexation Order 1316 (File C FL 07-36)

The City of Florence has enacted Resolution Number 37, Series 2008 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 Florence.

By previous action, the Board of County Commissioners approved Resolution and Order

No. 09-1-7-11, setting a Public Hearing for February 4, 2009.

B. Policy Issues

ORS 373.270 provides for the transfer from county jurisdiction to city jurisdiction of county roads within the corporate limits of a city whenever the county governing body deems it 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 county roads or parts thereof to the same extent as it has over other public streets and alleys of the city.

C. Board Goals

Part of Lane County's Strategic Plan is to "contribute to appropriate community development in the area of transportation and.....land development" (Lane County Strategic Plan, Goals, P. 8). The surrender of these portions of county roads will be consistent with this goal by transferring jurisdiction of these rights of way, which lie within the city limits, to the City of Florence.

D. Financial and/or Resource Considerations

Since there is no current Partnership Program Agreement in effect, there is no monetary consideration associated with this surrender. Surrender of these portions of county roads will transfer maintenance, improvement and development responsibilities to the City of Florence. Acceptance of the proposed order will have nominal administrative and recording costs associated with the transfer.

E. Analysis

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

Resolution and Order No. 09-1-7-11 set a public hearing date of February 4, 2009 to consider the merits of transferring jurisdiction of the county roads listed in Exhibit "A" of the attached Order to the City of Florence. If the Board approves the surrender of jurisdiction of said roads it will complete the road surrender process.

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

F. Alternatives/Options

The Board of County Commissioners has the option to:

1. Approve the Order to surrender the jurisdiction of the portions of the county roads as described in Exhibit "A" to the City of Florence.
2. Deny all or any portion of the Order to surrender jurisdiction of said roads.

3. Postpone further action until a future date.

IV. TIMING/IMPLEMENTATION

Timing in this matter is important in order to facilitate timely jurisdictional developmental planning by the City of Florence associated with the subject roads and properties in the area.

V. RECOMMENDATION

The Director of the Lane County Department of Public Works has prepared a written report recommending that the Board support Option 1. This will approve the Order to surrender the portions of county roads as described in Exhibit "A" of the Final Order.

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"
- Director's Final Report - Exhibit "B"
- Affidavit of Posting - Exhibit "C"
- Resolution from City of Florence - Exhibit "D"
- Vicinity Map - Attachment "A"

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

FILE NO. 4148

**IN THE MATTER OF THE SURRENDER OF PORTIONS)
OF RHODODENDRON DRIVE (CO. RD. NO. 65) AND) FINAL ORDER NO.
SEBASTIAN STREET (CO. RD. NO. 1969) TO THE)
CITY OF FLORENCE)**

WHEREAS, by Resolution and Order Number 09-1-7-11 the Board of Commissioners set February 4, 2009 at 1:30 P.M. to conduct a public hearing on the matter of the surrender and transfer of jurisdiction of portions of Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969), which lie within the city limits, to the City of Florence; and

WHEREAS, Rhododendron Drive (County Road No. 65) was originally established in 1897, altered in 1968, and portions of it have already been surrendered to the City of Florence; and

WHEREAS, the portion of Rhododendron Drive (County Road No. 65) proposed for surrender was annexed to the City in 1991 by Annexation Order 937 (File C FL 91-01) and in 2007 by Annexation Order 1316 (File C FL 07-36); and

WHEREAS, Sebastian Street (County Road No. 1969) was originally dedicated to the public in 1960 by the plat of East Heceta Beach, and subsequently established as a county road in 1971; and

WHEREAS, the portion of Sebastian Street (County Road No. 1969) proposed for surrender was annexed to the City in 2007 by Annexation Order 1316 (File C FL 07-36); and

WHEREAS, the City of Florence has enacted Resolution Number 37, Series 2008, dated November 17, 2008, marked as Exhibit "D", attached hereto and made a part hereof by this Order, formally requesting that the jurisdiction of the subject portions of County Roads No. 65 and 1969 as described in the attached Exhibit "A", which lie within the city limits, be transferred to the City of Florence; and

WHEREAS, the City of Florence is requesting this surrender without a Partnership Program Agreement; and

WHEREAS, ORS 373.270 provides for the transfer from county jurisdiction to city jurisdiction of county roads within the corporate limits of a city whenever the county governing body deems it 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 county roads or parts thereof to the same extent as it has over other public streets and alleys of the city; and

WHEREAS, Lane County and the City of Florence 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 in the attached Exhibit "A"; and

WHEREAS, the roads, or portions thereof, proposed to be surrendered are described in Exhibit "A", attached hereto and made a part hereof by this Order; and

WHEREAS, the roads proposed to be surrendered as described in Exhibit "A" are depicted on map Attachment "A", also attached hereto and made a part hereof by this Order; and

WHEREAS, the Public Works Director of Lane County recommends that these roads be surrendered, as stated in the Final Director's Report, marked as Exhibit "B", attached hereto and made a part hereof by this Order; and

WHEREAS, all legal notice has been provided regarding this matter as required by law as witnessed by the Affidavit of Posting by the Lane County Surveyor marked as Exhibit "C", 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 portions of Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969) as described in the attached Exhibit "A" 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 portions of Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969) as described in the Exhibit "A" attached hereto and made a part hereof by this Order, to the City of Florence; and it is further

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

DATED this _____ day of _____, 2009

Chair

LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 1-22-9 lane county

[Signature]
OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

LEGAL DESCRIPTIONS

MILEAGE

RHODODENDRON DRIVE (COUNTY ROAD NUMBER 65)

1.32

All that portion of Rhododendron Drive (County Road Number 65) from the North line of the Southwest one-quarter of the Northwest one-quarter of Section 15, Township 18 South, Range 12 West of the Willamette Meridian, Northerly 1.3 miles, more or less, to the projection of the Northern Right of Way of Sebastian Street, all in Sections 4, 9, 10 and 15, Township 18 South, Range 12 West of the Willamette Meridian.

SEBASTIAN STREET (COUNTY ROAD NUMBER 1969)

0.11

All that portion of Sebastian Street (County Road Number 1969) within East Heceta Beach as Platted and Recorded in Book 30, Page 7, Lane County Deed Records, Lane County Oregon, from Rhododendron Drive, West 556 feet, more or less, to the Western boundary of said East Heceta Beach, all in Section 4, Township 18 South, Range 12 West of the Willamette Meridian.

The above descriptions for Rhododendron Drive and Sebastian Street are shown on Attachment "A" attached hereto and made a part hereof.

EXHIBIT "B"

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

FILE NO. 4148

IN THE MATTER OF THE SURRENDER OF PORTIONS OF RHODODENDRON DRIVE (CO. RD. NO. 65) AND SEBASTIAN STREET (CO. RD. NO. 1969) TO THE CITY OF FLORENCE))))	DIRECTOR'S FINAL REPORT
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Rhododendron Drive (County Road No. 65) was originally established in 1897 and then altered in 1968. Portions of this road have already been surrendered to the City of Florence. The portion of this road now being proposed for surrender was annexed to the City in 1991 by Annexation Order 937 (File C FL 91-01) and in 2007 by Annexation Order 1316 (File C FL 07-36).

Sebastian Street (County Road No. 1969) was originally dedicated to the public in 1960 by the plat of East Heceta Beach, and subsequently established as a county road in 1971. The portion of this road now being proposed for surrender was annexed to the City in 2007 by Annexation Order 1316 (File C FL 07-36).

The City of Florence has enacted Resolution Number 37, Series 2008 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 Florence. The City is requesting this surrender without a Partnership Program Agreement.

The proposed surrender includes approximately 1.32 miles of Rhododendron Drive and 0.11 miles (556 feet) of Sebastian Street.

By previous action, the Board of County Commissioners approved Resolution and Order No. 09-1-7-11, setting a Public Hearing for February 4, 2009.

ORS 373.270 provides for the transfer from county jurisdiction to city jurisdiction of county roads within the corporate limits of a city whenever the county governing body deems it 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 county roads or parts thereof to the same extent as it has over other public streets and alleys of the city.

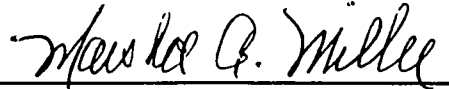
All legal notice for the public hearing to consider the matter of the surrender of these portions of county roads has been provided as required by ORS 373.270.

The surrender of these portions 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 specifications, standards and timetables. It is therefore recommended that the portions of

EXHIBIT "B"

Rhododendron Drive (County Road No. 65) and Sebastian Street (County Road No. 1969), as described in Exhibit "A", be surrendered to the City of Florence.

DATED this 21 day of January, 2009.



Director
Department of Public Works

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

FILE NO. 4148

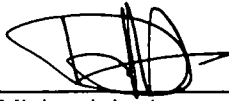
IN THE MATTER OF THE SURRENDER OF PORTIONS OF RHODODENDRON DRIVE (CO. RD. NO. 65) AND SEBASTIAN STREET (CO. RD. NO. 1969) TO THE CITY OF FLORENCE)))))	AFFIDAVIT OF POSTING
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I, D. Michael Jackson, Lane County Surveyor, certify as follows:

That on the 13th day of January, 2009, and in accordance with ORS 373.270, I caused to be posted eight (8) copies of the Notice of Hearing in the above entitled matter in eight (8) places, positioned to be visible to the traveling public, as follows:

1. Posted on a 4'x4'x6' sign post having no sign on the east side of Rhododendron Drive approximately 150 feet south of the Shelter Cove North entrance.
2. Posted on power pole number V10N4 at the northeast corner of the intersection of Saltaire Street and Rhododendron Drive at Idylewood South entrance.
3. Posted on power pole number V10E13 at the northeast corner of the northerly intersection of Rhododendron Loop and Rhododendron Drive.
4. Posted on a Stop sign post at the northeast corner of the intersection of Fawn View Lane and Rhododendron Drive at the exit to Fawn Ridge East.
5. Posted on a Stop sign post at the southwest corner of the intersection of the exit from Fawn Ridge West onto Rhododendron Drive.
6. Posted on a 10" diameter pine tree on the northerly side of Sebastian Street approximately 150 feet easterly from the westerly end of the portion of Sebastian Street to be surrendered, opposite Deer Crossing Way to the south.
7. Posted on a 10" diameter pine tree at the southwest corner of the intersection of Sebastian Street and Rhododendron Drive.
8. Posted on a 4'x4'x5' sign post having a blank sign board on the northerly side of North Jetty Road approximately 75 feet westerly from the intersection of North Jetty Road and Rhododendron Drive.

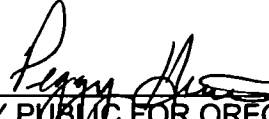
(Signature and Notary Page Follows)



D. Michael Jackson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 14th day of January, 2009 by
D. Michael Jackson.



NOTARY PUBLIC FOR OREGON
My Commission Expires:

**CITY OF FLORENCE
RESOLUTION NO. 37, SERIES 2008**

**A RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF LANE
COUNTY TO SURRENDER PORTIONS OF RHODODENDRON DRIVE AND
SEBASTIAN STREET IN FLORENCE, OREGON.**

WHEREAS, the following streets were included in the Fawn Ridge annexation:
Rhododendron Drive from the existing city limits north to the northern edge of its intersection with Sebastian Street; and Sebastian Street from its intersection with Rhododendron Drive west to the western edge of Heceta Beach East Subdivision more particularly described in Exhibit "A".

WHEREAS, as part of the annexation, the City of Florence entered into an agreement with James H. Hurst to provide sanitary sewer service along Rhododendron Drive to serve the development within the two subdivisions; and

WHEREAS, the City of Florence has determined that it is of greater benefit to the public to provide sanitary sewer service to the homes within Fawn Ridge subdivisions than to have portions of Rhododendron Drive and Sebastian Street brought up to urban standards; and

WHEREAS, in order to allow the County to release the developer from the urban street improvements as required per the subdivision approvals, the City of Florence is willing to assume jurisdiction of the annexed portions of Rhododendron Drive and Sebastian Street; and

WHEREAS, the City Council of the City of Florence has determined that it is in the greater public interest to seek surrender of jurisdiction from the Board of Commissioners of Lane County of those portions of Rhododendron Drive and Sebastian Street; and


WHEREAS, in the event such a surrender occurs, the City of Florence assumes all jurisdiction of said streets in existing condition and assumes all maintenance responsibilities;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FLORENCE, a municipal corporation of the State of Oregon, as follows:

Section 1. The Board of Commissioners of Lane County is hereby requested to surrender to the City of Florence those streets described and set forth in Exhibit "A".

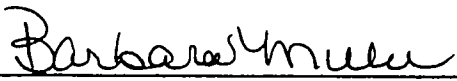
Section 2. City of Florence staff personnel are hereby directed to provide Lane County with all information and documentation requested in order to support this Resolution to the Board of Commissioners of Lane County.

Adopted by the Florence City Council this 17th day of November, 2008.



Phil Brubaker, Mayor

ATTEST:



Barbara Miller, City Recorder

EXHIBIT "A"

LEGAL DESCRIPTIONS

MILEAGE

RHODODENDRON DRIVE (COUNTY ROAD NUMBER 65)

1.32

All that segment of Rhododendron Drive (County Road Number 65, from the North line of the Southwest one-quarter of the Northwest one-quarter of Section 15, Township 18 South, Range 12 West of the Willamette Meridian, Northerly 1.3 miles, more or less, to the projection of the Northern Right of Way of Sebastian Street, all in Sections 4, 9, 10 and 15, Township 18 South, Range 12 West of the Willamette Meridian.

SEBASTIAN STREET (COUNTY ROAD NUMBER 1969)

0.11

All that segment of Sebastian Street within East Heceta Beach as Platted and Recorded in Book 30, Page 7, Lane County Deed Records, Lane County Oregon, from Rhododendron Drive, West 556 feet, more or less, to the Western boundary of said East Heceta Beach, all in Section 4, Township 18 South, Range 12 West of the Willamette Meridian.

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

ATTACHMENT "A"
 DEPICTION OF COUNTY ROADS
 PROPOSED TO BE SURRENDERED
 TO CITY OF FLORENCE
 SECTIONS 4, 9, 10 & 15, T.18S., R.12W.

