

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 18-03-20-03

IN THE MATTER OF SURRENDER OF A PORTION OF
CLEVELAND STREET (COUNTY ROAD NUMBER 1956)
TO THE CITY OF COTTAGE GROVE (21-03-04)

WHEREAS, the Board of Commissioners approved Order Number 18-02-13-05 setting March 20, 2018 at 1:30 p.m. to conduct a Public Hearing on the matter of the surrender and transfer of jurisdiction of a portion of Cleveland Street, as described in Exhibit "A", to the City of Cottage Grove; and

WHEREAS, the City of Cottage Grove, by Resolution No. 1949 dated January 22, 2018, marked as Exhibit "B", which is attached and made a part of this Order, formally requested jurisdiction over the portion of the above mentioned Cleveland Street (County Road No. 1956) be transferred to the City of Cottage Grove; and

WHEREAS, the portion of Cleveland Street herein proposed for surrender extends from the westerly right of way of S. 6th Street, thence westerly approximately 0.25 miles as described in Exhibit "A"; and

WHEREAS, the portion of Cleveland Street proposed for surrender, lies entirely within the city limits of Cottage Grove; and

WHEREAS, this section of road was annexed into the City of Cottage Grove by Final Order EC CG 08-23, dated March 25, 2008; and

WHEREAS, this transfer comes as the final action of an agreement between Lane County and the City of Cottage Grove as part of the City's consideration for the purchase of land formerly owned by Lane County, identified as Tax Lot 602 on Assessor's Map 20-03-32. The Board of County Commissioners approved this sale on January 30, 2018, pursuant to Order No. 18-01-30-06; and

WHEREAS, ORS 373.270 provides for the surrender and 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

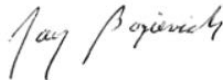
WHEREAS, the Public Works Director of Lane County has recommended this road be surrendered, as stated in the Director's Final Report, marked as Exhibit "C" which is attached hereto and made a part hereof by this Order; and

WHEREAS, all legal notice has been provided regarding this matter as required by law as witnessed by an Affidavit of Posting by the Lane County Surveyor, marked as Exhibit "D", attached and made a part of this Order; and

NOW, THEREFORE, the Board of Commissioners of Lane County **ORDERS** as follows:

1. Lane County, in accordance with ORS 373.270, hereby surrenders jurisdiction of the portion of Cleveland Street (County Road Number 1956), as described in Exhibit "A" and shown on Exhibit "E", to the City of Cottage Grove;
2. This Order to be filed with the Lane County Clerk in the Commissioner's Journal of Administration and copies forwarded to the Lane County Surveyor and Department of Public Works for updating appropriate indexes and County Road records.

ADOPTED this 20th day of March, 2018.



Jay Bozievich, Chair
LANE COUNTY BOARD OF COMMISSIONERS

EXHIBIT "A"

LEGAL DESCRIPTION

MILEAGE

CLEVELAND STREET (COUNTY ROAD NUMBER 1956)

0.25

All that portion of Cleveland Street (County Road Number 1956) from the westerly right of way of South 6th Street, thence westerly approximately 1300 feet to the westerly end of the dedicated right of way conveyed to Lane County on a Warranty Deed recorded on Reel 67-55D, Reception No. 66625 and on a Warranty Deed recorded on Reel 2163R, Reception No. 9624503, Lane County, Oregon Deed Records. The portion of Cleveland Street described herein is all within the Northwest quarter (NW ¼) of Section 4, Township 21 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

EXHIBIT "B"

RESOLUTION NO. 1949

**A RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF LANE COUNTY
TO SURRENDER JURISDICTION OF PORTIONS OF COUNTY ROAD NO. 1956,
CLEVELAND STREET, IN COTTAGE GROVE, OREGON.**

WHEREAS, the City Council of the City of Cottage Grove has determined that it is in the public interest to seek surrender of jurisdiction from the Board of Commissioners of Lane County the portion of County Road Number 1956, Cleveland Street, located in Cottage Grove, Oregon, described in Exhibit A; and

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


WHEREAS, the Board of Commissioners of Lane County, Oregon has authority under provisions of ORS 373.270 to release jurisdiction over county roads within the limits of the City of Cottage Grove, and should be requested to do so.

NOW THEREFORE, BE IT RESOLVED by the City of Cottage Grove that:

Section 1. The Board of County Commissioners of Lane County is hereby requested to surrender to the City of Cottage Grove portions of County Road Number 1956, Cleveland Street, as described in Exhibit A.


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

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 22ND DAY OF JANUARY, 2018.



Jeffrey D. Gowing, Mayor
Dated: January 22, 2018

ATTEST:



Richard Meyers, City Manager
Dated January 22, 2018

EXHIBIT A of EXHIBIT "B" - Resolution No. 1949

LEGAL DESCRIPTION

MILEAGE

CLEVELAND STREET (COUNTY ROAD NUMBER 1956)

0.25

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EXHIBIT "C"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S FINAL REPORT

IN THE MATTER OF SURRENDER OF A PORTION
OF CLEVELAND STREET (COUNTY ROAD
NUMBER 1956) TO THE CITY OF COTTAGE
GROVE (21-03-04)

The City of Cottage Grove has adopted Resolution No. 1949, dated January 22, 2018, formally requesting the transfer of jurisdiction of a portion of Cleveland Street (County Road No. 1956) within their city limits.

By previous action, the Board of County Commissioners approved Order No. 18-02-13-05 setting a Public Hearing date of March 20, 2018.

This transfer comes as the final action of an agreement between Lane County and the City of Cottage Grove as part of the City's consideration for the purchase of land formerly owned by Lane County, identified as Tax Lot 602 on Assessor's Map 20-03-32. The Board of County Commissioners approved this sale on January 30, 2018, pursuant to Order No. 18-01-30-06.

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.

Legal notice for the Public Hearing to consider the matter of the surrender of the described portion of Cleveland Street has been provided as required by ORS 373.270.

The surrender of this portion of Cleveland Street will enable the City to maintain, develop, and improve the road to the City's own specifications, standards, and timetables. It is therefore recommended the portion of Cleveland Street (County Road Number 1956) described in Exhibit "A" of the Order, be surrendered to the City of Cottage Grove as it will be in the best interest of the County.

DATED this 6th day of March, 2018.



Dan Hurley, Interim Director
Department of Public Works

EXHIBIT "D"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON


AFFIDAVIT OF POSTING

IN THE MATTER OF SURRENDER OF A PORTION OF CLEVELAND STREET (COUNTY ROAD NUMBER 1956) TO THE CITY OF COTTAGE GROVE (21-03-04)

I, Mikeal J. Blommé, Lane County Surveyor, certify as follows:

On the 27th day of February, 2018, and in accordance with ORS 373.270, I 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:

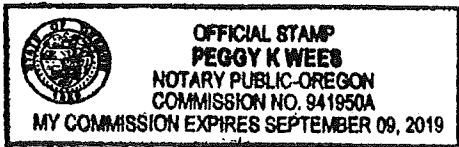
1. Posted on an EPUD guy pole identified as Pole Inventory No. A0907052, located on the north side of Cleveland Street at its intersection with S. 6th Street.
2. Posted on EPUD Power Pole No. 040800, located on the south side of Cleveland Street at its most westerly end near the end of county maintenance sign.
3. Posted on EPUD Power Pole No. 041802, located on the south side of Cleveland Street, immediately east from the driveway to address 32320 Cleveland Street.

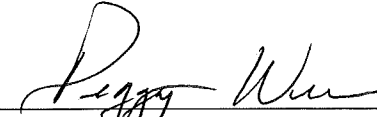


 Mikeal J. Blommé
 Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 27th day of February, 2018 by Mikeal J. Blommé, Lane County Surveyor.





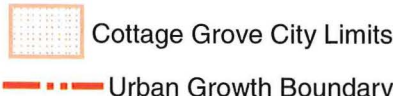
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: Sept. 9, 2019

EXHIBIT "E"



NO SCALE

**Portion of Cleveland Street
To be Surrendered to the City of Cottage Grove**
NW 1/4 Section 4, T. 21S. R. 3. W.M.
Lane County

 Cottage Grove City Limits
Urban Growth Boundary

