



Memorandum Date: January 6, 2023
Order Date: January 24, 2023

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Surveyors

PRESENTED BY: Mikeal Jay Blommé, County Surveyor *MB*

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF THE SURRENDER OF FIVE COUNTY ROADS OR PORTIONS THEREOF TO THE CITY OF COTTAGE GROVE WITH A PUBLIC HEARING.

I. MOTION

APPROVE THE ORDER TO SURRENDER SIX SECTIONS OF FIVE COUNTY ROADS TO THE CITY OF COTTAGE GROVE.

II. AGENDA ITEM SUMMARY

The City of Cottage Grove has requested the surrender of six sections of five County Roads located within an annexed portion of the City limits of Cottage Grove. As provided by ORS 373.270, this action requires a Public Hearing to consider public testimony prior to action by the Board.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The City of Cottage Grove, pursuant to Resolution No. 2082, dated November 14, 2022, is formally requesting jurisdiction over six sections of the following five County Roads:

- Airport Road (Thornton Road South, County Road No. 728).
- W. Main Street (Cottage Grove-Lorane Road, County Road No. 2272).
- N. Douglas Street (Conner Road, County Road No. 1220).
- N. Lane Street (Walker-Cottage Grove Change in the Pacific Highway, County Road No. 862).
- Sweet Lane (J.H. Chambers Road, County Road No. 860).

The portions of roads proposed for surrender as described on Exhibit "A" to the Order have been annexed into the City limits of Cottage Grove and consist of approximately 1.47 miles of right of way collectively.

Airport Road, two sections of W. Main Street and Sweet Lane are currently under the jurisdiction of Lane County. Lane County Roads Division routinely maintains these four sections of roads, as they are known to be in the County Road inventory.

Cottage Grove Public Works Staff recently inquired to Lane County Staff as to the jurisdictional status of N. Douglas Street and N. Lane Street. Research by our office revealed there are no records to indicate that these two sections of road have been lawfully surrendered from Lane County to Cottage Grove. At the City's request, these two roads are being included in this action to update the County Road records. It should be noted that the City has long believed that they had jurisdictional and maintenance responsibilities of these roads for many years.

In 2021, Lane County Roads Division chip-sealed a section of Cottage Grove-Lorane Road under the jurisdiction of Cottage Grove. In exchange for the work, the City agreed to annex the sections of Cottage Grove-Lorane Road still in Lane County's jurisdiction and request surrender of the road when annexation was complete. Approving this action will complete the agreement between Lane County and Cottage Grove.

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

This action is consistent with Lane County's Strategic Plan of working together to create vibrant communities. Surrendering the portions of County Roads that have been annexed into the City of Cottage Grove will allow them to maintain, develop and improve them as necessary to the City's specifications, standards, and timetables.

D. Financial and/or Resource Considerations

Surrender of these roads will relieve the County of the obligation of future road maintenance and permitting activities.

E. Health Implications

There are no significant health implications.

F. Analysis

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 City of Cottage Grove has adopted Resolution No. 2082, dated November 14, 2022, formally requesting jurisdiction over six sections of five County Roads within the city limits be transferred from Lane County to the City of Cottage Grove. Legal notice has been provided by posting as required by ORS 373.270.

G. Alternatives/Options

The Board of County Commissioners has the option to:

1. Approve the Order to surrender the six sections of five County Roads as described in Exhibit "A" to the Order to the City of Cottage Grove; or
2. Deny the Order and direct staff otherwise.

IV. RECOMMENDATION

The Public Works Director's Final Report recommends the Board of County Commissioners approve the Order to Surrender the County Roads, as described in Exhibit "A" to the Order, to the City of Cottage Grove.

V. TIMING/IMPLEMENTATION

The Board is being asked to consider this action in a timely matter.

VI. FOLLOW-UP

If approved by the Board, the County's involvement in the process will be concluded. The County Clerk shall file the Order in the Commissioner's Journal of Administration and forward copies to the Lane County Surveyor and Public Work's Director for updating appropriate indexes and County Road records.

VII. ATTACHMENTS

Order with Exhibits:

- Legal Description – Exhibit "A"
- Director's Final Report – Exhibit "B"
- Cottage Grove Resolution No. 2082 – Exhibit "C"
- Affidavit of Posting – Exhibit "D"
- Vicinity Maps – Exhibit "E"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-01-24-06

IN THE MATTER OF THE SURRENDER OF FIVE
COUNTY ROADS OR PORTIONS THEREOF TO THE
CITY OF COTTAGE GROVE WITH A PUBLIC
HEARING.

WHEREAS, the City of Cottage Grove, pursuant to Resolution 2082, dated November 14, 2022, has requested the jurisdiction over six sections of five County Roads be transferred to the City of Cottage Grove; and

WHEREAS, the Board of County Commissioners approved Order Number 22-12-06-04 setting January 24, 2023 at 1:30 p.m. to conduct a Public Hearing on the matter of the surrender of the County Roads as described in Exhibit "A," to the City of Cottage Grove; and

WHEREAS, the Board of County Commissioners held a Public Hearing on the aforementioned time and date to allow public testimony for consideration, prior to approving or denying these proceedings; and

WHEREAS, the portions of County Roads herein proposed for surrender are those portions described in attached Exhibit "A," and depicted on Exhibit "E;" and

WHEREAS, the County Roads herein proposed for surrender lie entirely within the City limits of Cottage Grove; 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 these roads be surrendered, as stated in the Director's Final Report, marked as Exhibit "B," attached hereto and made a part of 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 hereto 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 six portions of five County Roads as described in Exhibit "A" and depicted on Exhibit "E," to the City of Cottage Grove.
2. This Order shall 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 24th day of January 2023.

Pat Farr, Chair
Lane County Board of Commissioners

EXHIBIT "A"

LEGAL DESCRIPTION	MILEAGE

AIRPORT ROAD (COUNTY ROAD NUMBER 728)	0.05
All that portion of Thornton Road South (County Road Number 728), commonly known as Airport Road, beginning at the easterly end of that portion of County Road No. 728 as surrendered to the City of Cottage Grove per Board of County Commissioners Final Order No. 02-05-1-16; thence in a northeasterly direction ending at that portion of County Road No. 728 vacated by Lane County pursuant to Vacation Order No. 3409, and there ending, all located in the East one-half (E 1/2) of Section 27, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.	
COTTAGE GROVE-LORANE ROAD (COUNTY ROAD NUMBER 2272)	0.08
Beginning at 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; thence Westerly and Southwesterly 443 feet, more or less, to the beginning point of that portion of Cottage Grove-Lorane Road as surrendered to the City of Cottage Grove per Board of County Commissioner's Final Order No. 07-11-7-7, all in Section 29, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.	
COTTAGE GROVE-LORANE ROAD (COUNTY ROAD NUMBER 2272)	0.02
Beginning at the ending point of that portion of Cottage Grove-Lorane Road as surrendered to the City of Cottage Grove per Board of County Commissioner's Final Order No. 07-11-7-7, said beginning point also being the center of the channel of what is commonly known as Silk Creek; thence in a westerly direction to the current city limit line in the vicinity of the easterly margin of Cemetery Road, all in Section 29, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.	
N. DOUGLAS STREET (COUNTY ROAD NUMBER 1220)	0.28
All of Lane County's interest in Conner Road (County Road No. 1220), commonly known as N. Douglas Street, beginning at the South line of Lot 1 of the Plat of the Division of the Robert Cochran Estate, platted and recorded in Book 2, Page 41, Lane County Oregon Plat Records; thence in a Northeasterly direction 1465.9 feet, more or less, to the North line of Lot 4 of said plat, all located in the Northeast one-quarter (NE 1/4) of Section 28, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.	

EXHIBIT "A"

N. LANE STREET (COUNTY ROAD NUMBER 862)

0.47

All of Lane County's interest in Walker-Cottage Grove Change in the Pacific Highway (County Road No. 862), commonly known as N. Lane Street, beginning at the ending point of said County Road No. 862; thence in a northeasterly direction 2470 feet, more or less, to the current city limit line for the City of Cottage Grove in the vicinity the southerly right of way margin of N. River Road at its intersection with U.S. Highway No. 99, all in the Northeast one-quarter (NE 1/4) of Section 28, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

SWEET LANE (COUNTY ROAD NUMBER 860)

0.57

All that portion of J.H. Chambers Road (County Road No. 860), commonly known as Sweet Lane, located between the westerly right of way margin of U.S. Highway No. 99 and the current City Limits and Urban Growth Boundary for the City of Cottage Grove at Blue Sky Drive, all located in the South one-half (S 1/2) of Section 32, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

EXHIBIT "B"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S FINAL REPORT

IN THE MATTER OF THE SURRENDER OF FIVE
COUNTY ROADS OR PORTIONS THEREOF TO
THE CITY OF COTTAGE GROVE WITH A PUBLIC
HEARING.

The City of Cottage Grove has adopted Resolution No. 2082, dated November 14, 2022, formally requesting the transfer of six sections of five County Roads within their city limits.

ORS 373.270 provides for the transfer of jurisdiction over a County Road within a City. The County may transfer jurisdiction over a County Road or portion thereof within a City when it is considered to be 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 Road or part thereof to the same extent as it has over public streets and alleys of the City. ORS 373.270 also requires a public hearing for these proceedings, with notice to the public provided by posting or publication. Legal notice has been provided by posting as required by ORS 373.270.

The combined portions of the County Roads consist of approximately 1.47 miles of right of way as described on Exhibit "A," and depicted on Exhibit "E," attached to and made a part of the Order requesting surrender of said roads. The subject portions of roads are currently under the jurisdiction of Lane County, and the transfer of jurisdiction over these County Roads would enable the City to maintain, develop, and improve the roads to the City's own specifications, standards, and timetables. Annexation of all roads has recently been completed by the City.

Lane County Roads Division recently chip-sealed a section of Cottage Grove-Lorane Road under the jurisdiction of Cottage Grove. In exchange for the work, the City agreed to annex the sections of Cottage Grove-Lorane Road still in Lane County's jurisdiction and request surrender of the road when annexation was complete. Approving this action will complete the agreement between Lane County and Cottage Grove, as well as transfer jurisdiction of several other County Roads located within the city limits to Cottage Grove at their request.

Approving this surrender will also relieve Lane County from its obligation for annual road maintenance, and permitting activities.

EXHIBIT "B"

It is therefore recommended that the portions of County Roads, as 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 City and County.

DATED this _____ day of _____, 2023.

Dan Hurley, Director
Department of Public Works

RESOLUTION NO. 2082

A RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF LANE COUNTY
TO SURRENDER JURISDICTION OF VARIOUS ROAD SECTIONS WITHIN THE
INCORPORATED CITY LIMITS OF COTTAGE GROVE

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 for various road sections within the incorporated city limits of Cottage Grove as described in Exhibit A; and

WHEREAS, in the event that such a surrender occurs, the City of Cottage Grove assumes all jurisdiction of said road sections in their existing conditions and all maintenance responsibilities; and

WHEREAS, the Board of Commissioners of Lane County, Oregon has authority under provision 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.

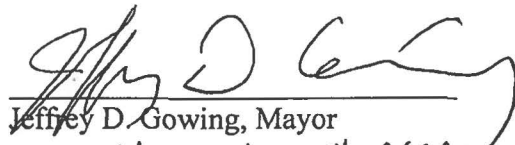
NOW, THEREFORE, BE IT RESOLVED by the City of Cottage Grove that:

Section 1. The Board of County Commissioners of Lane County is hereby requested to surrender to the City of Cottage Grove the road sections 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 Commissioners of Lane County.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its passage.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 14TH DAY OF
NOVEMBER 2022.


Jeffrey D. Gowing, Mayor
Date: November 14, 2022

ATTEST:

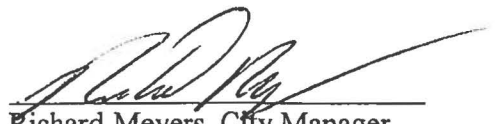

Richard Meyers, City Manager
Date: November 17, 2022

EXHIBIT "A" of Exhibit "C"

LEGAL DESCRIPTION

MILEAGE

AIRPORT ROAD (COUNTY ROAD NUMBER 728)

0.05

All that portion of Thornton Road South (County Road Number 728), commonly known as Airport Road, beginning at the easterly end of that portion of County Road No. 728 as surrendered to the City of Cottage Grove per Board of County Commissioners Final Order No. 02-05-1-16; thence in a northeasterly direction ending at that portion of County Road No. 728 vacated by Lane County pursuant to Vacation Order No. 3409, and there ending, all located in the East one-half (E 1/2) of Section 27, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

COTTAGE GROVE-LORANE ROAD (COUNTY ROAD NUMBER 2272)

0.08

Beginning at 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; thence Westerly and Southwesterly 443 feet, more or less, to the beginning point of that portion of Cottage Grove-Lorane Road as surrendered to the City of Cottage Grove per Board of County Commissioner's Final Order No. 07-11-7-7, all in Section 29, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

COTTAGE GROVE-LORANE ROAD (COUNTY ROAD NUMBER 2272)

0.02

Beginning at the ending point of that portion of Cottage Grove-Lorane Road as surrendered to the City of Cottage Grove per Board of County Commissioner's Final Order No. 07-11-7-7, said beginning point also being the center of the channel of what is commonly known as Silk Creek; thence in a westerly direction to the current city limit line in the vicinity of the easterly margin of Cemetery Road, all in Section 29, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

N. DOUGLAS STREET (COUNTY ROAD NUMBER 1220)

0.28

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EXHIBIT "A" of Exhibit "C"

N. LANE STREET (COUNTY ROAD NUMBER 862)

0.47

All of Lane County's interest in Walker-Cottage Grove Change in the Pacific Highway (County Road No. 862), commonly known as N. Lane Street, beginning at the ending point of said County Road No. 862; thence in a northeasterly direction 2470 feet, more or less, to the current city limit line for the City of Cottage Grove in the vicinity the southerly right of way margin of N. River Road at its intersection with U.S. Highway No. 99, all in the Northeast one-quarter (NE 1/4) of Section 28, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

SWEET LANE (COUNTY ROAD NUMBER 860)

0.57

All that portion of J.H. Chambers Road (County Road No. 860), commonly known as Sweet Lane, located between the westerly right of way margin of U.S. Highway No. 99 and the current City Limits and Urban Growth Boundary for the City of Cottage Grove at Blue Sky Drive, all located in the South one-half (S 1/2) of Section 32, Township 20 South, Range 3 West of the Willamette Meridian, Lane County, Oregon.

EXHIBIT "D"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

AFFIDAVIT OF POSTING

IN THE MATTER OF THE SURRENDER OF FIVE
COUNTY ROADS OR PORTIONS THEREOF TO
THE CITY OF COTTAGE GROVE WITH A PUBLIC
HEARING

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

On December 9, 2022, and in accordance with ORS 373.270, I caused to be posted the Notice of Hearing in the above entitled matter in seventeen (17) places, positioned to be visible to the traveling public, as follows:

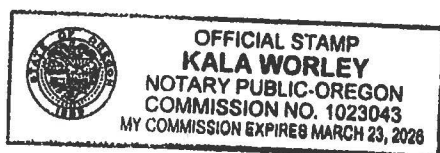
1. Power pole at intersection of Hwy 99 and Sweet Ln, south side of the road.
2. Power pole 326212 at intersection of S. R St. and Sweet Ln, south side of the road.
3. Power pole 326210 at intersection of S. R St. & Sweet Ln, north side of the road.
4. Power pole A0529053 at the intersection of Blue Sky Dr. & Sweet Ln, north side of the road.
5. Power pole 286502 at intersection of Pennoyer Ave & N. Lane St, east side of street.
6. Power pole at intersection of Lord Ave & N. Lane St, west side of street.
7. Power pole 287602 at RR Crossing between Geer Ave & Chamberlain Ave, east side of street.
8. Power pole 288800 at intersection of Hwy 99 & N. Lane St east side of street.
9. Power pole 286505 at intersection of Pennoyer Ave & Douglas St, west side of street.
10. Power pole A4377286 at intersection of Lord Ave & Douglas St, east side of street.
11. Power pole at intersection of Ostrander & Douglas St, west side of street.
12. Power pole east of the S. R St. & W. Main St. intersection on the north side of the street.
13. Power pole painted black on W. Main St. between S. R St. & S. S St on the south side of the street.
14. Power pole at the intersection of W. Main St. & Gowdyville on the south side of the street.
15. Power pole 275463 on west side of Airport Rd. South of No Trespassing sign
16. Power pole 275462 on west side of Airport Rd by green transformer.
17. Power pole 274461 on west side of Airport Rd where Thornton Ln turns into Airport Rd.



Mikeal J. Blommé, PLS
Lane County Surveyor

State of Oregon)
County of Lane) §

Subscribed and sworn to before me this 9 day of DECEMBER, 2022 by Mikeal J. Blommé, Lane County Surveyor.



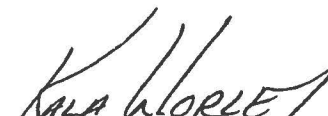

NOTARY PUBLIC FOR OREGON
My Commission Expires: MARCH 23, 2026

EXHIBIT "E"
PORTION OF AIRPORT ROAD (CO. RD. NO 728)
TO BE SURRENDERED TO THE CITY OF COTTAGE GROVE.

SE 1/4 SEC. 27 T. 20S. R.3W. W.M.
Cottage Grove, Lane County, Oregon

N
NO SCALE

 COTTAGE GROVE UGB

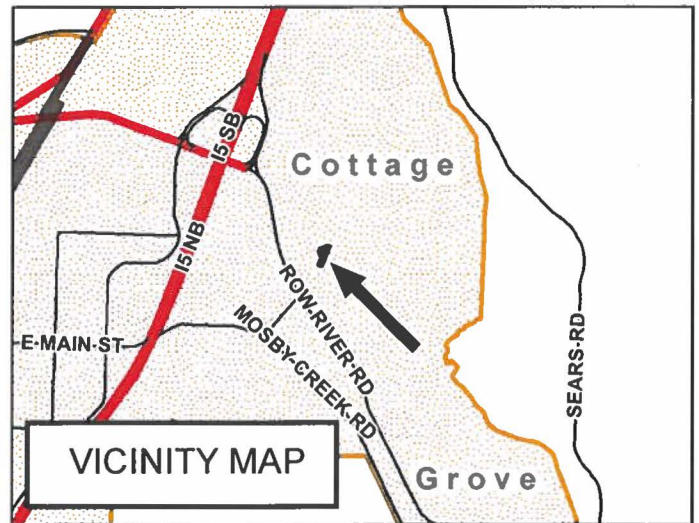
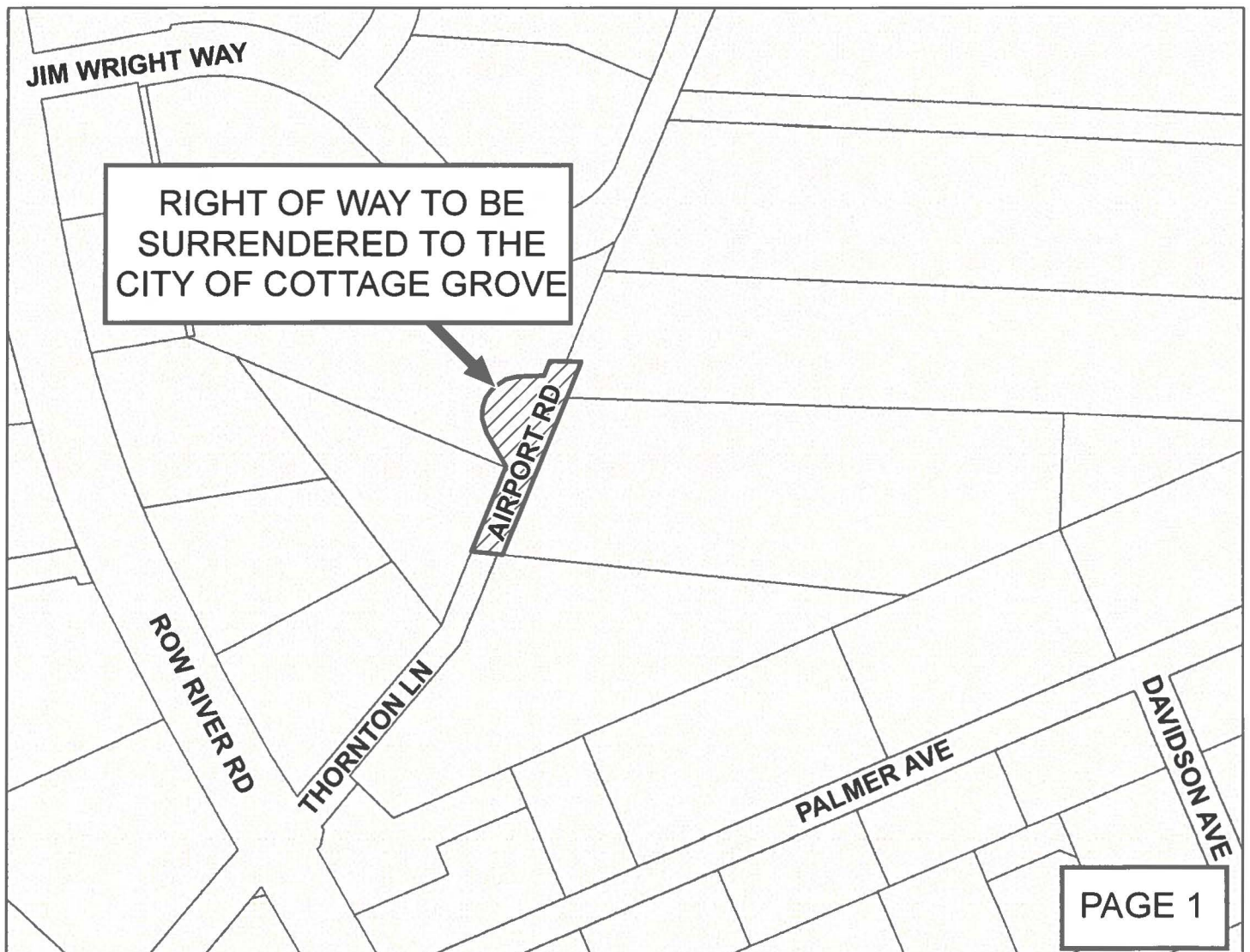


EXHIBIT "E"
PORTIONS OF W. MAIN STREET (CO. RD. NO 2272)
TO BE SURRENDERED TO THE CITY OF COTTAGE GROVE.

S 1/2 SEC. 29 T. 20S. R.3W. W.M.
Cottage Grove, Lane County, Oregon

N
NO SCALE

COTTAGE GROVE UGB

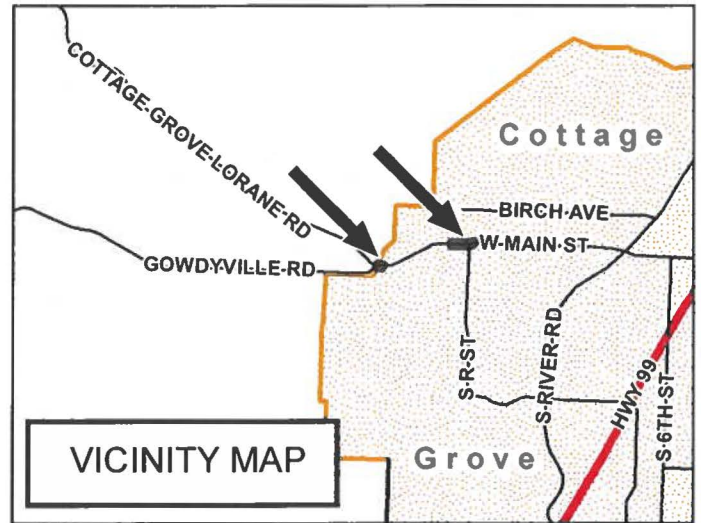
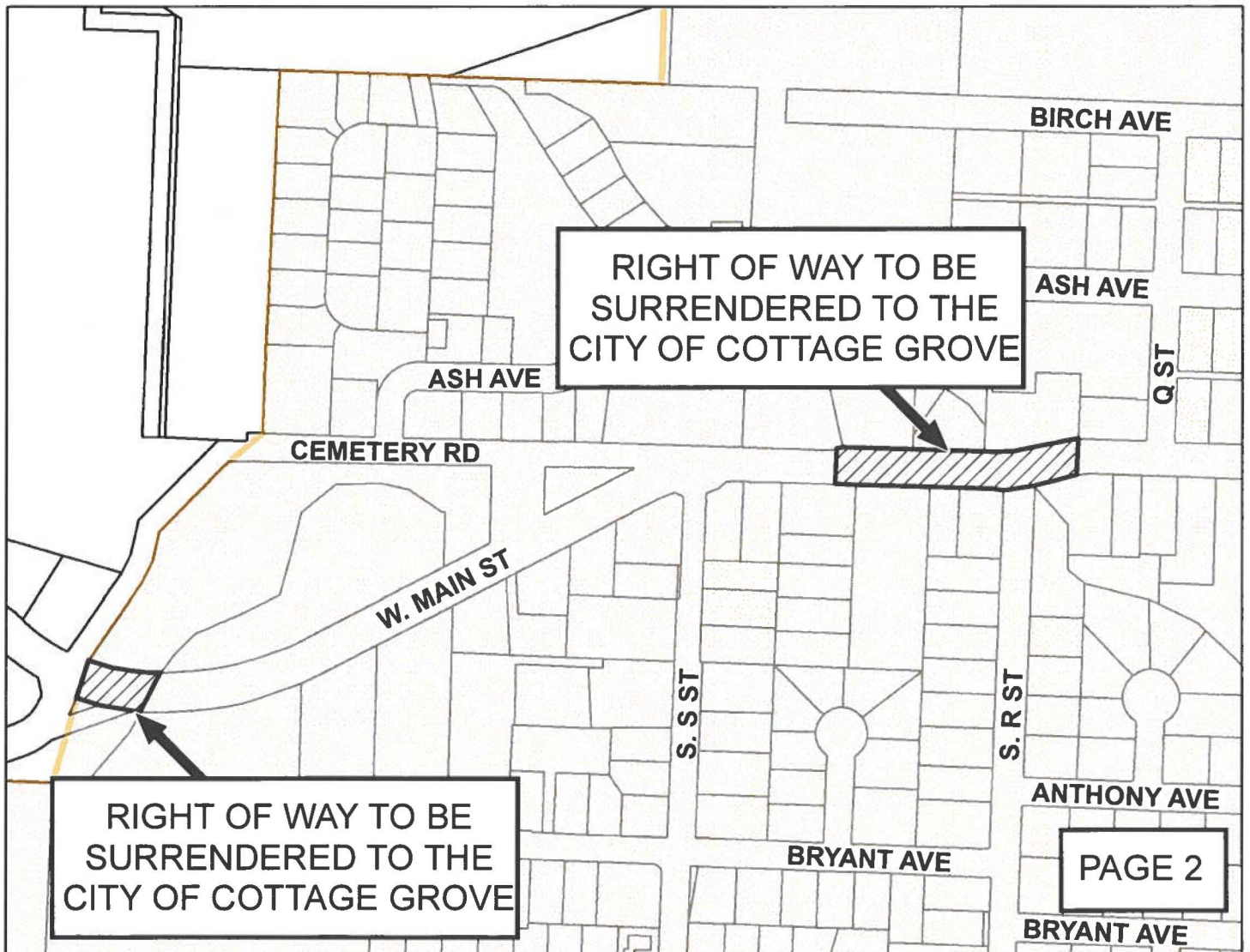


EXHIBIT "E"
PORTION OF N. DOUGLAS STREET (CO. RD. NO 1220) TO
BE SURRENDERED TO THE CITY OF COTTAGE GROVE.

NE 1/4 SEC. 28 T. 20S. R.3W. W.M.
Cottage Grove, Lane County, Oregon



NO SCALE



COTTAGE GROVE UGB

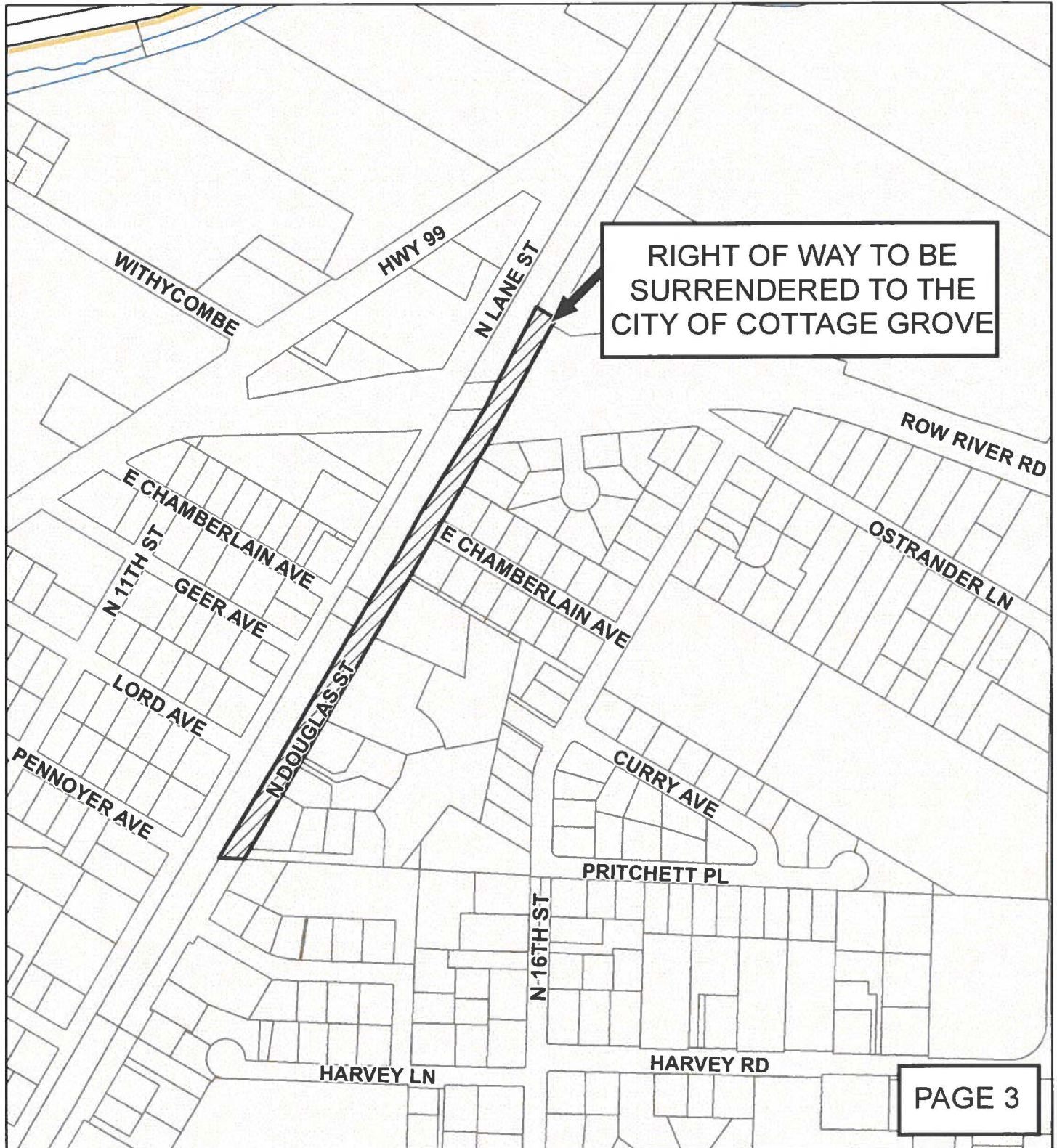


EXHIBIT "E"
PORTION OF N. LANE STREET (CO. RD. NO 862)
TO BE SURRENDERED TO THE CITY OF COTTAGE GROVE.

NE 1/4 SEC. 28 T. 20S. R.3W. W.M.
Cottage Grove, Lane County, Oregon



NO SCALE



COTTAGE GROVE UGB

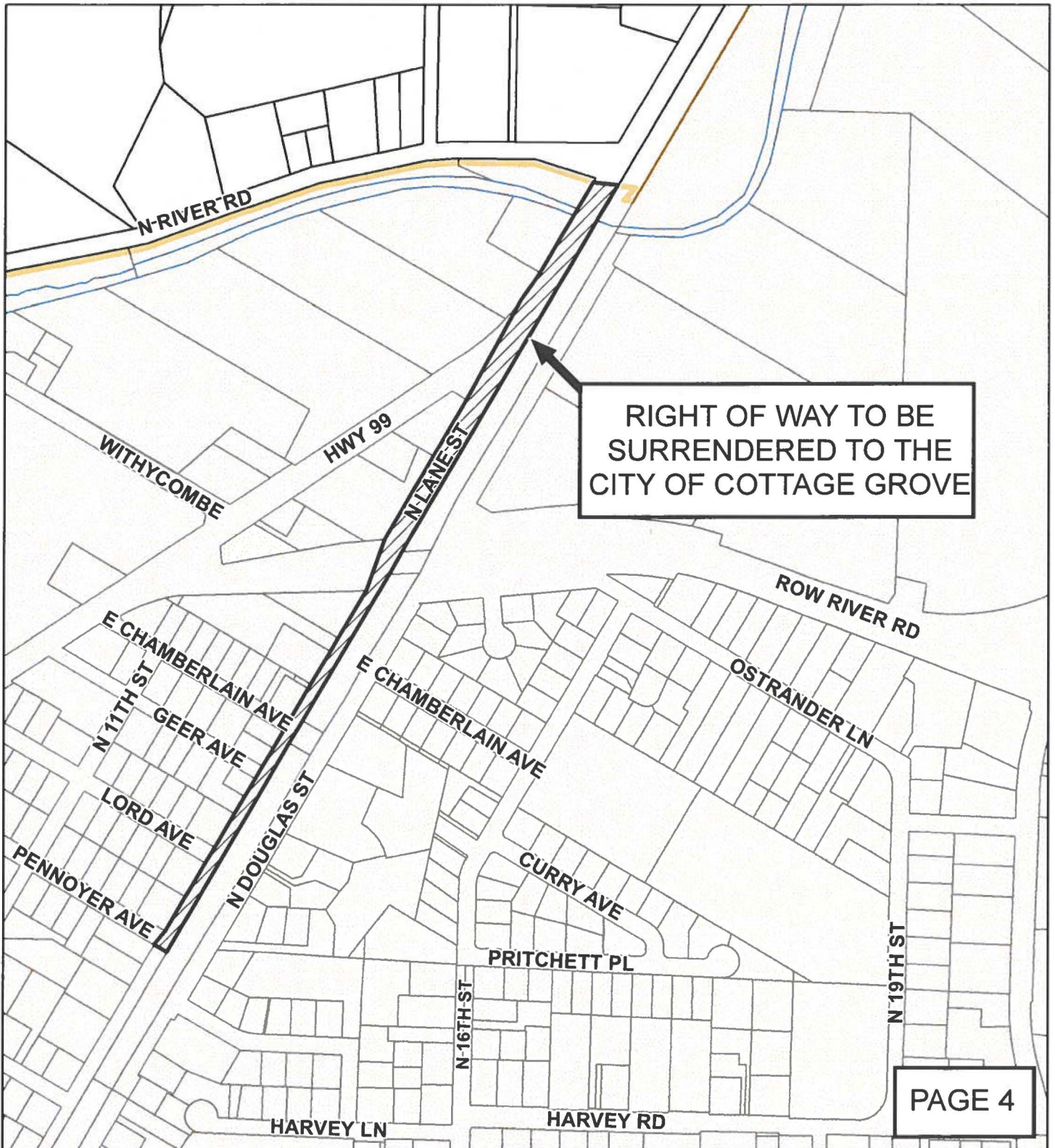


EXHIBIT "E"
PORTION OF SWEET LANE (COUNTY RD. NO 860)
TO BE SURRENDERED TO THE CITY OF COTTAGE GROVE.

NW 1/4 SEC. 32 T. 20S. R.3W. W.M.
Cottage Grove, Lane County, Oregon



NO SCALE



COTTAGE GROVE UGB

