



Memorandum Date: March 3, 2023
Order Date: March 21, 2023

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Surveyors

PRESENTED BY: Mikeal Jay Blommé, County Surveyor

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE SURRENDER OF SOUTH 6TH STREET, COUNTY ROAD NO. 538, TO THE CITY OF COTTAGE GROVE.
(21-03-04-21, 21-03-04-24)

I. MOTION

MOVE TO APPROVE THE ORDER TO SET A PUBLIC HEARING DATE OF **APRIL 25, 2023 AT 1:30 P.M.**, TIME CERTAIN, TO CONSIDER THE SURRENDER OF SOUTH 6TH STREET TO THE CITY OF COTTAGE GROVE.

II. AGENDA ITEM SUMMARY

The City of Cottage Grove has requested the surrender of South 6th Street to the City of Cottage Grove. As provided by ORS 373.270, it is required a date for a Public Hearing be set to allow testimony to be entered into the public record regarding the proposed surrender of jurisdiction prior to action by the Board.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The City of Cottage Grove passed Resolution No. 2090 on February 13, 2023 formally requesting Lane County surrender jurisdiction of a portion of South 6th Street to the City. The portion of South 6th Street hereby considered to be surrendered was annexed to the City of Cottage Grove pursuant to Ordinance No. 3169 on January 23, 2023.

South 6th Street was established as the Alex Cooley Road (County Road No. 538) by petition in 1904 with a 50 foot right of way width. Through the adoption of the Capital Improvement Program FY 1993/98 through 1994/99; Order No. 94-11-7-1 and Order No. 95-10-18-3, the Board of County Commissioners authorized the Lane County Department of Public Works to proceed with the design, preparation of construction plans, and acquisition of right of way to improve the road to an urban standard. After construction was complete, the legal description of the road was altered pursuant to

Final Order of Alteration No. 00-4-25-11 with a variable right of way width.

The city's request would surrender jurisdiction of approximately 900 feet of the road to the City.

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 County Roads to cities allows 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 South 6th Street will relieve the County of the obligation of future maintenance costs.

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. 2090, dated February 13, 2023, formally requesting jurisdiction of the road located within the city limits be transferred from Lane County to the City of Cottage Grove. The attached Order will set a Public Hearing to consider the merits of the request for transfer of jurisdiction of the described portion of roads from Lane County to the City of Cottage Grove as requested by the City.

G. Alternatives/Options

The Board of County Commissioners has the option to:

1. Approve the Order setting a date for the Public Hearing for **APRIL 25, 2023 AT 1:30 P.M.**, time certain.
2. Deny the Order and direct staff otherwise.

IV. RECOMMENDATION

The Public Works Director's Preliminary Report recommends the Board of Commissioners approve the Order to set a Public Hearing date for the proposed surrender of South 6th Street, County Road No. 538, as described in the Order.

V. TIMING/IMPLEMENTATION

Timing in this matter is important in order to facilitate the necessary notification requirements required by law. The proposed hearing date as specified in the Order will allow time for public posting or notice.

VI. FOLLOW-UP

Upon approval of the Order to set a Public Hearing, the County Surveyor will carry out the necessary steps under ORS 373.270 to provide public notice of the hearing.

Subsequently, a Final Report will be prepared and submitted at that hearing by the Director of the Public Works Department. If the Board is in support of surrendering South 6th Street to the City of Cottage Grove, a Final Order can be executed at that time. If the Board does not support the surrender, an Order to deny will be presented at a later date.

VII. ATTACHMENTS

Order to Set Public Hearing with Exhibits:

Legal Description – Exhibit "A"

Director's Preliminary Report – Exhibit "B"

Cottage Grove Resolution No. 2090 – Exhibit "C"

Vicinity Map – Exhibit "D"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-03-21-08

IN THE MATTER OF SETTING A PUBLIC HEARING
FOR THE SURRENDER OF SOUTH 6TH STREET,
COUNTY ROAD NO. 538, TO THE CITY OF
COTTAGE GROVE. (21-03-04-21, 21-03-04-24)

WHEREAS, the City of Cottage Grove, pursuant to Resolution 2090, dated February 13, 2023, has requested Lane County surrender jurisdiction of a portion of South 6th Street to the City of Cottage Grove; and

WHEREAS, the portion of South 6th Street herein proposed for surrender is described in attached Exhibit "A,"; and

WHEREAS, South 6th Street was annexed into Cottage Grove city limits pursuant to Ordinance No. 3169 on January 23, 2023; 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, ORS 373.270 requires the governing body to give notice either by posting or publishing the time and place of the public hearing the County governing body shall hear the matter, consider any objections or testimony offered by any person interested and determine whether it is necessary, expedient or for the best interests of the County to surrender jurisdiction over the County Road or portion thereof to 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 the portion of South 6th Street as described in attached Exhibit "A," and has provided a written report attached hereto and made a part hereof by this Order marked as Exhibit "B," and

WHEREAS, the Board is of the opinion that setting a date to hold a Public Hearing to consider the request to surrender South 6th Street to the City of Cottage Grove is in the best interest of the public; and

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

1. A Public Hearing shall be held on **April 25, 2023 at 1:30 p.m.**, time certain, to formally consider the City of Cottage Grove's request to surrender jurisdiction of South 6th Street, as described in Exhibit "A," attached and made a part of this Order, to the City of Cottage Grove.
2. Legal notice of the Public Hearing be posted or published, in accordance with ORS 373.270;
3. The Director of the Lane County Department of Public Works to prepare and provide a Final Report on the proposed surrender.

ADOPTED this _____ day of March _____ 2023.

Pat Farr, Chair
LANE COUNTY BOARD OF COMMISSIONERS

EXHIBIT "A"

LEGAL DESCRIPTION

MILEAGE

SOUTH 6TH STREET (COUNTY ROAD NUMBER 538)

0.02

All that portion of South 6th Street (County Road No. 538) beginning at the southerly end of that portion of South 6th Street surrendered to the City of Cottage Grove pursuant to Lane County Board of Commissioner's Final Order No. 07-11-7-7; thence in a southerly direction ending at Engineer's Centerline Station L4 50+40.42 P.O.T., said Engineer's Centerline Station being opposite and 30 feet westerly from the intersection of the easterly right of way margin of South 6th Street and the southerly right of way margin of Taft Street, all located in the Northeast One-Quarter of Section 4, Township 21 South, Range 3 West of the Willamette Meridian.

EXHIBIT "B"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S PRELIMINARY
REPORT

IN THE MATTER OF SETTING A PUBLIC HEARING
FOR THE SURRENDER OF SOUTH 6TH STREET,
COUNTY ROAD NO. 538, TO THE CITY OF
COTTAGE GROVE. (21-03-04-21, 21-03-04-24)

The City of Cottage Grove has adopted Resolution No. 2090, dated February 13, 2023, formally requesting Lane County surrender jurisdiction of South 6th Street to the City of Cottage Grove.

The length of South 6th Street herein proposed to be surrendered is approximately 900 feet (0.17 mile) in length and has a variable width right of way as described on Exhibit "A," and depicted on Exhibit "D," attached to and made a part of the Order setting a Public Hearing on the proposed surrender of said street. South 6th Street is currently under the jurisdiction of Lane County, and the transfer of jurisdiction over this street would enable the City to maintain, develop, and improve the street to the City's own specifications, standards, and timetables.

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.

It is recommended the Order be approved setting a Public Hearing date of April 25, 2023 at 1:30 p.m. time certain to consider the proposed surrender of jurisdiction of the portion of South 6th Street as described in Exhibit "A" of said Order.

DATED this 7th day of March, 2023.



Dan Hurley, Director
Department of Public Works

Exhibit "C"

RESOLUTION NO. 2090

A RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF LANE COUNTY TO SURRENDER JURISDICTION OF APPROXIMATELY 900 LINEAR FEET OF SOUTH 6TH STREET THAT LIES 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 approximately 900 linear feet of South 6th Street that lies 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 13TH DAY OF FEBRUARY 2023.



Greg Ervin, Council President
Date: 2/13/2023

ATTEST:



Richard Meyers, City Manager
Date: February 13, 2023

EXHIBIT A of EXHIBIT "C"

LEGAL DESCRIPTION

MILEAGE

SOUTH 6TH STREET (COUNTY ROAD NUMBER 538)

0.17

All that portion of South 6th Street (County Road No. 538) beginning at the southerly end of that portion of South 6th Street surrendered to the City of Cottage Grove pursuant to Lane County Board of Commissioner's Final Order No. 07-11-7-7; thence in a southerly direction ending at Engineer's Centerline Station L4 50+40.42 P.O.T., said Engineer's Centerline Station being opposite and 30 feet westerly from the intersection of the easterly right of way margin of South 6th Street and the southerly right of way margin of Taft Street, all located in the Northeast One-Quarter of Section 4, Township 21 South, Range 3 West of the Willamette Meridian.

EXHIBIT "D"

**PORTION OF SOUTH 6TH STREET
TO BE SURRENDERED TO THE CITY OF COTTAGE GROVE**

**N.W. 1/4 SEC. 4 T.21S. R.3W. W.M.
Cottage Grove, Lane County, Oregon**

CLEVELAND ST

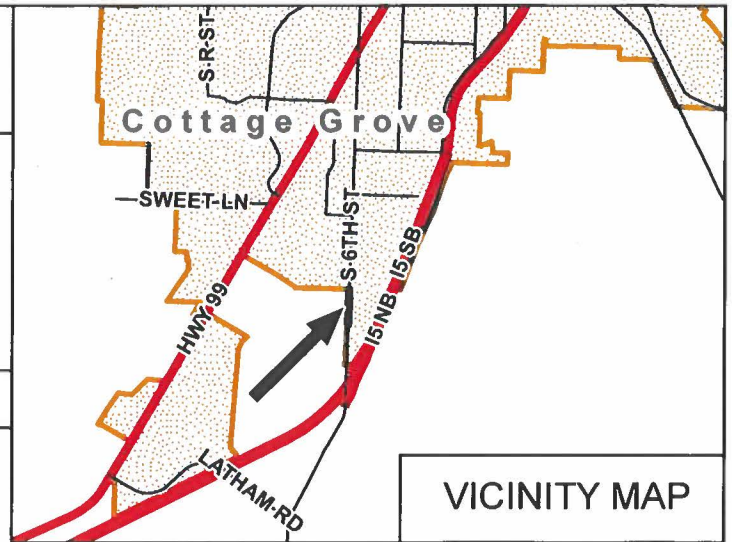
RIGHT OF WAY TO BE
SURRENDERED TO THE
CITY OF COTTAGE GROVE

S 6TH ST

ROOSEVELT AVE

MCKINLEY AVE

TAFT AVE



VICINITY MAP



NO SCALE