



Memorandum Date: April 7, 2023
Order Date: April 25, 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 THE SURRENDER OF SOUTH 6TH STREET, COUNTY ROAD NO. 538, TO THE CITY OF COTTAGE GROVE WITH A PUBLIC HEARING.
(21-03-04-21, 21-03-04-24).

I. MOTION

MOVE TO APPROVE THE ORDER TO SURRENDER 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, 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 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 of Cottage Grove'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. Legal notice has been provided by posting as required by ORS 373.270 as shown on Exhibit D.

G. Alternatives/Options

The Board of County Commissioners has the option to:

1. Approve the Order to surrender South 6th Street as described in 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 of South 6th Street, as described in 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. 2090 – Exhibit "C"

Affidavit of Posting – Exhibit "D"

Vicinity Map – Exhibit "E"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-04-25-10

IN THE MATTER OF THE SURRENDER OF
SOUTH 6TH STREET, COUNTY ROAD NO. 538,
TO THE CITY OF COTTAGE GROVE WITH A
PUBLIC HEARING. (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 an annexed portion of South 6th Street to the City 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 Board of County Commissioners approved Order Number 23-03-21-08 setting April 25, 2023 at 1:30 p.m. to conduct a Public Hearing on the matter of the surrender of South 6th Street, 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, notice of the Public Hearing was posted in six conspicuous places along the road in accordance with procedures outlined in ORS 373.270; and

WHEREAS, the Public Works Director of Lane County has favorably recommended that South 6th Street be surrendered to the City of Cottage Grove; 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 South 6th Street, as described in Exhibit "A," 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 25th day of April 2023.

Pat Farr, Chair
LANE COUNTY BOARD OF COMMISSIONERS

EXHIBIT "A"

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 "B"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S FINAL REPORT

IN THE MATTER OF THE SURRENDER OF SOUTH
6TH STREET, COUNTY ROAD NO. 538, TO THE
CITY OF COTTAGE GROVE WITH A PUBLIC
HEARING. (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.

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 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." 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.

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

It is therefore recommended that the portions of South 6th Street, 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

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"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

AFFIDAVIT OF POSTING

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

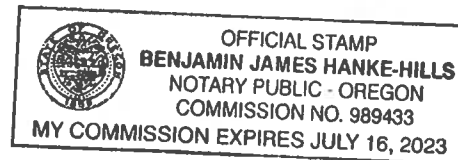
I, Mikeal J. Blommé, Lane County Surveyor, certify as follows:

On March 23, 2023, and in accordance with ORS 373.270, I caused to be posted the Notice of Hearing in the above entitled matter in six (6) places, positioned to be visible to the traveling public, as follows:

1. Power pole 42811 at the intersection of S. 6th Street & Cleveland Street on the east side of the street.
2. Power pole 42714 at the intersection of S. 6th Street & McKinley Avenue on the east side of the street.
3. Power pole 42711 at the intersection of S. 6th Street & Taft Avenue on the east side of the street.
4. Power pole 42814 at the intersection of S. 6th Street & Roosevelt Avenue on the west side of the street.
5. Power pole 42812 at the intersection of S. 6th Street & McKinley Avenue on the west side of the street.
6. Power pole 42815 at the intersection of S. 6th Street & Cleveland Street on the west side of the street.



Mikeal J. Blommé, PLS 74387
Lane County Surveyor



State of Oregon)
County of Lane) §

Subscribed and sworn to before me this 23 day of MARCH, 2023 by Mikeal J. Blommé,
Lane County Surveyor.



NOTARY PUBLIC FOR OREGON
My Commission Expires:

EXHIBIT "E"

**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

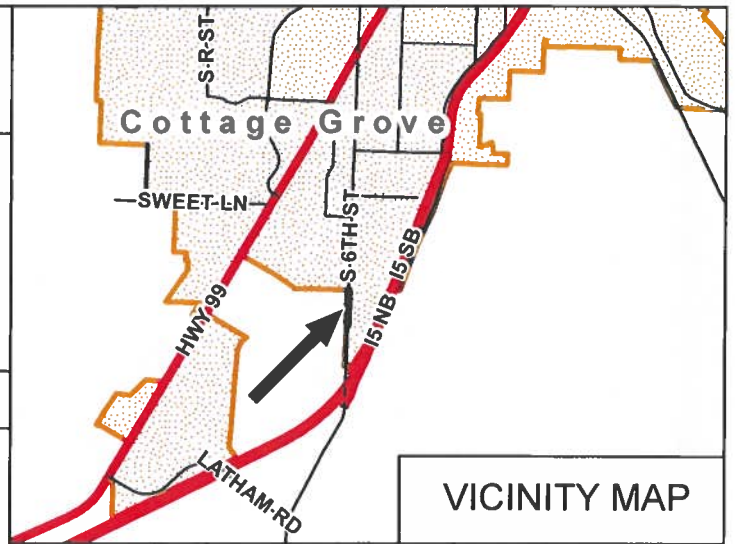
RIGHT OF WAY TO BE
SURRENDERED TO THE
CITY OF COTTAGE GROVE

S 6TH ST

MCKINLEY AVE

ROOSEVELT AVE

TAFT AVE



VICINITY MAP



NO SCALE