

RESOLUTION NO. 439

A RESOLUTION TO APPROVE THE ACCEPTANCE BY THE CITY OF WILSONVILLE OF THE MAINTENANCE RESPONSIBILITY AND JURISDICTIONAL TRANSFER OF THE WASHINGTON COUNTY STREETS COMMONLY KNOWN AS COUNTY ROAD NO. 8, S. W. PARKWAY AVENUE, AND S. W. BOONES FERRY ROAD FROM WASHINGTON COUNTY.

WHEREAS, the City of Wilsonville establishes the procedure as adopted by the Comprehensive Plan Policy 3.3.5.a, paragraph 2, "The City shall encourage the State (ODOT) and the Counties to acknowledge or adopt the City's street standards to insure consistent application of street improvement requirements regardless of the jurisdictional control of the roads in question"; and

WHEREAS, the City, by its adoption of the Capital Improvements Plan, Strategy Section, page 4, item 3, "Third upgrade the structural quality of the arterial street system to an interim standard, thereby providing for the city to assume jurisdiction from the Counties and State", has agreed to such program; and

WHEREAS, in addition to the adoption of the Strategy Section, page 5, item 3 of the Capital Improvements Plan, the City approved Participatory Rules Section, page 6, item 2, "The two Counties and the State agree to acknowledge the City's streets standards and to participate in a joint plan review process. They also agree to coordinate budgetary expenditures to upgrade the arterial streets to

the established interim standard. When this is accomplished, the City will assume full jurisdiction over the improvement street"; and

WHEREAS, the City of Wilsonville, on July 12, 1984, entered into an agreement with Washington County in which Section IX read as follows: "City shall proceed to request and follow through with all necessary procedures for having the County surrender jurisdiction of the subject roadways described in Exhibit "A" and Ridder Road/S.W. Garden Acre Road to I-5 in accordance with the Oregon Revised Statutes as soon as the City has the legal authority to do so."; and

WHEREAS, the City did receive fifty-one thousand forty-five dollars (\$51,045) for the transfer of those streets as mentioned in Exhibit "A" attached hereto and incorporated by reference as if fully set forth herein, and is now carrying through with processes as described in the July 12, 1983 agreement according to the provision described in Oregon Revised Statute 273.270 transferring over County roads within Cities, 6.(a)(b); and

WHEREAS, staff has completed the requirements as set forth in the aforementioned intergovernmental agreements with Washington County and further awaits the City Council's acceptance of the street sections identified in Exhibit "A".

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City of Wilsonville that:

1. The street sections commonly known as County Roads No. 8, S. W. Parkway Avenue and S. W. Boones Ferry Road, described in Exhibit "A" and shown on the maps Exhibit "B" and Exhibit "C" shall be the jurisdictional responsibility for maintenance and future improvements by the City of Wilsonville.
2. The City of Wilsonville accepts the jurisdictional transfer of those streets identified above from Washington County.
3. Authorized staff to proceed with the finalization of this process with Washington County in accordance with Oregon Revised Statute 273.270(6)(a)(b) and the requirements established by the County Commissioners for Washington County.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of November, 1984 and filed with the Wilsonville City Recorder this same date.


WILLIAM G. LOWRIE, Mayor

ATTEST:


DEANNA J. THOM, City Recorder

EXHIBIT "A"

1. County Road No. 8 - - - - - (S.W. Elligsen Road lying between the R. H. Baldock Freeway -- Interstate 5 -- and a point 4000 feet east of the center of said freeway).
All of County Road No. 8 lying between the R. H. Baldock Freeway (Interstate 5) and a point 20 feet west of the west line of the Jane Painter D.L.C. No. 52, in Sections 1 and 2, T3S, R1W, W.M., as shown on Exhibit 1, attached hereto, and by this reference, incorporated herein.

2. S.W. Parkway Avenue - - - - - (lying southerly of Elligsen Road)
All of that portion of S.W. Parkway Avenue, as maintained by Washington County through agreement with the Oregon State Highway Commission approved by Washington County by Minute Order No. 69-104, lying between County Road No. 8 (Elligsen Road) and the south line of Washington County in Section 2, T3S, R1W, W.M. and shown on Exhibit 2, attached hereto, and by this reference, incorporated herein.

3. S.W. Boones Ferry Road - - - (lying southerly of Old Boones Ferry Road)
All of that portion of S.W. Boones Ferry Road, as maintained by Washington County through agreement with the Oregon State Highway Commission approved by Washington County by Minute Order No. 69-104, lying between Old Boones Ferry Road and the south line of Washington County in Section 2, T3S, R1W, W.M. and shown on Exhibit 2, attached hereto, and by this reference, incorporated herein.

EXHIBIT 1

EXHIBIT "B"

FREWAY

BALDOCK

(I-5)

R.H.

38
ST HELENS
LAINE

30
SALISH
LANE

30
SALISH
LANE



ROAD TO BE TRANSFERED

20 CM
West Line J. PAINTER D.L.C. 52

200

100

100

100

100

100

100

100

100

100

100

100

100

100

WASHINGTON COUNTY

S.W. ELLIGSEN ROAD

CITY OF WILSONVILLE

BONNEVILLE POWER

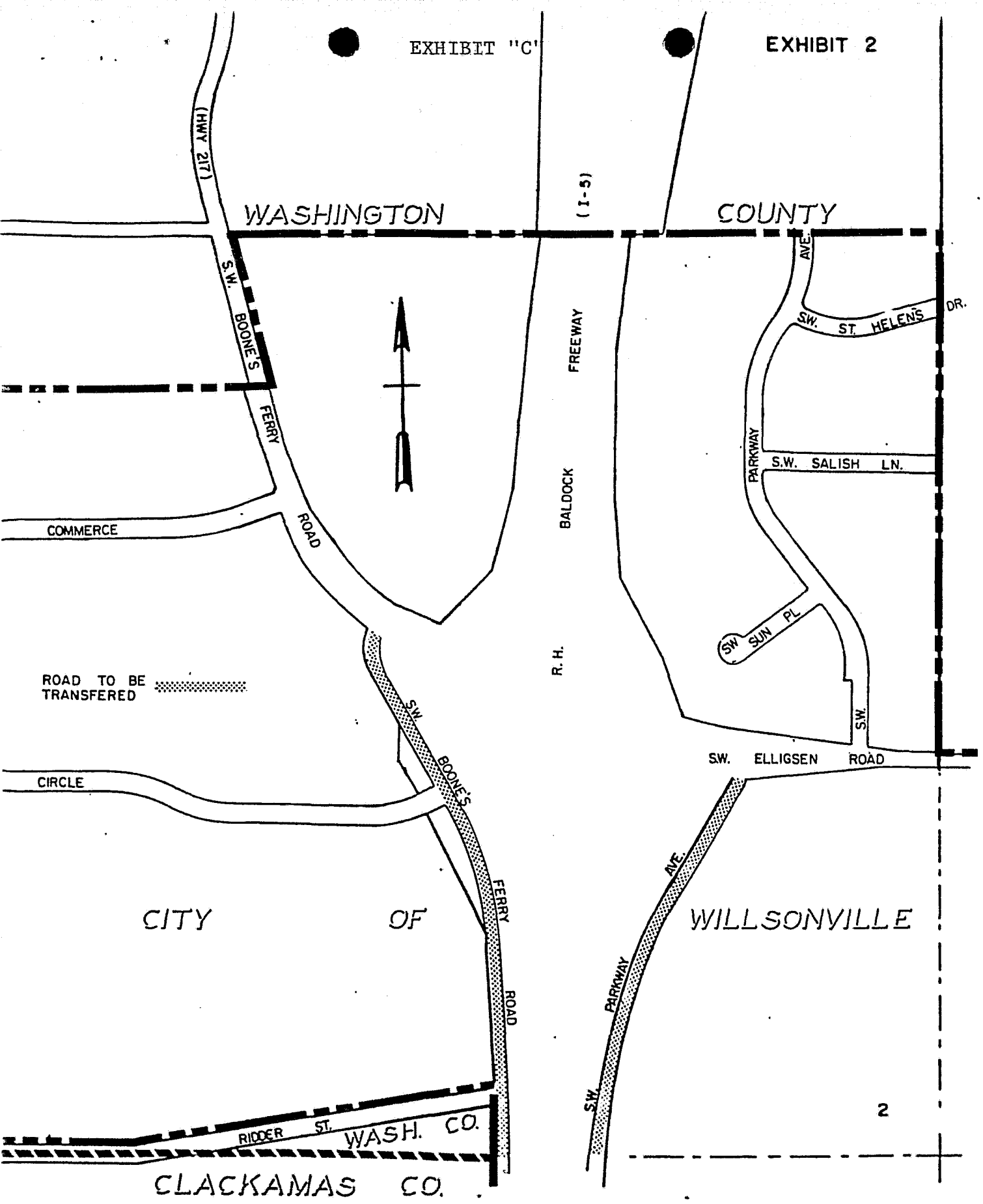
CITY BOUNDARY

ADMINISTRATION

CLACKAMAS COUNTY

2

12



ROAD TO BE TRANSFERED



2

1

11

12



WASHINGTON COUNTY
ADMINISTRATION BUILDING - 150 N. FIRST AVENUE
HILLSBORO, OREGON 97124

RECEIVED
OCT 12 1984
CITY OF WILSONVILLE

BOARD OF COMMISSIONERS

WES MYLLENBECK, Chairman
BONNIE L. HAYS, Vice Chairman
EVA M. KILLPACK
JOHN E. MEEK
LUCILLE WARREN

DEPT. OF LAND USE AND TRANSPORTATION
Engineering/Survey Division
2nd Floor
(503) 648-8761

October 10, 1984

Larry Blanchard, P.E.
Public Works Director
City of Wilsonville
PO Box 220
Wilsonville, OR 97070

Enclosed per our discussions are copies of legal descriptions of Boones Ferry Road, Parkway Avenue and Elligsen Road that can be used in the transfer of jurisdiction proceedings. In order to simplify the procedure, it is important that the City request by "Appropriate Municipal Legislation", that Washington County transfer the roads to the City. If your Council action merely requests the County to "initiate" the proceedings, there would be a need for one additional hearing by the City and one additional hearing by the County. A copy of the appropriate statutes is attached for your use. I will await the receipt of the annexation proposal for the preparation of the Ridder Road description.

We also discussed the Local Improvement District that is currently constructing a road on the South line of Section 1 and 2, T3S, R1W, W.M., and the section corner that is being disturbed. ORS 209.140, 209.150 and 209.990 deal with the procedures, responsibilities and penalties relative to these monuments. The costs for the referencing and re-establishing of this corner are costs that will have to be reimbursed to the County Surveyor. Our estimate, which does not include research, is as follows:

1. Field Work	\$560.00
2. Office Work	140.00
3. Materials	<u>175.00</u>

Total - - - - \$875.00

It will also be necessary for the contractor to place a monument box at finish grade upon completion of final paving. If an additional lift is to be done at a later date, the monument box can be fitted with a riser ring.

Larry, thanks for your cooperation in these matters. If you have any questions, please call.

A handwritten signature in black ink, appearing to read "R. Charles Pearson".

R. Charles Pearson
County Surveyor

RCP:hs
Attachments

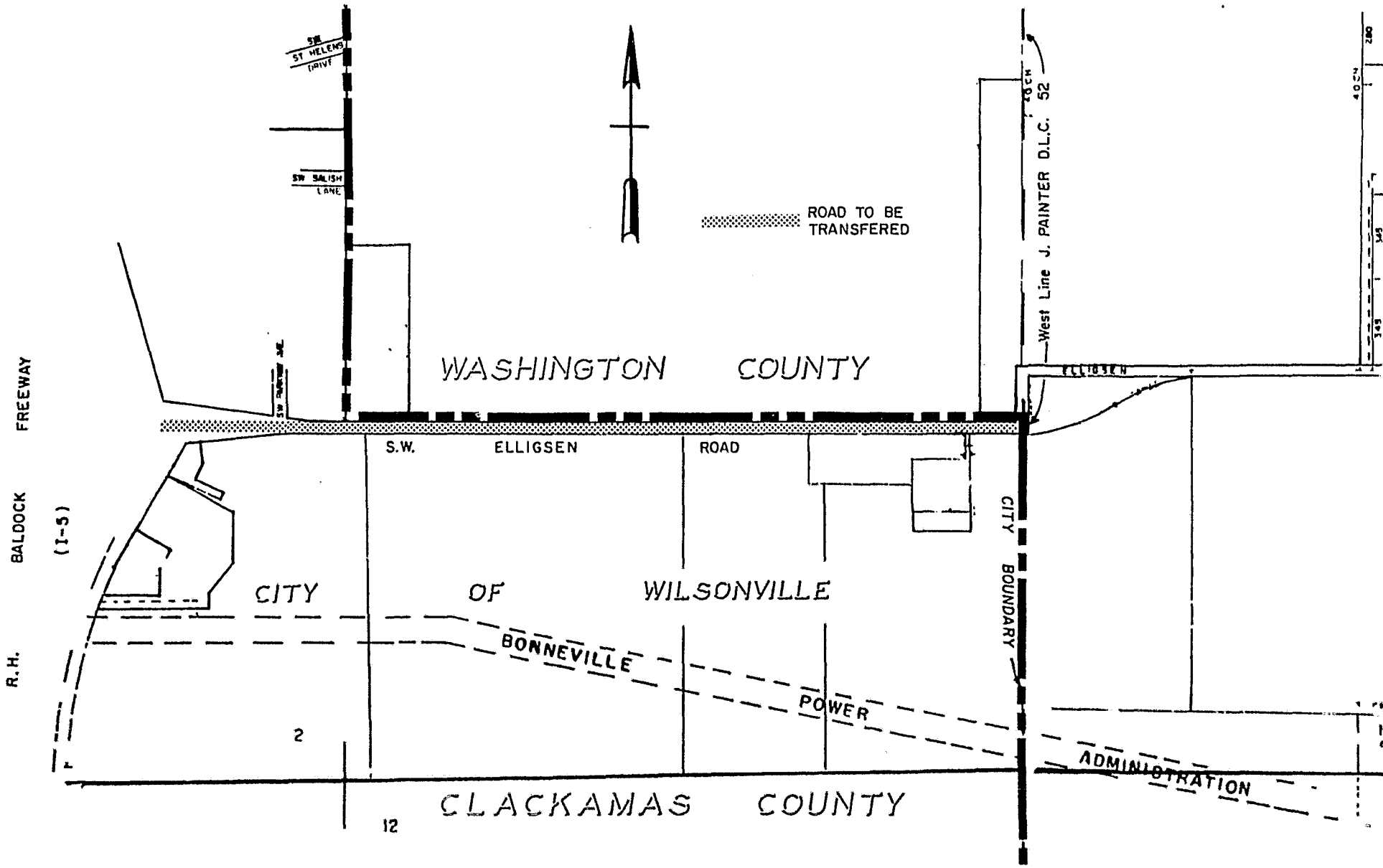
c: Bruce Warner *an equal opportunity employer*

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EXHIBIT 1



WASHINGTON

COUNTY

(I-5)

(HWY 217)

S.W. BOONE'S FERRY ROAD

FREEWAY

BALDOCK

R. H.

SW. ST. HELEN'S DR.

PARKWAY

S.W. SALISH LN.

SW SUN PL

SW

SW. ELLIGSEN ROAD

COMMERCE

ROAD TO BE TRANSFERED

CIRCLE

CITY

OF

WILLSONVILLE

RIDDER ST.

WASH. CO.

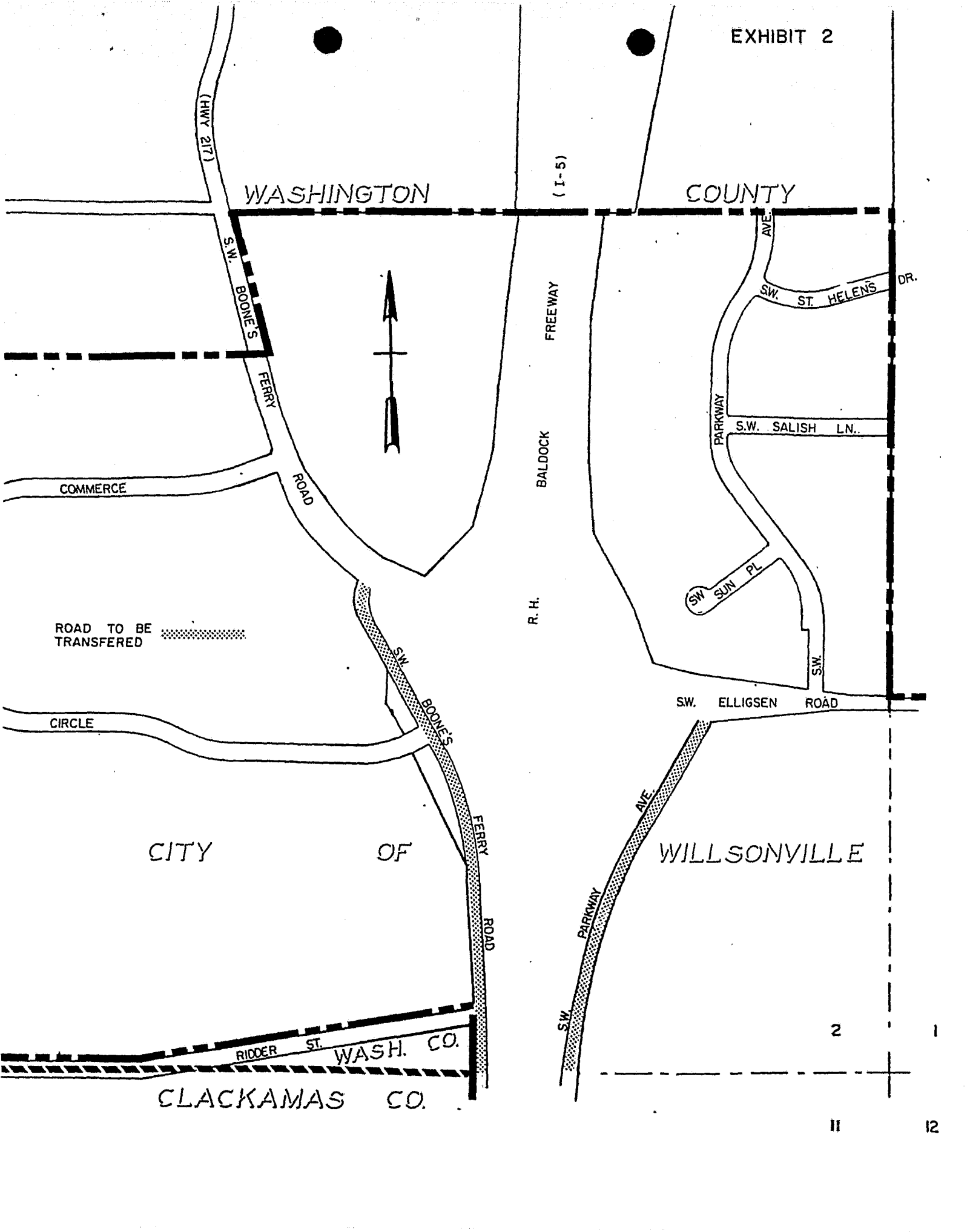
CLACKAMAS CO.

2

1

11

12



**POWERS OF CITIES
RELATING TO ROADS AND
HIGHWAYS**

373.210 Improvement of through highways by certain cities. Any city having a population of less than 100,000 may provide for the improvement of any roads or streets within the limits of the city at the partial expense of the general fund of the city in the manner provided in ORS 373.220 and 373.230, where:

(1) Such roads or streets are parts of any general system of state or county roads or highways; or

(2) Such roads or streets directly connect with state or county roads or highways;

(3) Such roads or streets afford an outlet from the limits of the city to adjoining state or county roads or highways; or

(4) Such roads or streets provide the most accessible or generally traveled route from within the city to beyond the limits of the city.

373.220 Procedure to authorize improvement. Whenever, by majority vote of the legislative authorities of a city mentioned in ORS 373.210 or by initiative vote by the people thereof, it is deemed advisable to construct or improve such designated roads or streets at the partial expense of the general fund of the municipality, the governing body shall so declare by ordinance, stating what portion of the cost shall be paid out of the general fund of the municipality and what portion shall be paid by assessment against property in the manner provided by charter or ordinance provisions of the city, unless the amount or proportion has been fixed by the initiative measure.

373.230 Charter or ordinance provisions governing improvement. Except as to the provision that a portion of the cost of the improvement mentioned in ORS 373.220 may be paid out of the general fund of the city, all other charter or ordinance provisions govern in the matter of the construction and improvement of such roads and streets.

373.240 General road fund of city. The general road fund of any city shall consist of the road money set apart for the city as a road district or otherwise, under the laws of the state, out of the road tax levied by the county, which the county treasurer shall pay to the city, and any other money placed in the road fund of the city by the orders of the city governing body.

373.250 Use of city road fund. The road fund mentioned in ORS 373.240:

(1) Shall be used by the city for the construction and repair of county roads and streets therein.

(2) May be used for the construction and repair of roads without a city having a population of less than 100,000 which lead directly to it.

(3) In carrying out such objects, may be used jointly with the county in which the city is located as provided in ORS 373.260.

373.260 Agreements between counties and cities as to acquisition of rights of way and road improvement. (1) The county court or the board of county commissioners of any county and the authorities of any city within the county may enter into an agreement for the construction, improvement or repair of, and the acquisition of right of way for

(a) Any county road or city street within the corporate limits of the city.

(b) Any road without such city, if it has a population of less than 100,000, but leading directly to it.

(2) In the agreements the parties shall agree upon the proportion which each shall contribute toward such acquisition, construction, improvement or repair and upon the method and kind of acquisition, construction, improvement or repair to be made. [Amended by 1955 c.388 §1]

373.270 Transferring jurisdiction over county roads within cities. (1) Jurisdiction over a county road within a city may be transferred under this section whenever:

(a) The county governing body deems it necessary, expedient or for the best interest of the county to surrender jurisdiction over any county road or portion thereof within the corporate limits of any city; and

(b) The governing body of the city deems it necessary or expedient and for the best interests of the city to acquire jurisdiction over the county road or part thereof to the same extent as it has over other public streets and alleys of the city.

(2) To initiate a proceeding for the transfer of jurisdiction under this section, the county governing body, upon its own motion or upon the request of the city by its governing body, shall give notice by:

(a) Posting in three public places in the county, one of which shall be within the limits of the city; or

(b) Publishing the notice once a week for four successive weeks in some newspaper of general circulation in the county.

(3) Notice under this section shall give the time and place of hearing and a succinct statement of the proposed action requested and describing the road or portion thereof proposed to be surrendered by the county to the city with convenient certainty.

(4) At the time and place mentioned in the notice under this section or at such adjournment as it may fix, 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.

(5) If a county governing body determines to surrender jurisdiction under this section and initiates action under this section:

(a) The county governing body shall make an order to that effect and offer to the city to surrender jurisdiction over the county road or portion thereof, and may limit the time for the acceptance of the offer; and

(b) The city by appropriate municipal legislation may within the time specified accept the county order and offer to surrender jurisdiction under this section.

(6) If a city governing body determines to initiate action under this section for the surrender of jurisdiction by a county over a county road:

(a) The city governing body may initiate the action by passage of appropriate municipal legislation that requests surrender and that may set any time or other limitations upon acceptance by the city of the surrender; and

(b) The county governing body may surrender jurisdiction of the county road without further action by the city if the county governing body adopts an order surrendering the county road that meets the limitations established by the city in its legislation.

(7) When a city adopts appropriate municipal legislation accepting a county governing body's order under subsection (5) of this section or when a county governing body adopts an order meeting city legislation under subsection (6) of this section:

(a) The jurisdiction of the county over the county road or portion thereof as a county road, or for its improvement, construction or repair shall cease;

(b) The full and absolute jurisdiction over the road for all purposes of repair, construction, improvement and the levying and collection of assessments therefor shall vest in the city; and

(c) The city shall have the same jurisdiction over the road or portion thereof as by its charter and the laws of the state are given or granted it over any of the public streets and alleys of such city.

(8) This section is applicable to all county roads, whether acquired by the county or the public by condemnation, defective condemnation and user, user or prescription or in any manner provided by law or in which the easement for road purposes is in the public. [Amended by 1981 c.153 §73]

373.280 Assessments made by city under belief county road was city street. No assessment made by any city for the improvement of any county road or portion thereof under the bona fide belief of its governing body that it was a public street of the city is invalid where the property owner has permitted the city to make the improvement or where the county has surrendered jurisdiction to the city within the time when the assessment is otherwise collectible by law, if within the time the assessment would be otherwise collectible the city acquires full jurisdiction over the county road or portion thereof as provided in ORS 373.270.

373.290 Amity given control of county roads and highways declared streets. The incorporated city of Amity, in Yamhill County, has exclusive control and jurisdiction over all county roads and highways within its corporate boundaries. Such county roads and highways are streets, subject to all the burdens and servitudes thereof. The control of such county roads and highways is excepted out of the jurisdiction of the County Court of Yamhill County.

373.300 Monmouth given control of certain highways declared streets. The city of Monmouth, in Polk County, has full and exclusive jurisdiction, power and control over all that part of the highway known as Monmouth Avenue from its intersection with Main Street north to the northeast corner of University Out Lot B located within the corporate limits of the city. Such highway is a street, subject to all the burdens and servitudes thereof. The control of such highway is excepted out of the jurisdiction of the County Court of Polk County.

SEE THIS PROVISION