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INTERGOVERNMENTAL AGREEMENT BETWEEN YAMHILL COUNTY AND THE CITY OF DUNDEE REGARDING THE TRANSFER OF JURISDICTION OVER COUNTY ROADS OR ROAD SEGMENTS TO THE CITY OF DUNDEE

This intergovernmental agreement is between Yamhill County, a political subdivision of the State of Oregon ("County"), and the City of Dundee, a municipal corporation ("City").

RECITALS:

A. The Newberg Dundee Bypass project will affect roads under County jurisdiction that are partially within the City of Dundee, and partially outside of the city limits, in Yamhill County. Such roads or road segments are described as follows:

- (1) Parks Drive, from Highway 99W to Fulquartz Landing Road;
- (2) Fulquartz Landing Road, from the south right-of-way line of Parks Drive south 900 feet;
- (3) Niederberger Road, from Highway 99W to the west right-of-way line of Charles Street;
and
- (4) Ninth Street, from Alder Street to the point where the west line of Red Hills Subdivision #1 intersects with the right-of-way of Ninth Street (at the point where the city limit leaves the centerline of 9th Street and turns 90 degrees to the north).

B. On June 12, 2013, the City of Dundee, through its City Engineer, indicated its interest in pursuing the transfer of jurisdiction of the above listed roads or segments of roads to the City of Dundee. The city limits of the City of Dundee are the centerlines of all of the listed roads and road segments.

C. On May 29, 2014, the Board held a public hearing on the proposed transfer, to accept testimony and to consider whether the requested transfer of jurisdiction is "necessary, expedient or for the best interests of the county," as required by ORS 373.270(4).

D. Based upon the record of the public hearing and the request of the City of Dundee, the Board found that the transfer of jurisdiction over the above described roads and road segments is in the best interest of the county, and the county formally tendered an offer to the city to transfer to the city jurisdiction over the above referenced roads and road segments that are within the city limits of the City of Dundee. On June 17, 2014, by Resolution 2014-13, the City formally accepted jurisdiction over the above referenced roads and road segments that are within the city limits of the City of Dundee.

E. As stated, portions of the above county roads and road segments are outside of the City of Dundee, for the most part because the City Limits are the centerline of such roads. Under ORS 373.260:

"(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:

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- (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.”

F. The City of Dundee has a population of less than 100,000, and all of the roads and road segments listed herein lead directly to the City, mostly by virtue of being boundaries of the City.

G. As stated in the above-referenced resolutions adopted by the county and the City, it is the intent of the parties that the city will assume responsibility for any construction, improvement or maintenance of those portions of the above specified roads and/or road segments that are outside the city limits of the City as the City deems necessary, and the County will relinquish jurisdiction over such road segments, in perpetuity, unless this arrangement is changed in the future by agreement and/or other actions of a party or the parties under the laws of the State of Oregon;
NOW, THEREFORE;

IT IS HEREBY AGREED BY COUNTY AND CITY AS FOLLOWS:

1. This agreement is entered into between the parties under ORS Chapter 190 and ORS 373.260,
2. In perpetuity, unless this arrangement is changed in the future by agreement and/or other actions of a party or the parties under the laws of the State of Oregon:
 - (a) The county relinquishes jurisdiction over the subject roads and/or portions of roads, including but not limited to authority over and/or responsibility for their improvement, construction or repair;
 - (b) The full and absolute jurisdiction over the subject roads and/or portions of roads for all purposes of repair, construction, improvement and the levying and collection of assessments therefor hereby vests in the City of Dundee; and
 - (c) The City of Dundee shall have the same jurisdiction over the subject portions of road as by its charter and the laws of the state are given or granted it over any of the public streets and alleys of the city.
3. This transfer of jurisdiction over roads and road segments outside the city limits of the City of Dundee does not effect a change to the city limits, nor does the county’s action purport to grant authority to the city over properties adjacent to such roads and road segments that are not located within the City of Dundee.

This agreement shall take effect on the date it has been executed by both parties, as evidenced by their dated signatures, below.

DONE at McMinnville and Dundee, Oregon on the dates specified below, 2014.

CITY OF DUNDEE

YAMHILL COUNTY

By: Bob Dayton
City Administrator

By: Allen Springer
Chair, Board of Commissioners

Date: 10/7/2014

Date: 9-25-14

FORM APPROVED BY:

T. Sadlo

TIMOTHY S. SADLO
Senior Assistant County Counsel

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Accepted by Yamhill County
Board of Commissioners on
9-25-14 by Board Order
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