

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Initiating the Process)
Under ORS 373.270 and 373.260 to Transfer)
to the City of McMinnville Jurisdiction Over)
Portions of Hill Road and Baker Creek Road,)
and Scheduling a Public Hearing for April 7,)
2016)

BOARD ORDER 16- 85

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on March 10, 2016 Commissioners Mary Starrett, Stan Primozych, and Allen Springer being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. On January 5, 2016, the City of McMinnville, through its Community Development Director, indicated its interest in pursuing the transfer of jurisdiction over the following County roads or segments of roads located within the County and or partially within the City of McMinnville:

- (1) Hill Road, from 300 feet south of NW 2nd Street, North to NW Baker Creek Road;
- (2) NW Baker Creek Road from NW Michelbook Lane to 800 feet West of NW Hill Road.

B. The City requested initiation of the transfer process, to facilitate its improvement of the above described road segments to meet the Minor Arterial standards contained in the City’s Transportation System Plan. The proposed limits of the transfer requests will allow the City to design, construct and maintain appropriate traffic control facilities at the Hill Road / 2nd Street and the Hill Road / Baker Creek Road intersections.

C. ORS 373.270 provides as follows:

“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."

D. ORS 373.260 states:

"373.260 Agreements between counties and cities as to the 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."

E. The City of McMinnville has a population of less than 100,000. All of the roads in question lead directly to the City of McMinnville and are located partially within the City of McMinnville. Once the transfer of jurisdiction over these roads is complete, the City of McMinnville will assume full authority over these roads, and full responsibility for their improvement and repair.

F. In accordance with the City's request, it is appropriate to schedule a public hearing for 10:00 a.m. on Thursday, April 7, 2016, in Room 32 of the Yamhill County Courthouse, to consider

the transfer of jurisdiction over the portions of County roads identified in Finding A, above. If, following the public hearing, the Board determines to proceed with the transfer, it will make a formal offer to transfer jurisdiction under ORS 373.270(5). A transfer will then be effective upon the City's adoption of appropriate municipal legislation accepting the Board's offer, and the County and City will enter into an intergovernmental agreement as required by ORS 373.260 for those segments of road over which jurisdiction is being transferred that are not within the City Limits of the City of McMinnville. NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The Board hereby authorizes the initiation of a formal process under ORS 373.270 and ORS 373.260 to transfer to the City of McMinnville, jurisdiction over the portions of County roads identified in Finding A, above.
2. A public hearing on the transfer described in numbered paragraph (1) is set for 10:00 a.m. on Thursday, April 7, 2016, in Room 32 of the Yamhill County Courthouse. County Counsel is directed to give notice of the hearing in the manner described in ORS 373.270(2) and (3).

DONE at McMinnville, Oregon on March 10, 2016.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

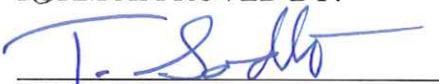
BRIAN VAN BERGEN

County Clerk

By: 

Deputy LUCY FLORES MENDEZ

FORM APPROVED BY:

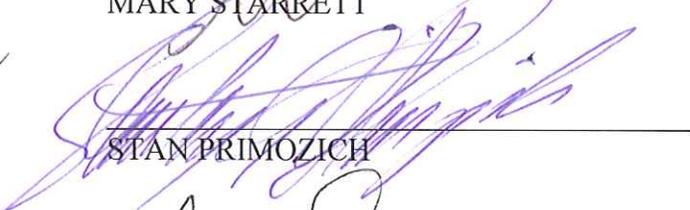


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