

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

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

RECITALS:

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. On April 7, 2016, the Board held a duly noticed 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).

C. Based upon the record of the public hearing and the request of the City of McMinnville, 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 McMinnville. On May 10, 2016, by Resolution 2016-26, the City formally accepted jurisdiction over the above referenced roads and road segments that are within the city limits of the City of McMinnville.

D. As stated, portions of the above county roads and road segments are outside of the City of McMinnville. 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:

- (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, and all of the roads and road segments listed herein lead directly to the City.

F. 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 THE COUNTY AND THE 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 and/or repair, and for all costs associated with their improvement, construction and/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 McMinnville; and
- (c) The City of McMinnville 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 McMinnville 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 McMinnville.

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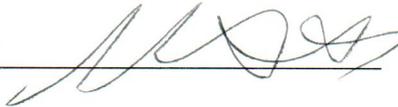
This agreement shall take effect on the date it has been executed by both parties, as evidenced by their dated signatures, below.

DONE at McMinnville, Oregon on the dates specified below, 2016.

CITY OF MCMINNVILLE

YAMHILL COUNTY

By: 

By: 

Date: 5/20/2016

Date: 6/2/16

FORM APPROVED BY:

FORM APPROVED BY:


DAVID KOCH
City Attorney


TIMOTHY S. SADLO
Senior Assistant County Counsel

Accepted by Yamhill County
Board of Commissioners on
6-2-16 by Board Order
16-214

RESOLUTION NO. 2016 - 26

A Resolution accepting the transfer of jurisdiction over portions of the following county roads inside and outside of the City of McMinnville: Hill Road and Baker Creek Road.

RECITALS:

On January 5, 2016, the City of McMinnville indicated its interest in pursuing the transfer of jurisdiction over the following Yamhill 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

On April 7, 2016 the Yamhill County Board of Commissioners ("Board") held a duly noticed public hearing to consider the requested transfer. In a unanimous vote, the Board adopted Board Order 16-130 (attached) tendering a formal offer to the City to transfer the noted roads to the City. The proposed intergovernmental agreement between Yamhill County and the City regarding the transfer of jurisdiction is attached.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

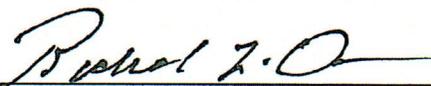
1. That the offer of Yamhill County, Oregon, as contained in Board Order 16-130 dated April 7, 2016 and attached and incorporated into this Resolution as Attachment 1, to surrender and transfer to the City of McMinnville jurisdiction over those portions of the roads listed in the Order, is hereby accepted. The City's acceptance of the offer constitutes both acceptance of an offer to transfer jurisdiction under ORS 373.270 with respect to roads inside the city limits and approval of an agreement to acquire right-of-way under ORS 373.260(1)(b) with respect to roads outside the city limits. For purposes of ORS 373.260(2), the consideration for the agreement is the County's relinquishment to the City of jurisdiction over the subject roads.
2. That the City Manager is authorized and directed to sign the attached intergovernmental agreement between Yamhill County and the City of McMinnville regarding the transfer of jurisdiction of the roads described above.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a meeting held the 10th day of May 2016 by the following votes:

Ayes: Drabkin, Hill, Jeffries, Menke, Ruden, Yoder

Nays: _____

Approved this 10th day of May 2016.



 MAYOR

Approved as to form:



 CITY ATTORNEY

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 Tendering a Formal)	
Offer Under ORS 373.270 and ORS 373.260 to)	
Transfer to the City of McMinnville Jurisdiction)	BOARD ORDER 16-136
Over Segments of NW Hill Road and NW Baker)	
Creek Road Located In or Near the City of)	
McMinnville, to the City of McMinnville,)	
at the Request of the City)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of County business in formal session on April 7, 2016 Commissioners Mary Starrett, Stan Primozech, 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. In accordance with ORS 373.270, on March 11, 2016, notice of a proposed hearing on this matter was posted at six locations, in the County and within the City of McMinnville. The hearing was held on April 7, 2016, 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 McMinnville, the Board finds that the transfer of jurisdiction over the above described roads and road segments is in the best interest of the County. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Yamhill County hereby offers to transfer to the City of McMinnville, jurisdiction over the following portions of Yamhill County roads:

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

2. Upon the City of McMinnville's enactment of appropriate municipal legislation accepting the County's offer to transfer jurisdiction, and in accordance with ORS 373.270(7), the offer shall be deemed accepted with the following effect:

- (a) The jurisdiction of the County over the subject portions of road or for their improvement, construction or repair shall cease;
- (b) The full and absolute jurisdiction over the subject portions of road for all purposes of repair, construction, improvement and the levying and collection of assessments therefor shall vest in the City of McMinnville; and
- (c) The City of McMinnville 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.

This transfer of jurisdiction over roads and road segments, including segments outside the city limits of the City of McMinnville, 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 McMinnville.

3. As soon as reasonably practicable following the City's enactment of appropriate municipal legislation described in numbered paragraph 2, the County will enter into an agreement with the City under ORS Chapter 190 and ORS 373.260, under which the City will assume responsibility for any construction, improvement or maintenance of those portions of the above specified roads

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or road segments that are outside the city limits of the City as the City deems necessary, and under which the County will relinquish jurisdiction over such road segments.

DONE at McMinnville, Oregon on April 7, 2016.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

MARY STARRETT

By: [Signature]
Deputy LUCY FLORES MENDEZ

[Signature]
STAN PRIMOZICH

FORM APPROVED BY:
[Signature]
TIMOTHY S. SADLO
Senior Assistant County Counsel

[Signature]
ALLEN SPRINGER

Accepted by Yamhill County
Board of Commissioners on
4.7.16 by Board Order
16-130