

RESOLUTION NO. 2019-39

A Resolution accepting the transfer of jurisdiction of a portion of Old Sheridan Road within the City of McMinnville.

RECITALS:

On April 5, 2019, 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 City of McMinnville:

1. Old Sheridan Road from Highway 99W to Cypress Lane.

On May 30, 2019, 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 19-168 (attached) tendering a formal offer to the City to transfer the noted roads to the City.

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 19-168, dated May 30, 2019 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 acceptance of an offer to transfer jurisdiction under ORS 373.270 with respect to roads inside the city limits.
2. 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 11th day of June 2019 by the following votes:

Ayes: Drabkin, Garvin, Geary, Menke, Peralta, Stassens

Nays: _____

Approved this 11th day of June 2019.



COUNCIL PRESIDENT

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 to Transfer to the)
City of McMinnville Jurisdiction Over the) BOARD ORDER 19-168
Segment of Old Sheridan Road Between State)
Highway 99W and Cypress Lane)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on May 30, 2019 Commissioners Richard L. “Rick” Olson, Mary Starrett and Casey Kulla being present.

IT APPEARING TO THE BOARD as follows:

A. On April 5, 2019, the City of McMinnville, through its Community Development Director, indicated its interest in pursuing the transfer of jurisdiction over the following segment of County Road located within the City of McMinnville:

Old Sheridan Road (County Road 19) between State Highway 99W and Cypress Lane

B. The City requested initiation of the transfer process, to facilitate its improvement of the above described road segment with funds included in the City’s 2014 Transportation Bond Measure. The proposed limits of the transfer request will allow the City to design, construct and maintain the road segment as a City street.

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. Once the transfer of jurisdiction over the described segment of road is complete, the City of McMinnville will assume full authority over the road segment, and full responsibility for its improvement and repair.

E. In accordance with the City’s request, the county scheduled, noticed and held a public hearing on May 30, 2019, to consider the transfer of jurisdiction over the segment of County Road identified in Finding A, above. The Board accepted testimony to determine whether the requested transfer of jurisdiction is “necessary, expedient or for the best interests of the county,” as required by ORS 373.270(4).

F. 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 road segment is in the best interest of the county. This formal offer to transfer jurisdiction is made under ORS 373.270(5). The transfer will be effective upon the City’s adoption of appropriate municipal legislation accepting the Board’s offer. 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 segment of Yamhill County road:

Old Sheridan Road (County Road 19) between State Highway 99W and Cypress Lane

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 road segment or for its improvement, construction or repair shall cease;
- (b) The full and absolute jurisdiction over the subject road segment 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 road segment 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.

DONE at McMinnville, Oregon on May 30, 2019.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair



RICHARD L. "RICK" OLSON

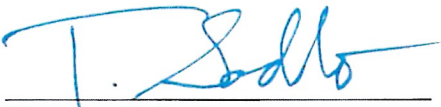
By: Carolina Rook
Deputy Carolina Rook

Commissioner



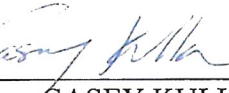
MARY STARRETT

FORM APPROVED BY:



Timothy S. Sadlo
Senior Assistant County Counsel

Commissioner



CASEY KULLA

Accepted by Yamhill County
Board of Commissioners on
5/30/19 by Board Order
19-168