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REC'D BY: LORI DAVIDSON.

CLATSOP COUNTY CLERK D

Ordinance NO. 1006-A

Introduced by Commissioner All Commissioners

TRANSFERRING THE PETER IREDALE ROAD TO OREGON PARKS AND RECREATION DEPARTMENT WITH CONDITIONS AND RETAINING A REVERSIONARY INTEREST

WHEREAS, Clatsop County has surrendered jurisdiction of the Peter Iredale Road, also known as County Road #140, and transferred jurisdiction of said Road to the City of Warrenton pursuant to the provisions of ORS 373.270; and

WHEREAS, the City of Warrenton (City), County of Clatsop (Clatsop), and the State of Oregon, Parks and Recreation Department (OPRD) have entered an Intergovernmental Agreement concerning the Peter Iredale Road, dated on or about July 22, 1998;

NOW THEREFORE, the City of Warrenton ordains as follows:

- Section 1. Transfer and Grant of Jurisdiction and Ownership. The City hereby transfers and grants jurisdiction and ownership of its interest in the Peter Iredale Road, formerly known as County Road #140, to the State of Oregon, Parks and Recreation Department, which transfer of jurisdiction and ownership of said public right of way is specifically subject to, conditioned and contingent upon OPRD observing and performing the terms and conditions of the Intergovernmental Agreement between OPRD, City, and County, including the following specific conditions:
- A. OPRD shall commit funds to rehabilitate or rebuild the westerly portion of the Road, which is the portion of the Road from the Peter Iredale Parking Lot easterly to the junction of the Battery Russell Crossover Road, during the calendar year 1998 if possible, but no later than June 30, 1999. Thereafter OPRD shall provide routine maintenance to the Road on an ongoing basis so that the Road will provide continuing access to the public to the Ocean Shore.

- B. OPRD shall not close the Road to pedestrian or vehicular traffic, or realign the Road, or charge for the use of the Road or the Peter Iredale Parking Lot, without first obtaining the prior written consent of City and County. OPRD, however, may, without City's and County's prior approval, make a temporary emergency closure in time of natural disaster or in the event of major public safety concerns similar to a natural disaster, or temporary closure necessary to perform major repair work.

Section 2. Reversionary Interest in Jurisdiction and Ownership of Road. The City retains a reversionary interest in the jurisdiction and ownership of the Road herein transferred and granted to OPRD, and this grant of jurisdiction and ownership shall terminate if Conditions A and B of Section 1 are not observed and performed by OPRD and full jurisdiction and ownership of the Road shall revert to and be returned to City.

Section 3. Acceptance by OPRD. By accepting jurisdiction and ownership of the Road pursuant to this ordinance, OPRD agrees to observe and perform conditions A and B of Section 1, and agrees that should it fail or cease to observe and perform these conditions, it will, upon demand by City, execute such documents as are presented by City to effectuate and document the reversion, surrender and transfer of jurisdiction and ownership of the Road to City so that said reversion, surrender and transfer may be spread upon the official records of the City and State.

Section 4. Effective Date. This ordinance shall take effect thirty days after its passage.

First Reading: August 19, 1998

Second Reading: September 2, 1998

PASSED by the City Commission of the City of Warrenton, this 2nd day of September, 1998

APPROVED AND ADOPTED by the Mayor of the City of Warrenton, this 2nd day of September, 1998




