

A BILL FOR AN ORDINANCE ACCEPTING THE)
TRANSFER OF JURISDICTION OF CERTAIN)
COUNTY ROADS TO THE CITY OF LEBANON;)
AND REQUESTING THE SURRENDER OF)
JURISDICTION OF CERTAIN COUNTY ROADS)
TO THE CITY OF LEBANON)

ORDINANCE BILL NO. 38
for 2002

ORDINANCE NO. 2326

WHEREAS, the City of Lebanon and Linn County are both party to the Intergovernmental Cooperation Agreement executed on February 3, 1999 for reconstruction of Airport Road from 7th Street to the west city limit of Lebanon; and

WHEREAS, Airport Road construction is complete and Linn County has completed a final engineer's report detailing the cost responsibilities for the project; and

WHEREAS, said agreement requires the transfer of jurisdiction of the portions of Airport Road (County Road 707 and 710) and Airway Road (County Road 788) shown in Exhibit "A"; and

WHEREAS, the Linn County Board of Commissioners has issued Order 2002-161 on May 22, 2002 offering to surrender jurisdiction of the roads shown in Exhibit "A" to the City of Lebanon; and

WHEREAS, a condition of the Linn County access permit for the Riverview School public improvements is for the transfer of jurisdiction to the City of Lebanon of the portion of River Drive (County Road 719) shown in Exhibit "B"; and

WHEREAS, the City of Lebanon and Linn County have fulfilled the terms of a memorandum of understanding dated November 12, 1996 for the transfer of jurisdiction of 12th Street (County Road 783) from "F" Street to Airport Road; now therefore

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. The Lebanon City Council finds that the acceptance of the jurisdiction of the roads described in the attached Exhibits "A" and "B" and said portion of 12th Street (County Road 783) is in the best interests of the citizens of the City of Lebanon.

Section 2. Pursuant to ORS 373.270(5)(b), the Lebanon City Council does hereby accept Order 2002-161 issued by the Linn County Board of Commissioners on May 22, 2002.

Section 3. Pursuant to ORS 373.270(6)(a), the Lebanon City Council does hereby request the surrender of jurisdiction of said portion of River Drive (County Road 719) shown in Exhibit "B" and said portion of 12th Street (County Road 783).

Section 4. The City of Lebanon does also accept, pursuant to the Linn County final engineer's report for Airport Road, the sum of \$222,405.20 for the transfer of jurisdiction of Airway Road (County Road 788) beyond that required for the City of Lebanon's share of the total construction cost.

Section 5. The City Recorder is further ordered to transmit a certified copy of this Ordinance to the Linn County Board of Commissioners.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after the date this ordinance is signed and approved by the City Council and the Mayor.

Passed by the Council by a vote of 6 for and 0 against and approved by the Mayor this 25 day of September, 2002.


J. Scott Simpson, Mayor
Ken Toombs, Council President

ATTEST:

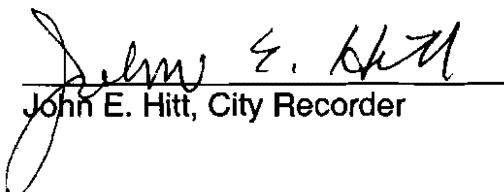
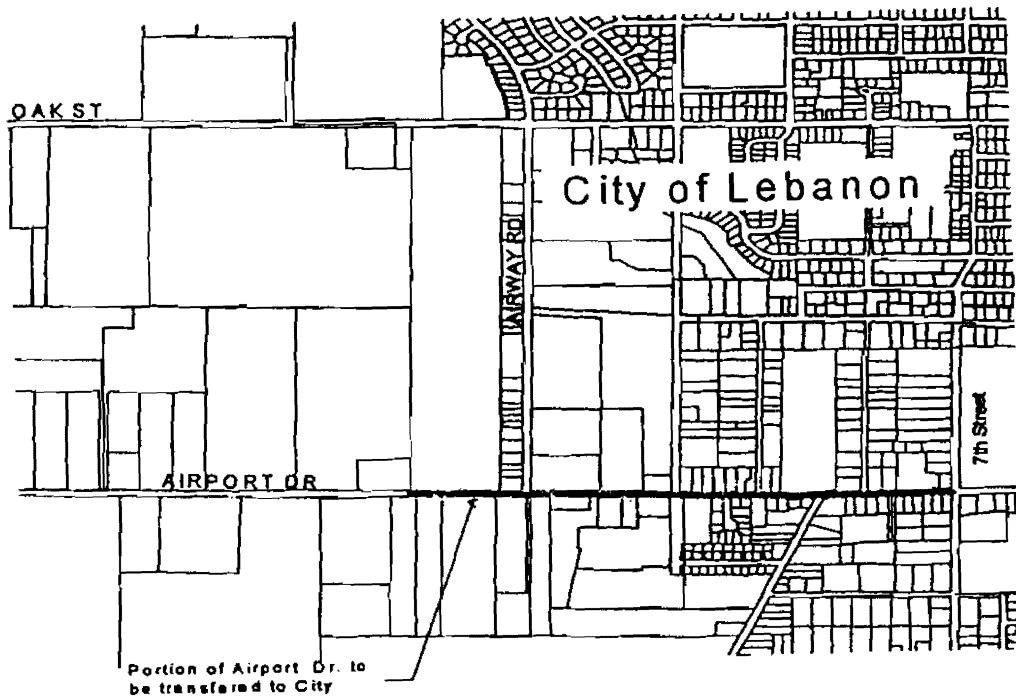

John E. Hitt, City Recorder

EXHIBIT A

All that portion of County Road No. 707 and 710, Airport Drive, as described in Volume 3, Page 83 of the Linn County Road Records lying within the following described property.

That portion of Airport Drive beginning at 7th street and continuing westerly to the west property line of the City of Lebanon airport.



I hereby certify this copy to be a true and correct copy of the original now on file in my office.
S. J. JACKSON, CLERK

S. J. Jackson
County Clerk
Sep 17

Exhibit 1
Page 2 of 2

All that portion of County Road No. 788, Airway Road, as described in Volume 9, Page 35 of the Linn County Road Records lying within the following described property.

That portion of Airway Road beginning at Airport Drive and continuing northerly to the currently owned City portion of Airway Road a distance of 2,415-feet.

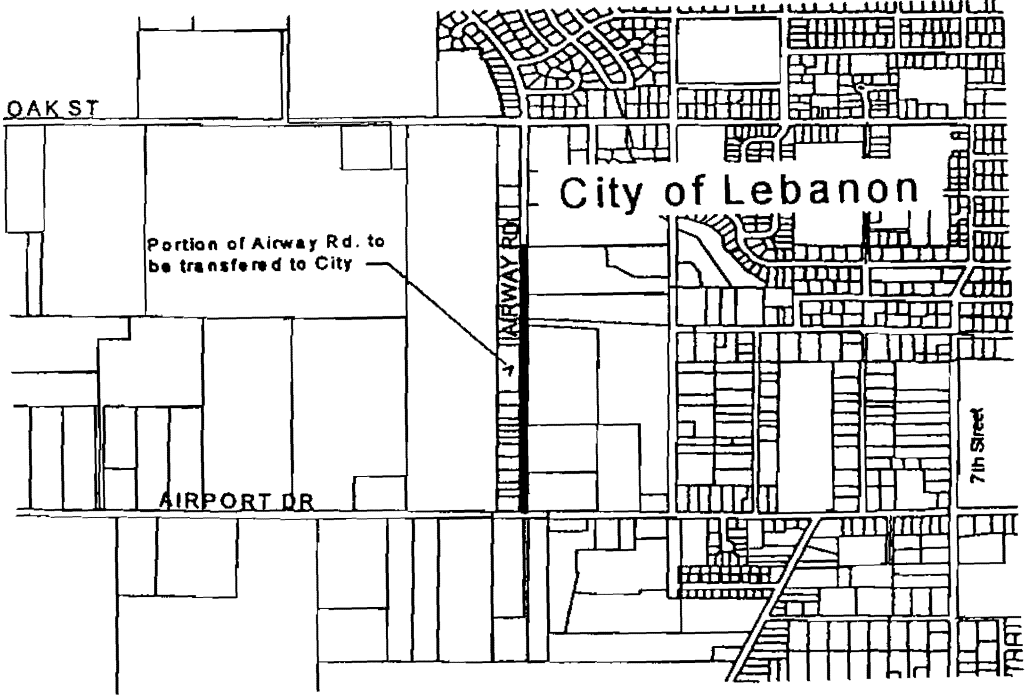
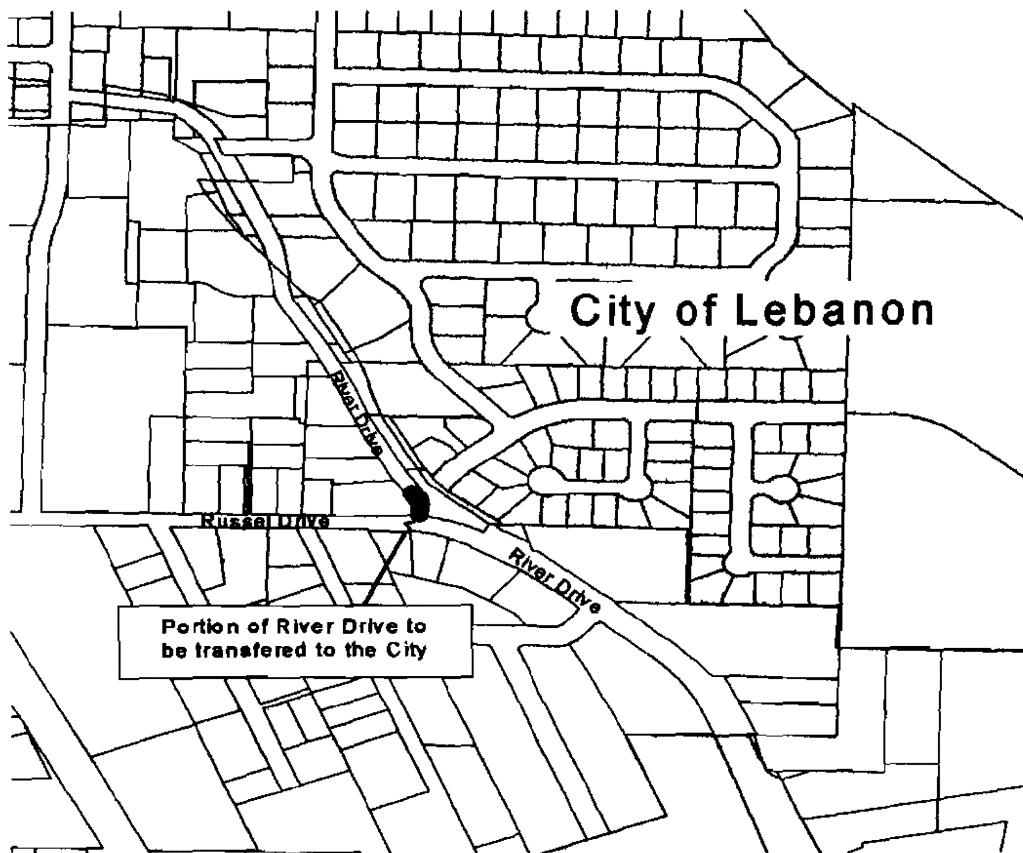


EXHIBIT B

All that portion of County Road No. 719, River Drive, as described in Volume 10, Page 539 of the Linn County Road Records lying within the following described property.

That portion of River Drive beginning 35-feet north of and parallel to the Mountain River Drive right-of-way centerline. Thence, continuing southeasterly to the intersection of Russel Drive and River Drive.



MAY 22 2002

STEVE DRUCKENMILLER, CLERK
By *[Signature]* Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF THE TRANSFER OF
JURISDICTION OF CERTAIN COUNTY
ROADS (Airway Road & Airport Drive)
TO THE CITY OF LEBANON

RESOLUTION &
ORDER NO. 2002-179

COMES NOW, Darrin Lane, Linn County Roadmaster, and respectfully requests for transfer of jurisdiction of certain county roads to the City of Lebanon; and,

WHEREAS, The Board of County Commissioners for Linn County, having executed an agreement to transfer jurisdiction to the City of Lebanon, (Order No. 99-070, dated February 3, 1999) attached as Exhibit 1, of certain county roads described in Exhibit I to the City of Lebanon; and,

WHEREAS, Having conducted proceedings pursuant to ORS 373.270, and having given notice as required by law and held a public hearing on May 22, 2002, at 10:00 a.m., in the Commissioners Meeting Room 200 of the Linn County Courthouse, Albany, Oregon; and,

WHEREAS, No objection being received, and now being fully advised by staff, the Board finds that it is necessary, expedient, or for the best interest of the County to surrender jurisdiction over those county roads within the City of Lebanon; and, now, therefore, be it

RESOLVED, That the said roads described in Exhibit 1, be and are hereby surrendered to the jurisdiction of the City of Lebanon; and it is further

ORDERED, That the Linn County Clerk transmit a certified copy of this order to the City of Lebanon, to the attention of the City Administrator.

Ordered this 22nd, day of May, 2002.
Dated this 22nd, day of May, 2002.

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

[Signature]
John K. Lindsey, Chairman

ABSENT

[Signature]
Roger Nyquist, Commissioner

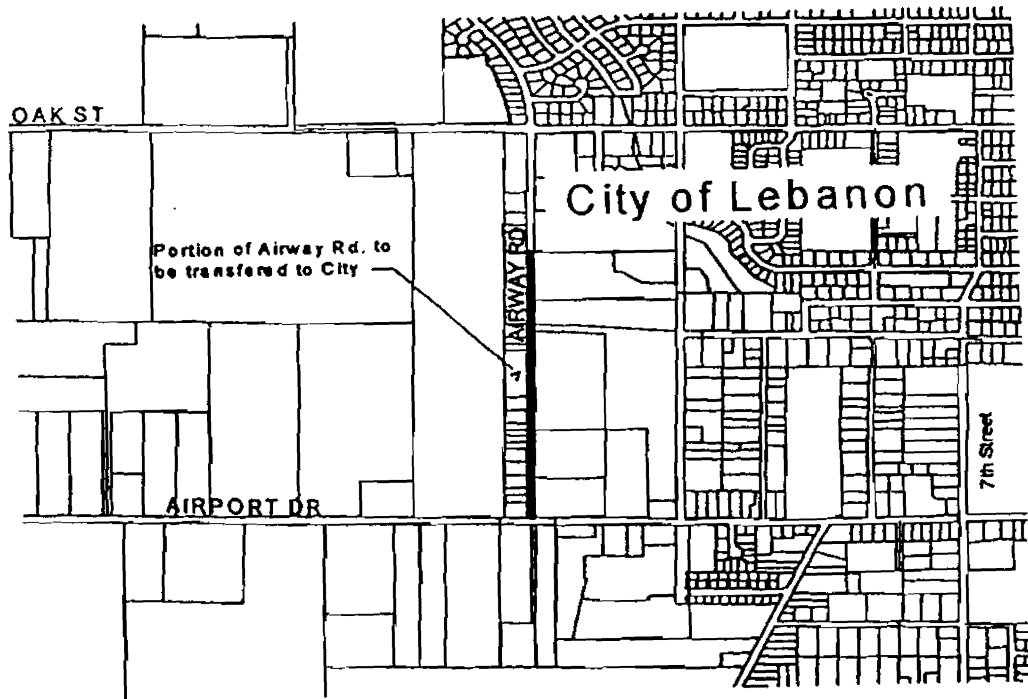
[Signature]
Cliff Wooten, Commissioner

APPROVED AS TO FORM:

[Signature]
Thomas N. Corr
Linn County Legal Counsel

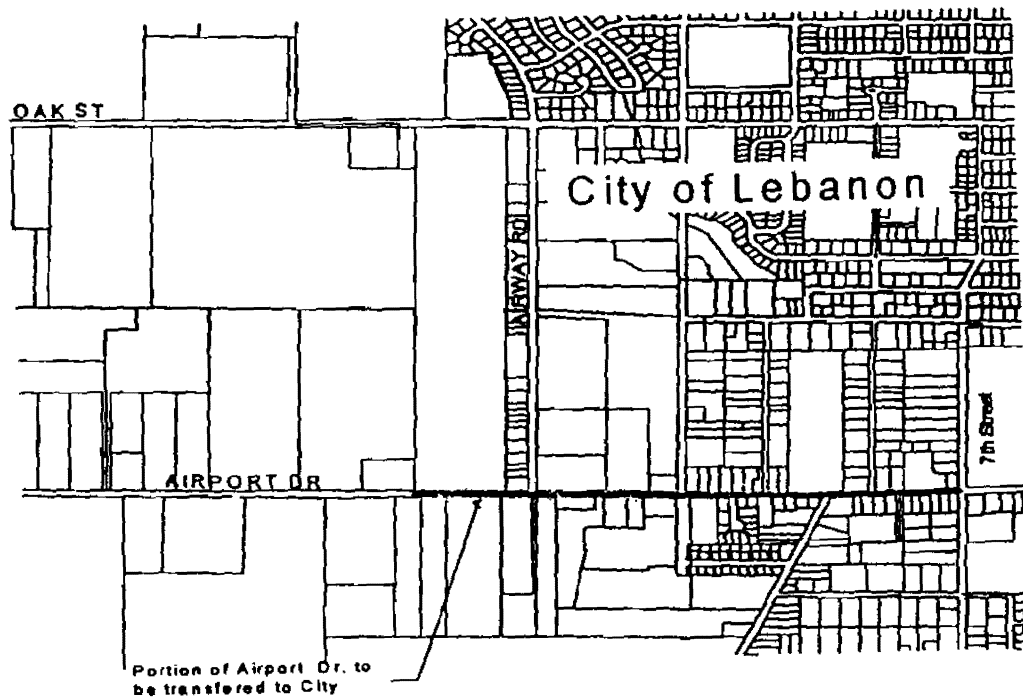
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This copy is only the copy to be a true
and correct copy of the original now
deposited in my office

W. H. SCHMIDT
W. H. Schmidt
County Clerk
Linn County

Exhibit 1
Page 2 of 2