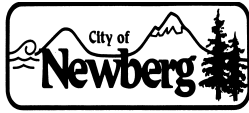


***THIS ITEM HAS BEEN POSTPONED INDEFINITELY
FROM THE DECEMBER 3, 2007, COUNCIL MEETING***



RESOLUTION No. 2007-2746

**A RESOLUTION ACCEPTING JURISDICTION OF A PORTION OF
SECOND STREET FROM YAMHILL COUNTY**

RECITALS:

1. On July 16, 2007 the City Council requested, through Resolution No. 2007-2720, that Yamhill County surrender to the City jurisdiction over that portion of Second Street from State Highway 219 to South Springbrook Road. This action was requested as part of the Second Street Reconstruction Project.
2. Thereafter, the County adopted Board Order 07-655 on July 18, 2007. The Order authorized the initiation of a formal process under ORS 373.270 to transfer to the City jurisdiction over the above-mentioned portion of Second Street, and to hold a public hearing on the matter.
3. On August 28, 2007, the duly noticed public hearing was held in the Yamhill County Courthouse on the proposed transfer of jurisdiction. No testimony opposed to the proposed transfer of jurisdiction was received.
4. In a unanimous vote (one member's absence being excused) on May 31, 2006, the Board passed Board Order 07-844, which found, based on the record of the public hearing and the request of the City of Newberg, a transfer of jurisdiction to be in the best interests of the citizens of Yamhill County. The Board Order constituted a formal offer to transfer jurisdiction. The operative part of the Board Order provided as follows:
 - A. Yamhill County hereby offers to surrender jurisdiction over the following portion of Second Street to the City of Newberg, Oregon:

That portion of Second Street from its intersection with the centerline of State Highway 219 easterly along the centerline of Second Street to its intersection with the centerline of South Springbrook Road.
 - B. On the City of Newberg's enactment of appropriate municipal legislation accepting the County's offer to surrender jurisdiction and in accordance with ORS 373.270(7) (2005 replacement part), the offer shall be deemed accepted with the following effect:
 - The jurisdiction of the County over the subject road or for its improvement, construction or repair shall cease.

- The full and absolute jurisdiction over the subject road for all purposes of repair, construction, improvement and the levying and collection of assessments therefore shall vest in the City of Newberg.
- The City of Newberg shall have the same jurisdiction over the subject 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.

5. The conditions of Board Order 07-844 are satisfactory to the City of Newberg. It is now necessary and proper that Board Order 07-844 and the offer contained therein be accepted by appropriate legislation of this Council as the governing body of the City of Newberg.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. That the offer of Yamhill County, Oregon, as contained in Board Order 07-844, dated September 5, 2007, to surrender jurisdiction to the City of Newberg over the following described portion of Second Street is hereby accepted: that portion of Second Street from its intersection with the centerline of State Highway 219 easterly along the centerline of Second Street to its intersection with the centerline of South Springbrook Road.
2. That this Resolution shall constitute notice to all persons concerned from the date of this Resolution that the jurisdiction of Yamhill County over the portion of the road described above shall cease and desist. This Resolution shall further constitute notice that the full and absolute jurisdiction over this road segment shall vest in the City of Newberg, Oregon for all purposes of repair, construction, improvement, and levying and collection of assessments therefore.
3. That a true copy of this Resolution certified to be such by the City Recorder of the City of Newberg be forwarded to the Yamhill County Board of Commissioners.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 4, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of December 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of December 2007.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____/____/200x meeting. Or, X None.
(committee name) (date) (check if applicable)