

14 MAY 29 P2:25

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)
 373.260 to Transfer to the City of Dundee) BOARD ORDER 14- 293
 Jurisdiction Over Parks Drive and portions)
 of Fulquartz Landing Road, Niederberger)
 Road and Ninth Street)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on May 29, 2014 Commissioners Allen Springer and Kathy George being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. The Newberg Dundee Bypass project will affect roads under County jurisdiction that are partially within the City of Dundee, including the following roads or segments of roads:

- (1) Parks Drive, from Highway 99W to Fulquartz Landing Road;
- (2) Fulquartz Landing Road, from the south right-of-way line of Parks Drive south 900 feet;
- (3) Niederberger Road, from Highway 99W to the west right-of-way line of Charles Street; and
- (4) Ninth Street, from Alder Street to the point where the west line of Red Hills Subdivision #1 intersects with the right-of-way of Ninth Street (at the point where the city limit leaves the centerline of 9th Street and turns 90 degrees to the north).

B. On June 12, 2013, the City of Dundee, through its City Engineer, indicated its interest in pursuing the transfer of jurisdiction of the above listed roads or segments of roads. The city limits of the City of Dundee are the centerlines of all of the listed roads and road segments.

C. The County and City tentatively agreed that the County will compensate the City for the transfer by passing through to the City any funds the County receives from the Oregon Department of Transportation (ODOT) for use of these County roadway facilities in development of the bypass. The County will potentially receive funds for the use of County roadway facilities in the Newberg and Dundee areas. The funds potentially paid to the City for this transfer are only those associated with the County roadway facilities within the City of Dundee. The County has no obligation to pay if funds are not forthcoming from ODOT. The transfer of funds will occur under an intergovernmental agreement established between the City and County at or following a decision by the City to accept this formal tender of jurisdiction.

D. On May 29, 2014, the Board held a 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).

E. Based upon the record of the public hearing and the request of the City of Dundee, 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 Dundee, jurisdiction over the following portions of Yamhill County roads:

- (a) Parks Drive, from Highway 99W to Fulquartz Landing Road;
- (b) Fulquartz Landing Road, from the south right-of-way line of Parks Drive south 900 feet;
- (c) Niederberger Road, from Highway 99W to the west right-of-way line of Charles Street; and
- (d) Ninth Street, from Alder Street to the point where the west line of Red Hills Subdivision #1 intersects with the right-of-way of Ninth Street (at the point where the city limit leaves the centerline of 9th Street and turns 90 degrees to the north).

2. Upon the City of Dundee'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 Dundee; and
- (c) The City of Dundee 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 outside the city limits of the City of Dundee 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 Dundee.

3. As soon as reasonably practicable following the City's enactment of appropriate municipal legislation described in numbered paragraph 2, the County will take the following actions:

- (a) 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 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; and

- (b) The County will remit to the City all funds remitted to the County by the Oregon Department of Transportation relating to the construction of the bypass, as it affects the above specified roads and road segments and/or the City of Dundee.

DONE at McMinnville, Oregon on May 29, 2014.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Allen Springer
Commissioner ALLEN SPRINGER

By: Annell Britt
Deputy ANNE BRITT

Kathy George
Commissioner KATHY GEORGE



FORM APPROVED BY:

T. Sadlo
TIMOTHY S. SADLO
Senior Assistant County Counsel

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