

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Surrendering )  
Jurisdiction Over a Portion of Gable )  
Road and a Portion of Old Portland ) ORDER No. 21-2004  
Road to the City of St. Helens )

WHEREAS, Columbia County currently has jurisdiction over the portions of Gable Road and Old Portland Road, as described in Attachment 1, which is attached hereto, and is incorporated herein by this reference; and

WHEREAS, by Intergovernmental Agreement dated April 17, 2002, which is attached hereto as Attachment 2, and is incorporated herein by this reference, the County agreed to fund an overlay project on portions of the above described Roads in order to bring them up to City design standards, and the City agreed to accept jurisdiction over said road portions, thereafter; and

WHEREAS, the County has made the required improvements in accordance with the Intergovernmental Agreement; and

WHEREAS, the City has agreed that such improvements meet City design standards for City Roads; and

WHEREAS, pursuant to ORS 373.270 the Board of County Commissioners initiated proceedings to surrender jurisdiction to the City of St. Helens on March 31, 2004, and authorized the Road Department to post notice of a hearing to determine whether it is necessary, expedient or in the best interest of the County to surrender jurisdiction to the City; and

WHEREAS, on April 27, 2004, the Columbia County Road Department posted notice of the hearing in three public places in the County, all of which were in the limits of the City; and

WHEREAS, the notice of public hearing was also faxed to the Chronicle for publication in May 5, 2004, and May 8, 2004, issues; and

WHEREAS, the Board of County Commissioners held a hearing on May 12, 2004, at 10:00 a.m. to hear testimony as to whether it is necessary, expedient or in the best interest of the County to surrender jurisdiction to the City;

NOW, THEREFORE, it is hereby ordered as follows:

1. It is necessary, expedient and in the best interest of the County to surrender jurisdiction over those portions of Gable Road and Old Portland Road described in Attachment 1 and as shown on Attachment 3, which is attached hereto, and is incorporated herein by this reference, to the City of St. Helens.

2. The Board of County Commissioners hereby offers to surrender jurisdiction over those portions of Gable Road and Old Portland Road, as described in Attachment 1, to the City of St. Helens.

3. Upon acceptance of the County's offer to surrender jurisdiction, the County's jurisdiction over those portions of Gable Road and Old Portland Road, as described in Attachment 1, as County Roads, or for their improvement, construction or repair shall cease, and the full and absolute jurisdiction over the portions of such Roads for all purposes of repair, construction, improvement and the levying and collection of assessments therefore shall vest in the City.

4. Upon acceptance of the County's offer to surrender jurisdiction, this Order and the City's acceptance shall be recorded in the Columbia County deed records, without cost.

Dated this 12<sup>th</sup> day of May, 2004.

Approved as to form

By: Sarah Toon  
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard  
Rita Bernhard, Chair

By: Anthony Hyde  
Anthony Hyde, Commissioner

By: Joe Corsiglia  
Joe Corsiglia, Commissioner

ATTACHMENT 1

ORDER NO. 21-2004

" That section of McCormick Cut-Off Road (County Road P-189) and CN Gable Road (County Road 40), both commonly known as Gable Road, located between Highway 30 and Old Portland Road. "

" That section of County Road "D", commonly known as Old Portland Road, between the northerly right-of-way of Kaster Road (18<sup>th</sup> Street) and 800 feet south-westerly of the centerline of McNulty Creek. "

02.17 cc'ed Dave H10  
COLUMBIA COUNTY  
MAY 03 2002  
COUNTY COUNSEL

**INTERGOVERNMENTAL AGREEMENT  
FOR THE TRANSFER OF JURISDICTION  
OVER PORTIONS OF GABLE ROAD  
AND OLD PORTLAND ROAD**

This Agreement is made by and between the City of St. Helens, Oregon, a municipality, (hereinafter referred to as "City"), and Columbia County, a political subdivision of the State of Oregon, (hereinafter referred to as "County").

WHEREAS, the City and the County are authorized under the provisions of ORS 190.003 to 190.030, ORS 203.035, and ORS 221.410 to enter into intergovernmental agreements for the performance of any and all functions that the City or County has authority to perform; and

WHEREAS, ORS 373.260 specifically authorizes the City and the County to enter into agreements "for the construction, improvement, or repair of, and the acquisition of right of way for: "any county road or city street within the corporate limits of the city [or] any road without such city, if it has a population of less than 100,000, but leading directly to it"; and

WHEREAS, the City and the County share a common concern regarding the care and maintenance of County roads located inside the City limits; and

WHEREAS, on February 19, 1997, the City and County entered into an Intergovernmental Agreement for the transfer of jurisdiction of Gable Road, Sykes Road, Old Portland Road, and Railroad Avenue to the City after the County made certain improvements; and

WHEREAS, the City and County have agreed that certain additional improvements to Gable Road and Old Portland Road, as described in Exhibit A, are necessary to meet City design standards for Roads before such County roads are transferred to City jurisdiction, and that this Intergovernmental Agreement is necessary to document and memorialize the agreement for the transfer of jurisdiction over said Roads; and

WHEREAS, the City and County have agreed that it is in the best interest of the public for the County to make such additional improvements to Gable Road and Old Portland Road prior to the transfer of jurisdiction over such roads to the City;

NOW, THEREFORE, the City and County hereby agree as follows:

1. The recitals set forth above are true and correct and are incorporated herein by this reference.
2. The County shall make certain improvements to the portions of Gable Road and Old Portland Road described in Exhibit A, and as shown in Exhibit B, which are attached hereto, and are incorporated herein by this reference.

3. Upon completion of the improvements described in Exhibit A, the City will accept jurisdiction of the improved roads, and shall thereafter be responsible for the repair, construction, maintenance, improvement, and the levying and collection of assessments therefore, according to applicable law. The City and County shall act in good faith to expedite the transfer of jurisdiction contemplated herein upon completion of said improvements within four months of their completion.
4. For the purpose of this Agreement, the improvements described in Exhibit A, shall be complete when, upon request of the County, the City inspects the improvements and deems them to be complete, or the City fails to inspect the improvements within 30 days of the County's request.
5. The City and County shall use their best efforts to identify funding sources for the improvement of Gable Road and Old Portland Road.
6. This Agreement represents the entire agreement between the parties for the transfer of jurisdiction of Gable Road and Old Portland Road to the City, and supercedes any prior agreement for the transfer of jurisdiction over said Roads.

DATED this 17<sup>th</sup> day of April, 2002.

CITY COUNCIL FOR THE  
CITY OF ST. HELENS, OREGON

By: [Signature]  
Mayor

Attested: [Signature]  
City Recorder

Approved as to form

By: [Signature]  
City Attorney

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Chair

By: not present  
Commissioner

By: [Signature]  
Commissioner

Approved as to form

By: [Signature]  
County Counsel

## **EXHIBIT A**

### **GABLE ROAD**

The following improvements shall be made to Gable Road west from Highway 30 at the railroad tracks to Old Portland Road, except for that portion fronting the Wal-Mart development which was recently paved to City Standards:

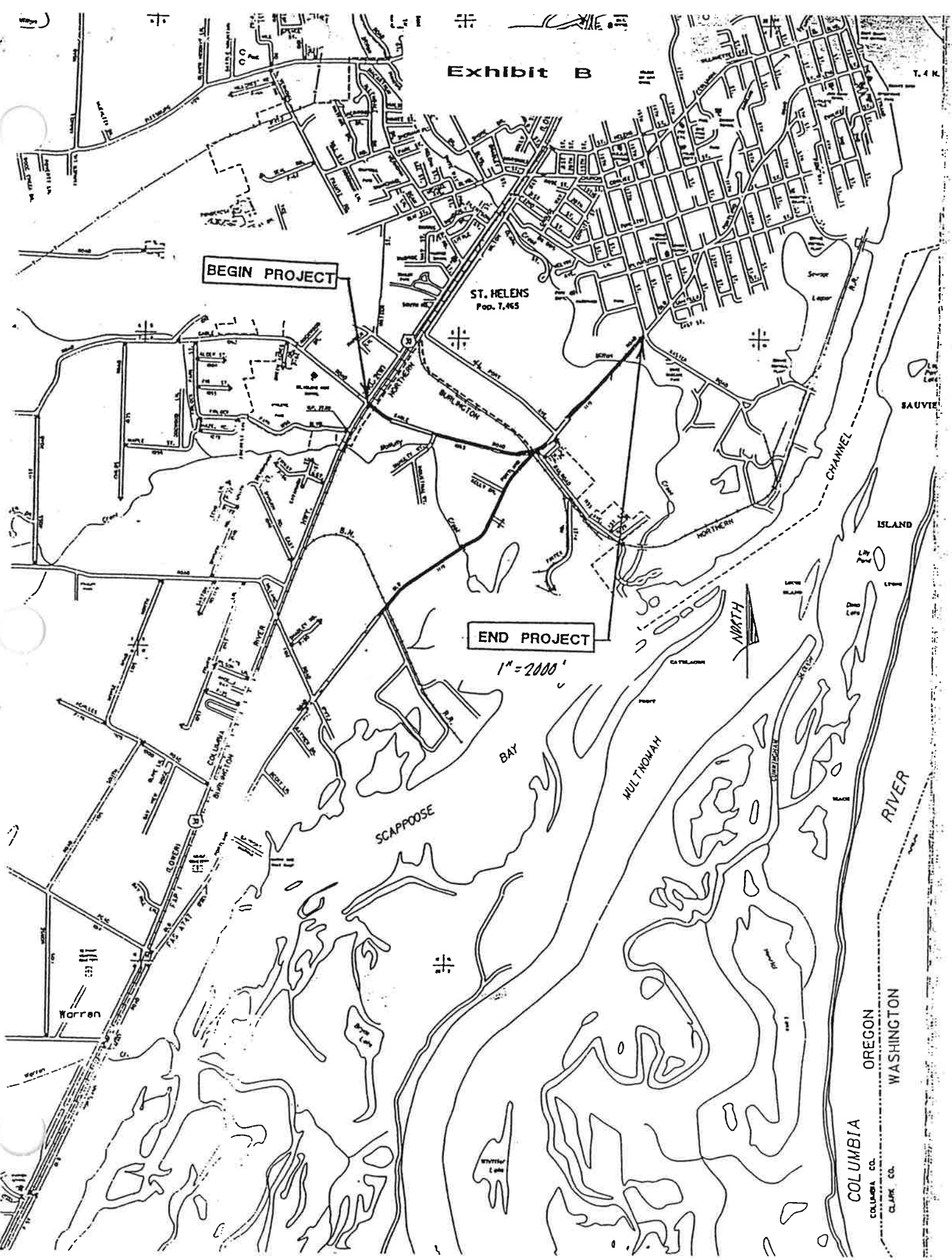
1. Asphalt leveling course over travel lanes;
2. Paving fabric over leveling course in travel lanes;
3. 1 ½ inch overlay over travel lanes and bike lanes;
4. Grind existing asphalt at railroad tracks for smooth transition;
5. Pavement striping.

### **OLD PORTLAND ROAD**

The following improvements shall be made to Old Portland Road from 18<sup>th</sup> Street to the entrance to the Multnomah Industrial Park, except for that portion fronting the Columbia County Jail facility which was recently paved to City standards:

1. Asphalt leveling course over travel lanes from 18<sup>th</sup> Street to Gable Road;
2. Paving fabric over leveling course in travel lanes from 18<sup>th</sup> Street to Gable Road;
3. 1 ½ inch overlay (including bike lanes) from 18<sup>th</sup> Street to Gable Road;
4. 2 inch overlay from Gable Road to end of project area;
5. Clean ditches and replace all driveway culverts that are less than 12 inch in diameter;
6. Pavement striping.

Exhibit B



BEGIN PROJECT

ST. HELENS  
Pop. 7,465

END PROJECT

1" = 2000'

NORTH

COLUMBIA  
CLARK CO.  
WASHINGTON

TRANSFER  
OF  
JURISDICTION  
3-25-04

