

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Surrendering Jurisdiction Over Those
Portions of Clara Cleveland County Road No. P-158
(commonly known as Rose Avenue) and Alder
Street located within the City Limits of Vernonia

ORDER NO. 19 - 2005

WHEREAS, Columbia County currently has jurisdiction over the portions of Clara Cleveland County Road No. P-158 (commonly known as Rose Avenue) and Alder Street located within the city limits of Vernonia, and more particularly described as:

All of Clara Cleveland County Road No. P-158 (commonly known as Rose Avenue) located within the city limits of Vernonia, Columbia County, Oregon. Said city limits currently extend to the north line of Section 5 of Township 4 North, Range 4 West.

All of Alder Street within the current city limits of Vernonia, Columbia County, Oregon. Current city limits extend to the east line of Block 16 of Riverview Lots Subdivision. Said road is located within Section 3 of Township 4 North, Range 4 West, and may be portions of County Roads #115 or #167.

WHEREAS, by Memorandum of Understanding dated November 5, 2002, which is attached hereto as Exhibit A and by this reference incorporated herein, the County agreed to pave approximately 850 feet of Cleveland Road (Rose Avenue) and perform related work, and work with the City to locate, identify and clean all drainage facilities along Alder Street, after which the City agreed to accept jurisdiction over said road portions; and

WHEREAS, the County has completed the required improvements in accordance with the Memorandum of Understanding; and

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

WHEREAS, the City has indicated that it shall adopt appropriate municipal legislation adopting this Order and the County's offer to surrender jurisdiction pursuant to ORS 373.270(5)(b); and

WHEREAS, pursuant to ORS 373.270 the Board of County Commissioners initiated proceedings to surrender jurisdiction of the described portions of Rose Avenue and Alder Street to the City of Vernonia on April 12, 2005, and authorized staff to publish and 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 22, 2005, the Columbia County Public Works Director posted notice of the

hearing at three separate public places within the limits of the City as evidenced by the Affidavit of Posting attached hereto as Exhibit B and by this reference incorporated herein; and

WHEREAS, the notice of public hearing was also faxed to *The Independent* for publication in its April 20, 2005, issue; and

WHEREAS, the Board of County Commissioners held a hearing on May 11, 2005, 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 Clara Cleveland County Road No. P-158 (commonly known as Rose Avenue) and Alder Street located within the city limits of Vernonia.
2. The Board of County Commissioners hereby offers to surrender jurisdiction over those portions of Clara Cleveland County Road No. P-158 (commonly known as Rose Avenue) and Alder Street as more fully described above.
3. Upon acceptance of the County's offer to surrender jurisdiction, the County's jurisdiction over those portions of Clara Cleveland County Road No. P-158 (commonly known as Rose Avenue) and Alder Street located within the city limits of Vernonia, 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 therefor 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 11th day of May, 2005.

Approved as to form

By: Joim/K4625
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: Joe Corsiglia
Commissioner

By: John M. Bernhard
Commissioner

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THIS MEMORANDUM OF UNDERSTANDING ("MOU") is by and between COLUMBIA COUNTY, a political subdivision of the State of Oregon (hereinafter referred to as the "County"), and the CITY OF VERNONIA, a municipal corporation within the County (hereinafter referred to as the "City").

WHEREAS, certain real property, which has been assigned Tax Account No. 04-01 4405-014-13800, was foreclosed upon for nonpayment of real property taxes in *Columbia County v. Holaday, et al*, Case No. 99-2374C, said property, listed as Parcel No. 99-026 in said foreclosure proceeding, being more particularly described as

Lot 9, Block 1, Central Addition to Vernonia, Columbia County, Oregon.

And located at 872 Weed Avenue, Vernonia, Oregon (hereinafter the "Weed Avenue property"); and

WHEREAS, the County is in the process of foreclosing upon an adjoining piece of property assigned Tax Account No. 04-01 4404-023-03700, in *Columbia County v. Neuman, et al*, Case No. 02-2308, which is generally described as a strip of property approximately 13.43' by 150' running behind the Weed Avenue property west of the alley between Lew's and the Old Bowling Alley, said property, listed as Parcel No. 02-024 in said foreclosure proceeding, being more particularly described as:

Part of Lots 8, 9 and 10, Block 3, Vernonia, Columbia County, Oregon

(Hereinafter the "strip property"); and

WHEREAS, City has requested that County transfer title to the Weed Avenue property and the strip property described above to the City of Vernonia for expansion of the City's downtown core area; and

WHEREAS, City and County have engaged in negotiations for the transfer of title to the City of Vernonia in exchange for the City's acceptance of jurisdiction over a portion of two streets within City limits;

NOW, THEREFORE, IT IS HEREBY AGREED by the County and the City as follows:

(1) With regard to Cleveland Road (Rose Avenue):

(a) the County shall pave the gravel section of Cleveland Road (Rose Avenue) from the end of the existing asphalt to the City limits (approximately 850 feet). The width of the asphalt shall be 20 feet and the compacted depth shall be 3 inches.

(b) the County shall perform all grading, ditch relocation, and road widening to

accommodate a 20 foot paved surface. The corner shall be super-elevated about 2% to the inside corner to eliminate the need for a ditch on the outside. County shall replace driveway culverts if necessary for the road widening.

- (c) the City shall locate and adjust all water and sewer manholes and valves.
 - (d) the City shall accept jurisdiction of this portion of Cleveland Road (Rose Avenue) upon completion of the work outlined herein.
- (2) With regard to Alder Street:
- (a) the County will supply labor and equipment to work with City employees to locate, identify, and clean all drainage facilities along Alder Street to allow the City to sketch and inventory the facilities.
 - (b) the City shall accept jurisdiction of Alder Street upon completion of the work outlined herein.
- (3) In exchange for the City's agreement to accept jurisdiction of the above public rights-of-way, and upon the completion of the work outlined and the actual, formal acceptance of jurisdiction by the City, the County shall convey to the City of Vernonia via quitclaim deed all its right, title and interest in the Weed Avenue property.
- (4) In addition, the County shall convey to the City of Vernonia via quitclaim deed all its right, title and interest, if any, in the strip property should said property not be redeemed by its record owner and the County takes deed to the property in approximately October 2004.

Dated this 5th day of November, 2002.

CITY OF VERNONIA

By: [Signature]
City Administrator (Title)

By: _____

(Title)

**BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

By: [Signature] 11/13/02
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Surrendering Jurisdiction Over the)
Portion of Clara Cleveland County Road No. P-158)
(commonly known as Rose Avenue) and the Portion) AFFIDAVIT OF POSTING
of Alder Street located within the City of Vernonia) NOTICE OF PUBLIC HEARING
_____)

STATE OF OREGON)
) ss.
County of Columbia)

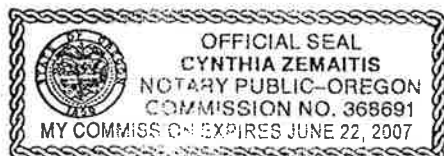
I, David Hill, being first duly sworn, hereby depose and say the following is true as I verily believe:

1. I am the Public Works Director for Columbia County, Oregon.
2. Pursuant to ORS 373.270(2)(a), I posted a copy of the attached Notice of Public Hearing in at least three public places in the County, two of which were within the limits of the City of Vernonia.
3. Copies of the said postings were placed in the following locations:
 - a. Courthouse Bulletin Board, Columbia County Courthouse, St. Helens, Oregon on the 22 day of April, 2005.
 - b. WOEC Power Pole 685801 at entrance
to Alder Street on the 21 day of April, 2005.
 - c. WOEC Power Pole 700802 midway
up Alder Street on the 21 day of April, 2005.
 - d. WOEC Power Pole 474899 along
Rose Ave. on the 21 day of April, 2005.
4. Copies of the said posting were placed at least 14 days before the date of the hearing mentioned in the notice.

Dated this 22 day of April, 2005.

By: David A Hill
David Hill

Subscribed and sworn to before me this 22nd day of April, 2005.



[Signature]
Notary Public for Oregon