

CITY OF NEWPORT
RESOLUTION NO. 3768

A RESOLUTION ACCEPTING THE TRANSFER OF JURISDICTION
OVER A PORTION OF BIG CREEK ROAD

Findings:

1. On April 23, 2014, Lincoln County and the City of Newport entered into a Memorandum of Agreement (MOA) pursuant to ORS Chapter 190 to establish the procedures and general timelines concerning the future, potential transfer of jurisdiction and maintenance responsibility for a portion of Big Creek Road, County Road No. 402 (County Road); and
2. That portion of the County Road to be transferred is within the boundaries of the Newport city limits, as expanded with Ordinance No. 2095, extending from the westernmost point where the County possesses jurisdiction east to where the improved roadway terminates; and
3. City is interested in taking over jurisdiction of the County Road for the same reasons it amended its Urban Growth Boundary and annexed both of its domestic water supply storage reservoirs. The reservoir dams are structurally unsound, and the corrective measures will likely necessitate that a portion of the County Road be reconstructed. This work can be most efficiently accomplished if the road is under the City's jurisdiction; and
4. When the MOA was originally negotiated it envisioned a maintenance agreement being developed whereby the County would continue to perform routine maintenance of the County Road after jurisdiction is transferred, with the City being billed for those costs. Such maintenance agreement would also cover one-time costs for minor improvements, namely guardrail repairs, that the County would incur prior to the jurisdictional transfer. City has since determined that it has the capacity to maintain the roadway without the County's assistance and that requiring the County to replace guardrail at this time is impractical because the road will likely be reconstructed in a few years at which time the guardrail would have to be replaced; and
5. On January 11, 2017, the Lincoln County Board of Commissioners adopted Order No. 1-17-20, offering to surrender County Road to the City of Newport, pursuant to ORS 373.270(5) and;
6. On January 18, 2017 the Lincoln County Board of Commissioners adopted Order No. 1-17-23, amending Order No. 1-17-20, correcting the legal description for the County Road being surrendered so that it was limited to areas that are within the corporate limits of the City of Newport and;
7. ORS 373.270(5) requires that the City of Newport accept the Lincoln County Board of Commissioners offer to surrender jurisdiction of the County Road in order for the transfer to have legal affect.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The offer by Lincoln County to surrender jurisdiction for Big Creek Road, County Road No. 402, as outlined in Order No. 1-17-20 and amended by Order No. 1-17-23, is hereby accepted.

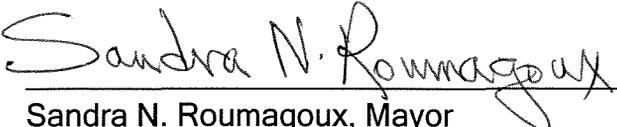
Section 2. Adoption of this resolution satisfies the provisions of ORS 373.270(5) that stipulate City acceptance must occur by passage of “appropriate municipal legislation” and that with the passage of this resolution:

- (a) Lincoln County’s jurisdiction and responsibility to improve, construct, or repair the portion of Big Creek Road, County Road No. 402, described in Order No. 1-17-20, as amended by Order No. 1-17-23, shall cease; and
- (b) Full and absolute jurisdiction over the portion of Big Creek Road, County Road No. 402, described in Order No. 1-17-20, as amended by Order No. 1-17-23, for all purposes of repair, construction, improvement and the levying and collection of assessments shall vest in the City of Newport; and
- (c) The City of Newport shall have the same jurisdiction over the portion of Big Creek Road, County Road No. 402, described in Order No. 1-17-20, as amended by Order No. 1-17-23, as by its charter and the laws of the state are given or granted it over any of the public streets and alleys in the city.

Section 3: This resolution is effective immediately upon adoption and shall remain in effect until modified, revoked, or replaced.

Adopted by a 6-0 vote of the Newport City Council on February 6, 2017.

Signed on February 7, 2017.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder