



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

March 14, 2019

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of a Board Order Transferring Jurisdiction from
Clackamas County to the City of Lake Oswego for
SW Kimball Court (County Road #2918)**

Purpose/Outcomes	Jurisdictional transfer of SW Kimball Court to the City of Lake Oswego.
Dollar Amount and Fiscal Impact	Cost savings in the form of staff time and Maintenance monies used on a County maintained portion of road located entirely within the City of Lake Oswego.
Funding Source	N/A
Safety Impact	N/A
Duration	Upon execution; permanent.
Previous Board Action	N/A
Strategic Plan Alignment	Build a strong infrastructure. Build public trust through good government.
Contact Person	Rick Maxwell, Engineering Tech; 503-742-4671

BACKGROUND:

There are certain County roads, such as SW Kimball Court in Lake Oswego, that are wholly, mostly, or partially within various Cities throughout Clackamas County. Fragmented jurisdiction over these roads often results in differing road maintenance activities and confusion by the public as to which agency is responsible for the operation and maintenance of the roads. Clackamas County and the City of Lake Oswego have agreed to the transfer SW Kimball Court, currently under the jurisdiction of the County, to the City with the intent of eliminating confusion to the public and to improve the efficiencies of maintenance and public service.

SW Kimball Court contains approximately 32,900 square feet of Right-of-Way. By accepting jurisdiction over SW Kimball Court, the City becomes the "Road Authority" responsible for all maintenance of drainage systems, improvements, permitting and road standard activities.

This Board Order has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff respectfully requests that the Board approve this Board Order between Clackamas County and the City of Lake Oswego related to the transfer of jurisdiction of SW Kimball Court.

Respectfully submitted,

Rick Maxwell
Engineering Technician
Transportation and Development

Attachments:

Resolution

Exhibit A

Exhibit B

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the
City of Lake Oswego, jurisdiction over
SW Kimball Court, County
Road No. 2918, DTD No. 21379



Board Order No. _____
Page 1 of 2

This matter coming before the Board of County Commissioners as a result of the City of Lake Oswego initiating action pursuant to ORS 373.270(6) to surrender jurisdiction of a county road within the boundary of the City of Lake Oswego, and the preceding negotiation between the City of Lake Oswego and Clackamas County Department of Transportation and Development to transfer portions of the following road described and depicted on the attached Exhibit A and Exhibit B, and as further described as follows:

<u>Road Name</u>	<u>Cnty #</u>	<u>DTD #</u>	<u>From</u>	<u>To</u>	<u>Square Feet</u>
SW Kimball Court	2918	21379	MP 0.00	MP 0.10	32,900 sf

It further appearing to the Board that said transfer of jurisdiction has been recommended by Dan Johnson, Director of the Department of Transportation and Development; and,

It further appearing to the Board that said transfer of jurisdiction is in the best interest of the citizens of Clackamas County; and,

It further appearing to the Board that pursuant to ORS 373.270, notice of the hearing on this matter was provided by publication in the Lake Oswego Review on 02/10/19, 02/17/19, 02/24/19 and 03/03/19; now therefore,

IT IS HEREBY ORDERED that Clackamas County surrenders jurisdiction over a portion of SW Kimball Court to the City of Lake Oswego such that full and absolute jurisdiction of said portions of roadway for all purposes of repair, construction, improvement and the levying and collection of assessments therefor be transferred to the City of Lake Oswego and shall vest in the City of Lake Oswego as of the date of this order; and,

IT IS FURTHER ORDERED that the portion of the roadway described herein pursuant to ORS 273.270(5), 32,900 square feet, more or less, be removed from the County's Road Inventory; and,

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the
City of Lake Oswego, jurisdiction over
SW Kimball Court, County
Road No. 2918, DTD No. 21379



Order No.
Page 2 of 2

IT IS FURTHER ORDERED that
copies of this Order be submitted to the Clackamas County Clerk's office for recording and that
copies be subsequently sent without charge to the Clackamas County Surveyor, Tax Assessor,
Finance/Fixed Asset Offices, and DTD Engineering.

ADOPTED this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS

Chair

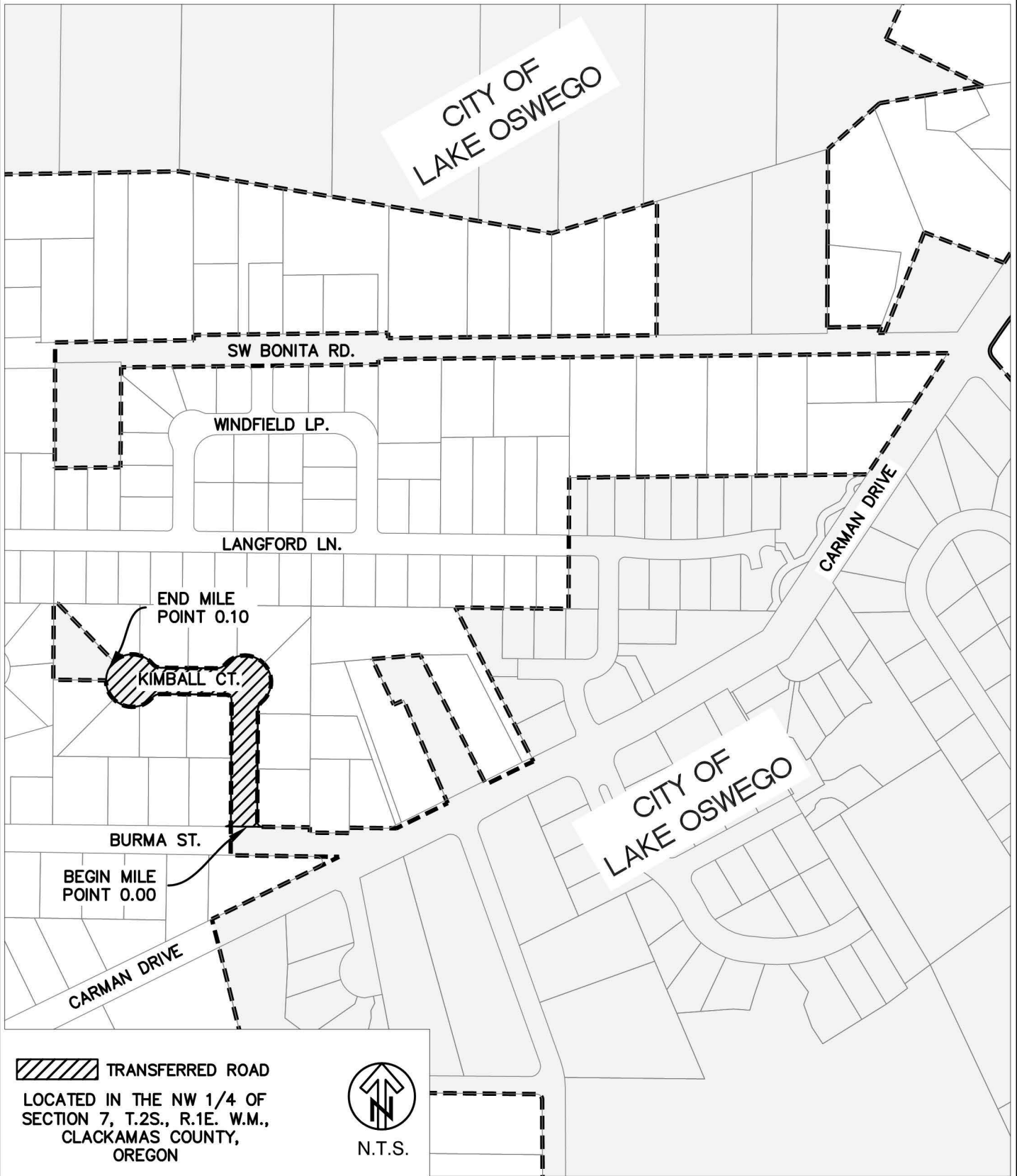
Recording Secretary


EXHIBIT "A"

Transfer SW Kimball inside City limits:

All of SW Kimball Court, County Road No. 2918, Department of Transportation and Development maintenance No. 21379; Situated in the northwest 1/4 of Section 7, T. 2S., R. 1E., as depicted on Exhibit B, attached hereto, lying north and west of and between the northerly right of way line of Burma Drive (mile point 0.00) and the end of the existing cul-de-sac (mile point 0.10), being a total of approximately 540 feet long, 50 feet in width with 50 foot radius cul-de-sacs. Containing 32,900 square feet, more or less.

EXHIBIT "B"



 TRANSFERRED ROAD
 LOCATED IN THE NW 1/4 OF
 SECTION 7, T.2S., R.1E. W.M.,
 CLACKAMAS COUNTY,
 OREGON



DEPARTMENT OF TRANSPORTATION
 AND DEVELOPMENT
 150 BEAVERCREEK ROAD
 OREGON CITY, OR 97045



BY: R. MAXWELL DATE: 8/14/2018
 JURISDICTIONAL TRANSFER
 OF SW KIMBALL COURT
 COUNTY ROAD NO. 2918

SHEET
 1 OF 1



PUBLIC WORKS DEPARTMENT

January 8, 2019

Clackamas County Engineering
Mike Bezner
Asst. Director of Transportation
150 Beaver Creek Road
Oregon City, OR 97045

Sent Via Email to: MikeBez@clackamas.us

RE: Road Transfers –Kimball Court, and part of Bonita Road

Dear Mr. Bezner;

On December 18, 2018 the Lake Oswego City Council passed Resolutions 18-46 that requested Clackamas County transfer jurisdiction of Kimball Court and a portion of Bonita Road

Enclosed is one copy of the signed resolution from our City Council for your files, and as a means to formally request Clackamas County proceed with the necessary action and order to complete the transfer. When completed, we request copies of the signed orders be provided for our files.

If you need further documentation to assist with the final stage of this transfer, please contact me directly at 503-635-0264 or erooney@ci.oswego.or.us

Sincerely,

Erica Rooney, P.E.
City Engineer

Enclosure:

Resolution 18-46

c: Todd Knepper, Engineering
Paul Espe, Planning

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RESOLUTION 18-46

A RESOLUTION OF THE LAKE OSWEGO CITY COUNCIL REQUESTING CLACKAMAS COUNTY TRANSFER JURISDICTION OF A PORTION OF BONITA ROAD AND ALL OF KIMBALL COURT INSIDE THE CITY LIMITS, INCLUDING MAINTENANCE AND PERMITTING AUTHORITY.

WHEREAS, over a number of years, portions of Bonita Road and all of Kimball Court have been added into the City through annexations into the Lake Oswego city limits, and

WHEREAS, the City is required to formally request a road transfer of jurisdiction as a result of such annexations, and

WHEREAS, the portion of Bonita Road from its intersection with Carman Drive to the westerly boundary of 5850 Bonita Road is within the City limits, and

WHEREAS, all of Kimball Court (from its intersection with Burma Road to the easterly boundary of the cul de sac of Kimball Court) is within the City limits, and

WHEREAS, ORS 373.270 authorizes the City to request that Clackamas County transfer jurisdiction of County roads such as the described portion of Bonita Road and all of Kimball Court (Exhibit A and Exhibit B) that are within the City limits, and provides that upon the County's Board of Commissioners' adoption of an order meeting the City's resolution, the jurisdiction of Clackamas County over the described portion of Bonita Road and all of Kimball Court as County roads that are inside the City limits shall cease, and the full and absolute jurisdiction over the described portion of Bonita Road and all of Kimball Court within the City limits shall for all purposes of repair, construction, improvement and the levying and collection of assessments therefore shall vest in the City, except for any transfer reservations stated in the resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Oswego that:

Section 1. County Roads Inside City Limits. The City of Lake Oswego requests that Clackamas County transfer all jurisdiction over the portions of the following roadway(s) that are within the City limits, pursuant to ORS 373.270:

- a. Bonita Road from its intersection with Carman Drive to the westerly boundary of 5850 Bonita Road (see attached Exhibit A) and;
- b. Kimball Court from its intersection with Burma Road to the most westerly point of the cul-de-sac end of Kimball Court (see attached Exhibit B).

Section 2. Effective Date. This Resolution shall take effect upon passage.

Considered and enacted at the regular meeting of the City Council of the City of Lake Oswego on the 18th day of December, 2018.

AYES: Mayor Studebaker, Buck, LaMotte, Gudman, Kohlhoff, O'Neill

NOES: None

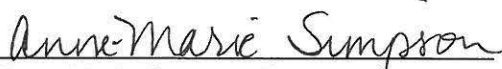
EXCUSED: Manz

ABSTAIN: None



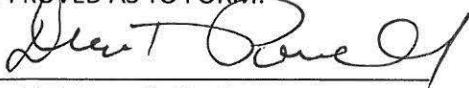
Kent Studebaker, Mayor

ATTEST:



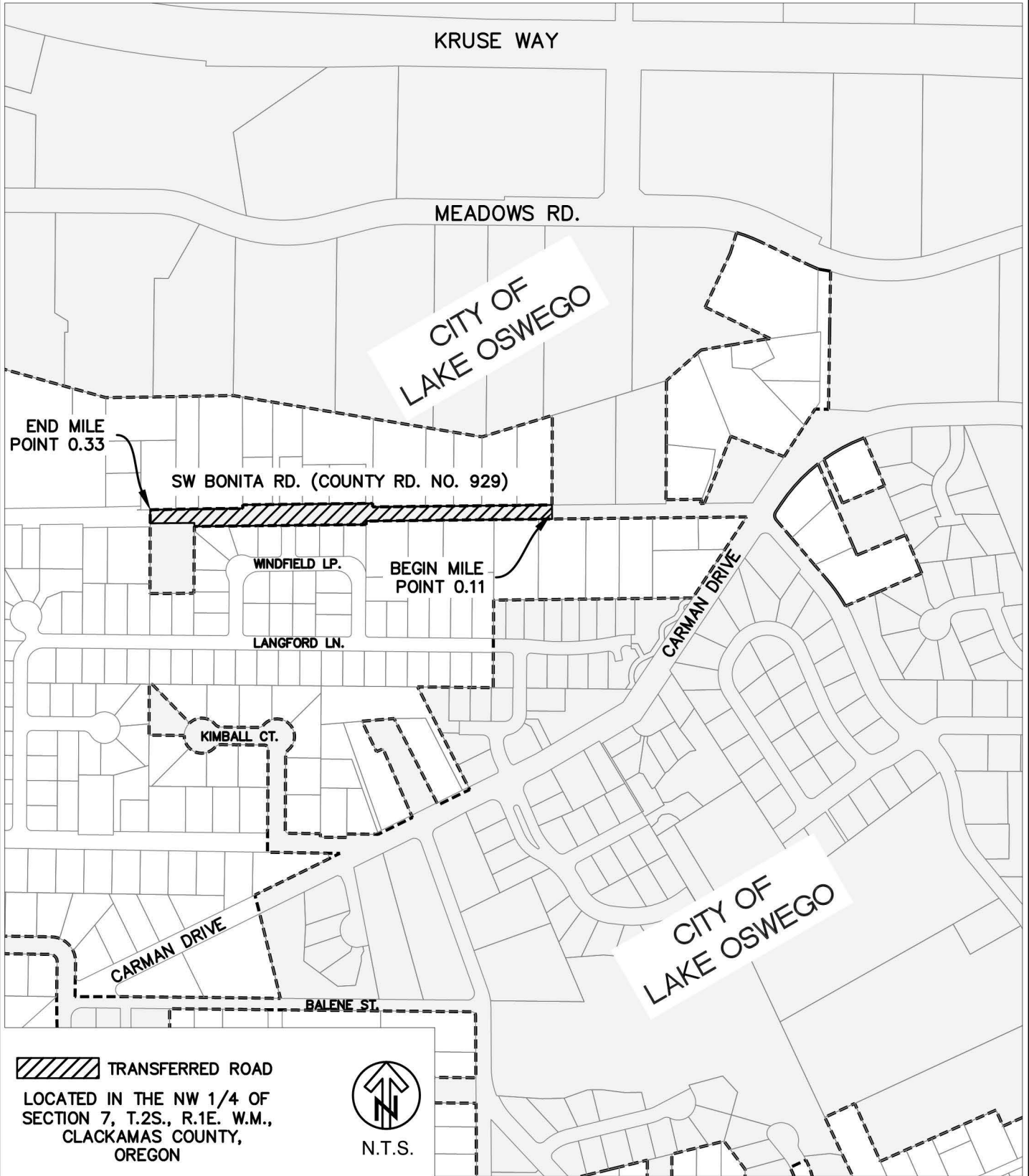
Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David D. Powell, City Attorney

EXHIBIT "A"



DEPARTMENT OF TRANSPORTATION
 AND DEVELOPMENT
 150 BEAVERCREEK ROAD
 OREGON CITY, OR 97045



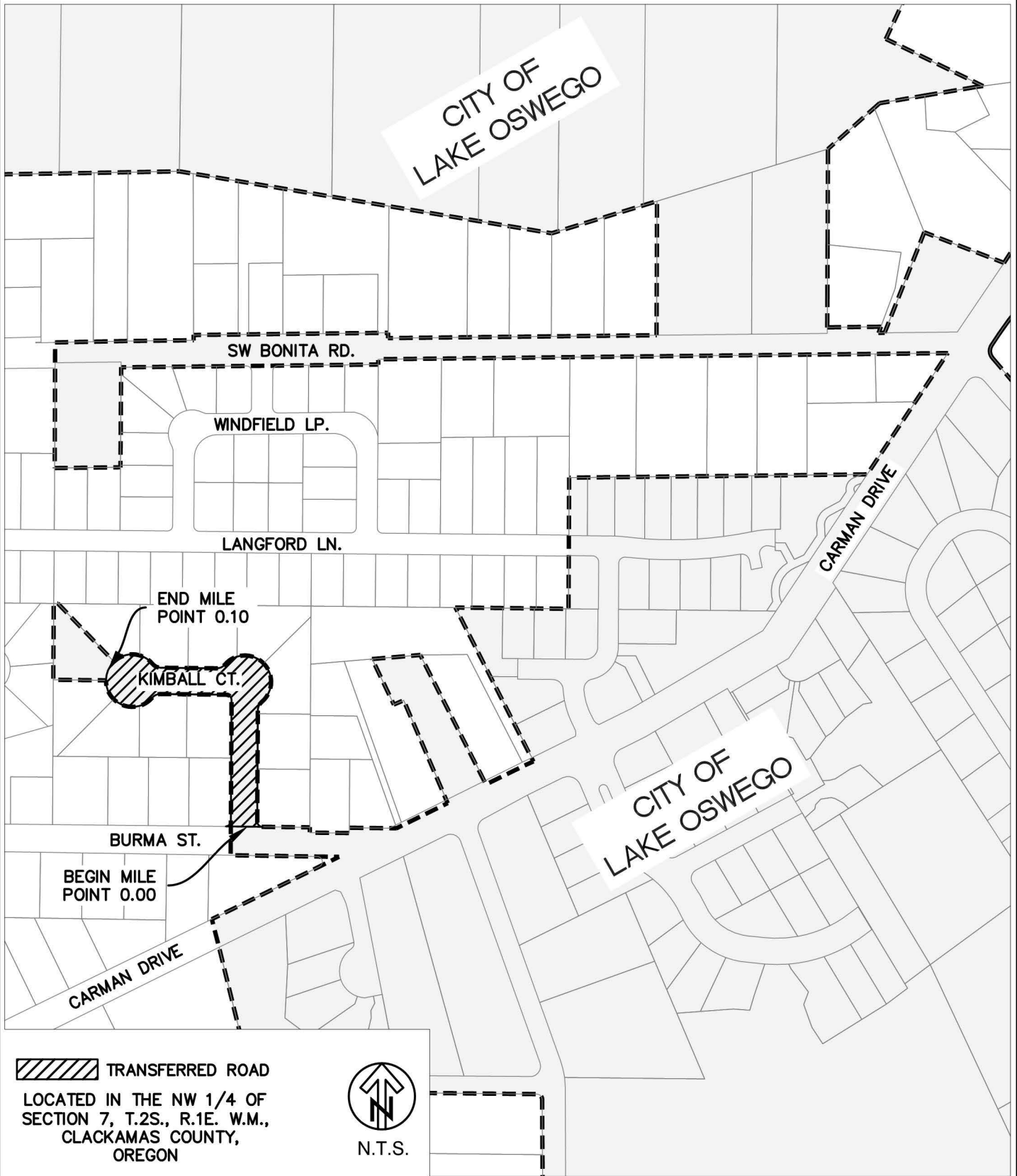
BY: R. MAXWELL DATE: 8/3/2018
 JURISDICTIONAL TRANSFER
 OF A PORTION OF SW BONITA RD.
 COUNTY ROAD NO. 929


SHEET
 1 OF 1

Transfer SW Bonita Road inside City limits:

A portion of SW Bonita Road, County Road No. 929, Department of Transportation and Development maintenance No. 21503; Situated in the northwest 1/4 of Section 7, T. 2S., R. 1E., as depicted on Exhibit A, attached hereto, lying west of and between the previous Lake Oswego city limit (mile point 0.11) and the current Lake Oswego city limit (mile point 0.33), being a total of approximately 1,143 feet long, varying in width. Containing 54,120 square feet, more or less.

EXHIBIT "B"



 TRANSFERRED ROAD
 LOCATED IN THE NW 1/4 OF
 SECTION 7, T.2S., R.1E. W.M.,
 CLACKAMAS COUNTY,
 OREGON



DEPARTMENT OF TRANSPORTATION
 AND DEVELOPMENT
 150 BEAVERCREEK ROAD
 OREGON CITY, OR 97045



BY: R. MAXWELL DATE: 8/14/2018
 JURISDICTIONAL TRANSFER
 OF SW KIMBALL COURT
 COUNTY ROAD NO. 2918

SHEET
 1 OF 1

Transfer SW Kimball inside City limits:

All of SW Kimball Court, County Road No. 2918, Department of Transportation and Development maintenance No. 21379; Situated in the northwest 1/4 of Section 7, T. 2S., R. 1E., as depicted on Exhibit B, attached hereto, lying north and west of and between the northerly right of way line of Burma Drive (mile point 0.00) and the end of the existing cul-de-sac (mile point 0.10), being a total of approximately 540 feet long, 50 feet in width with 50 foot radius cul-de-sacs. Containing 32,900 square feet, more or less.



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

March 14, 2019

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of a Board Order Transferring Jurisdiction from
Clackamas County to the City of Lake Oswego for a portion of
SW Bonita Road (County Road #929)**

Purpose/Outcomes	Jurisdictional transfer of a portion of SW Bonita Road to the City of Lake Oswego.
Dollar Amount and Fiscal Impact	Cost savings in the form of staff time and Maintenance monies used on a County maintained portion of road located entirely within the City of Lake Oswego.
Funding Source	N/A
Safety Impact	N/A
Duration	Upon execution; permanent.
Previous Board Action	N/A
Strategic Plan Alignment	Build a strong infrastructure. Build public trust through good government.
Contact Person	Rick Maxwell, Engineering Tech; 503-742-4671

BACKGROUND:

There are certain County roads, such as SW Bonita Road in Lake Oswego, that are wholly, mostly, or partially within various Cities throughout Clackamas County. Fragmented jurisdiction over these roads often results in differing road maintenance activities and confusion by the public as to which agency is responsible for the operation and maintenance of the roads. Clackamas County and the City of Lake Oswego have agreed to the transfer of a portion of SW Bonita Road, currently under the jurisdiction of the County, to the City with the intent of eliminating confusion to the public and to improve the efficiencies of maintenance and public service.

The portion of SW Bonita Road being transferred contains approximately 54,120 square feet of Right-of-Way. By accepting jurisdiction over this portion of SW Bonita Road, the City becomes the "Road Authority" responsible for all maintenance of drainage systems, improvements, permitting and road standard activities.

This Board Order has been reviewed and approved by County Counsel.

RECOMMENDATION:

Staff respectfully requests that the Board approve this Board Order between Clackamas County and the City of Lake Oswego related to the transfer of jurisdiction of a portion of SW Bonita Road.

Respectfully submitted,

Rick Maxwell
Engineering Technician
Transportation and Development

Attachments:

Resolution
Exhibit A
Exhibit B

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the
City of Lake Oswego, jurisdiction over
a portion of SW Bonita, County
Road No. 929, DTD No. 21503



Board Order No. _____

Page 1 of 2

This matter coming before the Board of County Commissioners as a result of the City of Lake Oswego initiating action pursuant to ORS 373.270(6) to surrender jurisdiction of a county road within the boundary of the City of Lake Oswego and the preceding negotiation between the City of Lake Oswego and Clackamas County Department of Transportation and Development to transfer portions of the following road described and depicted on the attached Exhibit A and Exhibit B, and as further described as follows:

<u>Road Name</u>	<u>Cnty #</u>	<u>DTD #</u>	<u>From</u>	<u>To</u>	<u>Square Feet</u>
SW Bonita Road	929	21503	MP 0.11	MP 0.33	54,120 sf

It further appearing to the Board that said transfer of jurisdiction has been recommended by Dan Johnson, Director of the Department of Transportation and Development; and,

It further appearing to the Board that said transfer of jurisdiction is in the best interest of the citizens of Clackamas County; and,

It further appearing to the Board that pursuant to ORS 373.270, notice of the hearing on this matter was provided by publication in the Lake Oswego Review on 02/10/19, 02/17/19, 02/24/19 and 03/03/19; now therefore,

IT IS HEREBY ORDERED that Clackamas County surrenders jurisdiction over a portion of SW Bonita Road to the City of Lake Oswego such that full and absolute jurisdiction of said portions of roadway for all purposes of repair, construction, improvement and the levying and collection of assessments therefor be transferred to the City of Lake Oswego and shall vest in the City of Lake Oswego as of the date of this order; and,

IT IS FURTHER ORDERED that, the portion of the roadway described herein, 54,120 square feet, more or less, be removed from the County's Road Inventory; and,

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the
City of Lake Oswego, jurisdiction over
a portion of SW Bonita Road, County
Road No. 929, DTD No. 21503



Order No.

Page 2 of 2

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copies of this Order be submitted to the Clackamas County Clerk's office for recording and that
copies be subsequently sent without charge to the Clackamas County Surveyor, Tax Assessor,
Finance/Fixed Asset Offices, and DTD Engineering.

ADOPTED this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS

Chair

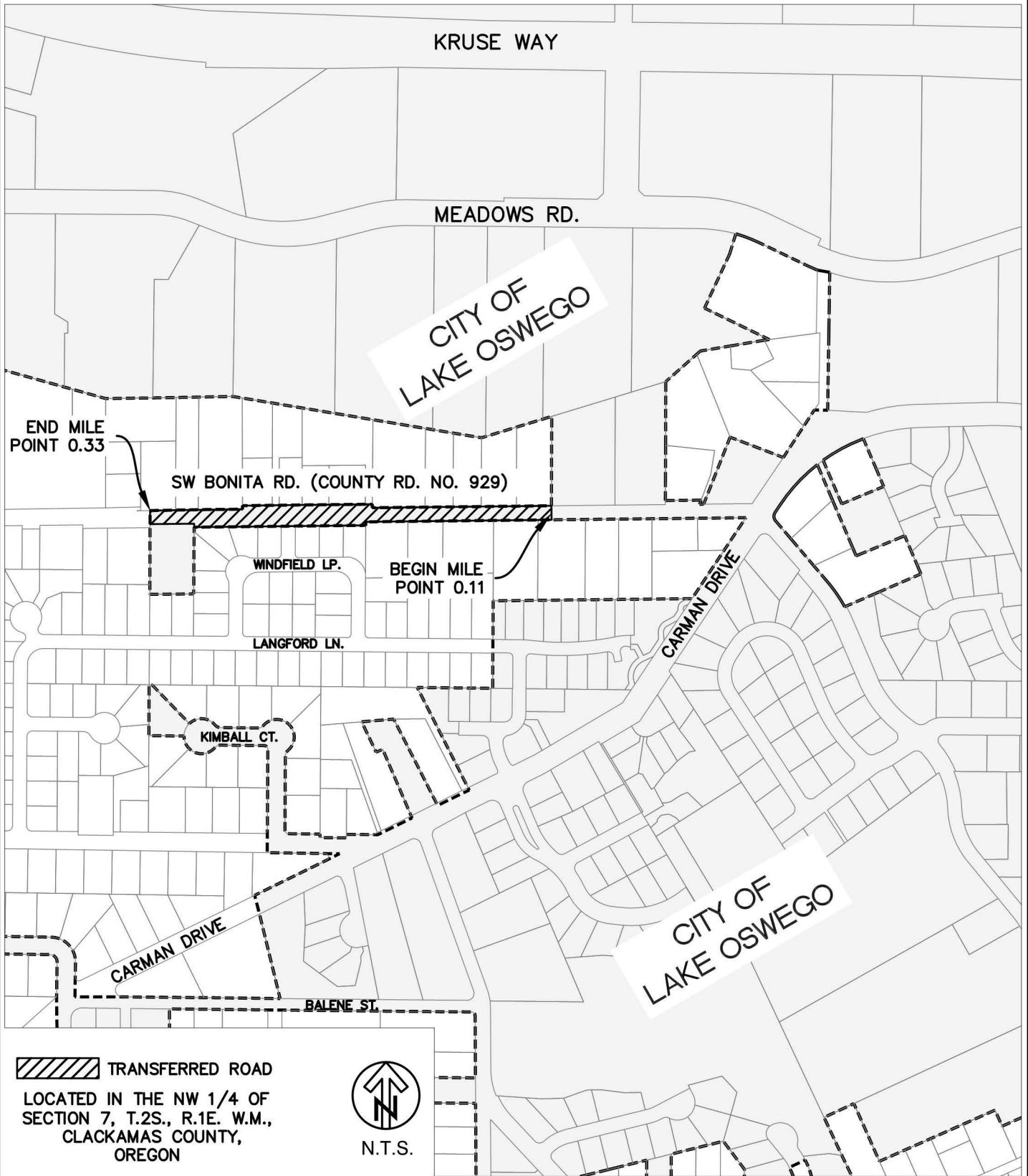
Recording Secretary


EXHIBIT "A"

Transfer SW Bonita Road inside City limits:

A portion of SW Bonita Road, County Road No. 929, Department of Transportation and Development maintenance No. 21503; Situated in the northwest 1/4 of Section 7, T. 2S., R. 1E., as depicted on Exhibit A, attached hereto, lying west of and between the previous Lake Oswego city limit (mile point 0.11) and the current Lake Oswego city limit (mile point 0.33), being a total of approximately 1,143 feet long, varying in width. Containing 54,120 square feet, more or less.

EXHIBIT "B"



 TRANSFERRED ROAD
 LOCATED IN THE NW 1/4 OF
 SECTION 7, T.2S., R.1E. W.M.,
 CLACKAMAS COUNTY,
 OREGON



DEPARTMENT OF TRANSPORTATION
 AND DEVELOPMENT
 150 BEAVERCREEK ROAD
 OREGON CITY, OR 97045



BY: R. MAXWELL DATE: 8/3/2018
 JURISDICTIONAL TRANSFER
 OF A PORTION OF SW BONITA RD.
 COUNTY ROAD NO. 929

SHEET
 1 OF 1



PUBLIC WORKS DEPARTMENT

January 8, 2019

Clackamas County Engineering
Mike Bezner
Asst. Director of Transportation
150 Beaver Creek Road
Oregon City, OR 97045

Sent Via Email to: MikeBez@clackamas.us

RE: Road Transfers –Kimball Court, and part of Bonita Road

Dear Mr. Bezner;

On December 18, 2018 the Lake Oswego City Council passed Resolutions 18-46 that requested Clackamas County transfer jurisdiction of Kimball Court and a portion of Bonita Road

Enclosed is one copy of the signed resolution from our City Council for your files, and as a means to formally request Clackamas County proceed with the necessary action and order to complete the transfer. When completed, we request copies of the signed orders be provided for our files.

If you need further documentation to assist with the final stage of this transfer, please contact me directly at 503-635-0264 or erooney@ci.oswego.or.us

Sincerely,

Erica Rooney, P.E.
City Engineer

Enclosure:

Resolution 18-46

c: Todd Knepper, Engineering
Paul Espe, Planning

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RESOLUTION 18-46

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WHEREAS, over a number of years, portions of Bonita Road and all of Kimball Court have been added into the City through annexations into the Lake Oswego city limits, and

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Section 2. Effective Date. This Resolution shall take effect upon passage.

Considered and enacted at the regular meeting of the City Council of the City of Lake Oswego on the 18th day of December, 2018.

AYES: Mayor Studebaker, Buck, LaMotte, Gudman, Kohlhoff, O'Neill

NOES: None

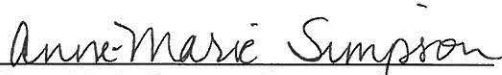
EXCUSED: Manz

ABSTAIN: None



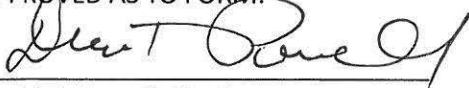
Kent Studebaker, Mayor

ATTEST:



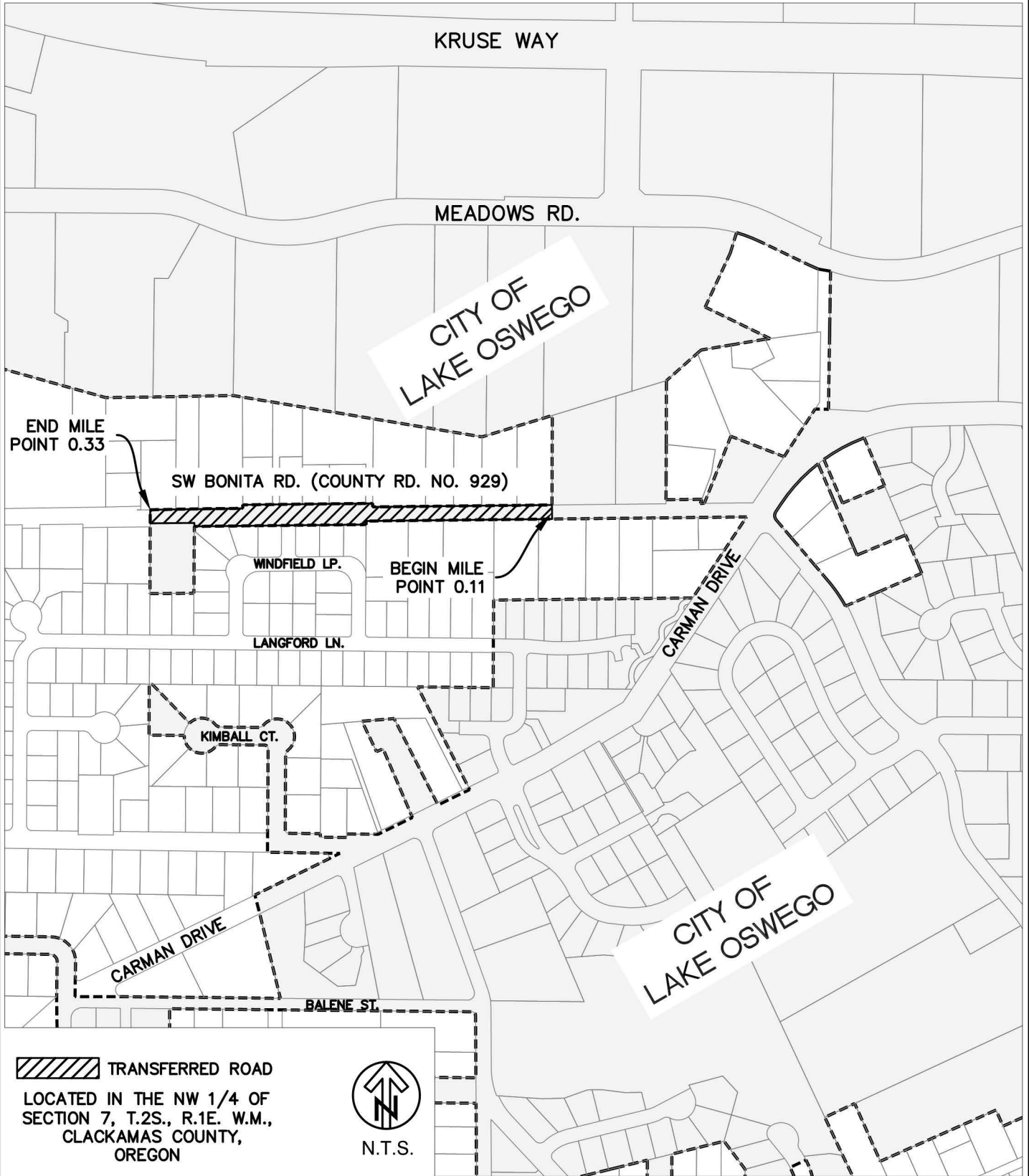
Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David D. Powell, City Attorney

EXHIBIT "A"



DEPARTMENT OF TRANSPORTATION
 AND DEVELOPMENT
 150 BEAVERCREEK ROAD
 OREGON CITY, OR 97045



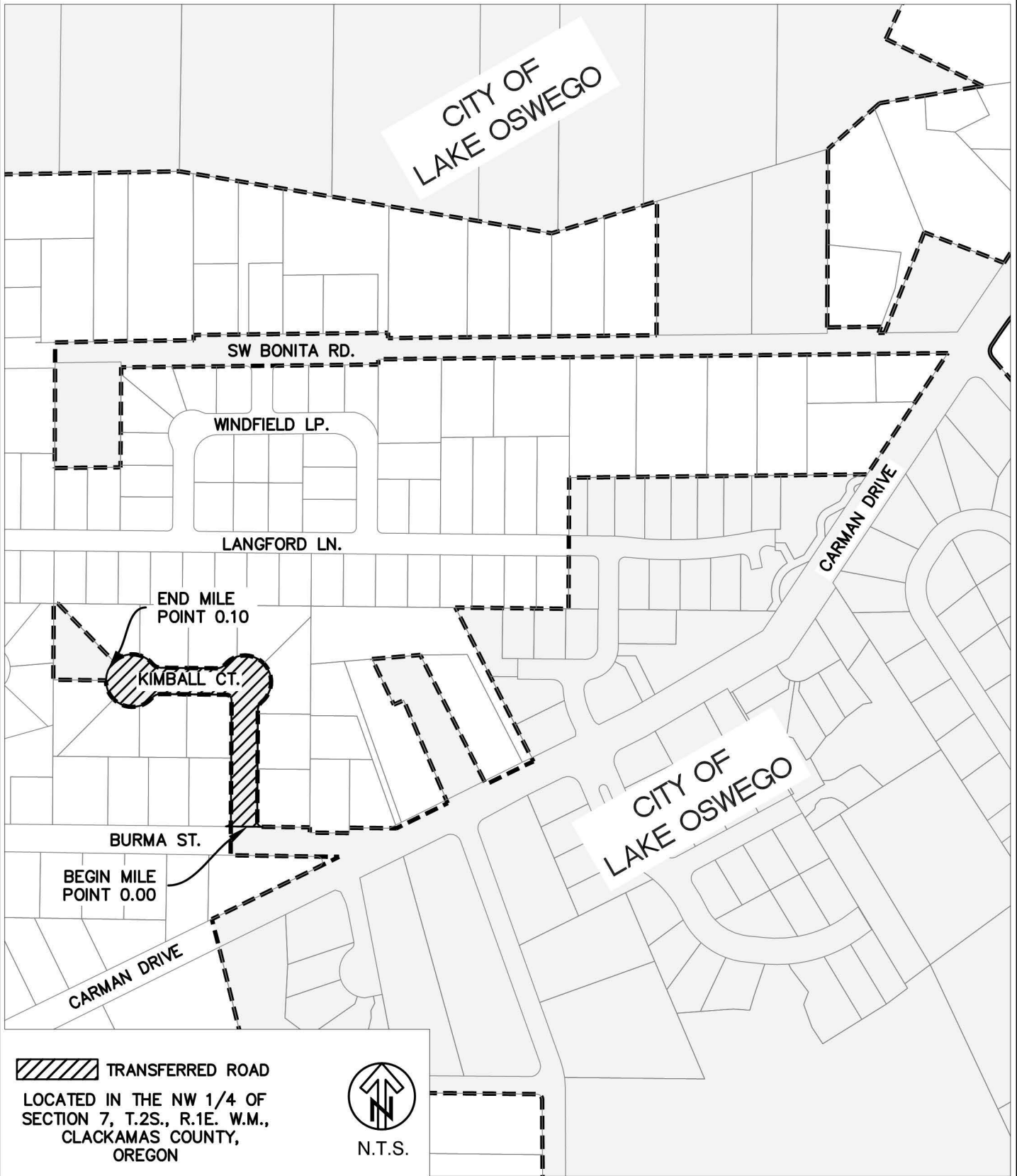
BY: R. MAXWELL DATE: 8/3/2018
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 OF A PORTION OF SW BONITA RD.
 COUNTY ROAD NO. 929


SHEET
 1 OF 1

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EXHIBIT "B"



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 LOCATED IN THE NW 1/4 OF
 SECTION 7, T.2S., R.1E. W.M.,
 CLACKAMAS COUNTY,
 OREGON



DEPARTMENT OF TRANSPORTATION
 AND DEVELOPMENT
 150 BEAVERCREEK ROAD
 OREGON CITY, OR 97045



BY: R. MAXWELL DATE: 8/14/2018
 JURISDICTIONAL TRANSFER
 OF SW KIMBALL COURT
 COUNTY ROAD NO. 2918

SHEET
 1 OF 1

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