

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 22-01-04-26

IN THE MATTER OF THE SURRENDER OF A  
PORTION OF RHODODENDRON DRIVE AND 4TH  
AVENUE (COUNTY ROAD NUMBER 65), TO THE  
CITY OF FLORENCE WITH A PUBLIC HEARING.  
(18-12-04).

**WHEREAS**, the City of Florence, by its Resolution No. 34, Series 2021, dated September 20, 2021, marked as Exhibit "B", which is attached hereto and made a part of this Order, formally requests jurisdiction over the portion of the above mentioned Rhododendron Drive and 4th Avenue (County Road Number 65) be transferred to the City of Florence; and

**WHEREAS**, the Board of County Commissioners approved Order Number 21-11-30-08 setting January 4, 2022 at 1:30 p.m. to conduct a Public Hearing on the matter of the surrender and transfer of jurisdiction of a portion of Rhododendron Drive and 4th Avenue, as described in Exhibit "A", to the City of Florence; and

**WHEREAS**, the Board of County Commissioners held a Public Hearing on the aforementioned time and date to allow public testimony for consideration, prior to approving or denying these proceedings; and

**WHEREAS**, these sections of roads herein proposed for surrender lie entirely within the city limits of Florence; and

**WHEREAS**, ORS 373.270 provides for the surrender and transfer of jurisdiction over County roads within a City, the County may transfer jurisdiction over County roads or parts thereof within a City when it is considered to be necessary, expedient, or in the best interest of the County to do so; and the governing body of the City deems it necessary or expedient and in the best interest of the City to acquire jurisdiction over the County roads or portions thereof and to the same extent as it has over public streets and alleys of the City; and

**WHEREAS**, the Public Works Director of Lane County has recommended these roads be surrendered, as stated in the Director's Final Report, marked as Exhibit "C," attached hereto and made a part of this Order; and

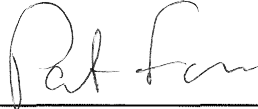
**WHEREAS**, all legal notice has been provided regarding this matter as required by law as witnessed by an Affidavit of Posting by the Lane County Surveyor, marked as Exhibit "D," attached hereto and made a part of this Order; and

**NOW, THEREFORE**, the Board of Commissioners of Lane County **ORDERS** as follows:

1. Lane County, in accordance with ORS 373.270, hereby surrenders jurisdiction of the portion of Rhododendron Drive and 4th Avenue (County Road Number 65), as described in Exhibit "A" and shown on Exhibit "E," to the City of Florence.

2. This Order is filed with the Lane County Clerk in the Commissioner's Journal of Administration and copies forwarded to the Lane County Surveyor and Department of Public Works for updating appropriate indexes and County Road records.

**ADOPTED** this 4th day of January, 2022.



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Chair  
LANE COUNTY BOARD OF COMMISSIONERS

EXHIBIT "A"

**LEGAL DESCRIPTION**

**MILEAGE**

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RHODODENDRON DRIVE (COUNTY ROAD NUMBER 65)

0.37

All that portion of Rhododendron Drive, County Road Number 65, beginning at the northerly end of that portion of Rhododendron Drive surrendered to the City of Florence pursuant to Lane County Board of County Commissioners Final Order No. 09-2-4-3, said point also being the easterly extension of Sebastian Street; thence in a northerly direction 2000 feet, more or less, to the easterly extension of the northerly right of way of Kiwanda Street, County Road No. 856, all being located in Section 4, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon.

4th AVENUE (COUNTY ROAD NUMBER 65)

0.19

All that portion of 4<sup>th</sup> Avenue ,County Road Number 65, beginning at the easterly extension of the northerly right of way of Kiwanda Street, County Road No. 856; thence in a northerly direction 1000 feet, more or less, to the current city limit line, said point being 46.5 feet, more or less, from the northerly right of way of Falcon Street, County Road No. 1974, all being located in Section 4, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon.

**CITY OF FLORENCE  
RESOLUTION NO. 34, SERIES 2021**

**A Resolution Requesting Surrender of Jurisdiction of Rhododendron Drive and  
Portion of 4<sup>th</sup> Avenue**

RECITALS:

1. The City of Florence finds it is necessary and in the best interests of the City and the citizens of Florence to acquire jurisdiction over the entirety of Rhododendron Drive and a portion of 4<sup>th</sup> Avenue.
2. Rhododendron Drive more properly described as: All that portion of Rhododendron Drive, County Road Number 65, beginning at the northerly end of that portion of Rhododendron Drive surrendered to the City of Florence pursuant to Lane County Board of County Commissioners Final Order No. 09-2-4-3, said point also being the easterly extension of Sebastian Street; thence in a northerly direction 2000 feet, more or less, to the easterly extension of the northerly right of way of Kiwanda Street, County Road No. 856, all being located in Section 4, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon.
3. 4<sup>th</sup> Avenue more properly described as: All that portion of 4<sup>th</sup> Avenue, County Road Number 65, beginning at the easterly extension of the northerly right of way of Kiwanda Street, County Road No. 856; thence in a northerly direction 1000 feet, more or less, to the current city limit line, said point being 46.5 feet, more or less, from the northerly right of way of Falcon Street, County Road No. 1974, all being located in Section 4, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon.
4. The City of Florence will provide the same level of service, maintenance, and enforcement provided for other public streets within the City limits of Florence for these transferred roadways.
5. The Board of County Commissioners of Lane County, Oregon has authority under provisions of ORS 373.270 to surrender jurisdiction over County roads within the corporate limits of the City of Florence.
6. Rhododendron Drive and a portion of 4<sup>th</sup> Avenue have been annexed to the City of Florence and are within the corporate limits of the City.
7. The City of Florence will provide adequate funding for on-going operations and maintenance of these facilities.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The City Council hereby requests that Lane County surrender jurisdiction over the remaining portion of Rhododendron Drive and a portion of 4<sup>th</sup> Avenue to the City of Florence in accordance with the provisions of ORS 373.270.
2. The City Council directs that a copy of this Resolution be forwarded to the Board of County Commissioners of Lane County, Oregon, requesting surrender of jurisdiction of the above described County roads in accordance with the provisions of ORS 373.270.

3. This Resolution takes effect immediately upon adoption.

ADOPTION:

This Resolution is passed and adopted on the 20th day of September, 2021.

  
\_\_\_\_\_  
Joe Henry, Mayor

Attest:

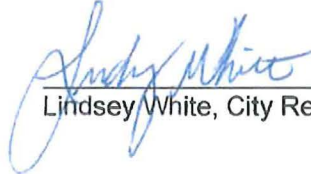
  
\_\_\_\_\_  
Lindsey White, City Recorder

EXHIBIT "C"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S FINAL REPORT

IN THE MATTER OF THE SURRENDER OF A  
PORTION OF RHODODENDRON DRIVE AND 4TH  
AVENUE (COUNTY ROAD NO. 65), TO THE CITY  
OF FLORENCE WITH A PUBLIC HEARING.  
(18-12-04).

The City of Florence has adopted Resolution No. 34, Series 2021, dated September 20, 2021, formally requesting the transfer of jurisdiction of portions of Rhododendron Drive and 4th Avenue (County Road No. 65) within their city limits.

The combined portions of the two County roads consists of approximately 0.56 miles of right of way and are described on Exhibit "A," attached to the Order. The subject portions of roads are currently under the jurisdiction of Lane County, and the transfer of jurisdiction over these County roads would enable the City to maintain, develop, and improve the roads to the City's own specifications, standards, and timetables.

Approving the surrender of these roads will relieve the County of the obligation of future maintenance and improvement costs.

ORS 373.270 provides for the surrender and transfer of jurisdiction over a County road within a City. The County may transfer jurisdiction over a County road or portion thereof within a City when it is considered to be necessary, expedient, or for the best interest of the County to do so; and the governing body of the City deems it necessary or expedient and for the best interest of the City to acquire jurisdiction over the County road or part thereof to the same extent as it has over public streets and alleys of the City.

Legal notice for the Public Hearing to consider the matter of the surrender of the described portions of Rhododendron Drive and 4th Avenue has been provided as required by ORS 373.270.

It is therefore recommended the portions of Rhododendron Drive and 4th Avenue (County Road Number 65), as described in Exhibit "A" of the Order, be surrendered to the City of Florence as it will be in the best interest of the County.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Dan Hurley, Director  
Department of Public Works

EXHIBIT "D"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON


AFFIDAVIT OF POSTING

IN THE MATTER OF THE SURRENDER OF A PORTION OF RHODODENDRON DRIVE AND 4TH AVENUE (COUNTY ROAD NUMBER 65), TO THE CITY OF FLORENCE WITH A PUBLIC HEARING. (18-12-04).

I, Mikeal J. Blommé, Lane County Surveyor, certify as follows:

On December 1, 2021, and in accordance with ORS 373.270, I caused to be posted eight (8) copies of the Notice of Hearing in the above entitled matter in eight places, positioned to be visible to the traveling public, as follows:

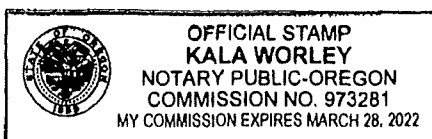
1. Posted on a Power Pole No. 125405 at the northeast corner of Rhododendron Drive and Sebastian Street intersection.
2. Posted on a Power Pole No. 125349 at the northeast corner of Rhododendron Drive and Arago Street intersection.
3. Posted on Power Pole No. 125349 on the west side of Rhododendron Drive south of Foulweather Street, and south of business Jerry's Place.
4. Posted on a Power Pole located at the northeast corner of Rhododendron Drive and Heceta Beach Road intersection.
5. Posted on Power Pole No. 125619 at the southeast corner of Rhododendron Drive and Lookout Street intersection.
6. Posted on Power Pole No. 125181 on the west side of Rhododendron Drive north of Falcon Street.
7. Posted on Power Pole No. 125170 at the southeast corner of Rhododendron Drive and Falcon Street.
8. Posted on Power Pole No. 202890 on the west side of Rhododendron Drive south of Foulweather Street, and north of business Jerry's Place.



Mikeal J. Blommé  
Lane County Surveyor

State of Oregon )  
County of Lane ) §

Subscribed and sworn to before me this 2 day of DECEMBER, 2021 by Mikeal J. Blommé, Lane County Surveyor.




NOTARY PUBLIC FOR OREGON  
My Commission Expires: MARCH 28, 2022

# EXHIBIT "E" PORTION OF RHODODENDRON DRIVE & 4TH AVENUE TO BE SURRENDERED TO THE CITY OF FLORENCE

E 1/2 SEC. 4 T. 18S. R. 12W. W.M.  
Florence, Lane County, Oregon



 City Limits of Florence

NO SCALE

