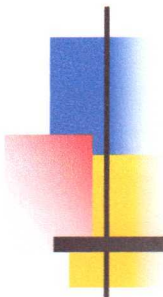


TRANSFER OF A PORTION
OF BASKET MOUNTAIN ROAD
NO. 623 (ALSO KNOWN AS
NICHOLS CANYON ROAD)
FROM UMATILLA COUNTY TO
THE CITY OF MILTON -
FREEWATER



ROAD REPORT

DECEMBER, 2011

Basket Mountain Road Transfer Report

The City of Milton-Freewater has recently completed its South Main/Key Boulevard street improvement project. The improvement included using a portion of the County's Basket Mountain Road right of way, which is now underneath the fill for the new road. Prior to construction, the City agreed to a jurisdiction transfer of the Basket Mountain Road right of way from the County to the City. The transfer will include not only the portion affected by the new construction, but also that portion of the road from the new construction south to the south end of the City – owned property. Photos showing the limits of the transfer are attached.

ORS 373.270(6) outlines the procedures for transferring a road from county to city jurisdiction if a city initiates the action. The City of Milton – Freewater has initiated the action by adopting Resolution No. 2227 on December 12, 2011. A copy of the resolution is attached.

The Public Works Department recommends that jurisdiction over the portion of County Road No. 623, Basket Mountain Road (also known as Nichols Canyon Road) described in the resolution and the final order be transferred from Umatilla County to the City of Milton – Freewater.



CITY OF
MILTON-FREEWATER
P.O. Box 6 • 722 S. Main • Milton-Freewater, OR 97862

RECEIVED DEC 15 2011

December 14, 2011

Umatilla County Commissioners
216 SE 4th Avenue
Pendleton, Oregon 97801

Dear Sirs,

At the Milton-Freewater City Council meeting on December 12, 2011 the council adopted a resolution that requests acquisition of jurisdiction over a portion of Basket Mountain Road No. 623 also known as Nichols Canyon Road. Please see the resolution for details.

Sincerely,

Leanne Steadman
City Recorder

CITY OF MILTON-FREEWATER

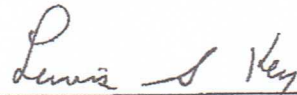
RESOLUTION NO. 2227

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILTON-FREEWATER
AUTHORIZING ACQUISITION OF JURISDICTION OVER A PORTION OF BASKET
MOUNTAIN ROAD NO. 623 (also known as Nichols Canyon Road)
FROM UMATILLA COUNTY

WHEREAS, the City Council of the City of Milton-Freewater deems it necessary, expedient, and in the best interest of the City of Milton-Freewater to acquire jurisdiction over a portion of roadway currently known as Basket Mountain Road No. 623 (also known as Nichols Canyon Road).

NOW, THEREFORE, the City Council of the City of Milton-Freewater does hereby request the Umatilla County Board of Commissioners to initiate a proceeding to transfer jurisdiction over the portion of said County Road No. 623, Basket Mountain Road (a. k. a. Nichols Canyon Road), lying between the southwesterly extension of the southerly right of way line of Southeast 18th Street and the southeasterly extension of the southerly line of Parcel 2 of Partition Plat No. 1998-36. The length of the road is 1800 feet, more or less, and is located in the southeast ¼ of Section 12 and the northeast ¼ of Section 13, Township 5 North, Range 35 E. W. M. in accordance with ORS 373.270.

PASSED by the Common Council and APPROVED by the Mayor this 12th day of December, 2011.



Lewis S. Key, Mayor

373.270 Transferring jurisdiction over county roads within cities. (1) Jurisdiction over a county road within a city may be transferred under this section whenever:

(a) The county governing body deems it necessary, expedient or for the best interest of the county to surrender jurisdiction over any county road or portion thereof within the corporate limits of any city; and

(b) The governing body of the city deems it necessary or expedient and for the best interests of the city to acquire jurisdiction over the county road or part thereof to the same extent as it has over other public streets and alleys of the city.

(2) To initiate a proceeding for the transfer of jurisdiction under this section, the county governing body, upon its own motion or upon the request of the city by its governing body, shall give notice by:

(a) Posting in three public places in the county, one of which shall be within the limits of the city; or

(b) Publishing the notice once a week for four successive weeks in some newspaper of general circulation in the county.

(3) Notice under this section shall give the time and place of hearing and a succinct statement of the proposed action requested and describing the road or portion thereof proposed to be surrendered by the county to the city with convenient certainty.

(4) At the time and place mentioned in the notice under this section or at such adjournment as it may fix, the county governing body shall hear the matter, consider any objections or testimony offered by any person interested and determine whether it is necessary, expedient or for the best interests of the county to surrender jurisdiction over the county road or portion thereof to the city.

(5) If a county governing body determines to surrender jurisdiction under this section and initiates action under this section:

(a) The county governing body shall make an order to that effect and offer to the city to surrender jurisdiction over the county road or portion thereof, and may limit the time for the acceptance of the offer; and

(b) The city by appropriate municipal legislation may within the time specified accept the county order and offer to surrender jurisdiction under this section.

(6) If a city governing body determines to initiate action under this section for the surrender of jurisdiction by a county over a county road:

(a) The city governing body may initiate the action by passage of appropriate municipal legislation that requests surrender and that may set any time or other limitations upon acceptance by the city of the surrender; and

(b) The county governing body may surrender jurisdiction of the county road without further action by the city if the county governing body adopts an order surrendering the county road that meets the limitations established by the city in its legislation.

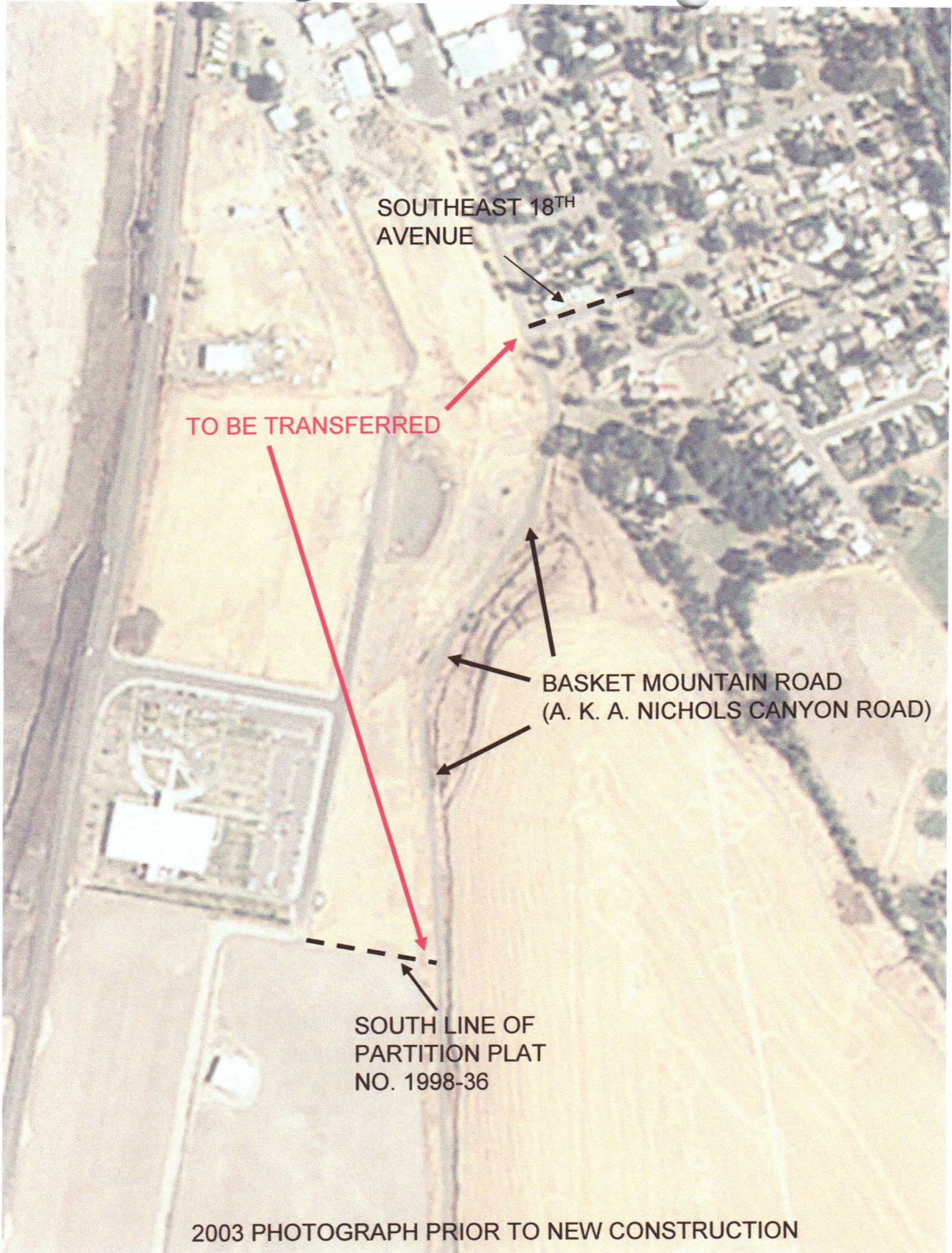
(7) When a city adopts appropriate municipal legislation accepting a county governing body's order under subsection (5) of this section or when a county governing body adopts an order meeting city legislation under subsection (6) of this section:

(a) The jurisdiction of the county over the county road or portion thereof as a county road, or for its improvement, construction or repair shall cease;

(b) The full and absolute jurisdiction over the road for all purposes of repair, construction, improvement and the levying and collection of assessments therefor shall vest in the city; and

(c) The city shall have the same jurisdiction over the road or portion thereof as by its charter and the laws of the state are given or granted it over any of the public streets and alleys of such city.

(8) This section is applicable to all county roads, whether acquired by the county or the public by condemnation, defective condemnation and user, user or prescription or in any manner provided by law or in which the easement for road purposes is in the public. [Amended by 1981 c.153 §73]



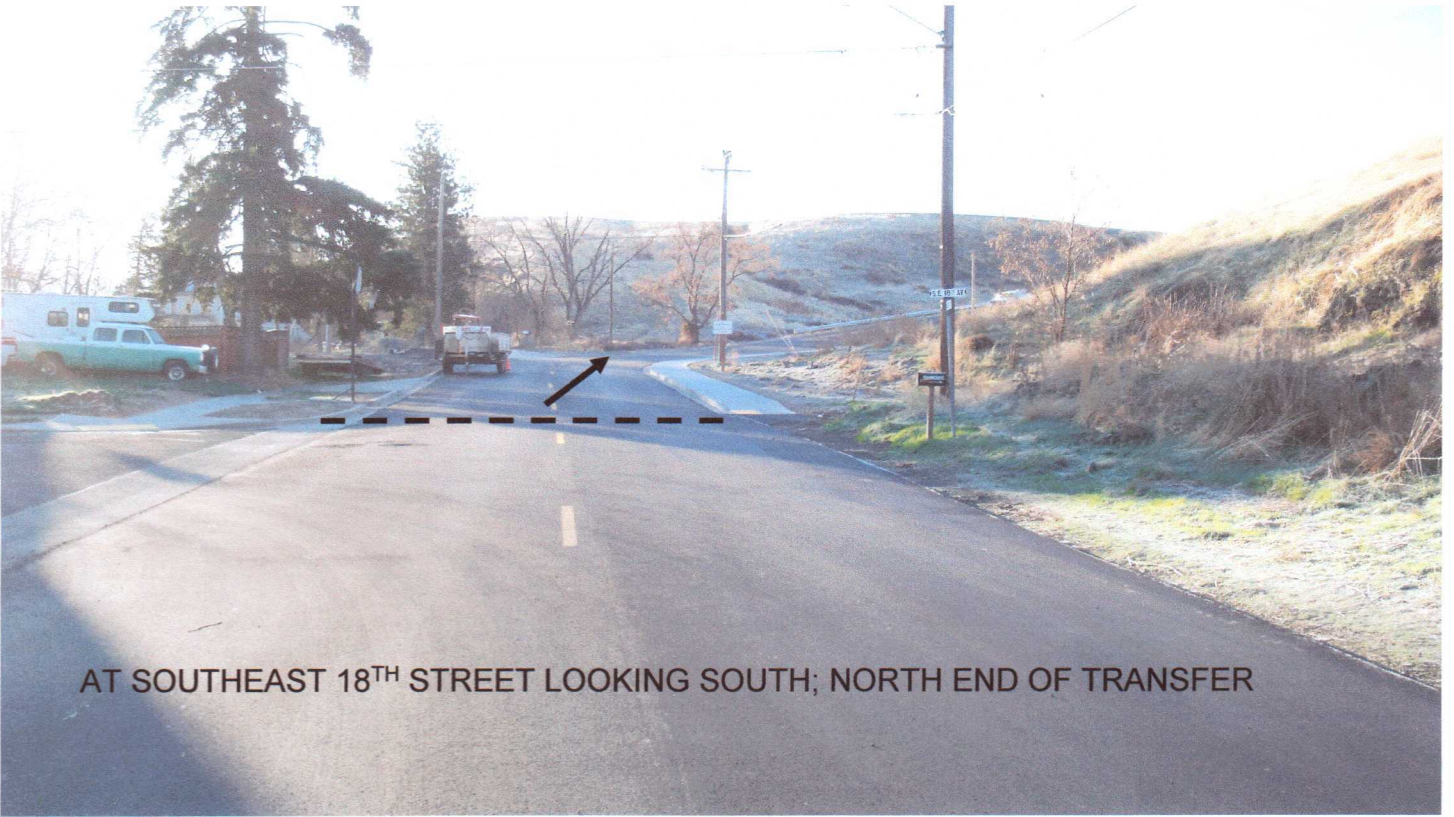
SOUTHEAST 18TH
AVENUE

TO BE TRANSFERRED

BASKET MOUNTAIN ROAD
(A. K. A. NICHOLS CANYON ROAD)

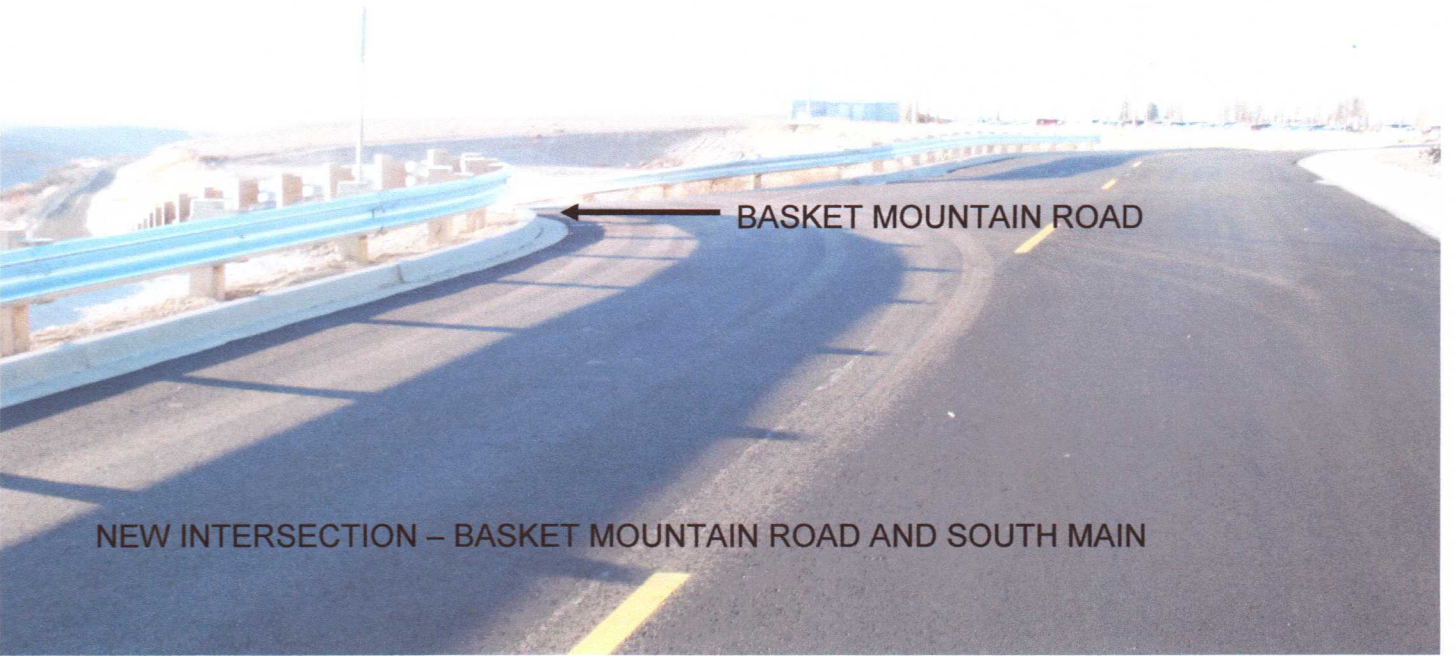
SOUTH LINE OF
PARTITION PLAT
NO. 1998-36

2003 PHOTOGRAPH PRIOR TO NEW CONSTRUCTION



AT SOUTHEAST 18TH STREET LOOKING SOUTH; NORTH END OF TRANSFER

LOOKING SOUTHWEST



NEW INTERSECTION – BASKET MOUNTAIN ROAD AND SOUTH MAIN

LOOKING SOUTHEAST



SOUTH END OF TRANSFER



