

## Chapter 373

### Roads and Highways Through Cities

#### 373.010

##### NOTES OF DECISIONS

Under authority of this section where commission selects streets of incorporated city or town over which to route highway, the streets have not ceased to be city streets, but are city streets "taken over." *Cabell v. City of Cottage Grove*, (1942) 170 Or 256, 130 P2d 1013.

#### 373.015

##### NOTES OF DECISIONS

Notice to city was not necessary where throughway proceedings were commenced before city was incorporated. *City of Maywood Park v. State Hwy. Comm.*, (1970) 2 Or App 568, 468 P2d 905, Sup Ct review denied.

#### 373.020

##### NOTES OF DECISIONS

The grant of power in this section serves to transfer jurisdiction and control of city streets taken over by the commission from the city to the commission. *Cabell v. City of Cottage Grove*, (1942) 170 Or 256, 130 P2d 1013.

The legislature has not vested in the commission all control formerly in the city over streets which become part of the state highway system. *Id.*

"Complete jurisdiction and control" over city streets taken over by the commission enables it to exercise the specific regulatory traffic powers given it by other provisions. *Id.*

"Complete jurisdiction and control" over city streets taken over by the commission relate to construction and maintenance of the roadway. *Id.*

#### 373.030

##### NOTES OF DECISIONS

It was not in the mind of the legislature to destroy city streets taken over by the commission. *Cabel v. City of Cottage Grove*, (1942) 170 Or 256, 130 P2d 1013.

FURTHER CITATIONS: *Barrett v. Union Bridge Co.*, (1926) 117 Or 220, 566, 243 P 93, 245 P 308.

ATTY. GEN. OPINIONS: Necessity for city to consent to commission construction of a throughway on a city street, 1964-66, p 125.

#### 373.050

CASE CITATIONS: *Cabell v. Cottage Grove*, (1942) 170 Or 256, 130 P2d 1013.

ATTY. GEN. OPINIONS: Necessity for city to consent to commission construction of a throughway on a city street, 1964-66, p 125.

#### 373.060

CASE CITATIONS: *State Hwy Comm. v. Hazapis*, (1970) 3 Or App 282, 472 P2d 831, Sup Ct review denied; *State Hwy. Comm. v. Stupek*, (1970) 3 Or App 268, 472 P2d 835.

LAW REVIEW CITATIONS: 46 OLR 307.

#### 373.110

LAW REVIEW CITATIONS: 46 OLR 128, 270.

#### 373.120

CASE CITATIONS: *Willett v. City of West Linn*, (1933) 142 Or 662, 19 P2d 1098.

ATTY. GEN. OPINIONS: Authority of county court to purchase right of way through certain municipalities, 1920-22, p 154.

LAW REVIEW CITATIONS: 46 OLR 270.

#### 373.130

##### NOTES OF DECISIONS

A county building on approach to a bridge is not authorized to pay an abutting owner damages for cutting off access to the street, if no property is taken. *Barrett v. Union Bridge Co.*, (1926) 117 Or 220, 567, 243 P 93, 245 P 308.

LAW REVIEW CITATIONS: 46 OLR 270.

#### 373.210

ATTY. GEN. OPINIONS: Responsibility for maintenance of county road in annexed area, 1964-66, p 292.

#### 373.220

ATTY. GEN. OPINIONS: Responsibility for maintenance of county road in annexed area, 1964-66, p 292.

#### 373.240

ATTY. GEN. OPINIONS: Responsibility for maintenance of county road in annexed area, 1964-66, p 292.

#### 373.260

ATTY. GEN. OPINIONS: Authority of county to maintain city streets unless expressly accepted as county roads, 1940-42, p 207; authority to construct streets within or outside of a city, 1950-52, p 261; constructing sidewalks on county right of way within limits of city, 1954-56, p 156; responsibility for maintenance of county road in annexed area, 1964-66, p 292.

**373.270****NOTES OF DECISIONS**

The city could not assume control of a county road within its limits unless the state or the county, following the procedure prescribed, surrendered authority over the road. *Cole v. City of Seaside*, (1919) 93 Or 65, 182 P 165.

City could not acquire jurisdiction over county roads under provision of charter initiated and adopted by a vote of the people. *Willett v. City of West Linn*, (1933) 142 Or 662, 19 P2d 1098.

**ATTY. GEN. OPINIONS:** Authority of county court to require officials of incorporated city or town to improve and repair county road within the municipality, 1934-36, p 563; authority of county to maintain city streets, 1940-42, p 207; liability of city for maintenance of roads in absence of surrender procedure prescribed by this section, 1948-50, p 145; county court consenting to annexation of county road by city, 1950-52, p 261; ownership of streets in a city, 1960-

62, p 311; responsibility for maintenance of county road in annexed area, 1964-66, p 292.

**LAW REVIEW CITATIONS:** 46 OLR 270.

**373.280****NOTES OF DECISIONS**

Where procedure for surrender of jurisdiction under OC 44-2810 [ORS 373.260] was not followed, assessments were not validated by this section. *Willett v. City of West Linn*, (1933) 142 Or 662, 19 P2d 1098.

**373.300****NOTES OF DECISIONS**

As the city already had jurisdiction of Main Street under its charter of 1899, this section was unnecessary and gave the city no additional power. *Griffa v. City of Monmouth*, (1920) 95 Or 433, 188 P 163.