

40021

1 BEFORE THE BOARD OF DIRECTORS
2 OF
3 KLAMATH IRRIGATION DISTRICT

4 In the Matter of the Petition)
5 of MAURICE E. BERCOT and MILDRED A.)
6 BERCOT, husband and wife; MELVIN L.)
7 STEWART and MARY LOU STEWART,) ORDER EXCLUDING LANDS
8 husband and wife; FRANKLIN W.)
9 EBERLEIN and VERNICE W. EBERLEIN,)
10 husband and wife.)

9 This matter having come on to be heard on this 2nd day of December, 1977,
10 at the hour of 10:00 a.m., before the Board of Directors of Klamath Irrigation
11 District, at the office of said Board at 6640 K.I.D. Lane, Klamath Falls,
12 Oregon, upon the Petition of Maurice E. Bercot and Mildred A. Bercot, husband
13 and wife; Melvin L. Stewart and Mary Lou Stewart, husband and wife, and
14 Franklin W. Eberlein and Vernice W. Eberlein, husband and wife, for the ex-
15 clusion of lands hereafter described from the Klamath Irrigation District pur-
16 suant to the provisions of ORS 545.602 to 545.620, that being the time and place
17 heretofore set by said Board for the Hearing on said Petition, and said Board
18 proceeding to hear said Petition finds as follows:

19 1.

20 That on August 5, 1977, said Petitioners filed with the Board of Di-
21 rectors their duly verified Petition praying that their lands consisting of
22 33.27 acres, more or less, in Klamath County, State of Oregon, which said lands
23 are in this Order hereinafter more particularly described, be excluded from Klamath
24 Irrigation District pursuant to the provisions of ORS 545.602 to 545.620.

25 2.

26 That said Petitioners did tender to the Klamath Irrigation District with
27 said Petition the sum of \$5,008.49, which said sum was determined by said Board
28 of Directors to be the amount provided and required by ORS 545.613.

29 3.

30 That the Board of Directors set the Hearing on this Petition for
31 October 7, 1977, but at the Regular Meeting on the Board held on said date the
32 Board had to continue said Hearing until November 7, 1977, being the next

WM. GANONG
LAWYER
111 S. 7th Street
KLAMATH FALLS, ORE.
97601
(503) 882-7228

Page 1 - ORDER EXCLUDING LANDS

77 DEC 3 PM 2 20

1 Regular Meeting of the Board due to errors made by the Newspaper in publishing
2 said Notice. That at said November 7, 1977, Meeting, being the next Regular
3 Meeting of the Board, the Board had to again continue said Hearing to December 2,
4 1977, at 10:00 a.m. due to errors made by the Newspaper in publishing said
5 Notice.

4.

7 That the Secretary of the Board of Directors of Klamath Irrigation District
8 again caused Notice of the filing of said Petition to be duly published once a
9 week for two weeks in the Herald and News, a newspaper of general circulation
10 published in Klamath County, the County where the Board of Directors of Klamath
11 Irrigation District is situated. That the Notice stated the filing of the
12 Petition, the names of Petitioners, a description of the lands mentioned in the
13 Petition, and the Prayer of the Petitioners, and notified all persons interested
14 in, or who may be affected by such change of the boundaries of the District to
15 appear at the office of the Board at 6640 K.I.D. Lane, Klamath Falls, Oregon, at
16 10:00 a.m. on December 2, 1977, and show cause in writing, if any they have,
17 why the change in boundaries proposed in the Petition should not be made. That
18 the time so specified in said Notice at which they were required to show cause
19 was the regular meeting of the Board next after the expiration of the time for
20 the publication of said Notice.

5.

22 That the Board of Directors of Klamath Irrigation District at said time
23 and place mentioned in said Notice heard the said Petition and all evidence or
24 proofs that were introduced by and on behalf of the Petitioners.

6.

26 That no person, firm, or corporation whomsoever or whatsoever made,
27 presented, or filed any objections at any time to the granting of said Petition.

7.

29 That there were no outstanding bonds of the District at the time of the
30 filing of said Petition or at any time subsequent thereto.

8.

32 That the Secretary of the Interior through the Manager of the Klamath

WM. GANONG
LAWYER
111 S. 7th Street
KLAMATH FALLS, ORE.
97601
(503) 882-7228

1 Irrigation Project, Bureau of Reclamation, has assented in writing to such
2 exclusion.

3 9.

4 The Board of Directors of Klamath Irrigation District finds and deems
5 it for the best interests of said District that the lands mentioned in said
6 Petition and hereinafter more particularly described, be excluded from Klamath
7 Irrigation District for the following reasons, to wit:

8 That said lands were purchased by Petitioners for subdivision and
9 construction of residential housing purposes, to-wit: Tract 1064, First Addi-
10 tion to Gatewood, and will continue to be so used in the future; that the
11 proposed subdivision will have three or more tracts on each acre of land within
12 the subdivisica; that under Federal Housing Authority Rules and Regulations,
13 lots must be two feet higher than the streets, and it is not feasible to
14 construct adequate irrigation facilities to serve the individual lots; that
15 said lands are not to be used for agricultural, horticultural, viticultural, or
16 grazing purposes, and the Board of Directors now being fully advised in the
17 premises,

18 It is hereby ORDERED and RESOLVED as follows:

19 I.

20 That said lands, which are more particularly described as follows:

21 A Tract of Land situate in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Twp. 39 S.,
22 R.9 E.W.M., Klamath County, Oregon, being all portions of Tract 1064 - FIRST
23 ADDITION TO GATEWOOD, a duly recorded subdivision, which have not heretofore
24 been excluded from Klamath Irrigation District, said Tract of Land being more
25 particularly described as follows:

26 All of the land lying Southerly of the South Right of Way Line of the U.S.B.R.
27 1-C-7 Drain in said SE $\frac{1}{4}$ NW $\frac{1}{4}$, containing 0.12 acres, more or less,

28 which said Lands are entered in the Assessment Book by the County Assessor as
29 Code 63, Map 3909-1430, Tax Lot 101, (Map Change 3909-1431, the Northerly por-
30 tion of Tax Lots 2500 thru 2800 and 5700 thru 6000);

31 ALSO: All of the land in said NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying South or East of the U.S.B.R. 1-C-7
32 Drain and North of the 1-C-1-A-1 Drain except the 2.55-acre parcel known as Tax
33 Lot 102 heretofore excluded by Order Excluding Lands, dated January 4, 1977, and
34 recorded January 21, 1977, in Vol. M77 at Page 1199 of Klamath County, Oregon
35 Deed Records, said land to be excluded containing 33.15 acres, more or less,

36 which said Lands are entered in the Assessment Book of the County Assessor as
37 Code 63, Map 3909-1430, Tax Lot 100, excepting said Tax Lot 102, previously
38 excluded (Map Change 3909-1431, Tax Lots 100 thru 700, 1300 thru 4000 and 4300
39 thru 13400),

40 Said Tract of Land to be excluded also being more particularly described as
41 follows:

WM. GANONG
LAWYER
111 S. 7th Street
KLAMATH FALLS, ORE.
97601
(503) 882-7228

Page 3 - ORDER EXCLUDING LANDS

1 Beginning at the Point on the North-South Center Line of Section 14, Twp.
 2 39 S.R.9 E.W.M., Klamath County, Oregon, which is 255.0 feet North of the
 3 Point where said North-South Center Line intersects the North Right of Way
 4 Line of the United States' 1-C-1-A-1 Drain, which said Point is the North-
 5 east Corner of the 2.55-acre parcel known as Tax Lot 192 heretofore excluded
 6 by the Order Excluding Lands, dated January 14, 1977, and recorded January 21,
 7 1977, in Vol. M77 at page 1199 of Klamath County, Oregon Deed Records.
 8 Thence, North along said North-South Center Line to the Center Section Cor-
 9 ner of said Section 14;
 10 Thence, continuing North along the North-South Center Line of said Section 14
 11 a distance of 40 feet, more or less, to the Point where it intersects the
 12 South Right of Way Line of the U.S.B.R. 1-C-7 Drain in the SE $\frac{1}{4}$ of said
 13 Section 14;
 14 Thence, Southwesterly along said South Right of Way Line of said 1-C-7 Drain
 15 to the Point where said Drain Right of Way turns and runs in a Southerly
 16 Direction, said Point being on or near the South Line of said SE $\frac{1}{4}$ and 65
 17 feet East, more or less, from the Southwest Corner of said SE $\frac{1}{4}$ of said
 18 Section 14;
 19 Thence, running South on the East Right of Way Line of said 1-C-7 Drain to
 20 the point where it intersects the North Right of Way Line of the 1-C-1-A-1
 21 Drain;
 22 Thence, East along the North Right of Way Line of said 1-C-1-A-1 Drain to
 23 the Southwest corner of said 2.55-acre parcel of land excluded by said Order
 24 Excluding Lands recorded in Vol. M77 at page 1199 of Klamath County, Oregon
 25 Deed Records;
 26 Thence, North 00°13'00" East 255.0 feet to the Northwest Corner of said
 27 2.55-acre parcel;
 28 Thence, South 89°47'00" East 438.97 feet, more or less, to the Point of Be-
 29 ginning.

30 SAVING AND EXCEPTING from the above-described lands for the purpose of this
 31 exclusion all Rights of Way, Easements, and Interests of the United States,
 32 Klamath Irrigation District, or any other Irrigation District, Drainage
 District, or Improvement District,

be and they hereby are excluded from Klamath Irrigation District, and the
 Boundaries of the District are hereby changed to eliminate said lands.

II.

That a certified copy of these Minutes of the Board excluding the above-
 described land, certified by the Secretary of the Board, shall be filed for
 record in the County Clerk's office of Klamath County, Oregon, as required by
 ORS 545.614.

Done at the Regular Meeting of the Board of Directors of Klamath Irrigation
 District held December 2, 1977.

John A Marshall
Anton M. Lutz
Charles T. Berke

DIRECTORS

WM. GANONG
 LAWYER
 111 S. 7th Street
 Klamath Falls, Ore.
 97601
 (503) 882-7228

23612
I, Anna G. Booth, Secretary of Klamath Irrigation District, hereby
certify that the foregoing is a full, true and correct copy of the Order
Excluding Lands duly made and adopted by the Board of Directors of Klamath
Irrigation District at the regular meeting of said Board held December 2,
1977, at 10:00 a.m. and of the whole thereof.

WITNESS my hand and the Seal of said Klamath Irrigation District
this 2nd day of December, 1977.

Return to
Klamath Irrigation Dist.
6640 K10 Lane
K Falls, Or

Anna G. Booth
Secretary, Klamath Irrigation District

STATE OF OREGON; COUNTY OF KLAMATH; ss.
led for record ~~abstracted~~
his 6th day of December A. D. 1977. at 2:20'clock P.M., and
duly recorded in Vol. M77, of Deeds on Page 23612

Wm D. MILNE, County Clerk
By Bernetha H. Gutsch

Fee \$15.00