

BOARD OF COMMISSIONERS  
IN AND FOR THE COUNTY OF KLAMATH  
STATE OF OREGON

In the Matter of the Vacation of )  
A portion of Main Street which )  
lies in Blocks 4, 5, 6, & 7 in )  
MIDLAND and Blocks 36, 37, 38, )  
& 39 in FIRST ADDITION TO MIDLAND, )  
platted and subdivided Tracts of )  
Acreage )

ORDER TO VACATE

WHEREAS, on the 5th day of August, 1980, a Petition for Vacation duly executed by Donald E. Niven and Lee Ora Witt, President and Secretary, respectively, of the Midland Community Park, Inc., a non-profit Oregon Corporation, was filed with the Board of Commissioners of Klamath County, Oregon; and

WHEREAS, an Amendment to the Petition for Vacation was duly filed with the Board of Commissioners of Klamath County, Oregon, on August 8, 1980; and

WHEREAS, the Board of County Commissioners set a public hearing on the said Vacation for the hour of 11:00 A.M. on the 23rd day of September, 1980, in the Commissioners' Hearing Room in the Annex to the Klamath County Courthouse, Klamath Falls, Oregon; and

WHEREAS, the above-mentioned hearing was duly held; and

WHEREAS, it was determined at said hearing:

1. That proper Notice of the Petition to Vacate and the Hearing thereon was properly posted in three of the most public and conspicuous places within the limits of the platted acreage to be vacated and that said Notice was duly posted more than four weeks prior to the time set for Hearing;

2. That proper Notice of the Petition to Vacate and the Hearing thereon was properly posted on the Bulletin Board adjacent to the place of the Hearing for more than four weeks prior to the time set for Hearing;

3. That Klamath County owns Lot 1 in Block 39 of the First Addition to Midland; that said lot abuts part of the area to be vacated; that it is in the best interests of the citizens of Klamath County, Oregon, that the Board of Commissioners of Klamath County, Oregon, consent to the proposed Vacation on behalf of the abutting land owner Klamath County, Oregon;

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1           4. That Lots 11, 12, 13 & 14 in Block 37 of the First Addition to  
2 Midland are owned by Brooks F. Kendall and Phyllis L. Kendall, and that Lots  
3 9, 10, 11 & 12 in Block 39 of the First Addition to Midland are owned by Gary  
4 R. Cone and Joan A. Cone; and that both said parties were served personally by  
5 Lee Ora Witt with true and correct copies of the Petition to Vacate and Notice  
6 of the Hearing at least 30 days prior to the time set for the Hearing;

7           5. That Lots 1, 2, 3 & 4 of Block 38 of the First Addition to Midland  
8 are owned by Minnie McKinnon and that Michael McKinnon, a person over the age  
9 of 14 years and a member of Mrs. McKinnon's household was served personally by  
10 Lee Ora Witt with true copies of the Petition to Vacate and Notice of the Hear-  
11 ing at least 30 days prior to the time set for the Hearing;

12           6. That Title to Lots 26 and 27 of Block 4 of Midland is in the name  
13 of Patsy Ann Handsaker; that based on the Affidavit of Thomas W. Phipps and Kay  
14 R. Phipps said Patsy Ann Handsaker is deceased, and that the heirs of Patsy  
15 Ann Handsaker could not be located after a diligent search;

16           7. That Lot 1 in Block 6 of Midland is owned jointly by O'Connor Live-  
17 stock Co. and Frances O'Connor Enterprises Inc.; that true and correct copies of  
18 the Petition to Vacate and Notice of the Hearing were delivered to the office of  
19 David R. Vandenberg, Attorney for said land owners, by William M. Ganong, at  
20 least 30 days prior to the time set for the Hearing;

21           8. That all other owners of land abutting the street to be vacated  
22 consented in writing to the said vacation and that said consenting land owners  
23 own in excess of 75% of the property abutting the area proposed for Vacation;

24           9. That the Notice given the non-consenting land owners, as described  
25 in paragraphs 4, 5, 6 & 7 above, was sufficient to put said land owners on  
26 Notice of the Petition to Vacate and Public Hearing and that the publication of  
27 further Notice is unnecessary and costly;

28           10. That the said MIDLAND and FIRST ADDITION TO MIDLAND are platted and  
29 subdivided tracts of acreage in Klamath County, Oregon, outside the limits of  
30 any incorporated City or Town, and that the portions of the street included in  
31 the Petition to Vacate are Public Roads other than County Roads or State High-  
32 ways and have never been opened or used by the public; and

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1 11. That portions of the area included in the Petition to Vacate are  
2 used by Pacific Power and Light Company and Pacific Northwest Bell and that said  
3 utilities' use of the said street shall be protected by the Order granting the  
4 proposed Vacation;

5 WHEREAS, it was determined at said Hearing that no opposition has been  
6 made to said Petition and that the Public will benefit from the addition to  
7 the tax rolls of the Vacated areas; that all of the statements set forth in said  
8 Petition to Vacate are true; and that the Department of Public Works has no  
9 objections to the proposed Vacation; and the Board of County Commissioners now  
10 being fully advised in the premises,

11 IT IS HEREBY ORDERED, pursuant to the provisions of ORS 271.010 to  
12 271.070, that all of the tracts in MIDLAND and FIRST ADDITION TO MIDLAND,  
13 Klamath County, Oregon, described in Exhibit A, attached hereto and by this  
14 reference made a part hereof, be and the same are VACATED.

15 Dated this 7<sup>th</sup> day of October, 1980.

16 BOARD OF COMMISSIONERS OF KLAMATH COUNTY,  
17 OREGON

18 By David A. Cheyne  
19 Chairman of the Board

20 By \_\_\_\_\_ Commissioner

21 By Hayd L. Hyman  
22 Commissioner  
23  
24  
25  
26  
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PARCEL 1

2114

Beginning at the Northeast corner of Block 39, First Addition to Midland; thence West along the North boundary of said block to the Northwest corner of Block 39; thence North 10.00 feet; thence East, parallel with the North boundary of Block 39 to the East boundary of the plat of First Addition to Midland; thence South  $0^{\circ}21'$  West along said plat boundary 10.00 feet to the point of beginning.

PARCEL 2

Beginning at the Northeast corner of Block 38 of First Addition to Midland; thence West along the North boundary of said block to the Northwest corner of Block 38; thence North 10.00 feet; thence East parallel with the North boundary of Block 38, 300.00 feet; thence South 10.00 feet to the point of beginning.

PARCEL 3

Beginning at the Southeast corner of Block 36 of First Addition to Midland; thence West along the South boundary of said block to the Southwest corner of Block 36; thence South 10.00 feet; thence East parallel with the South boundary of Block 36 to the East boundary of the plat of First Addition to Midland; thence North  $0^{\circ}21'$  East along said plat boundary 10.00 feet to the point of beginning.

PARCEL 4

Beginning at the Southeast corner of Block 37 of First Addition to Midland; thence West along the South boundary of said block to the Southwest corner of Block 37; thence South 10.00 feet; thence East parallel with the South boundary of Block 37, 300.00 feet; thence North 10.00 feet to the point of beginning.

PARCEL 5

2115

Beginning at the Southeast corner of Block 4 of the plat of Midland; thence West along the South boundary of said block to the Southwest corner of Block 4; thence South 10.00 feet; thence East parallel with the South boundary of Block 4, 570.00 feet; thence North 10.00 feet to the point of beginning.

PARCEL 6

Beginning at the Southeast corner of Block 5 of the plat of Midland; thence West along the South boundary of Block 5 to the Southeasterly right-of-way line of Oregon State Highway 97; thence Southwesterly along said right-of-way line to a point 30.00 feet North of the centerline of Main Street; thence East parallel with the South boundary of Block 5 to a point due South of the point of beginning; thence North 10.00 feet to the point of beginning.

PARCEL 7

Beginning at the Northeast corner of Block 6 of the plat of Midland; thence West along the North boundary of Block 6 to the Southeasterly right-of-way line of Oregon State Highway 97; thence Northeasterly along said right-of-way line to a point 30.00 feet South of the centerline of Main Street; thence East parallel with the North boundary of Block 6 to a point due North of the point of beginning; thence South 10.00 feet to the point of beginning.

PARCEL 8

Beginning at the Northeast corner of Block 7 of the plat of Midland; thence West along the North boundary of said block to the Northwest corner of Block 7; thence North 10.00 feet; thence East parallel with the North boundary of Block 7, 570.00 feet; thence South 10.00 feet to the point of beginning.

Exhibit A - Page 2

STATE OF OREGON; COUNTY OF KLAMATH;ss.

I hereby certify that the within instrument was received and filed for record on the 11th day of February A.D., 19 81 at 9:07 O'clock A M., and duly recorded in

Vol M81 of Deeds on Page 2111.

Fee \$17.50

Commissioner's Journal

EVELYN BIEHN  
COUNTY CLERK

by Bernetha W. Petch Deputy