

6339

Vol. <sup>m</sup> 81 Page 19593Vol. M18 Page: 3071

BEFORE

THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF KLAMATH, STATE OF OREGON

In the matter of the petition of )

ROBERT U. BURCH, )

to Establish a Statutory Way of )

Necessity. )

ORDER GRANTING  
STATUTORY WAY-OF-  
NECESSITY

THIS MATTER, having come regularly before the Board upon the Petition of Robert U. Burch appearing by and through his attorney, Gary L. Hedlund, and the board having found that the following interested parties were served with a copy of the Petition and copies of all pleadings and correspondence in this matter, i.e. Richard and Beverly Joslyn, Alexander Williams, Ivan Dixon, and Dennis Issac, and E. J. Walker, and the Board further finding that Alexander Williams, Ivan Dixon, and Dennis Issac, appeared in this matter through their attorney Robert Puckett and that Richard and Beverly Joslyn and E.J. Walker, did not appear. The Board having considered the Petition on file herein and the arguments of counsel and having conducted a regular hearing at which testimony was presented, and the Board having further considered the report of the road viewers duly submitted in this matter, and the Board being fully advised in the premises, Now Therefore,

The Board does hereby find that:

ORDER - 1

1           1. Petitioner owns an equitable interest in the real  
2 property more fully described in the pleadings on file herein,  
3 that said property cannot be conveniently be reached by any  
4 public road provided by law and that it is necessary that the  
5 public and the petitioner have ingress and egress from the  
6 said property of the petitioner; and

7           2. The Board further finds that a (30) foot easement for  
8 roadway purposes exists along the northerly boundary of the  
9 property owned by petitioner Robert U. Burch and Richard and  
10 Beverly Joslyn and more fully described as:

11           The W 1/2 and the E 1/2 respectfully of the NW 1/4 of  
12 the NW 1/4 of section 25 of Township 35 South, Range  
13 12 East to the Willamette Meridian; and

14           3. The Board further finds that a (30) foot easement  
15 exists along the northerly boundary of the property owned by  
16 Mr. Williams, Mr. Dixon, and Mr. Issac which easement connects  
17 with the easement across the Burch and Joslyn property and  
18 extends in an easterly and westerly direction approximately  
19 1/4 mile from the Joslyn property;

20           4. The Board further finds that Petitioner, Robert U.  
21 Burch and Mr. Williams, Dixon, and Issac have entered into an  
22 agreement whereby Mr. Burch will purchase a strip of property  
23 for roadway purposes along the northerly and westerly boundaries  
24 of the Williams property. Said property will be conveyed by  
25 Deed and the Board hereby approves such conveyance with the  
26 understanding that Petitioner Burch will grant easements to his  
neighbors in the area to use said strip when such neighbors are

COMPLAINT - 2

19595

3076

1 prepared to pay him a proportionate cost of the obtaining of the  
2 roadway access;

3 5. The Board further finds that it is necessary for  
4 Petitioner Burch in order to complete his roadway access to  
5 have granted unto him by virtue of his Petition for a Statutory  
6 Way of Necessity legal access across the E. J. Walker property  
7 as follows:

8 Along the North 30.00 feet of the SE 1/4 of the NW 1/4  
9 of section 26, Township 35 South, Range 12 East, Willamette  
Meridian, lying East of the Godowa Springs Road.

10 6. The Board further finds that Mr. Walker is not entitled  
11 to damages for the grant of such Statutory Way of Necessity  
12 since there already exists a private easement along said  
13 boundary.

14 NOW THEREFORE, in consideration of the findings described  
15 above, It is Hereby:

16 ORDERED, that the Petitioner, Robert U. Burch is granted  
17 a Statutory Way of Necessity across the E. J. Walker property  
18 along the North 30.00 feet of the SE 1/4 of the NW 1/4 of section  
19 26, Township 35 South, Range 12 East, Willamette Meridian, lying  
20 East of the Godowa Springs Road.

21 DATED this 24<sup>th</sup> day of  
22 July, 1978.

BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_

Chairman

*Lloyd L. Magnus*  
Commissioner

*Lloyd Giff*  
Commissioner

26 COMPLAINT - 3

State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the  
10th day of November A.D., 1981 at 1:06 o'clock P M., and duly recorded in

Vol M81 of Deeds on page 19593.

Fee \$12.00

EVELYN BIEHN

COUNTY CLERK

By *James H. A. [Signature]* Deputy