

10058

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

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

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

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

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

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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 24th day of
22 July, 1978.

BOARD OF COUNTY COMMISSIONERS

By _____
Chairman

Harold L. Thompson
Commissioner

Harold L. Thompson
Commissioner

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Forrest E. Coyle
356 E St S.
Habervieu, Oregon 97630

GARY L. HEDLUND
ATTORNEY AT LAW

State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the
18 day of March A.D., 1982 at 11:23 o'clock A.M., and duly recorded in

Vol M 82 of Deeds on page 3369.

Fee \$ 12.00

EVELYN BIEHN
COUNTY CLERK

James M. Dyer deputy