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COUNTY CLERK

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April 4 1983
EVELYN BIEHN, County Clerk
Catherine H. H. Deputy

BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF KLAMATH

STATE OF OREGON

In the Matter of the Vacation of a)
portion of a County Road described)
in a Deed recorded in Volume 79,) PETITION
Page 145 of Klamath County Deed)
Records.)

Under the provisions of ORS 368.341 (3), the undersigned, who are 100 per cent of the owners of the property abutting the public property to be vacated, petition the Board of County Commissioners in and for the County of Klamath, State of Oregon and state as follows:

1. The property proposed to be vacated is described as follows:

A parcel of land situated in the NW $\frac{1}{4}$ of Section 16, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and being a portion of a 60-foot wide strip of land described in Deed Volume 79, Page 145 of the Klamath County Deed Records. Said parcel more particularly described as follows:

All of the portion of said 60-foot strip lying between the easterly line of the United States Reclamation Service Drain, as described in said Deed, and the westerly right-of-way of the Southern Pacific Railroad, Bieber Line.

2. The reasons for the request for this vacation are as follows:

(a) The property was deeded to Klamath County, Oregon by Luke E. Walker in a Right-of-Way Deed dated the 23rd day of October, 1926 and was recorded in the records of the Klamath County Clerk on November 26, 1927 in Volume 79, Page

1. PETITION

WILLIAM P. BRANDSNESS
A Professional Corporation
Attorneys at Law
411 Pine Street
Klamath Falls, Ore
Phone 503/882-6616

1 145. There is no evidence that the County ever formally
2 accepted the Deed and it is not clear for what purpose the
3 Deed was given.

4 (b) The road way described in the Deed was never
5 surveyed upon the ground, the roadway has never been improved
6 and the above-mentioned Deed merely appears as a closed up
7 title to the land of the abutting land owners.

8 (c) The roadway, which is the subject of this
9 petition extends from the U.S.R.S. Drain on the west to the
10 right-of-way of the Southern Pacific Railroad, Beiber Line on
11 the east and is entirely located upon the real property of
12 your petitioners. The United States Reclamation Service and
13 the Southern Pacific Railroad have no need for this roadway
14 and neither entity has granted a right or permission to allow
15 the roadway to cross the drain or the railroad right-of-ways.

16 (d) The roadway can never be used for the purposes
17 for which it was intended.

18 3. The name and address of the only party holding
19 any recorded interest in the property proposed to be vacated
20 is Klamath County, Oregon, Klamath County Courthouse, Klamath
21 Falls, Oregon 97601, which files its approval herewith.

22 4. There are no persons who own any improvements on
23 the property proposed to be vacated.

24 5. The names and addresses of all of the persons
25 owning real property abutting the property prepared to be
26

1 vacated are:

2 Daniel G. Brown and Elouise Brown;
3 Husband and Wife
4 5540 Sylvia Avenue
Klamath Falls, OR 97601

5 F. J. Danforth and Mary Jane Danforth;
6 Husband and Wife
7 1221 Vista Way
Klamath Falls, OR 97601

8 who are the petitioners herein.

9 6. There are no present places for the redivision
10 of the abutting property or the property to be vacated.

11 7. The undersigned are 100% of the abutting land
12 owners and own 100% of the abutting land.

13 WHEREFORE, your petitioners pray for an order of the
14 Klamath County Commissioners, vacating the above-mentioned
15 property and vesting the same in the abutting property owners.

16 DATED this 14th day of March, 1983.

17 Daniel G. Brown
18 Daniel G. Brown

19 Elouise Brown
20 Elouise Brown

21 F. J. Danforth
22 F. J. Danforth

23 Mary Jane Danforth
24 Mary Jane Danforth

25 STATE OF OREGON)
26 County of Klamath)

ss. Mark, 1983

Personally appeared the above named Daniel G. Brown
and Elouise Brown, husband and wife and acknowledged the

WILLIAM P. BRANDSNESS
A Professional Corporation
Attorneys at Law
411 Pine Street
Klamath Falls, Ore
Phone 503/882-6616

3. PETITION

1 foregoing Petition to be their voluntary act and deed. Before
 2 me:

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NOTARY PUBLIC FOR OREGON
 My Commission Expires: 2/1/85

STATE OF OREGON)

County of Klamath)

ss. March 11th, 1983

Personally appeared the above named F. J. Danforth
 and Mary Jane Danforth, husband and wife and acknowledged the
 foregoing Petition to be their voluntary act and deed. Before
 me:

NOTARY PUBLIC FOR OREGON
 My Commission Expires: 2/1/85

APPROVAL BY OWNER

Comes now Klamath County, Oregon, the only owner of
 the property proposed to be vacated and approves the proposed
 vacation under the provisions of ORS 368.351(2).

Earl E. Kessler
 Director of Public Works,
 Klamath County, Oregon

STATE OF OREGON; COUNTY OF KLAMATH; ss:

Filed for record :

the 7th day of

April A.D. 1983 at 8:33 A

duly recorded in Vol. M83

of Deeds

AD # 5216

no fee

By

EV. LYN BIEHN, CASH

WILLIAM P. BRANDSNESS
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 Attorneys at Law
 411 Pine Street
 Klamath Falls, Ore
 Phone 503/882-6818

4. PETITION