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Vol. 185 Page 5909CK:pf
11-8-84ABANDONMENT
RESOLUTION No. 609ORIGINAL
Return to Commission Services

R E S O L U T I O N

WHEREAS, under the provisions of ORS 366.290(3), with the written consent of the county in which a particular highway or part thereof is located, the State may, when in its opinion the interests of the state will be best served, eliminate from the state highway system any road or highway or part thereof. Thereafter the road or highway or part thereof eliminated shall become a county road or highway, and the construction, repair, maintenance or improvement, and jurisdiction over such highway shall be exclusively under the county in which such highway or road is located; and

WHEREAS, under the provisions of ORS 271.330(1), State or any political subdivision within the State, has the express power to relinquish the title to any of its property to the United States Government or any other governmental body or political subdivision within the State, providing such property shall be used and continue to be used for public purposes; and

WHEREAS, the Sun Mountain Highway, State Secondary Highway No. 428, in Klamath County, is a state highway under the jurisdiction and control of the Oregon Transportation Commission; and

WHEREAS, it has been determined that said Sun Mountain Highway, State Secondary Highway No. 428, no longer serves as a functional part of the state highway system, and should be eliminated as a part of the state highway system, which portions to be eliminated are hereinafter designated as Units A and D as shown colored in red, Unit B as shown colored in orange and Unit C as shown colored in purple on the map attached hereto marked Exhibit A and by this reference made a part hereof; and

WHEREAS, Klamath County, United States Forest Service, Oregon Department of Forestry and the Oregon Transportation Commission entered into an agreement on March 3, 1983, relating to the elimination and disposition to be made of said Units of said Sun Mountain Highway; and

WHEREAS, said agreement provides that State (Highway), by resolution, upon completion of conditions in said agreement of March 3, 1983, formally eliminate the Sun Mountain Highway, Units A, B, C and D, from the state highway system and all right, title and interest of State (Highway) in Units A and D shall pass and vest in Klamath County; all right, title and interest of State (Highway) in Unit B shall pass to and vest in U. S. Forest Service; and all right, title and interest of State (Highway) in Unit C shall pass to and vest in Oregon Department of Forestry. All conditions outlined in said agreement dated March 3, 1983 were completed on September 25, 1984 and found acceptable to all agencies.

Adopted by Transportation Commission

Date November 20, 1984Robert Johnson

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NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by this Commission as follows:

1. That the Sun Mountain, State Secondary Highway No. 428 is no longer needed by State (Highway) as a part of the state highway system. Said Sun Mountain Highway has been divided into four segments, identified as Units A, B, C and D as shown on Exhibit A and are described as follows:

UNIT A

All the land within the right-of-way boundaries of the Sun Mountain Highway, State Secondary Highway No. 428 (M.P. 0.00 - M.P. 13.67) from its northerly junction with The Dalles-California Highway, State Primary Highway No. 4, (Mazama Junction), M.P. 216.02 of said The Dalles-California Highway; thence southwesterly to the south line of Section 29, Township 31 South, Range 7 East, Willamette Meridian, a distance of 13.67 miles.

UNIT B

All the land within the right-of-way boundaries of the Sun Mountain Highway, State Secondary Highway No. 428 (M.P. 13.67 - M.P. 18.88) from the south line of Section 29, Township 31 South, Range 7 East, Willamette Meridian; thence southwesterly to the south line of Section 14, Township 32 South, Range 7-1/2 East, Willamette Meridian, (U. S. and Oregon Forest Boundary), a distance of 5.21 miles.

UNIT C

All the land within the right-of-way boundaries of the Sun Mountain Highway, State Secondary Highway No. 428 (M.P. 18.88 - M.P. 24.15), including Sun Mountain View Point, from the south line of Section 14, Township 32 South, Range 7-1/2 East, Willamette Meridian, (U. S. and Oregon Forest Boundary); thence southerly to its intersection with Dixon Road, Klamath County Road No. 624, a distance of 5.27 miles.

UNIT D

All the land within the right-of-way boundaries of the Sun Mountain Highway, State Secondary Highway No. 428 (M.P. 24.15 - M.P. 27.00) from its intersection with Dixon Road, Klamath County Road No. 624; thence southerly to its southerly junction with the Crater Lake Highway, State Primary Highway No. 22, (Fort Klamath Junction), M.P. 91.34 of said Crater Lake Highway, a distance of 2.85 miles.

2. That under the agreement entered into by the Oregon Transportation

Commission, Klamath County, United States Forest Service and Oregon Department of Forestry on March 3, 1983, Units A and D as heretofore described and as shown colored in red on Exhibit A are hereby duly eliminated as part of the Sun Mountain Highway, and all right, title and interest of State (Highway) in said Units hereby pass to and vest in Klamath County; and Unit B as heretofore described and as shown colored in orange on Exhibit A is hereby duly eliminated as part of the Sun Mountain Highway, and all right, title and interest of State (Highway) in said Unit hereby pass to and vest in United States Forest Service; and Unit C as heretofore described and as shown colored in purple on Exhibit A is hereby duly eliminated as part of the Sun Mountain Highway, and all right, title and interest of State (Highway) in said Unit hereby pass to and vest in Oregon Department of Forestry.

3. That any right-of-way transferred by this resolution that is owned in fee by State (Highway) is hereby relinquished only for public purposes. If said right-of-way is no longer used for public road purposes, it shall automatically revert to State (Highway).

4. That the right-of-way of the existing The Dalles-California Highway, State Primary Highway No. 4, Crater Lake Highway, State Primary Highway No. 22 and that real property acquired by State (Highway) as shown colored in green on Exhibit A are needed for right-of-way and other public purposes, and therefore, this Commission does hereby declare and order that possession of and title to all land or area shown colored in green on Exhibit A shall be retained and held by State (Highway).

5. That this resolution be entered in full in the minutes and records of the Transportation Commission as Abandonment and Retention Resolution No. 609 this 20th day of November, 1984, and duplicate copies be mailed to Klamath County Board of Commissioners, United States Forest Service and Oregon Department of Forestry.

Please return the recorded Resolution to:

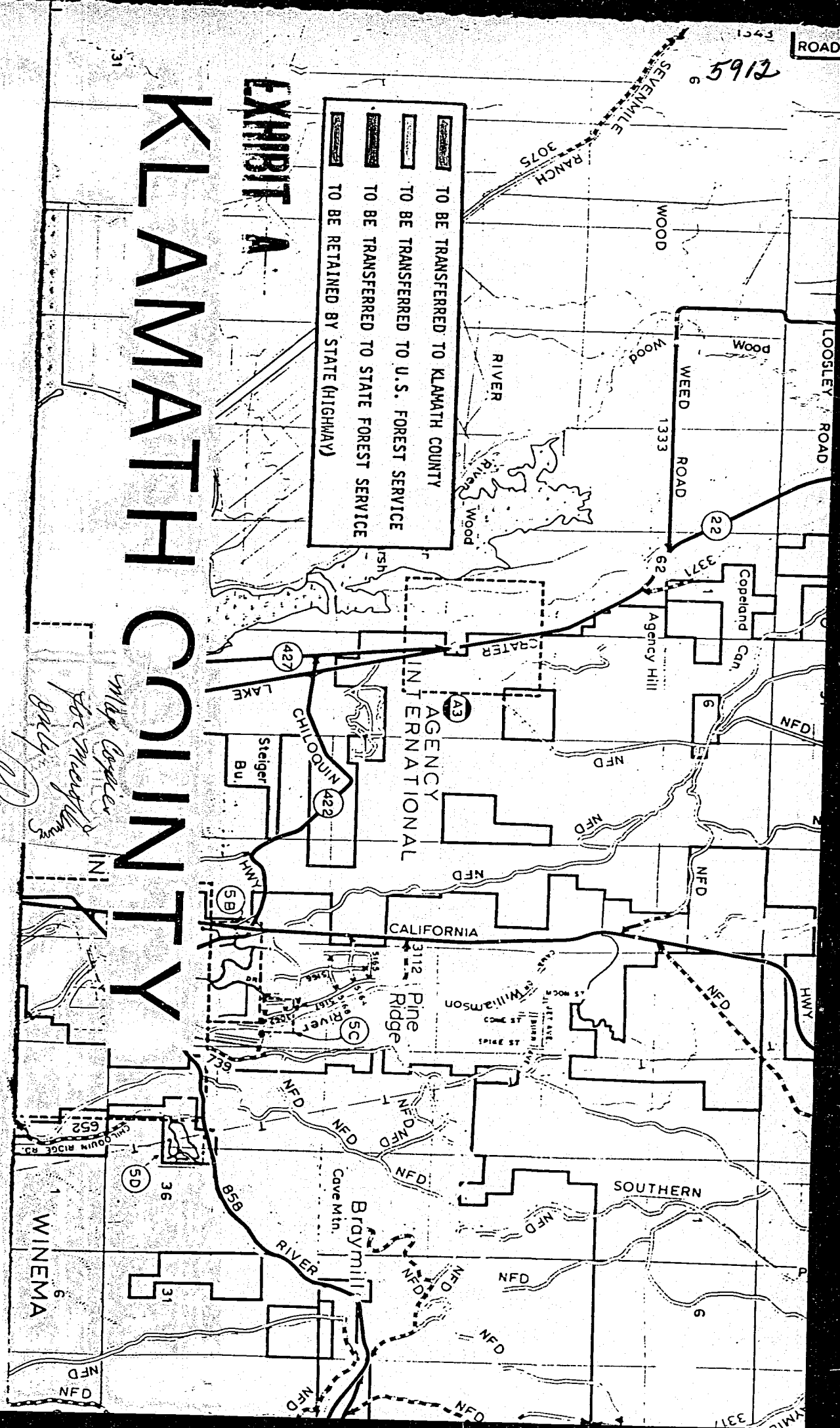
Alan W. Lightner, Manager
Right of Way Office Unit
Room 119, Transportation Bldg.
Salem, Oregon 97310

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- TO BE TRANSFERRED TO KLAMATH COUNTY
- TO BE TRANSFERRED TO U.S. FOREST SERVICE
- TO BE TRANSFERRED TO STATE FOREST SERVICE
- TO BE RETAINED BY STATE (HIGHWAY)

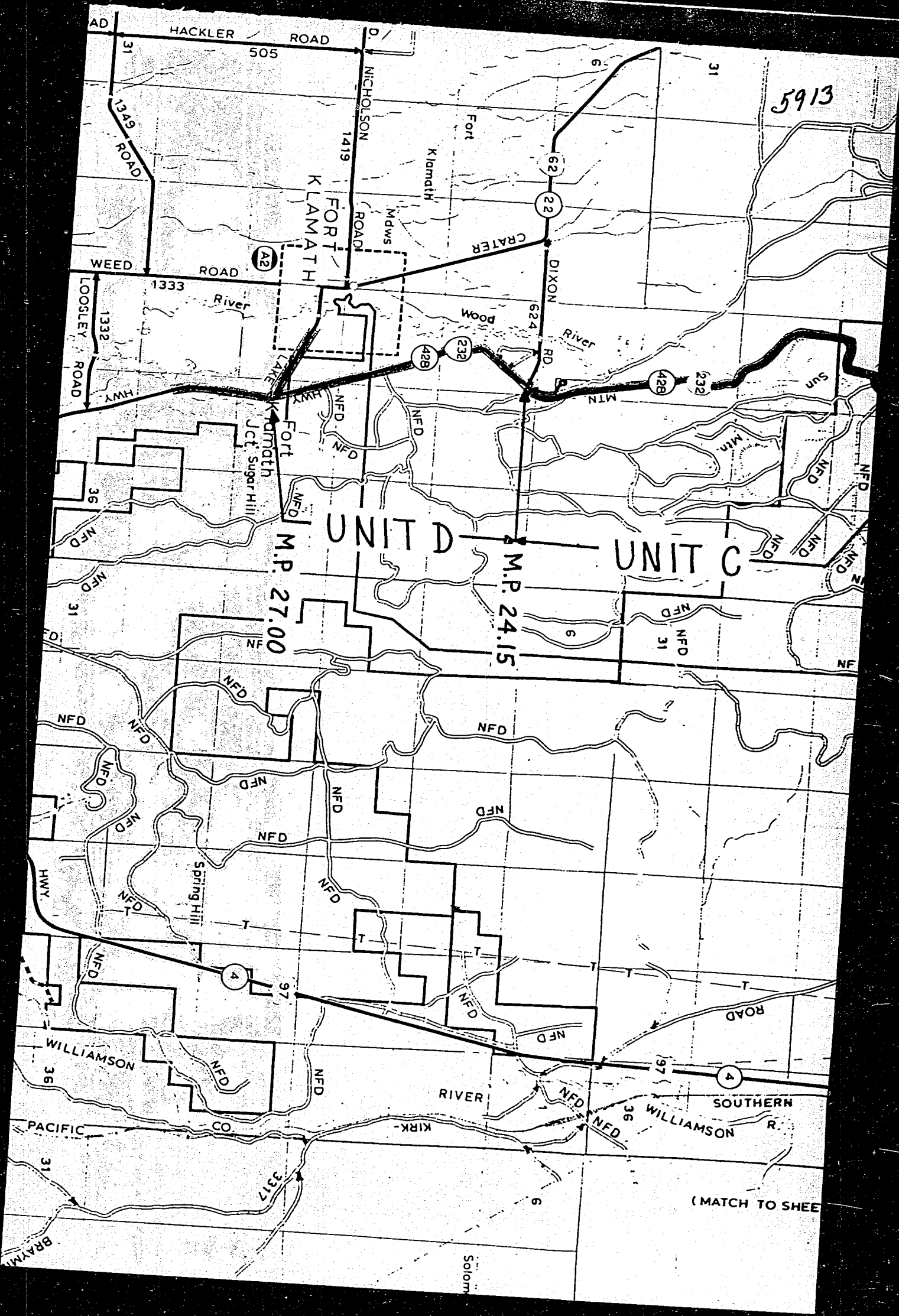
EXHIBIT A

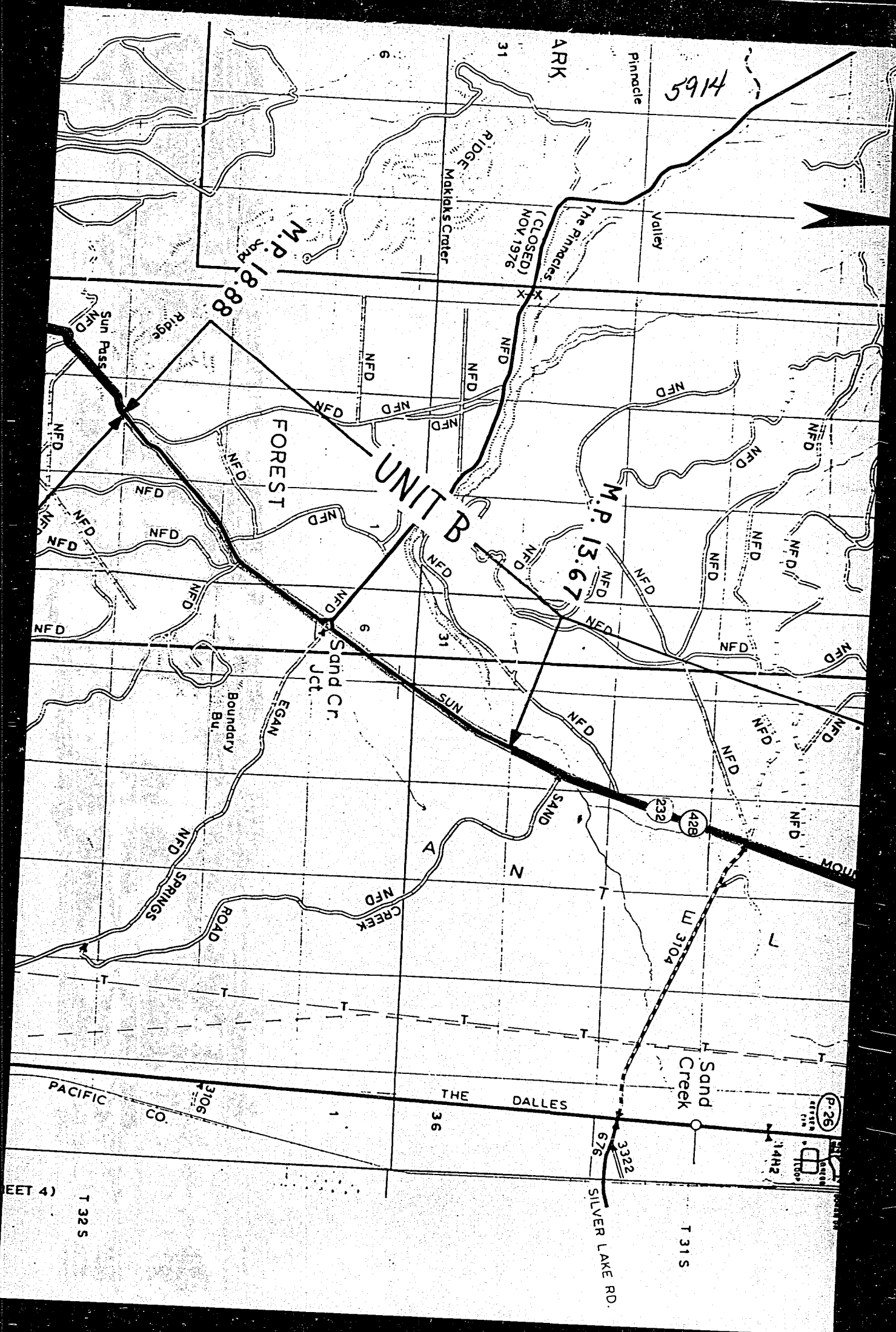
KLAMATH COUNTY

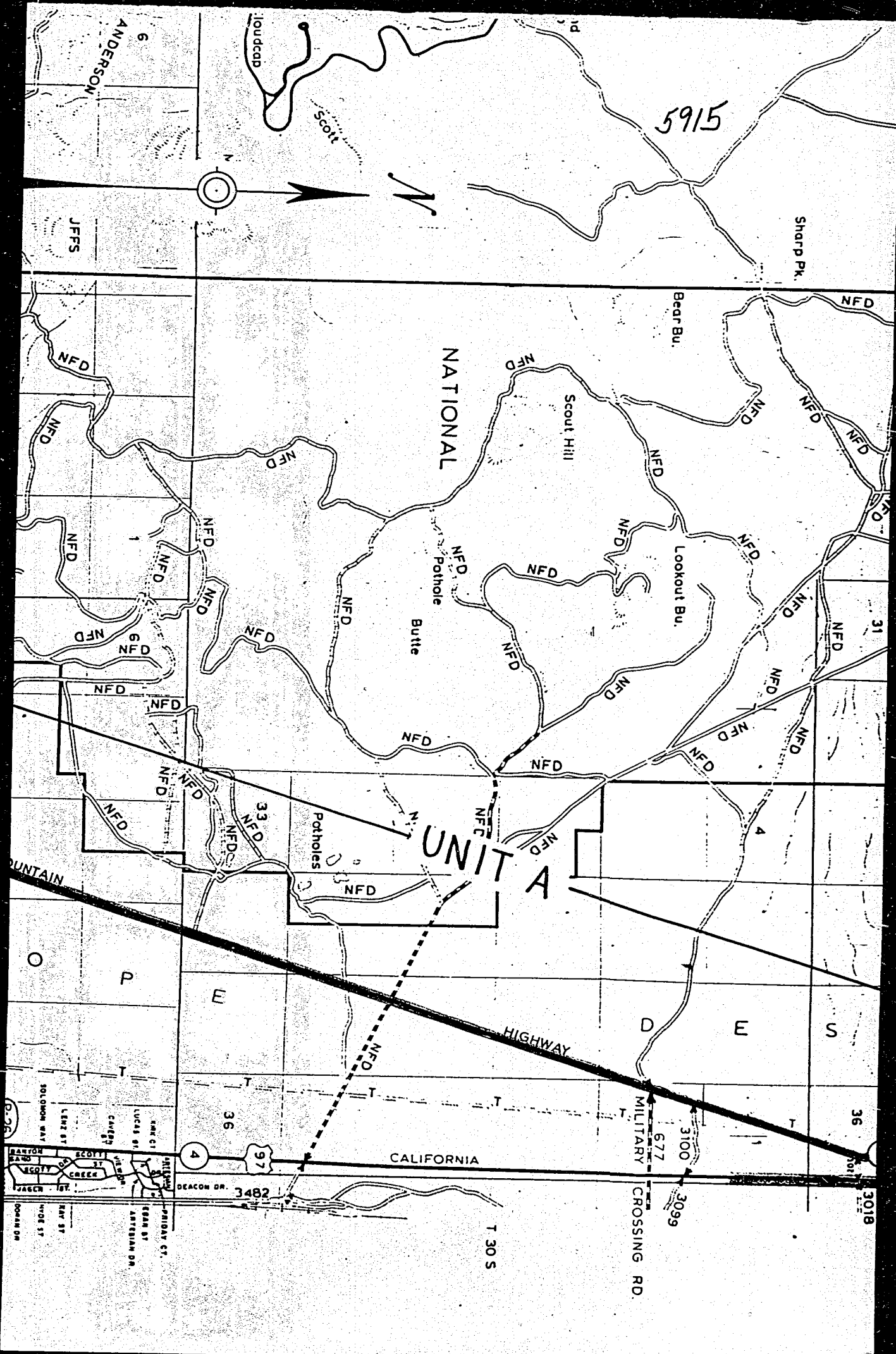


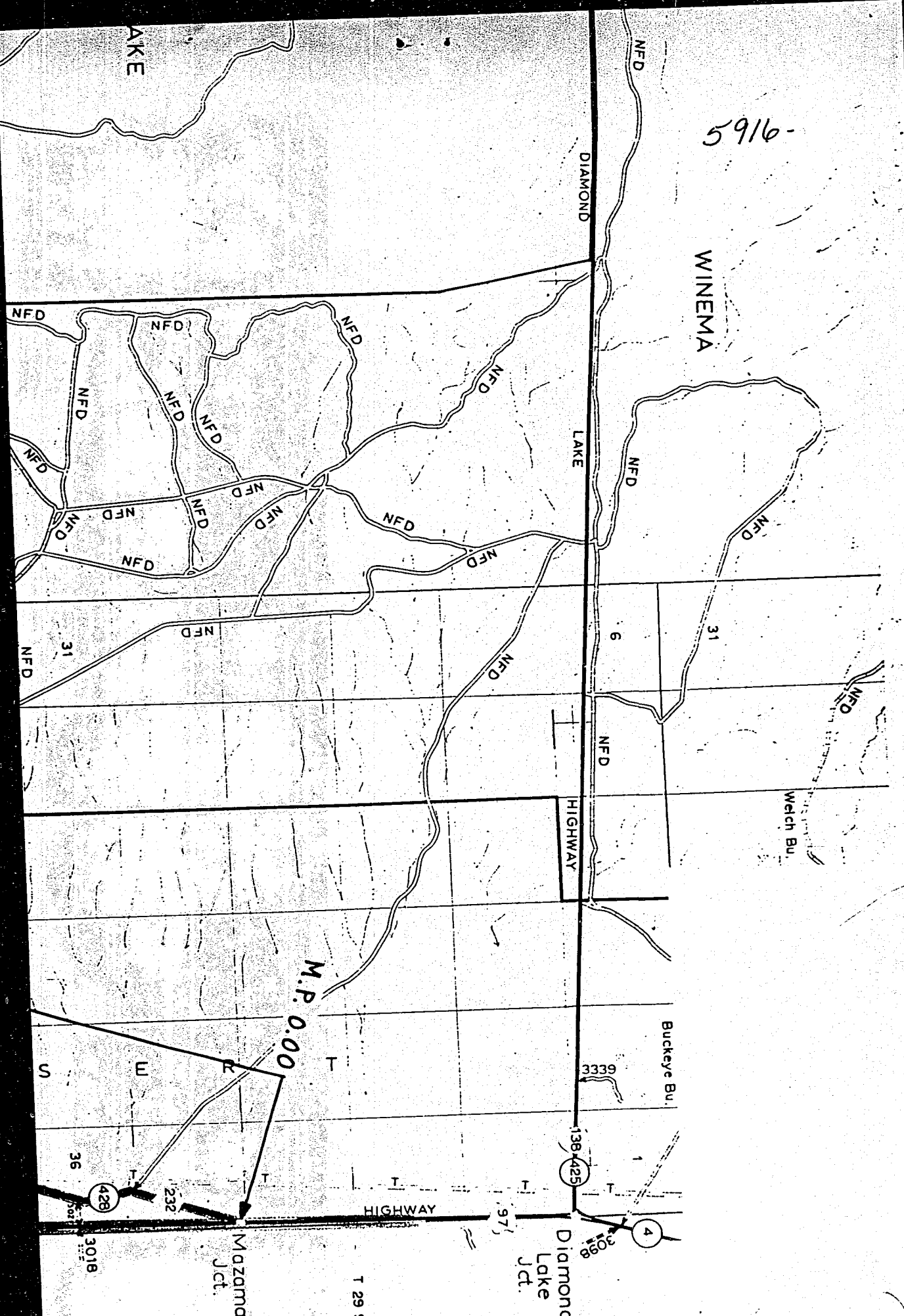
Map copies for measuring only

5913









STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 24th day of April A.D., 19 85 at 9:39 o'clock A M,
and duly recorded in Vol M85, of Deeds on page 5909.

EVELYN BIEHN, COUNTY CLERK
by: Pam Smith, Deputy

Fee: \$ 33.00