

LJW:pf  
9-24-87

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RESOLUTION

WHEREAS, pursuant to ORS 366.290(1), State may select, locate, establish, designate, improve and maintain out of the highway fund a system of state highways, and for that purpose may, by mutual agreement with several counties, select county roads or public roads. By an appropriate order entered into its records, the State may designate and adopt such roads as state highways. Thereafter, the construction, improvement, maintenance, and repair of such roads shall be under the jurisdiction of the State.

WHEREAS, pursuant to ORS 366.320(3), all rights-of-way owned or held by the several counties over and along any road adopted as state highways are vested in the State, by and through its Department of Transportation.

WHEREAS, pursuant to ORS 366.290(3), the State may with the written consent of the County, eliminate from the secondary highway system any road or highway or part thereof and thereafter such eliminated road, highway or part thereof shall become a county road or highway, and the construction, repair, maintenance or improvement, and jurisdiction over such a highway shall be exclusively under the county court of the County in which such highway or road is located; and

WHEREAS, pursuant to ORS 366.395(2), the department may sell, lease, exchange or otherwise dispose of such real or personal property in such manner as in the judgement of the department will best serve the interests of the State and will most adequately conserve highway funds; and

WHEREAS, Klamath County and the Oregon Transportation Commission entered into agreements on December 29, 1980, and September 11, 1984, relating to the jurisdictional exchange of certain roads and highways; and

WHEREAS, said agreements provide that following completion of construction and improvement State shall, by resolution, accept all right, title, interest, jurisdiction, maintenance, and control of the Klamath Falls Southside Bypass as part of the state highway system, and transfer to County all State's right, title, interest, jurisdiction, maintenance, and control of certain state highways or portions thereof. Attached hereto is a map, marked Exhibit A, and by this reference made a part hereof.

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

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1. That the Klamath Falls Southside Bypass, indicated as Unit A on Exhibit A, is hereby designated as South Klamath Falls Highway, State Secondary Highway No. 424. State hereby accepts all County's right, title and interest, if any there be, and assumes all maintenance, jurisdiction, and control of said road. Said South Klamath Falls Highway is described as follows:

UNIT A

All the land within the right-of-way boundaries of the Klamath Falls Southside Bypass from its junction with a common junction of The Dalles-California Highway, State Primary Highway No. 4 and the Green Springs Highway No. 21; thence easterly to a junction with the Klamath Falls-Malin Highway, State Primary Highway No. 50, a distance of approximately 5.9 miles.

2. That pursuant to the agreement of December 29, 1980, entered into by the Oregon Transportation Commission and Klamath County, those highways or portions thereof, indicated as Units B, C, and D on Exhibit A, and as described below, are hereby eliminated from the state highway system and all State's right, title, interest, jurisdiction, maintenance, and control are hereby relinquished and transferred to Klamath County. Any right-of-way being transferred in which State has any title shall be vested in County so long as used for public road purposes. If said right-of-way is no longer used for public road purposes, it shall automatically revert to State.

UNIT B

All the land within the right-of-way boundaries of the Chiloquin Highway, State Secondary Highway No. 422 (M.P. 5.34 to M.P. 9.51) from its junction with The Dalles-California Highway, State Primary Highway No. 4; thence westerly to a junction with the Modoc Point Highway, State Secondary Highway No. 427, a distance of 4.17 miles.

UNIT C

All the land within the right-of-way boundaries of the Lower Klamath Highway, State Secondary Highway No. 423 (M.P. 0.00 to M.P. 7.02), from its junction with The Dalles-California Highway, State Primary Highway No. 4; thence easterly to a junction with the Klamath Falls-Malin Highway, State Primary Highway No. 50, a distance of 7.02 miles.

UNIT D

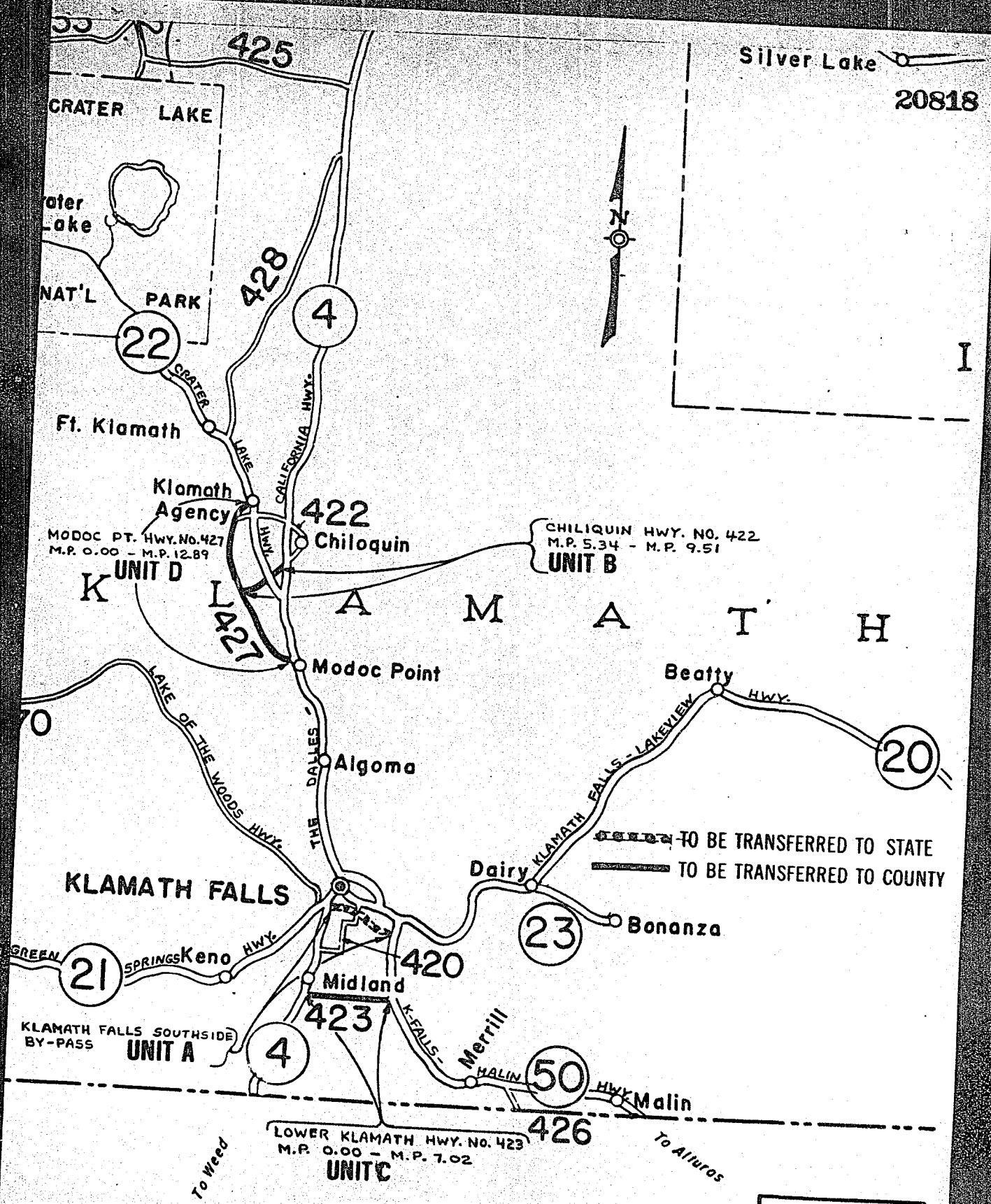
All the land within the right-of-way boundaries of the Modoc Point Highway, State Secondary Highway No. 427 (M.P. 0.00 to M.P. 12.89), from its junction with the Crater Lake Highway, State Primary Highway

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No. 22 at Klamath Agency; thence southerly to a junction with The Dalles-California Highway, State Primary Highway No. 4 at Modoc Point, a distance of 12.89 miles.

The properties above described are relinquished and transferred subject, however, to the rights of any utilities located within said properties and further subject to the rights of the owners of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within said properties.

3. That this resolution be entered in full in the Minutes and Records of the Oregon Transportation Commission as Secondary Highway Designation Resolution No. 88, this 20th day of October 1987, and a copy hereof be mailed to Klamath County Board of Commissioners.



**EXHIBIT A**

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of State of Oregon, Dept. of Transportation the 17th day of November A.D., 19 87 at 11:56 o'clock A M., and duly recorded in Vol. M87 of Deeds on Page 20815.

FEE NONE

Return: County Engineering Dept.

Evelyn Biehn,  
By RAM County Clerk Smith