

BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF THE APPEAL)
 OF THE KLAMATH COUNTY)
 PLANNING DEPARTMENT ON THE)
 APPLICATION FOR MINOR)
 PARTITION 39-90)

ORDER NO. 91-085

WHEREAS, the Klamath County Planning Director approved the minor partition number 39-90 on November 28, 1990; and

WHEREAS, Mr. Roger Nicholson filed an appeal of the decision; and

WHEREAS, the hearing on appeal was scheduled before the Board of Commissioners of Klamath County, Oregon on January 15, 1991 at the hour of 2:00 p.m. in the hearing room of Klamath County Board of Commissioners in the Klamath County Courthouse Annex; and

WHEREAS, Mr. Roger Nicholson, appellant requested a continuance but did not deliver the request to the Klamath County Planning Department or the Klamath County Board of Commissioners' office until January 15, 1991; and

WHEREAS, neither Mr. Nicholson nor any representative of Mr. Nicholson appeared for the hearing and the Board determined the appellant's request for continuance was untimely and denied said request; and

WHEREAS, Mr. William Grund, the applicant, together with his attorney Michael L. Brant and witnesses Mr. Pete Pate and Mr. Dennis Ensor appeared and testified;

NOW, THEREFORE, the Board of County Commissioners for the County of Klamath, State of Oregon, hereby affirm the approval of

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the minor partition number 39-90 upon the following conditions:
 The applicant, Mr. William Grund shall convey to Mr. Roger Nicholson a twenty (20') foot easement to provide Mr. Nicholson with ingress and egress to and from his real property lying east of the real property which is the subject of this minor partition. The center line of the said easement shall be the center line of the now existing road, which runs from Highway No. 62 to Mr. Nicholson's property. Mr. Grund shall have the right to install a maximum of two (2) gates on the easement. Mr. Nicholson shall be responsible for appropriate dust control. The easement may be used to accommodate utilities, but all utilities shall be underground.

DATED this 29th day of January, 1991.

STATE OF OREGON,
 County of Klamath ss.

Filed for record at request of:

Klamath County
 on this 5th day of Feb. A.D., 19 91
 at 12:22 o'clock P.M. and duly recorded
 in Vol. M91 of Deeds Page 2250
 Evelyn Biehn
 County Clerk

By Raoul Muelenders
 Deputy.

Fee, none

Harry J. Fredrick
 County Commissioner

Edwin N. Kintner
 County Commissioner

Tim
 County Commissioner

Return: Commissioners Journal