

18622

Vol 96 Page 15038

MAY 17 1996  
COUNTY CLERKBEFORE THE BOARD OF COUNTY COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE VACATION )  
 OF A PORTION OF PORTION OF CREST )  
 STREET AS PER PLAT OF LANDIS PARK )  
 IN THE NORTHEAST QUARTER OF THE )  
 SOUTHEAST QUARTER (NE 1/4 SE 1/4) OF )  
 SECTION TEN (10), TOWNSHIP 39 SOUTH )  
 RANGE 9 EAST IN KLAMATH COUNTY, )  
 OREGON )

ORDER 96- 164  
OF VACATION

96 MAY 23 P1:01

According to the provisions of ORS 368.341 (3) and ORS 368.351, a petition continuing the acknowledged signatures of the owners of 100% of the property abutting the public property described in Exhibit A (attached), proposed to be vacated and indicating said owners' approval of the proposed vacation was filed with the Board of County Commissioners on the 20th day of March, 1996.

Thereafter, the County Engineer filed with the Commissioners a written report containing the required information of ORS 368.346 (1), finding the vacation to be in the public interest.

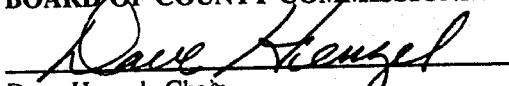
Now, after fully considering the report and other documentation presented, the Board of County Commissioners finds that the vacation of a portion of Crest Street is in the public interest and finds that the petition should be granted and that the real property be vacated.

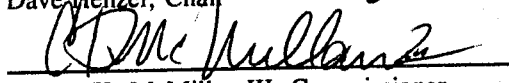
**NOW, THEREFORE, IT IS HEREBY ORDERED** that the petition is granted and that the portion described herein is vacated, as said vacation is in the public interest. It is further ordered that pursuant to ORS 365.366 (1)(d) the vacated property is vested in the owners of the abutting property by extension of their property boundaries and subject to a utility easement for Pacific Power and Light.

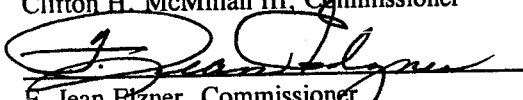
**IT IS FURTHER ORDERED** that the costs resulting from the approved vacation is determined to be the sum of \$100 and that the persons liable for payment of the costs are the petitioners.

**DONE AND DATED** this 15th day of May, 1996.

BOARD OF COUNTY COMMISSIONERS

  
 Dave Menzel, Chair

  
 Clifton H. McMillan III, Commissioner

  
 F. Jean Etzner, Commissioner



15039

# Klamath County ~ Public Works Department

ROAD DEPARTMENT - PARK DIVISION - SOLID WASTE DIVISION - WEED CONTROL DIVISION - FAX 541-882-3046  
3735 SHASTA WAY - KLAMATH FALLS, OREGON 97603 - 541-883-4696

RECEIVED

MAY - 8 1996

by Board of Commissioners

April 30, 1996

## ENGINEERS REPORT

To: Board of County Commissioners

From: County Engineer

Subject: Vacation of a portion of Crest Street

The Board of County Commissioners accepted the petition for vacation and referred it to the County Engineer by Order 96-129, dated March 20, 1996. One hundred percent of the adjoining property owners signed the petition requesting the vacation, therefore; notice to adjoining owners was not required. The Engineer provided notice to all utility companies in the area. Pacific Power is the only utility company operating in the area proposed to be vacated.

The portion of the road proposed to be vacated was never constructed and is not needed as part of the County Road System. The property has been maintained by the adjacent property owner, who would benefit from the vacation. Returning the property to the tax rolls would also benefit the public.

I recommend the vacation be granted using the legal description attached as Exhibit A. The vacation order should specify approval subject to a utility easement for Pacific Power and Light.

A handwritten signature in cursive script, appearing to read "Dennis Nelson".

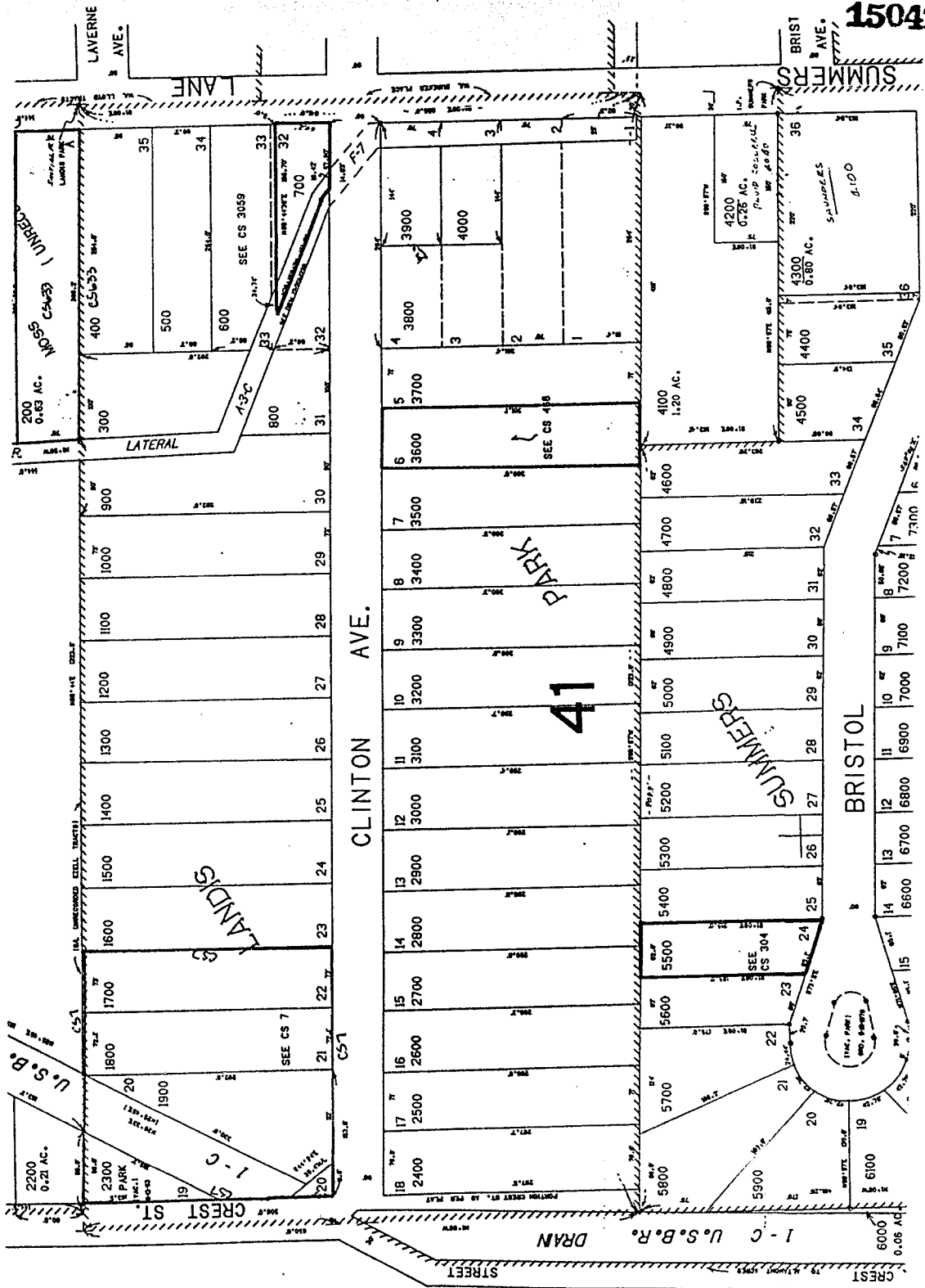
Dennis Nelson  
County Engineer

1001/96

**EXHIBIT A**

A portion of Crest Street, a dedicated public road in Landis Park, a recorded subdivision in Klamath County, situated in the SE 1/4 Section 10, T.39S. R.9E., W.M. Klamath County, Oregon, more particularly described as follows:

All that part of Crest Street lying south of the westerly extension of the south right-of-way line of Clinton Street, north of the westerly extension of the south boundary of Landis Park and east of the westerly right-of-way line of the USRS 1-C drain.



15042  
RECEIVED  
MAR 25 1995  
COUNTY CLERK

BEFORE THE COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF KLAMATH, STATE OF OREGON

IN THE MATTER OF THE VACATION )  
OF "A PORTION OF CREST STREET AS )  
PER PLAT OF LANDIS PARK IN THE )  
NORTHEAST QUARTER OF THE SOUTH- )  
EAST QUARTER (NE 1/4 SE 1/4) OF )  
SECTION TEN (10), TOWNSHIP 39 SOUTH )  
RANGE 9 EAST IN KLAMATH COUNTY )  
OREGON )

ORDER TO PREPARE  
REPORT - ORDER 96- 129

This matter coming on before the County Commissioners of Klamath County, Oregon on the Petition of David S. Settle, Teena L. Baker (Bureau of Reclamation), and Paul Vassallo for the vacation of a portion of Crest Street (an alley next to Lot 18), as per plat of Landis Park in the Northeast Quarter of the Southeast Quarter of Section 10, Township 39 South, Range 9 East in Klamath County, Oregon.

**NOW, THEREFORE, IT IS HEREBY ORDERED,**

The County Engineer of Klamath County prepare a report regarding this Petition for Vacation. The report shall contain the following:

- A. A description of the ownership and uses of the property proposed to be vacated.
- B. An assessment by the County Engineer whether the vacation would be in the public interest.
- C. Any other information required by the County Commissioners.

DONE AND DATED this 20 day of Mar, 1996.

KLAMATH COUNTY COMMISSIONERS

Dave Henzel  
Dave Henzel, Chair

Clifton H. McMillan III  
Clifton H. McMillan III, Commissioner

F. Jean Elzner  
F. Jean Elzner, Commissioner

BEFORE THE COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF KLAMATH, STATE OF OREGON

In The Matter of The Vacation of:

A portion of Crest Street as per plat of Landis Park in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4 ) of Section Ten (10), Township 39 South, Range 9 East in Klamath County, Oregon.

PETITION

Under the provisions of ORS 368.326, 368.341(1) (a) (2), 368.346(1), 368.351 and 368.366(1) (d) the undersigned, who are 100% 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 shown on Exhibit "A" and described in Exhibit "B", which are attached hereto and incorporated by this reference.

2.

The reasons for this request are as follows:

A. The property was platted as a public street in the plat of Landis Park, Klamath County, Oregon, filed with the Klamath County Clerk on the 7th day of March, 1941.

B. The street described in the plat was never improved nor has it been used by the public as a public street.

C. The petitioner wishes to request the land for improvement to the property, shown on exhibit "C", which is attached hereto and incorporated by this reference, which necessitates vacation.

3.

There are no improvements constructed on the public property proposed to be vacated.

4.

The names and addresses of all persons owning the real property abutting the public property to be vacated is:

Bureau of Reclamation  
c/o Teena L. Baker  
6600 Washburn Way  
Klamath Falls, OR 97603

Paul D. Vassallo  
3821 Bristol Ave.  
Klamath Falls, OR 97603

David S. Settle  
3806 Clinton Ave.  
Klamath Falls, OR 97603

who is the Petitioner herein.

5.

The undersigned is 100% of the abutting landowners and own 100% of the abutting land and approve of this vacation.

Wherefore, your Petitioner prays for an Order of the Klamath County Commissioners vacating the above mentioned property, investing the same to the abutting property owner:

David S. Settle

Dated this 12th day of March, 1996

Teena L. Baker

Teena L. Baker  
Water Rights Specialist  
Bureau of Reclamation  
Klamath Falls, OR 97603

Paul D. Vassallo

Paul D. Vassallo  
3821 Bristol Ave.  
Klamath Falls, OR 97603

David S. Settle

David S. Settle  
3806 Clinton Ave.  
Klamath Falls, OR 07603

STATE OF OREGON )  
                          185  
County of Klamath)

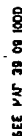
Before me this 12th day of March, 1996, personally appeared David S. Settle and acknowledged the foregoing instrument to be his voluntary act and deed.

TWO NOTARY CERTIFICATES  
ATTACHED

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

1001

A ruler with markings in inches and centimeters. The word 'SCALE' is printed vertically on the left side. The word 'INCHES' is printed horizontally above the top scale. The ruler shows markings from 0 to 12 inches and 0 to 30 centimeters.



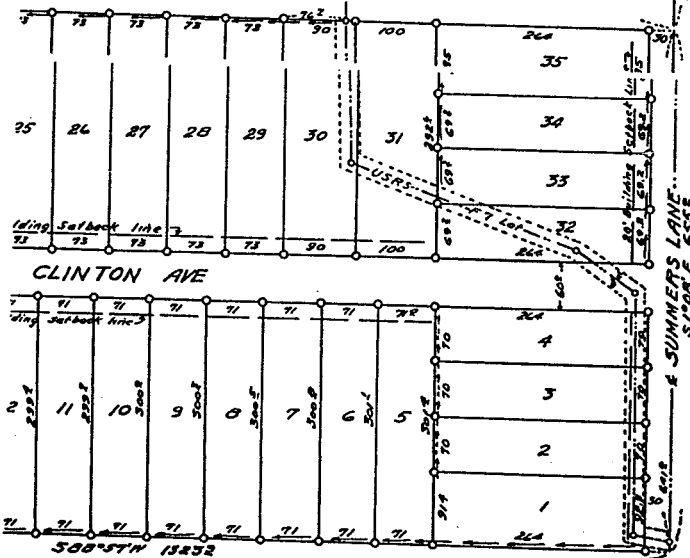
9

2000 00 1004



INDIS PARK  
in SE 1/4 Section 10, T39S, R9EWM.  
MATH COUNTY OREGON  
Scale 1" = 100'

N88°44'E 13232



SE 90°55' from S. Cor; thence N 63°30' W 462; thence N 10°12' W 305.6  
v 2281; N 2°55' W 1746; to point 761 ft easterly from NW Cor Lot 30.

Examined and recommended for Approval  
by the County Court this 7th day of March 1941.  
L. A. Smith 3/6/41 County Surveyor

paid in full to date March 7 1941.  
L. L. Low County Sheriff.  
 By Allen Dean Deputy  
 and this 7 day of March 1941.  
Maude Stuck County Clerk  
 By Alfred Stuck Deputy

e and correct copy of the original

<u>Man K. Khat</u>	County Clerk
<u>Alvin L. Ladd</u>	Deputy



State of Oregon  
County of Klamath: ss  
I, W. A. Carter, being duly sworn, depose and say that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of Klamath, Oregon.

[illegible]

Registered Professional Engineer  
Oregon No. 1189.  
Subscribed and sworn to before me this 7th day of March 1941

## DEDICATION

**DEDICATION**

State of Oregon,  
County of Clatsop, 1SS  
I, CLINTON LANDIS, a widower, being duly sworn say that I am the  
owner of LANDIS' 1/2 acre more particularly described in the  
Surrey's Certificate above and have caused the same to be  
surveyed and platted as shown on the attached plat of said  
land for use as a public service irrigation reservoir, and have  
conveyed to the Public for Public use purposes, hereby dedicating, grant and  
convey to the Public for Public use purposes, the right to use the same  
as a public service irrigation reservoir, shown on the attached plat  
and easements over all lands for future purposes.

State of Oregon                      Witness Helen Zambly  
County of Klamath 1st  
Do I remember that on this 7th day of March 1961 personally appeared CLINTON LANDIS, a widow who I therein come to be the identical individual described in and who executed the same instrument and acknowledged to me that she executed the same freely and voluntarily. In witness whereof I have hereunto set my hand and natural seal the day and year last above written.

Grace H. Hink  
Notary Public for Oregon  
My Commission expires Jan 3 1949.

This Act is approved subject to the following conditions: 1. The owner of the land in this subdivision, the Bureau, and assigns in whom title may be vested shall always, at their own expense, maintain a system of water control. 2. The Alomah Irrigation District, its successors and assigns, shall be the authorized agency for the construction, operation and care of the works of the Alomah Irrigation District operating the Irrigation Works of the Alomah Irrigation District. 3. The Alomah Irrigation District shall be liable for damage caused by improper construction, operation or care of the works of the Alomah Irrigation District. 4. The Alomah Irrigation District shall be committed to furnishing water to established outlets of the U.S.R. in large

Klamath Irrigation District  
by P. G. [illegible], President  
J. R. [illegible], Director  
\_\_\_\_\_, Director

Dated March 7 1961  
Attest Alvin L. Smith Secretary

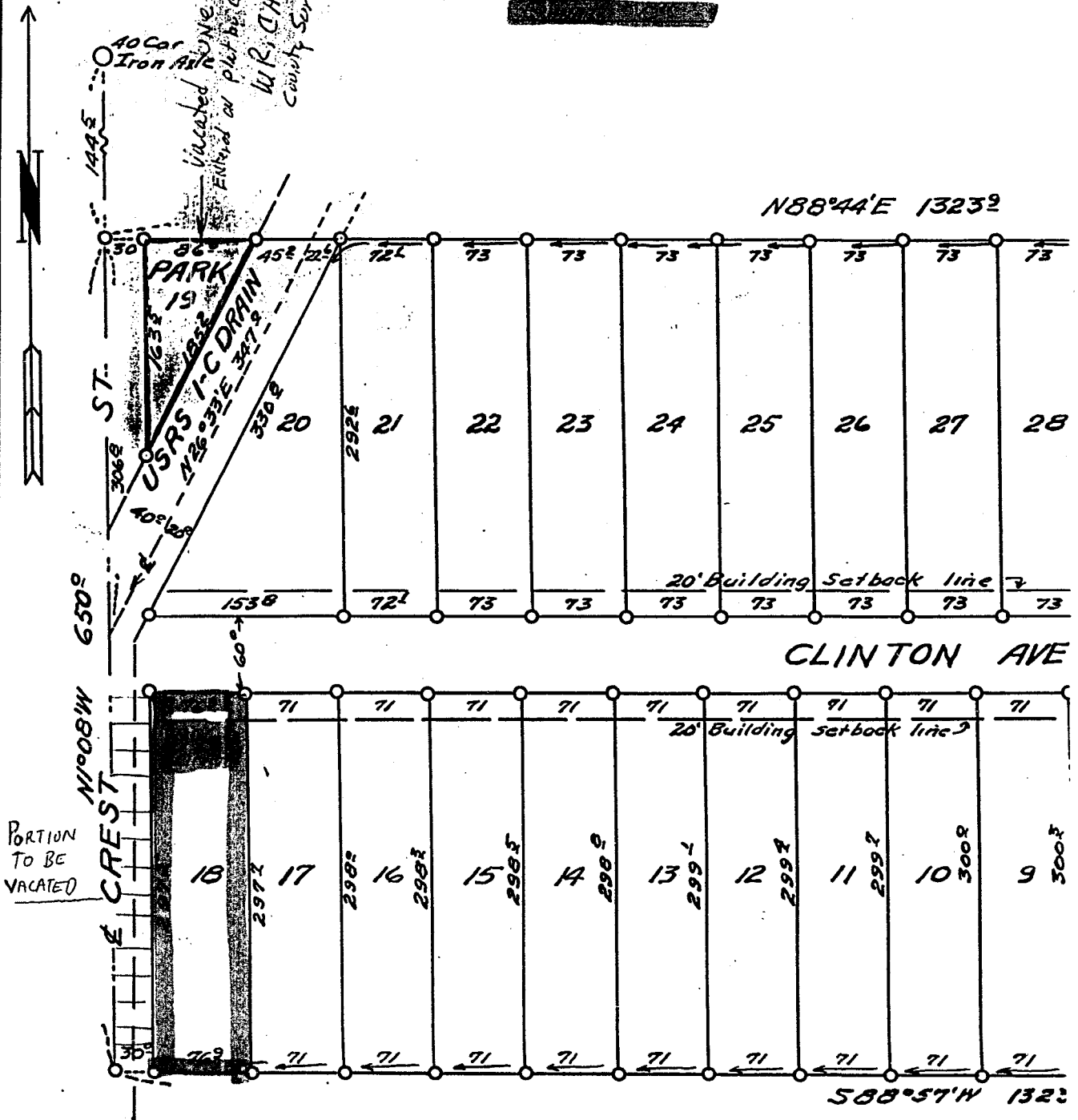
Examined and approved by the City of Klamath Falls, Oregon Planning Commission in regular session this 13 day of February 1941.  
L. M. Ackerman Secretary E. H. Balgord Chairman

Approved by the County Court this 7<sup>th</sup> day of March 194

W. E. Rader County Judge  
E. E. Bennett County Commissioner.  
John P. Rader County Commissioner.

# LANDIS 15047 f

Situate in SE¼ Section 10,  
KLAMATH COUNTY  
Scale 1" = 100



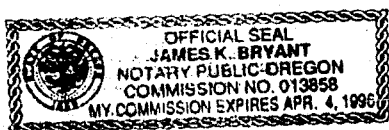
U.S.R.S. Lot 7 Notes: Beg S1°08'E 7855 from ¼ Cor; thence  
N57°38'W 902; N70°48'W 2992; N2°55'W 1746; to

## ACKNOWLEDGEMENT

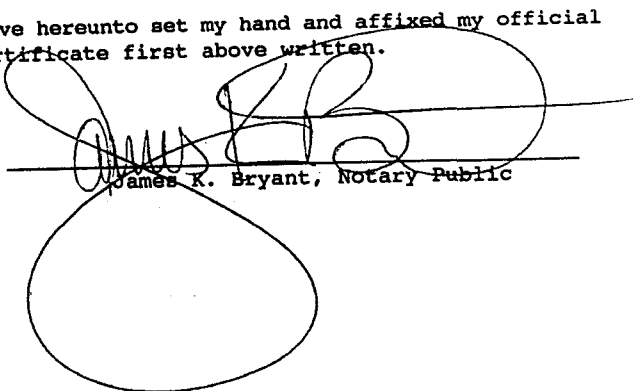
STATE OF OREGON )  
COUNTY OF KLAMATH) ss.

On this 11 th day of March, 1996, before me, James K. Bryant, a Notary Public in and for the County and State aforesaid, personally appeared Teena L. Baker personally known to me, and David S. Settle, verified with a drivers license, to be the persons whose names are subscribed to this instrument, and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



My commission expires 4-4-96

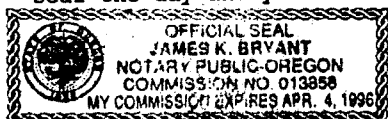
  
James K. Bryant, Notary Public

## ACKNOWLEDGEMENT

STATE OF OREGON )  
COUNTY OF KLAMATH) ss.

On this 13 th day of March, 1996, before me, James K. Bryant, a Notary Public in and for the County and State aforesaid, personally appeared Paul D. Vassallo, proved to me to be the persons whose name is subscribed to this instrument, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*James K. Bryant*  
James K. Bryant, Notary Public

My commission expires 4-4-96

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County BOCC the 23rd day  
of May A.D., 19 96 at 1:01 o'clock PM., and duly recorded in Vol. M96,  
of Deeds on Page 15038.  
Bernetha G. Letsch, County Clerk  
FEE \$No Fee Return: Commissioners Journal By *Bernetha G. Letsch*