

BEFORE THE BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF APPROVING)
A VACATION OF A PORTION OF)
BURNS STREET)

ORDER 97- 062

WHEREAS, the property owners of the adjoining property of this portion of Burns Street, located between Blocks 1 and 2, "Beverly Heights Addition" a duly recorded subdivision located in the NW1/4, NE1/4 of Section 34, T.38S., R.9E., W.M., Klamath County, Oregon, asked for a review and signed a petition requested this vacation; and


WHEREAS, all property owners have made this request except for Klamath County; and


WHEREAS, the Board of Commissioners by Resolution 97-024, approved the request for the Public Works Department to review this vacation and the Public Works Department is now recommending the County endorse the petition for the vacation and approve and sign this Order allowing the vacation of the above mentioned property;

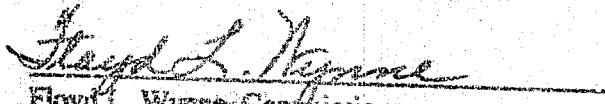
NOW, THEREFORE, IT IS HEREBY ORDERED that the request for an Order for vacation of a portion of Burns Street is hereby vacated.

DONE AND DATED this 4th day of December, 1996.

KLAMATH COUNTY BOARD OF COMMISSIONERS


F. Jean Elzner, Chair


Neil Kuonen, Commissioner

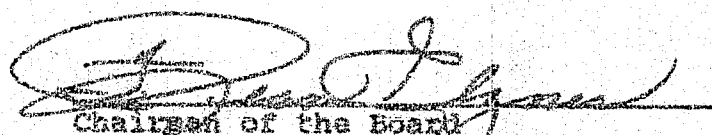

Floyd L. Wynne, Commissioner

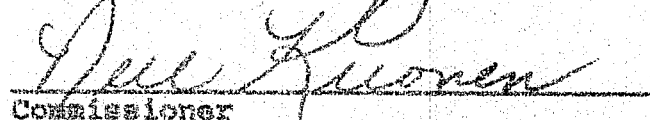
FIRST ENDORSEMENT TO THE PETITION

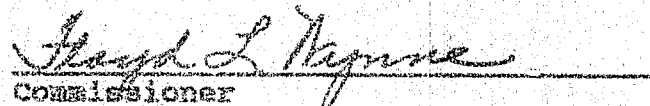
We, the Board of County Commissioners, for Klamath County have received this petition to vacate a portion of Burns Street and hereby endorse the action to vacate a portion of the street.

Done and Dated this 14th day of Dec, 1996.

KLAMATH COUNTY BOARD OF COMMISSIONERS


Chairman of the Board


Commissioner


Commissioner

LEGAL DESCRIPTION FOR THE VACATION OF A PORTION OF
BURNS STREET BETWEEN BLOCKS 1 AND 2, "BEVERLY HEIGHTS"

A parcel of land situated in the NW1/4 NE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being a portion of Burns Street (originally Fowler Avenue), between Block 1 and Block 2, "Beverly Heights Addition", more particularly described as follows:

Beginning at the southwest corner of Lot 1 of said Block 2; thence N.89°39'39"W., 60.00 feet to the southeast corner of Lot 1 of said Block 1; thence N.00°24'43"E., 453.54 feet along the east line of Block 1, to the beginning of a non tangent curve concave to the east, having a radius of 234.63 feet; thence northerly along the arc of said curve a distance of 40.72 feet to the northeast corner of Lot 3 of said Block 1 (the chord of said curve bears N.05°37'47"E., 40.66 feet); thence S.89°44'51"E., 15.27 feet, along the easterly prolongation of the north line of Lot 3, to a point on a curve concave to the east, having a radius of 219.63 feet; thence southerly along the arc of said curve 40.86 feet, (the chord of said curve bears S.05°59'14"W., 40.80 feet), said curve being 15 feet easterly of and parallel with the westerly right of way line of Burns Street; thence S.00°24'43"W., 213.33 feet to the beginning of a tangent curve concave to the east, having a radius of 310.00 feet; thence south easterly along the arc of said curve a distance of 125.36 feet (the chord of said curve bears S.11°10'22"E., 124.50 feet) to the beginning of a reverse curve concave to the southwest, having a radius of 382.61 feet; thence southeasterly along the arc of said curve a distance of 63.33 feet (the chord of said curve bears S.18°00'56"E., 63.26 feet) to a point on the easterly right of way line of Burns Street; thence S.00°24'43"W., 58.08 feet to the point of beginning.

The parcel of land to which this description applies contains 0.303 acres more or less. Bearings are based upon record of survey No. 5880, filed in the office of the Klamath County Surveyor.



38284 RECEIVED
OCT - 8 1996

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 - 541-883-4896

BURNS STREET REPORT

October 8, 1996

To: Board of County Commissioners

Subject: Vacation of a portion of Burns Street

The Board of County Commissioners initiated proceedings to vacate a portion of Burns Street and referred it to the County Director of Public Works by Resolution 97-024, dated September 18, 1996. Notice was provided to all utility companies in the area. None of the utility companies indicated they have installations that would be affected by this vacation.

The portion of Burns Street proposed to be vacated was abandoned and the road was moved to the east as shown on the attached map. The abandoned portion is no longer needed as part of the County Road System. Title to the property west of the original centerline will vest in the adjacent property owner, Mary Cameron, if this vacation is approved. Returning the property to the tax rolls would benefit the public. Ownership of the vacated portion east of the original centerline will vest in Klamath County.

I recommend the vacation be granted using the legal description attached as Exhibit A.

Francis Roberts

Francis Roberts
Director of Public Works

PETITION TO VACATE

TO THE BOARD OF COUNTY COMMISSIONERS FOR KLAMATH COUNTY

In the Matter of Vacation of a portion of Burns Street in Klamath County, Oregon.

I, Mary Cameron, petition the Board of County Commissioners of Klamath County, Oregon, to vacate a portion of Burns Street, more particularly described on attached "Exhibit A".

Petitioner is the owner, as shown in the records of Klamath County of property abutting the property sought to be vacated, and is the only person other than Klamath County particularly affected by the proposed vacation of the property.

No portion of the street proposed to be vacated is situated within the corporate limits of any city.

The particular circumstances that justify granting a vacation of the described property are:

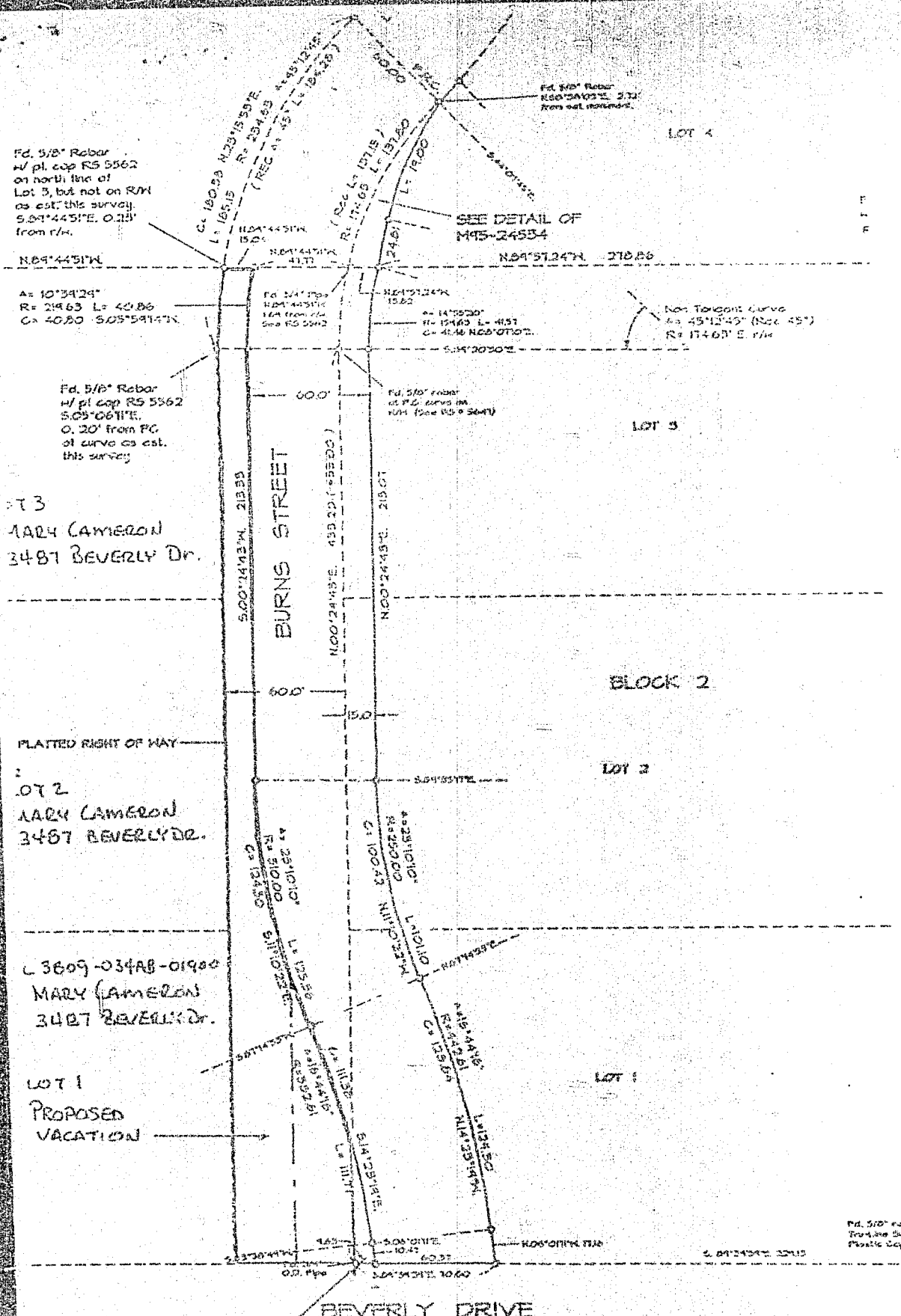
The portion of Burns Street proposed to be vacated was abandoned.

The abandoned portion is no longer needed as part of the County Road System.

Petitioner requests that the Board of County Commissioners order the vacation of that portion of Burns Street, more particularly described on attached "Exhibit A"

Date this 12 day of November, 1996.

Mary Cameron
Mary Cameron



KLAMATH COUNTY
DEPT. OF PUBLIC WORKS
3736 SHASTA WAY
TL 3809-034AB-00901

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 9th day
of December A.D., 19 96 at 11:03 o'clock A. M., and duly recorded in Vol. M95
of Deeds on Page 38281.

Bernetha G. Letsch, County Clerk

FEE No Fee: Return: Commissioners
Journal

By

Hedley Dyer