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Vol. 1197 Page 10676

BEFORE THE BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE VACATION
OF LOTS AND SEARS WAY LOCATED
IN ENTERPRISE TRACTS OF
KLAMATH COUNTY, OREGON

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ORDER 97- 146

APR 10 P 3:24 '97 According to the provisions of ORS 368.341(3) and ORS 368.351, by Resolution #97-050 prepared by the Klamath County Board of Commissioners and the Public Works Department and sent to the abutting property owners regarding the public property described in Exhibit "A", attached hereto and by this reference incorporated herein, proposed to be vacated and indicating said owners' approval of the proposed vacation was filed with the Board of Commissioners on December 18, 1996.

Thereafter, the Public Works Director 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 Lots and Sears Way, as described on Exhibit "A", attached hereto and incorporated herein by this reference, 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 in the public interest.

DONE AND DATED this 9th day of April, 1997 .

BOARD OF COUNTY COMMISSIONERS


Al Switzer, Chairman


William R. Garrard, Commissioner

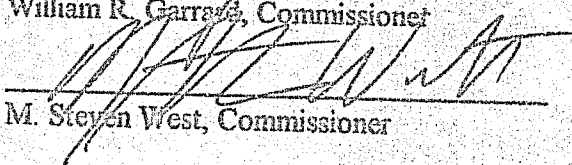

M. Steven West, Commissioner

EXHIBIT "A"

PORTION OF ENTERPRISE TRACTS

TO BE VACATED

A portion of Enterprise Tracts, a subdivision in Klamath County, Oregon, located in Section 35, T.38S., R.9E., W.M. and more particularly described as follows:

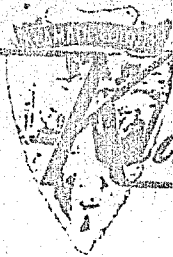
Lots 1,2,3,4,5,7,8 and 10 including a 30 foot roadway known as "Sears Way" lying north of "Upland Way" and adjacent to Lots 1,2,3,7,8 and 9.

Excepting therefrom, that part of Lot 5 within the vacated portion of Tract No.1031 - Shadow Hills - I.

Also that portion of Lot 6 described as follows:

Beginning at the southeast corner of said Lot 6; thence northerly along the east boundary of Lot 6 to the intersection with the southeasterly boundary of the vacated portion of Tract 1031 - Shadow Hills - I; thence S 30°14'00" W along said boundary and its projection thereof to the south boundary of said Lot 6, Enterprise Tracts; thence easterly along the south boundary of said Lot 6 to the point of beginning.

Also Lot 9, excepting therefrom that parcel described as the "South Five Acres of Tract 9 of Enterprise Tracts" according to Deed Volume M78 Page 17401 of Klamath County deed records.



10878

Klamath County - Public Works Department

ROAD DEPARTMENT - PARK DIVISION - SOLID WASTE DIVISION - WEED CONTROL DIVISION - FAX 541-892-3046
3735 SHASTA WAY - KLAMATH FALLS, OREGON 97603 - 541-883-4696

MEMORANDUM TO: BOARD OF COUNTY COMMISSIONERS
FROM: FRANCIS ROBERTS
DIRECTOR OF PUBLIC WORKS
DATE: JANUARY 7, 1997
SUBJECT: VACATION OF LOTS AND SEARS WAY IN A PORTION OF ENTERPRISE TRACTS

The Board of County Commissioners initiated proceedings to vacate lots and Sears Way in a portion of Enterprise Tracts by Resolution No. 97-050 dated December 18, 1996 and ordered the Director of Public Works to file a written report on the matter by Order No. 97-071. This report is written to comply with your Order and O.R.S. 368.346 (1).

The lots proposed to be vacated are owned by Klamath County. The County acquired ownership through the foreclosure procedure. The property is undeveloped at the present time except for Foothills Boulevard that bisects the property in an East-West direction as shown on the attached map. The lot designations need to be removed so the property can be partitioned into parcels based on need and topographic features.

Sears Way is a dedicated 30 foot wide Public Road under the jurisdiction of Klamath County. The road was designed without regard to topographic features and should be vacated and designed in a different location North of Foothills Boulevard, taking into account grades and contour lines. The road is not needed South of Foothills Boulevard.

A public hearing will be required to consider whether the proposed vacation is in the public interest. Notice of the hearing must be provided by posting, publication and service in accordance with O.R.S. 368.401 through O.R.S. 368.426.

The property is located within the City Limits of Klamath Falls. On November 4, 1996 the City Council approved the proposed vacation. A letter from the City Attorney is attached hereto.

A handwritten signature of Francis Roberts in cursive script.
Francis Roberts

BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON
NOTICE OF PUBLIC HEARING

SETTING A TIME AND PLACE OF HEARING ON THE VACATION OF LOTS AND SEARS WAY.

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Klamath County Board of Commissioners on April 9, 1997, at 9:30 time certain, in the Board of commissioners Conference Room, 409 Pine Street, 2nd Floor, Klamath Falls, Oregon, for the purpose of considering the Vacation of: Lots and Sears Way in Klamath County, Oregon, being more particularly described as:

A portion of Enterprise Tracts, a subdivision in Klamath County, Oregon, located in Section 35, T.38S., R.9E., W.M. and more particularly described as follows:

Lots 1, 2, 3, 4, 5, 7, 8 and 10 including a 30 foot roadway known as "Sears Way" lying north of "Upland Way" and adjacent to Lots 1, 2, 3, 7, 8 and 9.

Excepting therefrom, that part of Lot 5 within the vacated portion of Tract No. 1031 - Shadow Hills - I.

Also that portion of Lot 6 described as follows:

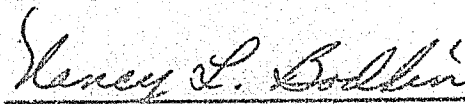
Beginning at the southeast corner of said Lot 6; thence northerly along the east boundary of Lot 6 to the intersection with the southeasterly boundary of the vacated portion of Tract 1031 - Shadow Hills - I; thence S 30° 14' 00" W along said boundary and its projection thereof to the south boundary of said Lot 6, Enterprise Tracts; thence easterly along the south boundary of said Lot 6 to the point of beginning.

Also Lot 9, excepting therefrom that parcel described as the "South Five Acres of Tract 9 of Enterprise Tracts" according to Deed Volume M78 Page 17401 of Klamath County deed records.

More detailed information on this subject may be obtained from: The Board of Commissioners' Office or Public Works.

ANY PERSON desiring to speak either for or against the proposed vacation may do so in person or by attorney at the public hearing. Persons needing communication access, such as a sign interpreter, may contact the Commissioners' Office at 883-5100 (Voice/TDD) or the ADA Coordinator at 403 Pine Street, Suite 300, Klamath Falls, Oregon 97601, telephone 883-4295 (Voice/TDD) at least forty-eight (48) hours in advance of the scheduled hearing. Also, written objections may be filed with the Commissioners by person(s) in the affected area.

DONE AND DATED THIS 19th day of February, 1997.

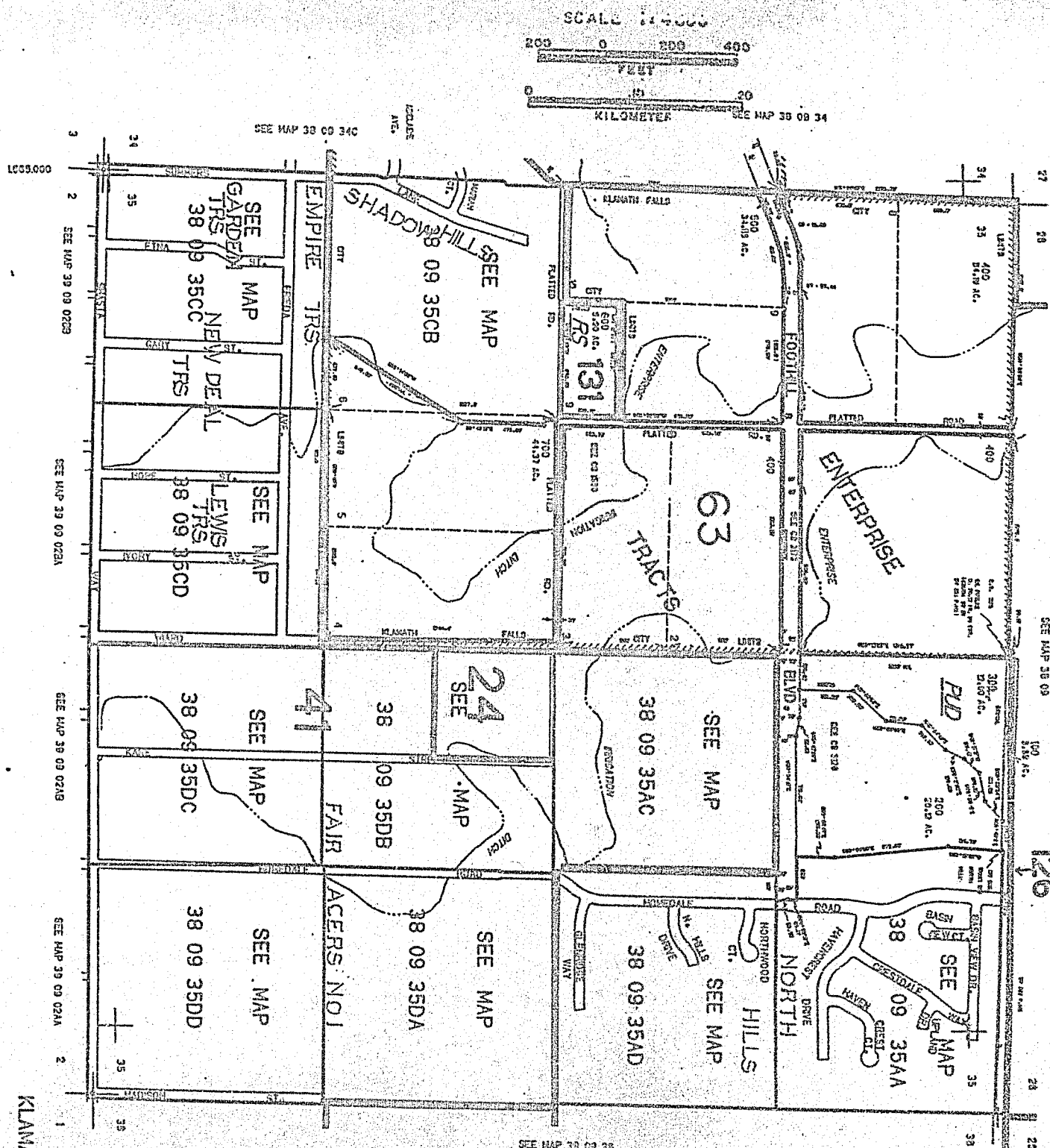


Nancy L. Bodkin, Management Assistant

AGRICULTURE

APR 21 1968

CLARK
KLAATH FILLS



STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County B O C the 10th day
of April A.D., 19 97 at 3:24 o'clock PM., and duly recorded in Vol. M97
of Deeds on Page 10676

Return: Commissioners Journal.

Bernetha G. Letsch, County Clerk

FEE

No Fee

by

KLAMATH Falls
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