

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE VACATION OF )  
A PORTION OF FUGAR WAY AND LOTS 3, )  
4, 5, 6, 7, 8, 9, 10 LOCATED IN PELICAN )  
ACRES IN SECTIONS 3 & 10, TOWNSHIP 36S, )  
RANGE 6E IN KLAMATH COUNTY, OREGON )  
AND REVISE ORDER 99-043 )

REVISED  
ORDER 99-046  
FOR FINAL  
VACATION

According to the provisions of ORS 368.341 (3) and ORS 368.351, a petition containing the acknowledged signatures of the owners of 100% of the property abutting the public property described in Exhibit "A", included 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 June 5, 1998 as:

"A portion of Fugar Way and Lots 3, 4, 5, 6, 7, 8, 9, 10 located in Pelican Acres located in sections 3 and 10, T.36 S., R.6 E.W.M. in Klamath County, Oregon"

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 "a portion of Fugar Way and Lots 3, 4, 5, 6, 7, 8, 9, 10 located in Pelican Acres in Sections 3 & 10, Township 36S, Range 6E in Klamath County, Oregon, as described in Exhibit "A", included 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 would benefit the public by being placed on the tax rolls. This Order stipulated that the vacation is subject to an easement for existing public utilities to operate facilities in the vacated area.

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.

IT IS FURTHER ORDERED that the costs resulting from the approved vacation is determined to be the sum of \$150.00 and that the persons liable for payment of the costs are the petitioners, who have paid the above mentioned sum on June 5, 1998.

DONE AND DATED this 13th day of October, 1998.

BOARD OF COUNTY COMMISSIONERS

William R. Marshall, Chairman

M. Sever West, Commissioner

Al Switzer, Commissioner

STATE OF OREGON, COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ Klamath County B O C the 14th day of October, A.D. 1998 at 1:08 o'clock P.M., and duly recorded in Vol. M98 on Page 37667  
\_\_\_\_\_  
Commissioners Journal  
By Bernetha G. Leisch, County Clerk

FEE \$15.00

INDEXED

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**BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGON**

**IN THE MATTER OF THE APPEAL OF  
SITE PLAN FOR HOMEDALE TERRACE  
MANUFACTURED HOME PARK**

**SCOPE OF THE HEARING:**

The referenced case, an application to permit a manufactured home park development was considered and approved by the Site Plan Review Committee on September 3, 1998. The manufactured home park was for 49 spaces on approximately 5.93 acres. Mr. and Mrs. Wayne Horton participated in the review of the site plan and appealed the approval of the site plan on September 9, 1998. The appeal addressed fire, life, safety, and traffic impacts onto Homedale Rd.

A hearing on this appeal was conducted by the Board of Commissioners on October 6, 1998.

The appeal was heard pursuant to the procedure set out in Article 33 of the Klamath County Land Development Code. The appeal hearing was limited to the record.

**THOSE WHO PARTICIPATED:**

The Planning Department was represented by Carl Shuck, Planning Director. Karen Burg, Planning Assistant, was the recording secretary. Mr. and Mrs. Wayne Horton were present as well as Doug Adkins of Adkins Engineering. Stan Strickland gave testimony for Public Works. Members of the Board who heard the appeal were: Chairman William R. Garrard, Commissioners M. Steven West and Al Switzer.

**CASE DESCRIPTION:**

The Site Plan Review Committee on September 3, 1998, reviewed Homedale Terrace Manufactured Home Park for 49 spaces and was conditionally approved. The legal description for Homedale Terrace is Lot 70 of Fair Acres Subdivision. (3809-35DD-Tax Lot 400)


Mr. and Mrs. Horton appealed the site plan stating the Review Committee did not address fire, life, safety and traffic impacts onto Homedale Rd.

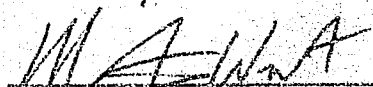
The Board of Commissioners took testimony from staff, Doug Adkins, the applicants representative, and the appellants, Mr. and Mrs. Wayne Horton.

**ORDER:**

The Board of County Commissioners, upon consideration of the Record, evidence and testimony entered upholds the Site Plan Review Committee's decision to approve the manufactured home park with the condition that a right-hand turn refuge be constructed in the northbound lane of Hornedale Road a minimum of 50 feet in length and that the design be submitted to the Klamath County Road Department for approval.

DATED this 14 day of October, 1998

  
 William R. Garrard, Chair

  
 M. Steven West, Commissioner

**Out of Office Today**

Al Switzer, Commissioner

**APPROVED AS TO FORM:**

  
 Reginald R. Davis, County Counsel

**APPEAL RIGHTS:**

This decision may be appealed to the Land Use Board of Appeals within 21 days of the date of execution by the BOCC. Please contact the Planning Department for information as to this procedure. Failure to file an appeal within the allowed timeframe may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County BOC the 16th day  
 of October A.D., 1998 at 3:23 o'clock P. M., and duly recorded in Vol. M98  
 of Deeds on Page 38078

Return: Commissioners Journal

Bernetha G. Letsch, County Clerk

FEE Re-record

By Kathleen Ross