

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

**IN THE MATTER OF THE VACATION
OF AN ALLEY AND A PORTION OF
THIRD AVENUE IN SPRAGUE RIVER,
KLAMATH COUNTY, OREGON**

FINAL
ORDER 99-062

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 October 24, 1997.

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 find that the vacation of an alley and a portion of Third Avenue located in Sprague River 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 property vacated would benefit the public by being placed on the tax rolls. This Order stipulated that the vacation is subject to easements for existing public utilities to operate facilities in the vacated areas.

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. 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 in 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 October 24, 1997.

DONE AND DATED this 8th day of December, 1998.

BOARD OF COUNTY COMMISSIONERS

William R. Garrard, Chairman

M. Steven West, Commissioner

Al Switzer, Commissioner



45145

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

ROAD OFFICIALS REPORT RECEIVED

DEC 1 1998

TO: BOARD OF COUNTY COMMISSIONERS by Board of Commissioners
FROM: FRANCIS ROBERTS, DIRECTOR OF PUBLIC WORKS
SUBJECT: VACATION OF AN ALLEY AND A PORTION OF THIRD AVENUE IN
SPRAGUE RIVER, KLAMATH COUNTY, OREGON (SEE ATTACHED
DESCRIPTION AND MAP)
DATE: SEPTEMBER 16, 1998

The B.O.C.C. accepted the petition for vacation and referred it to the County Director of Public Works by Order 99-030 on September 8, 1998.

According to the County Assessor's records, the owners of the property abutting the road and alley are as follows:

Tax Lot 2100
Donald G. & Catherine Blanton
P.O. Box 67
Sprague River, Oregon 97639

Tax Lot 2200
James W. Bamford
P.O. Box 536
Bly, Oregon 97622

Tax Lots 1900, 2300, 2400, 2500 and 2600
John E. & Sharon M. Singer
P.O. Box 411
Sprague River, Oregon 97639

Tax Lot 9100
Finley R. & Nellie Barney
8536 S.E. 72nd
Portland, Oregon 97206

Tax Lot 8800
Treasure Enterprises
Kenneth Kem
710 Carolina Street
Napa, California 94556-5106

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All of the property owners abutting the Alley and Third Avenue have signed the petition except for Kenneth Kem. Mr. Kem's property abutts Third Avenue. If the vacation is approved, Mr. Kem will have access to his property from Second Street.

A recent topographic survey for the proposed Sprague River Water System determined that John Singer, one of the petitioners, owns improvements within the area to vacated.

Notice was provided to all utility companies in the area. Pacific Power and Light operates facilities in the area to be vacated. The future water system in Sprague River will not be affected by the vacation.

The Alley and street proposed for vacation are not needed to access other properties in the area. Returning the property to the tax rolls would benefit the public. If the vacation is approved, the order should stipulate that the vacation is subject to an easement for existing utilities to operate facilities in the vacated area.

The statutes require signatures on the petition of either owners of 60 percent of the land abutting the property proposed to be vacated or 60 percent of the owners of land abutting the property proposed to be vacated. The petitions you received meets those minimum requirements. Since you have less than 100% of the abutting owners' approval it is necessary to establish a time and place for a hearing to consider whether the vacation is in the public interest. Notice of the hearing must be provided by posting notices on the property at least 20 days prior to the hearing, notice by service at least 30 days prior to the hearing and notice by publication once at least 20 days prior to the hearing and once within 10 days of the hearing.



Francis Roberts
Director of Public Works

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EXHIBIT "A"

All of the Alley in Block 8 and the portion of 3rd Avenue lying south of Block 8, north of Block 9, west of the West right-of-way line of Second Street and east of the East right-of-way line of First Street in the Subdivision Plat of Sprague River, Oregon according to the official plat recorded with the County Clerk of Klamath County, Oregon.

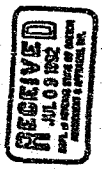
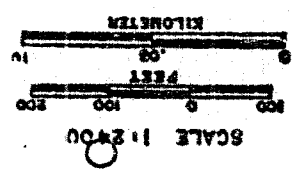
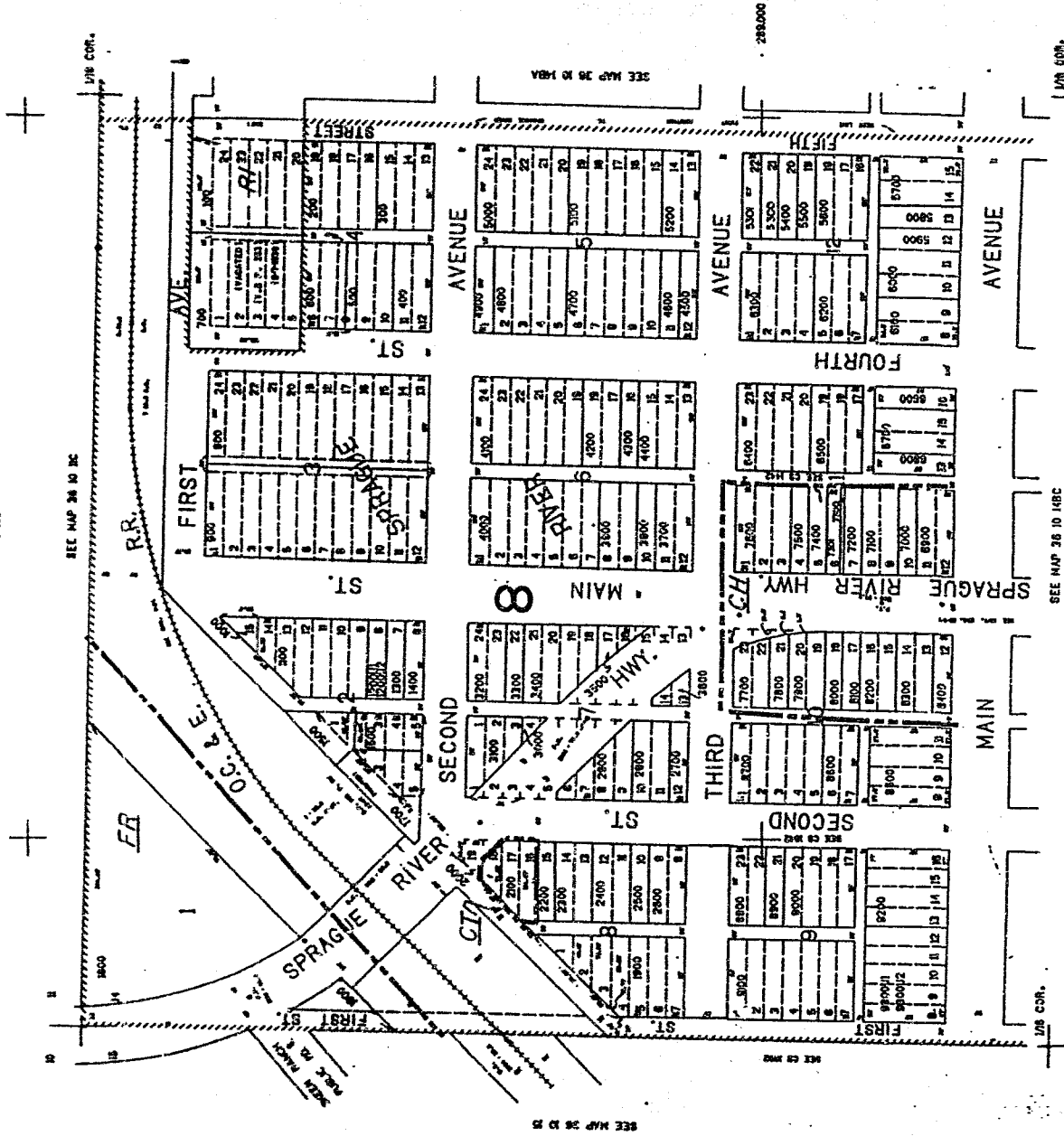
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Dennis A. Nelson

OREGON
JULY 26, 1965
DENNIS A. NELSON
2158

NW1/4 NW1 SEC. 14 T.36S. R.10E. W.M.
 Klamath County

45148



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County BOC the 10th day
 of December, A.D., 19 98 at 2:20 o'clock P. M., and duly recorded in Vol. M98
 of Deeds on Page 45144

FEE No Fee Return: Commissioners Journal By Bernetha G. Letsch, County Clerk
Kathleen Ross