

BEFORE THE BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE VACATION)
OF A PORTION OF DELAP PIT ROAD)
(JACKSON AVENUE) AS DESCRIBED IN)
EXHIBIT "A" LOCATED IN)
KLAMATH COUNTY, OREGON)

FINAL
ORDER 99- 073

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 a portion of DeLap Pit Road (Jackson Avenue) 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.

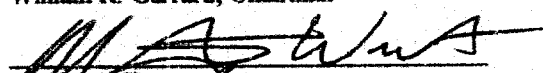
IT IS FURTHER ORDERED that the costs resulting from the approved vacation is determined to be in the sum of \$150.00 and that the persons liable for payment of the costs are the petitioners, who have paid the above mentioned sum on November 2, 1998.

DONE AND DATED this 16th day of December, 1998.

BOARD OF COUNTY COMMISSIONERS

Out of Office Today

William R. Garrard, Chairman


M. Steven West, Commissioner


Al Switzer, Commissioner



46276

Klamath County - Public Works Department

ROAD DEPARTMENT - PARK DIVISION - SOLID WASTE DIVISION - WEED CONTROL DIVISION
305 MAIN STREET - KLAMATH FALLS, OREGON 97601
(541) 883-4696 - FAX (541) 882-3046

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ROAD OFFICIALS REPORT

by Board of Commissioners

DATE: DECEMBER 2, 1998
TO: BOARD OF COUNTY COMMISSIONERS
FROM: DENNIS NELSON, COUNTY ENGINEER
SUBJECT: VACATION OF PORTION OF DELAP ROAD (See attached map and description)

The Board of County Commissioners accepted the petition for vacation and referred it to the County Road Official by Order #99-050 on November 10, 1998. One hundred percent of the adjoining private property owners signed the petition requesting the vacation. Therefore, notice to the adjoining owners was not required.

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

Tax Lots 100, 300 and 1200
Perry L. & Paulette Z. Welker
7506 Steens Drive
Klamath Falls, Oregon 97601

Tax Lot 1100
Albert & Janet Chancellor
18564 Henry
Melvindale, MI 48122

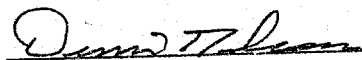
The section of the road proposed to be vacated was closed and a locked gate was placed at the Highway 97 right-of-way by Commissioners Order #95-149 dated March 22, 1995. Closing the road has stopped the numerous acts of vandalism that were occurring.

Road Officials Report
Page 2 of 2

The road right-of-way was acquired by deed. If you choose to proceed with the vacation the following two steps are necessary. First, vacate the road. Second, prepare deeds deeding the right-of-way to the adjoining owners.

Notice was provided to all utility companies in the area. There are no utilities operating facilities in the area to be vacated.

The portion of Delap Road proposed to be vacated is not needed to access other properties in the area. Returning the property to the tax rolls would benefit the public. I recommend the property described in the petition be vacated.

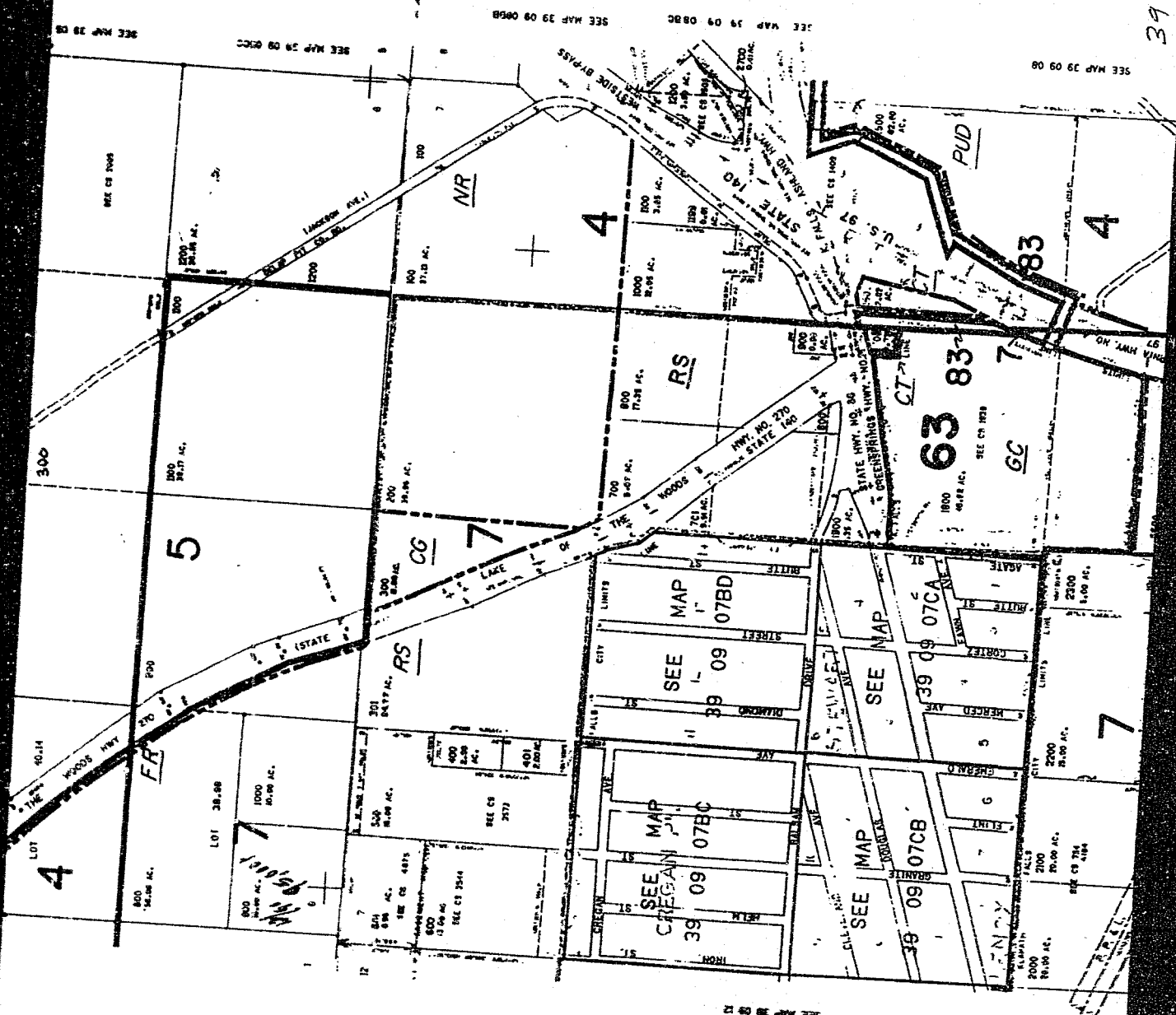


Dennis Nelson
County Engineer

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DEPT. OF REVENUE
STATE OF OHIO

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EXHIBIT A

A portion of the Delap Pit Road (Jackson Ave.) located in the SW1/4 SE1/4 and SE1/4 SE1/4 Section 6 and the NE1/4 NE1/4 Section 7 T.39S. R.9EWM more particularly described as follows:

Commencing at the Northeast corner of Section 7; thence S 00° 44' 09" E along the Eastline of Section 7 626.35 feet to the Northwestern right-of-way of the relocated Dalles-California Highway (97); thence S. 38° 48' 52" W along the Highway right-of-way 130.61 feet to the true point of beginning; thence N. 37° 09' 28" W 2613.55 feet to the Northline of the SW1/4 SE1/4 Section 6; thence N 89° 55' 30" W along the Northline of the SW1/4 SE1/4 75.36 feet; thence S 37° 09' 28" E 2674.14 feet to the Northwestern right-of-way of State Highway 97; thence N 38° 48' 52" E along the Highway right-of-way line 61.84 feet to the point of beginning.

Bearings and distances for this description based on Survey No. 5457 filed in the office of the Klamath County Surveyor.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County BOC the 18th day
of December A.D., 19 98 at 9:25 o'clock A. M., and duly recorded in Vol. M98
of Deeds on Page 46275
Return: Commissioners Journal
By Bernetha G. Leisch, County Clerk
Kathleen Reed

FEE No Fee