

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

'03 MAY 21 AM 11:29

**IN THE MATTER OF THE VACATION OF TAYLOR)
STREET, LOTS AND ALLEYS IN HOYT'S ADDITION)
AND GARDNER'S ADDITION TO FORT KLAMATH,)
RECORDED SUBDIVISIONS OF KLAMATH COUNTY,)
OREGON)**

**REVISED FINAL
ORDER 2003- 105**

Vol M03 Page 34307

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 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 March 18, 2003.

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 Taylor Street, lots and alleys in Fort Klamath 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 stipulates 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 street, lots and alleys described herein are vacated, as said vacation in the public interest. It is further ordered that pursuant to ORS 365.366(1)(d), the vacated property shall be apportioned as follows: 1) the vacated alley in Gardner's Addition to Fort Klamath shall be vested in the owner of the abutting property by extension of the property boundaries; 2) the vacated alley in Hoyt's Addition to Fort Klamath shall be vested in the owner of the abutting property by extension of the property boundaries. The vacated portion of Taylor Street in Hoyt's Addition, as described in Description #2, Exhibit "A", shall be vested in the owner of Lots 1 and 8 of Hoyt's Addition. The vacated portion of Taylor Street is subject to utility easements for Pacific Power and Light and Century Telephone to operate existing facilities in the area.

IT IS FURTHER ORDERED that the costs resulting from the approved vacation is determined to be in the sum of \$100.00 and that the persons liable for payment of the costs are the petitioners, who have paid the above mentioned sum on March 18, 2003.

DONE AND DATED this 20th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS



Al Switzer, Chairman



M. Steven West, Commissioner



John Elliott, Commissioner

State of Oregon, County of Klamath
Recorded 05/21/2003 11:29 a. m.
Vol M03 Pg 34307-13
Linda Smith, County Clerk
Fee \$ NC # of Pgs 7

NC. Return to Commissioner's Journal

In the matter of the
vacation of Taylor Street,
lots and alleys in Hoyt's
Addition and Gardner's
Addition to Fort Klamath,
recorded Subdivisions
of Klamath County, OR

the vacated property shall be apportioned as follows:

1. The vacated alley in Gardner's Addition to Fort Klamath shall be vested in the owner of the abutting property by extension of the property boundaries.
2. The vacated alley in Hoyt's Addition to Fort Klamath shall be vested in the owner of the abutting property by extension of the property boundaries. The vacated portion of Taylor Street in Hoyt's Addition, as described in Description # 2, Exhibit A, shall be vested in the owner of lots 1 and 8 of Hoyt's Addition.

The vacated portion of Taylor Street is subject to utility easements for Pacific Power & Light and Century Telephone to operate existing facilities in the area.

file

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

**IN THE MATTER OF A VACATION OF ALL OF)
TAYLOR STREET LYING ADJACENT TO THE)
NORTH BOUNDARY OF THE SUBDIVISION)
KNOWN AS HOYT'S ADDITION TO FORT)
KLAMATH, A RECORDED SUBDIVISION OF)
KLAMATH COUNTY, OREGON)**

ORDER 2003-096

According to the provisions of ORS 368.341(3) and ORS 368.351, a petition containing the acknowledged signatures of the owners of one hundred (100%) percent of the property owners 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 March 18, 2003.

Thereafter, the Public Works Director filed with the Board of Commissioners a written report containing the required information of ORS 368.346(1), finding the vacation to be in the public interest.

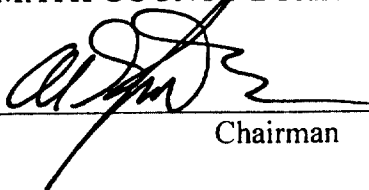
Now, after fully considering the report and other documentation presented, the Board of Commissioners finds that the vacation of Taylor Street, as described on Exhibit "A", attached hereto and incorporated herein by this reference, is in the public interest and finds that the petition should be granted and that the real property be vacated.

NOW, THEREFORE, IT IS HEREBY ORDERED that the petition be granted and that the street 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 owner 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 one hundred (\$100.00) dollars, and that the persons liable for the payment of the costs are the petitioners, who have paid the above mentioned sum on March 18, 2003.

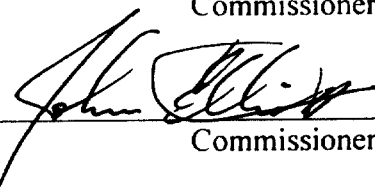
DONE AND DATED this 22 day of April, 2003.

KLAMATH COUNTY BOARD OF COMMISSIONERS


Chairman

Out of Office Today

Commissioner


Commissioner



34311

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

RECEIVED

ROAD OFFICIALS REPORT

APR 15 2003

BOARD OF COUNTY COMMISSIONERS

DATE: April 15, 2003**TO:** Board of County Commissioners

SUBJECT: Vacation of Taylor Street and Lots in Hoyt's Addition To Fort Klamath and a portion of the Alley and Lots in Block 3 of Gardner's Addition To Fort Klamath, Subdivisions in Klamath County, Oregon.
(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 #2003-089 on April 8, 2003. One hundred percent of the adjoining property owners signed the petition requesting the vacation. Therefore, notice to the adjoining owners was not required.

According to the County Clerk and County Assessor's records, the owners of the property abutting the vacation area are as follows:

Tax Lot 400,500,700 & 800
Leo Porter
53237 Highway 62
Fort Klamath, Oregon 97626

Tax Lot 900 & 1000
Robert & Jeannette Evans
P.O. Box 520
Fort Klamath, Oregon 97626

Tax Lot 1100
Diana Chambers
P.O. Box 402
Fort Klamath, Oregon 97626

Tax Lot 1300
James Phelan and Lori Knobbe
P.O. Box 430
Fort Klamath, Oregon 97626

Notice was provided to all utility companies in the area. Century Telephone and Pacific Power indicated that they have facilities in the vicinity of the proposed vacation. The order should state "the vacation is made subject to the rights of existing utilities to operate facilities in the area".

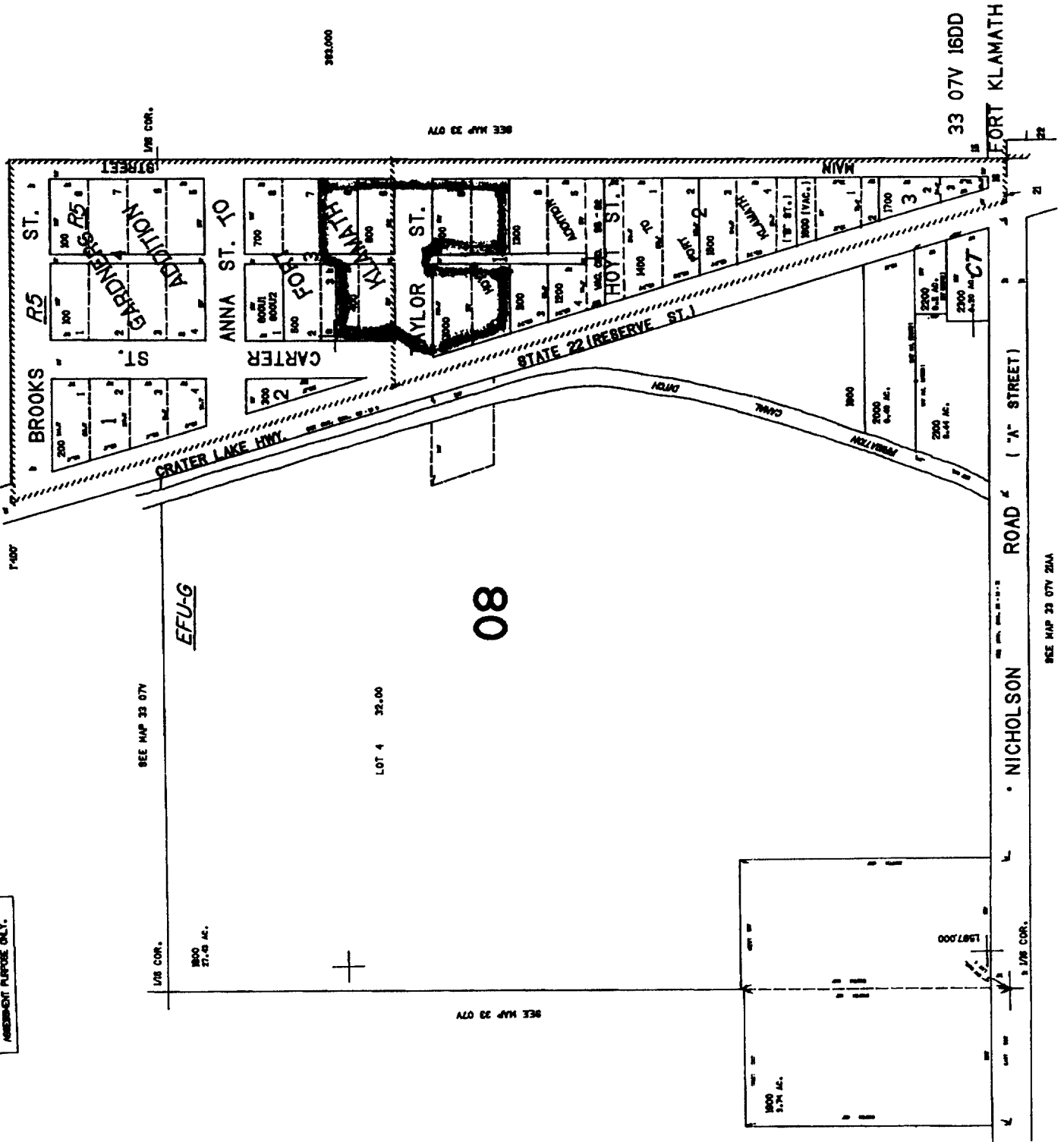
Taylor Street and the alley proposed for vacation, are not needed to access other properties in the area. The property proposed for vacation is unimproved and maintained by the adjacent property owners. Returning the property to the tax rolls would benefit the public.

I recommend the property described in the petition be vacated.

A handwritten signature in cursive script, appearing to read "Dennis Nelson".
Dennis Nelson, County Engineer

SE1/4 SEC. 16 T.33S. R.07 1/2E. WM.
 KLAMATH COUNTY
 33 07V 16DD
 FORT KLAMATH

THIS MAP WAS PREPARED FOR
 AERIAL PHOTO PURPOSE ONLY.



SEE MAP 23 07V 20A

EXHIBIT A

A two-part description for the vacation of Taylor Street and an Alley in Fort Klamath

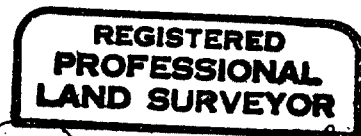
Description #1

Lots 4, 5, 6 and the southerly 35 feet of lot 3 and that portion of the alley in block 3 lying south of the westerly extension of the north line of lot 6, Gardner's Addition to Fort Klamath, a recorded subdivision situated in the SE1/4 of Section 16, Township 33 South, Range 7½ East, Willamette Meridian, Klamath County, Oregon.

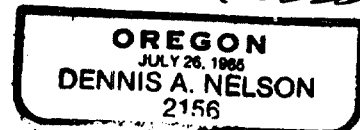
Description #2

Lots 1, 2, 7, and 8 and a portion of Taylor Street in Hoyt's Addition to Fort Klamath, a recorded subdivision situated in the SE1/4 of Section 16, Township 33 South, Range 7½ East, Willamette Meridian, Klamath County, Oregon. The portion of Taylor Street is more particularly described as follows:

Beginning at the northwest corner of lot 1, block 1 in Hoyt's Addition to Fort Klamath; thence N 25° 53' E, 66.7 feet more or less to the southwest corner of lot 4, block 3 in Gardner's Addition to Fort Klamath; thence along the south boundary of said Gardner's Addition, East, 256.0 feet to the southeast corner of lot 5, block 3; thence S 0° 18' E, 60 feet to the northeast corner of lot 8, block 1 in said Hoyt's Addition; thence along the south right-of-way line of Taylor Street, West, 284.8 feet to the point of beginning.



Dennis A. Nelson



Expires Dec. 31, 04