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BEFORE THE BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF A VACATION OF A)
60 FOOT RIGHT OF WAY BETWEEN CHIN)
ROAD AND UNION PACIFIC RAILROAD)
(Southern Pacific Railroad, formerly) T40S,)
RGE 10EWM, SEC 28, KLAMATH COUNTY,)
OREGON.)

FINAL
ORDER 2004 - 047

State of Oregon, County of Klamath
Recorded 11/26/03 12:14 p m
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Linda Smith, County Clerk
Fee \$ NC # of Pgs 1

According to the provisions of ORS 368-34 (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", 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 May 27, 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 finds that the vacation of a 60 foot right of way between Chin Road and Southern Pacific Railroad, 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. This Order stipulates that the vacation is subject to Pacific Power's right to operate their existing 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 \$ 100.00 and that the persons liable for payment of the costs are the petitioners, who have paid the above mentioned sum on November 5, 2003.

DONE AND DATED this 25 day of November, 2003.

BOARD OF COUNTY COMMISSIONERS


Chairman


Commissioner


Commissioner

Return to Commissioner's Journal

State of Oregon, County of Klamath
Recorded 12/03/03 9:09 a m
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Linda Smith, County Clerk
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Recorded to add legal

NC

88498

"EXHIBIT A - 1"

**DISCRIPTION OF PROPERTY BETWEEN CHIN ROAD
AND SOUTHERN PACIFIC RAILROAD RIGHT OF WAY**

TO BE VACATED

**A 60-FOOT WIDE public road Right of Way as established per C.J. IV page 225,
centered on the center section line of section 28, between Chin Road and Railroad
Right of Way, T40S, R10E,WM, Klamath County, Oregon.**