

BEFORE THE BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE VACATION OF A PORTION OF)
ALLYN STREET IN LAMRON HOMES, A RECORDED)
SUBDIVISION SITUATED IN THE S1/2, SW1/4, SE1/4,)
SECTION 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE)
WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON)

FINAL
ORDER 2005- 066

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 18, 2004.

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 all of Allyn Street lying north of the north right-of-way line of Barry Avenue and west of Lot 16 of said Lamron Homes 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. The vacation is made subject to the rights of existing utilities to access, construct, maintain and operate facilities in the vacated area. Current and future owners of the vacated property shall keep the area free from brush, trees, structures and other hazards which might interfere with or impede the operations of the utilities".

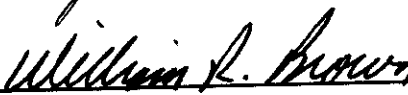
NOW, THEREFORE IT IS HEREBY ORDERED that the petition is granted and that the portion described herein is vacated, as said vacation is in the public interest. It is further ordered that pursuant to ORS 271.140 the vacated property is vested in the owners of Lot 16 of Lamron Homes Subdivision.


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 18, 2004.

DONE AND DATED this 25th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS


Chairman


Commissioner


Commissioner

State of Oregon, County of Klamath
Recorded 01/28/05 9:08 a m
Vol M05 Pg 06203-6
Linda Smith, County Clerk
Fee \$ NC # of Pgs 4

Return to Commissioner's Journal

ROAD OFFICIALS REPORT

DATE: January 10, 2005
TO: Board of Klamath County Commissioners
SUBJECT: Vacation of a portion of Allyn Street in Lamron Homes, a recorded subdivision 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 #2005-059 on December 14, 2004. 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 3909 11CD 4700
Ronald & Pamela Tompkins
4543 Meadows Dr.
Klamath Falls, Oregon 97603

Tax Lot 3909 11DC 3300
Deen & Dottie Hartshorn
5004 Mazama Dr.
Klamath Falls, Oregon 97603

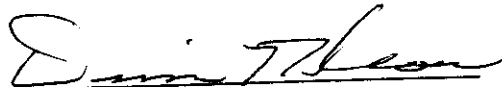
Tax Lot 3909 11DC 3200
Craig & Marie Orton
5014 Mazama Dr.
Klamath Falls, Oregon 97603

Tax Lot 3909 11DC 3600
Candid & Carol Pelletier
5009 Barry St.
Klamath Falls, Oregon 97603

Notice was provided to all utility companies in the area. The City of Klamath Falls Water Department, Klamath County Public Works, PacifiCorp and Avista Utilities indicated they have facilities within the area proposed for vacation. The order should state, **"The vacation is made subject to the rights of existing utilities to access, construct, maintain and operate facilities in the vacated area. Current and future owners of the vacated property shall keep the area free from brush, trees, structures and other hazards which might interfere with or impede the operations of the utilities"**.

The portion of Allyn Street proposed for vacation, is not needed to access other properties in the area. The property proposed for vacation is unimproved and maintained by the owner of lot 16, Lamron Homes. **ORS 271.140 requires that ownership of all of the vacated property be vested in Lot 16 of Lamron Homes.**

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

September 13, 2004

06205

EXHIBIT A

Legal description for the vacation of a portion of Allyn Street in Lamron Homes, a recorded subdivision situated in the S1/2, SW1/4, SE1/4, Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

All of Allyn Street lying north of the north right-of-way line of Barry Avenue and west of lot 16 of said Lamron Homes.

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