

2011-010894

Klamath County, Oregon



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Fee: NO FEE

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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF RHODES ROAD AS ESTABLISHED BY)
COMMISSIONER'S JOURNAL 3, PAGE 371 ON JULY 6,)
1900, LOCATED IN THE N ½, SE ¼, SECTION 7,)
TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE)
MERIDIAN, KLAMATH COUNTY, OR)**

FINAL**ORDER 20 12 014**

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 Klamath County Public Works Department on August 16, 2011.

Thereafter, the County Engineer filed with the Commissioners a written report, Exhibit B included hereto and incorporated herein by this reference, 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 Rhodes Road, 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 made subject to the rights of existing utilities to access, construct, maintain and operate the currently 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 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.

DONE AND DATED this 27th day of September, 2011

BOARD OF COUNTY COMMISSIONERS

Chairman

Commissioner

Commissioner

State of OREGON

County of KLAMATH

This instrument was acknowledged before me on this day 27
of Sept., 2011 by Al Switzer Dennis Linthicum
Cheryl Hukill
(Print name)

Notary Public - State of Oregon

My Commission expires March 2, 2013

EXHIBIT A

That portion of L. M. Rhodes Road as established by Commissioner's Journal 3, Page 371 on July 6, 1900, lying 30 feet on each side of the N-S 1/16th line located in the N1/2 SE1/4, of Section 7, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon.

577
7/18/11

EXHIBIT B
ROAD OFFICIALS REPORT

DATE: September 20, 2011

TO: Board of Klamath County Commissioners

SUBJECT: Vacation of a portion of Rhodes Road near the SW corner of the intersection of Highway 97 and Highway 66 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 #2012-007 on August 16, 2011. One hundred percent of the adjoining property owners signed the petition requesting the vacation. Therefore, notice to the adjoining owners was not required.

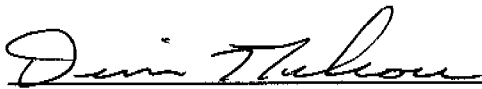
According to the County Clerk and County Assessor's records, the owners of the property abutting the vacation area are as follows:

Tax Lots 3909 700 1700 and 1800
5 Star OR LLC.
345 N. Yosemite #B
Stockton, CA 95203

Notice was provided to all utility companies in the area. Pacific Corp. 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 the currently existing facilities in the vacated area**".

The portion of **Rhodes Road** proposed for vacation is not needed to access other properties in the area. The property proposed for vacation is unimproved and maintained by **5 Star OR LLC**. ORS 271.140 requires that ownership of the vacated property be vested in the abutting parcels.

Vacating this portion of **Rhodes Road** would help facilitate future improvements at the Highway 97/66 Interchange and aid development of adjacent properties. Returning the property to the tax rolls would benefit the public. I recommend the property described in the petition be vacated.

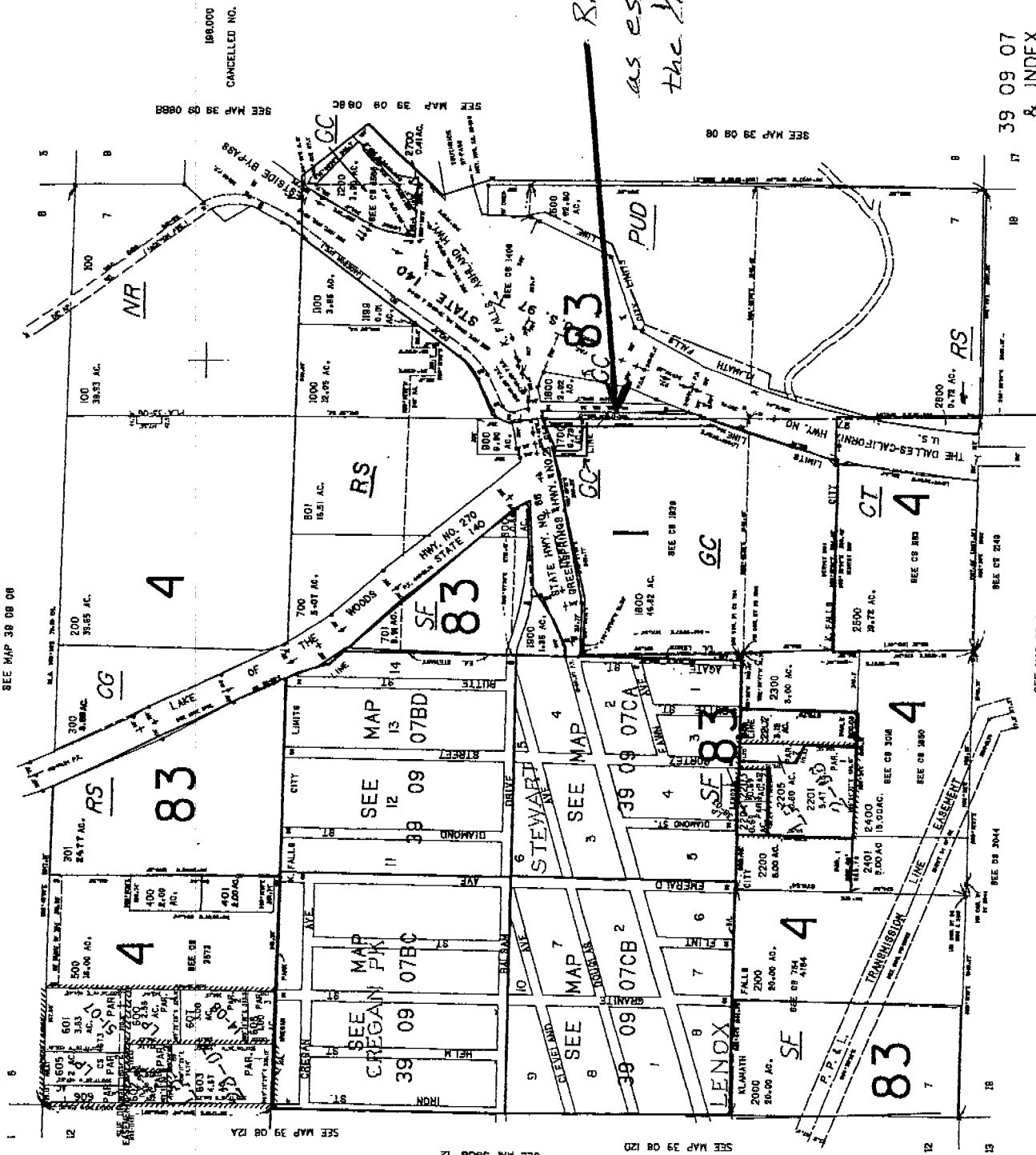

Dennis Nelson, County Engineer
Klamath County Public Works

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 07, T.39S. R.09E. W.M.
KLAMATH COUNTY

1"=400'

39 09 07
& INDEX
KLAMATH FALLS



39 09 07
& INDEX
KLAMATH FALLS

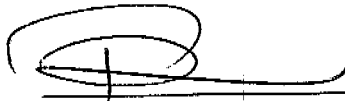
BEFORE THE COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF KLAMATH, STATE OF OREGON

IN THE MATTER OF THE VACATION OF A PORTION)
OF RHODES ROAD AS ESTABLISHED BY)
COMMISSIONER'S JOURNAL 3, PAGE 371 ON JULY)
6, 1900, LOCATED IN THE N ½, SE ¼, SECTION 7,) PETITION
TOWNSHIP 39 SOUTH, RANGE 9 EAST,)
WILLAMETTE MERIDIAN, KLAMATH COUNTY,)
OREGON)

Under the provisions of ORS 368.341(3), the undersigned and endorsed, who are 100% of the owners of the property abutting the public property to be vacated, petition the Board of County Commissioners in and for the County of Klamath, State of Oregon, and state as follows:

1. The property proposed to be vacated in Exhibit "A", which is attached hereto and incorporated by this reference.
2. The reasons for this request are as follows: The location of the road conflicts with future development plans for this property and adjacent State Highways.

DONE AND DATED THIS 3rd day of August, 2011



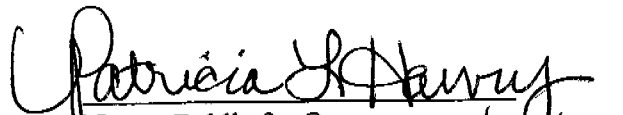
Petitioner

Petitioner

State of Oregon)
County of Klamath)

Before me this _____ day of _____, 20____, personally appeared Terry McDonald
managing partner 5 Star OR, LLC

and acknowledged the foregoing instrument (Petition to Vacate Property previously described) to be his/her voluntary act and deed.


Notary Public for Oregon
My Commission Expires: 10/15/11

