



11/09/2012 11:03:47 AM

Fee: NO FEE

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE VACATION OF A PEDESTRIAN )  
WALKWAY LOCATED IN BALSIGER TRACTS, a recorded )  
Subdivision in the SE1/4, NE1/4 Section 3, Township 39 South, )  
Range 9 East, Willamette Meridian, Klamath County, Oregon )

FINAL  
ORDER 2012-075

According to the provision 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 March 7, 2012.

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 the pedestrian walkway, 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.

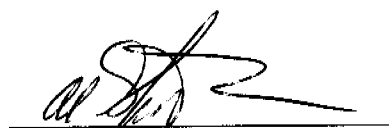
NOW, THEREFORE, IT IS HEREBY ORDERED that the petition is granted and that the walkway described herein is vacated, as said vacation is in the public interest. It is further ordered that pursuant to ORS 365.366(1)(d) the vacated property is vested in the owners of the abutting property by extension of their property boundaries.

DONE AND DATED this 24<sup>th</sup> day of April, 2012.

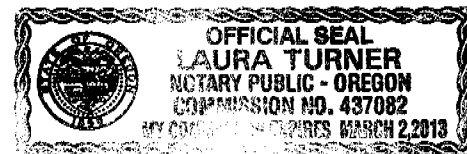
BOARD OF COUNTY COMMISSIONERS

  
Chairman

  
Commissioner


  
Commissioner

State of OREGON  
County of KLAMATH



This instrument was acknowledged before me on this  
day 24 of April, 2012

by Laura Turner  
(print name)

  
Notary Public - State of Oregon  
My Commission expires March 2, 2013

## BEFORE THE COUNTY COMMISSIONERS

## IN AND FOR THE COUNTY OF KLAMATH, STATE OF OREGON

IN THE MATTER OF THE VACATION OF AN ALLEY LOCATED IN )  
 BALSIGER TRACTS, a recorded Subdivision in the SE1/4, NE1/4 )  
 Section 3, Township 39 South, Range 9 East, Willamette )  
 Meridian, Klamath County, Oregon )

## PETITION

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:

A-1 &amp; A-2

877

1. The property proposed to be vacated is described in Exhibits "A-1 & A-2", which are attached hereto and incorporated by this reference.
2. The reason for this request is as follows:  
The location of the alley conflicts with future development plans for this property.
3. Name and Address of abutting Property Owners:

Tax Lot 800  
 Quail Mountain Development  
 3940 Miller Avenue  
 Klamath Falls, Oregon 97603

Tax Lot 700  
 Quail Mountain Incorporated  
 4033 Miller Avenue  
 Klamath Falls, Oregon 97603

DONE AND DATED THIS 7 DAY OF MARCH, 2012.

*Quail Mountain Inc*

*By John L. Becchi Vice Pres.*

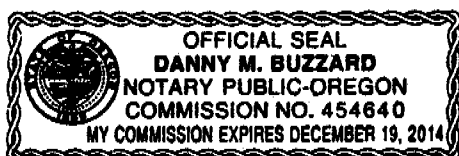
Petitioner

Petitioner

State of Oregon )  
 County of Klamath )

Before me this 7 March 2012, personally appeared John L. Becchi

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



*[Signature]*  
 Notary Public for Oregon  
 My Commission Expires: Dec 19, 2014

March 15, 2012

**EXHIBIT A.1**  
Balsiger Tracts Pedestrian Walkway Vacation

All of the 10 foot wide Pedestrian Walkway located between lots 46 and 47 in Balsiger Tracts, a recorded subdivision in Klamath County, situated in the Southeast ¼, Northeast ¼, Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon.

D-77

QUAIL MOUNTAIN DEV CO

QUAIL MOUNTAIN INC

MILLER AVE

Quail Mt. Dev.

QUAIL MOUNTAIN INC

SHREEJI MANAGEMENT LLC

DERBY ST

S 6TH ST

TOWN & COUNTRY CENTER LLC

UNKNOWN

FOOTPRINTS LLC

FOOTPRINTS LLC

HILYARD SHIRLEY F

**ROAD OFFICIALS REPORT**

**EXHIBIT B**

**DATE:** April 11, 2012

**TO:** Board of Klamath County Commissioners

**SUBJECT: THE VACATION OF A PEDESTRIAN WALKWAY LOCATED IN BALSIGER TRACTS, a recorded Subdivision in the SE1/4, NE1/4 Section 3, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon**

The Board of County Commissioners accepted the petition for vacation and referred it to the County Road Official by Order #2012-065 on April 3, 2012. One hundred percent of the adjoining property owners signed the petition requesting the vacation. Therefore, notice to the adjoining owners was not required.

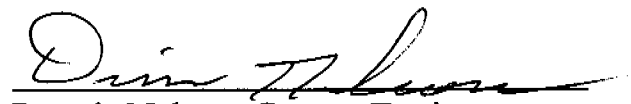
According to the County Clerk and County Assessor's records, the owners of the property abutting the vacation area are as follows:

**Tax Lots 3909 3AD 700 and 800  
Quail Mountain Development &  
Quail Mountain Inc.  
4033 Miller Avenue  
Klamath Falls, Oregon 97603**

Notice was provided to all utility companies in the area. Century Link 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 10' wide pedestrian walkway proposed for vacation is not needed to access other properties in the area. The property proposed for vacation is paved and maintained by **Quail Mountain**. ORS 271.140 requires that ownership of the vacated property be vested in the abutting parcels.

Vacating the 10' wide pedestrian walkway would help facilitate future development plans for the adjacent properties. Returning the property to the tax rolls would benefit the public. I recommend the property described in the petition be vacated.

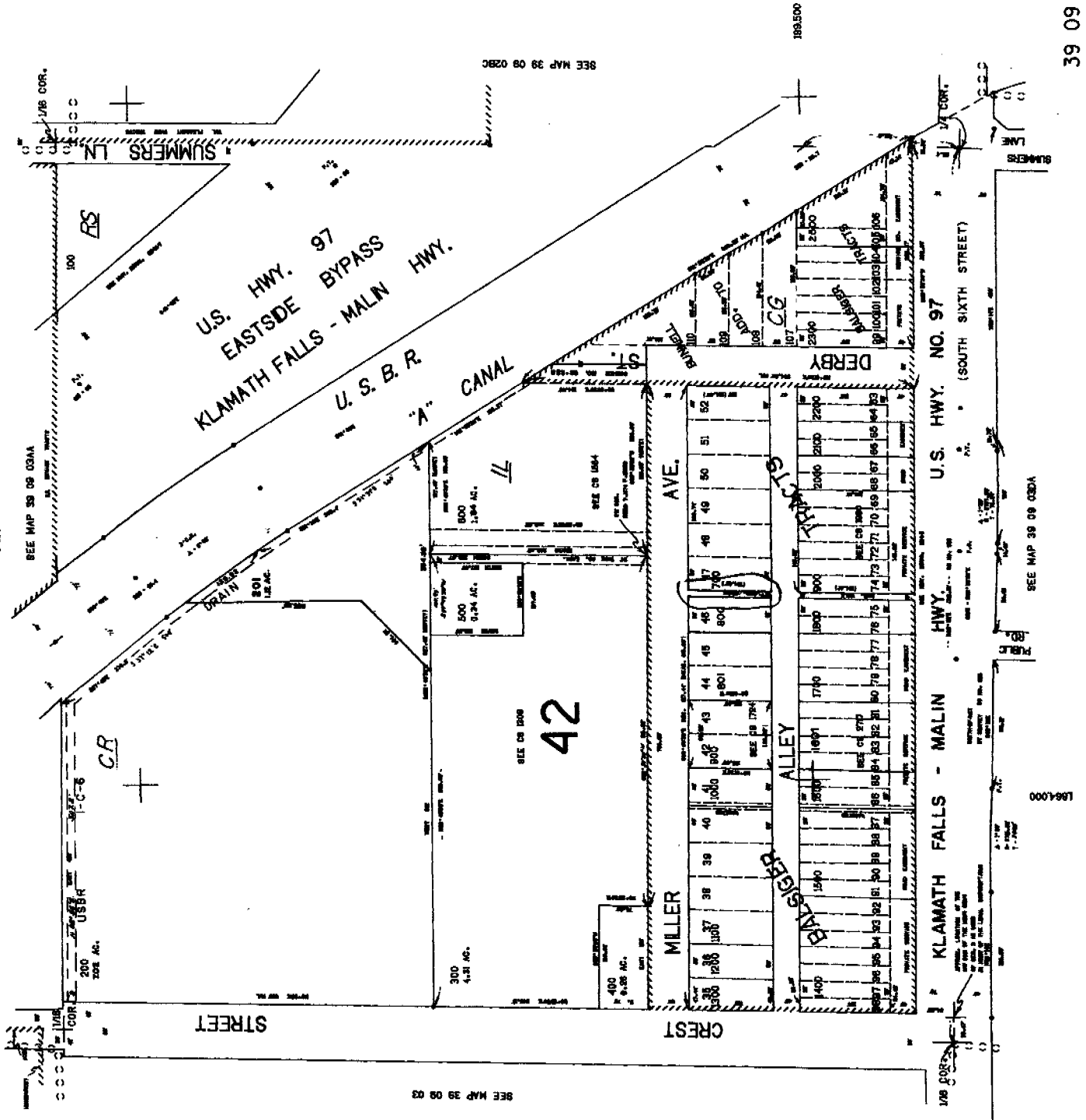
  
Dennis Nelson, County Engineer  
Klamath County Public Works

SE1/4 NE1/4 SEC. 03 T.39S. R.09E. WM.  
KLAMATH COUNTY

39 09 03AD

REVISED 1-14-10

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



39 09 03AD