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06/19/2013 09:00:36 AM

Fee: NO FEE

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR KLAMATH COUNTY, OREGON

IN THE MATTER OF VACATION OF A LOT )  
LINES COMMON TO LOTS 7 AND 8 and 8 )  
and 9 OF TRACTS B AND C, FRONTIER )  
TRACTS SITUATED IN THE NW1/4 OF )  
SW1/4 OF SECTION 10 AND THE NE1/4 OF )  
SE1/4 OF SECTION 9, TOWNSHIP 36 )  
SOUTH, RANGE 6 EAST OF THE )  
WILLAMETTE MERIDIAN, KLAMATH )  
COUNTY, OREGON.

FINAL ORDER

No. OR 2013-090

**WHEREAS** in accordance with the provisions of ORS 368.351, a petition containing the acknowledged signatures of 100% of the owners of the property (Mark and Janice See) identified in Exhibit "A" attached where the lot lines are to be vacated, has been submitted and accepted by the Board of County Commissioners; and

**WHEREAS** the Board of County Commissioners directed the Planning Director to submit a report regarding the petition for lot line vacation; and

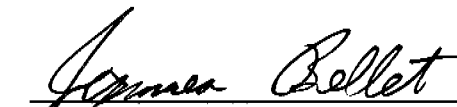
**WHEREAS** the Planning Director filed with the Board of County Commissioners a report regarding the petition for lot line vacation which was accepted; and

**WHEREAS** after duly considering the report and other documentation presented, the Board of County Commissioners finds that the vacation of the lot lines within the property identified in Exhibit "A" is acceptable and should be granted;

**NOW, THEREFORE IT IS ORDERED** that the petition is hereby granted and the identified lot lines within the property are vacated.

DONE AND DATED THIS 11 day of June, 2013.

  
Chairman

  
Commissioner

  
Commissioner

## **EXHIBIT "A"**

Vacation of the Lot Lines common to Lots 7 and 8 and 8 and 9 of Tracts B and C, Frontier Tracts located in Klamath County, Oregon

April 20, 2013

Mr. Bill Adams  
Planning Director  
Klamath County Planning Manager  
RE: Lot Line Vacation

Dear Mr. Adams

I own three lots at 30023 O'Niel Dr. In Rocky Point. R-3606-010CB-01200, FRONTIER TRACTS, LOT 7, R-3606-010CB-01300 FRONTIER TRACTS-TRACT B&C, LOT 8 and R-3606-009DA-00100 FRONTIER TRACTS-TRACT B&C, LOT 9. I would like to Vacate two lot lines between lots 1300, 1200 and 100. The line between 1300 and 100 separates two different platt maps.

It is my intent to build a pole building on the the property and the size would be impossible without utilizing both lots. It is also my intent to vacate the lot line between the two lots that have existing buildings encroaching into both lots side setbacks. It would seem simple to create one lot for my home/garage and pole building. It is my intent to present plans for the pole building as soon as this vacation is complete.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Mark A. See', with a large, stylized initial 'M'.

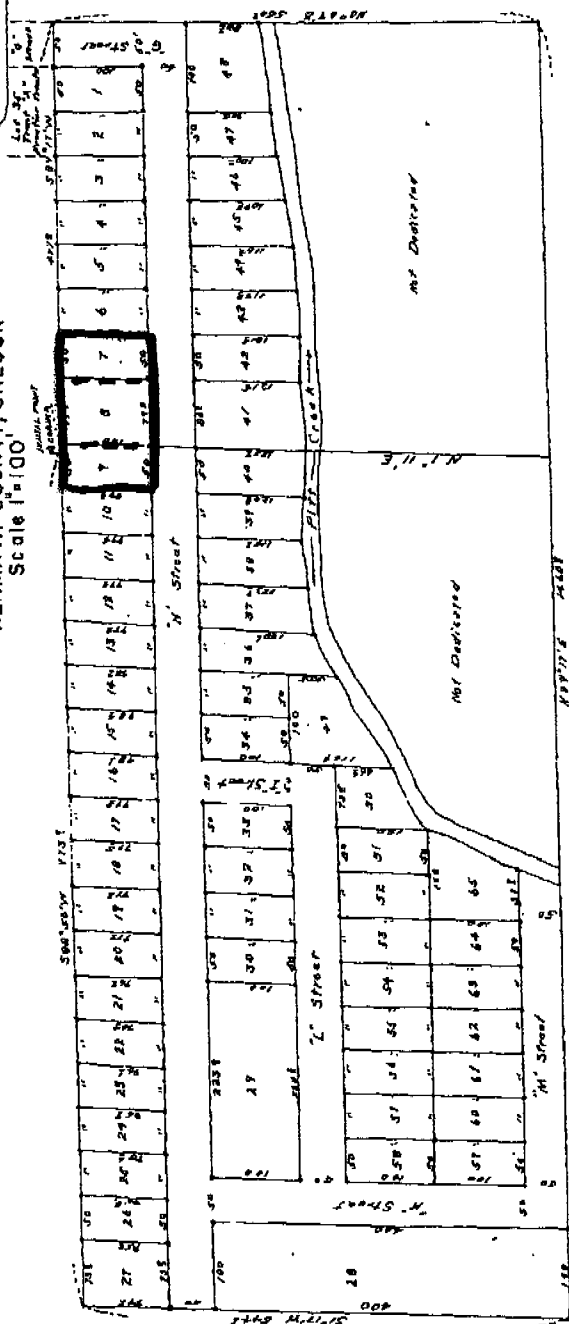
**Mark A. See**

PO Box 2514  
Gearhart, OR, 97138  
Ph. 503-738-0712 or 503-440-2047

SUBDIVISION OF A PORTION  
OF TRACTS "B" AND "C"  
FRONTIER TRACTS

SITUATED IN THE NE 1/4, SE 1/4 SECTION 9  
AND THE NW 1/4, SW 1/4 SECTION 10 T36S, R6EWM  
KLAMATH COUNTY, OREGON

1001-1111



STATE of Oregon }  
COUNTY of Tillamook } ss

Mr. J. Lyle C. Smith, being sworn, deposes and says that I served subdivided and better known as the "Frontier Tracts" as shown on the annexed plat, situated in the NE 1/4 of Sec 3, and the NW 1/4 SW 1/4 Sec. 10 T36S. R6E W.M. Township 36 North, Range 6 East, 6th Meridian.

memorial ceremony. Particularly described are the following:  
Engineering at the railroad point which is  
The west end of sec. 10 T9S, 18E2W.  
Send point being monumented by a  
USDA dress cap; Thence S86°-5W  
751 ft to an iron pin; Thence S77°W  
544 ft to an iron pin; Thence N60°E  
1468 ft to an iron pin; Thence N60°E  
350 ft to an iron pin; Thence S87°W  
496 ft more or less to the point of  
beginning; That I made such survey  
and plat for the Frontier Trust Ranch  
a corporate body under order of Harold L.  
Fish, President of said corporation, that  
the size of all lots and width of all  
streets are as shown on the annexed  
plat; and that all lot corners are  
marked with iron pins and wooden  
witness stakes.

Anglo-Siam Co. Limited  
Registered Oregon Land Surveyor  
No. 290



Excluded and recommended for approval by the County Court this 16 day of July, 1934.

Walter J. [Signature] County Surveyor

All boxes are paid in full to date July 11th, 1954.

D M Rittenbury County Sheriff

Catharine Newell Sears

EXAMINED AND APPROVED THIS day of October, 1959.

ARDEL County Assessor

Deputy

Approved by the County Court this 31 day of July, 1954.

W. E. Fisher  
Carmel, N. Y.

2/13

~~County Commissioner~~

Wm. H. K. Smith County Commissioner

record 441331-1 of 205 July, 1954

James H. Smith  
County Clerk

DECLASS

State of Oregon } 53  
County of Harney }

This is to certify that the Frontier Guard Ranch is a corporation duly organized and existing under the laws of the State of Oregon and is the owner of the tract described in the foregoing Survey. That the said Frontier Guard Ranch is known as the Subdivision of portions of Township 6, Southern Range, That the said Frontier Guard Ranch is being sold to be surveyed and patented as shown on the annexed plat and also for, through its franchisees, successors and assigns, dedicate and convey to the public, for public use forever, all streets as shown on annexed plat.

In witness Whereof Foster Evans' Ranch, assent to a resolution of its Board of Directors and duly adopted has caused this agreement to be signed by its President and Secretary and its corporate seal affixed hereunto.

Foster Evans' Ranch

2000

Witness William D. Williams & John D. Williams 17431028

Witness John C. [Signature] by W. J. [Signature] Secretary

State of Oregon } ss  
County of Multnomah }

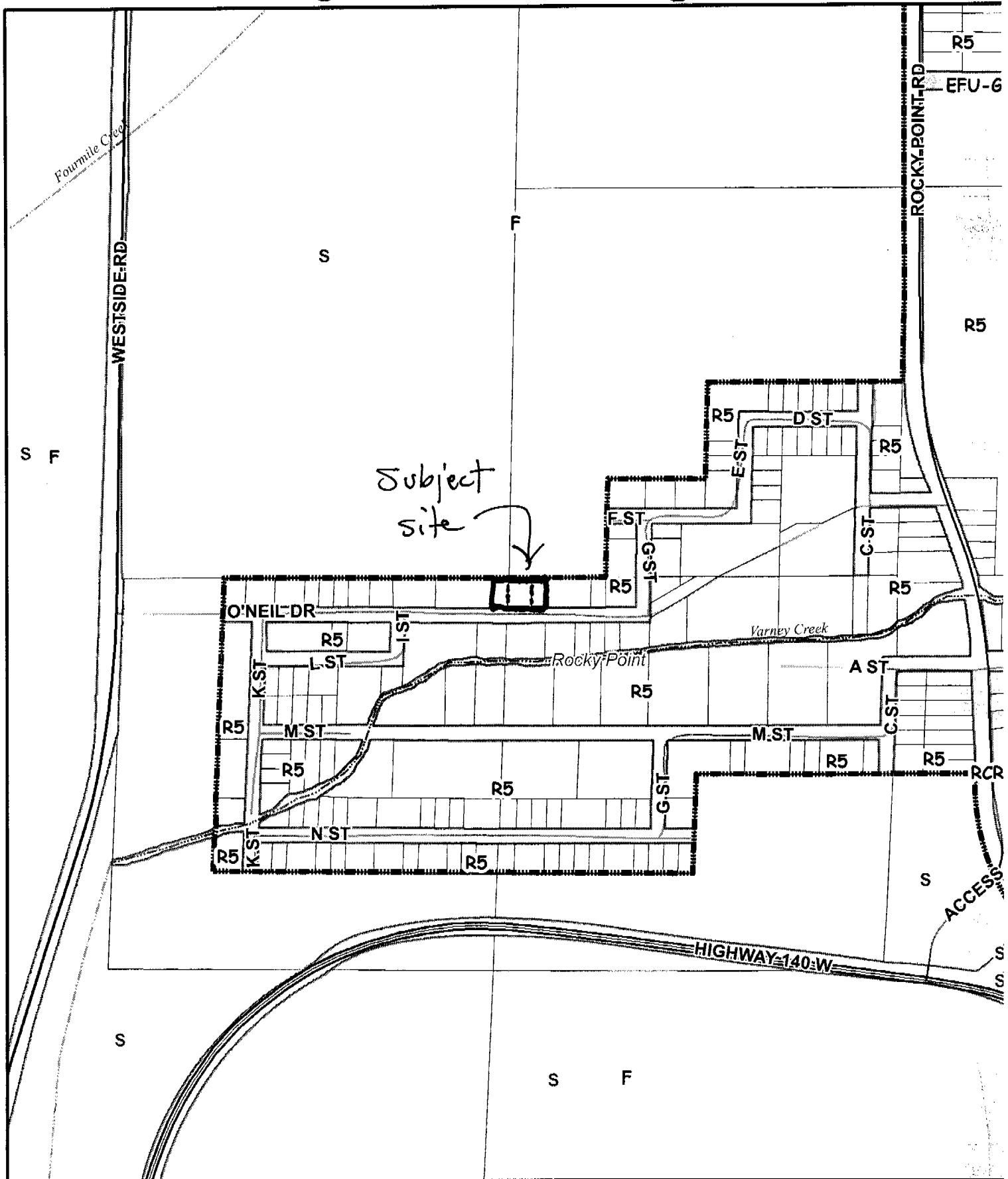
Be it remembered that on this 11<sup>th</sup> day of July, 1904, before me appeared Harold L. Fish and C.O. Conditum, both to me personally known, who being duly sworn, did say that he, Harold L. Fish is the President and he, C.O. Conditum is the Secretary of the Fourth Street Bank, the within named corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that the foregoing instrument was signed and made in behalf of said corporation by authority of its Board of Directors, and said Harold L. Fish and C.O. Conditum are duly and lawfully authorized to execute said instrument.

In witness whereof I have hereunto set my hand and seal at Washington this 20th day of May 1968.

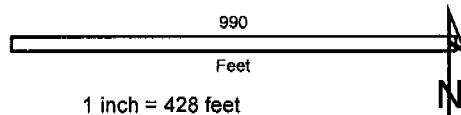
John F. Kennedy

Notary Public to Oregon,

My Commission Expires 12-1-6



**Klamath County**  
- Vicinity -



Date Printed: 5-1-13

This map is for planning purposes only. This map has been prepared for internal use by Klamath County or Accuracy and completeness is not guaranteed to any other agency, public or private.



## Klamath County Planning Department

Klamath County Government Center  
305 Main Street, Klamath Falls, Oregon 97601

Phone 1-541-883-5121 Option #4  
Toll Free in Oregon 1-800-426-9763  
Fax 1-541-885-3644

### PLANNING DIRECTOR'S REPORT

**DATE:** May 22, 2013

**TO:** Board of County Commissioners

**FROM:** Bill Adams, Planning Director *WBA*

**RE:** Request from Mark and Janice See to vacate two lot lines between lots 7 and 8 and 8 and 9 of Tracts B and C, Frontier Tracts (Map numbers R-3606-010CB-01200 & 01300 and R-3606-009DA-00100).

*ORS Chapter 368 provides as follows:*

**368.351 Vacation without hearing.** A county governing body may make a determination about a vacation of property under ORS 368.326 to 368.366 without complying with ORS 368.346 if the proceedings for vacation were initiated by a petition under ORS 368.341 that indicates the owners' approval of the proposed vacation and that contains the acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated and either:...or

(2) The planning director of the county files a written report with the county governing body in which the planning director, upon review, finds that an interior lot line vacation affecting private property complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation.

The purpose of the above referenced interior lot line vacation request is to remove interior lot lines established by Tracts B and C, Frontier Tracts situated in Section 9 and 10, Township 36 South, Range 6 East Willamette Meridian (see attached map) so the property owner can build structures across the entire area. The three existing lots are three separate tax lots (TL 1200 & 1300 & 100), 1200 and 1300 being approximately 0.11 of an acre in size each and 100 being approximately 0.17 of an acre in size and all zoned Rural Residential – 5 acre minimum lot size (R-5). Once the interior lot lines are vacated, they will become one unit of land.

I find that vacating the interior lot lines of the above referenced private property complies with all applicable land use regulations, is not detrimental to the public interest, and facilitates development of the property. No negative comments were received from agency review.