

Return to:

Klamath County Board of Commissioners

2013-008205

Klamath County, Oregon



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07/19/2013 08:44:02 AM

Fee: NO FEE

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

IN THE MATTER OF VACATION OF A LOT)
LINE COMMON TO LOTS 21 AND 22 OF)
CASITAS SUBDIVISION SITUATED IN)
SECTION 10, TOWNSHIP 39 SOUTH,)
RANGE 9 EAST OF THE WILLAMETTE)
MERIDIAN, KLAMATH COUNTY, OREGON.)
)
)
)

FINAL ORDER

No. OR 2014-003

WHEREAS in accordance with the provisions of ORS 368.351, a petition containing the acknowledged signatures of 100% of the owners of the property (Rafael S. and Donna J. Barajas) identified in Exhibit "A" attached where the lot line is 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 line 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 16th day of July, 2013.


Chairman


Commissioner


Commissioner

EXHIBIT "A"

Vacation of a Lot Line common to Lots 21 and 22 of Casitas Subdivision located in Klamath County, Oregon



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: June 28, 2013

TO: Board of County Commissioners

FROM: Mark Gallagher, Planner III *mg*

RE: Request from Rafael S. and Donna J. Barajas to vacate the lot line between lots 21 and 22 of Casitas Subdivision (Map numbers R-3909-010CD-00400 & 00500).

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 an interior lot line established by Casitas Subdivision situated in Section 10, Township 39 South, Range 9 East Willamette Meridian (see Exhibit 1) so the property owner can build structures across the entire area. The two existing subdivision lots are in three separate tax lots (TL 300, 400 & 500 see Exhibit 2) being approximately less than 1/4 acre in size each and zoned Suburban Residential (RS).

This lot line vacation will only remove the original lot line between lots 21 and 22 established by Casitas Subdivision. It will not remove the separate parcel line later created by deed that is offset 20 feet from the original lot line. The vacation procedure in Oregon Revised Statutes does not vacate a parcel line created by deed. In order to do that the applicant will have to record a new deed that consolidates the entire ownership into one legal description. Once the interior lot line is vacated and a new deed to consolidate the parcel is recorded, they will become one unit of land as the applicant wishes.

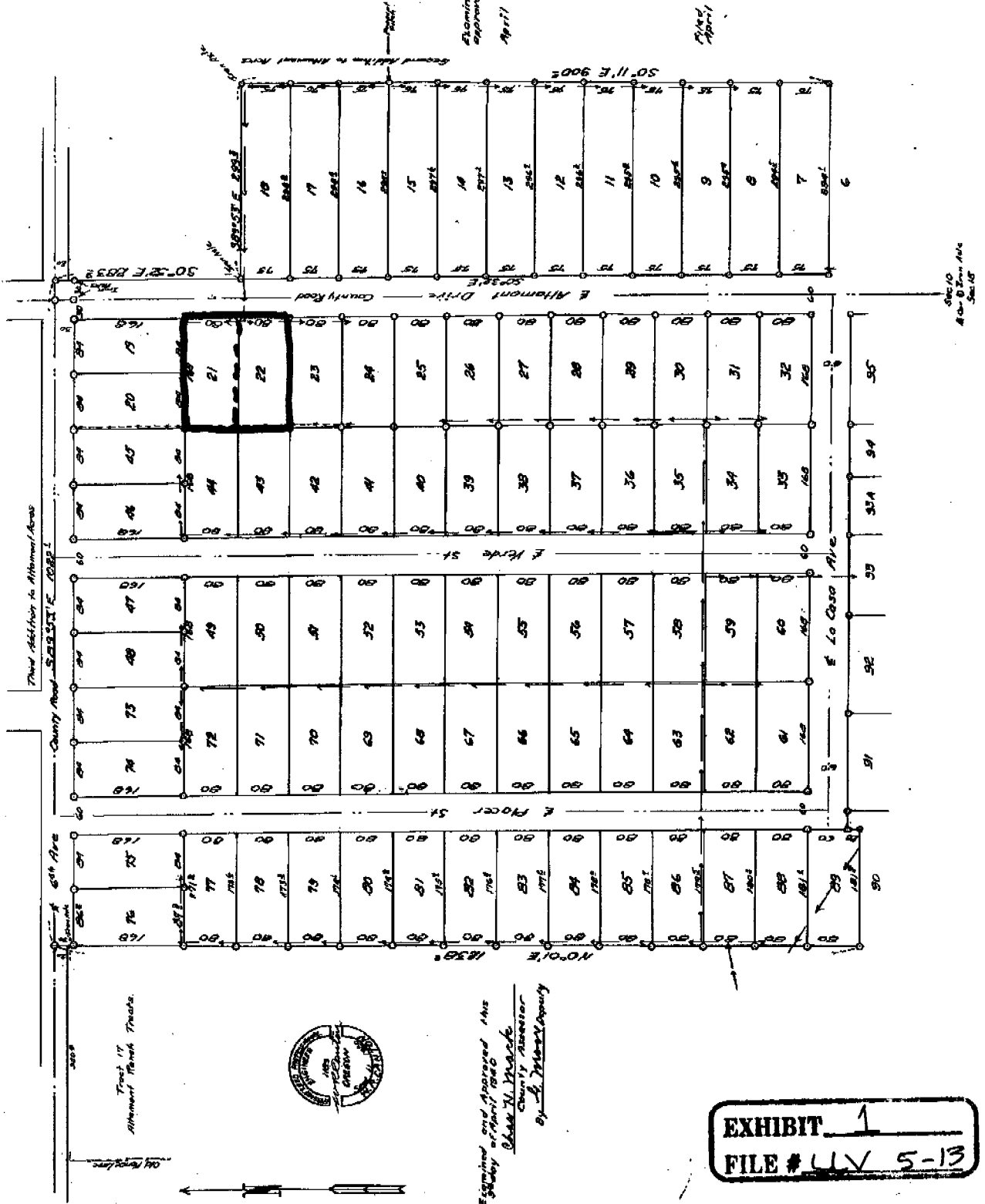
I find that vacating the interior lot line of the above referenced private property complies with all applicable land use regulations, is not detrimental to the public interest, and facilitates development of the property. No negative comments were received from agency review.

6-125
Sheet 1

Sheet No. 1 of Two Sheets

CASITAS.

Situated in E 1/4 SW 1/4 and NE 1/4 Sec. 10 and NE 1/4 NW 1/4 Sec. 15 both in T39S, R9E, MM.
Humboldt County, Oregon
Scale 1" = 100'



Examined and Approved this
Survey of April 1920
Black H. Mack
County Surveyor
by J. H. Mack
County Deputy

Examined and recommended for
approval by the County Court
April 1920
County Surveyor

Filed for record this 5 day of
April 1920
Paul H. Mack
County Clerk
by J. H. Mack
County Deputy

EXHIBIT 1
FILE # 44V 5-13

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE1/4 SW1/4 SEC. 10 T.39S. R.09E. W.M.
KLAMATH COUNTY

39 09 I

SEE MAP 39 09 10CA

AUSTIN ST. 1'-100'

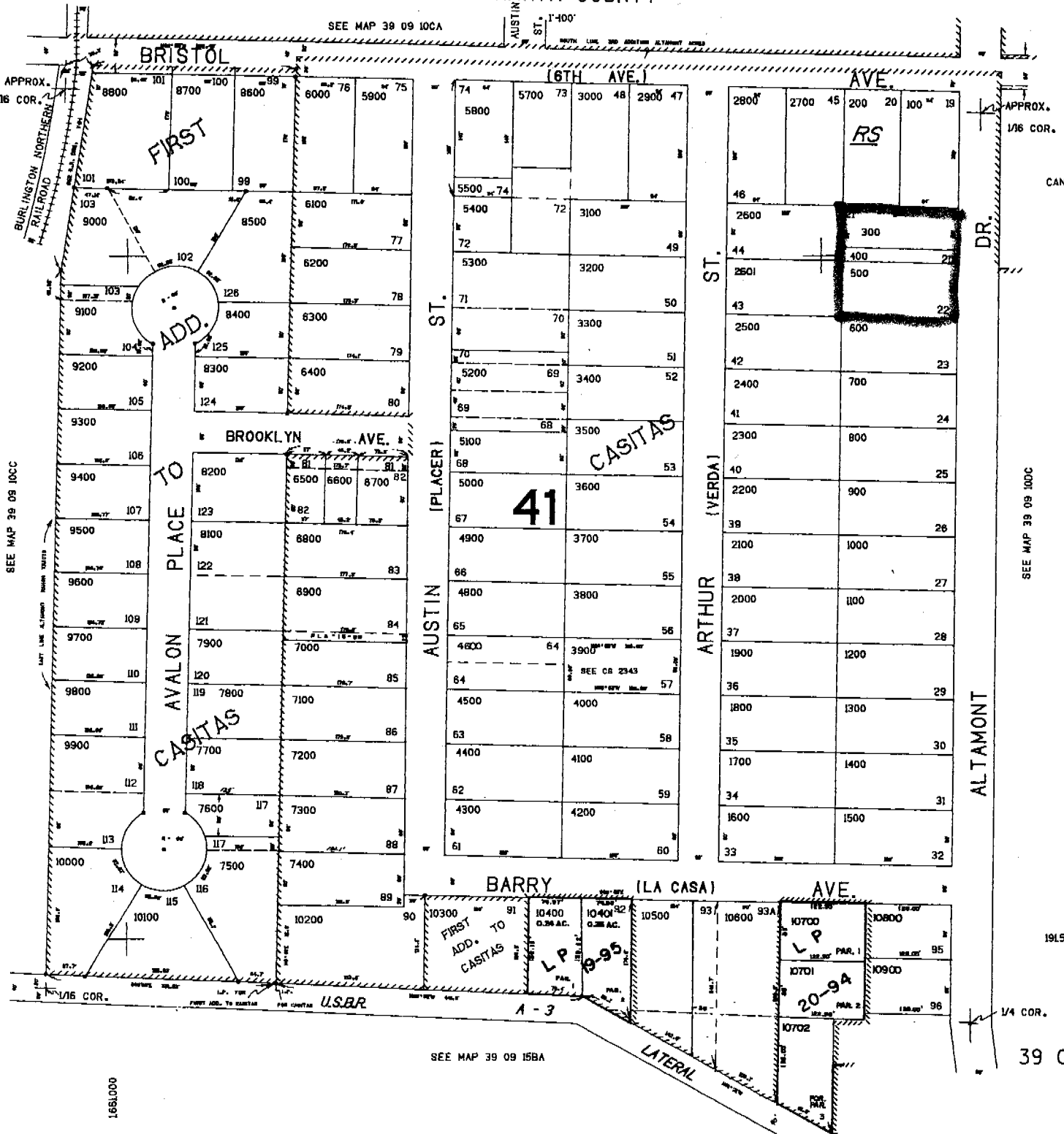
(6TH AVE.)

AVE.

APPROX.
1/16 COR.

CANCELLED
10801
10901
10501
8000
8900

SEE MAP 39 09 10CC



SEE MAP 39 09 10CC

SEE MAP 39 09 15BA

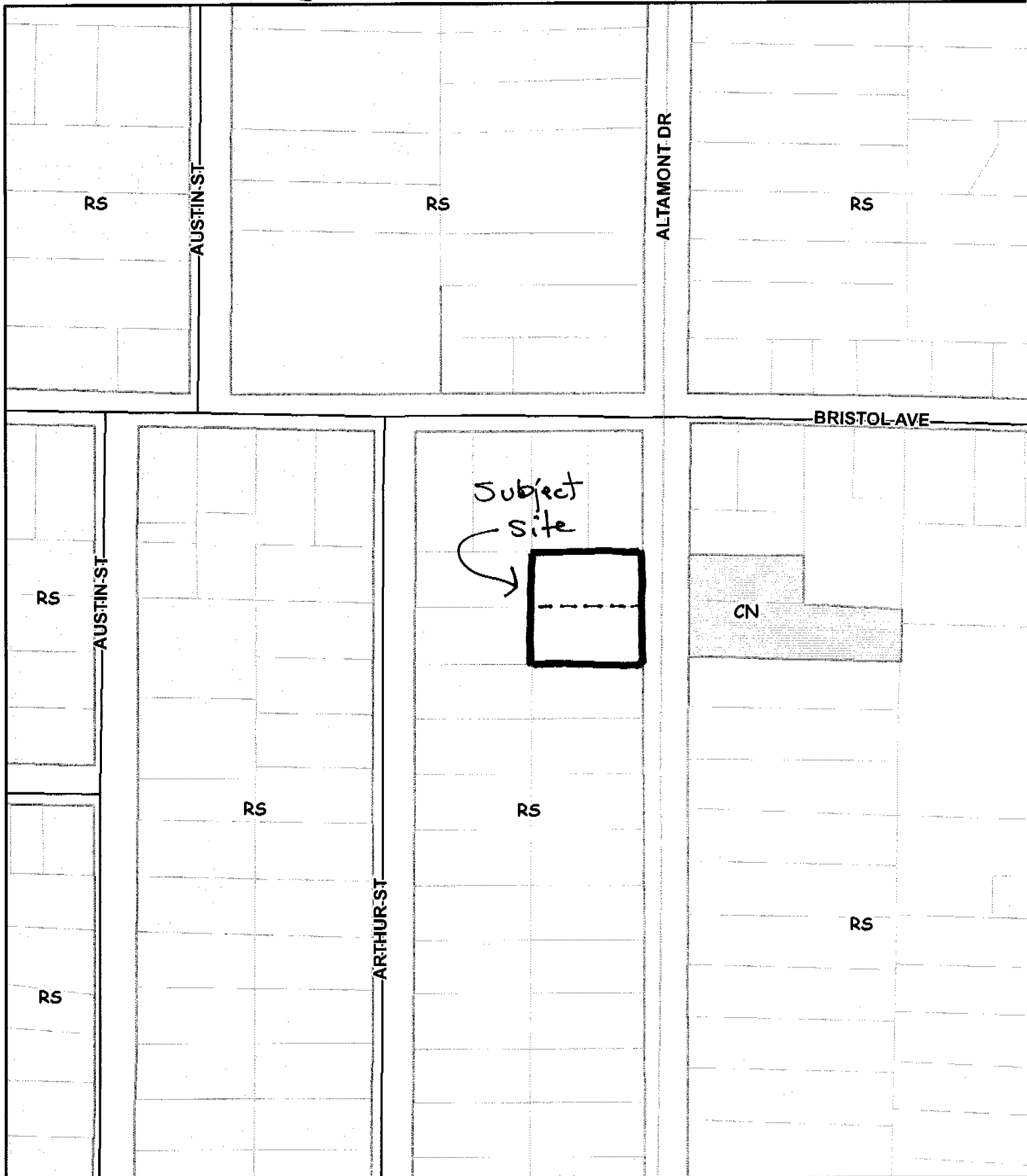
191500

39 09 II

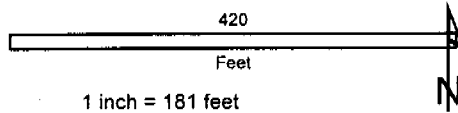
AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING
CERTAIN PREMISES AND NO LIABILITY IS
ASSUMED FOR VARIATIONS IF ANY, IN
DIMENSIONS AND LOCATIONS ASCERTAINED
BY ACTUAL SURVEY.

EXHIBIT 2
FILE # LW 5-13



Klamath County
-Vicinity-



Date Printed: 6-7-13

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