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04/10/2014 08:25:51 AM

Fee: NO FEE

**BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF KLAMATH, STATE OF OREGON**

**In the Matter of the Vacation of the alley)
in Block 53, Worden Located in Klamath)
County, Oregon as Described in)
Exhibit "A" included hereto and by this)
reference incorporated herein.)**

**FINAL
ORDER# 2014- 066**

According to the provisions of ORS 368.341(3) and ORS 368.351, a petition containing the acknowledged signature of the owner of 100% of the property abutting the public property described in Exhibit "A", proposed to be vacated and indicating said owner's approval of the proposed vacation was filed with the Board of County Commissioners on December 17, 2013.

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. In accordance with ORS 368.351, this vacation may proceed without a hearing.

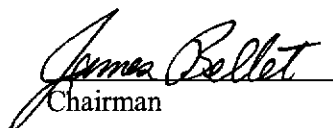
Now, after fully considering the report and other documentation presented, the Board of County Commissioners find that the vacation of the alley in block 53, Worden as described in Exhibit "A", is in the public interest and finds that the petition should be granted and that the property vacated would benefit the public by being placed on the tax rolls. This Order stipulates that the vacation is subject to the rights of existing utilities to access, construct, maintain and operate the currently existing 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 existing utilities.

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.

IT IS FURTHER ORDERED that the cost resulting from the approved vacation is determined to be in the sum of \$150.00 and that the person liable for payment of the costs is the petitioner, who has paid the above mentioned sum on March 25, 2014.

DONE AND DATED THIS 8th **day of** April **2014.**

KLAMATH COUNTY BOARD OF COMMISSIONERS


Chairman

Approved X

Denied _____

Date 4/8/2014


Commissioner

Approved X

Denied _____

Date 4-8-14


Commissioner

Approved P

Denied _____

Date 4/8/2014



Klamath County - Public Works Department

ROAD DEPARTMENT • WEED CONTROL DIVISION
305 MAIN STREET • KLAMATH FALLS, OREGON 97601
(541) 883-4696 • FAX (541) 882-3046

ROAD OFFICIALS REPORT

DATE: January 15, 2014

TO: Board of County Commissioners

SUBJECT: Vacation of the alley in Block 53, Worden, a recorded subdivision in Klamath County, Oregon.

The Board of County Commissioners accepted the petition for vacation and referred it to the County Road Official by Order #2014-027 on December 17, 2013. 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 owner of the property abutting the proposed vacation area is:

**Tax Lot 4008 34BD 800
Otis F. Fanning
353 Eagle Claw Dr.
Klamath Falls, OR 97603**

Notice was provided to all utility companies in the area. Century Link and Pacific Corp. indicated they have facilities within or near the area proposed for vacation. If the vacation were approved, 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. 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 currently existing utilities".

The alley proposed for vacation, is not needed to access other properties in the area. The alley may have been inadvertently omitted from a previous vacation order. I recommend the property described in the petition be vacated.

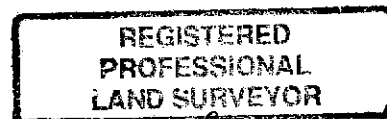
A handwritten signature in black ink, appearing to read "Dennis Nelson", written over a horizontal line.

Dennis Nelson, County Engineer
Klamath County Public Works

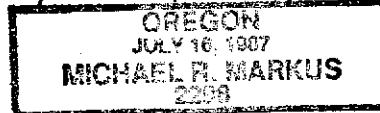
EXHIBIT "A"

All of the alley in Block 53, Worden, a recorded subdivision in Klamath County, situated in the SE ¼ NW ¼ of Section 34, Township 40 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

All of the 20' wide alley lying north of the northerly right-of-way line of Eagle Claw Drive (formerly 10th Street), and south of the southerly right-of-way line of Mariposa Drive (formerly 11th Street).



Michael R. Markus



RENEWAL 12/31/2014

Alley to
be vacated

MARIPOSA-DR

EAGLE-CLAW-DR

HIGHWAY 97 S

KENO-WORDEN-DR

BEN-GAY-DR

TOWNSHIP RD