

2014-003927

Klamath County, Oregon



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04/25/2014 09:14:47 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 7 AND 14 OF)
EVERGREEN ACRES, BLOCK 2,)
INCLUDING AN 18-FOOT UTILITY)
EASEMENT CENTERED ON THE LOT LINE,)
AND SITUATED IN SECTION 10,)
TOWNSHIP 36 SOUTH, RANGE 6 EAST OF)
THE WILLAMETTE MERIDIAN, KLAMATH)
COUNTY, OREGON.)

FINAL ORDER

No. 2014-071

WHEREAS in accordance with the provisions of ORS 368.351, a petition containing the acknowledged signatures of 100% of the owners of the property (Tim and Cindy Patterson) identified in Exhibit "A" attached where the lot line is to be vacated, including an 18-foot utility easement centered on the lot line, 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

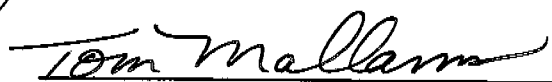
WHEREAS the Planning Director filed with the Board of County Commissioners a report regarding the petition for lot line vacation which was accepted; and

WHEREAS after duly considering the report and other documentation presented, the Board of County Commissioners finds that the vacation of the lot line, including an 18-foot utility easement centered on 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 22 day of April, 2014.


Chairman


Commissioner

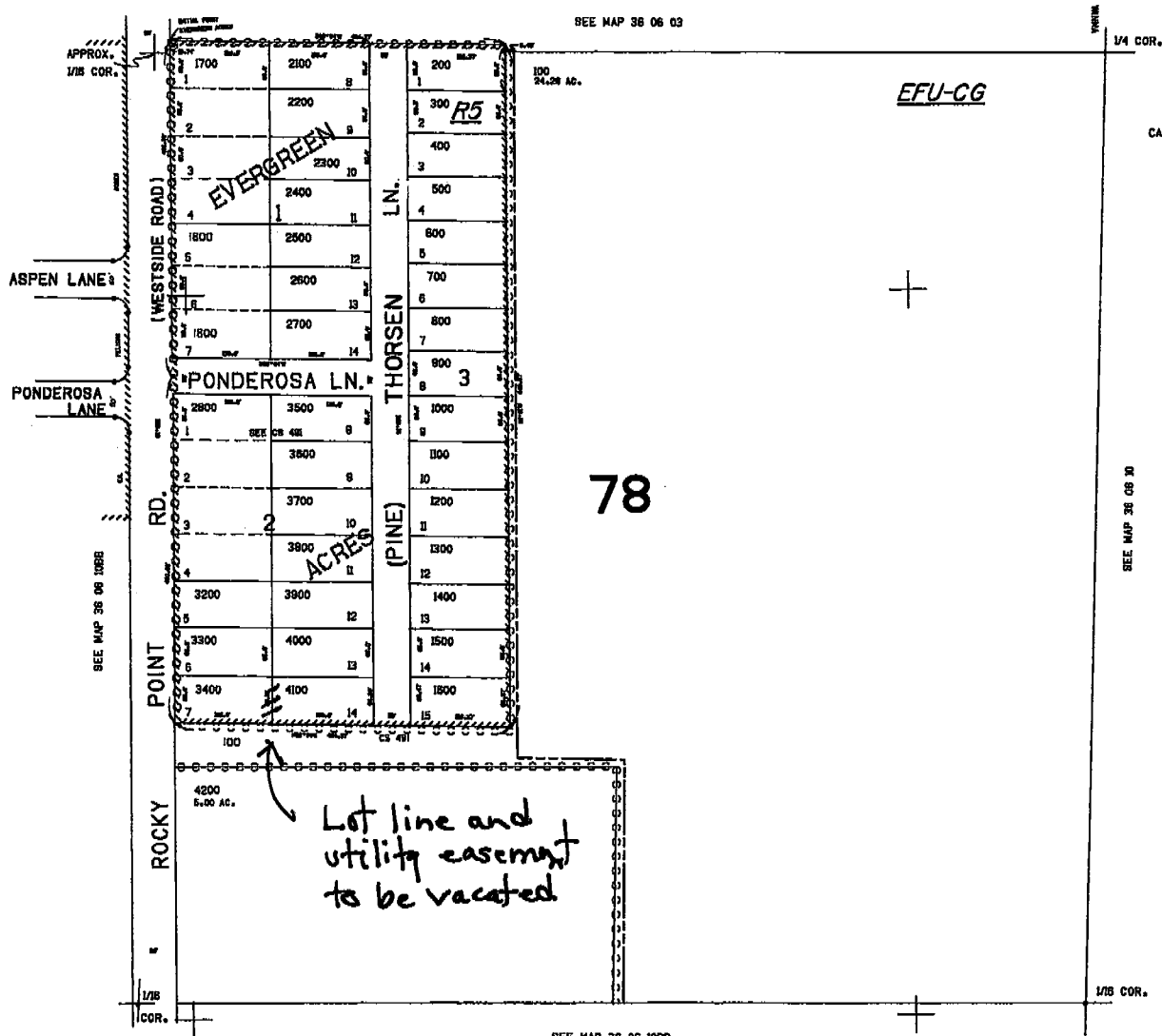

Commissioner

EXHIBIT "A"

Vacation of a lot line common to Lots 7 and 14 of Evergreen Acres, Block 2, and an 18-foot utility easement centered on the lot line, located in Klamath County, Oregon

36 06 IOBA

1'-100'



CANCELLED NO.
2900
3000
1900
2000

FREE MAP 38 OF 10

292,000

36 06 10BA

SITUATED IN THE NE1/4 NW1/4 SECTION 10,
T36S R6EWM, KLAMATH COUNTY, OREGON.

STATE OF OREGON ss:
COUNTY OF CLATSOP

[illegible]

James B. O'Leary witness Frederick W. Higgins

STATE OF CALIFORNIA
COUNTY OF SAN MATEO

As it remembered that on this 16th day of September 1980, personally appeared James B. O'Grady, who is known to me to be the identical individual; described in and executed the above captioned document and acknowledged to me that he executed the same voluntarily, in witness whereof, I hereunto set my hand and seal this day and year last above written.

PROPOSING TO BUY THE HOUSE

Examination and recorded for approval by the County Court

Approved by the County Court this 24th day of October 1960.

[Signature] County Judge

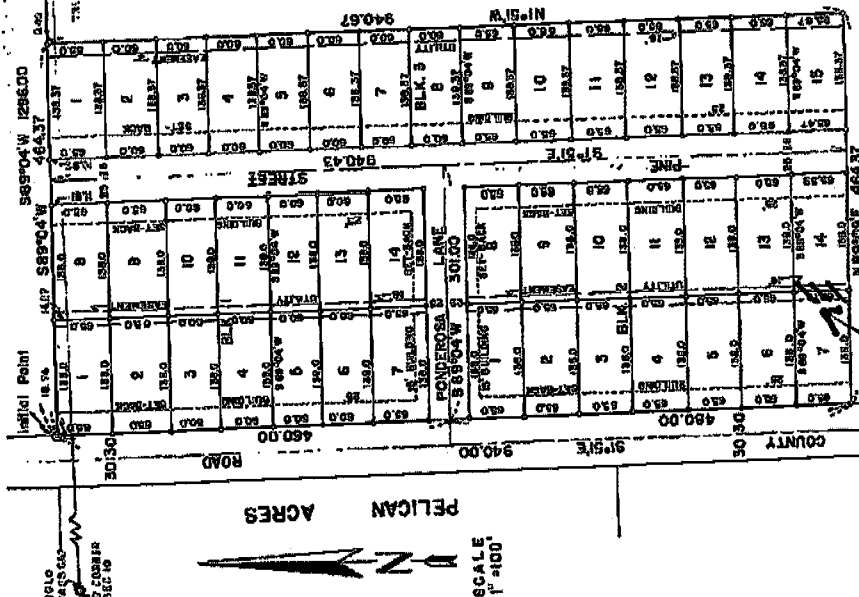
[Signature] County Commissioner

[Signature] County Commissioner

Examined and approved this 6 day of October, 1950.

Clyde R Caldwell
County Assessor
by Edna Barker, Deputy

6589





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: April 8, 2014

TO: Board of County Commissioners

FROM: Mark Gallagher, Interim Planning Director

RE: Request from Tim and Cindy Patterson to vacate the lot line between lots 7 and 14 of Block 2 of Evergreen Acres, including an 18-foot utility easement centered on the lot line. (Map numbers R-3606-010BA-03400 & 04100).

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 Evergreen Acres situated in Section 10, Township 36 South, Range 6 East Willamette Meridian (see attached map) as the property owner wishes to construct a residence across the two lots. The two existing subdivision lots are separate tax lots, with both TL 3400 and 4100 being 0.2 of an acre each and both zoned Rural Residential – 5 acre minimum lot size (R-5). Once the interior lot lines are vacated, they will become one unit of land.

There is an existing 18-foot wide utility easement along this lot line that will be vacated as well. No agencies indicated they had utilities located within the easement.

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