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08/14/2014 10:23:23 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 portion)
 of 5 Mile Creek Road from the west line)
 of SE ¼, SE ¼ of section 28, T35S, R13E,)
 W.M. continuing through section 28, 27,)
 34, 35 and 36 of said Township and Range)
 and ending at the east line of Section 1,)
 T36S, R13E, W.M., all situated in Klamath)
 County, Oregon.)

Order # 2015-009

According to the provisions of ORS 368.341(3) and ORS 368.351, a petition containing the acknowledged signatures of the owners of over 60% of the property abutting the public property described in Exhibit "A", included hereto and by this reference incorporated herein, was submitted, indicating said owners approval of the proposed vacation was filed with the Klamath County Public Works Department and accepted by the Board of County Commissioners on 7/16/13.

Thereafter, the Public Works Department filed with the Board of County Commissioners a written report containing the information required by ORS 368.346(1). According to ORS 268.401 notice of a public hearing was provided and a hearing was held at 9:30am on 7/1/14.

Now, after fully considering the road officials report, testimony given during the hearing and other documentation presented, the Board of County Commissioners find that the vacation of Five Mile Creek Road, as described in Exhibit "A", is in the Public interest and finds that the petition should be granted. This order stipulates that the vacation is made subject to the rights of existing utilities to access, construct, maintain and operate 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 or impede the operations of the currently existing utilities. A list of Pacific Power's facilities is included hereto as Exhibit "B" and by this reference incorporated herein.

NOW, THEREFORE IT IS HEREBY ORDERED that the petition is granted and that the portion of Five Mile Creek Road described herein is vacated. 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 12th day of August 20 14

KLAMATH COUNTY BOARD OF COMMISSIONERS

James Bellet
 Chairman

Approved X

Denied _____

Date 8/12/2014

Tom Mullan
 Commissioner
 ABSTAINED mm
 Approved _____

Denied _____

Date Aug 12, 2014

[Signature]
 Commissioner

Approved X 8/12/2014

Denied _____

Date 8/12/14



112 N. 5th St – Suite 200
PO Box 909
Klamath Falls OR 97601
(541) 851-9405

Date: July 2014

EXHIBIT "A"
PORTION OF 5-MILE CREEK ROAD (S-55) TO BE VACATED

Vacation of a portion of 5-Mile Creek Road located in Sections 27, 28, 34, 35, and 36, Township 35 South, Range 13 East, Willamette Meridian, and Section 1, Township 36 South, Range 13 East, Willamette Meridian, Klamath County, Oregon more particularly described as follows:

5-Mile Creek Road (S-55) as physically located from the west line of the SE1/4, SE1/4 of Section 28, T35S, R13E, W.M., Klamath County Oregon, continuing through Section 28, 27, 34, 35, and 36 of said Township and Range, and ending at the East Line of Section 1, T36S, R13E, W.M., all situated in Klamath County, Oregon.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Marcus D. Cross

**OREGON
JULY 6, 2010
MARCUS D. CROSS
55506PLS**

EXPIRES: 12/31/2015

Exhibit B

Pacific Power facilities to be referenced within the portion of Five Mile Creek Road which is to be vacated.

01436013.0 015601
01436013.0 015602
01436013.0 014602
01436013.0 014600
01436013.0 014601
01436013.0 013600
01436013.0 013601
01436013.0 012700
01436013.0 011700
01436013.0 011701
01436013.0 010700
01436013.0 010701
01436013.0 029700
01436013.0 029800
01436013.0 028800
01436013.0 028801
01436013.0 027900
01436013.0 027901
01435013.0 356001
01435013.0 356000
01435013.0 355500
01435013.0 355100
01435013.0 354100
01435013.0 354201
01435013.0 353200
01435013.0 353201
01435013.0 352200
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01435013.0 351300
01435013.0 350301
01435013.0 350300
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01435013.0 346501
01435013.0 346500
01435013.0 345500
01435013.0 344602
01435013.0 344601
01435013.0 344600
01435013.0 343701
01435013.0 343700
01435013.0 343800
01435013.0 342800
01435013.0 342902
01435013.0 342901
01435013.0 342900