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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 12<sup>th</sup> 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. 5<sup>th</sup> 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.



## 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  
01435013.0 351301  
01435013.0 351300  
01435013.0 350301  
01435013.0 350300  
01435013.0 349401  
01435013.0 349400  
01435013.0 348400  
01435013.0 347400  
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