

ORDINANCE NO. 5864

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS, OREGON, AND PROVIDING FOR ZONING OF SUCH PROPERTIES.

WHEREAS, there has been submitted to the City of Klamath Falls, a written proposal for annexation of certain real property by the owners thereof, which property is hereinafter described; and,

WHEREAS, Ordinance No. 5854 was passed, initiating annexation of said territory, calling a hearing, and directing notice be given thereon; and,

WHEREAS, a hearing was held on June 5, 1972, pursuant to applicable laws at which time all objections or remonstrances with reference to said proposed annexation were considered by the Common Council; and,

WHEREAS, the Common Council did determine annexation of said properties is to the best interest of the City and to the contiguous territory; and,

WHEREAS, to protect the public health, safety, and general welfare, said property upon annexation should be zoned as herein-after provided; now therefore,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1.

The following described contiguous territory is hereby proclaimed to be annexed to the City of Klamath Falls:

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All that certain real property situated in Section 4, 5, 8, 9, 10, 14, 15, 22, 23, 26, and 27, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, within the following described boundaries:

Beginning at a point on the Southerly boundary line of the City of Klamath Falls, as same existed on March 31, 1972, said point being the intersection of the Northerly section line of Section 5, Township 39 South, Range 9 East, Willamette Meridian and the Easterly right-of-way of the Dalles-California Highway (U.S. 97), commonly known as the West-Side Bypass. Thence from said point of beginning Southeasterly along said Easterly right-of-way line of U.S. 97, to the Easterly right-of-way line of the Burlington Northern Inc. Riverside Spur, also being the meander line of 1958; thence continuing South 44°00' East 671.00 feet, South 28°00' East 1498.20 feet and South 55°45' East, 439.00 feet along said Burlington Northern Inc. right-of-way to the intersection of the South property line of Modoc Lumber Company, as per deed recorded in Volume 256, Page 575, Book of Deeds, in the office of the County Recorder, of said County; thence East 730 feet, more or less, along the said South property line to a point being the high water line of Lake Ewauna; thence Southeasterly along said high water line of Lake Ewauna to a point, said point being the intersection of the high water line of the West bank of Lake Ewauna and the Northwest prolongation of the Southwesterly property line of that certain parcel of land as of March 31, 1972, owned by O'Connor Livestock Co. and located in the NW1/4 of the NW1/4 of Section 9, Township 39 South, Range 9 East, Willamette Meridian as per deed recorded in Volume 298, Page 299, Book of Deeds, in the office of said County Recorder; thence South 52°30' East along said line of prolongation to the high water line on the East bank of Lake Ewauna; thence along the following courses of the 1872 meander line, North 65°30' East 178.36 feet, South 59°30' East, 151.80 feet, North 72°45' East, to a line bearing North 0°42'45" West, said line being parallel and 190 feet West of the East right-of-way line of the Southern Pacific Transportation Co., as shown on Map D-1414, dated February 18, 1972, on file in the office of the

City Engineer, of said City; thence South $0^{\circ}42'45''$ East 605 feet, more or less, along said last mentioned parallel line to a line bearing South $89^{\circ}17'15''$ West, thence Northeasterly along said line 190' to the intersection of the Burlington Northern Inc. right-of-way and said East right-of-way of Southern Pacific Transportation Co. as shown on said last mentioned map, thence continuing Southeasterly along the Southwesterly right-of-way line of Burlington Northern Inc., as same existed on March 31, 1972, and as shown on Map A-346, on file in the office of the City Engineer, of said City, dated March 24, 1972, entitled "Burlington Northern Right-of-Way from the Southern Pacific Right-of-Way at Lake Ewauna to the Airport," to its intersection with the West right-of-way of Altamont Drive (60' wide) located in the SE1/4 NW1/4 of Section 15, Township 39 South, Range 9 East, Willamette Meridian; thence Northeasterly 60.00 feet, perpendicular to said West right-of-way, to the East right-of-way line of said Altamont Drive; thence North along said East right-of-way of Altamont Drive to a point being the intersection of said East right-of-way of Altamont Drive and the Southerly right-of-way line of Burlington Northern Inc. Bieber Line; thence continuing Southeasterly along the various courses of said Burlington Northern Inc. right-of-way line to the South right-of-way line of Johns Avenue (80' wide) located in the SE1/4 SE1/4 of Section 15, Township 39 South, Range 9 East, Willamette Meridian; thence West along the said South right-of-way of Johns Avenue, said line also being parallel to and 80 feet South of the North line of the S1/2 of the S1/2 of Section 15, Township 39 South, Range 9 East, Willamette Meridian, a distance of 4,640 feet, more or less, to a point, said point being on the Easterly right-of-way of Washburn Way (60' wide); thence South along a line parallel to and 30 feet East of the West line of Section 15, Township 39 South, Range 9 East, Willamette Meridian, said line being the Easterly right-of-way line of Washburn Way, a distance of 1260 feet, more or less, to a point being the intersection of the said Easterly right-of-way line of Washburn Way and the Northerly right-of-way of the Southern Pacific Transportation Co.; thence Southeasterly along the said Northerly right-of-way of Southern Pacific Transportation Co. to a point, said point being the intersection of said railway Northerly right-of-way line and the South right-of-way line of Joe Wright Road; thence South $33^{\circ}17'$ East, 628.70 feet; thence South $56^{\circ}43'$ West 100.00 feet; thence South $33^{\circ}32'45''$ East 5777.50 feet; thence South $89^{\circ}36'$ East 1548.58 feet; thence South $21^{\circ}26'$ East 972.54 feet; thence South $0^{\circ}34'$ West 418.00 feet; thence South $89^{\circ}37'$ East 167.58 feet; thence South $21^{\circ}32'$ East 445.98 feet; thence South $0^{\circ}32'$ West 903.02 feet; thence South $89^{\circ}53'$ East 363.45 feet; thence South $21^{\circ}32'$ East 1300.67 feet; thence South $89^{\circ}52'$ East 478.23 feet; thence South $0^{\circ}26'$ West 9.31 feet; thence South $89^{\circ}51'$ East 1571.14 feet; thence North $21^{\circ}32'$ West 1312.8 feet; thence

North 8°41' West 1320.12 feet; thence North 89°
 38' West 315.78 feet; thence North 21°30' West
 1429.85 feet; thence South 89°38' East 166.50
 feet; thence North 0°24' West 640.20 feet; thence
 South 89°28' East 1134.05 feet; thence North 0°16'
 East 636.20 feet; thence North 0°27' East 1080.60
 feet; thence North 85°53' West 532.90 feet; thence
 South 4°02' West 40.00 feet; thence North 85°58'
 West 505.80 feet; thence North 62°31' West 294.00
 feet; thence North 0°23' East 2650.70 feet, to the
 Southwesterly right-of-way line of said Burlington
 Northern Inc.; thence North 47°32' West 2296.00
 feet to a point on the North line of Section 23;
 thence along said North line of Section 23, North
 88°36' West 968.00 feet to the corner common to
 Section 14, 15, 22, and 23 of said Township 39
 South, Range 9 East, Willamette Meridian; thence
 along the North line of Section 22 North 88°59'
 West, 30.00 feet; thence Northerly along the West
 right-of-way of Summers Lane to the intersection
 of the South right-of-way of Johns Avenue; thence
 Easterly along the South right-of-way of Johns
 Avenue to a point, said point being opposite and
 125.00 feet Southerly of the intersection of the
 Westerly right-of-way of the U.S. Bureau of Rec-
 lamation F-5 Lateral and the Northerly right-of-
 way of the U.S. Bureau of Reclamation 1-C-1-A-1
 Drain; thence Northerly 125.00 feet to said inter-
 section; thence Northerly along the Westerly right-
 of-way line of the said F-5 Lateral to the South
 line of that property described in document M71-
 4334, Record of Deeds, and recorded in the office
 of the County Clerk, of said County; thence
 Easterly along the South line of said property described
 in M71-4334 to the Westerly right-of-way line of
 Homedale Road (60' wide) and located in the NE1/2
 of the NE1/4 of Section 14, Township 39 South,
 Range 9 East, Willamette Meridian; thence North along
 the Westerly right-of-way of Homedale Road 96.6
 feet; thence South 89°29'40" West, 162.00 feet;
 thence North 56.5 feet; thence West along the North
 line and its Westerly prolongation of said prop-
 erty to the West right-of-way line of the U.S.B.R.
 Drain (1-C-1-A-1 Drain, as found in Map 3909-1410
 and recorded in the office of the County Assessor,
 of said Klamath County); thence Northerly along the
 said West right-of-way line to a point, said point
 being the intersection of the said West right-of-
 way line and a line parallel with and 90.00 feet
 South of the North line of the NE1/4 of Section 14;
 thence Westerly along said line, parallel with and
 90.00 feet South of the North line of the NE1/4
 of Section 14, to the West line of the NE1/4 of
 Section 14; thence Southerly along said West line to
 a point being the intersection of said West line and
 the South line of the NE1/2 of the NE1/4 of Section
 14; thence Easterly along said South line of the
 NE1/2 of the NE1/4 to the Easterly right-of-way of
 the U.S.B.R. Drain (1-C-1-A-1); thence Southerly and
 Westerly along the Easterly and Southerly right-of-

way line of the U.S.B.R. Drain (1-C-1-A-1) to
 its intersection with the North line of the SW1/4
 of Section 14, said intersection being Easterly
 and 150.00 feet, more or less, from the North-
 west corner of the NE1/4 of the said SW1/4 of
 Section 14; thence Westerly along the North line
 of said SW1/4 to the Northwest corner of said
 NE 1/4 of the SW 1/4; thence Southerly and along the
 West line of the said NE 1/4 of the SW 1/4 to a point, -
 said point being the intersection of the said West
 line and the Easterly prolongation of the
 North line of Lot 1 of Elmwood Park, a recorded
 subdivision within Klamath County; thence Westerly
 along said prolongation of Lot 1 to the NE corner
 of Lot 1; thence continuing Westerly along the
 North line of Lots 1 through 12 to the NW corner
 of Lot 12; thence Southerly along the West line of
 Lot 12 to the NE corner of Lot 14; thence Westerly
 along the North line and its Westerly prolongation
 of Lot 14 to the West right-of-way of Summers
 Lane (60' wide); thence Southerly along the West
 right-of-way of Summers Lane to a point, said
 point being the intersection of the North right-
 of-way of Johns Avenue and the said West right-of-
 way line of Summers Lane; thence West along the
 North right-of-way of Johns Avenue to a point,
 said point being the intersection of the North
 right-of-way line of Johns Avenue and a line parallel
 with and 120 feet Southwesterly, as measures at right
 angles from the centerline of the mainline of
 Burlington Northern Inc. Bieber Line; thence North-
 westerly along said line parallel with the railroad's
 mainline to a point opposite the railway's en-
 gineers station 114+30 as shown on said Map A-346
 on file in the office of the City Engineer, thence
 Northeasterly and at right angles to the railroad
 mainline, a distance of 100.00 feet; thence North-
 westerly along a line 20 feet Southwest of, and as
 measured at right angles from, and parallel with,
 said railroad mainline to the West right-of-way
 line of Altamont Drive; thence South along the West
 right-of-way line of Altamont Drive to the intersec-
 tion of a line parallel with and 95.00 feet
 measured Southwesterly and at right angles from the
 said mainline track; thence Northwesterly along said
 line parallel with and 95.00 feet from the main
 track centerline to a point opposite railway engineers
 station 69+80 as shown on said Map A-346 on file
 in the office of the City Engineer, thence
 Southwesterly 25.00 feet measured at right angles
 with said mainline track; thence Northwesterly along
 a line parallel with and 120 feet as measured at
 right angles from the said railway mainline
 to a point opposite engineers station 55+00;
 thence Southwesterly and at right angles to the said
 railway mainline, 50.00 feet; thence Northwesterly
 parallel with and 170.00 feet as measured at right
 angles from the said railway mainline to a point
 opposite railway engineers station 47+20; thence

Southwesterly and measured at right angles with said railway mainline 50.00 feet; thence Northwesterly to a point, said point being opposite railway engineers station 21+90 and 218.5 feet Southwest of and measured at right angles to the said railway mainline; thence Northerly to a point, said point being opposite railway engineers station 20+10 and 20.00 feet Southwest of as measured at right angles to the said railway mainline; thence Northwesterly and parallel with said mainline to the East right-of-way line of Southern Pacific Transportation Co.; thence South $89^{\circ}17'15''$ West 140 feet to the West right-of-way line of the Southern Pacific Transportation Co., thence continuing North along said last mentioned West right-of-way line to a point, said point being the intersection of the said Southern Pacific Transportation Co. right-of-way line and the 1858 meander line and situated in the NE1/4 NW1/4 of Section 9, Township 39 South, Range 9 East, Willamette Meridian; thence North $63^{\circ}14'10''$ West, to a point on the high water line of the East bank of Lake Ewauna; thence Northwesterly along the high water level of Lake Ewauna to the Southerly boundary of the City of Klamath Falls as heretofore described; thence Westerly thereon to the point of beginning.

Excepting from the above described real property those portions owned by the South Suburban Sanitary District, as of March 31, 1972.

Section 2.

All the heretofore described real property shall be zoned R-7.5, Single Family, Low Density, Residential Zone, as such zone is defined in Ordinance No. 5095 (Zoning Ordinance) of the City of Klamath Falls; except as follows, which property shall be zoned as hereinafter indicated and shall be subject to applicable provisions of said Ordinance No. 5095.

- R-5A High Density Residential Zone
Blocks 1, 2, 3, and 4 of proposed
Tract No. 1035 (Gatewood) as given
preliminary approval by the Klamath
County Planning Commission.
- R-5 Medium Density Residential Zone
Blocks 5, 6, and 7 of proposed
Tract No. 1035 (Gatewood) as given
preliminary approval by the Klamath
County Planning Commission.

Section 3.

The following special conditions shall prevail:

- 1) A ten-year moratorium from the City tax levy.
- 2) City agrees to participate in the development of a sewerline extending from its present terminus within that property owned by the City of Klamath Falls and known as Klamath Falls Municipal Airport-Kingsley Field to a point on Johns Avenue, opposite the extension of Wiard Street.
- 3) Other conditions, stipulations and agreements more particularly specified in documents appended to and a part of the "Consent to Annex" by which this annexation is constituted.

Section 4.

The City Recorder shall submit to the Secretary of the State of Oregon (1) a copy of this ordinance, (2) a copy of the statement of consent of the landowners of the territory annexed, and (3) a copy of Ordinance No. 5854 dispensing with an election in the City on the question of annexation. The City Recorder shall also send a description by metes and bounds, or legal subdivision, of the new boundaries of the city within

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ten (10) days of the effective date of annexation to the
Klamath County Assessor and Klamath County Clerk.

Passed by the Common Council of the City of Klamath
Falls this 19th day of June, 1972.

Presented to the Mayor and by him approved and signed
this 19th day of June, 1972.

[Signature]
Mayor

ATTEST:

[Signature]
Recorder

STATE OF OREGON,
COUNTY OF KLAMATH SS.
CITY OF KLAMATH FALLS.

I, Rosie Keller, Recorder for the City of Klamath Falls,
Oregon, do hereby certify that the above and foregoing is a
true and correct copy of an ordinance duly adopted by the Common
Council of the City of Klamath Falls at a regular meeting
held on the 19th day of June, 1972, and thereafter
approved and signed by the Mayor and attested by the Recorder.

[Signature]
Recorder

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of CITY OF KLAMATH FALLS

this 22nd day of JUNE A. D. 19 72 at 10:24 o'clock A. M., and
duly recorded in Vol. M 72, of DEEDS on Page 6739

FEE \$16.00

Wm. D. MILNE, County Clerk

By [Signature]