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Vol. 74 Page 3188

ORDINANCE NO. 5961

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. 5958 was passed, initiating annexation of said territory, calling a hearing, and directing notice be given thereon; and,

WHEREAS, a hearing was held on February 19, 1974, 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 to be in the best interest of the City and the contiguous territory; and,

WHEREAS, to protect the public health, safety, and general welfare, said property upon annexation should be zoned as hereinafter 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:

MAR 7 11 31 AM 1974

LEGAL DESCRIPTION
FOR
KLAMATH VILLAGE
ANNEXATION

A tract of land located in Sections 5, 7 and 8, Township 39, Range 9 East of the Willamette Meridian more particularly described as follows:

Beginning at the intersection of the North line of the SE 1/4 of the SE 1/4 of said Section 5 and the highwater line of Lake Ewauna; thence West along said North line and the North line of Government Lot 4, of said Section 5, a distance of 770.28 feet more or less, to a point being the Northeast corner of a parcel described in Deed Volume 226 Page 423; thence South a distance of 208.7 feet; thence West, along the South line of the above said parcel, to the intersection of said line and Northwest corner of a parcel of land conveyed to Klamath County described in Deed Volume 310 Page 284; thence South, along the West line of said parcel, a distance of 561.3 feet; thence N 88° 04' 10" W, a distance of 1273 feet, more or less, to the West line of the SW 1/4 of the SE 1/4 of said Section 5; thence South, along said West line, a distance of 500.00 feet, to the Northeast corner of vacated Lot 8, Block 10, Fairfield Addition, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; thence West, along the North line of said Lot 8, 30.00 feet; thence South, a distance of 50.00 feet, to a point on the South line of said Lot 8, said point being West, a distance of 30.00 feet from the Southeast corner of said Lot 8 also being on the North line of said Section 8; thence N 89° 23' 15" W, along the North line of said Section 8, a distance of 403.94 feet, to a point on the North line of Lot 6, Block 2 of Westover Terrace, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; thence S 46° 58' 15" W, a distance of 44.08 feet, to a point on the West line of said Lot 6; thence S 00° 38' E, along the West line of said Lot 6 and the Southerly extension thereof, a distance of 139.58 feet, to a point on the South right-of-way line of Greenbriar Terrace; thence S 89° 22' W, along the South line of Greenbriar Terrace, a distance of 152.97 feet, to a point on the North line of Lot 10, Block 5 of said Westover Terrace; thence S 46° 58' 15" W, a distance of 605.51 feet, to a point on the East line of Lot 19, Block 13 of said Westover Terrace; thence N 00° 38' W, along the East line of said Lot 19, a distance of 7.13 feet, to the Northeast corner of said Lot 19; thence S 89° 22' W, along the North line of said Lot 19, a distance of 100.00 feet, to the Northwest corner thereof also being on the East right-of-way line of Monte Vista Road; thence S 00° 38' E, along said line, a distance of 98.43 feet; thence S 46° 58' 15" W, a distance of 81.25 feet, to a point on the East line of Lot 7, Block 14 of said Westover Terrace; thence N 00° 38' W, along the East line of Lots 7, 6 and 5 of said Block 14, a distance of 103.22 feet, to the Northeast corner of said Lot 5; thence S 89° 22' W, along the North line of said Lot 5, a distance of 100.00 feet, to the Northwest corner of said Lot 5; thence S 00° 38' E, along the West boundary of said Westover Terrace, a distance of 760.00 feet; thence continuing S 00° 38' E, along the West line of the Southeast 1/4 of the Northwest 1/4 of said Section 8, a distance of 670.00 feet; thence West, a distance of 30.00 feet; thence South, parallel to the East line of the SW 1/4 of the NW 1/4 of said Section 8, a distance of 201.60 feet; thence West, parallel to and 280.00 feet from the South line of said SW 1/4 of the NW 1/4, a distance of 985.00 feet; thence South a distance of 30.00 feet; thence West, a distance of 305.3 feet, to a point on the West line of said SW 1/4 of the NW 1/4; thence continuing West, a distance of 280.00 feet, to a point on the Easterly right-of-way line of the Dalles-California State Primary Highway No. 4, said point being Engineers Station 234+42; thence continuing Westerly to a point 30.00 feet distant at right angles to the Easterly right-of-way line of said highway; thence Southwesterly along a line 30.00 feet distant and parallel to said right-of-way line to Engineer Station 245+00; thence Southeasterly to the Easterly right-of-way line of

said highway; thence Southwesterly along said Easterly right-of-way to Engineers Station 181+00; thence Northwesterly along said right-of-way, a distance of 181.00 feet to a point on the Westerly right-of-way line of said highway; thence Northeasterly along the Westerly right-of-way line of said highway to the intersection of said line and the West right-of-way line of County Road No. 30; thence Northerly along said West line to the intersection of said line and the South right-of-way line of Greensprings State Primary Highway No. 21; thence Southwesterly along the Southerly right-of-way line of said Greensprings State Primary Highway No. 21 to its intersection with the West line of the W 1/2 of the SE 1/4 of said Section 7; thence Southerly along said West line, to a point 810.00 feet more or less from the South line of said Section 7; thence Easterly, to a point on the Westerly right-of-way line of the Dalles-California State Primary Highway No. 4; thence Northeasterly, along said Westerly right-of-way line to Engineers Station 255+00; thence Southeasterly, at right angles to said right-of-way 295.00 feet, to a point 30.00 feet distant and at right angles to the Easterly right-of-way line of said Dalles-California State Primary Highway No. 4; thence Northeasterly, 30.00 feet distant to and parallel to the Easterly right-of-way line of said highway, to Engineers Station 245+00; thence continuing Northeasterly to the intersection of said line and said Easterly right-of-way line; thence Northeasterly along said right-of-way line, to Engineers Station 234+57 more or less to a point being 220.00 feet North of the South line of the SE 1/4 of the NE 1/4 of said Section 7; thence East, along a line 220.00 feet North of said SE 1/4 of the NE 1/4, to a point on the East line of said Section 7; thence continuing East, along a line 220.00 feet North of the South line of the SW 1/4 of the NW 1/4 of said Section 8, a distance of 335.3 feet; thence North a distance of 30.00 feet; thence East, along a line 250.00 feet North of and parallel to the South line of said SW 1/4 of the NW 1/4, a distance of 985.00 feet to a point on the West line of the SE 1/4 of the NW 1/4 of said Section 8; thence North, along said West line, a distance of 201.60 feet; thence N 89° 22' E, a distance of 1320.00 feet, to a point on the East right-of-way line of Cumberland Road, also known as Memorial Drive; thence Northwesterly, along said East line, a distance of 215.00 feet more or less; thence leaving said right-of-way and running N 44° 05' E, a distance of 298.74 feet; thence S 89° 22' E, a distance of 498.62 feet to a point on the Northwesterly right-of-way line of the Great Northern Railroad; thence N 20° 37' E, along said right-of-way line, a distance of 19.22 feet; thence N 14° 44' 20"W, a distance of 1151.3 feet; thence N 89° 38' W, a distance of 368.5 feet, to a point on the North South centerline of said Section 8; thence N 00° 38' W along said centerline a distance of 610.0 feet to the 1/4 corner common to said Sections 5 and 8; thence East, along the South line of said Section 5, a distance of 30.00 feet; thence North, 30.00 feet distant and parallel to the West line of the SW 1/4 of the SE 1/4 of said Section 5, a distance of 520 feet; thence S 88° 04' 10" E, a distance of 1273 feet, more or less, to the East line of a 30 foot strip of land conveyed to Klamath County by instrument recorded in Deed Volume 310 Page 284; thence North along said East line, a distance of 561.3 feet to a point which is South 238.71 feet from the North line of the SW 1/4 of the SE 1/4 of said Section 5; thence East, along a line 238.71 feet South and parallel to the North line of said S.W. 1/4 of the SE 1/4, to a point being South 238.71 feet and East 507.42 feet from the Northwest corner of said SE 1/4 of the SE 1/4 of Section 5; thence North, 208.71 feet to a point 30.00 feet South of the North line of said SE 1/4 of the SE 1/4; thence East, along a line 30.00 feet South of the North line of said SE 1/4 of the SE 1/4, a distance of 740 feet more or less to the high water line of Lake Ewauna; thence Northwesterly along said high water line 30.00 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion set forth in that certain instrument, recorded January 15, 1961, in Deed Volume M68, Page 334, records of Klamath County, Oregon, also excepting therefrom a tract of land described as follows:

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Beginning at a point on the Southwesterly right-of-way line of Summerland Road, also known as "Amelia Drive," said point being 1 1/2' 13" E. a distance of 334.51 feet; thence S 45° 11' 15"E a distance of 31.91 feet and S 11° 17' 11"E a distance of 142.30 feet from the Northwest corner of the NE 1/4 of the NW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian; thence S 24° 45'E, along said right-of-way line a distance of 270 feet; thence leaving said right-of-way and running S 65° 15'W a distance of 115.00 feet; thence N 24° 45'W a distance of 120.00 feet; thence N 65° 15'E a distance of 15.00 feet; thence N 24° 45'W a distance of 150.00 feet; thence N 65° 15'E a distance of 100.00 feet to the Point of Beginning.

Section 2.

All the heretofore described real property shall be zoned R-1.3. (Single-Family, Low Density, Residential) Zone, as such zone is defined in Ordinance No. 5095 (Zoning Ordinance) of the City of Klamath Falls except that portion lying West of the Dalles-California State Primary Highway No. 4 and South of the Greensprings State Primary Highway No. 21 which shall be zoned as a planned unit development as defined by Ordinance No. 5954 which amended Ordinance No. 5095 (Zoning Ordinance).

Section 3.

The following special conditions shall prevail:

1. A ten-year moratorium from the City tax levy for all property within the annexed area except that portion lying West of the Dalles-California State Primary Highway No. 4 and South of the Greensprings State Primary Highway No. 21.

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. 5958 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 ten (10) days of the effective date of annexation to the Klamath County Assessor and the Klamath County Clerk.

Passed by the Common Council of the City of Klamath Falls this 25th day of February, 1974.

Presented to the Mayor and by him approved and signed this 25th day of February, 1974.

Robert E. Heath
Mayor

ATTEST:

John O. Halvorsen
Recorder

STATE OF OREGON,)
COUNTY OF KLAMATH,) ss.
CITY OF KLAMATH FALLS,)
John O. Halvorsen

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 25th day of February, 1974, and thereafter approved and signed by the Mayor and attested by the Recorder

John O. Halvorsen
Recorder

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of CITY OF KLAMATH FALLS
this 7th day of MARCH A. D. 19 74 at 11:34 o'clock A. M. and,
duly recorded in Vol. M 74 of DEEDS on Page 3188
FEE \$ 10.00
By *Wm D. Milne* County Clerk

*Copy of R. Decker
City Hall
11.3.*