

ORDINANCE NO. 8085AN ORDINANCE VACATING A PORTION OF TERRACE AVENUE AND TWO
ADJACENT ALLEYS, ALL IN THE CITY OF KLAMATH FALLS, OREGON.

WHEREAS, on September 7, 1976, pursuant to Resolution No. 2441, the Common Council of the City of Klamath Falls, Oregon, held a public hearing on a proposal to vacate a portion of Terrace Avenue and two adjacent alleys, all in the City of Klamath Falls, Oregon; and

WHEREAS, the Common Council of the City of Klamath Falls has determined that it is to the best interest of the City that said street and alleys be vacated; therefore,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1.

That portion of dedicated Terrace Avenue lying between Blocks 2 and 15 of Mt. View Addition be vacated, reserving, however, to the City of Klamath Falls a 16 foot wide easement centered in the existing right-of-way for public utility purposes.

Section 2.

That dedicated alley lying between Block 2 of Mt. View Addition and Block 18 of Irvington Heights be vacated, reserving, however, to the City of Klamath Falls a 16 foot wide easement centered in the existing right-of-way for public utility purposes.

Section 3.

That dedicated alley lying within Block 15 of Mt. View Addition be vacated, reserving, however, to the City of Klamath Falls a 16 foot wide easement centered in the existing right-of-way for public utility purposes.

Section 4.

A sum of \$1600. shall be paid to the City, by the property owner adjacent to the vacated rights-of-way, in satisfaction of Section 42 of the City Charter.

Passed by the Common Council of the City of Klamath Falls, Oregon, this 20th day of September, 1976.

Presented to the Mayor and by him approved and signed this 21st day of September, 1976.

George C. Eltwell
Mayor

ATTEST:

Harold Derrah
Recorder

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

I, Harold Derrah, 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, Oregon, at the regular meeting held on the 20th day of September, 1976, and thereafter approved and signed by the Mayor and attested by the City Recorder.

Harold Derrah

76 SEP 28 PM 2 15

PUBLIC UTILITY EASEMENT

The City of Klamath Falls, Oregon, hereby reserves unto itself, its successors and assigns, a permanent, non-exclusive, public utility easement for the purpose of constructing, inspecting, repairing, maintaining, replacing or removing all or any part of said public utilities or equipment used therewith; over, across and through the following described portion of Lot 4, "Lakeshore Gardens" subdivision, and Lot 1, Block 11, Tract 1091, "Lynnewood" subdivision, according to the official plats thereof on file in the records of Klamath County, Oregon:

A 10 foot wide strip of land, lying southwesterly of and parallel and contiguous with the lot line common to Lots 3 and 4, of said Lakeshore Gardens subdivision, and the southeasterly extension of said lot line across Lot 1, Block 11 of said Lynnewood subdivision to the northwesterly right-of-way of Vista Way.

The City also reserves unto itself the right of ingress and egress over the above described parcels for the purposes of this easement.

Subsequent owners of the above described lots and blocks shall not erect any structures, nor plant any trees or shrubs, within the easement areas which would inhibit access to said public utilities or cause damage to them.

The City, its successors or assigns, shall not be liable to the subsequent owners of the above described lots and blocks for damage to the above described premises occurring incidental to the proper use of this easement. Provided, however, in the event of damage to premises outside of and adjacent to the above described parcels caused by the City, its successors and assigns, the party causing such damage shall repair same and place said premises in as good condition as they were immediately prior to such damage.

This document shall be binding upon all subsequent purchasers of the above described parcels, the City, and the heirs, successors and assigns, of both.

Dated this 27th day of September, 1976.

CITY OF KLAMATH FALLS, OREGON

George C. Flitcraft
Mayor

ATTEST:

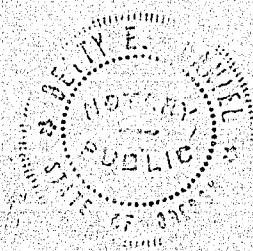
Harold J. Derrah
Recorder

STATE OF OREGON,)
COUNTY OF KLAMATH,) ss.
CITY OF KLAMATH FALLS.)

Personally appeared before me the undersigned, a Notary Public for said State, the within named George C. Flitcraft, Mayor, and Harold J. Derrah, Recorder, both officers of the City of Klamath Falls, Oregon, a municipal corporation, who severally acknowledged that as such Mayor and Recorder and for and on behalf of the City of Klamath Falls, Oregon, they each signed and delivered the foregoing Public Utility Easement on the day and year therein written pursuant to the authority of a resolution duly adopted by the Common Council of the City of Klamath Falls, Oregon.

Before me on the 27th day of September, 1976.

Betty E. Daniel
Notary Public for Oregon
My Commission Expires: 3/7/76



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of City of Klamath Falls

this 28 day of Sept A. D. 1976 at 2:15 o'clock p M., and

July recorded in Vol. M 76, of DEED on Page 15222

9.00

Wm D. MILNE, County Clerk

Betty E. Daniel

Rel
City of K Falls
City Hall
City