

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS, OREGON, IN ACCORDANCE WITH OREGON REVISED STATUTES 222.850 TO 222.915; DUE TO CONDITIONS CAUSING A DANGER TO PUBLIC HEALTH AND DECLARING A TAX DIFFERENTIAL UNDER ORS 222.111 (2).

WHEREAS, by Order of the Administrator of the State Health Division dated October 10, 1978, the City of Klamath Falls was directed to proceed as outlined in ORS 222.897, and

WHEREAS, subsequent to this an appeal was filed suspending under ORS 222.900(2) the City's obligation to proceed, and

WHEREAS, by letter dated July 21, 1981 from the Administrator of the State Health Division the City was again ordered to proceed, and

WHEREAS, pursuant to ORS 222.897 the City of Klamath Falls filed with the Environmental Quality Commission, Department of Human Resources, a preliminary plan, specifications, cost estimates and schedule of work necessary to remove the danger to public health which exists in the Stewart-Lennox area, and

WHEREAS, the Environmental Quality Commission has determined that annexation to the City of Klamath Falls and the proposed work is adequate to remove or alleviate the conditions causing a danger to public health, and

WHEREAS, the City Council has determined that a 5 year tax differential coupled with the graduated provision of City services is in the best interests of the City and the area to be annexed; 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 according to ORS 222.850 to 222.915, due to conditions causing a danger to public health, to-wit: inadequate installations for the disposal and treatment of sewage.

A piece of land situated in Section 7, T. 39 S., R. 9 E., W.M. and having the following boundaries:

Beginning at the southeast corner of the NE1/4 of the SW1/4 of Section 7, T. 39 S., R. 9 E., W.M.; thence northerly along the east line of the NE1/4 of the SE1/4 of the NW1/4 of said Section 7 to its intersection with the westerly right of way line of State Highway No. 140 as the same is presently located and constructed; thence northwesterly along said westerly right of way line to its intersection with the north line of the S1/2 of the NW1/4 of Section 7; thence westerly along said north line of the S1/2 of the NW1/4 of Section 7 to its intersection with the centerline of Emerald Street as the same is presently located and constructed; thence southerly along said centerline to its intersection with the north line of the N1/2 of the SW1/4 of Section 7; thence westerly along said north line of the N1/2 of the SW1/4 of Section 7 to its intersection with the west line of the W1/2 of the SW1/4 of Section 7;

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thence southerly along said west line of the W1/2 of the SW1/4 of Section 7 to its intersection with the south line of the N1/2 of the SW1/4 of Section 7; thence easterly along said south line of the N1/2 of the SW1/4 of Section 7 to the point of beginning.

#### Section 2.

The Certificate of the State of Oregon Environmental Quality Commission dated January 26, 1979 which is attached hereto and marked Exhibit A, and the plans and specifications referenced therein are hereby adopted.

#### Section 3.

Pursuant to the authority conferred under ORS 222.111 (2), upon annexation to the City of Klamath Falls of the above described territory, the same shall be taxed for City purposes as follows:

First Year: For the first fiscal year following annexation (commencing July 1, 1982), the annexed territory shall pay 15% of the rate of taxation for City purposes and the City shall furnish and be obligated to give full and complete sewer, planning, building, and general administrative services in accordance with appropriate City ordinances (it is to be understood that provision of sewer services is contingent upon orderly and timely completion of sewer lines through the area);

Second Year: For the second fiscal year following annexation, the rate shall be an additional 35% and the City shall be obligated to furnish, in addition to their services furnished in the previous year, police protection and Municipal Court services in accordance with appropriate City ordinances;

Third Year: For the third fiscal year following annexation, the rate shall be an additional 10% and the City shall be obligated to furnish, in addition to other services furnished in previous years, dog control, street facilities and nuisance abatement services in accordance with appropriate City ordinances;

Fourth Year: For the fourth fiscal year following annexation, the rate shall be an additional 10% and the City shall be obligated to furnish, in addition to other services furnished in previous years, parks and recreation, airport, cemetery and community lounge services in accordance with appropriate City ordinances;

Fifth Year: For the fifth fiscal year following annexation, the annexed area shall be obligated to pay the same taxes and at the same ratio as all properties within the City of Klamath Falls and the annexed area shall be entitled to all City services furnished to properties within the City of Klamath Falls in accordance with appropriate City ordinances.

#### Section 4.

The City Recorder shall submit, within the proper time frames, all necessary copies of this Ordinance and any supporting documents required by various State statutes to the appropriate State and County officials or departments.

18163

Passed by the Common Council of the City of Klamath Falls,  
Oregon, this 21st day of September, 1981.

Presented to the Mayor and by him approved and signed this  
21st day of September, 1981.

George E. Fitzrell  
Mayor

ATTEST:

Harold Derrah  
City 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 a  
regular meeting held on the 21st day of September,  
1981, and thereafter approved and signed by the Mayor and  
attested by the City Recorder.

Harold Derrah  
City Recorder

STATE OF OREGON  
ENVIRONMENTAL QUALITY COMMISSION

In the Matter of An Annexation )  
of Certain Territory to the )  
City of Klamath Falls, Oregon, )  
Pursuant to the Provisions of )  
ORS 222.850 to 222.915 Due to )  
Conditions Causing a Danger to )  
Public Health )

## CERTIFICATE

The Environmental Quality Commission of the State of Oregon on December 8, 1978 received preliminary plans and specifications together with a time schedule for the implementation of a plan to install sanitary sewers in certain territory commonly known and referred to as the Stewart Lenox Area adjacent to the corporate limits of the City of Klamath Falls, Oregon.

Pursuant to the Provisions of ORS 222.898, the Environmental Quality Commission reviewed and hereby approves said plans and specifications and the time schedule, copies of which are contained in Exhibit "A" attached hereto and made a part hereof and does hereby certify its approval to the City of Klamath Falls that it considers the sanitary sewers adequate to remove or alleviate the conditions causing a danger to public health existing within the area adjacent to the City of Klamath Falls as aforesaid; to-wit: inadequate installations for the disposal and treatment of sewage.

Dated this 26th Day of January, 1979, to be effective  
Feb. 17, 1979 unless modified by the Commission for  
prior to that date.

*[Signature]*  
Chairman  
Environmental Quality Commission

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of City of Klamath Falls,  
this 16th day of October A.D. 19 81 at 9:25 o'clock A.M., and  
duly recorded in Vol. M81, of Deeds on Page 18161

By *[Signature]* EVELYN BIEHN, County Clerk

Fee \$16.00

*ret:  
City of K. Falls,*