

78956

ORDINANCE NO. 94-8

A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY ("KNOWN AS THE MEMORIAL DRIVE PROPERTY");
AMENDING THE COMPREHENSIVE PLAN TO DESIGNATE A LAND
USE CATEGORY AND GRANTING A ZONE CHANGE FROM
LOW DENSITY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL

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

WHEREAS, a hearing was held on February 14, 1994, pursuant to applicable laws, at which time all objections or remonstrances with reference to said proposed annexation were considered by the Planning Commission;

WHEREAS, The City Council hearing notice having been duly given, did hold a public hearing on March 21, 1994, on the record of the Planning Commission on the annexation request;

WHEREAS, the Council has adopted the findings of the Planning Commission, attached hereto as Exhibit "A", determining the annexation to be in compliance with the Comprehensive Plan and Community Development Ordinance;

WHEREAS, the Council did determine annexation of said properties to be in the best interest of the City and the continuous territory;

WHEREAS, the City of Klamath Falls adopted a Comprehensive Plan for the City on April 20, 1982, by virtue of passage of Ordinance No. 6336;

WHEREAS, the Planning Commission and pursuant thereto, the City Council did conduct public hearings in accordance with applicable laws to consider a request for a Comprehensive Plan Amendment of approximately 0.67 acres from Urban Residential (County designation) to Low Density Residential (City designation), as petitioned under Sections 12.670 to 12.710 of the Community Development Ordinance;

WHEREAS, pursuant to such record and hearing, the City Council has determined the plan change to be in compliance with the Community Development Ordinance and the Comprehensive Plan;

WHEREAS, the owner of the real property hereinafter described, desires to have a zone change for said property;

WHEREAS, after notice having been duly given, the City Planning Commission held a public hearing on February 14, 1994, on requests;

WHEREAS, the City Council hearing notice haven been duly given, did hold a hearing on March 21, 1994 on the record of the Planning Commission on the request of the City Council; and

WHEREAS, pursuant to such record and hearing, the City Council has determined the zone change to be in compliance with the Community Development Ordinance and the Comprehensive Plan; NOW
THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1

There is hereby annexed into the City of Klamath Falls, tracts of land situated in the NE~~1~~NW~~1~~, Section 8, T.39S., R.09E., W.M., being further described in Exhibit "B", all within Klamath County,

AFTER RECORDING RETURN TO:

City Recorder

P. O. Box 237

Klamath Falls, OR 97601

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Oregon, as shown on Exhibit "C" (both exhibits are attached hereto and incorporated herein by this reference).

Section 2

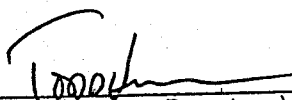
The Land Use Designation for the above described property is hereby changed from Urban Residential (County designation) to Low Density Residential (City designation), as defined by the Comprehensive Plan and Community Development Ordinance of the City of Klamath Falls.

Section 3

The zoning designation for the above described property is hereby changed from Low Density Residential (Klamath County designation) to Single Family Residential (City designation) as set forth in the City's Community Development Ordinance (CDO) No. 6337, the CDO being amended accordingly.


Passed by the Council of the City of Klamath Falls, Oregon, the 4th day of April, 1994.

Presented to the Mayor (~~Mayor Pro tem~~), approved and signed this 5th day of April, 1994.



Mayor (~~Mayor Pro tem~~)

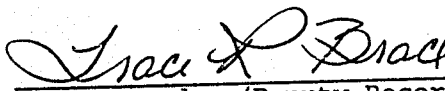
ATTEST:



City Recorder (~~Deputy Recorder~~)

STATE OF OREGON }
COUNTY OF KLAMATH } ss
CITY OF KLAMATH FALLS }

I, Traci R. Brace, Recorder (~~Deputy Recorder~~) for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon, at the meeting held on the the 4th day of April, 1994 and thereafter approved and signed by the Mayor (~~Mayor Pro tem~~) and attested by the City Recorder (~~Deputy Recorder~~).



City Recorder (~~Deputy Recorder~~)

This Ordinance shall become effective thirty (30) days after being approved and signed by the Mayor.



City Recorder

FINDINGS

1. The subject parcel is surrounded by the city limits and is within the Urban Growth Boundary.
2. The proposed annexation is in conformance with the City's Comprehensive Plan, specifically the Urbanization Element.
3. The subject property contains three single family homes and is planned and zoned for low density residential use. The use will not change with the proposed annexation or plan and zone change. No adverse affects on surrounding properties is expected as a result of the proposed annexation.
4. Annexation of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area and will conform with the City's Comprehensive Plan and applicable regulations within the Community Development Ordinance. At the time of annexation, the City will provide and maintain its full range of urban services to the property, subject to city policies and standards.
5. The subject property is not located in a floodplain and does not encroach upon agricultural or forest lands.
6. The annexation will not adversely affect the quality of the community's air, water and land resources.
7. The proposed annexation of the site is consistent with City Council goals to annex county islands.
8. The proposed annexation is in conformance with ORS 222.750 which allows city's to annex county islands within their boundaries without consent of the owner. Consent of the owner has not been received, nor has it been sought.

PARCEL 1:

Beginning at a point on the Southwesterly right of way line of Memorial Drive, a county road in Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, which point of beginning is South 0 degrees 38' East a distance of 585.7 feet and North 89 degrees, 22' East a distance of 545.45 feet from the Northwest corner of Westover Terraces, a platted subdivision in Klamath County, Oregon; thence South 24 degrees 45' East along the Southwest right of way line of the Memorial Drive a distance of 75 feet; thence South 65 degrees 15' West a distance of 100 feet; thence North 24 degrees 45' West a distance of 75 feet; thence North 65 degrees 15' East a distance of 100 feet to the point of beginning.

PARCEL 2A:

Beginning at a point on the Southwesterly right of way line of Memorial Drive, formerly Cumberland Road, a county road in Section 8, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, which point of beginning is South 0 degrees 38' East 585.07 feet North 89 degrees 22' East 545.45 feet and South 24 degrees 45' East 75 feet from the Northwest corner of WESTOVER TERRACES, a platted subdivision in Klamath County, Oregon; thence South 24 degrees 45' East along the Southwesterly right of way line of said Memorial Drive, formerly Cumberland Road, a distance of 25 feet; thence South 65 degrees 15' West 100 feet; thence North 24 degrees 45' West 25 feet; thence North 65 degrees 15' East 100 feet to the point of beginning; being a parcel of land in the vacated portion of said WESTOVER TERRACES, and lying in the NE 1/4 of the NW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian and which would have formerly been described as the Southeasterly one-half of Lot 10, Block 12, WESTOVER TERRACES.

PARCEL 2B:

Beginning at a point on the Southwesterly right of way line of Memorial Drive, formerly Cumberland Road, a county road in Section 8, Township 39 South, Range 9 East of the Willamette Meridian, which point of beginning is South 0 degrees 38' East 585.07 feet, North 89 degrees 22' East 545.45 feet, and South 24 degrees 45' East 100 feet from the Northwest corner of WESTOVER TERRACES, a platted subdivision in Klamath County, Oregon; thence South 24 degrees 45' East along the Southwesterly right of way of said Memorial Drive, formerly Cumberland Road, a distance of 120 feet; thence South 65 degrees 15' West, 115 feet; thence North 24 degrees 45' West 120 feet; thence North 65 degrees 15' East 115 feet to the point of beginning, being a parcel of land in the vacated portion of WESTOVER TERRACES, and lying in the NE 1/4 NW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, and which contains all of Lot 9 and portions of Lots 7, 8, 15, and 16 of Block 12, of the vacated portion of WESTOVER TERRACES, in the County of Klamath, State of Oregon.

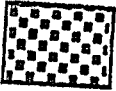
PARCEL 3:

Beginning at a point on the Southwesterly right of way line of Cumberland Road, a County Road in Section 8, Township 39 South, Range 9 East of the Willamette Meridian, which point of beginning is S. 0°38' E., 585.07 feet, and N. 89°22' E., 545.45 feet from the Northwest corner of Westover Terraces, a platted subdivision in Klamath County, Oregon; thence N. 24°45' W., along the southwesterly right of way of said Cumberland Road, a distance of 50 feet; thence S. 65°15' W., 100 feet; thence S. 24°45' E., 50 feet; thence N. 65°15' E., 100 feet to the point of beginning; being a parcel of land in the vacated portion of said Westover Terraces and lying in the NE 1/4 NW 1/4 of Section 8, Twp. 39S., R.9 East of the Willamette Meridian, and which was formerly described as Lot 12, Block 12 of said Westover Terraces.

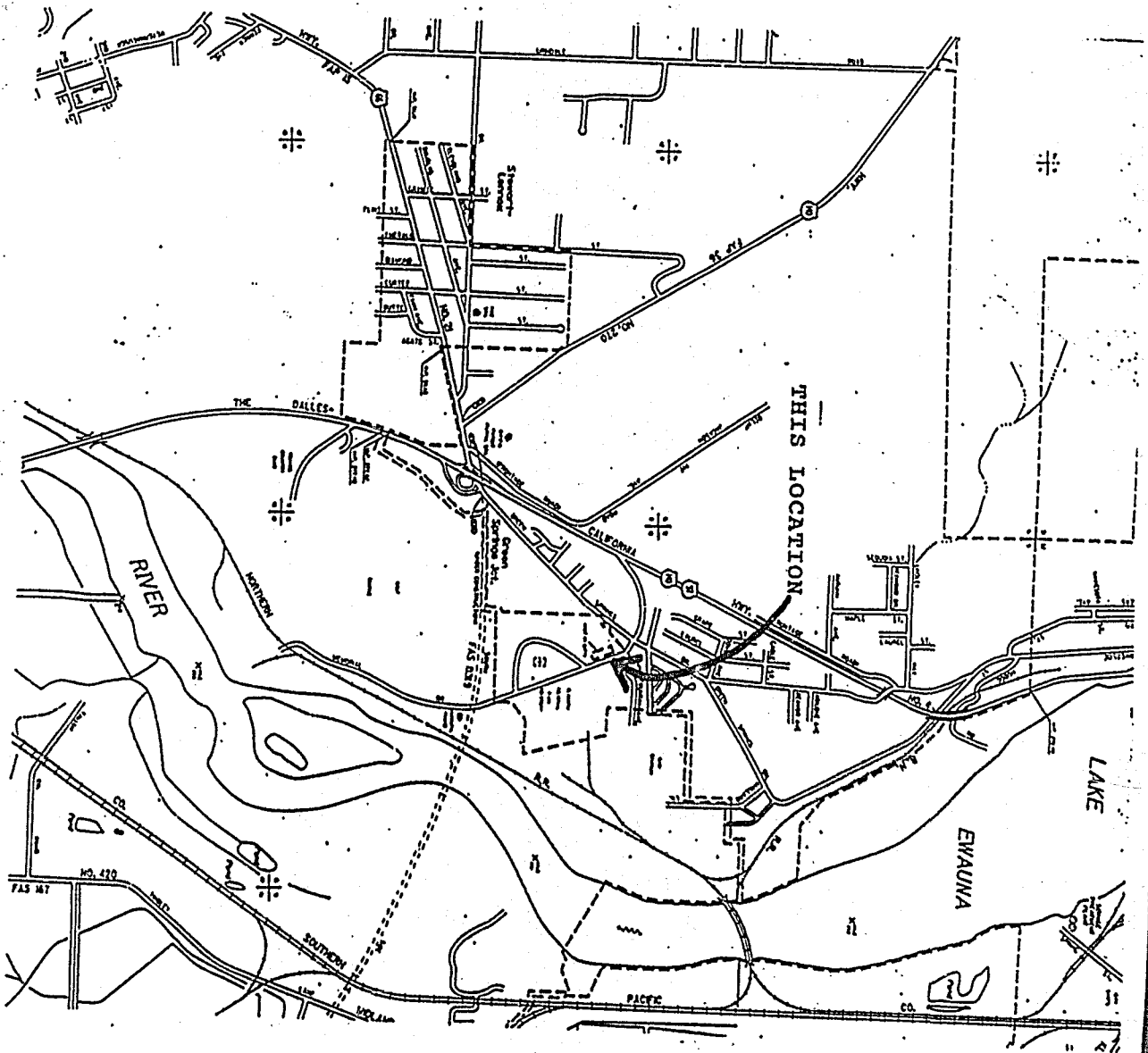
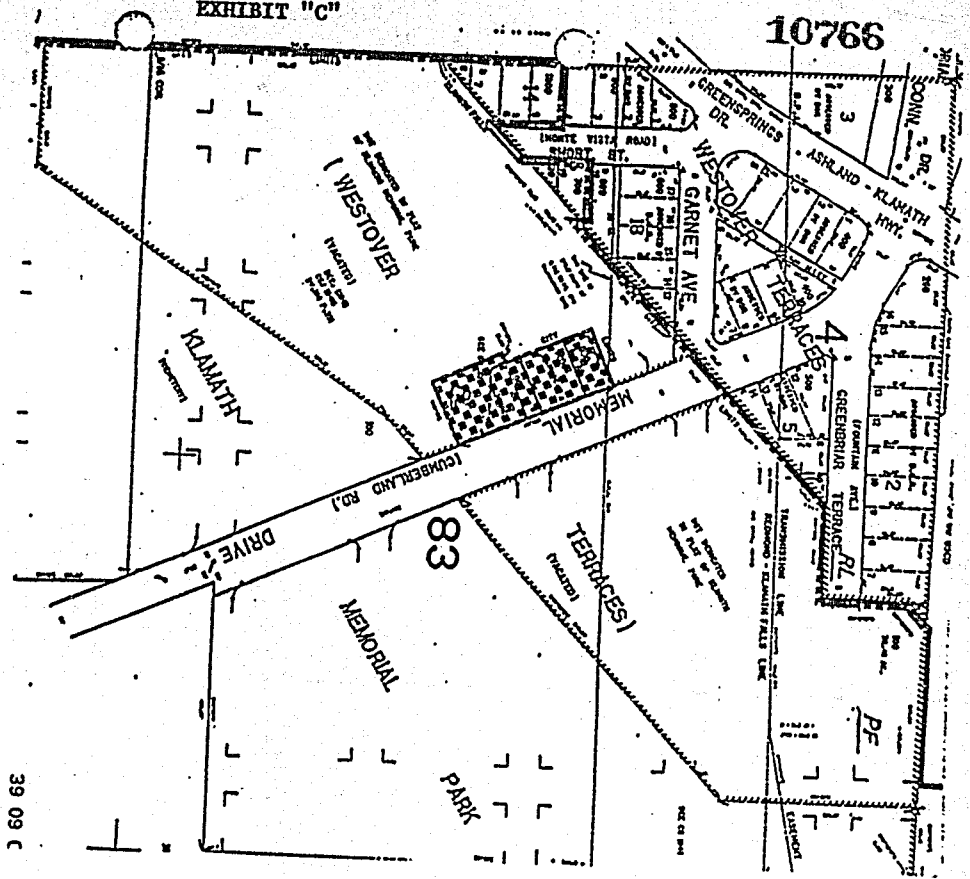
EXHIBIT "C"

10766

58701



AREA TO BE ANNEXED



00701

OF TITHE

10767

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 11th day
of April A.D., 19 94 at 3:56 o'clock P M., and duly recorded in Vol. M94
of Deeds on Page 10762.

FEE \$35.00

Evelyn Biehn County Clerk
By Pauline M. Henderson

