

A SPECIAL ORDINANCE
VACATING A PORTION OF CALIFORNIA
AVENUE BETWEEN HIGHWAY 97 AND THE LINK RIVER
AND RESERVING AN EASEMENT FOR UTILITY PURPOSES

WHEREAS, the owners of the real property hereinafter described, desire to vacate a portion of California Avenue between Highway 97 and the Link River, and

WHEREAS, after notice having been duly given, the City Planning Commission held a public hearing on May 9, 1994 on said request; and

WHEREAS, the City Council hearing notice having been duly given, did hold a public hearing on June 20, 1994, on the record of the Planning Commission on the request of the property owner; and

WHEREAS, pursuant to such record and hearing, the City Council has adopted the findings of the Planning Commission, attached hereto as Exhibit "A", determining the street vacation to be in compliance with the Comprehensive Plan and Community Development Ordinance; NOW THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

All of the real property located in the limits of the City of Klamath Falls, Klamath County, Oregon, as all being shown on the Supplementary Plat of Buena Vista Addition to the City, being more particularly described as follows:

Beginning at the southeast corner of Lot 7, Block 80 as shown on said supplementary plat, said corner being on the north right of way line of California Avenue; thence westerly and northerly, along said right of way line, to the northwest corner of the most westerly lot (no lot number) of Block 79 of said plat; thence to a point that is at right angles to and 15 feet southwesterly of the northeast right of way line of California Avenue at said northwest corner; thence southeasterly, along a line that is parallel with and 10 feet southwesterly of the northeast right of way line of California Avenue, to its intersection with a 10 foot offset line that is southerly of and parallel with said north right of way line; thence easterly, along said 10 foot offset line that is parallel and concentric with said north right of way line, to its intersection with the southwesterly prolongation of the east line of Lot 7, Block 80 of said plat; thence northeasterly, along said southwesterly prolongation, to the point of beginning, as shown in Exhibit "B", attached hereto and incorporated herein by this reference, is hereby vacated; provided however, a 10 foot easement for utility purposes is hereby reserved, said easement being more particularly described as follows:

Beginning at the southeast corner of Lot 7, Block 80 as shown on the Supplementary Plat of Buena Vista Addition to the City of Klamath Falls, Oregon, said corner being on the north right of way line of California Avenue; thence westerly, along said north right of way line, to the southwest corner of Lot 1, Block 79 of said plat; thence to a point that is at right angles to and 10 feet southerly of the north right of way line of California Avenue at said southwest corner; thence easterly, along a line that is parallel and concentric with and 10 feet southerly of said north right of way line, to its intersection with the southwesterly prolongation of the

AFTER RECORDING RETURN TO:

City Recorder

P. O. Box 227

Klamath Falls, OR 97601

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east line of said Lot 7; thence northeasterly, along said southwesterly prolongation, to the point of beginning.

Passed by the Council of the City of Klamath Falls, Oregon, the 15th day of August, 1994.

Presented to the Mayor (~~Mayor Pro-tem~~), approved and signed this 16th day of August, 1994.

[Signature]
Mayor (~~Mayor Pro-tem~~)

ATTEST:

Traci R. Brace
~~City Recorder~~ (Deputy Recorder)

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

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 15th day of August, 1994 and thereafter approved and signed by the Mayor (~~Mayor Pro-tem~~) and attested by the ~~City Recorder~~ (Deputy Recorder).

Traci R. Brace
~~City Recorder~~ (Deputy Recorder)

BEFORE THE KLAMATH FALLS CITY COUNCIL

EXHIBIT "A"

BEFORE THE KLAMATH FALLS CITY COUNCIL

In the Matter of a
Street Vacation

1-V-94

Portion of California Avenue
between Highway 97 and Link
River

DECISION, CONDITIONS AND
FINDINGS

THIS MATTER came on for hearing before the Klamath Falls City Council on June 20, 1994. This street vacation was initiated by the City Council on February 7, 1994, at the request of Klamath First Federal Savings and Loan. Following the required public notice, the City Planning Commission had conducted a public hearing on this matter at its May 9, 1994 meeting. The Planning Commission recommended approval with conditions and findings. The record before Planning Commission had been provided to Council in advance of its June 20, 1994, hearing, and required public notice of the Council hearing has been given.

DECISION

BASED UPON THE CONDITIONS AND FINDINGS SET FORTH BELOW, the vacation of a portion of California Avenue as described herein, is hereby approved.

CONDITIONS

1. The northern (10) feet of California Avenue, as described herein, shall be retained as a utilities easement.

2. An easement for the existing sanitary sewer line shall be granted to the City between the manhole on lot 5, block 80, west through the unplatted lot in block 79 (Tax Lot 600), inclusive of the vacated street right-of-way.

3. A temporary, graveled turnaround shall be provided at the end of the street at the intersection of California Avenue and Contra Loma Street.

FINDINGS

The following address the criteria specified in Section 13.035 of the City's Community Development Ordinance. In applying the facts to the criteria, specific cross references may have been made; however, the facts separately set forth are generally applicable to more than one criteria and, therefore, should be treated as cumulative and supplementary.

1) Criteria. Whether the consent of the owners of the requisite area has been obtained. [CDO Section 13.035(1)]

Facts. At Klamath First Federal Savings and Loan's request, the City Council initiated the vacation under Section 13.015 at its February 7, 1994 meeting.

Finding. Consent of surrounding property owners was not required since the Council initiated the vacation on its own motion.

2) Criteria. Whether notice has been duly given. [CDO Section 13.035(2)]

Facts. Notice of the Planning Commission hearing was published in the Herald and News newspaper on February 22, 1994. Mailed notice was sent to 33 surrounding property owners. Notice of the City Council hearing was published in the Herald and News newspaper and notice was sent to surrounding property owners, as required by law.

Finding. Required notice was provided.

3) Criteria. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. [CDO Section 13.035(3)]

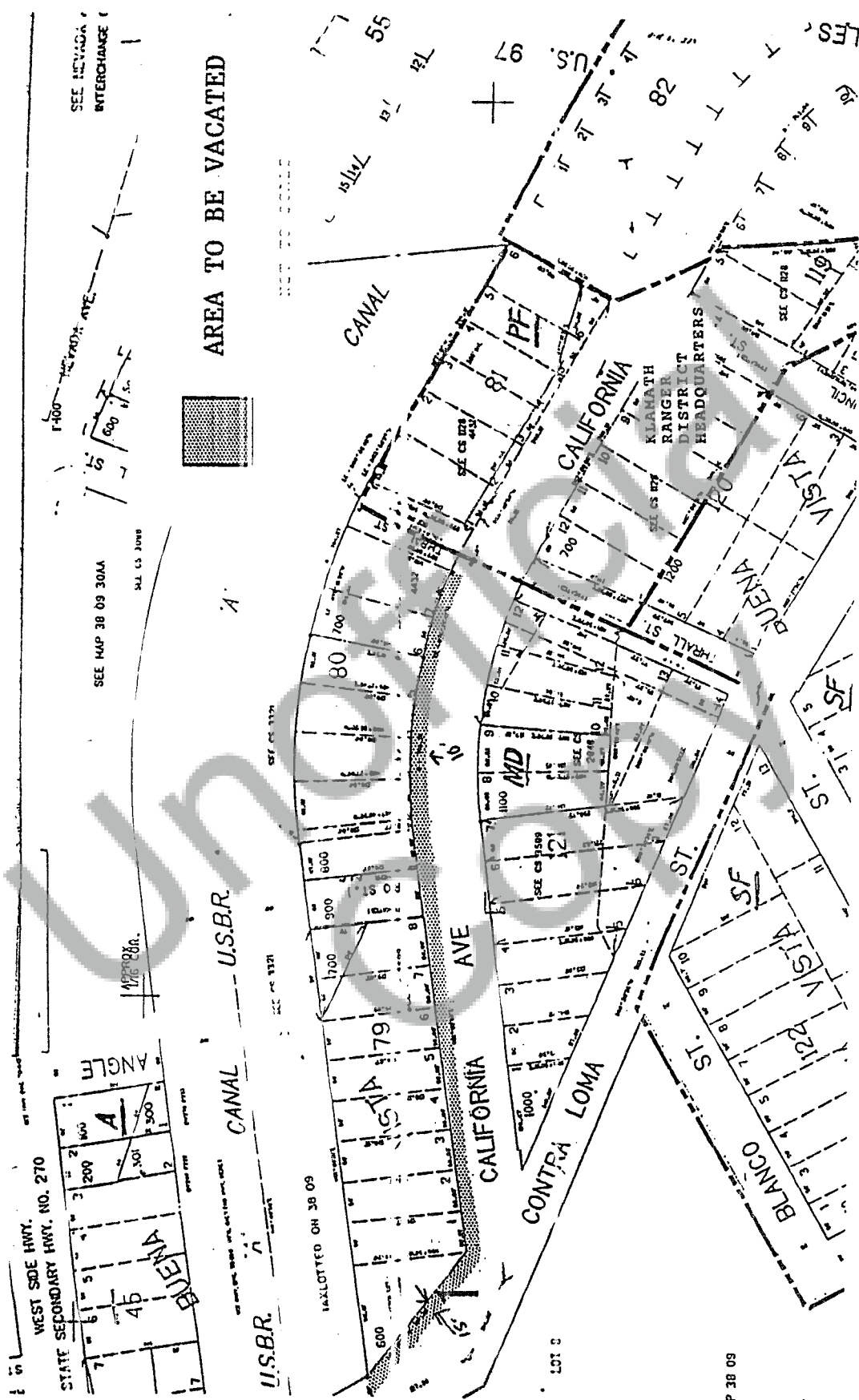
Facts. The portion of California Avenue to be vacated, which has underground utilities, will be retained as a public utilities easement for an existing water line and any other utilities that may be located therein. The street vacation in no way affects the improvements in the California Avenue right-of-way. The only effect of this vacation will be to allow homes to be constructed ten feet closer to the front property line. Since some homes have already been constructed, this will provide for somewhat of a staggering effect in the front yard setback. This staggering effect is not uncommon for a residential area such as this.

Finding. No evidence has been submitted that finds that the public interest would be prejudiced by the street vacation.

4) Criteria. Whether the proposed vacation is in conformance with the Comprehensive Plan, all applicable provisions of Chapters 10 to 14, and any applicable street plans. [CDO Section 13.035(4)]

Facts. There are no plans to widen California Avenue. The street was improved without a sidewalk or cul-de-sac. A temporary turnaround will be constructed until Contra Loma Street is improved. The Planning Commission determined that because this street is a dead end, with access only to a freeway frontage road, a sidewalk is not needed within this subdivision. The CDO requires a 60 foot wide right-of-way for residential streets. California currently has an 80 foot right-of-way.

Finding. This criteria is satisfied.



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 26th day
of Aug A D. 19 94 at 1:35 o'clock P.M. and duly recorded in Vol. M94
of Deeds on Page 26775

FEE \$30.00

Evelyn Biehn - County Clerk
By Quelene Millendore

Unofficial Copy

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