

96 APR 10 P2:46

ORDINANCE NO. 96-11

A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY
LOCATED ON BOTH SIDES OF WASHBURN WAY, SOUTH OF
SOUTH SIXTH STREET AND NORTH OF LAVERNE AVENUE.

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

WHEREAS, a hearing was held on January 22 and February 12, 1996, 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 4, 1996; on the record of the Planning Commission on the annexation requests;

WHEREAS, the Council has adopted the findings of the Planning Commission, attached hereto and incorporated by this reference as Exhibit "C", 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, 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,

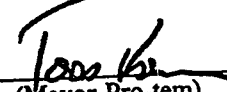
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1


There is hereby annexed to the City of Klamath Falls, tracts of land situated along Washburn Way, within Sections 3BC, CB, CC; Section 4AD, DA, DD; Section 9AA and AD; Section 10 BB and CB, Township 39 South, Range 9 East, WM. being further described in exhibits A and B.

Passed by the Council of the City of Klamath Falls, Oregon, the 29th day of March, 1996.

Presented to the Mayor (~~Mayor Pro-tem~~), approved and signed this 29th day of March, 1996.


Mayor (Mayor Pro-tem)

ATTEST:


City Recorder (Deputy Recorder)

AFTER RECORDING RETURN TO:
City Recorder
P. O. Box 237
Klamath Falls, OR 97601

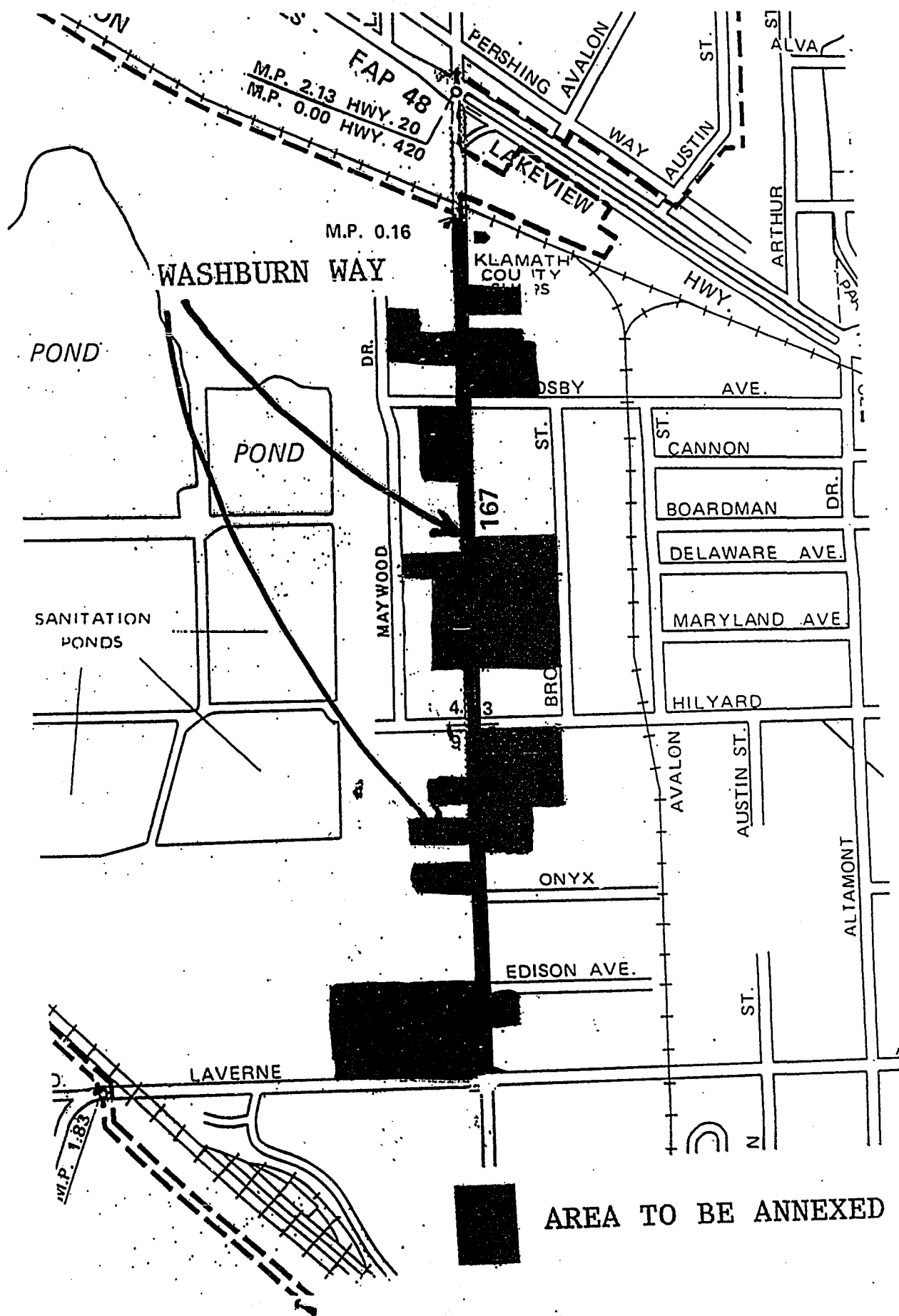
Ordinance No. 96-11, Page 1

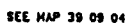
STATE OF OREGON
COUNTY OF KLAMATH
CITY OF KLAMATH FALLS } ss

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 29th day of March, 1996 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~~)

EXHIBIT "A"

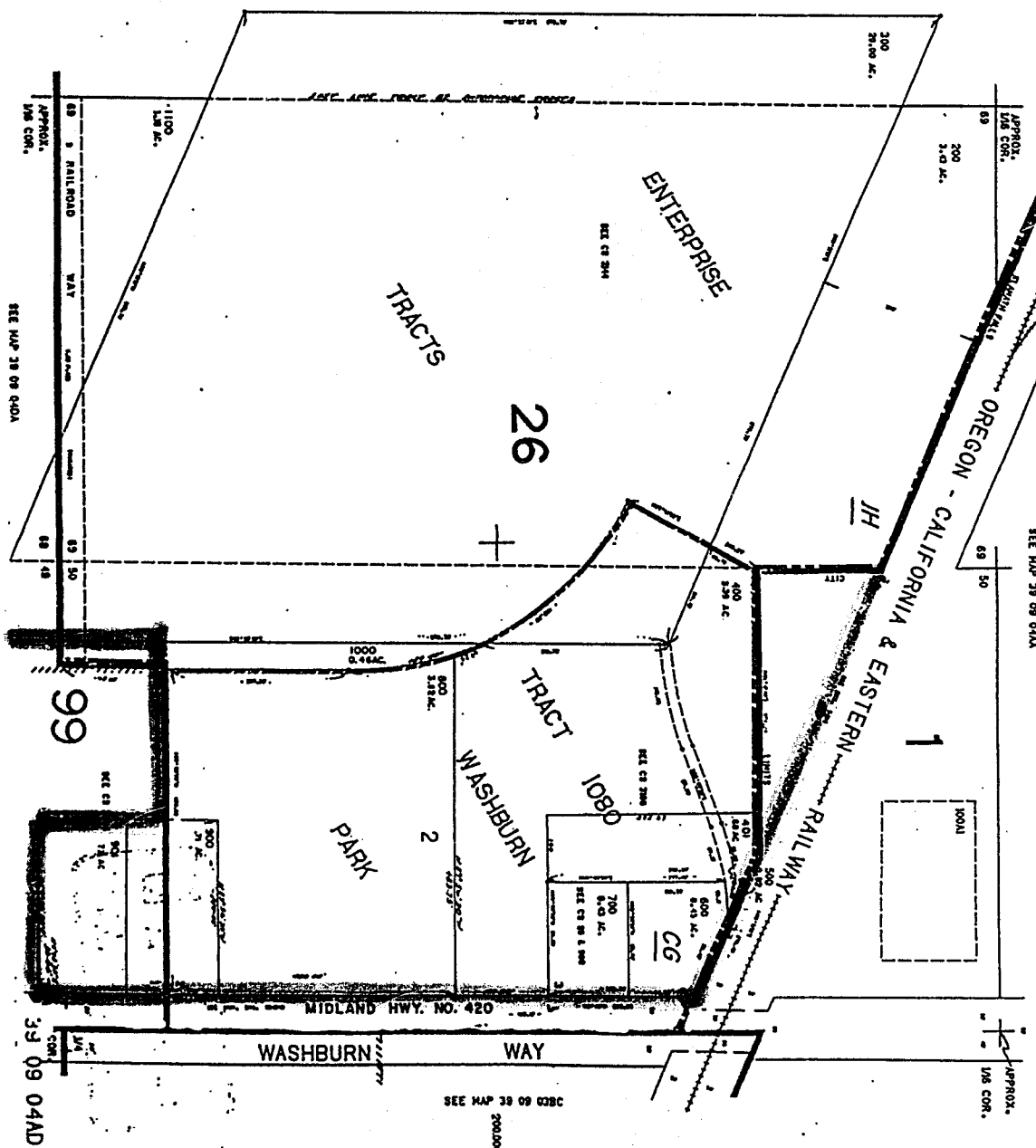




THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SEI/4 NEI/4 04 T.39S. R.09E. W.M.
KLAMATH COUNTY
T.400

39 09 4D
KLAMATH FALLS
①

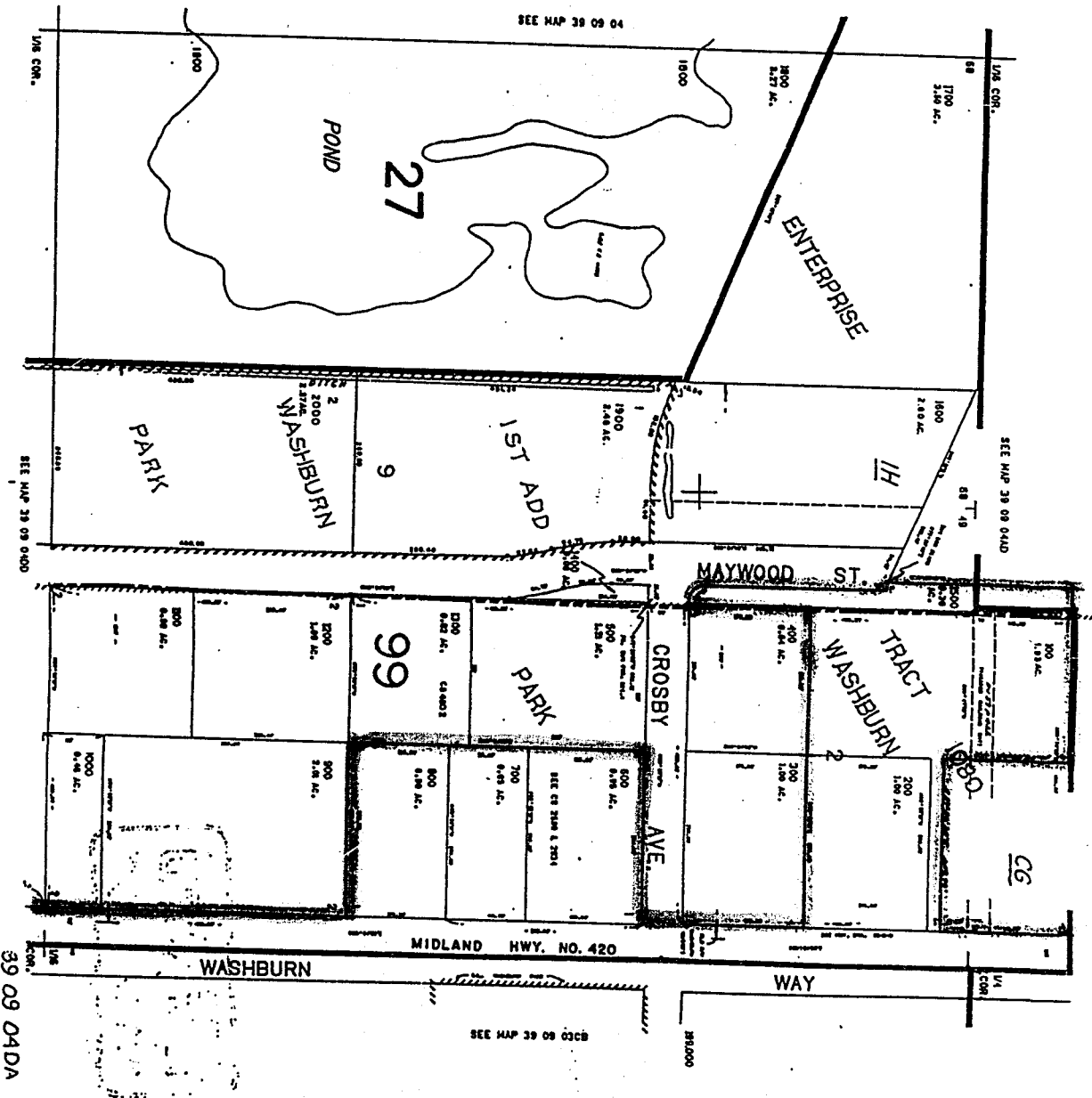
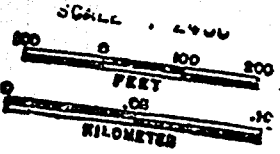


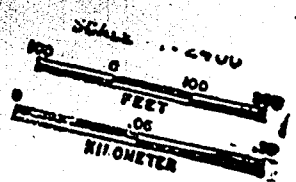
THIS MAP WAS PREPARED FOR
INTERESTED PARTIES ONLY.

NE 1/4 SE 1/4 S. 1, T. 4 N, R. 39 E, W.M.
KL. ATH COUNTY

39 09 07A

(2)



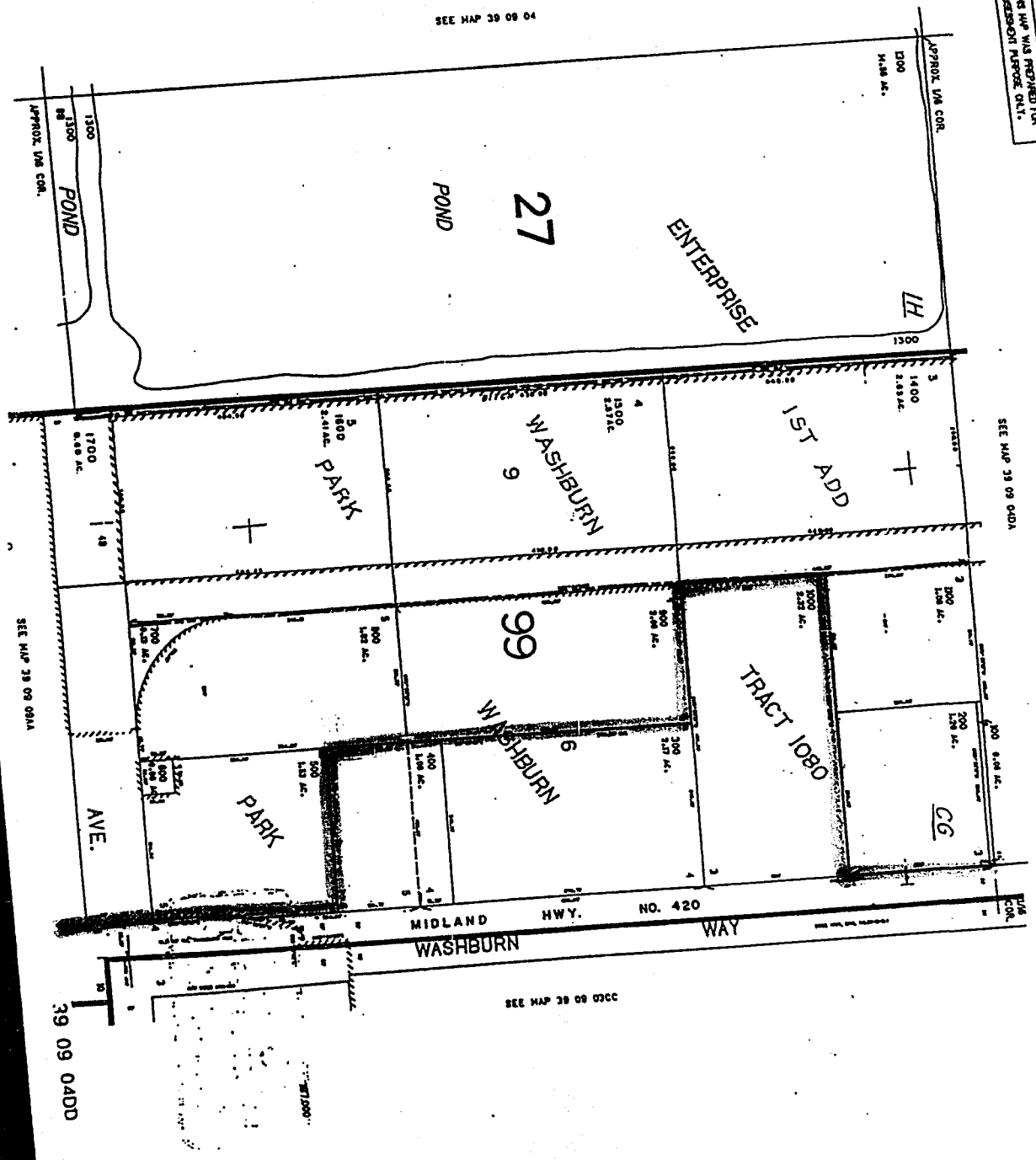


THIS MAP WAS PREPARED FOR
RECORDATION PURPOSES ONLY.

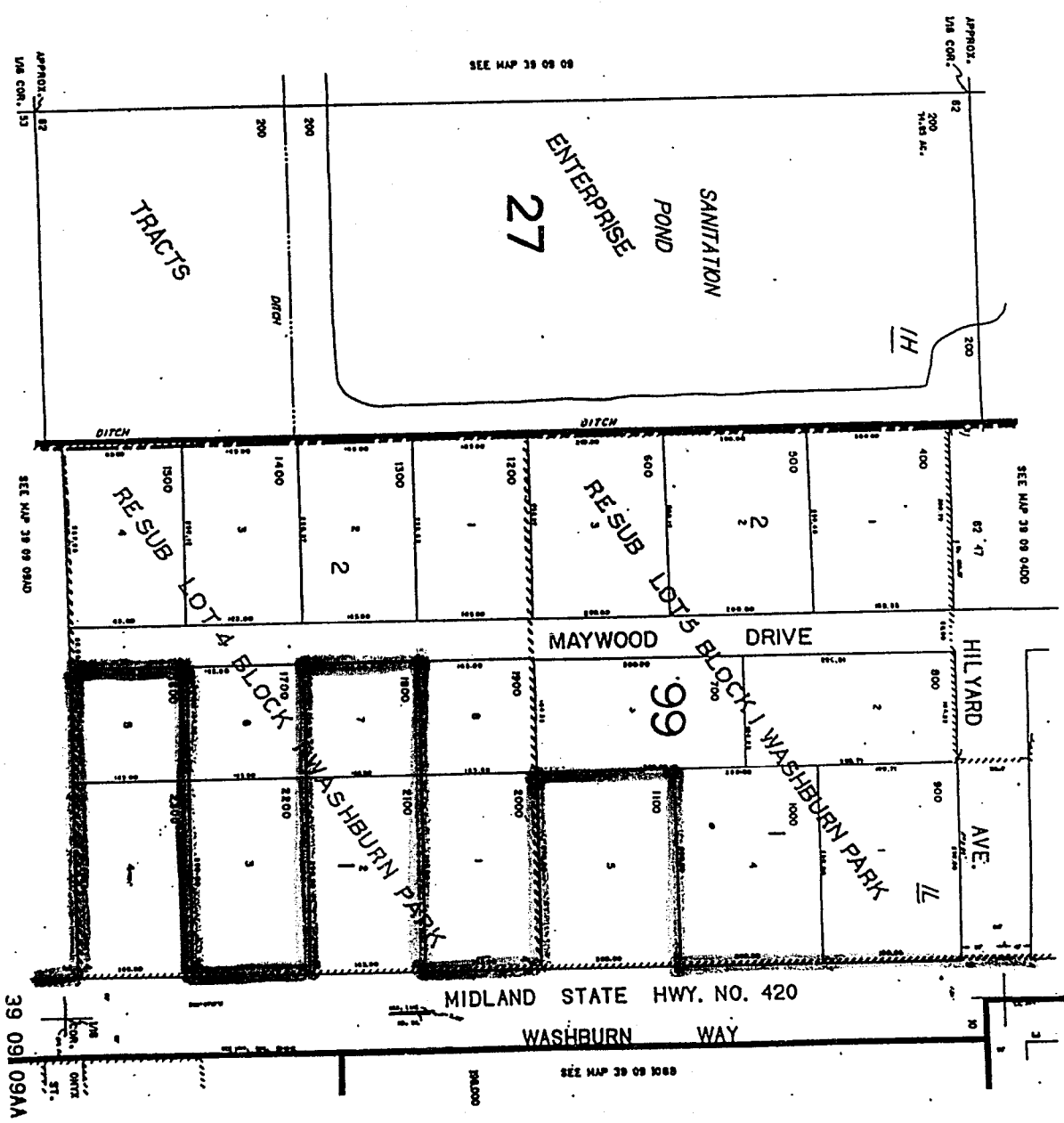
SEMI-OFFICIAL MAP OF
KATH COUNTY
1908

39 05 1400

(3)

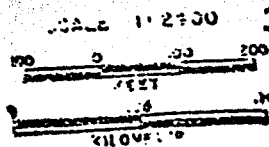


KLAI -H COUNTY



④

10050



THIS MAP WAS PREPARED FOR
ASSOCIATION PLAT, ONLY.

SE 1/4 NE 1/4 SEC 19 T.39S. R.09E. W.M.
KLAMATH COUNTY
T-100

39 09 09

5

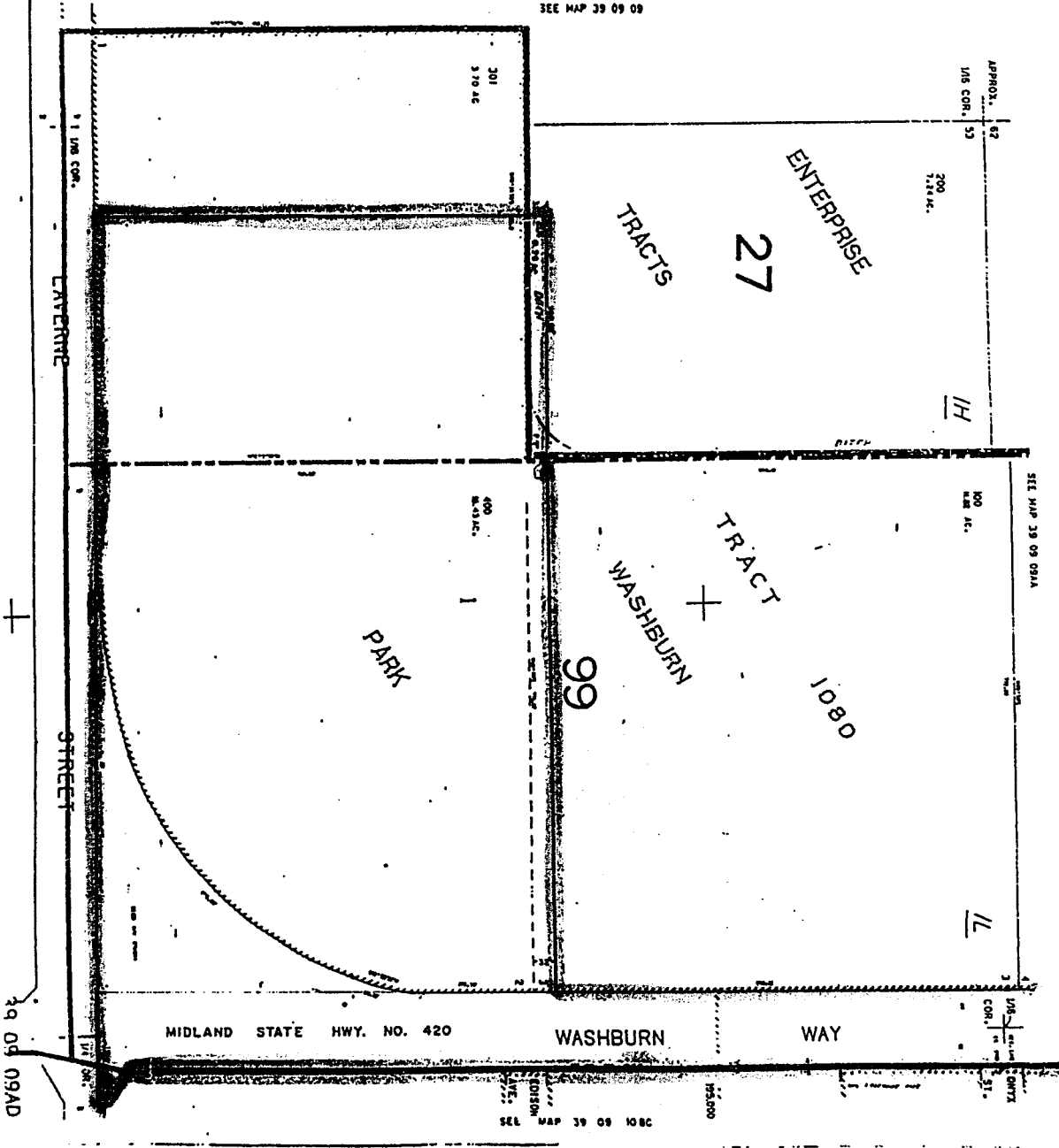
SEE MAP 39 09 09

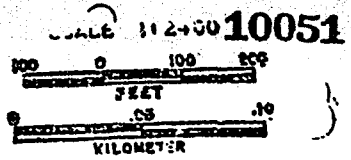
SEE MAP 39 09 09A

SEE MAP 39 09 10B

RECEIVED
AUG 24 1991
CLERK OF DISTRICT COURT
CLERK OF DISTRICT COURT

1958.000





SEE MAP 39 09 0940

ST. NO. 420

(MIDLAND HWY.)

WASHBURN WAY

THIS MAP WAS PREPARED FOR
ASSISTANT ATTORNEY GENERAL

SW 1/4 NW 1/4 S 10 T. 39S. R. 09E. W.M.
KL 1TH COUNTY

SEE MAP 39 09 1005

ONLY

AVE.

EDISON

AVE.

TRACT 41

1080

PARK

WASHBURN

8

BURLINGTON NORTHERN AVALON

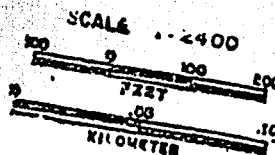
ST.

RAILROAD

SEE MAP 39 09 1000

39 09 1000

6



SEE MAP 39 09 09AA

THIS MAP WAS PREPARED FOR
ASSIGNMENT PURPOSE ONLY.

KLAMATH COUNTY

1-400'

SEE MAP 39 09 03C

BROADMORE ST.

HILYARD (EVAUNA WAY) AVENUE

SEE MAP 39 09 03C

RR SPUR
WALTON ST.

(7)

MIDLAND HWY.

MIDLAND ST. HWY. 420

WASHBURN WAY

BROADMORE ST.

(AVALON ST.)

BURLINGTON NORTHERN R.R.

SEE MAP 39 09 10BA

41

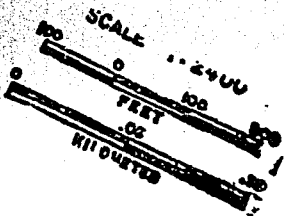
FREMONT PARK TRACTS

ONYX

AVE.

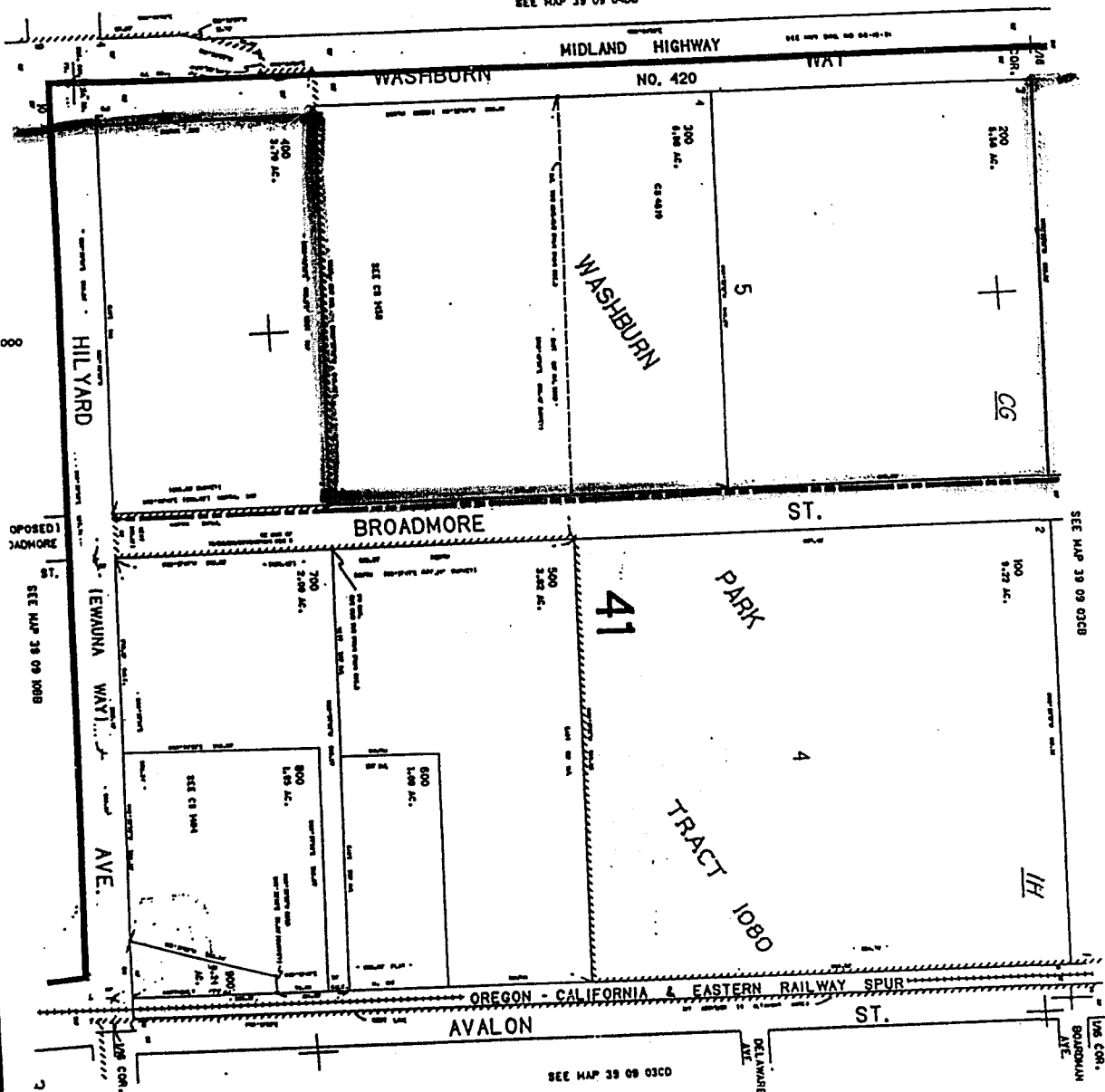
SEE MAP 39 09 10BC

39 09 10BB



SEE MAP 39 09 0400

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

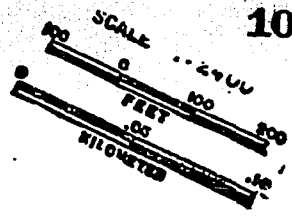


KL. 4TH COUNTY
T-1007

SEE MAP 39 09 0308

8

39 09 03 00



SEE MAP 39 09 040A

MIDLAND

HWY.

NO. 420

WASHBURN

WAY

ASSESSMENT PARCELS ONLY

42
CG

KL ATH COUNTY
1-100'

SEE MAP 39 09 03BC

ST.

BROADMORE

41

TRACT 1080

AVE.

PARK

TRACTS

OREGON - CALIFORNIA

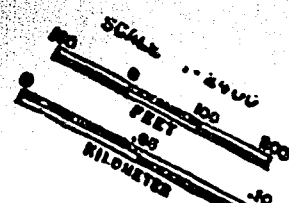
EASTERN RAILWAY SPUR

AVALON

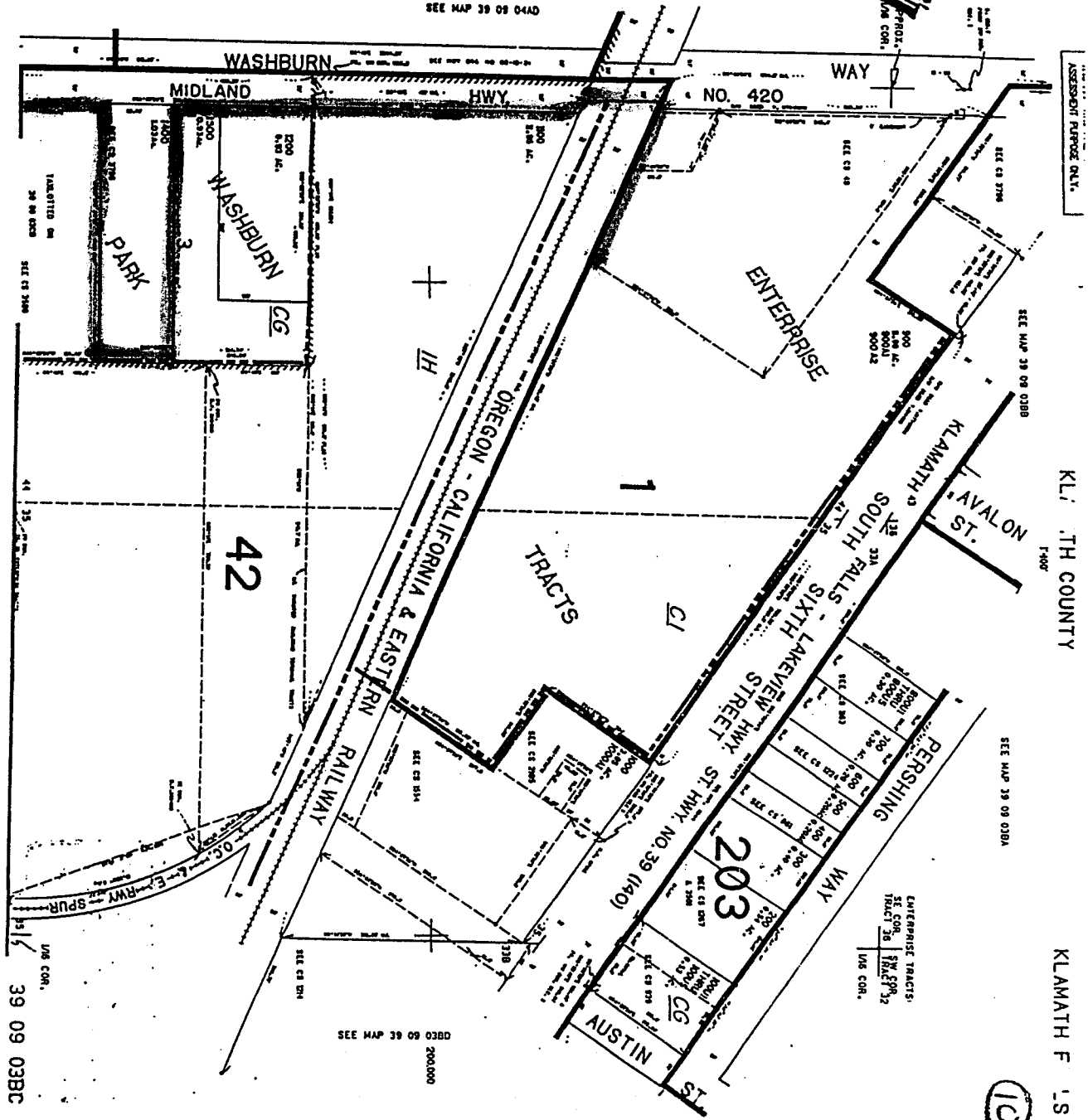
ST.

SEE MAP 39 09 03CA

9



SEE MAP 39 09 0440



ASSESSMENT MAP OF K.L.

KLAMATH COUNTY

KLAMATH FLS

10

EXHIBIT "B"

WASHBURN WAY ANNEXATION
AND ADJACENT MISCELLANEOUS PROPERTIES

Beginning at the intersection of the Section line common to Sections 3 and 4, Township 39 South, Range 9 East, W.M. and the southeasterly prolongation of the south right-of-way line of the former Oregon, California and Eastern Railroad; thence northwesterly, along said southeasterly prolongation, to the west right-of-way line of Washburn Way (Midland State Highway No. 420); thence southerly, along said west right-of-way line to a point on said west right-of-way line, which bears N. 00° 04' 50" E., 20.44 feet from the northeast corner of Parcel 3 as shown on Land Partition 68-92 recorded in the Klamath County Clerks office; thence N. 89° 56' 30" W., 249.99 feet; thence N. 00° 03' 30" E., 180.00 feet; thence N. 89° 56' 30" W., to the west line of Parcel 1 of said Land Partition; thence S. 00° 06' 43" E., along said west line, to the north termination line of Maywood Street; thence N. 89° 53' 17" E., 10.00 feet to the east right-of-way line of Maywood Street; thence S. 00° 06' 43" E., along said east right-of-way line, 255.37 feet to the beginning of a curve concave to the northeast; thence southeasterly, on the arc of said curve 42.54 feet having a radius of 27.14 feet (central angle of said curve = 89° 48' 30") to the north right-of-way line of Crosby Avenue; thence N. 00° 04' 50" E., 175.00 feet to the south line of Parcel 3 of said Land Partition; thence S. 89° 55' 10" E., along said south line, 460.00 feet to the west right-of-way line of Washburn Way (Midland State Highway No. 420); thence southerly, along said west right-of-way line to its intersection with the southeasterly prolongation of the south right-of-way line of Crosby Street; thence westerly, along said south right-of-way line, 250 feet to the northwest corner of property described in Volume M83 Page 57 of the Klamath County Deed Records; thence southerly, along a line that is parallel with the west right-of-way line of Washburn Way, to the southwest corner of property described in Volume M89 Pages 3900 and 3901 of the Klamath County Deed Records; thence easterly, along the south line of property described in said deed volume and pages, to the west right-of-way line of Washburn Way (Midland State Highway No. 420); thence southerly, along said west right-of-way line, to the northeast corner of property described in Volume M91 Pages 27313 through 27315 of the Klamath County Deed Records; thence westerly, along the north line of property described in said deed volume and pages to the northwest corner of said property; thence southerly, along the west line of said property, to the southwest corner of said property; thence easterly, along the south line of said property, to the northwest corner of property described in Volume M84 Pages 9351 through 9353 of the Klamath County Deed Records; thence southerly, along the west line of property described in said deed volume and pages and its southerly prolongation, to the southwest corner of property described in Volume M88 Pages 13491 and 13492 of the Klamath County Deed Records; thence easterly, along the south line of property described in said deed volume and pages, to the west right-of-way line of Washburn Way (Midland State Highway No. 420); thence southerly, along said west right-of-way line, to the northeast corner of Lot 5, Block 1 as shown on Tract 1239, Resubdivision of Lot 5, Block 1 of Tract 1080, Washburn Park recorded in the Klamath County Clerks office; thence westerly, along the north line of Lot 5, Block 1 of said Tract 1239, to the northwest corner of said Lot 5; thence southerly, along the west line of said Lot 5, to the southwest corner of said Lot 5; thence easterly, along the south line of said Lot 5, to the west right-of-way line of Washburn Way

(Midland State Highway No. 420); thence southerly, along said west right-of-way line, to the northeast corner of Lot 2, Block 1 of Tract 1249, Resubdivision of Lot 4, Block 1, Tract 1080, Washburn Park recorded in the Klamath County Clerks office; thence westerly, along the north line of Lot 2, Block 1 of said Tract 1249 and its westerly prolongation, to the northwest corner of Lot 7, Block 1 of said Tract 1249; thence southerly, along the west line of said Lot 7, to the southwest corner of said Lot 7; thence easterly, along the south line of said Lot 7 and said Lot 2, to the west right-of-way line of Washburn Way (Midland State Highway No. 420); thence southerly, along said west right-of-way line, to the northeast corner of Lot 4, Block 1 as shown on said Tract 1249; thence westerly, along the north line of said Lot 4 and its westerly prolongation, to the northwest corner of Lot 5, Block 1 of said Tract 1249; thence southerly, along the west line of said Lot 5, to the southwest corner of said Lot 5; thence easterly, along the south line of said Lot 5 and said Lot 4, to the west right-of-way line of Washburn Way (Midland State Highway No. 420); thence southerly, along said west right-of-way line, to the northeast corner of Parcel 1 as shown on Major Land Partition 23-91 recorded in the Klamath County Clerks office; thence westerly, along the north line of said Parcel 1, to the northwest corner of said Parcel 1; thence southerly, along the west line of said Parcel 1, to the north right-of-way line of Laverne Avenue; thence easterly, along said north right-of-way line and its easterly prolongation, to its intersection with the southerly prolongation of the west right-of-way line of Washburn Way (Midland State Highway No. 420); thence easterly, to the most southwesterly corner of property, as shown on record of survey 4259 on file in the Klamath County Surveyor's office; thence northwesterly, along the southwest property line of said record of survey, 50 feet to the east right-of-way line of Washburn Way (Midland State Highway No. 420); thence northerly, along said east right-of-way line, to the south line of property, as shown on record of survey 1832 on file in the Klamath County Surveyor's office; thence easterly, along said south line, to the southwest corner of Lot 1, Block 8 as shown on Tract 1080, Washburn Park recorded in the Klamath County Clerk's office; thence northerly, along the west line of said Lot 1, to the south right-of-way line of Edison Avenue; thence westerly, along said south right-of-way line, to the east right-of-way line of Washburn Way (Midland State Highway No. 420); thence northerly, along said east right-of-way line, to the south line of property described in Volume M87 Pages 00147 through 00149 of the Klamath County Deed Records; thence easterly, along said south line, 266.69 feet; thence N. 00° 07' 15" W., 350.00 feet to the southwest corner of property described in Volume 85 Pages 16340 through 16342 of the Klamath County Deed Records; thence S. 89° 33' 43" E., along the south line of property described in said deed volume and pages and its easterly prolongation, to the west right-of-way line of Broadmore Street at its southerly termination; thence northerly, along said west right-of-way line, to the south right-of-way line of Hilyard Avenue; thence westerly, along said south right-of-way line, to the east right-of-way line of Washburn Way (Midland State Highway No. 420); thence northerly, along said east right-of-way line, to the south line of Lot 4, Block 5 as shown on Tract 1080, Washburn Park recorded in the Klamath County Clerk's office; thence easterly, along said south line, to the west right-of-way line of Broadmore Street; thence northerly, along said west right-of-way line, to the north line of Lot 3, Block 5 as shown on Tract 1080, Washburn Park recorded in the Klamath County Clerk's office; thence westerly, along said north line, to the east right-of-way line of Washburn Way (Midland State Highway No. 420); thence northerly, along said east right-of-way line, to the westerly prolongation of the north right-of-way line of Crosby Avenue; thence easterly, along said westerly prolongation and said north right-of-way line, 451.76 feet; thence N. 00° 04' 50" E., 253.26 feet; thence N. 89° 56' 30" W., 51.67 feet; thence N. 00° 03' 30" E., 100.00 feet; thence N. 89° 56' 30" W., to the east right-of-way line of Washburn

Way (Midland State Highway No. 420); thence northerly, along said east right-of-way line, to the south line of property described in Volume M92 Page 10194 of the Klamath County Deed Records; thence S. 89° 56' 30" E., along said south line, 400.00 feet to the east line of said described property; thence N. 00° 03' 30" E., along said east line, 112.50 feet to the north line of said described property; thence N. 89° 56' 30" W., along said north line, 400.00 feet to the east right-of-way line of Washburn Way (Midland State Highway No. 420); thence northerly, along said east right-of-way line, to the south right-of-way line of the former Oregon, California and Eastern Railroad; thence northwesterly along said south right-of-way line to the east right-of-way line of Washburn Way (Midland State Highway No. 420); thence northerly along said east right-of-way line to the north right-of-way line of the former Oregon, California and Eastern Railroad; thence northwesterly, along the northwesterly prolongation of said north right-of-way line, to the section line common to Sections 3 and 4, Township 39 South, Range 9 East, W.M.; thence southerly, along said section line, to the southeasterly prolongation of the south right-of-way line of the former Oregon, California and Eastern Railroad and point of beginning.

EXHIBIT "C"

FINDINGS

1. The subject property is planned and zoned for commercial use. It is in the center of the Urban Growth Boundary. The use will not change with the proposed annexation or plan and zone change. The property to be annexed is improved and urbanized. Future development on one vacant lot will conform with the City's Comprehensive Plan and applicable regulations within the Community Development Ordinance. No adverse affects on surrounding properties is expected as a result of the proposed annexation.
2. The subject property is not located in a floodplain or other natural hazard or resource area.
3. The proposed annexation of the site is consistent with City policy which requires the annexation, by consent, of nonresidential properties to the City if provided with water service and is responsive to the request for annexation by the majority of the property owners.
4. Fire and road access are currently available to the subject property. No impact on these services is expected with the annexation of the subject property to the City of Klamath Falls. Police protection will be available following annexation. It will be provided through the patrol route currently servicing the Gatewood area. Water service is available with extensions per City standards.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City Of Klamath Falls the 10th day
 of April A.D., 19 96 at 2:46 o'clock AM., and duly recorded in Vol. M96,
 of Deeds on Page 10043.

FEE \$90.00

By Bernetha G. Letsch, County Clerk
[Signature]