

Ordinance No. 97-24

**A SPECIAL ORDINANCE VACATING A PORTION OF  
THE ALLEY BEHIND 2045 AUBURN STREET**

WHEREAS, the owner of property adjacent to said public alley, due to a historic encroachment of the primary dwelling, desires to vacate 6 ½ feet of the alley behind the property located at 2045 Auburn Street, and

WHEREAS, a hearing was held on August 11, 1997, pursuant to applicable laws, at which time all objections with reference to said proposed vacation and were considered by the Planning Commission; and

WHEREAS, the City Council hearing notice having been duly given, did hold a public hearing on September 15, 1997; on the record of the Planning Commission on the annexation; and

WHEREAS, the Council has adopted the findings of the Planning Commission, attached hereto and incorporated by this reference as Exhibit "B", determining the vacation to be in compliance with the Comprehensive Plan and Community Development Ordinance; and

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

**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

Six and one half feet of the public alley located in Klamath County, Oregon located behind 2045 Auburn Street, Block 45, adjacent to Lots 7 and 16, Hillside Addition as shown in Exhibit "A".

Passed by the Council of the City of Klamath Falls, Oregon, the 6th day of October, 1997.

Presented to the Mayor (Mayor-Pro-tem), approved and signed this 7th day of October, 1997.

[Signature]  
Mayor (Mayor-Pro-tem)

ATTEST:

[Signature]  
City Recorder (Deputy Recorder)

STATE OF OREGON  
COUNTY OF KLAMATH  
CITY OF KLAMATH FALLS

} ss

I, Shirley Kappas 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 6th day of October, 1997 and thereafter approved and signed by the Mayor (Mayor-Pro-tem) and attested by the City Recorder (Deputy Recorder).

[Signature]  
City Recorder (Deputy Recorder)

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## Exhibit "B"

The following addresses the criteria specific to section 13.025 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. The consent of the owners of the requisite area has been obtained.

Finding. Consent has been obtained from all those required by law.

2. Criteria. The notice of the proposed vacation has been duly given.

Finding. Notice of the proposed vacation was mailed to 10 property owners on July 22, 1997, and September 5, 1997. Notice was published in the Herald and News on July 22, 1997, August 20, 1997, August 27, 1997, September 3, 1997, and September 10, 1997.

3. Criteria. The public interest will be prejudiced by vacation of such plat or part thereof.

Finding. No evidence has been submitted to show that the public interest will be prejudiced by the vacation of the street and alley. Currently the alley is unimproved and is not used for access to any lot.

4. Criteria. The proposed vacation conforms to the Comprehensive Plan, all applicable street plans, and all applicable provisions of Chapters 10 to 14.

Finding. The proposed vacation does conform to the Comprehensive Plan, all applicable street plans, and all applicable provisions of Chapters 10 to 14.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 16th day  
of October A.D., 19 97 at 2:21 o'clock P.M., and duly recorded in Vol. M97  
of Deeds on Page 34018.  
Return: City of Klamath Falls By Bernetha G. Letsch County Clerk  
P.O. Box 237  
KFO 97601

FEE \$20.00