

Ordinance No. 98- 7

**A SPECIAL ORDINANCE VACATING AN ALLEY
WITHIN A PORTION OF THE SUPPLEMENTAL PLAT TO NICHOLS ADDITION**

WHEREAS, the owner of the property surrounding the property to be vacated desires to vacate the alley in the 1000 block, between High and Pine Streets; and

WHEREAS, a hearing was held on March 9, 1998, pursuant to applicable laws, at which time all objections with reference to said proposed vacation were considered by the Planning Commission; and

WHEREAS, the City Council hearing notice having been duly given, did hold a public hearing on April 20, 1998; on the recommendation of the Planning Commission on the vacation; and

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

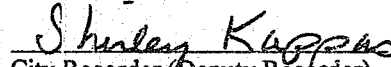
All of that alley adjoining lots 2, 3, 6 and 7, Supplemental Plat to the Nichols Addition to the City of Klamath Falls, Klamath County, Oregon, (as shown on Exhibit "A") is hereby vacated.

Passed by the Council of the City of Klamath Falls, Oregon, the 4th day of May, 1998.

Presented to the ~~Mayor~~ (Mayor Pro tem), approved and signed this 5th day of May, 1998.


Mayor (Mayor Pro tem)

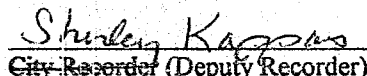
ATTEST:


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 4th day of May, 1998 and thereafter approved and signed by the ~~Mayor~~ (Mayor Pro tem) and attested by the ~~City Recorder~~ (Deputy Recorder).


City Recorder (Deputy Recorder)

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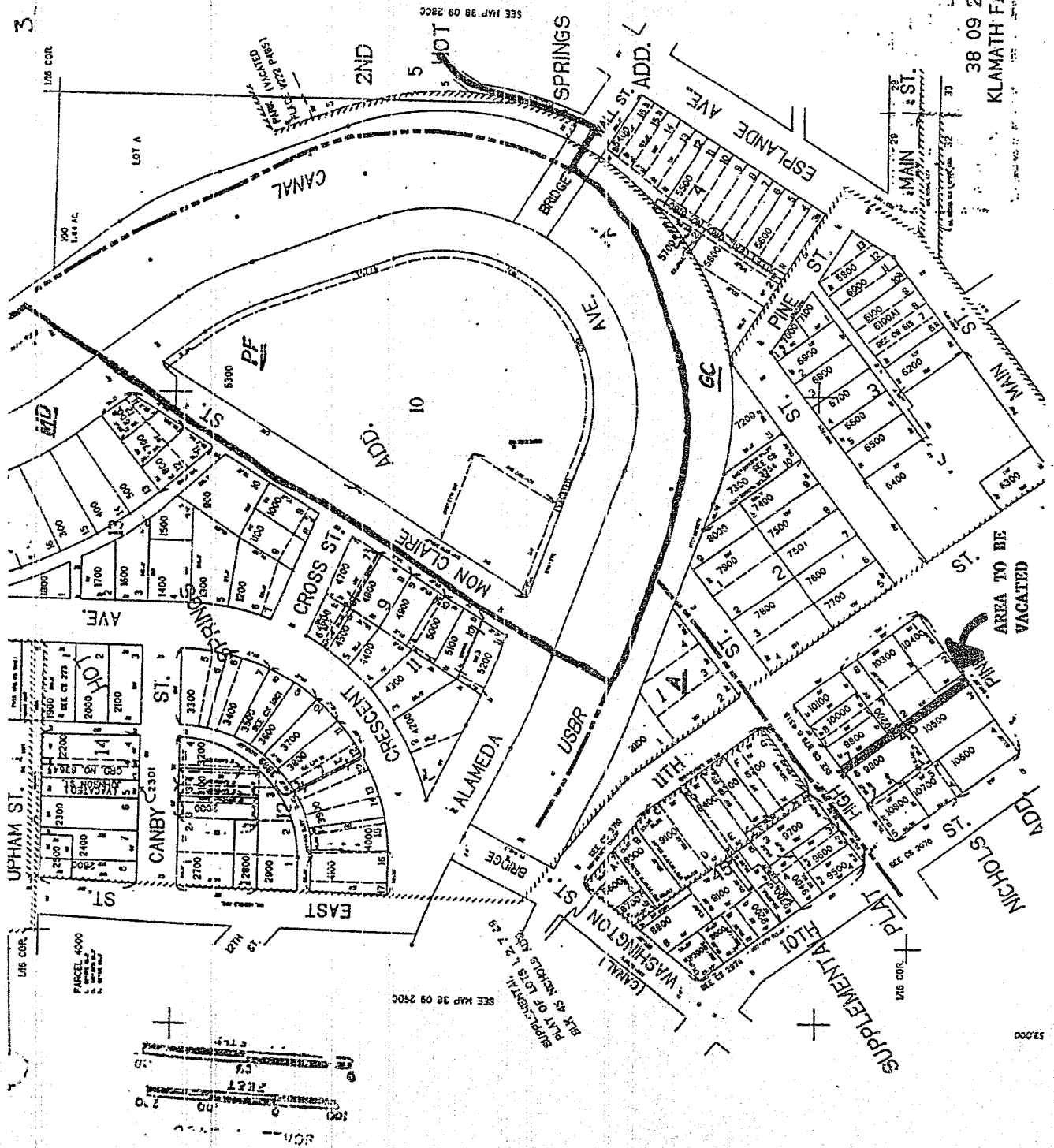


Exhibit "B"

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; the applicant owns property abutting both sides of the alley.
2. Criteria The notice of the proposed vacation has been duly given.

Finding Notice was mailed to 71 property owners on February 17, 1998, and published in the Herald & News on the same day. No person notified has responded in opposition of the proposal.
3. Criteria The public interest will not 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 alley. Currently the alley is paved, but functions as a drive aisle within the Center's parking lot. Pedestrian access for church patrons would still be provided when vehicular traffic is excluded from entering from High Street. Alternative vehicular routes are available.
4. Criteria The proposed vacation conforms to the Comprehensive Plan, all applicable street plans, and all applicable provisions of Chapters 10 to 14.

Findings 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 22nd day
of May A.D., 19 98 at 11:10 o'clock A.M., and duly recorded in Vol. M98
of Deeds on Page 17403.

FEE \$20.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross