

Ordinance No. 98- 21

**A SPECIAL ORDINANCE VACATING A PORTION OF THE ALLEY LOCATED
BETWEEN PERSHING WAY AND SOUTH SIXTH STREET
WITHIN A PORTION OF THE SOUTH SIXTH STREET ADDITION**

WHEREAS, the owner of the property surrounding the property to be vacated desires to vacate approximately 384 feet of alley right-of-way between Pershing Way and South Sixth Street, adjacent to Washburn Way; and

WHEREAS, a hearing was held on September 14, 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 October 19, 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:

A portion of the alley located in the northeast one-quarter of Section 4, Township 39 South, Range 9 East, of the Willamette Meridian, of the City of Klamath Falls, Klamath County, Oregon, more particularly described as follows (and shown on Exhibit "A"):

Beginning at a 5/8" iron rod with a plastic cap marked Trueline Surveying, Inc. that bears North 55°50'00" west a distance of 625 feet from the northeast corner of lot 39, thence north 34°10'00" east, a distance of 20.00 feet, thence south 55°50'00" east, a distance of 383.70 feet along the northeasterly right-of-way line of the portion of the public alley to be vacated, to a railroad spike set at the intersection of the westerly right-of-way of Washburn Way and the northeasterly right-of-way line of said public alley, said point also being a distance of 30 feet from the centerline of Washburn Way, thence south 00°00'00" east, a distance of 241.7 feet along the westerly right-of-way line of Washburn Way to a railroad spike set at the intersection of the westerly right-of-way of Washburn Way and the southwesterly right-of-way line of said public alley, said spike also being a distance of 30 feet from the Centerline of Washburn Way., thence north 55°50'00" west, a distance of 397.27 feet along the southwesterly right-of-way line of said public alley to the point of beginning.


is hereby vacated.

Passed by the Council of the City of Klamath Falls, Oregon, the 2nd day of November, 1998.

Presented to the Mayor (~~Mayor Pro-tem~~), approved and signed this 3rd day of November, 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 2nd day of November, 1998 and thereafter approved and signed by the Mayor (Mayor Pro tem) and attested by the ~~City Recorder~~ (Deputy Recorder).

Shirley Kappas
City Recorder (Deputy Recorder)

AFTER RECORDING RETURN TO:
City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

EXHIBIT A
VACATION OF A PORTION OF A PUBLIC ALLEY

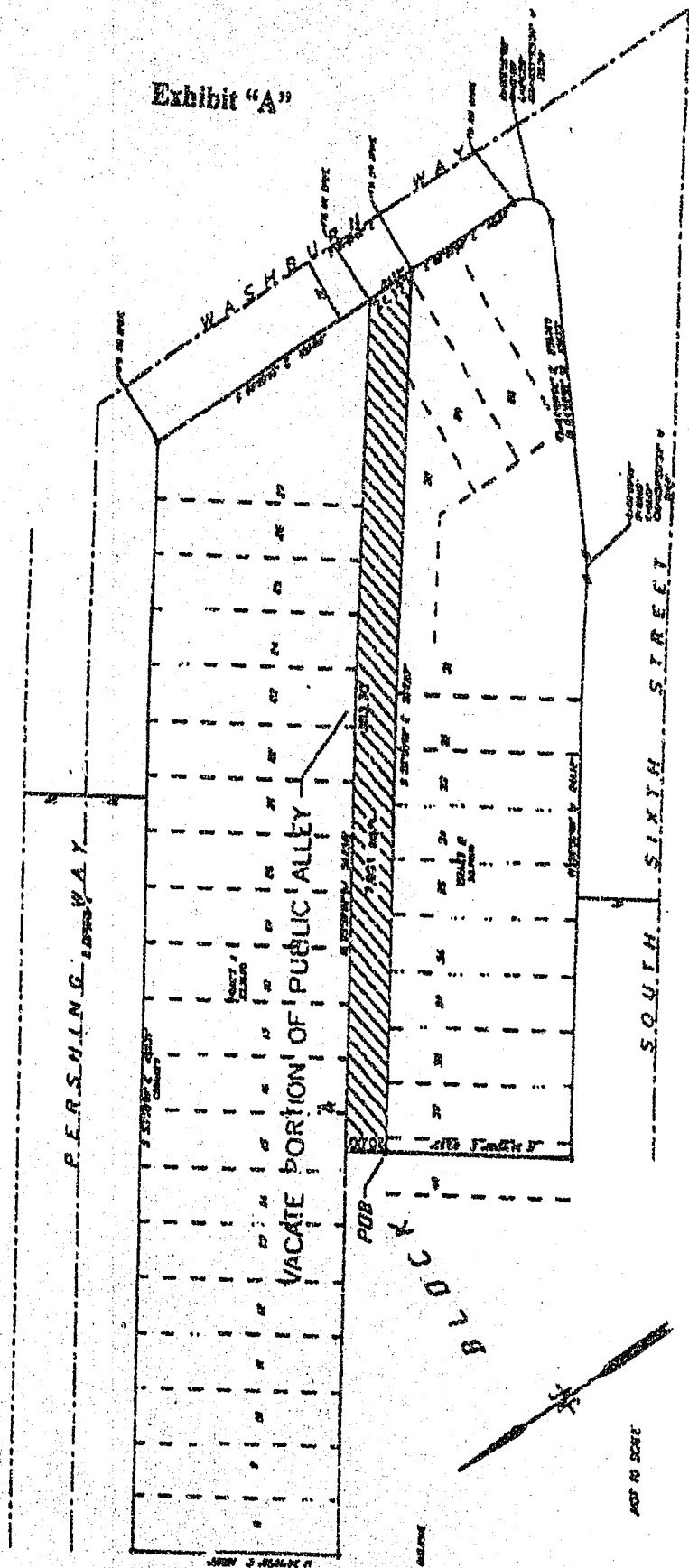


Exhibit "B"

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 criterion and therefore, should be treated as cumulative and supplementary.

1. Criterion. The consent of the owners of the requisite area has been obtained.

Finding. Consent of abutting property owners is not required as the Vacation was initiated by the City Council, pursuant to ORS 271.130.

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

Finding. Notice of the vacation has been made, consistent with the CDO and any applicable state provisions. No person notified has responded in opposition of the proposal.

3. Criterion. 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. The public safety will be improved through the reduction of curb cuts (from 11 down to four) and access points onto Washburn Way and South Sixth Streets. There will be no direct access off of Washburn Way, however, the site is accessible by Pershing Way and South Sixth Street. A right-turn only lane is proposed off of South Sixth Street approximately 20 feet from the intersection of Washburn Way and South Sixth Street. The remaining access points to the site are adequate in width to accommodate two lanes of traffic. A portion of the alley way will be vacated, however, the remainder of the alley, west of the vacated area, will continue to serve as a through alley. The adjacent property owners will maintain use of the alley.

4. Criterion. 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 2nd day
of December A.D., 19 98 at 3:49 o'clock P. M., and duly recorded in Vol. M98
of Deeds on Page 44174.

FEE \$25.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross