

Ordinance No. 99- 6

**A SPECIAL ORDINANCE VACATING A PORTION OF  
CALIFORNIA AVENUE SOUTH OF THE 'A' CANAL  
WITHIN A PORTION OF THE BUENA VISTA ADDITION**

**WHEREAS**, the owner of the property adjacent to the right-of-way to be vacated desires to vacate a portion the street right-of-way abutting lot 8 of map 3809-30AC, located west of Highway 97, south of the 'A' Canal, and north of platted Contra Loma Street; and

**WHEREAS**, a hearing was held on April 26, 1999, 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 May 17, 1999; 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:**

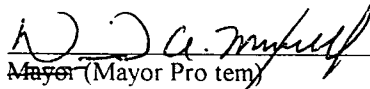
A portion of California Avenue, as the avenue appears on Recorded Survey No. 3599 and the Supplementary Plat of the Buena Vista Addition to Klamath Falls, being situated in the SW  $\frac{1}{4}$ NE  $\frac{1}{4}$  of Section 30, Township 38 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows (and as shown on Exhibit "A"):

Beginning at the intersection of the West Line of said California Avenue with the South Line of the USBR "A" Canal; thence N81°05'31"E on said South Line, 43.52 feet; thence S32°05'50"E, 137.96 feet; thence S68°39'35"E, 104.01 feet; thence S36°27'49"W, 31.08 feet to the West Line of said California Avenue; thence N68°39'35"W on said West Line, 122.63 feet; thence continuing on said West Line N32°05'50"W, 151.52 feet to the point of beginning containing 0.21 acres;

is hereby vacated, provided, however, the City reserves a 20' wide access easement to repair or reconstruct existing utilities, or to install additional utilities or future pedestrian access, as needed

Passed by the Council of the City of Klamath Falls, Oregon, the 6th day of July, 1999.

Presented to the Mayor (Mayor Pro tem), approved and signed this 7th day of July, 1999.

  
Mayor (Mayor Pro tem)

ATTEST:

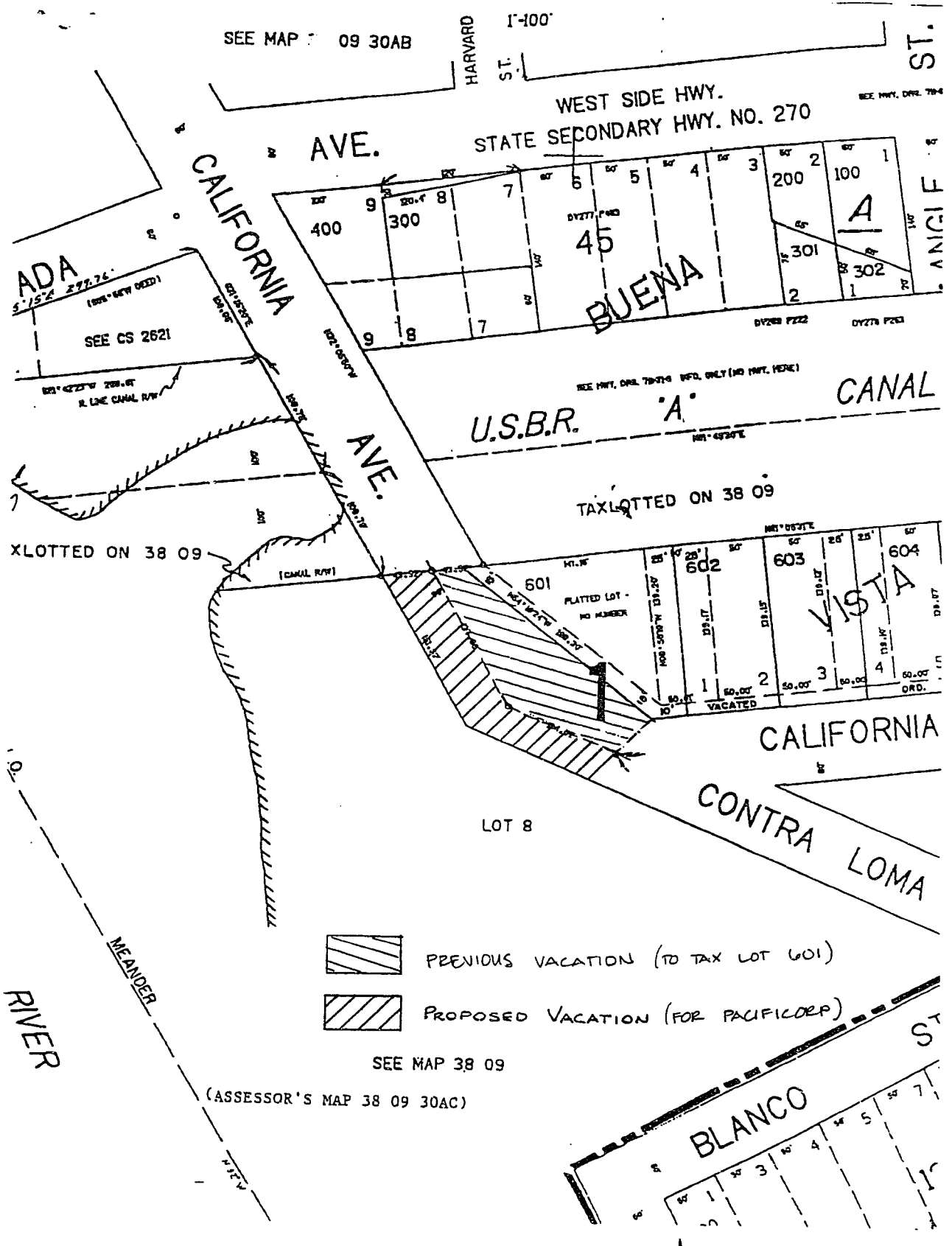
  
City Recorder (Deputy Recorder)

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 a Resolution duly adopted by the Council of the City of Klamath Falls, Oregon, at the meeting held on the 6th day of July, 1999, 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)

Exhibit "A"



## 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. Notarized consent forms from property owners within the legally affected area have been received.

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. Currently, some of the street rights-of-way connecting to the requested vacation area are unimproved and have little likelihood of ever being developed. It does not appear that a road will ever be built within the California Avenue right-of-way connecting the southern section of California Avenue to the north half lying immediately south of Nevada Avenue. The substantial drop in grade from Nevada Street to the "A" Canal and the lack of adequate bridge structure make construction of a standard road crossing the canal very difficult. It also does not appear that there is adequate land development potential to necessitate the road, given the public zoning destinations west and north of the request area. If the areas zoned for residential uses which lie the south and east of the vacation area are developed, streets within the platted Contra Loma and Blanco Street rights-of-way could provide access to these areas and meet City street standards.

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  
Recorded 8/12/99, at 2:45 p. m.  
In Vol. M99 Page 32629  
Linda Smith,  
County Clerk Fee \$ 25 KL