

NON-REMONSTRANCE AGREEMENT

This agreement is entered into this 25th day of October, 1999 by and between the City of Klamath Falls and Maureen Somers and John Juniell, Owner(s).

WHEREAS, Owner is the owner of the following described property:

Map and Tax Lot Numbers 3809-19CD-500 and 600,
Lots 16 and 11, Block 2 of the Buena Vista Subdivision ("Property"); and

WHEREAS, Owner desires to partition the Property to reorient the lots perpendicular to Wocus Street; and

WHEREAS, Owner desires to place a manufactured home on the eastern-most newly oriented lot; and

WHEREAS, this partition and development will contribute to the need for, as well as benefit from, the following improvements:

Construction, to City design standards, of curbs, gutters and sidewalks along Keno Street; and sidewalks along Wocus Street; and

WHEREAS, a condition of the Owner's land use approval from the City for partitioning and development of the Property is agreement to participate in the cost of said future improvements;

NOW THEREFORE,

THE PARTIES HERETO AGREE AS FOLLOWS:

1. In the event the City initiates the formation of a Local Improvement District (LID) for the funding and construction of the improvements designated above, Owner agrees to not remonstrate against the formation of such LID.
2. The City agrees that a LID assessment levied against Owner's property shall not exceed the benefit conferred upon the property.
3. This agreement shall run with the Property and shall bind and inure to Owner's successors in interest.

CITY OF KLAMATH FALLS

By: Sandra Zalida

Attest: John K. Kurland

Dated: 26 OCTOBER 99

OWNER

John Juniell
Maureen Somers

Dated: 10-25-99

After Recording Return to:

City Planning Department
226 South 5th Street
Klamath Falls OR 97601

Ref.

**City of Klamath Falls
Planning Department
ADMINISTRATIVE REVIEW**

**In the matter of an
ADMINISTRATIVE REVIEW**

**DECISION
& CONDITIONS**

Maureen Somers and John Juniel
11800 Tingley Lane #29
Klamath Falls, OR 97603

3-P-99

In accordance with the provisions of Sections 10.805 (Administrative Review) and 11.705-11.725 (Land Partitioning) of the Community Development Ordinance (CDO), the Planning Department has reviewed this request for a Partition of land.

Notice was mailed to 23 adjacent property owners on September 29, 1999, advising them of their right to request a public hearing before the Planning Commission within ten (10) days from the date of notice. As no request for a public hearing has been received, the Department has reviewed this request and the Decision and Conditions are set forth below.

NATURE OF PROPOSAL

An application by Maureen Somers and John Juniel, requesting to partition 0.37 acres zoned Single Family Residential to create two parcels; each 7,975 square feet in size. The two existing lots parallel Wocus Street; the partition would re-orient the lots perpendicular to Wocus Street (parallel to Keno Street). Wocus is an improved street: paved with curbs and gutters, and Keno Street is platted but unimproved. The applicants propose to place a manufactured home on one of the newly created lots.

The real property affected by said application is located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 19, Township 38 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, and is comprised of tax lots 500 and 600, Map Number 3809-19CD; lots 10 and 11 of Block 2 of the Buena Vista Subdivision.

Pacific Power and Light and Klamath County Fire District #1 have no objections to or conflicts with this proposal. The City Streets Department has no comments at this time. The City Engineering Department states that Keno Street is required to be paved and the alley will need to be improved (paved) if used for ingress and/or egress. The City Sewer Department states that currently, there is one sewer lateral for lot 11 off of Keno Street and one sewer lateral for lot 10 off of Wocus. Re-orienting the lots will eliminate a lateral for the realigned lot which does not boarder Keno Street. Consequently, it will be the property owner's responsibility to make the connection to the City's sewer main in the future. The City Water Department states that service to the property must be on the right-of-way adjacent to the property being served; new service may be required and no credit will be given unless the old service is abandoned at property owner's expense.

DECISION

After considering all staff and agency comments, and reviewing various data, the Partition is hereby approved with the following conditions:

CONDITIONS

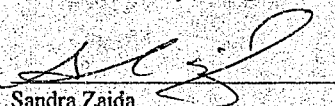
1. The applicant shall submit a Final Plat within twelve months of the date of this Decision, and in accordance with the Community Development Ordinance Section 11.725, and ORS 92.010-92.190. This Final Plat shall be submitted to the City Surveyor/City Engineer with a check for the appropriate fees.

2. The applicant shall submit closure sheets and a current title report (Partition Guarantee) with the Final Plat.
3. The applicant shall file all necessary easements and restrictions with the County Clerk-Recorder.
4. The applicant shall construct and pay for all water facilities needed to serve the property. Applicant can contact the City Water Superintendent, David Steiner, at (541) 883-5383 with any questions.
5. The applicant is responsible for making the connection to the City's sewer main in the future, for the western-most lot.
6. The applicant shall record a Non-Remonstrance Agreement for the future construction of sidewalks along both Wocus and Keno Streets, and for the development of Keno Street to City standards.
7. The applicant shall improve (pave) the alley perpendicular to Wocus Street, to City standards, if it is to be used for ingress and/or egress, no later than the time of occupancy.

The Proposed Partition has met the conditions and scope of the City of Klamath Falls Comprehensive Plan, acknowledged by the Oregon State Land and Conservation Development Commission on May 31, 1984. In doing so, this Partition does address the appropriate policies encompassed in the Comprehensive Plan.

APPLICANTS ARE ADVISED THIS DECISION IS FINAL, UNLESS A WRITTEN APPEAL AND ASSOCIATED FEE (\$100) ARE FILED WITH THE PLANNING DEPARTMENT WITHIN TEN DAYS OF THE DATE OF THIS DECISION.

Dated this 13th day of October 1999.


Sandra Zaida
City Planner

State of Oregon, County of Klamath
Recorded 10/27/99, at 8:08 a.m.
In Vol. M99 Page 42792
Linda Smith,
County Clerk Fee \$ 20⁰⁰