

ORDINANCE NO. 99-5

**A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY TO
THE CITY OF KLAMATH FALLS, LOCATED ADJACENT TO BALSAM DRIVE,
ORINDALE ROAD AND HIGHWAY 66, AND ESTABLISHING THE CITY ZONING
DESIGNATION OF MEDIUM DENSITY RESIDENTIAL.**

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain real property by the City of Klamath Falls thereof, which property is hereinafter described; and

WHEREAS, a hearing was held on March 8, 1999, pursuant to applicable laws at which time all objections or remonstrances with reference to said proposed annexation was considered by the Planning Commission; and

WHEREAS, the City Council hearing notice having been duly given, did hold a public hearing on April 5, 1999, de novo of the Planning Commission on the annexation request; and

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

WHEREAS, the Council did determine annexation of said property to be in the best interest of the City and the continuous territory; and

WHEREAS, pursuant to such record and hearing, the City Council has determined the annexation to be in compliance with the Community development Ordinance and the Comprehensive Plan.

NOW THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

There is hereby annexed to the City of Klamath Falls, approximately 28.95 acres as shown on the map attached hereto as Exhibit A, and further described as follows:

1. A parcel of land lying in the NE1/4 of the SE1/4 of Section 12, Township 39 South, Range 8 East, Willamette Meridian, Klamath County, Oregon and being a portion of the property described by Vol. M66, Page 1039 of the official records of Klamath County, and being more particularly described as follows:

Beginning at the Northwest corner of the NE1/4 of the SE1/4 of Section 12, Township 39 South, Range 8 East, Willamette Meridian; thence along the 1/16th line South 01°22'10" West, 804.51 feet to a point; said point bearing North 4°57'06" East, 486.21 feet from the axle marking the Southeast corner of Dewitt Home Tracts as shown and recorded in Book 6 Page 21 of the official records of Klamath County; thence South 88°52'37" East, 30.00 feet to a point, said point being the true point of beginning; thence continuing South 88°52'37" East, 50.00 feet to a point; thence South 01°22'10" West, 53.00 feet to a point; thence North 88°52'37" West, 50.00 feet to a point; thence North 01°22'10" East, 53.00 feet to the true point of beginning.

2. PARCEL 1:

A tract of land situated in the NE1/4 SE1/4 of Section 12, Township 39 South, Range 8 East of the Willamette Meridian in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of Lot 20 of Tract 1283, a duly recorded subdivision, from which the C-E 1/16 corner of said Section 12 bears North

43°58'06" West 1293.09 feet; thence along the South line of said Tract 1283, South 89°24'23" East 225.01 feet and South 87°54'27" East 245.01 feet to the West of Stewart, a duly recorded subdivision; thence South 00°52'27" East, along the said West line, 197.92 feet to the Northerly right of way line of State Highway 66; thence along the said right of way line South 00°52'27" East 10.43 feet and South 72°39'23" West 633.27 feet, more or less, to its intersection with the South line of the said NE1/4 SE1/4 of Section 12; thence North 89°17'51" West, along the said South line, 703.39 feet, more or less, to the Easterly right of way line of Orindale Road; thence along the said right of way line, North 35°01'33" West 75.62 feet and North 00°28'18" East 346.91 feet to its intersection with the South line of said Tract 1283 extended; thence South 89°24'23" East 875.38 feet to the point of beginning, with bearings based on the plat of Tract 1283.

PARCEL 2:

A tract of land situated in the NE1/4 SE1/4 of Section 12, Township 39 South, Range 8 East of the Willamette Meridian in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of Lot 1 of Tract 1283, a duly recorded subdivision, said point also on the West line of Stewart, a duly recorded subdivision, from which the C-E1/16 corner of said Section 12 bears North 78°07'06" West 1387.66 feet; thence along the boundary of said Tract 1283, South 72°47'33" West 189.39 feet, South 68°25'43" West 80.51 feet, South 54°05'35" West 87.78 feet, South 38°48'27" West 87.78 feet South 23°31'19" West 87.78 feet and South 09°30'40" West 75.31 feet; thence North 89°24'23" West 903.36 feet to the Easterly right of way line of Orindale Road; thence North 00°28'18" East, along the said right of way line, 104.21 feet to a point on the South line of that tract of land described in Deed Volume M92, Page 20,434 of the Klamath County Deed Records; thence along said deed Volume, North 89°10'27" East 353.86 feet and North 00°28'18" East 112.70 feet to the Southeast corner of that tract of land described in Deed Volume M92, Page 20,842 of the Klamath County Deed Records thence along said Deed Volume, North 00°28'18" East 122.69 feet and South 89°10'27" West 353.86 feet to its intersection with the Easterly right of way line of Orindale Road; thence North 00°28'18" East, along the said right of way line, 142.91 feet to the Southwest corner of that tract of land described in Deed Volume M79, Page 11,866 of the Klamath County Deed Records; thence along said Deed Volume, North 89°10'27" East 353.86 feet and North 00°28'18" East 117.52 feet to the Southerly right of way line of Balsam Drive; thence South 89°46'36" East, along the said right of way line, 732.08 feet to the Northwest corner of the tract of land described in Deed Volume 327, Page 475 of the Klamath County Deed Records; thence along said Deed Volume, South 00°49'55" East 178.70 feet and South 89°46'36" East 238.70 feet to a point on the said West line of Stewart; thence South 00°49'55" East 71.76 feet to the point of beginning, with bearings based on the plat of Tract 1283.

PARCEL 3:

A tract of land situated in the NE1/4 SE1/4 of Section 12, Township 39 South, Range 8 East of the Willamette Meridian in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of Lot 20 of Tract 1283, a duly recorded subdivision, from which the C-E1/16 corner of said Section 12 bears North 43°58'06" West 1293.09 feet; thence North 89°24'23" West 875.38 feet to a point on the Easterly right of way line of Orindale Road; thence along said Easterly right of way line North 00°28'18" East 64.00 feet to the Southeast corner of that tract of land described in Deed Volume M83 at Page 3783 of the Klamath County Deed Records; thence along said Deed Volume South

89°46'29" East (South 88°53'37" East by Deed Volume M83, Page 3783) 50.00 feet, North 00°28'18" East 53.00 feet (North 01°22'10" West by Deed Volume M83, Page 3783) feet and North 89°46'29" West (North 88°52'37" by Deed Volume M83, Page 3783) 50.00 feet to a point on said Easterly right of way; thence along said Easterly right of way North 00°28'18" East 168.00 feet; thence South 89°24'23" East 903.86 feet to a point on the Westerly line of said Tract 1283; thence along said Westerly line South 00°35'37" West 100.00 feet, North 89°24'23" West 27.88 feet and South 00°35'37" West 185.00 feet to the point of beginning, with bearings based on said Tract 1283.

Passed by the Council of the City of Klamath Falls, Oregon, the 19 day of April, 1999.

Presented to the Mayor (Mayor Pro-tem), approved and signed this 20 day of April, 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 an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon, at the meeting held on the 19 day of April, 1999 and thereafter approved and signed by the Mayor (Mayor-Pro tem) and attested by the City Recorder (Deputy-Recorder).



City Recorder (Deputy Recorder)

EXHIBIT A



39 08 12D AND
39 08 12DA

SE1/4 SEC. 12 T.39S. R.08E. WM.
KLAMATH COUNTY
1920'

3900 12DA 200
(proposed manufactured homes)

THIS MAP WAS PREPARED FOR
REVISION PURPOSE ONLY.

LEGEND

-  proposed for annexation
-  comprehensive plan amendment zone change liquid annexation at a later date

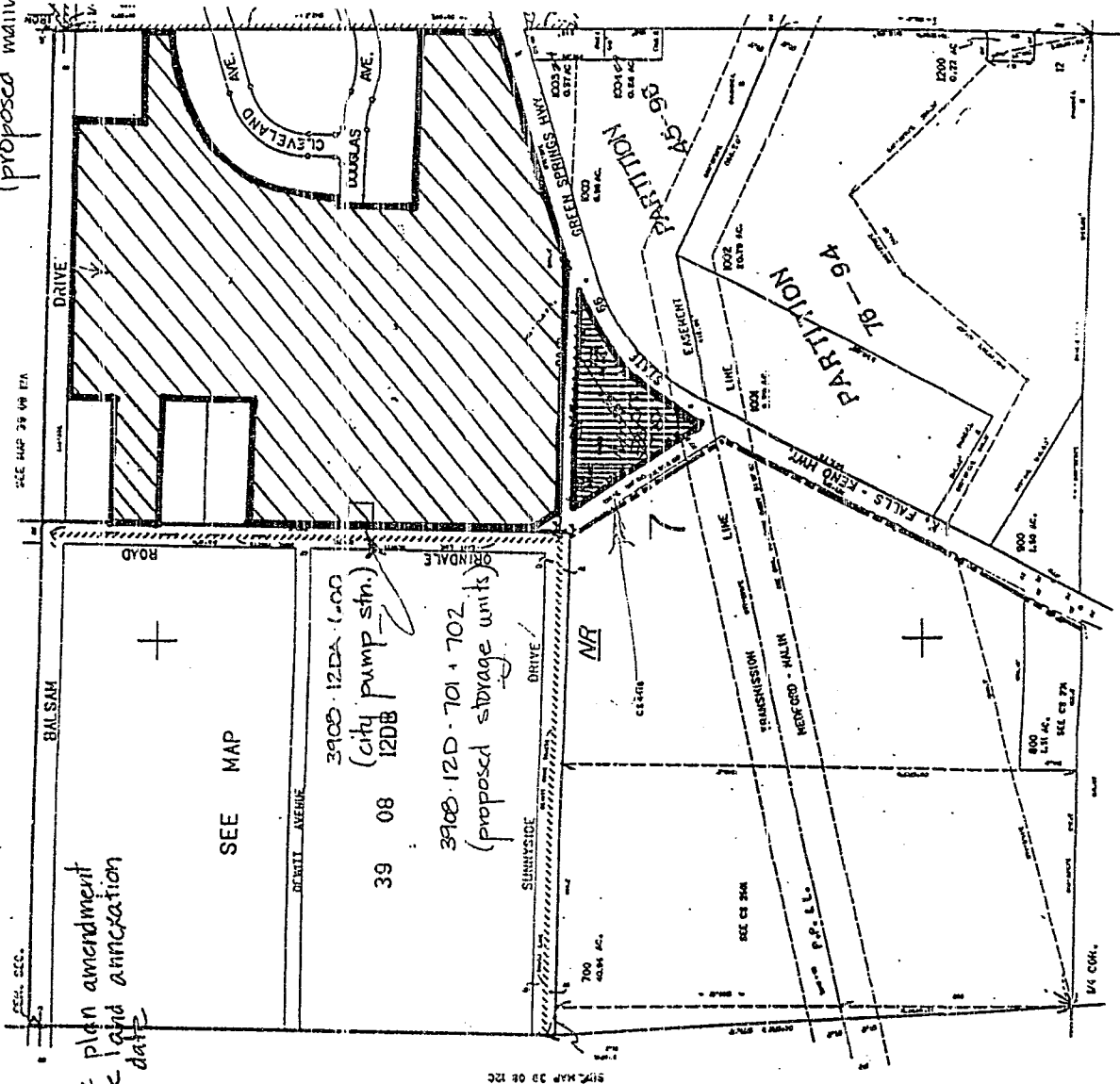
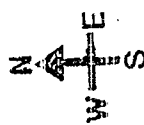
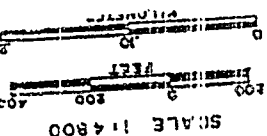


EXHIBIT B

FINDINGS

1. The subject properties are currently zoned Medium Density Residential within the County. The properties are within the Urban Growth Boundary. The allowed uses will not change with the proposed annexations. No adverse affects on surrounding properties are expected as a result of the proposed annexations.
2. The subject properties are not located in the floodplain or other natural hazard or resource area.
3. Emergency vehicle access exists to the site. Police protection and Klamath County Fire District #1 service will be available following annexation.

State of Oregon, County of Klamath
Recorded 12/07/99, at 12:49 p. m.
In Vol. M99 Page 48136
Linda Smith,
County Clerk Fee \$ 30⁰⁰