

Ordinance No. 99-12

1999 DEC 13 PM 2:31

**A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS LOCATED AT 615 WASHBURN WAY, AMENDING THE COMPREHENSIVE PLAN DESIGNATION FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL, AND ESTABLISHING THE CITY ZONING DISTRICT OF APARTMENT RESIDENTIAL**

WHEREAS, the City of Klamath Falls initiated an annexation based upon island annexation laws due to the fact that it is surrounded by City property; of certain real property by the Klamath Falls City Council thereof, which property is hereinafter described;

WHEREAS, a hearing was held on August 9, 1999, pursuant to applicable laws, at which time all objections or remonstrances with reference to said proposed annexation and zone change were considered by the Planning Commission;

WHEREAS, the City Council hearing notice having been duly given, did hold a public hearing on September 20, 1999; on the record of the Planning Commission on the annexation ;

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

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

WHEREAS, the City of Klamath Falls adapted a Comprehensive Plan for the City on April 20, 1982, by virtue of passage of Ordinance No. 6336;

WHEREAS, pursuant to such record and hearing, the City Council has determined the annexation and zone change to be in compliance with the Community Development Ordinance and the Comprehensive Plan; NOW THEREFORE,


**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS;**

Section 1

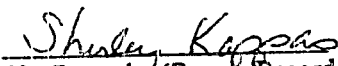
There is hereby annexed to the City of Klamath Falls, a 4.01 acre tract, as shown on the map attached hereto as Exhibit "A", and further described in the legal description in Exhibit "B".

Passed by the Council of the City of Klamath Falls, Oregon, the 4th day of October, 1999.

Presented to the Mayor (Mayor-Pro-tem), approved and signed this 5th day of October, 1999.

  
\_\_\_\_\_  
Mayor (Mayor-Pro-tem)

ATTEST:

  
\_\_\_\_\_  
City Recorder (Deputy Recorder)

Ref: City  
300 Klamath Ave.  
R70 4764

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 October, 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)

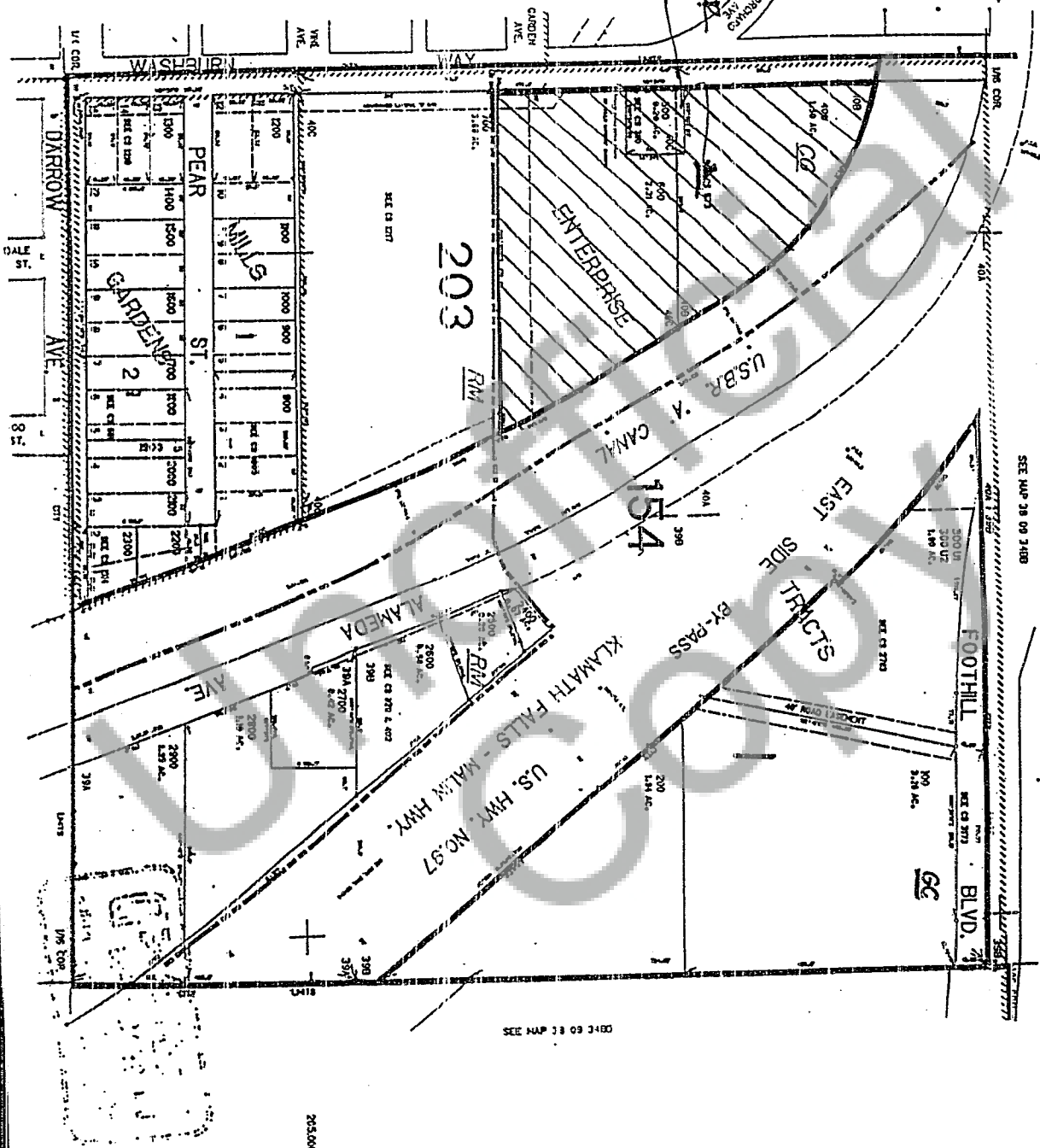
Unofficial  
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Exhibit "A"

AREA  
PROPOSED FOR  
ANNEXATION

SEE MAP 38 09 33AD

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.



KLAMATH COUNTY  
PLAT

KLAMATH COUNTY  
38 09 34BC

## Exhibit "B"

## PARCEL 1:

That portion of Tract 40B lying South and Westerly of the U.S.B.R. "A" Canal and Easterly of Washburn Way and all of Tract 40C, ENTERPRISE TRACTS, in the County of Klamath, State of Oregon.

EXCEPTING THEREFROM that portion deeded to Klamath County in Book 335, Page 87, tract deeded to Fred A. Lewis, et ux., in Book 336, Page 157, and parcel deeded to United States of America for canals and laterals recorded June 25, 1909 in Book 27, Page 236 and in Book 38 at Pages 209 and 210, all Deed Records of Klamath County, Oregon, and that portion of Tract 40C described as follows:

Beginning at a one-half inch iron pin on the East right of way line of Washburn Way, said point being North 00 degrees 20' 00" East along the centerline of Washburn Way and along the West line of Section 34 a distance of 332.19 feet and South 89 degrees 33' 03" East a distance of 30.00 feet from the 5/8 inch iron pin marking the West one-quarter corner of Section 34; thence North 00 degrees 20' 00" East along the East right of way line of Washburn Way a distance of 285.00 feet to a one-half inch iron pin; thence South 89 degrees 33' 03" East parallel with the North line of "Mills Gardens" subdivision a distance of 472.43 feet to a one-half inch iron pin; thence continuing South 89 degrees 33' 03" East a distance of 29 feet, more or less, to the Westarly right of way line of the U.S.B.R. "A" Canal; thence Southeasterly along said Westerly line to the North line of "Mills Gardens" subdivision; thence North 89 degrees 33' 03" West along the North line of "Mills Gardens" subdivision (South 89 degrees 45' West by said subdivision plat) a distance of 20.96 feet, more or less, to a two inch iron pipe; thence continuing North 89 degrees 33' 03" West along said subdivision line a distance of 606.40 feet to the point of beginning.

ALSO EXCEPTING THEREFROM any portion lying within the boundaries of Washburn Way.

## PARCEL 2:

A tract of land situated in Tracts 40B and 40C, ENTERPRISE TRACTS, in the NW 1/4 of Section 34, Township 33 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at an iron pin located North 0 degrees 24' West a distance of 792.2 feet from the two-inch pipe marking the initial point of "Mills Gardens" subdivision, said initial point being North 0 degrees 24' West a distance of 15.0 feet and North 89 degrees 45' East a distance of 30.0 feet from the West quarter corner of said Section 34 according to the officially recorded plat of said "Mills Gardens" subdivision; thence North 0 degrees 24' West a distance of 85.0 feet to an iron pin; thence North 89 degrees 36' East a distance of 100.0 feet to an iron pin; thence South 0 degrees 24' East a distance of 85.0 feet to an iron pin; thence South 89 degrees 36' West a distance of 100.0 feet, more or less, to the point of beginning.

EXCEPT THEREFROM that portion lying within the boundaries of Washburn Way.

CODE 203 MAP 3809-34BC TL 600  
 CODE 203 MAP 3809-34BC TL 500  
 CODE 203 MAP 3809-34BC TL 600



## Exhibit "C"

## FINDINGS

## B. Findings

*Annexation*

1. The subject property is contiguous with the City boundary and lies within the Urban Growth Boundary. The use will not change with the proposed annexation. The property is currently being improved for assisted living. No adverse affects on surrounding properties are expected as a result of the proposed annexation.
2. The subject property is not located in a floodplain or other natural hazard or resource area.
3. The proposed annexation of the site is consistent with the City policy, which requires the annexation, by consent, to the City if provided utility service, and is responsive to the request for annexation by the property owners.
4. Emergency vehicle access exists on the site. Police protection will be available following annexation. Water and sewer service has been provided per City standards.
5. All Design Standards of the Community Development Ordinance are being met with the proposed construction except for the construction of a sidewalk. The applicant has committed to constructing the sidewalk at such time as requested by the City and will not remonstrate against the formation of an improvement district to construct the sidewalk, should such a district be created.

*Comprehensive Plan Amendment*

Policy 108. Housing for the elderly, including low maintenance smaller units, will be promoted.

Policy 231 Residential densities adjacent to major arterials will be increased.

Policy 238 Strip commercialism will be avoided, due to its adverse effects on traffic, energy, safety, and convenience.

- 1) The subject property is currently planned and zoned for commercial use. It is within the Urban Growth Boundary. The use will not change with the proposed annexation. The property has been developed and is currently used for retail sales. No adverse impacts on surrounding properties are expected as a result of the proposed annexation.
- 2) The subject property is not located in a floodplain or other natural hazard or resource area.
- 3) The proposed annexation of the site is consistent with the City policy which requires the annexation, by consent, of nonresidential properties to the City if provided water service and is responsive to the request for annexation by the property owners.
- 4) Emergency vehicle access will exist on the site. Police protection will be available following annexation. Water service will be provided per City standards.

State of Oregon, County of Klamath  
 Recorded 12/13/99, at 2:31 p. m.  
 In Vol. M99 Page 48983  
 Linda Smith,  
 County Clerk Fee \$ 30<sup>00</sup>