

Ordinance No. 00 - 06

**A SPECIAL ORDINANCE VACATING A PORTION OF THE
STUKEL STREET RIGHT-OF-WAY SOUTHWEST OF THE 'A' CANAL
WITHIN A PORTION OF THE INDUSTRIAL ADDITION**

WHEREAS, the owners of the property adjacent to the right-of-way to be vacated desire to vacate a portion the street right-of-way abutting Lot 1, Block 24 and Lot 25, Block 25 of the Industrial Addition, located northeast of the Division Street right-of-way and southwest of the 'A' Canal; and

WHEREAS, a hearing was held on January 10, 2000, pursuant to all 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 February 22; de novo; 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 Stukel Street right-of-way, situated between Lot 1, Block 24 and Lot 25, Block 25 of the Industrial Addition subdivision, in the city of Klamath Falls, Oregon, located in the NW ¼ NE ¼ of Section 33, Township 38 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows (and as shown on Exhibit A):

Beginning at the southwest corner of said Lot 25, monumented with a one inch iron rod, as shown on Record of Survey Number 6414 on file at the Klamath County Surveyor's Office, thence N55°31'00"W 60.00 feet to the southeast corner of said Lot 1, monumented with a 5/8 inch iron pin with plastic cap as shown on said Survey Number 6414; thence N34°29'00"E 98.60 feet to the northeast corner of said Lot 1, monumented with a 5/8 inch iron pin with plastic cap as shown on said Survey Number 6414; thence along the northeast boundary of said Industrial Addition subdivision S60°56'00"E 60.28 feet to the northwest corner of said Lot 25, monumented with a 5/8 inch iron pin with plastic cap as shown on said Survey Number 6414; thence S34°29'00"W 104.30 feet to the point of beginning, containing 6,100 square feet more or less;

is hereby vacated, provided, however, the City reserves a 30' wide easement for future development of sewer, water or geothermal lines; the easements, more particularly described as follows:

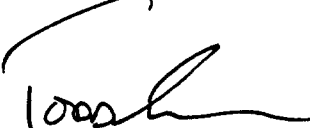
Commencing from the southeast corner of said Lot 1, monumented with a 5/8 inch iron pin with a plastic cap as shown on said Survey Number 6414, S55°31'00"E, along a southeasterly prolongation of the northeast right-of-way line of Division Street, 15.00 to the True Point of Beginning; thence from said True Point of Beginning N34°29'00"E 100.025 feet to the northeast boundary of said Industrial Addition subdivision; thence S60°56'00"E, along said northeast subdivision boundary, 30.14 feet; thence S34°29'00"W 102.88 feet to said southeast prolongation; thence N55°31'00"W 30.00 feet to the True Point of Beginning.

AND; Pacific Power and Light reserves an easement for the guy wire and anchors of an existing utility pole; the easement more particularly described as follows:


Beginning at the southwest corner of said Lot 25, monumented with a one inch iron rod as shown on said Survey Number 6414, thence N55°31'00"W 10.00 feet; along a northwest prolongation of Division Street's right-of-way; thence N34°29'00"E 22.00 feet; thence S55°31'00"W 10.00 feet to the northwest boundary of said Lot 25; thence S34°29'00"W 22.00 feet to the point of beginning.

Passed by the Council of the City of Klamath Falls, Oregon, the 6th day of March, 2000.

Presented the Mayor (~~Mayor Pro tem~~), approved and signed this 7th day of March, 2000.



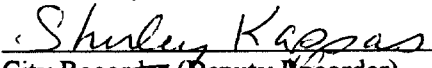
Mayor (~~Mayor Pro tem~~)

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 adopted by the Council of the City of Klamath Falls, Oregon, at the meeting held on the 6th day of March, 2000, and thereafter approved and signed by the Mayor (~~Mayor Pro tem~~) and attested by the City Recorder (~~Deputy-Recorder~~).

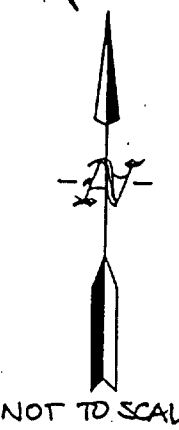
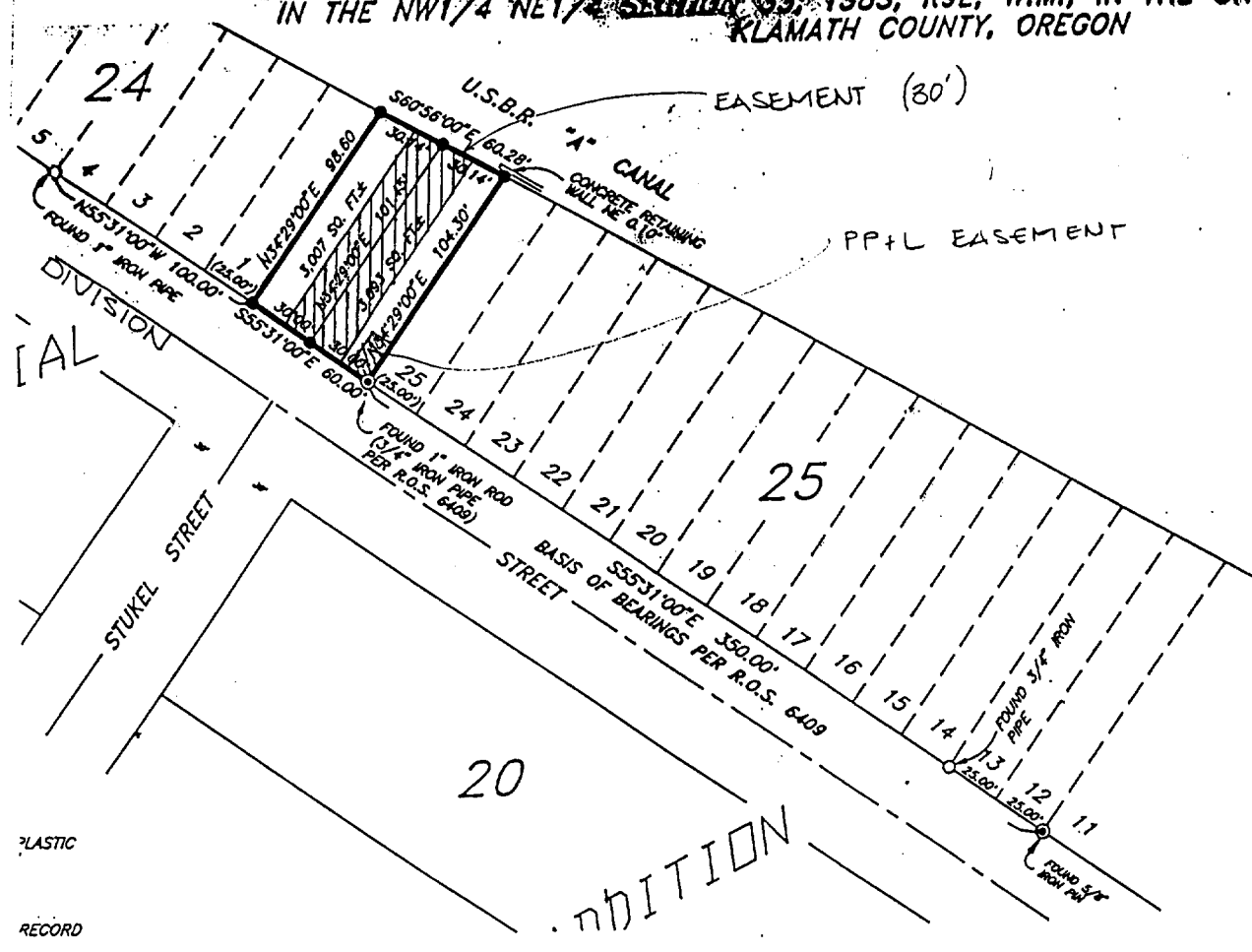


~~City Recorder~~ (Deputy Recorder)

EXHIBIT A
MAP OF SURVEY

MAP OF SURVEY

BEING A PORTION OF STUKEL STREET LOCATED BETWEEN LOT 1, BLOCK 24,
AND LOT 25, BLOCK 25 OF THE INDUSTRIAL ADDITION TO THE CITY OF KLAMATH F.
IN THE NW1/4 NE1/4 SECTION 33, T38S, R9E, W.M., IN THE CITY OF KLAMATH FA.
KLAMATH COUNTY, OREGON



**EXHIBIT B
FINDINGS**

1. Consent of the owners of the requisite area has been obtained.
2. Notice of the proposed vacation has been duly given.
3. The public interest will not be prejudiced by vacation of such plat or part thereof with the creation of a 30' easement (15' on each side of the centerline of the right-of-way) for future water, sewer and geothermal lines and an easement for PP&L's pole and guy wires.
4. The proposed vacation will conform to the Comprehensive Plan, all applicable provisions of Chapters 10 to 14 and any applicable street plans when the applicant submits a metes and bounds legal description of the proposed vacated area.

State of Oregon, County of Klamath
Recorded 3/15/00, at 9:11 a. m.
In Vol. M00 Page 8344
Linda Smith,
County Clerk Fee\$ 36⁰⁰

Ret: city