

ORDINANCE NO. 00-22

**A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY KNOWN AS
JELD-WEN, INC. TO THE CITY OF KLAMATH FALLS AND
PROVIDING FOR LIMITED, PARTIAL CITY TAX ABATEMENTS**

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

WHEREAS, pursuant to ORS 222.111(3) the City has agreed to partial City tax abatements for seven fiscal years; and

WHEREAS, a hearing was held on October 9, 2000, pursuant to applicable laws at which time all objections or remonstrances with reference to said proposed annexation were considered by the Planning Commission; and

WHEREAS, the City Council hearing notice having been duly given, did hold a public hearing on November 6, 2000 on the annexation; and

WHEREAS, the Council has adopted the findings of the Planning Commission, attached hereto and incorporated by this reference as Exhibit G, 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 and the proposed partial tax abatements to be in the best interest of the City and the contiguous territory; and

WHEREAS, the City of Klamath Falls adopted a Comprehensive Plan for the City on April 20, 1981, by virtue of Ordinance No. 6336; 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:

Section 1

There is hereby annexed to the City of Klamath Falls, approximately 194 acres, as shown on the maps attached hereto as Exhibit A, B and C, and further described in the legal descriptions in Exhibit D, E, and F.

Section 2

Pursuant to ORS 222.111(3), the rate of taxation by the City for both City real property taxes due in the annexed area and City taxes due on the personal property taxed within the annexed area (hereinafter collectively referred to as "City Taxes") shall be as follows:

Tax Years 1-3 (July 1, 2001 – June 30, 2004):	100% abatement of City Taxes [Owner pays 0% of City tax rate]
Tax Year 4 (July 1, 2004 – June 30, 2005):	75% abatement of City Taxes [Owner pays 25% of City tax rate]
Tax Year 5 (July 1, 2005 – June 30, 2006):	50% abatement of City Taxes [Owner pays 50% of City tax rate]
Tax Year 6 (July 1, 2006 – June 30, 2007):	25% abatement of City Taxes [Owner pays 75% of City tax rate]
Tax Year 7 (July 1, 2007 and thereafter):	0% abatement of City Taxes [Owner pays 100% of City tax rate]

Passed by the Council of the City of Klamath Falls, Oregon, the 20th day of November, 2000.

Presented to the Mayor (~~Mayor Pro-tem~~), approved and signed this 21 day of November, 2000.



Mayor (~~Mayor Pro-tem~~)

ATTEST:



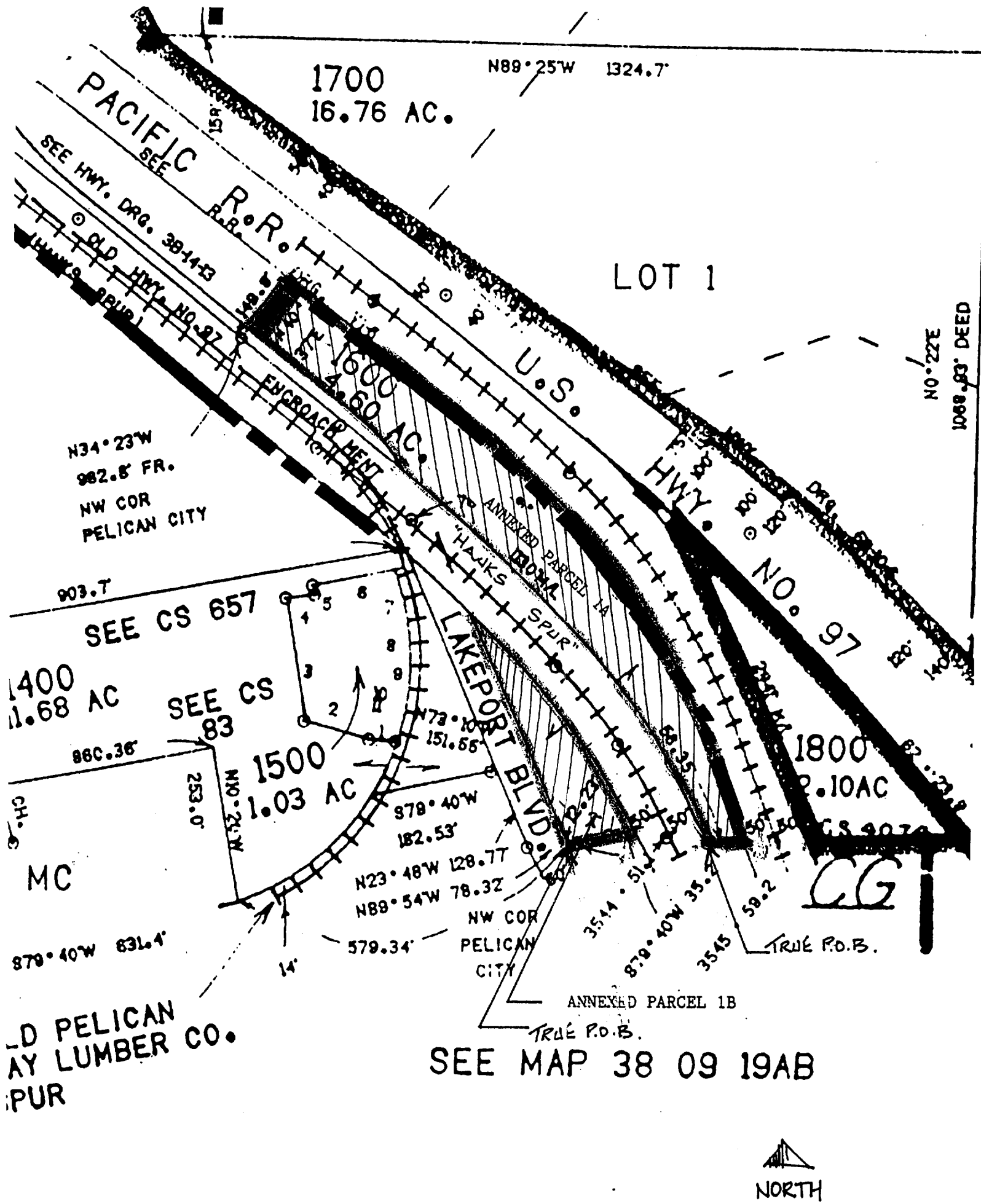
City Recorder (~~Deputy Recorder~~)

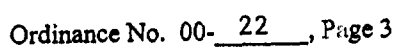
STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

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 duly adopted by the Council of the City of Klamath Falls, Oregon, at the meeting held on the 20 day of November, 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 Parcels 1A and 1B





SECTION 19 T.38S. R.09E. W.M.
KLAMATH COUNTY

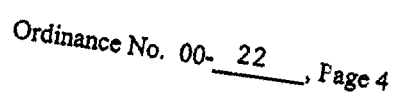


EXHIBIT D

**JELD-WEN, INC.
BOUNDARY DESCRIPTION FOR ANNEXED PARCEL 1A**

A TRACT OF LAND SITUATED IN THE SW1/4 SE1/4 OF SECTION 18, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the southeast corner of said Section 18; thence N 89° 54' W, 1779.6 feet more or less to the true point of beginning, said true point being at the intersection of the south line of said Section 18 and the northeast right of way line of the Southern Pacific Railroad Spur (A.K.A. Hanks Spur); thence northwesterly, along said northeast right of way line to it's intersection with the northeast right of way line of Lakeport Boulevard; thence northwesterly along said northeast right of way line of Lakeport Boulevard, 360 feet (scaled) more or less; thence N 40° 37' E, 129.8 feet to the southwest right of way line of the Southern Pacific Railroad; thence southeasterly, along said southwest right of way 1260 feet (scaled) more or less to the south line of said Section 18; thence N 89° 54' W, along said south line, 58.3 feet more or less to the true point of beginning.

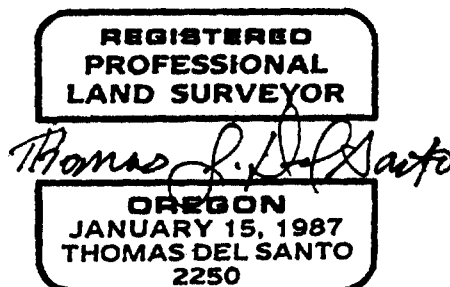
* The data compiled for this boundary description, was from Record of Surveys, the Klamath County Assessor's Maps and scaled distances from the Assessor's Maps. Recorded deed documents were not provided, there is no basis of bearings and a registered survey was not conducted. The description is solely for the use in mapping the annexed property.

**JELD-WEN, INC.
BOUNDARY DESCRIPTION FOR ANNEXED PARCEL 1B**

A TRACT OF LAND SITUATED IN THE SW1/4 SE1/4 OF SECTION 18, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the southeast corner of said Section 18; thence N 89° 54' W, 2007.7 feet more or less to the east right of way line of Lakeport Boulevard and true point of beginning; thence northwesterly, along said east right of way line, 425 feet (scaled) more or less to the southwest right of way line of the Southern Pacific Railroad Spur (A.K.A. Hanks Spur); thence southeasterly, along said southwest right of way line 460 feet (scaled) more or less to the northeast corner of Lot 1, Block 1 as shown on the Map of Pelican City Oregon recorded in the Klamath County Clerk's Office; thence S 79° 40' W, 108 feet (scaled) more or less to the east right of way line of Lakeport Boulevard and true point of beginning.

* The data compiled for this boundary description, was from Record of Surveys, the Klamath County Assessor's Maps and scaled distances from the Assessor's Maps. Recorded deed documents were not provided, there is no basis of bearings and a registered survey was not conducted. The description is solely for the use in mapping the annexed property.



**JELD-WEN, INC.
BOUNDARY DESCRIPTION FOR ANNEXED PARCEL 2**

A TRACT OF LAND SITUATED IN THE E1/2 SE1/4 OF SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the southeast corner of said Section 19; thence S 89° 38' W, along the south line of said Section 19, 10 feet to the true point of beginning; thence S 89° 38' W, along said south line, 1169.4 feet more or less; thence NORTH, 350 feet; thence WEST, 150.0 feet to the east right of way line of Alma Alley; thence NORTH, along said east right of way line, 510 feet (per Record of Survey No. 4440, filed in the Klamath County Surveyor's Office) more or less to the north right of way line of Gage Road; thence EAST, along said north right of way line, 363 feet to the east property line of said record of survey; thence NORTH, along said east property line and it's northerly prolongation, 468 feet (per Record of Survey No. 34 and 4440, filed in the Klamath County Surveyor's Office) more or less; thence WEST, (per said Record of Survey No. 34), 363 feet to the east right of way line of Alma Alley; thence NORTH, along said east right of way line, 575.5 feet (per said Record of Survey No. 34); thence EAST, 410.45 feet to a point that bears NORTH 1907.5 feet and WEST 919.55 feet more or less from the southeast corner of said Section 19; thence N 01° 34' E, 211.0 feet to the beginning of a 493 foot more or less radius curve concave to the southwest; thence northwesterly, along the arc of said curve, 495 feet more or less to the south right of way line of Lakeport Boulevard (formerly known as Pelican City Road); thence S 68° 47' E, along said south right of way line, 348 feet (scaled) more or less to the northwest corner of property as shown on Record of Survey No. 3253, on file at the Klamath County Surveyor's Office and the beginning of a 722.96 foot radius curve concave to the southwest; thence southeasterly, along the arc, 264.45 feet (central angle of said curve = 20° 57' 30"); thence S 01° 34' W, 206.16 feet; thence N 89° 43' 10" E, 266.55 feet; thence SOUTH, 575.5 feet; thence WEST, 94.0 feet; thence SOUTH 468.5 feet to the north right of way line of Gage Road; thence WEST, along said north right of way line, 157.5 feet; thence SOUTH, along the west line of Property Line Adjustment 42-97 (and it's northerly prolongation) as shown on Record of Survey No. 6193, on file at the Klamath County Surveyor's Office, 329.87 feet; thence EAST 7.50 feet; thence SOUTH 80 feet; thence EAST 350 feet; thence SOUTH, 100.00 feet; thence EAST, 300 feet to the west right of way line of Montelius Street; thence S 00° 55' 30" E, along said west right of way line, 350.04 feet to the true point of beginning.

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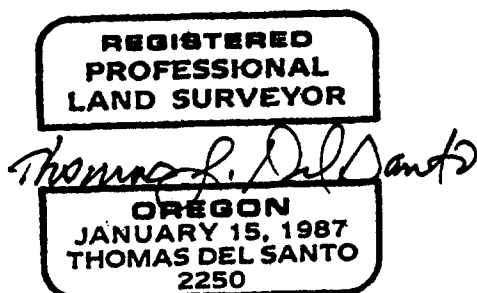


EXHIBIT F

**JELD-WEN, INC.
BOUNDARY DESCRIPTION FOR ANNEXED PARCEL 3**

A TRACT OF LAND SITUATED IN THE SOUTH ½ OF SECTION 18 AND THE NORTH ½ OF SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the southeast corner of said Section 18; thence N 89° 54' W, 1995.5 feet; thence S 79° 40' W, 1139.7 feet; thence N 10° 20' W, 253 feet (calculated) more or less; thence S 79° 40' W, 315 feet (scaled) more or less; thence N 10° 20' W, 192 feet more or less to the line of ordinary high water (Upper Klamath Lake) and true point of beginning; thence S 10° 20' E, 192 feet more or less; thence N 79° 40' E, 315 feet (scaled) more or less; thence S 10° 20' E, 253 feet (calculated) more or less to the north line of the old Pelican Bay Lumber Company Spur; thence N 79° 40' E, along said north line, 540 feet (scaled) more or less to the beginning of a curve concave to the northwest; thence northeasterly along the arc of said curve, 270 feet (scaled) more or less; thence N 79° 40' E, 182.53 feet to the west right of way line of Lakeport Boulevard; thence southeasterly, along said right of way line, 2740 feet (scaled) to the south line of the Shippington Spur; thence westerly, along the arc of a curve on said south line, 590 feet (scaled) more or less to the approximate point of tangency on said south line and also being a point on the north line of Harbor Isles Boulevard; thence S 77° 49' 30' W, 461.44 feet as shown on Record of Survey No. 2959, on file in the Klamath County Surveyor's Office; thence S 77° 48' 00" W, 321.33 feet as shown on said record of survey; thence N 12° 12' 00" W, 45.12 feet as shown on said record of survey to the beginning of a 443.52 foot radius curve concave to the northeast; thence northwesterly, along the arc of said curve, 723.79 feet (central angle of said curve = 109° 21' 51"); thence N 82° 50' 08" W, 10.24 feet; thence NORTH, 793.95 feet; thence S 89° 23' 00" W, 958 feet more or less to the line of ordinary high water (Upper Klamath Lake); thence northeasterly, along said line of ordinary high water, 3960 feet (scaled) to the true point of beginning.

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EXHIBIT G

COMPREHENSIVE PLAN FINDINGS

1. There are no viable agricultural lands on the properties.
2. There are no forestlands on the properties.
3. The annexation will permit the applicant to connect to the City's sewer system, eliminating the use of bare land for a septic system drain field. A majority of the property is occupied by Harbor Links Golf Course.
4. The majority of the properties are already developed.
5. The property in question is not located in a natural disaster or hazard zone.
6. A significant portion of the property is occupied by Harbor Links Golf Course which provides recreation not only for golfers, but enhanced open space.
7. The annexation will increase the City's tax base by over \$300,000 annually in real and personal property tax revenue in addition to generating funds through sewer system development charges and income through ongoing sewer fees.
8. The use of the annexed land will be strictly non-residential but the annexation of land within the UGB further supports the need for smart growth instead of developing land outside the UGB for housing.
9. The land is adjacent to other land within the City limits, and therefore City services, it is logical to expand these services.
10. The only impact the annexation will have on the transportation system will be a reduction in the use of roads as a result of the elimination of trucks that empty the existing septic tanks.
11. The elimination of the trucks that empty the septic tanks will conserve fuel energy.
12. The land is essentially surrounded by City land; is already multi-faceted industrial and office development and is, therefore, already an urban use.

State of Oregon, County of Klamath
Recorded 12/05/00, at 11:28 a. m.
In Vol. M00 Page 43657
Linda Smith,
County Clerk Fee \$ 56⁰⁰