

Ordinance No. 01-01

**A SPECIAL ORDINANCE VACATING THE ALLEY RIGHT-OF-WAY
ADJACENT TO LOTS 7 THROUGH 11 AND 18 THROUGH 22,
BLOCK 14 IN THE HILLSIDE ADDITION TO KLAMATH FALLS**

WHEREAS, the owners of the properties adjacent to the right-of-way to be vacated desire to vacate the alley right-of-way adjacent to lots 7 through 11 and 18 through 22, Block 14, of the Hillside addition to Klamath Falls; and

WHEREAS, a hearing was held on November 27, 2000, pursuant to 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 January 2, 2001; on the recommendation of the Planning Commission on the vacation; 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 20 foot wide alley on Block 14 of "Hillside Addition to Klamath Falls", situated in the NW1/4 of Section 28, T38S, R9EWM, Klamath County, Oregon, being more particularly described in Exhibit C (and as shown on Exhibit "A") is hereby vacated; provided, however, there is reservation of a 16' wide public utility easement in Block 14 of "Hillside Addition to Klamath Falls", situated in the NW1/4 of Section 28, T38S, R9EWM, Klamath County, Oregon, being more particularly described in Exhibit D, and further provided that no buildings or above-ground structures may be erected within the easement area and no trees shall be planted or maintained in the easement area that will interfere with the utility lines.

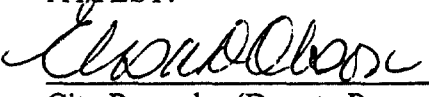
Passed by the Council of the City of Klamath Falls, Oregon, the 16th day of January, 2001.

Presented to the Mayor (Mayor-Pro-tem), approved and signed this 17th day of January, 2001.



Mayor (Mayor-Pro-tem)


ATTEST:



City Recorder (Deputy Recorder)

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

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 16th day of January, 2001 and thereafter approved and signed by the Mayor (Mayor-Pro-tem) and attested by the City Recorder (Deputy Recorder).



City Recorder (Deputy Recorder)

Exhibit B

The following addresses the criteria specific to section 13.025 of the City's Community Development Ordinance. In applying the facts to the criteria, specific cross references may have been made; however, the facts separately set forth are generally applicable to more than one criterion and therefore, should be treated as cumulative and supplementary.

1. **Criterion.** The consent of the owners of the requisite area has been obtained.

Finding. This criterion has been met as notarized consent forms from property owners within the legally affected area have been received.

2. **Criterion.** The notice of the proposed vacation has been duly given.

Finding. This criterion has been met as notice of the vacation has been made, consistent with the CDO and any applicable state provisions. No person notified has responded in opposition of the proposal.

3. **Criterion.** The public interest will not be prejudiced by vacation of such plat or part thereof.

Finding. This criterion has been met as the creation of a 16' utility easement will allow utility providers access to facilities. Also, the alley right-of-way is currently undeveloped and impassable to vehicles.

4. **Criterion.** The proposed vacation conforms to the Comprehensive Plan, all applicable street plans, and all applicable provisions of Chapters 10 to 14.

Findings. This criterion has been met as the proposed vacation does conform to the Comprehensive Plan, all applicable street plans, and all applicable provisions of Chapters 10 to 14.

OWNER
DENNIS A. ENSOR, L.S., W.R.E.

CHAD B. ENSOR, L.S.I.T.
JOHN M. HEATON, L.S.I.T.

TRU SURVEYING, INC. LINE

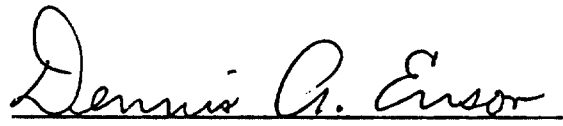
TELEPHONE (541) 884-3691
2333 SUMMERS LANE KLAMATH FALLS, OREGON 97603

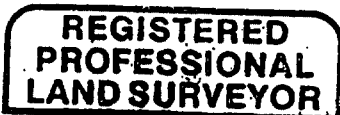
NOVEMBER 21, 2000

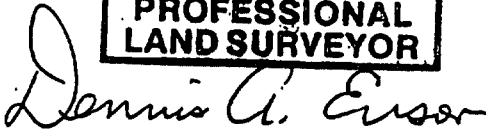
LEGAL DESCRIPTION OF PROPOSED ALLEY VACATION

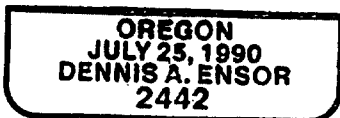
A 20 FOOT WIDE ALLEY IN BLOCK 14 OF "HILLSIDE ADDITION TO KLAMATH FALLS", SITUATED IN THE NW1/4 OF SECTION 28, T38S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 11 IN SAID BLOCK 14; THENCE N68°46'00"E 250.00 FEET TO THE SOUTHEAST CORNER OF LOT 7 IN SAID BLOCK 14; THENCE S21°14'00"E 20.00 FEET TO THE NORTHEAST CORNER OF VACATED LOT 22 IN SAID BLOCK 14; THENCE S68°46'00"W 250.00 FEET TO THE NORTHWEST CORNER OF LOT 18 IN SAID BLOCK 14; THENCE N21°14'00"W 20.00 FEET TO THE POINT OF BEGINNING, WITH BEARINGS BASED ON THE PLAT OF SAID "HILLSIDE ADDITION TO KLAMATH FALLS" ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.


DENNIS A. ENSOR O.L.S. 2442







EXPIRES 12/31/01

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Exhibit D

OWNER
DENNIS A. ENSOR, L.S., W.R.E.

CHAD B. ENSOR, L.S.I.T.
JOHN M. HEATON, L.S.I.T.

TRU SURVEYING, INC. LINE

TELEPHONE (541) 884-3691
2333 SUMMERS LANE KLAMATH FALLS, OREGON 97603

NOVEMBER 21, 2000

LEGAL DESCRIPTION OF 16 FOOT WIDE UTILITY EASEMENT
INCLUDING WATER AND SANITARY SEWER

A 16 FOOT WIDE UTILITY EASEMENT IN BLOCK 14 OF "HILLSIDE ADDITION TO KLAMATH FALLS", SITUATED IN THE NW1/4 OF SECTION 28, T38S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 11 IN SAID BLOCK 14; THENCE N68°46'00"E 250.00 FEET TO THE SOUTHEAST CORNER OF LOT 7 IN SAID BLOCK 14, AND BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF NEWCASTLE AVENUE; THENCE S21°14'00"E, ALONG THE SAID SOUTHWESTERLY RIGHT OF WAY LINE, 16.00 FEET; THENCE S68°46'00"W 250.00 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF AN ALLEY; THENCE N21°14'00"W, ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE, 16.00 FEET TO THE POINT OF BEGINNING, WITH BEARINGS BASED ON THE PLAT OF SAID "HILLSIDE ADDITION TO KLAMATH FALLS" ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

Dennis A. Ensor
DENNIS A. ENSOR O.L.S. 2412

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dennis A. Ensor

OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

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State of Oregon, County of Klamath
Recorded 02/05/01, at 3:09 p. m.
In Vol. M01 Page 4627
Linda Smith,
County Clerk Fee\$ 41.00

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