

Ordinance No. 01-07

**A SPECIAL ORDINANCE VACATING A 140 FOOT SECTION OF A 60 FOOT WIDE
RIGHT-OF-WAY KNOWN AS MODOC STREET**

WHEREAS, the owner of the properties adjacent to the right-of-way to be vacated desire the vacation of the right-of-way adjacent to Tax Lot 4200 of map 3809-29BC, located north of Trinity Street and south of Oregon Avenue; and

WHEREAS, a public hearing was held on April 9, 2001, pursuant to applicable laws, at which time all evidence and objections with reference to said proposed vacation were considered by the Planning Commission; and

WHEREAS, the City Council hearing notices having been duly given, did hold a public hearing on May 7, 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 140 foot section of a 60 foot wide right-of-way known as Modoc Street particularly described as follows (and as shown on Exhibit "A"):

A TRACT OF LAND 60 FEET WIDTH SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 38 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF MODOC STREET CONTIGUOUS WITH LOT 12, BLOCK 63, THE SUPPLEMENTARY PLAT OF BUENA VISTA ADDITION AND LOTS 7 THROUGH 9 OF BLOCK 66 OF THE SUPPLEMENTARY PLAT OF BUENA VISTA ADDITION.

RESERVING THEREFROM A 20 FOOT WIDE UTILITY EASEMENT APPROXIMATELY 140 FEET IN LENGTH BEING THE CENTER 20 FEET OF THE ABOVE DESCRIBED TRACT OF LAND.

is hereby vacated, provided, however, there is reservation of a 16' wide Public Utility Easement to repair, install or reconstruct utilities as needed, being particularly described in Exhibit "A".

Passed by the Council of the City of Klamath Falls, Oregon, the 21st day of May, 2001.

Presented to the Mayor (~~Mayor-Pro-tem~~), approved and signed this 22nd day of May, 2001.

AFTER RECORDING RETURN TO:
City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601



Mayor (~~Mayor-Pro-tem~~)

ATTEST:

Shirley Kappas
~~City Recorder~~ (Deputy Recorder)

STATE OF OREGON }
COUNTY OF KLAMATH } SS
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 21st day of May, 2001 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)

Exhibit A

A TRACT OF LAND 60 FEET WIDTH SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 38 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF MODOC STREET CONTIGUOUS WITH LOT 12, BLOCK 63, THE SUPPLEMENTARY PLAT OF BUENA VISTA ADDITION AND LOTS 7 THROUGH 9 OF BLOCK 66 OF THE SUPPLEMENTARY PLAT OF BUENA VISTA ADDITION.

RESERVING THEREFROM A 20 FOOT WIDE UTILITY EASEMENT APPROXIMATELY 140 FEET IN LENGTH BEING THE CENTER 20 FEET OF THE ABOVE DESCRIBED TRACT OF LAND.

Exhibit "B"
Planning Commission Findings

Criterion #1 - Whether the consent of the owner of the requisite area has been obtained. 70% of the property owners gave consent, meeting the criterion.

Criterion #2 - Whether the notice of the proposed vacation has been duly given. The notices were mailed and published. Notice of the proposed vacation has been duly given.

Criterion #3 - Whether the public interest will be prejudiced by vacation of such plat or part thereof. If the easements are created of then this criterion has been met.

Criterion #4 - Whether the proposed vacation conforms to the Comprehensive Plan, all applicable provisions of Chapter 10 to 14 and any applicable street plans. The vacation conforms to the Comprehensive Plan and Policies.

State of Oregon, County of Klamath
Recorded 07/06/01 at 9:51 A m.
In Vol. M01 Page 32808
Linda Smith,
County Clerk Fee\$ 36.00