

**A SPECIAL ORDINANCE ANNEXING AN 8.57 ACRE PARCEL BORDERING BALSAM DRIVE TO THE SOUTH AND IRON STREET TO THE WEST, AND CHANGING THE ZONE DESIGNATION FROM KLAMATH COUNTY'S SUBURBAN RESIDENTIAL TO PUBLIC FACILITY**

*pt.*

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

**WHEREAS**, a public hearing was held on May 14, 2001, pursuant to applicable laws, at which time all evidence and objections with reference to said proposed annexation and zone change were considered by the Planning Commission; and

**WHEREAS**, the City Council hearing notices having been duly given, did hold a public hearing on June 4, 2001 on the recommendations of the Planning Commission on the annexation and zone change; 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**; the Council did determine annexation and zone change of said property to be in the best interests of the city and the contiguous territory; and

**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:**


There is hereby annexed to the City of Klamath Falls, and zoning designation is hereby changed to the Public Facility designation of the parcel, as shown on the map attached hereto as Exhibit "A" and as described in the legal description attached hereto as Exhibit "C".

Passed by the Council of the City of Klamath Falls, Oregon, the 18th day of June, 2001.

Presented to the Mayor (~~Mayor-Pro-tem~~), approved and signed this 19th day of June, 2001.

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

ATTEST:

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

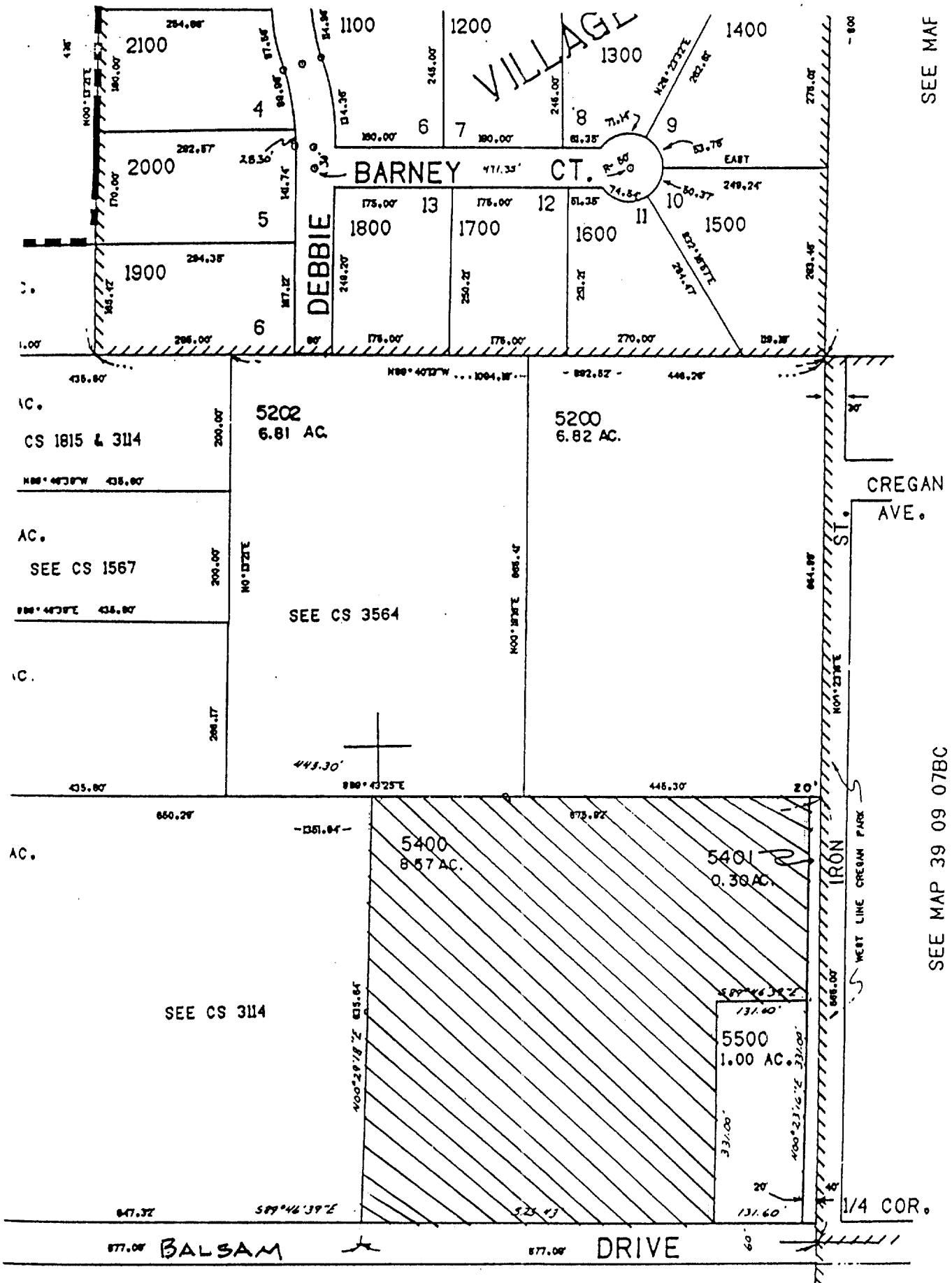
STATE OF OREGON                                 }  
COUNTY OF KLAMATH                         } SS  
CITY OF KLAMATH FALLS                     )

35092

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 18th day of June, 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"



SEE MAP 39 08 12D  
NE 1/4 SEC. 12, T39S, R8E W1M  
KLAMATH COUNTY 1" = 200'

39 08 12A

**Exhibit "B"**  
**(Findings)**

Annexation Criterion:

1. This annexation will not encroach on agricultural lands for the following reasons:
  - (a) Most soils on the parcel in question have been mapped as a Lorella very stony loam (50E). This soil series is rated as a Class 7 soil. Agricultural soils on the east side of the Cascades are defined as soils rated from Class 1 to Class 6.
  - (b) The area to the north and east of the parcel in question is zoned for single family residences at a 10,000 ft minimal parcel size. These parcels range in size from 33 acres to 1 acre. The minimal parcel size for agricultural land is 80 acres.
2. This annexation will not encroach upon forestland. This area will not support a forest due to the poor soils.
3. This annexation will help conserve open space. It is proposed for this parcel to become a neighborhood park, therefore preserving the open space.
4. This annexation will not adversely the community's air, water, and land resources. The creation of a community park will not effect the air, water, or land resources in the area.
5. This annexation will not endanger life or property from natural disaster or hazards. The proposed community park will not effect any natural disaster or hazard.
6. This annexation will enhance the citizen recreation needs. The parks master plan has identified the need for parks within the Stewart-Lennox area. The park will serve an area over one-half mile radius.
7. This annexation will not have a direct effect on this area economy. It may however make the area more desirable to live-in.
8. This annexation will not a negative effect on housing. If the proposed zone change is granted then single family residences will no longer be a permitted or a conditional use and 8 acres of potential home sites will be lost. However, the development of the Park will provide a recreation area increasing the livability of the area, helping the surrounding residential parcels become fully utilized.
9. This annexation will create a timely, orderly and efficient arrangement of public facilities and services. The creation of a neighbor park in the area will make the park system much more efficient. Currently for the Stewart-Lennox area residents, the closest park is Veteran's Park, which is roughly three miles away. The route to Veteran's Park is one of busy roads and highways. It not a path where children could walk. This proposed park will provided for this need.
10. This annexation will help provide a safe, convenient and economic transportation system. The Park's Master Plan projects that this park will be mostly used by the residents in the area, and they will walk to the park.
11. This annexation will aid in conserving energy. Again, it is projected that the user of the proposed park will walk there, and thus help curtail the need of a car for recreation needs.

Zone Change Criterion:

- Criterion #1. The Zone Change is conforming with the Comprehensive Plan Chapters 10-13. Criteria has been developed to meet the provision of chapter 14, confirmation will come during the Design Review Process.
- Criterion #2. The size and shape of the parcel in question conforms with the site standards in chapter 12.
- Criterion #3. The traffic generated by this zone change can be adequately handled by the transportation system already in place.
- Criterion #4. The proposed zone change will not have an adverse effect on the abutting property.

35095

**Exhibit "C"**  
**(Legal Description)**

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER, NORTHEAST OF SECTION 12, TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the east quarter corner of said Section 12; thence N 00° 13'46" W, 30.00 feet to the northwest right of way corner of Balsam Drive and Iron Street; thence N 89° 46'39" W, along the north right of way line of Balsam Drive, 151.6 feet to the southwest corner of property described in Deed Volume M01 Page 2051, recorded in the office of the Klamath County Clerk, said corner being the true point of beginning of this description; thence N 00° 23'16" E, along a line that is parallel with the west right of way line of Iron Street, 331.00; thence S 89° 46'39" E, 131.60 feet, to a point on a line that is 20.00 feet west and parallel with said west right of way line, thence N 00° 23'16" E, along said west parallel line, 304 feet more or less to the south boundary line of Parcel 3 as shown on County Survey 3564 on file in the Klamath County Surveyors Office; thence N 89° 43'25" W, along said boundary line, 655.92 feet; thence S 00° 29'18" W, 635.64 feet to the north right of way line Balsam Drive; thence S 89° 46'39"E, along said north right of way line, 525.43 feet to the true point of beginning, containing 8.57 acres, more or less.

**State of Oregon, County of Klamath**  
Recorded 07/18/01 at 11:29 a.m.  
In Vol. M01 Page 35091  
**Linda Smith,**  
County Clerk Fee \$ 41.00