

Ordinance No. 02-12

A SPECIAL ORDINANCE VACATING
A PORTION OF THE ARROWHEAD DRIVE RIGHT-OF-WAY
IN THE LYNNWOOD SUBDIVISION (TRACT 1091)

WHEREAS, the owner of the property adjacent to the right-of-way to be vacated requested that the City Council initiate the vacation proceedings, and

WHEREAS, the City Council adopted Resolution 02-16 on April 1, 2002, initiating the vacation proceedings for a portion of the Arrowhead Drive right-of-way; and

WHEREAS, the owners of the properties adjacent to the right-of-way to be vacated desire to vacate the Arrowhead Drive right-of-way adjacent to and east of lots 1 through 4, Block 3, of the Lynnwood Subdivision (Tract 1091); and

WHEREAS, a hearing was held on May 13, 2002, 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 June 17, 2002, on the recommendation of the Planning Commission concerning the vacation; and

WHEREAS, the City Council has adopted the findings of the Planning Commission, attached hereto and incorporated by this reference as EXHIBIT A; 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 Arrowhead right-of-way located adjacent to lots 1 through 4, Block 3 of the Lynnwood Subdivision (Tract 1091), Klamath County, Oregon, being more particularly described in EXHIBIT B (and as shown on EXHIBIT C) is hereby vacated.

Passed by the Council of the City of Klamath Falls, Oregon, the 22nd day of July, 2002.

Presented to the Mayor (~~Mayor-Pro-tem~~), approved and signed this 23rd day of July, 2002.


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

ATTEST:


City Recorder (~~Deputy Recorder~~)

State of Oregon, County of Klamath
Recorded 08/14/2002 8:59 a.m.
Vol M02, Pg 45668-71
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

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 22nd day of July, 2002 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
FINDINGS**

- B. Criterion Consent of the owners of the requisite area has been obtained.

Facts and Analysis An adjacent property owner, Kris Anderson, requested that the City Council initiate vacation proceedings. ORS 271.130 authorizes the City Council to initiate vacation proceedings without obtaining the required consent. On April 1, 2002, the City Council approved a Resolution initiating the vacation proceedings.

Finding Consent of the owners of the requisite area did not need to be obtained as the vacation proceedings were initiated by the City Council on April 1, 2002, by Resolution.

- B. Criterion Notice of the proposed vacation has been duly given.

Facts and Analysis Notice of the proposed vacation was published in the Herald and News on April 21, 2002 and mailed to 26 adjacent property owners on April 2, 2002.

Finding Notice of the proposed vacation was duly given by mail and publishing in the local newspaper.

- C. Criterion The public interest will not be prejudiced by the vacation of such plat or part thereof.

Facts and Analysis Currently the right-of-way is landscaped and utilized as the rear yards for residences fronting Buck Island Drive. There are no utility lines within the area proposed for vacation. The Fire Marshal has no issue with vacating the area. The City Streets Division and Public Works Department do not foresee any development of the right-of-way for vehicular use.

Finding The public interest will not be prejudiced by the vacation of a part of the plat.

- E. Criterion The vacation conforms to the Comprehensive Plan, all applicable provisions of Chapters 10 to 14 of the City Code and any applicable street plans.

Facts and Analysis The area is currently vacant with one structure built within the right-of-way. This structure would become conforming if the right-of-way were vacated. The City Comprehensive Plan and all other provisions of Chapters 10 to 14 of the City Code would be met.

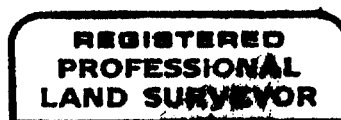
Finding The vacation conforms to the comprehensive plan and applicable provisions of Chapters 10 to 14 of the Community Development Ordinance and any applicable street plans.

**EXHIBIT B
VACATION LEGAL DESCRIPTION**

ARROWHEAD ROAD VACATION

AN ORDINANCE VACATING A PORTION OF ARROWHEAD ROAD ADJACENT TO BLOCK 3, TRACT 1091 LYNNEWOOD SUBDIVISION, SITUATED IN THE SOUTHEAST QUARTER, SOUTHEAST QUARTER, OF SECTION 25, TOWNSHIP 38 SOUTH, RANGE 8 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the southeast corner of Lot 4, Block 3 of said Tract 1091; thence S 89°54'09" E, 30.00 feet to a point at the southeast corner of property described in Volume M76, Page 12371 of the Klamath County Deed Records, said point being the true point of beginning; thence N 00°05'51" E, along the east line of property described in said volume and page, 552.48 feet to the northeast corner of said property; thence S 89°54'09" E, 20.00 feet to the east boundary line of said Tract 1091; thence S 00°05'51" W, along said east boundary line, 552.48 feet; thence N 89°54'09" W, 20.00 feet to the true point of beginning; containing 0.25 Acres more or less.



Thomas R. Del Santo



EXHIBIT C
VACATION VICINITY MAP

38 08 25DD

