

Ordinance No. 03-03

A SPECIAL ORDINANCE VACATING THE EASTERN MOST ALLEY BETWEEN  
OWENS STREET AND EAST MAIN STREET, SOUTH OF UNION AVENUE,  
AND NORTH OF THE SHASTA WAY RIGHT-OF-WAY

WHEREAS, ORS 271.130 authorizes the City Council to initiate vacation proceedings without obtaining the required consent of adjacent and nearby property owners; and

WHEREAS, Council approved Resolution 02-42, initiating the vacation proceedings on October 21<sup>st</sup>, 2002; and

WHEREAS, a hearing was held on November 18, 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 January 6, 2003, on the recommendation of, and including the record 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,

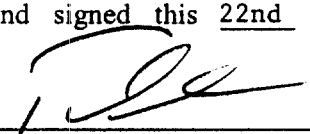
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

The alley right-of-way adjacent to lots 1 through 9, and 20 of block 206 in the Mills Second Addition of Klamath Falls, south of the Union Avenue right-of-way and north of the Shasta Way right-of-way, Klamath County, Oregon, as shown in EXHIBIT B (4-V-02), is hereby vacated with the following condition:

A 25' easement shall be dedicated and recorded to Pacific Power and Light for overhead utility lines.

Passed by the Council of the City of Klamath Falls, Oregon, the 21st day of January, 2003.

Presented to the Mayor (~~Mayor-Pro-tem~~), approved and signed this 22nd day of January, 2003.

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

ATTEST:

  
City Recorder (~~Deputy Recorder~~)

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

State of Oregon, County of Klamath  
Recorded 02/13/2003 2:27 p. m.  
Vol M03 Pg 08867-69  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3

I, Shirley Kappa 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 January, 2003 and thereafter approved and signed by the Mayor (~~Mayor-Pro-tem~~) and attested by the City Recorder (~~Deputy Recorder~~).

  
City Recorder (~~Deputy Recorder~~)

*At: City of Klamath Falls*

**EXHIBIT A  
FINDINGS**

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

Findings ORS 271.130 authorizes the City Council to initiate vacation proceedings without obtaining the required consent. Council approved Resolution 02-42, initiating the vacation proceedings on October 21<sup>st</sup>, 2002. 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 October 21, 2002, by Resolution.

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

Findings Notice of the Planning Commission public hearing was mailed to 38 adjacent property owners on October 28, 2002 and published in the Herald and News on November 3, 2002. Notice of the City Council public hearing was published in the Herald and News on December 8, 15, 22 and 29, 2002 and mailed to 38 adjacent property owners on December 18, 2002. Notice of the proposed vacation was duly given by mail and publishing in the local newspaper.

**3. Whether the public interest will be prejudiced by vacation of such plat or part thereof.**

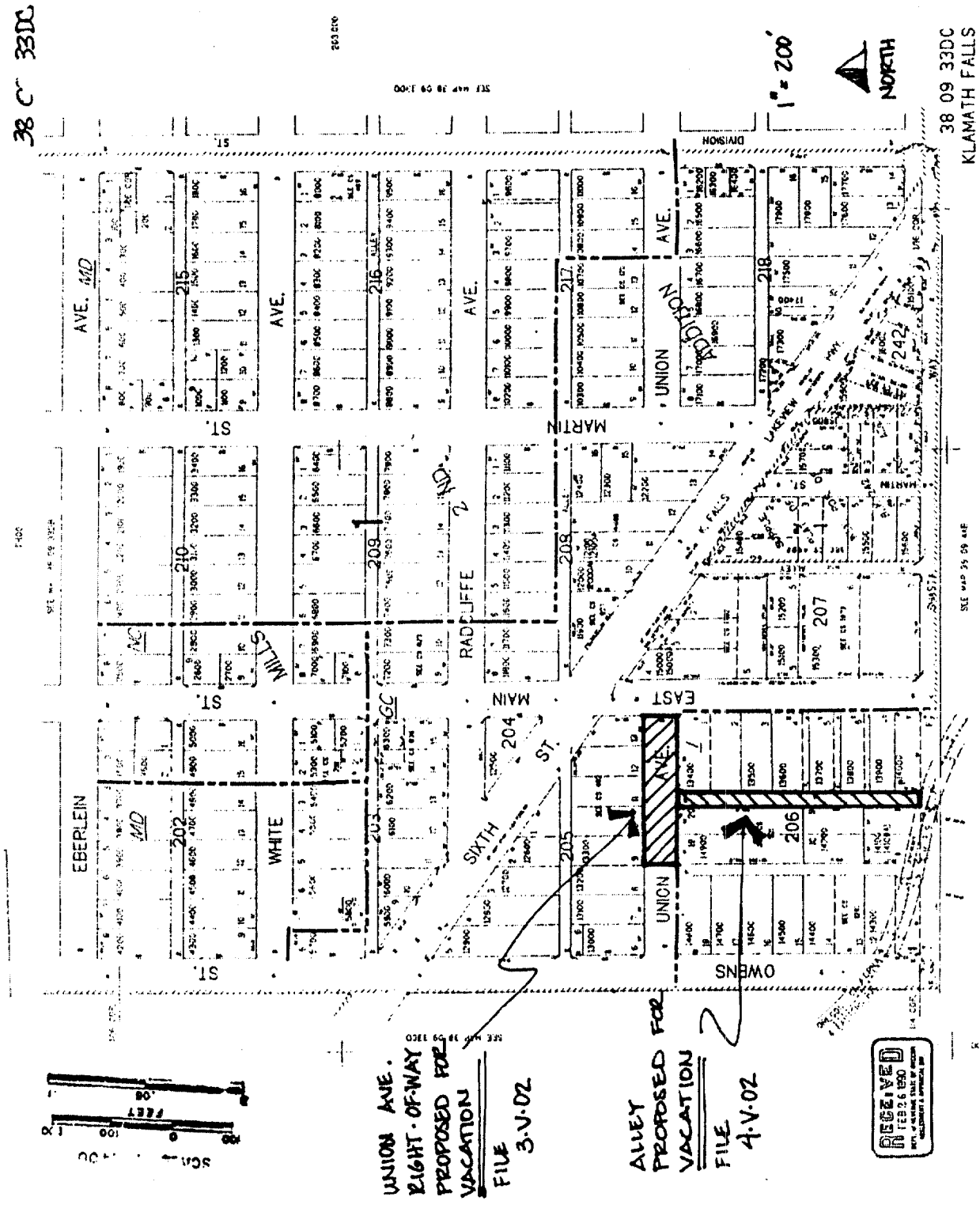
Findings The alley right-of-way proposed for vacation is currently partially developed as a parking lot, previously used by the bowling alley, and the remainder is undeveloped. There are no underground utilities in the right-of-way. There are overhead power lines to the existing structures. The public interest will not be prejudiced by the vacation of a part of the plat if a 25' wide easement is recorded for the power line.

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

Findings This alley right-of-way is currently used by adjacent property owners as a parking lot and as portions of rear yards. This alley is not identified on any street plans as a pertinent right-of-way. 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 VICINITY MAP

38 C 33DC



38 09 33DC  
KLAMATH FALLS