

**A SPECIAL ORDINANCE ANNEXING A 4.5 ACRE PARCEL ADJACENT TO 2600
WASHBURN WAY INTO THE CITY OF KLAMATH FALLS**

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

WHEREAS, a public hearing was held on June 9, 2003, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed annexation were considered by the Planning Commission; and

WHEREAS, the City Council, hearing notices having been duly given, did hold a public hearing on August 4, 2003, on the recommendation of and including the record of the Planning Commission concerning the annexation, 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; and

WHEREAS, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit B; NOW THEREFORE

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

There is hereby annexed to the City of Klamath Falls, a parcel of land as shown on the map attached hereto as Exhibit "A", and described as:

The south 215.17 feet of lot 9 and the south 55.87 feet of lot 6 and all of lots 7 and 8 of the plat of "Tract 1276", Klamath County Plat records, located in the Northeast quarter of section 9, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon; Containing 120,974 square feet more or less.

A tract of land in that tract of land described in volume M99, Page 25796, Klamath County Deed Records, in the Northeast Quarter of Section 9, Township 39 south, Range 9 east, Willamette Meridian, Klamath County, Oregon being more particularly described as follows:

Beginning at the southwest corner of lot 8 of the plat of "Tract 1276" Klamath County Plat Records; thence N89°25'35"W, along the south line of said volume M99, Page 25796 tract, 359.98 feet to the west line of said M99, page 25796 tract; thence N00°07'15"W, along said west line, 211.36 feet; thence N89°58'00"E, 359.95 feet to the west line of said plat of "Tract 1276"; thence S00°07'15"E, along said west line, 215.17 feet to the point of beginning; containing 76,764 square feet more or less.

Passed by the Council of the City of Klamath Falls, Oregon, the 18th day of August, 2003

Presented to the Mayor, approved and signed this 19th day of August, 2003



Mayor

ATTEST:



City Recorder (Deputy Recorder)

Ret City of Klamath Falls

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

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 on the 18th day of August , 2003 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

Shirley Kappas
City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP

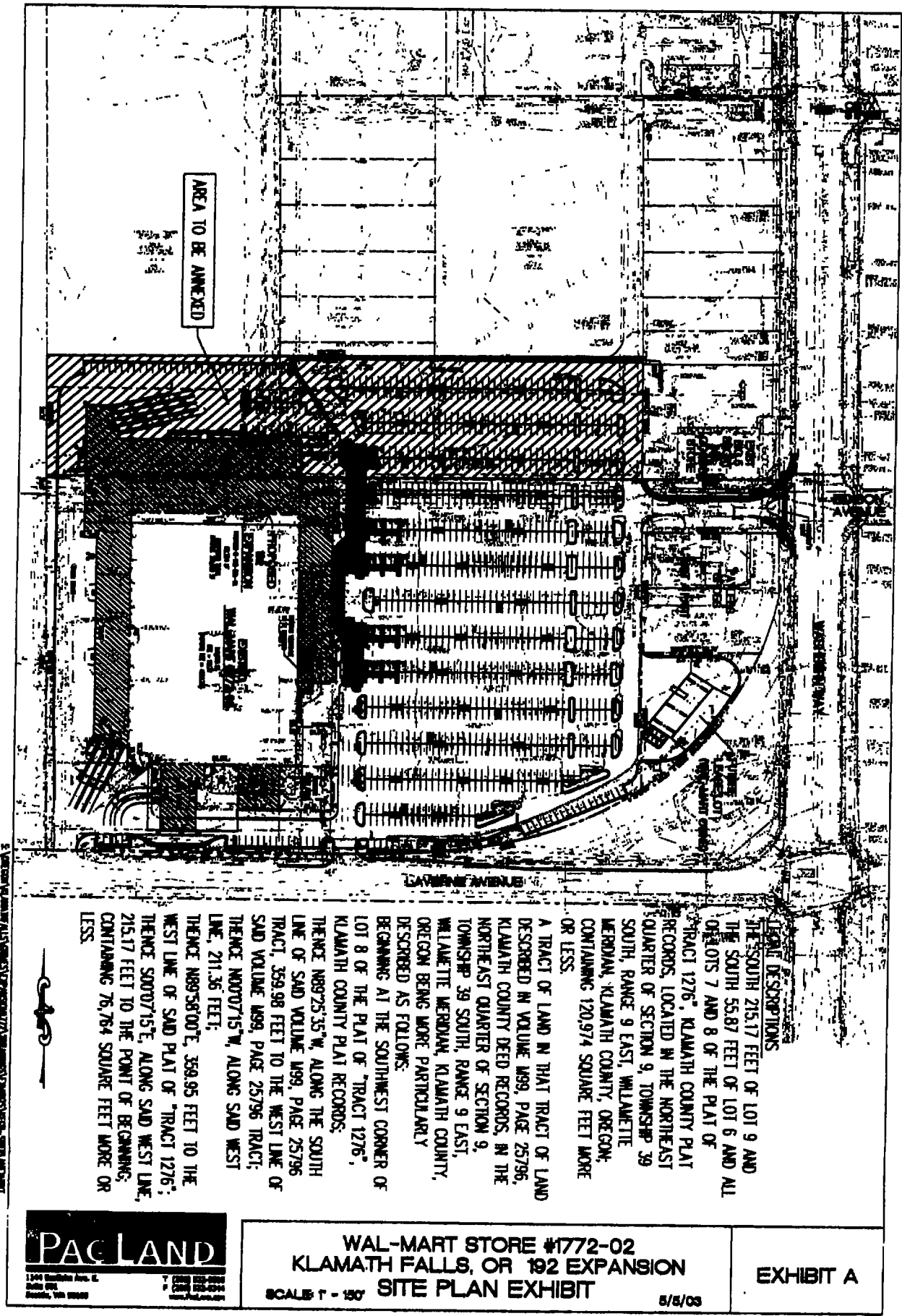


Exhibit B
PLANNING COMMISSION FINDINGS

74440

Criterion #1

The annexation will not encroach upon agricultural ground

Finding

This annexation will not encroach on agricultural lands. This area has already been zoned for commercial uses. The closest property zoned for agricultural use is approximately 1.5 miles away to the South

Criterion #2

The annexation will not encroach upon forestland.

Finding

This annexation will not encroach upon forestland. This area has already been zoned for commercial uses. The closest property zoned for forestry use is approximately 3.5 miles away to the North.

Criterion #3

The annexation will help conserve open space and protect natural resources.

Finding

This annexation will help conserve open space. This annexation will make it possible to utilize vacant parcels that are well within the Urban Growth Boundary. This "in-fill" will not affect lands dedicated to open space

Criterion #4

The annexation will not adversely affect the quality of the community's air, water, and land resources.

Finding

This annexation will not adversely affect the community's air, water, and land resources. The proposed use for this property is the expansion of a retail store. The expansion will not affect the air, water or land resources in the area. A drainage plan will be submitted to Klamath County Public Works for its review and approval

Criterion #5

The annexation will not endanger life or property from natural disasters or hazards.

Finding

This annexation will not endanger life or property from natural disaster or hazards. The proposed retail store will not affect any natural disaster or hazard

Criterion #6

The annexation will help satisfy the citizen's recreation needs.

Finding

Not applicable, this annexation will not enhance nor distract from citizen's recreation needs.

Criterion #7

The annexation will help satisfy the community's housing need.

Finding

Not applicable, the parcel is currently zoned for commercial use and this zoning will continue.

Criterion #8

The annexation will diversify and improve the community economy.

Finding

This annexation will help improve the community's economy by providing new employment opportunities.

Criterion #9

The annexation will create a timely, orderly, and efficient arrangement of public facilities and services.

Finding

This annexation will create a timely, orderly and efficient arrangement of public facilities and services. It will allow the development to hook up to city services that currently are located adjacent to the area.

Criterion #10

The annexation will help provide a safe, convenient and economic transportation system.

Finding

This annexation will help provide a safe, convenient and economic transportation system. The proposed development is on a city street (Washburn Way) and state highway (Tingley Lane). It is also on the route of the Basin Transit Service. A traffic plan will be submitted to Klamath County Public Works on proposed traffic flow improvements on local roads for its review.

Criterion #11

The annexation will aid in conserving energy.

Finding

This annexation will aid in conserving energy. This development will help create "in-fill" within the urban area and therefore use existing public facilities and services

Criterion #12

The annexation will promote an orderly and efficient transition from rural to urban land uses.

Finding

Not applicable, the site in question is already urban in nature.