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Ordinance No. 03-21

**A SPECIAL ORDINANCE ANNEXING 2.59 ACRES OF LAND 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 October 13, 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 November 3, 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:

Parcel 1 A tract of land situated in Tract 33A Enterprise Tracts subdivision, in the SE ¼ NW ¼ of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the Northwest corner of said Section 3; thence South 00°00'30" East along the Westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles Northeasterly from the centerline of south sixth street as the same is now located and constructed, said parallel line being also the northerly right of way line of said street; thence south 55°52'30" East along said parallel line 1,741.84 feet to a 5/8 inch iron pin marking the True Point of Beginning of this description, said point being on the Easterly right of way line of Austin Street with the location of said point being in conformance with record of Survey No. 939 filed in the office of the Klamath County Surveyor which contains the original owner's certification of original property corners; thence North 34°07'40" East at right angles to said South Sixth Street and along the Easterly right of way line of Austin Street a distance of 250 feet to a 5/8 inch pin with aluminum cap; thence South 55°52'30" East parallel with South Sixth Street a distance of 310.00 feet to a 5/8 inch iron pin; thence South 34°07'30" West parallel with Austin Street a distance of 250.00 feet to a 5/8 inch iron pin on the Northerly right of way line of South Sixth Street; thence North 55°52'30" West along the Northerly right of way line of South Sixth Street a distance of 310.00 feet to the True Point of Beginning of this description.

Parcel 2 A tract of land situated in Tract 33A Enterprise Tracts subdivision, in the SE ¼ NW ¼ of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the Northwest corner of said Section 3; thence South 00°00'30" East along the Westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles Northeasterly from the centerline of south sixth street as the same is now located and constructed, said parallel line being also the northerly right of way line of said street; thence south 55°52'30" East along said parallel line 1,741.84 feet to a 5/8 inch iron pin marking the True Point of Beginning of this description, said point being on the Easterly right of way line of Austin Street with the location

of said point being in conformance with record of Survey No. 939 filed in the office of the Klamath County Surveyor which contains the original owner's certification of original property corners; thence continuing South 55°52'30" East along said parallel line a distance of 310 feet to a 5/8 inch iron pin marking the True Point of Beginning of this description; thence North 34 07 30 East at right angles to South Sixth Street and parallel with Austin Street a distance of 250 feet to a 5/8 inch pin; thence South 55 52 30 East parallel with South Sixth Street a distance of 141.18 feet to a 5/8 inch iron pin with a aluminum cap on the Westerly line of that property described in Volume M68 page 4736, Klamath County Deed Records, thence south 34 07 30 West parallel with Austin Street and along the Westerly line of the last described property a distance of 250 feet to a 5/8 inch iron pin on the Northerly right of way line of South Sixth Street, said point being the Southwesterly corner of the above described property and from which a cross chiseled in the concrete sidewalk bears South 34 07 30 West 10 feet; thence North 55 52 30 West along the Northerly right of way line of South Sixth Street a distance of 141.18 feet to the True Point of Beginning of this description.

Passed by the Council of the City of Klamath Falls, Oregon, the 17th day of November, 2003

Presented to the Mayor, approved and signed this 18th day of November, 2003



Mayor

ATTEST:



City Recorder (Deputy Recorder)

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

I, Elisa D. Olson, 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 17th day of November, 2003 and therefore approved and signed by the Mayor and attested by the ~~City Recorder~~ (Deputy Recorder).



City Recorder (~~Deputy Recorder~~)

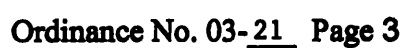


Exhibit B
PLANNING COMMISSION FINDINGS

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 3.5 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 2.5 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 redevelop a parcel within the Urban Growth Boundary. This "redevelopment" will preserve 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 redevelopment of this property will not affect the community's air, water or land resources due to the fact that the needed infrastructure is already in place and little construction is needed before the building is useable.

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 redevelopment of this site to expand the city services that are currently being used at the site.

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. As part of the redevelopment proposal access points will be modified to provide a safer and more convenient transportation system. Specifically the access point at the corner of South 6th and Austin will become a "right exit only."

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.