

A SPECIAL ORDINANCE ANNEXING 4.76 ACRES OF LAND EAST OF PATTERSON STREET AND NORTH OF HARVEY DRIVE INTO THE CITY OF KLAMATH FALLS

WHEREAS, the applicant, Dove Hollow Estates, LLC, has submitted a written proposal for an annexation of certain real property which is hereinafter described; and

WHEREAS, a public hearing was held on July 25, 2005, 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 15, 2005, 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 annexation 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, parcels of land as shown on the map attached hereto as Exhibit A, and described as:

A portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 36, Township 38, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Parcel A

Beginning at the intersection of the center line of Patterson Street with the north boundary of the SW $\frac{1}{4}$ of said Section 36, which point is 1303.0 feet, more or less, east of the one-quarter corner common to Sections 35 and 36 of said Township and Range; thence East, along the north boundary of the SW $\frac{1}{4}$ of said Section 36, a distance of 450.0 feet; thence South, along a line parallel with the east right-of-way line of Patterson Street, a distance of 400.0 feet; thence West, along a line parallel with said north boundary, a distance of 450.0 feet, more or less, to the centerline of said Patterson Street; thence North 400.0 feet, more or less, to the point of beginning.

Saving and excepting that portion within the boundaries of Patterson Street.

Parcel B

Beginning at a point on the east boundary of Patterson Street, said point being North 80° 55' east a distance of 1345.2 feet more or less and North 0° 16' West a distance of 2187.0 feet more or less from the Southwest corner of said Section 36; thence North 89° 39 $\frac{1}{2}$ ' East a distance of 420.0 feet; thence North 0° 16' West a distance of 91.2 feet to an iron pin on the southeast corner of property deed to Dr. Holford by Deed Volume 278, page 240, Klamath County Deed Records; thence North 89° 59' West along the south line of said property a distance of 420.0 feet to the east right-of-way line of Patterson Street; thence South 0° 16' East along the east right-of-way line of Patterson Street a distance of 94.0 feet, more or less, to the point of beginning.

Passed by the Council of the City of Klamath Falls, Oregon, the 6th day of September, 2005.

Presented to the Mayor, approved and signed this 7th day of September, 2005.

Mayor

ATTEST:

City Recorder (Deputy Recorder)

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 6th day of September, 2005 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
No Scale

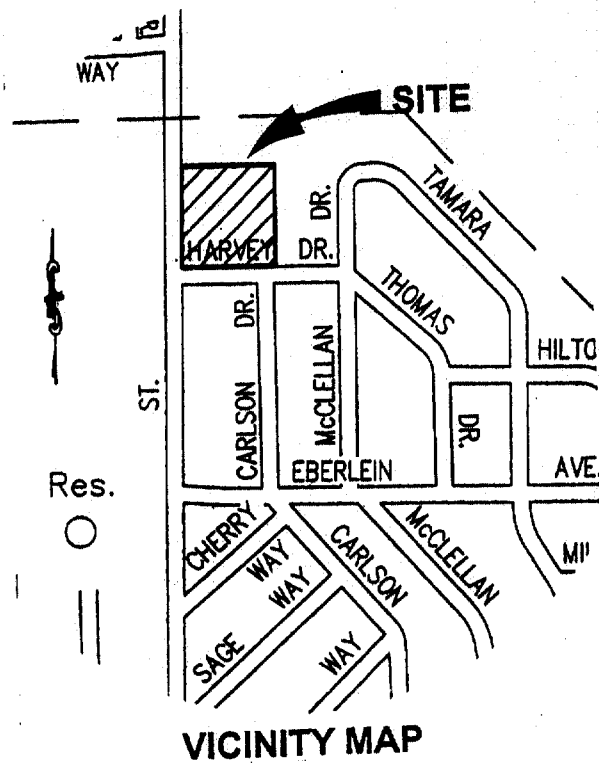


Exhibit B FINDINGS

Criterion **The annexation conforms to the Comprehensive Plan.**

1) *The annexation will not encroach upon agricultural ground.*

Response: This annexation will not encroach on agricultural lands. The adjacent property to the north is zoned Public Facility, to the south and east is Low Density Residential within the County, and to the west undeveloped land zoned Suburban Residential within the County.

2) *The annexation will not encroach upon forestland.*

Response: This annexation will not encroach upon forestland. This property is within the Urban Growth Boundary. No forestry operations take place in the area.

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

Response: This annexation will help conserve open space. This annexation will make it possible to develop existing residential property within the Urban Growth Boundary. This "in fill" will preserve lands dedicated to open space.

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

Response: The mere act of annexation will not adversely affect the quality of the community's air, water and land resource.

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

Response: This annexation will not endanger life or property from natural disaster or hazards. Nor will the proposed single family residential development affect any natural disaster or hazard.

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

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

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

Response: The annexation of these lots will facilitate the development of the subdivision providing the City with additional residential lots.

8) *The annexation will diversify and improve the community economy.*

Response: This annexation will provide the community with available housing for individual gaining employment opportunities through construction and ongoing real estate sales. The annexation will increase the City's tax base annually in real and personal property tax revenue.

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

Response: The land is adjacent to other land and City services within the City limits. It is logical to expand these services.

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

Response: This annexation will help provide a safe, convenient and economic transportation system. The area proposed for annexation fronts two developed county roads, Patterson Street, and Harvey Drive.

11) *The annexation will aid in conserving energy.*

Response: This annexation will aid in conserving energy. Once developed, it will help create "in-fill" within the urban area, and therefore, use of existing public facilities and services.

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

Response: The property in question is zoned for low density residential use. The zoning, if annexed, will be single family residential. This zoning has the largest minimum lot size of any City zoning, 7,000 square feet, and large lot size promotes the efficient transition from rural to urban land uses.

Proposed Finding Based on the analysis, this annexation conforms to the Comprehensive Plan. This criterion is met.