

**A SPECIAL ORDINANCE GRANTING AN ANNEXATION FOR 15.12 ACRES
WEST OF WASHBURN WAY AND APPROXIMATELY 900 FEET NORTH OF LAVERNE
STREET, INCLUDING PARCELS 2 AND 3 OF LAND PARTITION NO. 23-03;
LOTS 10 THROUGH 15 OF TRACT 1276;
AND LOTS 3 AND 4, BLOCK 2, TRACT 1249, OF ENTERPRISE TRACTS**

WHEREAS, the applicant, OZ Investments, 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 September 12, 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 October 3, 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:

The property as shown on the map attached hereto as Exhibit A, commonly referred to as a tract of land situated in the NE ¼ NE ¼ and the SE ¼ NE ¼ of Section 9, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said tract being Parcels 2 and 3 of Land Partition No. 23-03; Lots 10 through 15 of Tract 1276; and Lots 3 and 4, Block 2, Tract 1249, more particularly described as follows:

Beginning at the southeast corner of Parcel 2, Land Partition No. 23-03 according to the official plat on file in the Klamath County Clerk's Office; thence S.89°58'00"W., 922.34 feet to the southwest corner of said Parcel 2; thence N.00°07'15"W., 617.00 feet to the northwest corner of said Parcel 2; thence N.89°58'00"E., 359.95 feet to the southwest corner of Lot 3, Block 2 of said Tract 1249; thence N.00°07'15"W., 165.00 to the northwest corner of said Lot 3; thence N.89°58'00"E., 258.37 feet to the northeast corner of said Lot 3; thence S.00°02'00"E. along the west right of way line of Maywood Drive, a distance of 330.00 feet to the southeast corner of Lot 4, Block 2 of said Tract 1249; thence N.89°58'00"E., 514.22 feet to the southeast corner of Lot 4, Block 1 of said Tract 1249; thence S.00°02'00"E., 465.16 feet along the west right-of-way line of Washburn Way to the southeast corner of Lot 15, of said Tract 1276; thence S.89°58'00"W., 209.00 feet to the southwest corner of said Lot 15; thence N.00°02'00"W., 13.16 feet to the Point of Beginning. Containing 15.12 acres more or less, with bearings based on the plat of Land Partition No. 23.03;

is hereby annexed into the City of Klamath Falls.

Passed by the Council of the City of Klamath Falls, Oregon, the 17th day of October, 2005.

Presented to the Mayor, approved and signed this 18th day of October, 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 17th day of October, 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)

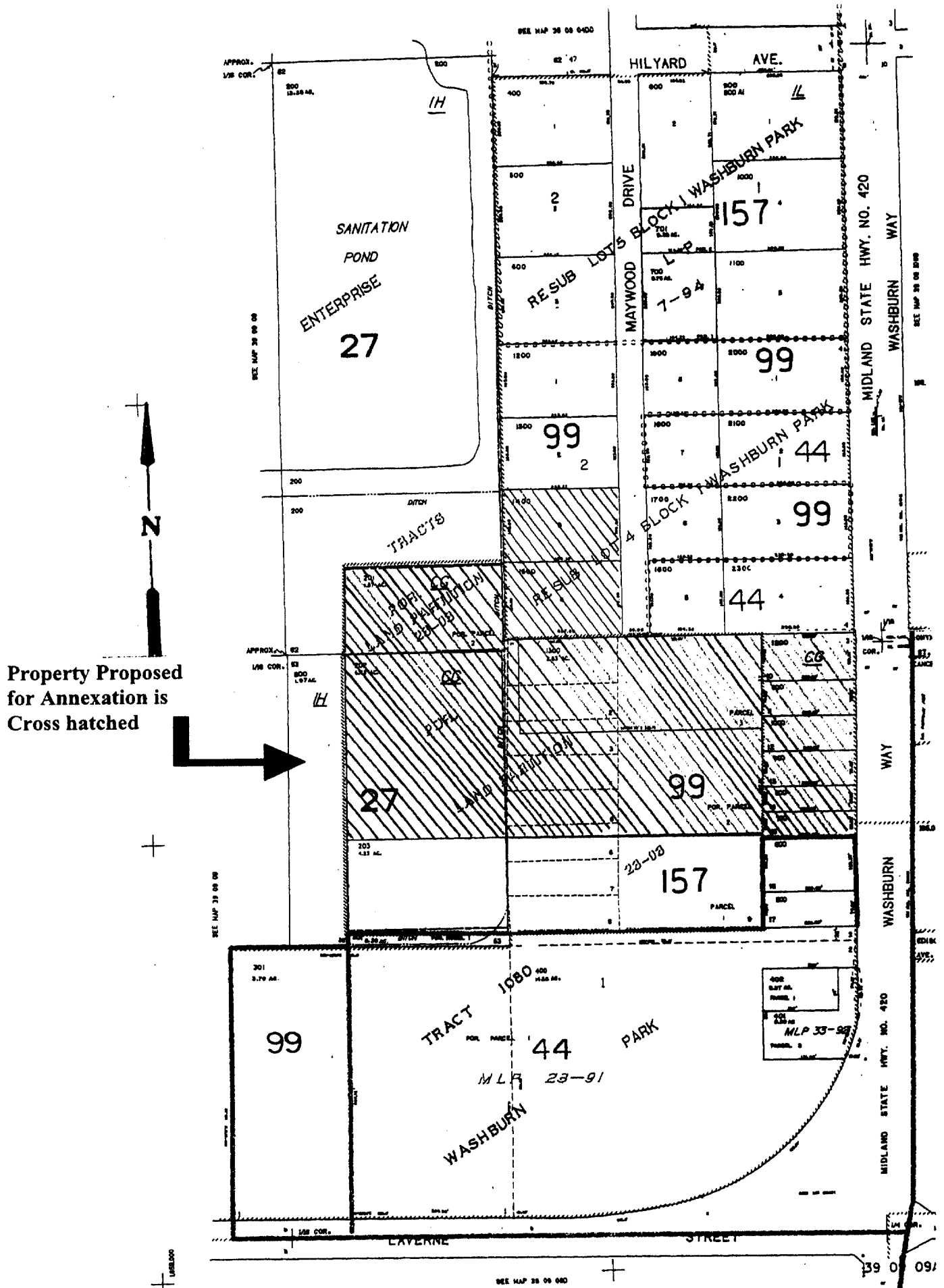


Exhibit B FINDINGS

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 properties to the north are Light Industrial in the City and County, to the south is General Commercial in the City, to the east is General Commercial in the City and County, and to the west are General Commercial and Heavy Industrial in 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 General Commercial 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 retail, restaurants or professional offices affect any natural disaster or hazard.

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

Response: Not applicable, these properties are zoned General Commercial and Light Industrial and recreation is not associated with either zoning.

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

Response: Not applicable, this annexation will not enhance nor distract from the community's housing needs as it is zoned for General Commercial use and this zoning will continue.

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

Response: This annexation will help improve the community's economy by providing new employment opportunities. The annexation will increase the City's tax base annually in real property tax revenue as well as increase local retail income.

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

Response: The land is adjacent to other land within the City limits and City and other District services. It will allow the development to hook up to City and other District services that currently are located adjacent to the area, and would be logical to expand and connect to 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 annexation reduces commercial sprawl as the area proposed would be connected by Washburn Way and Maywood. Once developed, the property could be accessed by Onyx, which has a new traffic signal at the intersection of Washburn Way. Adjacent properties are developed and adequately served by Basin Transit Service.

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

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