

**A SPECIAL ORDINANCE ANNEXING 7.14 ACRES OF LAND NORTHWEST  
OF THE INTERSECTION OF LOMA LINDA DRIVE AND OLD FORT ROAD  
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 November 14, 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 December 19, 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 are hereby annexed to the City of Klamath Falls, parcels of land as shown on the map attached hereto as Exhibit A, and described as:

**Description -**  
Parcel 1

A tract of land in the SE ¼ of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point which bears North 89 degrees 10' West along the East-West quarter line of Section 28, Township 38 South, Range East of the Willamette Meridian, Klamath County, Oregon, a distance of 1,989.34 feet and thence South 15 degrees 13' East 980.25 feet from the quarter section corner common to Sections 28 and 27 in said Township and Range, said point being the Northwestern corner of a tract of land conveyed to Arthur W. Jolly, et ux., by deed recorded May 11, 1945 in Book 267, page 1, Deed Records of said Jolly Tract and a tract of land conveyed to Milt Sessler, et ux., by deed recorded July 12, 1961 in Book 330 at page 607, Deed Records of Klamath County, Oregon, to the Northeasterly corner thereof; thence South 15 degrees 13' East along the Easterly boundary of said Sessler tract 401.19 feet more or less to the Northerly boundary of Old Fort Klamath Road; thence North 75 degrees 30' east along the Northerly boundary of said Old Fort Klamath Road 60 feet, more or less, to the Southwesterly corner of a tract of land conveyed to Donna Hartman Stout by deed recorded August 22, 1944 in block 168 at page 164, Deed Records of Klamath County, Oregon; thence North 15 degrees 13' West 968.68 feet, more or less, along the Westerly boundary of said Stout tract and Westerly boundary of a tract conveyed to Mike Foley by deed recorded November 10, 1944 in book 170 at page 426, Deed Records of Klamath County, Oregon and the Westerly boundary of a tract conveyed to Mike Foley, et ux., by deed recorded December 3, 1948 in book 227 at page 97, deed Records of Klamath County, Oregon, to the East and West center line of said Section 28; thence north 89 degrees 10' West 562.43 feet, more or less to a point thence South 15 degrees 13' East 980.25 feet, more or less, to the point of beginning.

Excepting therefrom that portion of the herein described property lying within the boundaries of Loma Linda Drive formerly VA Hospital site Road.

Further excepting therefrom that portion which lies between Old Fort Klamath Road and Loma Linda Drive.

Parcel 2:

A tract of land situated in the NW ¼ SE ¼ of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon and being a portion of lots 3 and 4 of an unrecorded plat prepared for Klamath Development Co. by William R. Canton dated May 15, 1930, more particularly described as follows:

Beginning at the Northeast corner of said Lot 4, from which the CE 1/16 corner of said Section 28 bears North 15 degrees 13' West 583.29 feet and South 541.18 feet from the quarter corner common to Section 27 and 28 by volume M73, page 3620, Deed Records of Klamath County, Oregon; thence South 15 degrees 13' East along said right of way line along the arc of a curve to the left (radius point bears South 41 degrees 43' 08" East 125.49 feet and central angle 02 40 52") 5.87 feet, South 45 degrees 36' West 118.68 feet and along the arc of a curve to the right (radius = 100.22 feet and central angle + 35 degrees 46' 57") 62.59 feet to a point on the Northerly line of said lot 3; thence North 46 degrees 29' East 192.17 feet to the point of beginning with bearings based on Survey No. 4362 as recorded in the office of the Klamath County Surveyor.

The zoning designation of the property will be Medium Density Residential.

Passed by the Council of the City of Klamath Falls, Oregon, the 17th day of January, 2006

Presented to the Mayor, approved and signed this 18th day of January, 2006

  
\_\_\_\_\_  
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 January, 2006 and therefore approved and signed by the Mayor and attested by the ~~City Recorder~~ (Deputy Recorder).

\_\_\_\_\_  
~~City Recorder~~ (Deputy Recorder)

Exhibit A  
VICINITY MAP  
NO SCALE

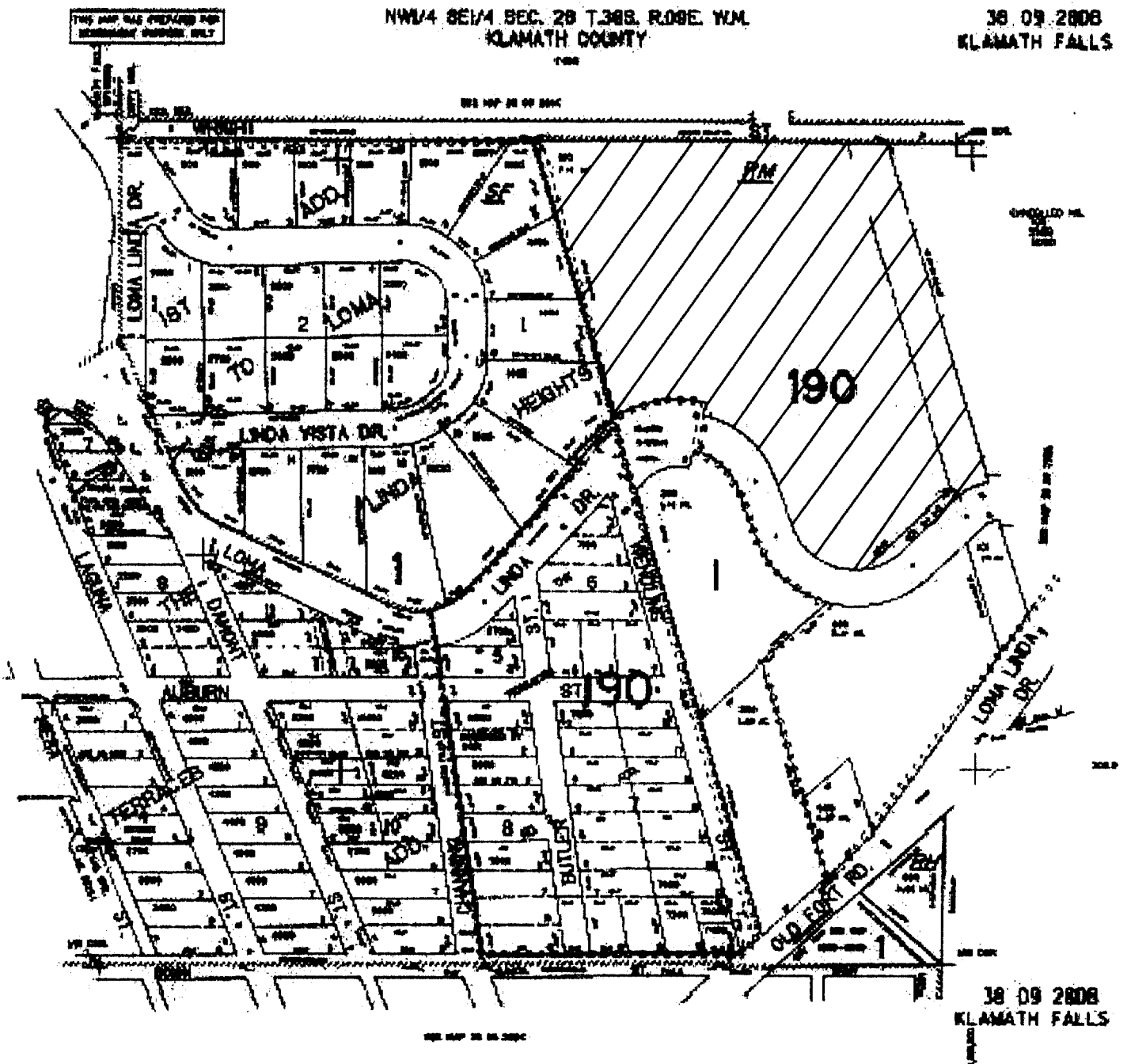


Figure 1 The annexed area is cross hatched.

## **Exhibit B FINDINGS**

*This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 13.105 to 13.140, regarding Annexations.*

### **Proposed Findings**

The following proposed findings address the criteria specific to section 13.105 -13.140 of the City's Community Development Ordinance.

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

**Staff Response:** This annexation will not encroach on agricultural lands. This property is zoned for Medium Density residential uses. This property is adjacent to vacant county land topographically difficult to use.

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

**Staff Response:** This annexation will not encroach upon forestland. This property is zoned for Medium Density use and is adjacent to vacant property. Currently there are no trees on the property.

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

**Staff Response:** This annexation will help conserve open space. This annexation will be within the Urban Growth Boundary and will promote responsible development of vacant land.

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

**Staff Response:** The property in question is to be developed as a low density area. The applicant proposes to subdivide the property into 20 single family homes which is similar to the uses of the surrounding properties. The development of the property will have little negative affect on quality of the community air, water, and land resources.

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

**Staff Response:** The topography of the lot is relatively steep, so erosion may be an issue however; erosion is not effected by a political boundary. This annexation will not endanger life or property from natural disaster or hazard. During the development of this property, the applicant will be required to obtain a site construction permit addressing the erosion control.

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

**Staff Response:** This annexation will not enhance nor distract from citizen's recreation needs, therefore is not applicable.

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

**Staff Response:** The property is zoned for medium density residential use; although the property will be zoned to allow 5,000 square foot lots the subdivision proposal identifies all of the lots at over 10,000 square feet. This annexation will provide more dwelling units to the City of Klamath Falls.

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

**Staff Response:** This annexation will provide the community with available Medium Density Residential property. Development of this lot will provide work for local construction workers, and potentially attract new people seeking employment in the city.

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

**Staff Response:** This annexation will create a timely, orderly and efficient arrangement of public facilities and services. The proposed annexation and subdivision plan proposes to develop infrastructure within the property.

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

**Staff Response:** This annexation will help provide a safe, convenient and economic transportation system. The property proposed fronts Loma Linda Drive which is a county local road and has a very low traffic volume. The neighborhood is mainly accessed by locals and the proposed development will be congruent with current traffic patterns.

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

**Staff Response:** This annexation will aid in conserving energy. The proposed development will adhere to all sewer and utility development standards which will create maximum efficiency of energy used.

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

**Staff Response:** The property in question is in an area developed with single family residential homes. The proposed annexation will be zoned Medium Density residential; the applicant proposes to construct single family residences which is an allowed uses within Medium Density Zone. Single family homes promote efficient transition from rural to urban land uses.

**Finding** This annexation conforms to the Comprehensive Plan based on the analysis. This criterion is met.