

**A SPECIAL ORDINANCE VACATING PORTIONS OF THE BUENA VISTA
ADDITION SOUTH OF CALIFORNIA AVENUE, EAST OF THE LINK RIVER,
WEST OF HIGHWAY 97 AND NORTH OF CITY OWNED PROPERTY ZONED
SPECIAL RESERVE**

WHEREAS, the applicant, Adkins Consulting Engineer, Inc., for Ore-Cal Land Dev., LLC, has submitted a written proposal for vacation of certain real property which is hereinafter described; and

WHEREAS, a public hearing was held on April 10, 2006, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed vacation were considered by the Planning Commission; and

WHEREAS, the City Council hearing notices having been duly given, did hold a public hearing on May 1, 2006, and continued the public hearing until June 5, 2006, and

WHEREAS, the City Council hearing notices having been duly given, did hold a public hearing on June 5, 2006, on the recommendation of and including the record of the Planning Commission concerning the vacation; 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:

The following streets and parcels of land, as shown on the map attached hereto as Exhibit A and described as follows, are hereby vacated:

1. Blanco Street: West of Contra Loma Street.
2. Bluff Street: South of Blanco Street and north of the centerline of vacated St. Francis Street (San Diego Street)
3. Thrall Street (Gordo Street): West of Contra Loma Street
4. Council Street (Osso Street): West of Contra Loma Street and that portion that intersects Contra Loma Street that is 160.02 feet east of Contra Loma Street
5. Addison Street (San Jose Street): West of Bown Street (Lameia Street)
6. St. Francis Street (San Diego Street): West of Bown Street (Lameia Street)
7. Bown Street (Lameia Street): South of Council Street (Osso Street) and north of St. Francis Street (Mono Street)
8. Stanford Street: North of St. Francis Street (San Diego Street) and south of Thrall Street (Gordo Street)
9. Contra Loma Street: Southeast of Thrall Street (Gordo Street) and northwest of the centerline of vacated Trinity Street (Ojo Street)
10. Blocks: All of Blocks 122, 123, 124, 125, 133, 134, 135, 136, 137, 138, 139. Lots 1 thru 6 of Block 120 and that portion of Block 119 described as follows:

Beginning at the northwesterly corner of Block 119; thence along the southeasterly line of Council Street North 29°38'51" East 144.68 feet; thence South 27°48'12" East 209.04 feet to the northerly line of vacated Trinity Street (Ojo Street); thence along said northerly line South 60°14'50" West 36.41 feet to the easterly line of Contra Loma Street; thence along said easterly line North 60°40'15" West 157.68 feet to the Point of Beginning. (Bearing based on County Survey (CS) 7115.

Passed by the Council of the City of Klamath Falls, Oregon, the 19th day of June, 2006.

Presented to the Mayor, approved and signed this 20th day of June, 2006.

[Signature]
Mayor

ATTEST:

[Signature]
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 19th day of June, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (~~Deputy Recorder~~).

[Signature]
City Recorder (~~Deputy Recorder~~)

Exhibit A
VICINITY MAP
No Scale

North
↑

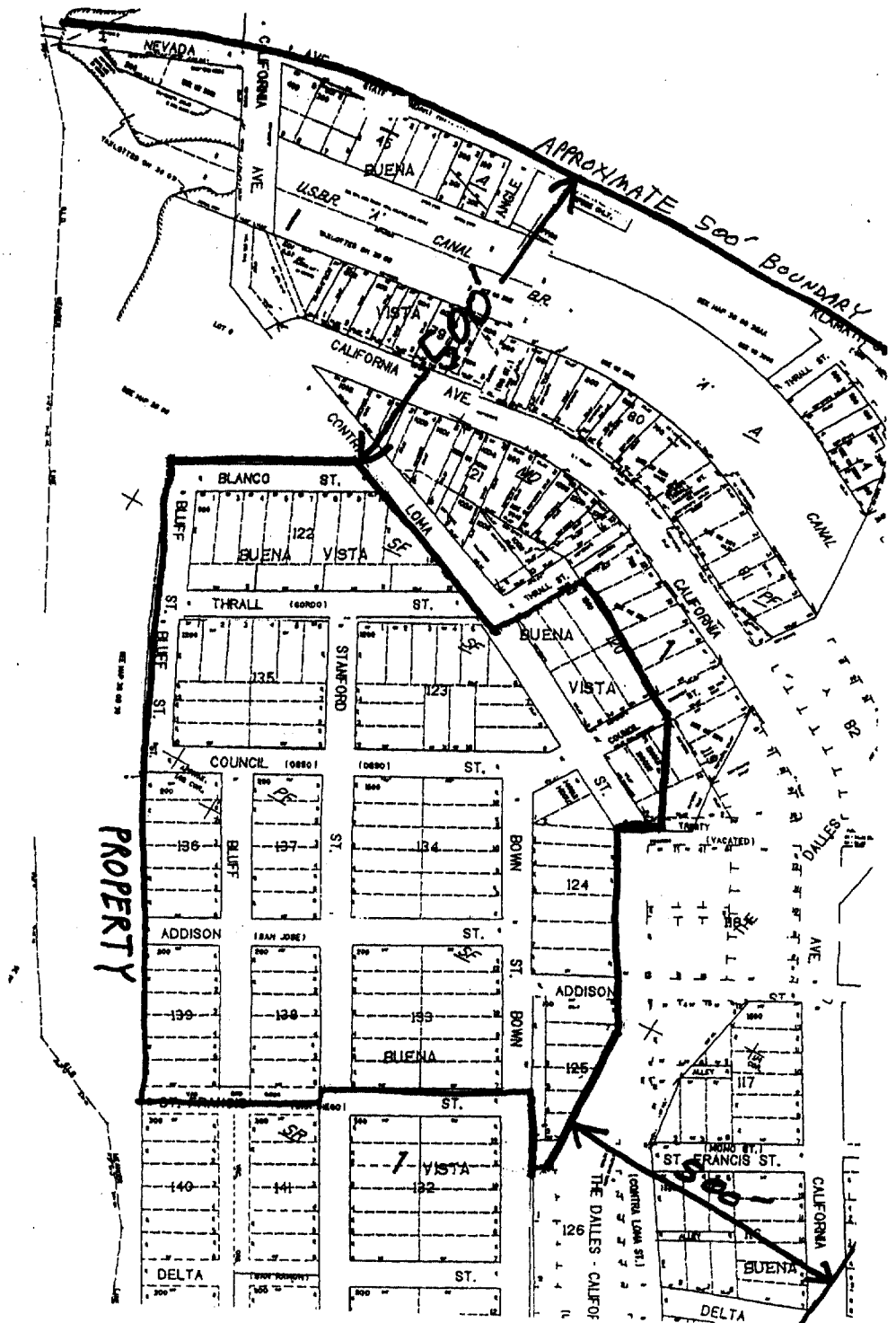


Exhibit B FINDINGS

RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND PROPOSED FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (CDO), Chapters 10-14, specifically Sections 13.005-13.055, regarding Vacations.

A. Criterion: Consent of the owners of the requisite area has been obtained.

Facts and Analysis: Per CDO Section 10.515(1) consent of the owners of all abutting property and of not less than two thirds in area of the real property affected thereby as defined by ORS 271.080(2) are required. The request is to vacate private lot lines along with the adjacent public rights-of-way. To date, the property owner, 2 other adjacent property owners and the City as an adjacent property owner granted consent for the vacation.

Finding: Consent of the owners of the requisite area has been obtained.

B. Criterion: Notice of the proposed vacation has been duly given.

Facts and Analysis: Notice of the Planning Commission public hearing was mailed to 24 adjacent property owners within 500 feet of the subject property on March 20, 2006 and published in the Herald and News on March 23, 2006. Notice of the City Council public hearing was mailed to 24 adjacent property owners within 500 feet of the subject property on April 13, 2006 and published in the Herald and News on April 16, 2006.

Finding: Notice of the proposed vacation was duly given by mail and published in the local newspaper.

C. Criterion: The public interest will not be prejudiced by the vacation of such plat or part thereof.

Applicant Response: All property within the boundaries of the requested vacation is owned by the applicant, and the streets as platted are not improved and would only serve the applicant's property. As currently platted, most of the streets cannot be constructed to City Standards. After vacation, this property will be platted with significantly less density and will have streets that will be constructed to City Standards.

Facts and Analysis: The request is to vacate private lot lines along with the adjacent unimproved public rights-of-way. Re-platting the subdivision would vacate the private lot lines, but the public rights-of-way require a vacation to revert the property back to private ownership. The topography of the site prohibits the grid pattern streets from being constructed to city standards. The property is zoned for Single Family Residential use and is proposed for re-platting at a lesser density than currently platted. The property is vacant. No adjacent properties will be landlocked as a result of this vacation. CDO Section 13.050 permits the Council to make a vacation for purposes of replatting or rededication conditional or to take effect only upon the consummation of such replatting or rededicating. The applicant has provided the city with written documentation of approval from the public utility companies stating they do not object to the vacation and their willingness to provide services.

Finding: The public interest will not be prejudiced by the vacation of said portions of the Buena Vista Addition with the following conditions:

1. The vacation will take effect upon the consummation of replatting or rededicating.

D. Criterion: The vacation conforms to the Comprehensive Plan, all applicable provisions of Chapters 10 to 14 of the City Code and any applicable street plans.

Facts and Analysis: The applicant requests to re-plat the property and the rights-of-way must be vacated to permit the new subdivision to move forward. The vacation will conform to the Comprehensive Plan and CDO with the implementation of conditions. The property will still be accessible by California Avenue at the northwest corner.

Finding: The vacation will conform to the Comprehensive Plan and applicable provisions of Chapters 10 to 14 of the CDO and any applicable street plans.

1. Prior to final approval of the pending replat (file 3-S-06) of this property, the applicant shall vacate the Rights-of-way not identified as part of this vacation process, which are; St. Francis Street between Stanford Street and Bown Street, Contra Loma Street between lots 24 and 18.