



00002604200600175440050055

08/31/2006 09:27:43 AM

Fee: \$41.00

ORDINANCE NO. 95-13

A SPECIAL ORDINANCE VACATING HILL STREET  
(FORMERLY HOOD STREET) BETWEEN YALE STREET AND HARVARD STREET

**WHEREAS**, the owner of the real property hereinafter described, desires to vacate Hill Street between Yale Street and Harvard Street; and

**WHEREAS**, after notice having been duly given, the City Planning Commission held a public hearing on July 24, 1995 on said request; and

**WHEREAS**, the City Council hearing notice having been duly given, did hold a public hearing on September 5, 1995, on the record of the Planning Commission on the request of the property owner; and

**WHEREAS**, pursuant to such record and hearing, the City Council adopts the findings of the Planning Commission, attached hereto as Exhibit "A", determining the street vacation to be in compliance with the Comprehensive Plan and Community Development Ordinance; **NOW THEREFORE**,

**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

All of the real property located in Klamath County, Oregon, as all being shown on the Supplementary Plat of Buena Vista Addition to the City of Klamath Falls, Oregon, being more particularly described as follows:

Beginning at the southwest corner of Lot 3, Block 39 as shown on said supplementary plat; thence southeasterly, along a line that is perpendicular to the north right of way line of said Hill Street, 60.00 feet to the south right of way line of said Hill Street; thence northeasterly, along said south right of way line, to the northeast corner of Lot 10, Block 43 as shown on said supplementary plat; thence northeasterly, to the southeast corner of Lot 4, said Block 39; thence southwesterly, along said north right of way line, to the point of beginning.

**Reserving** therefrom a 16 foot wide public utility easement and a 20 foot wide public access easement for emergency vehicle turning area being more particularly described as follows:

Commencing at the southwest corner of Lot 3, Block 39 as shown on the Supplementary Plat of Buena Vista Addition to the City of Klamath Falls; thence southeasterly, along a line that is perpendicular to the north right of way line of Hill Street, 40.00 feet to the true point of beginning; thence northeasterly, along a line that is parallel with said north right of way line, 30.00 feet; thence southeasterly, along a line that is perpendicular to said parallel line, 4.00 feet; thence northeasterly, along a line that is parallel with said north right of way line, to its intersection with the southwesterly prolongation of the west right of way line of Harvard Street; thence southwesterly, along said southwesterly prolongation, to the northeast corner of Lot 10, Block 43 as shown on said supplementary plat; thence southwesterly, along the south right of way line of Hill Street,

to a point that is perpendicular to and southeasterly 60.00 feet from said north right of way line at the southwest corner of said Lot 3; thence northwesterly, along a line that is perpendicular to said south right of way line, 20.00 feet to the true point of beginning.

Passed by the Council of the City of Klamath Falls, Oregon, the 16th day of October, 1995.

Presented to the Mayor (Mayor Pro-tem), approved and signed this 17th day of October, 1995.

  
\_\_\_\_\_  
Mayor (Mayor Pro-tem)

ATTEST:

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

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

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 held on the 16th day of October, 1995 and thereafter approved and signed by the Mayor (Mayor Pro-tem) and attested by the ~~City Recorder~~ (Deputy Recorder).

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

BEFORE THE KLAMATH FALLS CITY COUNCIL

EXHIBIT "A"

BEFORE THE KLAMATH FALLS CITY COUNCIL

|                                |   |                                   |
|--------------------------------|---|-----------------------------------|
| In the Matter of a             | ) |                                   |
| Street Vacation                | ) | 2-V-95                            |
|                                | ) |                                   |
| Hill Street between            | ) | DECISION, CONDITIONS AND FINDINGS |
| Yale Street and Harvard Street | ) |                                   |

THIS MATTER came on for hearing before the Klamath Falls City Council on September 5, 1995. Following the required public notice, the City Planning Commission had conducted a public hearing on this matter at its July 24, 1995 meeting. The Planning Commission recommended approval with conditions and findings. The record before Planning Commission had been provided to Council in advance of its September 5, 1995, hearing, and required public notice of the Council hearing has been given.

DECISION

BASED UPON THE CONDITIONS AND FINDINGS SET FORTH BELOW, the vacation of Hill Street between Yale Street and Harvard Street as described herein, is hereby approved.

CONDITIONS

1. The portion of the street to be vacated located within the Redmond-Klamath Falls Power Transmission Line easement shall be retained for that purpose.
2. A 16' wide utilities easement shall be retained along the south side of the street for future utility extension.
3. A 20' wide by 30' deep area shall be retained and improved for fire apparatus turning area. The area shall be improved with compacted gravel per specifications by District #1 Fire Marshal. This area may be partially located within the utilities easement.

FINDINGS

The following address the criteria specified in Section 13.035 of the City's Community Development Ordinance. In applying the facts to the criteria, specific cross references may have been made; however, the facts separately set forth are generally applicable to more than one criteria and, therefore, should be treated as cumulative and supplementary.

1. Criteria. Whether the consent of the owners of the requisite area has been obtained. [CDO Section 13.035(1)]

Facts. All properties adjoining the street to be vacated are owned by the applicant. Property owners of two thirds of the affected area have also consented to the vacation.

Finding. Required signatures have been obtained for vacation of the street.

2. Criteria. Whether notice has been duly given. [CDO Section 13.035(2)]

Facts. Notice of the proposed vacation was mailed to 19 property owners within the affected area and published in the Herald & News on July 4, 1995.

Finding. Notice has been duly given.

3. Criteria. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. [CDO Section 13.035(3)]

Facts. Hill Street between Yale Street and Harvard Street is an unimproved city street. Development on either side of this right of way, as well as others in the area, are unlikely due to power line transmission easement. There has been no expressed opposition to the street vacation from adjacent property owners or reviewing agencies.

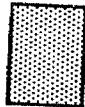
Finding. No evidence has been submitted to show that the public interest will be prejudiced by the vacation of the street.

4. Criteria. Whether the proposed vacation is in conformance with the Comprehensive Plan, all applicable provisions of Chapters 10 to 14, and any applicable street plans. [CDO Section 13.035(4)]

Facts. Vacation of Painter Street leaves a dead end street with no cul-de-sac turnaround, however there is currently no turnaround. The upper portion of Yale Street has previously been vacated. Little traffic is expected for this dead end street. Conditions will assure that the Fire Department has adequate access and a hammerhead turnaround.

Finding. The vacation of Hill Street leaves a dead end right of way that presently has no turnaround. The applicant will construct a hammerhead turnaround for fire purposes. The low density nature of this area does not require more improvements than this.

EXHIBIT "B"



AREA TO BE VACATED

