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07/26/2007 11:28:56 AM

Fee: \$36.00

Ordinance No. 07-16

**A SPECIAL ORDINANCE VACATING A PORTION OF ST. FRANCIS STREET
(FORMERLY SAN DIEGO STREET): SOUTHWEST OF VACATED BLOCK 125
(EASTERLY LINE OF BOWN STREET) AND NORTHEAST OF VACATED BLOCK
138 & BLOCK 141 OF THE SUPPLEMENTARY PLAT OF BUENA VISTA ADDITION
(WESTERLY LINE OF STANFORD STREET).**

WHEREAS, the applicant, Ore-Cal Development LLC, has submitted a written proposal for vacation of certain real property which is hereinafter described; and

WHEREAS, a public hearing was held on May 29, 2007, 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 July 2, 2007, 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,

Returned @ Counter

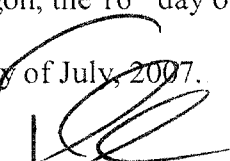
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

There are hereby vacated, rights-of-way of land as shown on the map attached hereto as Exhibit A, and described as:

St. Francis Street (formerly San Diego Street): southwest of vacated Block 125 (easterly line of Bown Street) and northeast of vacated Block 138 & Block 141 of the Supplementary Plat of Buena Vista Addition (westerly line of Stanford Street).

Passed by the Council of the City of Klamath Falls, Oregon, the 16th day of July, 2007.

Presented to the Mayor, approved and signed this 17th day of July, 2007.



Mayor

ATTEST:



Deputy Recorder

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

I, Shirley Koppas, 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 16th day of July, 2007 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.



City Recorder (Deputy Recorder)

**Vicinity Map
(Not to Scale)**

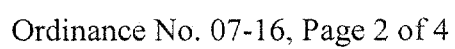


Exhibit B

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. Ore-Cal Development LLC has obtained the signatures of all abutting property owners and more than two thirds of the owners of the real property affected for the portion of St Francis Street that they proposes to vacate.

Finding: Consent of the owners of the requisite area has been obtained. **This criterion is met.**

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

Facts and Analysis: Notice of the Planning Commission hearing was mailed to 5 adjacent property owners on May 1, 2007 and published in the Herald and News on May 7, 2007. Notice of the City Council hearing was mailed to 5 adjacent property owners May 30, 2007 and published in the Herald and News on June 11, 18 & 25 and July 2, 2007.

Proposed Finding: Notice of the proposed vacation was duly given by mail and published in the local newspaper. **This criterion is met.**

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

Facts and Analysis: This right-of-way is approximately 415.79 feet in length by 60 feet wide and is unimproved; containing only native grass and vegetation. The right-of-way is located east of Hwy. 97, west of Link River, south of California Avenue and north of Delta Street. If approved, the adjacent properties will equally receive 30 feet of the right-of-way.

The City does not have any water, storm or sanitary sewer infrastructure in this right-of-way. No comments were received from local utility companies to indicate the location of other utilities in this right-of-way. No comments, either for or against, were received from property owners within the notification area.

A 60' wide access easement between Link River Estates and the Special Reserve property located to the south was created between lots 16 and 17 of Link River Estates to satisfy a condition of approval of the tentative subdivision plat (Tract 1487). If the proposed vacation of St. Francis Street is approved; the access easement will need to be extended approximately 30 feet to the south edge of the applicant's property. The extension of this access easement will allow for pedestrian traffic between Link River Estates subdivision and the City owned Special Reserve property to the south. This easement may also be utilized for future street connectivity to the south.

Proposed Finding: The public interest will not be prejudiced by the vacation of said portions of St. Francis Street with the following condition:

1. The 60' wide access easement between Link River Estates and the Special Reserve property located to the south, located between lots 16 and 17 of Link River Estates, shall be extended approximately 30' to the end of the applicant's property.

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 vacation of this right-of-way will not eliminate street frontage or required access to any of the lots in the area. This portion of St. Francis Street could not be developed to City standards as it is platted. The extension of the 60' wide access easement between Link River Estates and the Special Reserve property located to the south, located between lots 16 and 17 of Link River Estates, to the south edge of the applicant's property will allow for pedestrian traffic between Link River Estates subdivision and the City owned Special Reserve property to the south. This easement may also be utilized for future street connectivity to the south.

Proposed 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 with the implementation of the following condition:

1. The 60' wide access easement between Link River Estates and the Special Reserve property located to the south, located between lots 16 and 17 of Link River Estates, shall be extended approximately 30' to the end of the applicant's property.