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Ordinance No. 07-03

**A SPECIAL ORDINANCE VACATING THE OPAL STREET  
RIGHT-OF-WAY EAST OF LAKEPORT BLVD, WEST OF THE SOUTHERN PACIFIC  
RAILROAD LINE AND ADJACENT TO PARCELS 1 AND 2 OF LAND PARTITION 97-06**

**WHEREAS**, the applicant, Jeld-Wen, has submitted a written proposal for vacation of certain real property which is hereinafter described; and

**WHEREAS**, a public hearing was held on August 28, 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 February 5, 2007; and

**WHEREAS**, lots 7-12 of Block 4 of Pelican City were reconfigured into Parcels 1 and 2 of Land Partition 97-06; and

**WHEREAS**, a 10-foot wide power line easement was recorded September 18, 2006 to protect the two Pacific Power and Light power poles and lines in the Opal Street right of way; and

**WHEREAS**, a 20-foot wide water line easement was recorded September 18, 2006 to perpetuate the existing water main, service lines and meter boxes on the north side of the Opal Street right of way; 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:**

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

A portion of Opal Street, situated in the S ½ NE ¼ of Section 19, T38S, R9E, Klamath County, Oregon, being more particularly described as follows:

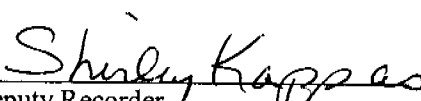
A section of Opal Street located east of Lakeport Blvd, west of the Southern Pacific Railroad lines, south of Parcels 1 and 2 of Land Partition 97-06, and north of Tax Lot 500 on Map 3809-19.

Passed by the Council of the City of Klamath Falls, Oregon, the 20<sup>th</sup> day of February, 2007.

Presented to the Mayor, approved and signed this 21<sup>st</sup> day of February, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy Recorder

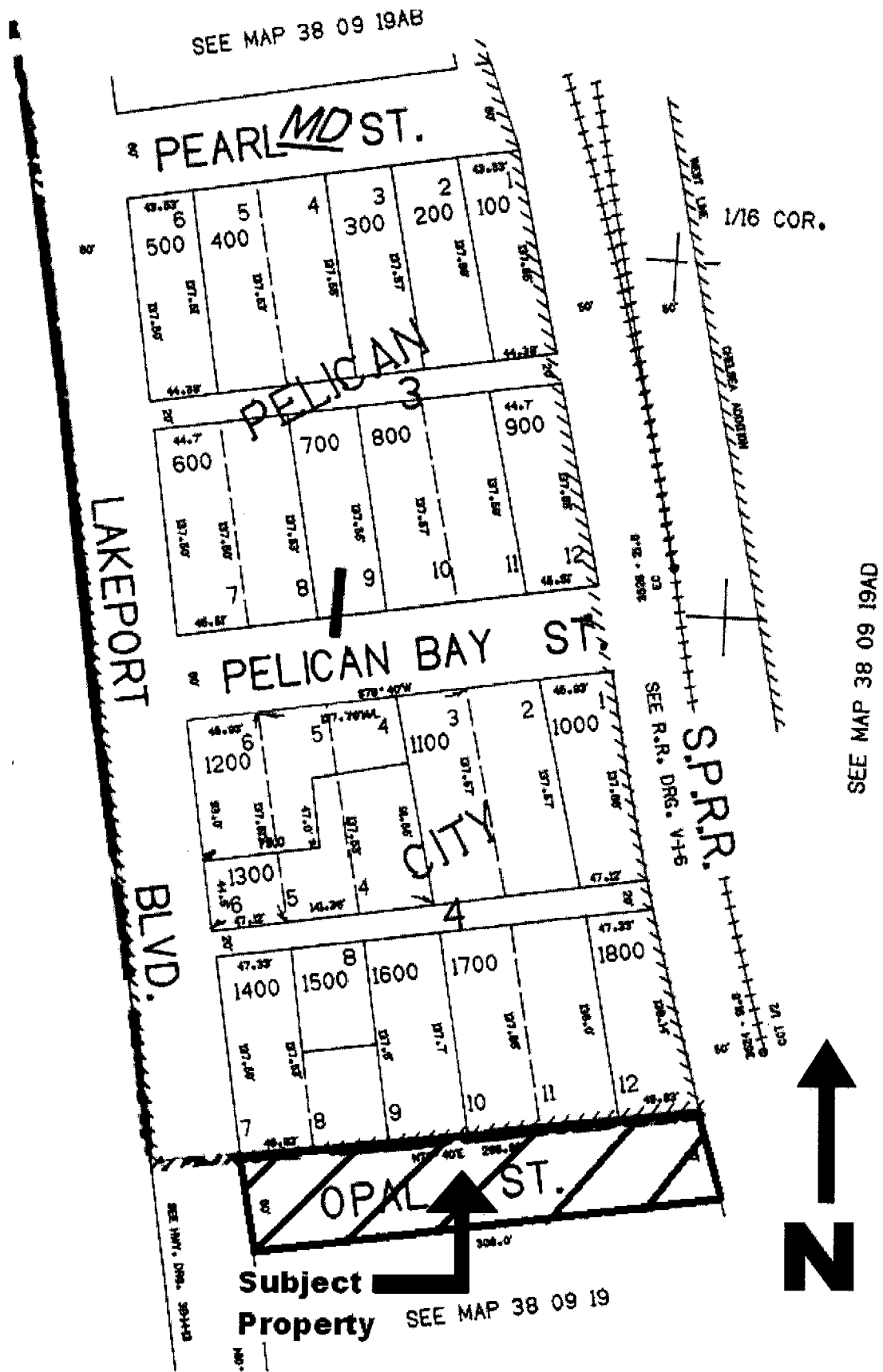
STATE OF OREGON                                 }  
COUNTY OF KLAMATH                         }       SS  
CITY OF KLAMATH FALLS                     }

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 on the 20<sup>th</sup> day of February, 2007 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.

Shirley Kappas  
City Recorder (Deputy Recorder)

Exhibit A

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. Council approved Resolution 06-18, initiating the vacation proceedings on May 15, 2006.

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 public hearing was mailed to 9 people on August 3, 2006 and published in the Herald and News on August 7, 2006. Notice of this public hearing was mailed on January 9, 2007 to 8 adjacent property owners within 500 feet of the subject property and published in the Herald and News on January 12, 19 & 26, 2007.

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: Currently the right-of-way is approximately 309 feet in length by 60 feet wide and is unimproved. The location of the vacation is between Lakeport Blvd. and Southern Pacific Railroad, south of Pelican Bay Street and north of an 8.4 acre parcel. If approved, the adjacent properties will equally receive 30 feet of the right-of-way for the frontage of the property. The adjacent properties are all owned by the applicant.

Land Partition 97-06 recorded January 8, 2007 is a replat of Lots 7-12 of Block 4 of Pelican City into two parcels: Parcel 1 & Parcel 2. The creation of these two parcels allows for all properties abutting the proposed street vacation to be in conformance with the CDO Section 11.805 – Design Standards, Subsection 24, which states: “Each lot shall abut upon a street, other than an alley, for a minimum of thirty feet (30’).”

A 20-foot water line easement was recorded 9/18/06 to perpetuate the existing water main, service lines and meter boxes on the north side of the Opal Street right of way. A 10-foot power line easement was recorded 9/18/06 to protect the 2 Pacific Power and Light power pole lines on Opal Street that serve the two residences on that street. The descriptions and exhibit maps have been submitted to the City Community Development Department for review, comments and processing.

Finding: With the recently completed replat of Lots 7-12 of Block 4 of Pelican City along with the recorded easements to protect the existing utilities the public interest will not be prejudiced by this vacation. **This criterion is met.**

**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: Currently the right-of-way is approximately 309 feet in length by 60 feet wide and is unimproved. The location of the vacation is between Lakeport Blvd. and Southern Pacific Railroad, south of Pelican Bay Street and north of the applicant's 8.4 acre parcel. If approved, the adjacent properties will equally receive 30 feet.

Land Partition 97-06 recorded January 8, 2007 is a replat of Lots 7-12 of Block 4 of Pelican City into two parcels: Parcel 1 & Parcel 2. The creation of these two parcels allows for all properties abutting the proposed street vacation to be in conformance with the CDO Section 11.805 – Design Standards, Subsection 24 – Access, which states: “Each lot shall abut upon a street, other than an alley, for a minimum of thirty feet (30’).”

Finding: With the recently completed replat of Lots 7-12 of Block 4 of Pelican City the vacation conforms to the Comprehensive Plan and applicable provisions of Chapters 10 to 14 of the CDO and any applicable street plans. **This criterion is met.**