

2009-001863

Klamath County, Oregon



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Fee: \$46.00

Returned to County

Ordinance No. 08-09

**A SPECIAL ORDINANCE ANNEXING APPROXIMATELY 14.3 ACRES OF
LAND, LOCATED NORTH OF SOUTHSIDE EXPRESSWAY (HIGHWAY 140)
AND SOUTHEAST OF GREENSPRINGS DRIVE,
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, which property is hereinafter described; and

WHEREAS, a public hearing was held on April 14, 2008, 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 May 5, 2008, 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 C;

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 in the legal description attached hereto as Exhibit B. The property in question can be found on Assessor's map R-3909-008BB, tax lot 00600 and Assessor's map R-3909-008BC, tax lots 00100, 00900, & 01000.

The zoning designation of the property will be Light Industrial (LI).

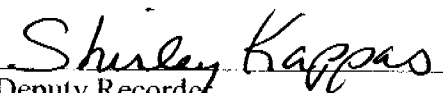
Passed by the Council of the City of Klamath Falls, Oregon, the 19th day of May, 2008.

Presented to the Mayor, approved and signed this 21st day of May, 2008.



Mayor

ATTEST:



Deputy Recorder

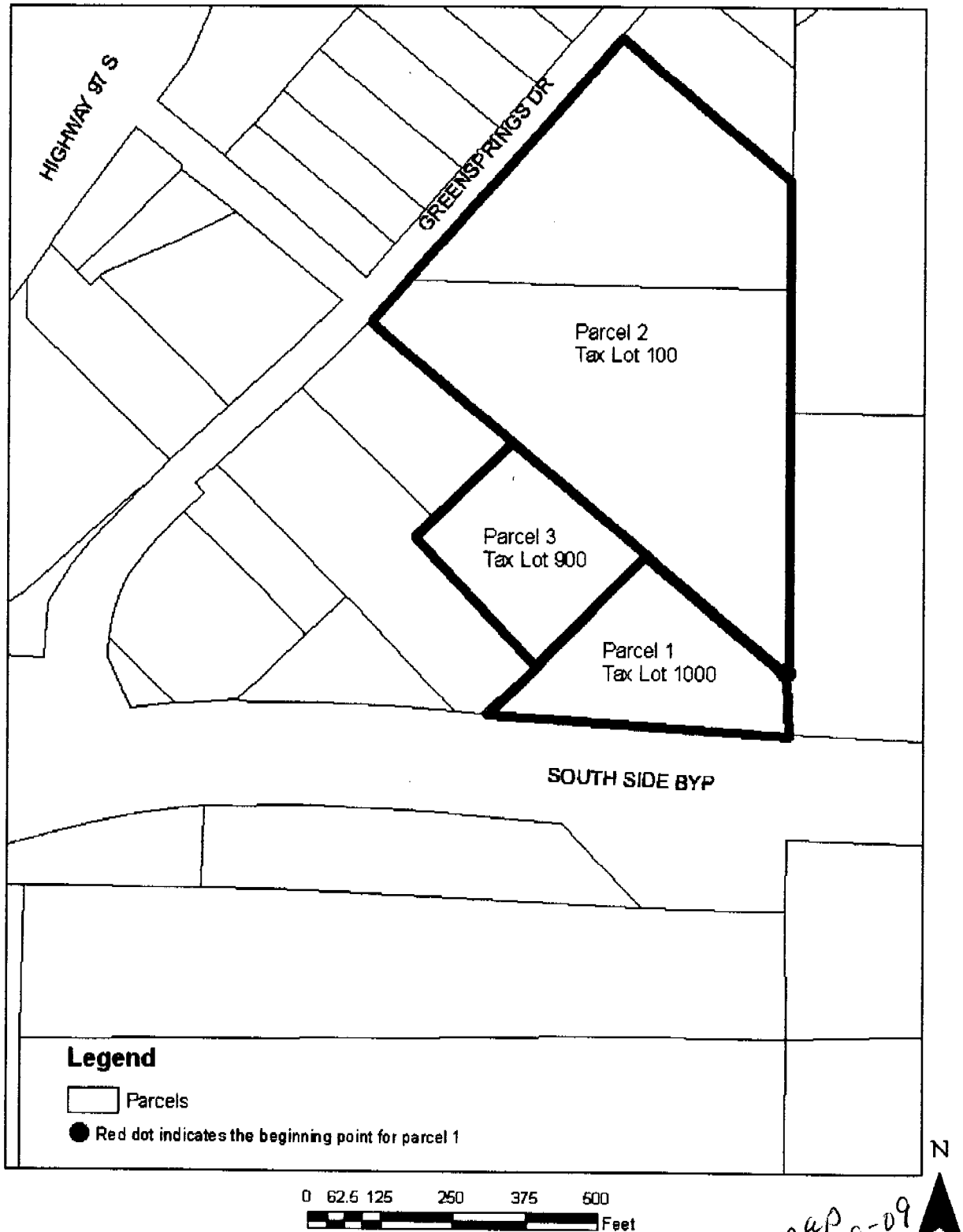
STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

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 May, 2008 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.

Shirley Kappas
City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP

Parcel Map for section of R-3909-008BC



*Corrected map
SOS 010. 08-09*

Exhibit B
LEGAL DESCRIPTION

PARCEL 1 LEGAL FOR ANNEXATION

A parcel of land situated in the NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point that bears South 34°23'44" West, 2361.24 feet from the N1/4 of said Section 8, said point being a 1/2" rebar; thence South 00°13'24" East, 108.29 feet to the northerly right-of-way line of the Southside Expressway; thence along said right-of-way line, North 87°30'50" West, 523.99 feet to a point of spiral; thence along the arc of said spiral to the left (the centerline radius of which is 1909.86 feet and theta is 7°30'00") a chord bearing of North 87°30'53" West, 1.44 feet; thence leaving said right-of-way line, North 44°40'21" East, 127.08 feet to a point of curvature; thence along the arc of a 2559.86 foot radius curve to the left, through a central angle of 6°09'06" (the chord of which bears North 42°47'53" East, 274.71 feet) and arc distance of 274.84 feet; thence South 50°22'45" East, 323.74 feet to the point of beginning. Basis of bearings is Grid North on the Oregon State Plane Coordinate System of 1983, South Zone as indicated on Record of Survey #7325 on file at the Klamath County Surveyors office.

Containing 2.11 acres, more or less.

PARCEL 2

Being a portion of the SW1/4 NW1/4 and NW1/4 NW1/4 of said Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows

Beginning at an iron pin on the Southeasterly right of way line of the Ashland-Klamath Falls Highway, which iron pin is 30 feet at right angles Southeasterly from the center of said highway, that lies South 89° 22 1/2' East along the section line a distance of 1321.4 feet and South 0° 40 1/2' East along the 40 line, which is also the West line of Westover Terraces, a distance of 626.5 feet and North 89° 22 1/2' West a distance of 106.2 feet and South 38° 40 1/2' West along the Southeasterly right of way line of said highway a distance of 300 feet to the Westerly corner of property conveyed by William Ganong and Mildred Ganong, his wife, to Emery Hebert, Wilfred Hebert and Delma Hebert by deed recorded in Volume 147, page 215, Deed Records of Klamath County, Oregon, thence continuing South 38° 40 1/2' West along the Southeasterly line of said highway a distance of 682.6 feet to an iron pin, which pin is at the most northerly corner of property conveyed to E W Melosh by deed recorded in Volume 194, page 307, Deed Records of Klamath County, Oregon, thence at right angles South 51° 19 1/2' East along the Northeasterly line of property conveyed to Melosh, VanHoosen and Patricia V McBee, Jummie A Warner and Dean C Mason, a distance of 930 feet, more or less, to the 40 line, which is also the West line of Westover Terraces, thence North 0° 40 1/2' West along said 40 line a distance of 875 feet, more or less, to an iron pin which is the most Southerly corner of the property conveyed to Heberts by the above described deed, thence North 51° 19 1/2' West along the Southeasterly line of said property conveyed to Heberts a distance of 383.5 feet, more or less, to the true point of beginning

PARCEL 3

Being a portion of the SW1/4 NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows

Beginning at an iron pin which lies North 0° 43' West along the West section line a distance of 629 feet and North 44° 50 1/2' East along the Southerly right of way line of the Weed-Klamath Falls Highway a distance of 438 feet and North 45° 09 1/2' West along the right of way line a distance of 20 feet and North 44° 50 1/2' East along the right of way line a distance of 210.5 feet and South 45° 09 1/2' East a distance of 320 feet from the iron pin which marks the quarter corner common to Sections 7 and 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence, Northeasterly along the arc of a 2° 32' Curve to the left (the long chord of which curve bears North 41° 45 1/2' East a distance of 243.1 feet) a distance of 243.2 feet to an iron pin, thence South 51° 19 1/2' East a distance of 300 feet to an iron pin, thence Southwesterly along the arc of a 2° 14' curve to the right (the long chord of this curve bears South 41° 45 1/2' West a distance of 275.4 feet) a distance of 275.4 feet to an iron pin, thence North 45° 09 1/2' West a distance of 300 feet more or less, to the point of beginning

Exhibit C
FINDINGS

RELEVANT REVIEW CRITERIA AND PROPOSED FINDING

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 13.105 to 13.104, regarding Annexations.

Criterion: *The annexation conforms to the Comprehensive Plan.*

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

Response

This annexation will not encroach on agricultural lands. This property is zoned and developed for light industrial uses. This property is in a developed area.

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

Response

This annexation will not encroach upon forestland. This property is zoned and developed for light industrial uses. This property is in a developed area.

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

Response

This annexation will help conserve open space. This annexation was a requirement of receiving water and sewer service from the City. The availability of these services made the development of this property (an industrial property within the Urban Growth Boundary) possible.

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

Response

The property in question is in a developed area and is zoned for light industrial uses. The development of the property does not affect the quality of the community air, water, and land resources.

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

Response

A private storm water detention system was required on the subject property to mitigate any increase in storm water run-off that would have been caused by the development of this property. This annexation is not expected to endanger life or property from natural disaster or hazard.

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

Response

Not applicable. This annexation will not affect the citizen's recreational needs.

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

Response

Not Applicable. The property is already zoned for light industrial use therefore the annexation of the property will not have an effect on the community's housing needs.

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

Response

This annexation will provide the City with Light Industrial property. The existing lumber/building supply store and truss plant located on the property will provide employment opportunities for citizens of the community and increase the economic base of the community.

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

Response

This annexation will create a timely, orderly and efficient arrangement of public facilities and services. There are services already available to the subject property.

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

Response

This annexation will help provide a safe, convenient and economic transportation system. The property proposed for annexation fronts Greensprings Drive, a county street, and Southside Expressway, an ODOT Highway. A Traffic Impact Analysis was completed prior to the development of this property and any required traffic mitigation measures were implemented through the development process with Klamath County.

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

Response

This annexation will aid in conserving energy. This development has created "in-fill" within the urban area, and therefore use of existing public facilities and services.

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

Response

The property in question is in an area developed with urban land uses. This area contains commercial, residential and industrial developments.

Finding

The proposed annexation conforms to the comprehensive plan. This criterion is met.