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02/11/2009 11:02:40 AM

Fee: \$46.00

## Ordinance No. 08-13

**A SPECIAL ORDINANCE ANNEXING THE SOUTH SIXTH STREET  
RIGHT-OF-WAY FROM BROAD STREET TO 300 FEET SOUTHEAST OF  
AUSTIN STREET (MILE POST 0.95 TO MILE POST 2.50)  
AND THE SPRING STREET CONNECTIONS TO SOUTH SIXTH STREET.**

**WHEREAS**, in October of 2006, the Oregon Department of Transportation transferred jurisdiction of the South Sixth Street right-of-way from Broad Street to 300 feet southeast of Austin Street and the Spring Street connections to South Sixth Street to the City of Klamath Falls; and

**WHEREAS**, the City requests to annex the property, which is hereinafter described; and

**WHEREAS**, a public hearing was held on August 11, 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**, hearing notices were duly given, and the City Council did hold a public hearing on September 2, 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:**

The parcels of land consisting of rights-of-way as shown on the map attached hereto as Exhibit A and described in the legal description attached hereto as Exhibit B are hereby annexed to the City of Klamath Falls. The subject parcels/rights-of-way can be found on the following Assessor's map pages R-3809-33CA, R-3809-33CB, R-3809-33CD, R-3809-33DC, R-3909-03BB, R-3909-03BC, R-3909-03BD, R-3909-04AA, and R-3909-04AB.

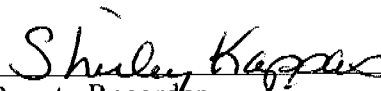
Passed by the Council of the City of Klamath Falls, Oregon, the 15<sup>th</sup> day of September, 2008.

Presented to the Mayor, approved and signed this 16<sup>th</sup> day of September, 2008.



Mayor

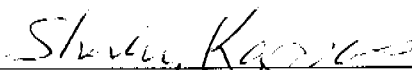
ATTEST:



Deputy Recorder

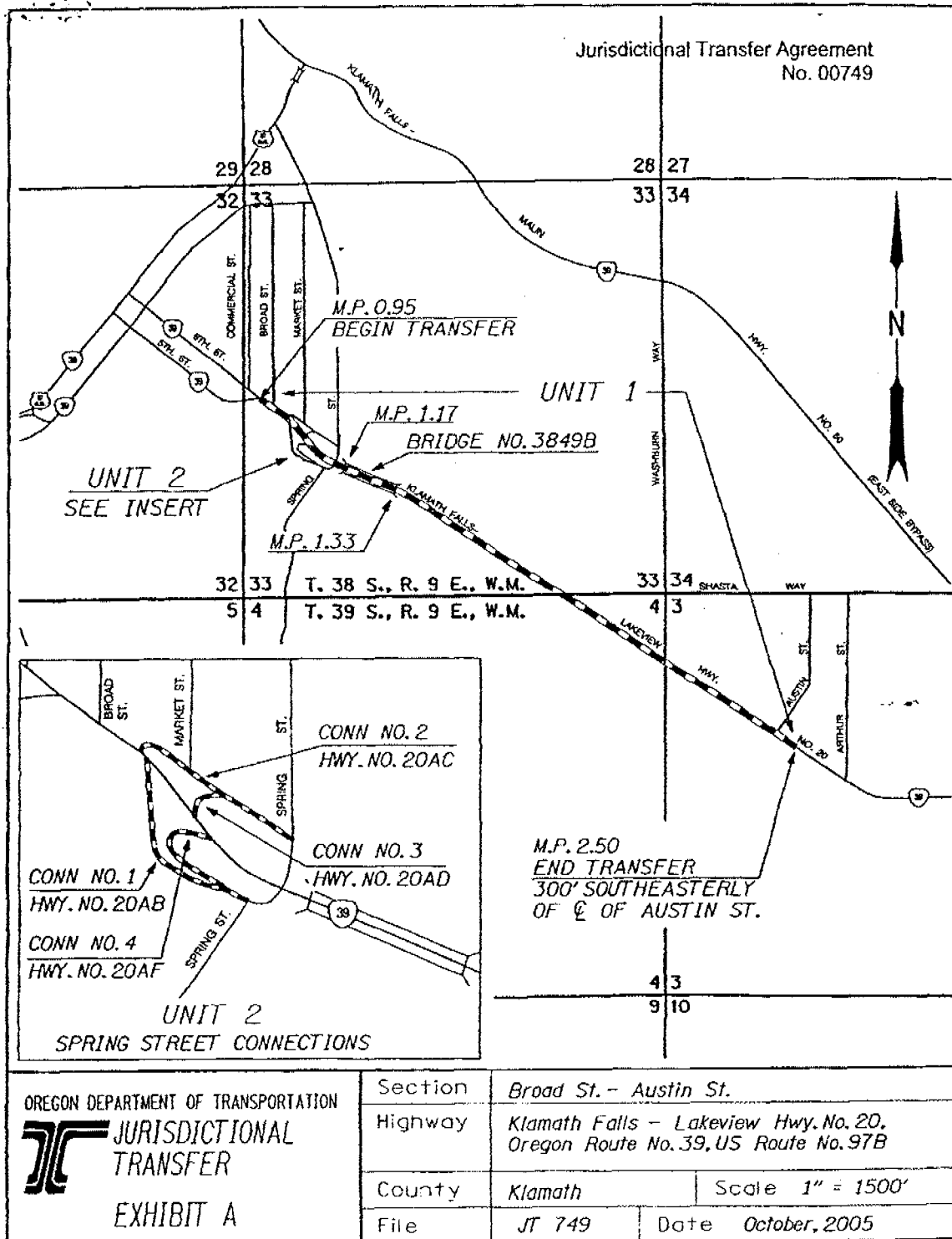
STATE OF OREGON	}	
COUNTY OF KLAMATH	}	SS
CITY OF KLAMATH FALLS	}	

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 15<sup>th</sup> day of September, 2008 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.



City Recorder (Deputy Recorder)

**Exhibit A  
VICINITY MAP  
(NO SCALE)**



**Exhibit B**  
**LEGAL DESCRIPTION**

Unit 1

All land within the right of way boundaries of the Klamath Falls - Lakeview Highway No. 20, beginning at the present State jurisdiction at Milepoint 0.95, thence running Southeasterly to Milepoint 2.50 at a point 300 feet Southeasterly of the center line of Austin Street and lying in Section 33, Township 38 South, Range 9 East, and lying in Sections 3 and 4, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; said Unit 1 includes the South Sixth Street Overcrossing of Southern Pacific Tracks, Bridge Number BR 3849B, from M.P. 1.17 to M.P. 1.33.

Unit 2

All land within the right of way boundaries of the Klamath Falls - Lakeview Highway Spring Street Connections, No.'s 1, 2, 3 and 4, said connections being State Highway No.'s 20AB, 20AC, 20AD and 20AF respectively and lying in Section 33, Township 38 South, Range 9 East, W.M., Klamath County, Oregon.

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

The proposed annexation involves a portion of the South 6<sup>th</sup> Street right-of-way which is already developed and used as a major arterial in the city. This portion of right-of-way is abutted by General Commercial, Industrial, Light Industrial, and Public Facility property for its entire length.

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

Response

The proposed annexation involves a portion of the South 6<sup>th</sup> Street right-of-way which is already developed and used as a major arterial in the City. This portion of right-of-way is abutted by General Commercial, Industrial, and Public Facility property for its entire length.

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

Response

This section of right-of-way is already under the jurisdiction of the City. This annexation will have no impact on open space or natural and scenic resources.

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

Response

There will be no physical change to the roadway. This right-of-way will be used / developed in the same manner whether or not it is annexed. The proposed annexation will have no affect on the quality of the community's air, water, or land resources.

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

Response

There will be no physical change to the roadway.

- 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

This proposal will not affect the community's housing needs.

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

Response

This proposal will not affect the community's economy.

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

Response

This annexation will help create a timely, orderly, and efficient arrangement of public facility and services by causing a portion of right-of-way that is under the jurisdiction of the City to be physically located within city limits. This will help with street maintenance, planning and police services.

- 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 by causing a portion of right-of-way that is under the jurisdiction of the City to be located within city limits.

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

Response

Not applicable.

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

Response

Not applicable.

Findings:

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