

2009-010783

Klamath County, Oregon



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Fee: \$161.00

Returned to County

ORDINANCE NO. 09-10

A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORIES TO THE CITY OF KLAMATH FALLS, CONSISTING OF APPROXIMATELY 64 ACRES OF PROPERTY LOCATED ADJACENT TO ALMA ALLEY, AUBURN STREET, GRANITE STREET, LAKESHORE DRIVE, PEAR STREET, HOMEDALE ROAD, SOUTH SIXTH STREET, AND WASHBURN WAY; ESTABLISHING CITY ZONING DESIGNATIONS OF GENERAL COMMERCIAL, INDUSTRIAL, LIGHT INDUSTRIAL, MEDIUM DENSITY RESIDENTIAL, AND SINGLE FAMILY RESIDENTIAL AS APPLICABLE TO EACH PARCEL; DECLARING AN EFFECTIVE DATE FOR THE ANNEXATION OF JANUARY 1, 2010 FOR NON-RESIDENTIAL PROPERTIES AND AN EFFECTIVE DATE FOR ANNEXATION OF JANUARY 1, 2013 FOR RESIDENTIAL PROPERTIES; AND PROVIDING FOR LIMITED, PARTIAL CITY TAX ABATEMENTS PURSUANT TO ORS 222.111(3)

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain parcels of real property by the City of Klamath Falls; all such parcels are hereinafter described; and

WHEREAS, ORS 222. 750 allows a city to annex territory not within a city that "is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5. . [.]";" and

WHEREAS, fourteen of the fifteen territories being annexed are surrounded by the corporate boundaries of the City. The other territory being annexed is surrounded by the corporate boundaries of the City and a lake (Upper Klamath Lake); and

WHEREAS, in the case of three of the territories being annexed, a portion of the corporate boundaries of the City which surround the territory consist only of a public right of way, but in no case does a boundary which consists of only public right of way constitute more than 25 percent of the perimeter of the territory being annexed; and

WHEREAS, the effective date for property that is zoned for, and in, residential use when this annexation was initiated by the City will be at least three years and not more than 10 years after the date the City proclaims the annexation approved; and

WHEREAS, for the delayed annexation of the "residential parcels" the City Recorder shall cause notice of the delayed annexation to be recorded by the Klamath County Clerk within 60 days after the City proclaims the annexation approved, and shall notify the Klamath County Clerk not sooner than 120 days and not later than 90 days before the annexation takes effect; and

WHEREAS, hearing notices were duly given and a public hearing was held on April 13, 2009, at which time the Planning Commission considered all evidence and objection regarding the proposed annexation of the described parcels and recommended approval of the annexation to City Council; and

WHEREAS, hearing notices were duly given and the City Council held a public hearing on May 18, 2009, on the recommendation of and including the record of the Planning Commission concerning the proposed annexations; and

WHEREAS, pursuant to such record and hearing the City Council has determined the annexation of the parcels described herein to be in compliance with the Community Development Ordinance, Comprehensive Plan and State statutes; and

WHEREAS, pursuant to ORS 222.111(3) the City has agreed to partial City property tax abatements for a period of five (5) fiscal years after the annexations are effective; and

WHEREAS, the City Council adopted the findings of the Planning Commission, as modified by City Staff, which are attached hereto as Exhibit B and incorporated by this reference; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1.

The following parcels of property, consisting of approximately 64 acres as legally described and shown on the maps attached hereto as Exhibit A below, are hereby annexed to the City of Klamath Falls, with the City zoning designations as indicated with each parcel:

Non-Residentially Zoned and Residenitally Used

Alma Alley Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
1	R-3809-019DD-00701	2691 ALMA ALLEY ST	CRNKOVICH CONSTANCE	1.87	I
2	R-3809-019DA-00500		KLAMATH FALLS BRICK & TILE CO	0.51	LI
3	R-3809-019DD-00601		PELKEY GERALD J & SANDRA KAY	0.06	I
4	R-3809-019DD-00700	2695 ALMA ALLEY ST	PELKEY GERALD J & SANDRA KAY	0.73	I
5	R-3809-019DD-00500	2731 ALMA ALLEY	SWEET CLECY R & FREIDA M	1.37	I

Auburn St Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
6	R-3809-028DB-07300		CITY OF KLAMATH FALLS	0.13	MD
7	R-3809-028DB-06900		COMBS CAROLE MAE	0.28	MD
8	R-3809-028DB-07100		COMBS CAROLE MAE	0.86	MD
9	R-3809-028DB-07200		COMBS CAROLE MAE	1.63	MD
10	R-3809-028DB-06700		COMBS DONALD V	0.24	MD
11	R-3809-028DB-06800		PACIFIC POWER & LIGHT CO	0.27	MD
12	R-3809-028DB-07000		SMITH CHRISTIAN S &	0.56	MD
13	R-3809-028DB-07400	412 WENDLING ST	WOODRUM WYMAN & JEANNE &	0.06	MD
14	R-3809-028DB-07500		WOODRUM WYMAN & JEANNE &	0.05	MD
15	R-3809-028DB-07600		WOODRUM WYMAN & JEANNE &	0.12	MD

Granite St Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
16	R-3909-007BC-01200		S & H GROUP INC	0.15	MD
17	R-3909-007BC-01201		S & H GROUP INC	0.15	SF

South Sixth Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
18	R-3909-003BB-01100	2809 S 6TH ST	FIRST INTERSTATE BANK OF OR	0.87	GC
19	R-3909-003BB-01700	2710 S 6TH ST	SWAN LAKE MOULDING CO &	1.22	GC
20	R-3909-003BC-00100		STILWELL MICHAEL J	0.53	GC
21	R-3909-003BC-00200	2947 S 6TH ST	WELLS FARGO BANK NA TRUSTEE &	0.55	GC
22	R-3909-003BC-00300	2943 S 6TH ST	KLAMATH FIRST FED SV/LN	0.41	GC
23	R-3909-003BC-00400		NOVAK PAUL M &	0.19	GC
24	R-3909-003BC-00500	2935 S 6TH ST	NOVAK JOHN &	0.21	GC
25	R-3909-003BC-00600	2901 S 6TH ST	C 9 ASSOCIATES LLC	0.20	GC
26	R-3909-003BC-00700	2885 S 6TH ST	WESTERN SERICE CO &	0.30	GC
27	R-3909-003BC-00800	2883 S 6TH ST	MOORE MICHAEL G & RACHAEL C	0.31	GC

Washburn Way Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
28	R-3909-004AD-00901		COLLINS CAUBLE INVESTMENTS LLC	0.63	GC
29	R-3909-004DA-00300	2430 WASHBURN WAY	SELLARS JOYCE C TRUSTEE &	1.01	GC
30	R-3909-004DA-00500	2524 CROSBY AVE	NFRC PROPERTY MANAGEMENT LLC	1.23	GC
31	R-3909-004DA-01000	2700 WASHBURN WAY	WESTWIND VILLAGE LLC	0.50	GC
32	R-3909-004DA-01100	2651 MAYWOOD DR	SCARAVILLI VICTOR J &	2.09	GC
33	R-3909-004DA-01300		NFRC PROPERTY MANAGEMENT LLC	0.83	GC
34	R-3909-004DA-01400		NFRC PROPERTY MANAGEMENT LLC	0.07	I
35	R-3909-004DD-00900	2805 MAYWOOD DR	KOMLOFSKE ROBERT L	1.05	GC
36	R-3909-004DD-00901		KOMLOFSKE ROBERT L TRSTE &	1.02	GC
37	R-3909-004DD-01100		SCARAVILLI VICTOR J &	1.05	GC
38	R-3909-009AA-01700		PEKKOLA & MOMBERT PROPERTIES	0.63	LI
39	R-3909-009AA-02200	3344 WASHBURN WAY	PEKKOLA & MOMBERT PROPERTIES	1.10	LI

Residentially Zoned and Residenitally Used

Lakeshore Dr Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
40	R-3808-025DA-02900	863 LAKESHORE DR	DALLA CHRISTOPHER J &	0.60	SF
41	R-3808-025DA-03000	1313 LYNNEWOOD BLVD	PLATIS MITCHELL	0.49	SF
42	R-3808-025DA-03001	879 LAKESHORE DR	BUCHANAN DANA N	0.29	SF
43	R-3808-025DA-02300	777 LAKESHORE DR	COOPER FREDRICK M & LISA M	0.29	SF
44	R-3808-025DA-02400	791 LAKESHORE DR	FORD RICHARD C & CAROLYN P	0.34	SF
45	R-3808-025DA-02500		BELLOTTI ALDO A & ANNE ROSE	0.39	SF
46	R-3808-025DA-02800	859 LAKESHORE DR	MAGNESS MARCIA A &	0.28	SF
47	R-3808-025DA-00700		WOOD WENDELL & KATHRYN	0.98	SF
48	R-3808-025DA-00800		COOPER JOANN	0.92	SF
49	R-3808-025DA-01000	890 LAKESHORE DR	SPRINGER RUSSELL D & KATHLEEN I	1.36	SF
50	R-3808-025DA-01100	878 LAKESHORE DR	ELLIS JUANITA T &	0.25	SF
51	R-3808-025DA-01200	863 LAKESHORE DR	SPRINGER RUSSELL & KATHLEEN	0.82	SF
52	R-3808-025DA-01300		MERKL ARTHUR W & JOYCE E	0.74	SF
53	R-3808-025DA-01400		POTTER THOMAS L & LOIS K	0.67	SF
54	R-3808-025DA-01500		CITY OF KLAMATH FALLS	0.02	SF
55	R-3808-025DA-01600		BELLOTTI ALDO A & ANNE ROSE	0.63	SF
56	R-3808-025DA-01700	791 LAKESHORE DR	FORD RICHARD C & CAROLYN P	0.57	SF
57	R-3808-025DA-01800	777 LAKESHORE DR	COOPER FREDRICK M & LISA M	0.55	SF
58	R-3808-025DA-03200	893 LAKESHORE DR	MORENO SANDRA	0.23	SF
59	R-3808-025DA-03400	925 LAKESHORE DR	KNECHT CHRISTOPHER J	0.45	SF
60	R-3808-025DA-03500	943 LAKESHORE DR	BREFKA DAVID A &	0.39	SF
61	R-3808-025DB-01300		LAKESHORE GARDEN DRAINAGE	0.36	SF
62	R-3808-025DB-01500	1052 LAKESHORE DR	SWISHER MICHAEL A & JOANNE F	0.69	SF
63	R-3808-025DB-01600		KOCHENDERFER JAMES B	0.85	SF
64	R-3808-025DB-01700		BELANGER ROBERT &	0.71	SF
65	R-3808-025DB-01800	1010 LAKESHORE DR	BELANGER ROBERT &	0.27	SF
66	R-3808-025DB-01900		FORD SUSAN K TRUSTEE &	1.01	SF
67	R-3808-025DB-02000	961 LAKESHORE DR	FORD SUSAN K TRUSTEE &	0.23	SF

Lakeshore Dr Properties Proposed for Annexation Continued

68	R-3808-025DB-02100	999 LAKESHORE DR	GLASS LORNA J	0.15	SF
69	R-3808-025DB-02200	1007 LAKESHORE DR	WEIDER RYAN B	0.26	SF
70	R-3808-025DB-02300	1027 LAKESHORE DR	FENSKE DALE M &	0.50	SF
71	R-3808-025DB-02400	1049 LAKESHORE DR	NIEMI PETER J & SHERRI E	0.64	SF
72	R-3808-025DA-00200		LAKESHORE GARDEN DRAINAGE	1.94	SF

Pear St Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
73	R-3809-034BC-01300	815 WASHBURN WAY	MC'GUIRE GLEN J & PATRICIA	0.41	GC
74	R-3809-034BC-01400		MC'GUIRE GLEN J & PATRICIA	0.16	GC
75	R-3809-034BC-01500	2635 DARROW AVE	CHRISTENSEN RICHARD A & MARTHA F	0.31	MD
76	R-3809-034BC-01600	2703 DARROW AVE	KISSELL TERRY L & CHERYL K	0.30	MD
77	R-3809-034BC-01700		CARPENTER LYNNE A	0.16	MD
78	R-3809-034BC-01800	2727 DARROW AVE	CARPENTER LYNNE A	0.23	MD
79	R-3809-034BC-01900		CARPENTER LYNNE A	0.08	MD
80	R-3809-034BC-02000		JOHNSON JAMES C	0.16	MD
81	R-3809-034BC-02100	2813 DARROW AVE	JOHNSON JAMES C	0.16	MD
82	R-3809-034BC-02200	2808 PEAR ST	PEAR STREET VENTURES LLC	0.15	MD
83	R-3809-034BC-00800	2643 PEAR ST	PEAR STREET VENTURES LLC	0.71	MD
84	R-3809-034BC-00900	2639 PEAR ST	COOPER LOLA M	0.21	MD
85	R-3809-034BC-01000	2637A PEAR ST	COLLMAN STEVE H & ROSEMARIE	0.13	MD
86	R-3809-034BC-01100	2637 PEAR ST	BERGIN OLIVE	0.27	MD
87	R-3809-034BC-01200	811 WASHBURN WAY	MOREHOUSE DANIEL JOSEPH &	0.49	MD
88	R-3809-034BC-02500	787 S ALAMEDA AVE	WELLS FARGO FINANCIAL BANK	0.26	MD
89	R-3809-034BC-02600	797 S ALAMEDA AVE	NORMAN WILLIAM S & DEBORAH L	0.58	MD
90	R-3809-034BC-02700	801 S ALAMEDA AVE	DAWSON DORRELL P	0.40	MD
91	R-3809-034BC-02800		HUNTER HELMA I	1.05	GC
92	R-3809-034BC-02900	845 S ALAMEDA AVE	HALDA F A & JOAN R	1.20	MD
93	R-3809-034BC-02300	2817 DARROW AVE	ADAMS BARBARA J	0.16	MD
94	R-3809-034BC-02400		EVANS TONI &	0.06	MD
95	none	Portion of "A" Canal	US Bureau of Reclamation	2.57	n/a

South Homedale Properties Proposed for Annexation

Parcel Number	Map & Tax Lot	Site Address	Owner Name	Acres	Zone
96	R-3909-014AB-09000	4944 HOMEDALE RD	STEINER GLORIA J TRUSTEE &	0.32	SF
97	R-3909-014AC-00200	5104 HOMEDALE RD	VARGA AARON E	0.60	SF
98	R-3909-014AC-00201	5110 HOMEDALE RD	EKMAN DOLORES JEAN	0.76	SF
99	R-3909-014AC-00202	5122 HOMEDALE RD	JUSTMAN DANIEL L TRUSTEE &	0.67	SF
100	R-3909-014AC-00300	5150 HOMEDALE RD	MOORE CLIFTON R &	2.10	SF
101	R-3909-014AC-00400	5222 HOMEDALE RD	RICK SUSAN E	1.19	SF
102	R-3909-014AC-00500		RICK SUSAN E	0.79	SF
103	R-3909-014AC-00600		RICK SUSAN E	0.49	SF
104	R-3909-014AC-00700	5330 HOMEDALE RD	DRESSELL TERRY L & JANET L	0.99	SF
105	R-3909-014AC-00800	5350 HOMEDALE RD	DRESSELL TERRY L & JANET L	0.41	SF
106	R-3909-014AB-08800	4920 HOMEDALE RD	WISEMAN ROGER L JR	0.30	SF
107	R-3909-014AB-08900	4932 HOMEDALE RD	CORBIN JASON	0.30	SF
108	R-3909-014DB-00100	5436 HOMEDALE RD	BAIRD ALTHEA A	0.97	SF

Section 2.

The effective date for the annexation of the non-residential properties (parcels that are not both zoned for, and in, residential use), identified as parcels 1-39 in Section 1, is January 1, 2010.

As required by ORS 222.750(5), the effective date for the annexation of the residential properties (properties that are both zoned for, and in, residential use), identified as parcels 40-108 in Section 1, is January 1, 2013.

Section 3.

Pursuant to ORS 222.111(3), the rate of taxation by the City for City real property taxes due in the non-residential properties in the annexed territory, referenced in Section 2 and identified as parcels 1-39 in Section 1 of this Ordinance, (hereinafter collectively referred to as "City Taxes") shall be as follows:

- Tax Year 1 (July 1, 2010 – June 30, 2011): Owner pays \$.80 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 2 (July 1, 2011 – June 30, 2012): Owner pays \$1.60 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 3 (July 1, 2012 – June 30, 2013): Owner pays \$2.40 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 4 (July 1, 2013 – June 30, 2014): Owner pays \$3.20 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 5 (July 1, 2014 and thereafter): 0% abatement of City Taxes; Owner pays 100% of City tax rate.

Pursuant to ORS 222.111(3), the rate of taxation by the City for City real property taxes due in the residential properties in the annexed territory, referenced in Section 2 and identified as parcels 40-108 in Section 1 of this Ordinance, (hereinafter collectively referred to as "City Taxes") shall be as follows:

- Tax Year 1 (July 1, 2013 – June 30, 2014): Owner pays \$.80 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 2 (July 1, 2014 – June 30, 2015): Owner pays \$1.60 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 3 (July 1, 2015 – June 30, 2016): Owner pays \$2.40 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 4 (July 1, 2016 – June 30, 2017): Owner pays \$3.20 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 5 (July 1, 2017 and thereafter): 0% abatement of City Taxes; Owner pays 100% of City tax rate.

Section 4.

Regarding the annexation of the residential properties in the annexed territory, referenced in Section 2 and identified as parcels 40-108 in Section 1 of this Ordinance, and in compliance with the requirements of ORS 222.750(5), the City Recorder is hereby directed: 1) to cause notice of the annexation to be recorded by the Klamath County Clerk within 60 days after this Ordinance

is approved by the City Council; and 2) to notify the Klamath County Clerk not sooner than 120 days and not later than 90 days before the annexation takes effect on January 1, 2013.

Passed by the Council of the City of Klamath Falls, Oregon, the 1st day of June, 2009.

Presented to the Mayor, approved and signed this 2nd day of June, 2009.



Mayor

ATTEST:



City 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 1st day of June, 2009 and therefore approved and signed by the Mayor and attested by the City Recorder.



~~City Recorder~~ (Deputy Recorder)

Exhibit A
Boundary Descriptions and Maps

GAGE ROAD-LAKEPORT BOULEVARD AREA
ANNEXATION BOUNDARY DESCRIPTION

Two parcels of land situated in the SE1/4 NE1/4, the NE1/4 SE1/4 and the SE1/4 SE1/4, of Section 19 in Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, the parcels being more particularly described as follows:

Parcel 1: A 20 foot wide strip of land situated in SE1/4 NE1/4 and the NE1/4 SE1/4 of said Section 19, said strip of land lying between the Shippington Spur railroad right of way and the Lakeport Boulevard right of way as described in Deed Volume M67 at Page 7158, of the Klamath County deed records.

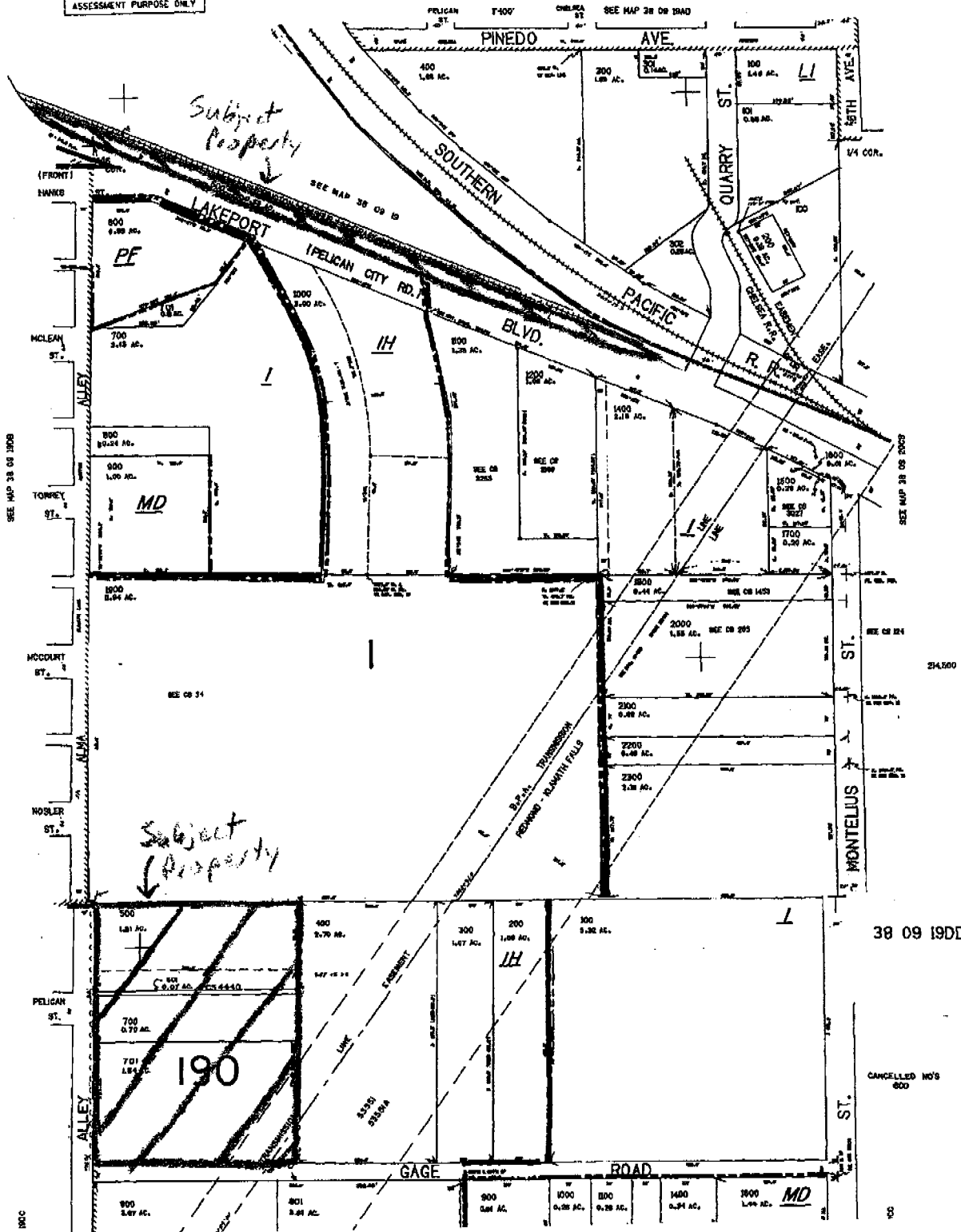
Parcel 2: A tract of land situated in SE1/4 SE1/4 of said Section 19, more particularly described as follows:

Beginning at a point on the westerly right of way line of Alma Alley, said point being 1330 Westery on the section line between Sections 19 and 30 of said Township 38 South, Range 9 East, and Northerly 1320 feet parallel with the section line between Sections 19 and 20 of said township and range, said point also being the northwest corner of that property described in Deed Volume M76 at Page 7502; thence Easterly parallel with the section line between said Sections 19 and 30, a distance of 363 feet; thence Southerly parallel with the section line between said Sections 19 and 20, a distance of 460 feet to the north line of Gage Road (30 feet wide); thence Westerly along the north line of Gage Road, a distance of 363 feet to a point on the westerly right of way line of Alma Alley; thence Northerly, parallel with the said section line between Sections 19 and 20, a distance of 460 feet to the Point of Beginning.

NE1/4 SEC. 19 T.38S. R.09E. W.M.
KLAMATH COUNTY

38 09 19DA

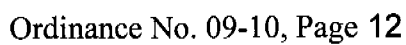
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



**THE TERRACES NO. 2 ADDITION
ANNEXATION DESCRIPTION**

All of Blocks 5 and 6 lying south of Loma Linda Drive; all of Block 7; Lots 1, 2, 3, and 4 of Block 8; Lots 5, 6, 7, 8, and 9 of Block 8, all in The Terraces No. 2 Addition, situated in the NW1/4 SE1/4 of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, a duly recorded plat on file in the office of the Klamath County Clerk;

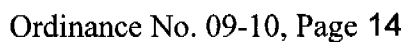
Together with the Butler Street right of way (40.00 feet wide) and the Auburn Street right of way (40.00 feet wide) adjoining said Blocks and the unnamed right of way between Lots 4 and 6 of said Block 8.



**CREGAN PARK
ANNEXATION DESCRIPTION**

Parcels 1 and 2 of Land Partition 60-07, according to the official plat thereof on file in the office of the Klamath County Clerk, situated in the SW1/4 NW1/4 of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

39 09 07BC

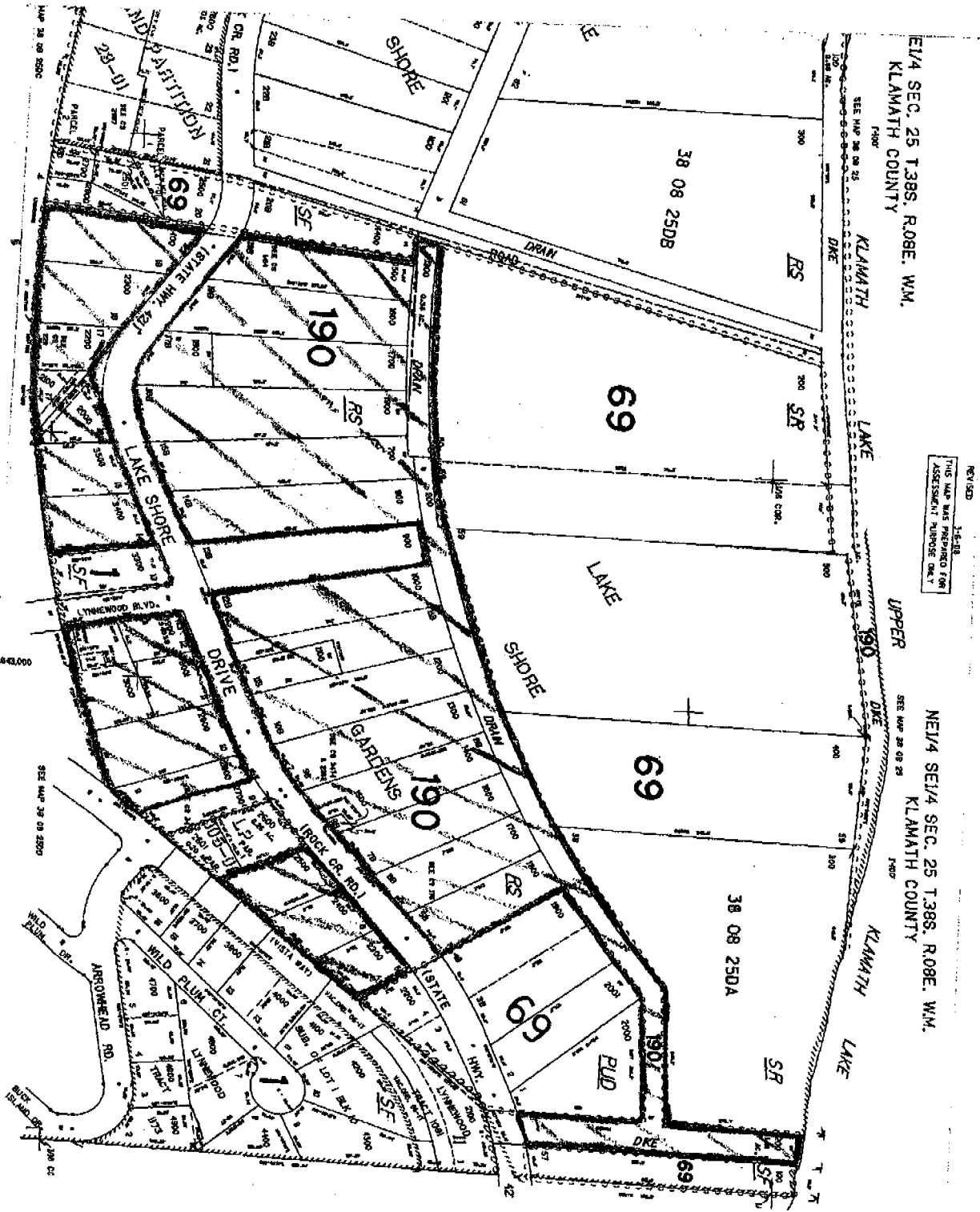


**LAKESHORE GARDENS
ANNEXATION BOUNDARY DESCRIPTION**

A tract of land being a portion of Lakeshore Gardens, according to the official plat thereof on file in the office of the Klamath County Clerk, situated in the SE1/4 of Section 25, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, that portion being more particularly described as follows:

Lots 5, 6, and 7; Lots 9, 10, 11, and 12; Lots 14 and 15; Lots 16 and 17 together with the vacated 30.00 foot road right of way adjoining; Lots 18 and 19; Lots 5B, 6B, 7B, 8B, 9B, 10B, 11B and 12B; Lots 14B, 15B, 16B, 17B, 18B and 19B;

Together with the 40.00 foot right of way shown as "Drain" between the west line of Lots 20B and 60 and the east line of Lots 1 and 58; the 60.00 foot right of way shown as "Dike" adjacent to Lot 57; and Lakeshore Drive right of way (60.00 foot wide) between the east line of Lots 5 and 5B and the west line of Lots 19 and 19B.



PEAR STREET-ALAMEDA AVENUE AREA ANNEXATION BOUNDARY DESCRIPTION

A tract of land situated in the SW1/4 NW1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

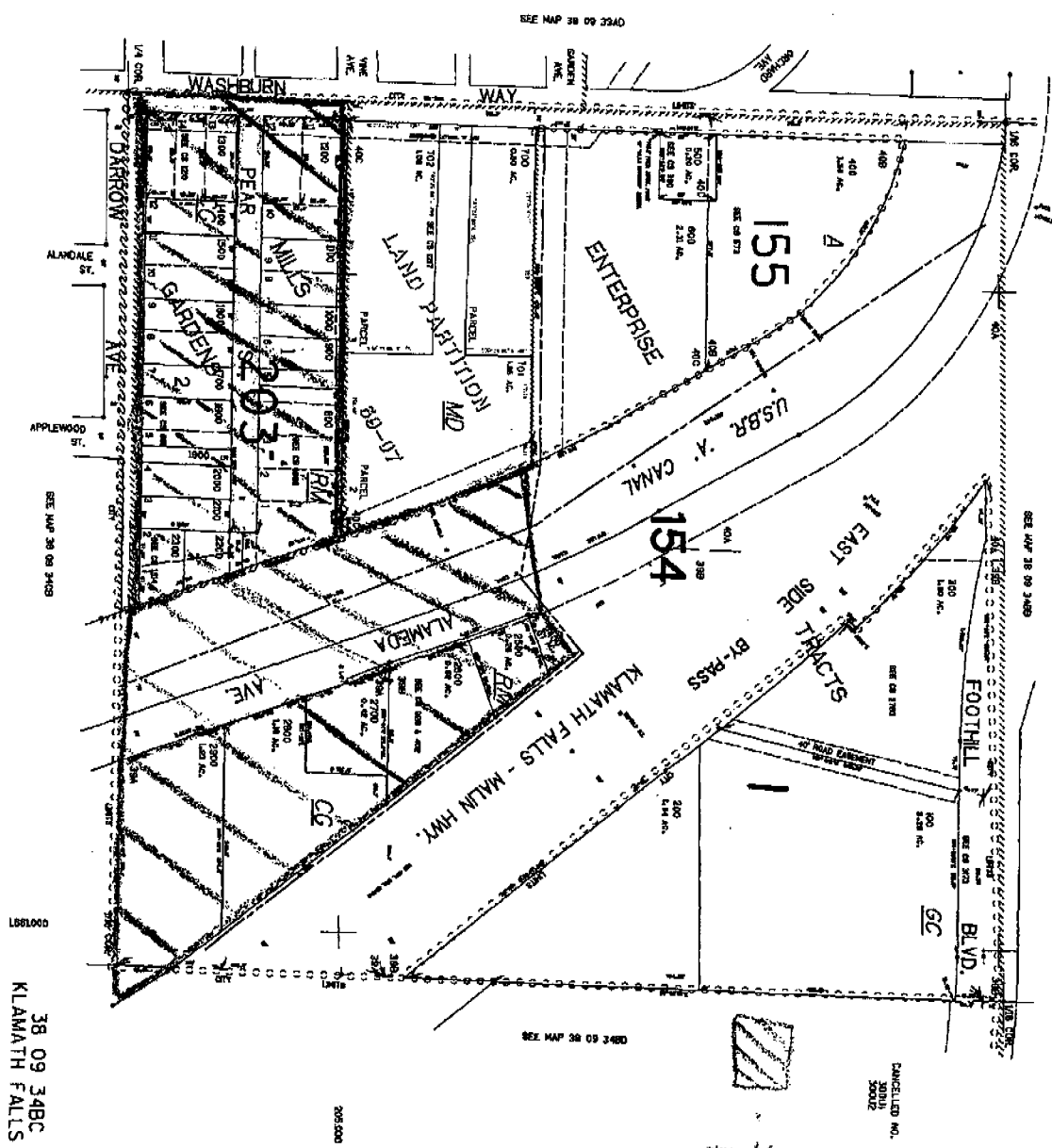
All of Mills Gardens, according to the official plat thereof on file in the office of the Klamath County Clerk, together with the following described portion of the SW1/4 NW1/4 of said Section 34:

Beginning at the northeast corner of said Mills Gardens subdivision, said point being a point on the westerly right of way line of the USBR "A" Canal, said point also being the southeast corner of Parcel 2, Land Partition No. 69-07, according to the official plat thereof on file in the office of the Klamath County Clerk; thence northwesterly along said westerly right of way line, 309.21 feet to the northeast corner of said Parcel 2; thence northeasterly, in a straight line, across the USBR "A" Canal and Alameda Avenue right of way, to the southwest corner of that property conveyed to the Oregon State Highway Commission and described in Deed Volume 356 at page 422, said point being the intersection of the easterly right of way line of Alameda Avenue and a line at right angles to the centerline of Klamath Falls-Malin Highway at Engineer's Station 152+55.3; thence northeasterly along said line to a point that is at 110.00 feet at right angles to said centerline at Engineer's Station 152+55.3; thence southeasterly along a line 110.00 feet distant from and parallel with said centerline to its intersection with the east line of Tract 39A of Enterprise Tracts, according to the official plat thereof on file in the office of the Klamath County Clerk; thence South 00°16' East along said east line a distance of 86.8 feet to the southeast corner of said Tract 39A; thence North 89°42' West along the south line of said Tract 39A, a distance of 318.3 feet more or less to the easterly right of way line of Alameda Avenue; thence northwesterly, in a straight line across Alameda Avenue right of way and the USBR "A" Canal right of way, to the southeast corner of said Mills Gardens subdivision; thence North 21°40' West, 340.71 feet, along the east line of said Mills Gardens subdivision, to the Point of Beginning.

REVISED 10-24-08
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

SW1/4 NW1/4 SEC. 34 T38S. R09E. W.M.
KLAMATH COUNTY
1400'

38 09 34BC
KLAMATH FALLS



HOMEDALE-GATEWOOD AREA ANNEXATION BOUNDARY DESCRIPTION

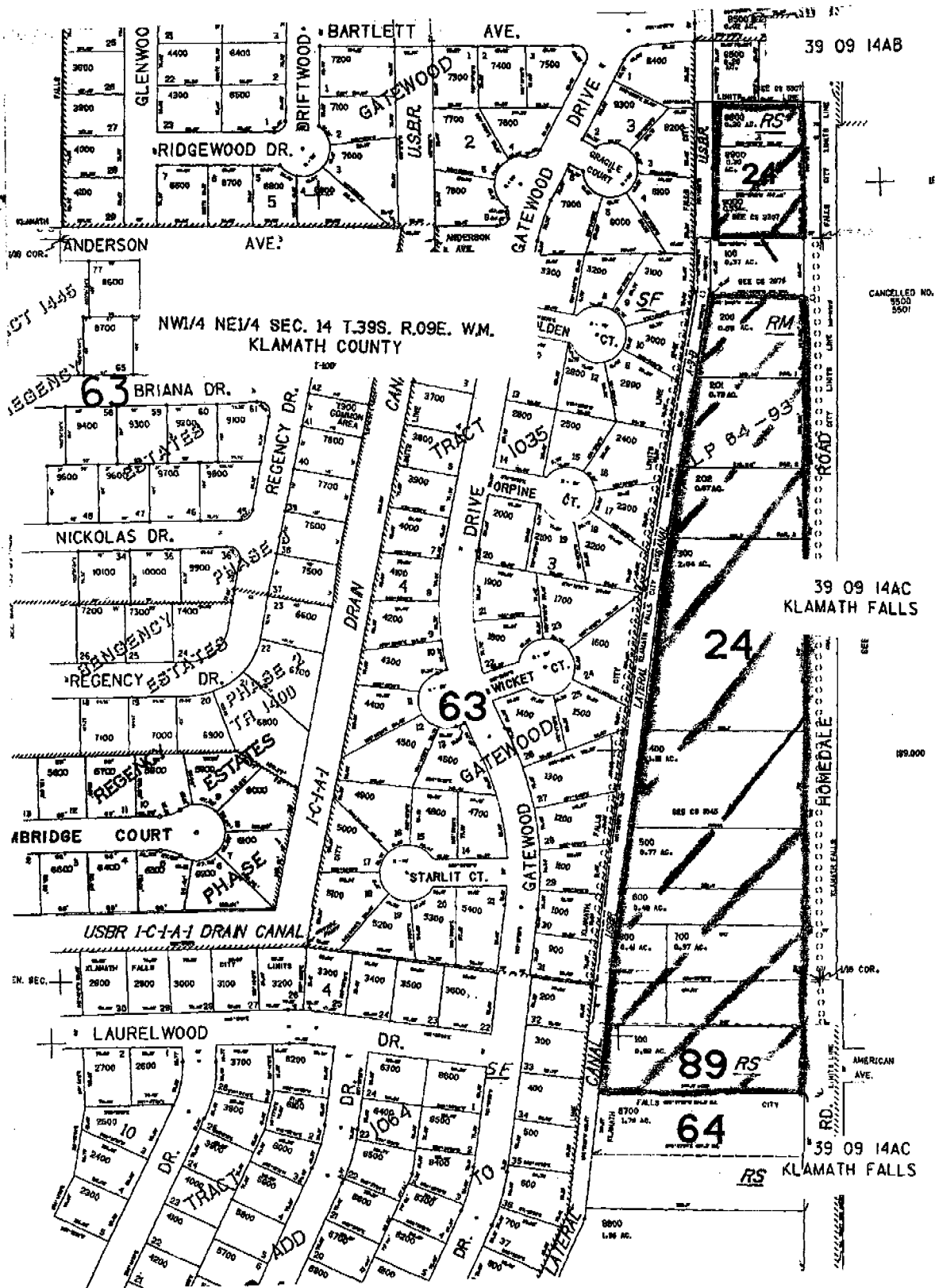
Two parcels of land situated in the NW1/4 NE1/4, the SW1/4 NE1/4, and the NW1/4 SE1/4 of Section 14 in Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, the parcels being more particularly described as follows:

Parcel 1: A tract of land situated in NW1/4 NE1/4 of said Section 14, more particularly described as follows:

Beginning at the intersection of the westerly right of way line of Homedale Road and the south line of the NW1/4 NE1/4 of said Section 14 said point being North 89°58'56" West, 30.00 feet from the southeast corner of said NW1/4 NE1/4; thence along said south line of the NW1/4 NE1/4, North 89°58'56" West, 162.03 feet to a point on the easterly right of way line of the USBR A-3-B Lateral; thence North 00°06'10" East, 250.79 feet along said USBR right of way line; thence South 89°31'05" East, 162.02 feet to a point on the westerly right of way line of Homedale Road; thence South 00°06'10" West, 249.48 feet along said right of way line to the Point of Beginning. Bearings are based on record of survey No. 3307 as filed in the office of the Klamath County Surveyor.

Parcel 2: A tract of land situated in SW1/4 NE1/4 and the NW1/4 SE1/4 of said Section 14, more particularly described as follows:

Beginning at a point on the westerly right of way line of Homedale Road, said point being North 89°53'50" West, 30.00 feet and South 00°06'10" West, 100.00 feet from the northeast corner of said SW1/4 NE1/4, said point also being the northeast corner of Parcel 1 of Land Partition 64-93, according to the official plat thereof on file in the office of the Klamath County Clerk; thence South 00°06'10" West, 1410.00 feet, more or less, along said westerly right of way line of Homedale Road to the southeast corner of that property described in Deed Volume M96 at Page 21495 of the Klamath County Deed Records; thence westerly along the south line of said property described in Deed Volume M96 at Page 21495, a distance of 366.6 feet to the easterly right of way line of the USBR A-3-B Lateral; thence northeasterly along said USBR right of way line to the northwest corner of said Parcel 1 of Land Partition 64-93; thence South 89°58'56" East, 164.04 feet to the Point of Beginning.



SIXTH STREET-PERSHING WAY AREA ANNEXATION BOUNDARY DESCRIPTION

Two parcels of land situated in the NW1/4 NW1/4, and the SW1/4 NW1/4, of Section 3 in Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, the parcels being more particularly described as follows:

Parcel No. 1: A tract of land being Parcel 1 of Land Partition 22-08, according to the official plat thereof on file in the office of the Klamath County Clerk, situated in the NW1/4 NW 1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, containing 1.28 acres more or less.

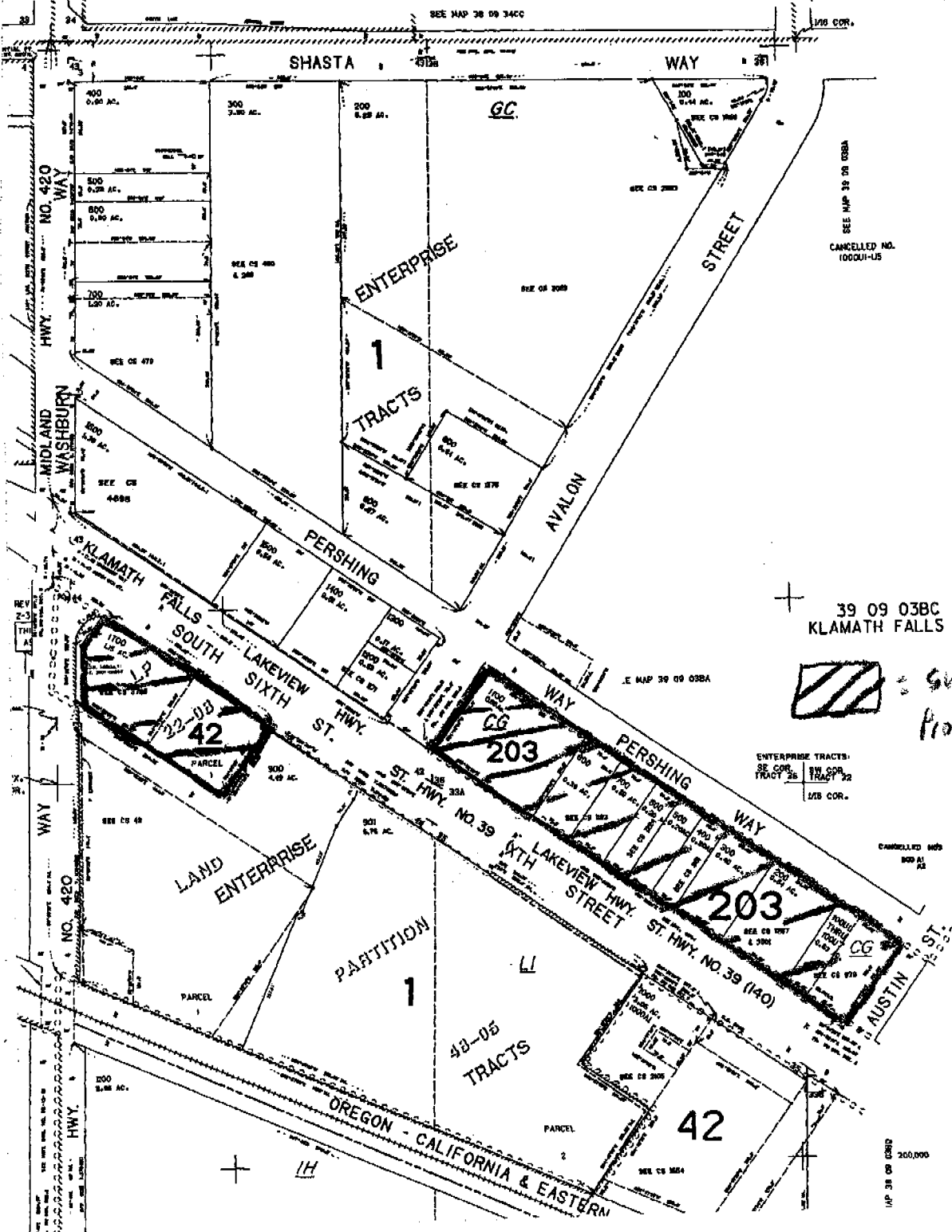
Parcel No. 2: A tract of land situated in NW1/4 NW1/4 and the SW1/4 NW1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at the northwest corner of said Section 3; thence South 00°00'30" East along the westerly line of said Section 3 a distance of 826.80 feet to its intersection with a line parallel with and 75.0 feet distant at right angles northeasterly from the centerline of the Klamath Falls-Lakeview Highway, also known as South Sixth Street, as the same is now located and constructed, said parallel line also being the northerly right of way line of said South Sixth Street; thence South 55°52'30" East along said right of way line 801.2 feet to the southeasterly right of way line of Avalon Street, and the True Point of Beginning of this description; thence continuing South 55°52'30" East along said right of way line 880.6 feet, more or less, to the northwesterly right of way line of Austin Street; thence North 34° 07' 30" East along said right of way line of Austin Street, a distance of 175.00 feet to the southerly right of way line of Pershing Way; thence North 55°52'30" West along said right of way line of Pershing Way, 880.60 feet, more or less, to the southeasterly right of way line of Avalon Street; thence South 34° 07' 30" West along said right of way line of Avalon Street, a distance of 175.00 feet to the True Point of Beginning.

REVISED
2-3-09
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NW1/4 NW1/4 SEC. 03 T.39S. R.09E. W.M.
KLAMATH COUNTY
T-100'

South SIXTH ST
39 09 03BB
KLAMATH FALLS



WASHBURN WAY-MAYWOOD AREA ANNEXATION BOUNDARY DESCRIPTION

Five Parcels of land situated in the SE1/4 NE1/4, the NE1/4 SE1/4, and the SE1/4 SE1/4 of Section 4, and the NE1/4 NE1/4 Section 9, all in Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, the parcels being more particularly described as follows:

Parcel 1: Parcel 2 of Minor Land Partition 12-86, said parcel being the south 125 feet of the following described property:

A tract of land situated in Lots 1 and 2, Block 2, Tract 1080-Washburn Park, a duly recorded subdivision, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the corner common to said Lots 1 and 2 on the westerly right of way line of Washburn Way; thence along said right of way North 00°03'30" East, 70.00 feet; thence North 89°56'30" West, 250.00 feet; thence South 00°03'30" West, 250.00 feet; thence South 89°56'30" East, 249.99 feet to the westerly right of way of Washburn Way; thence along said right of way line North 00°04'50" East, 38.64 feet and North 00°03'30" East, 141.36 feet to the Point of Beginning.

Parcel 2: The Easterly 250.00 feet of the southerly 175.00 feet of Lot 1, Block 2, Tract 1080-Washburn Park, a duly recorded subdivision, in the County of Klamath, State of Oregon.

Parcel 3: The West 210 feet of Lot 1, the West 210 feet of Lot 2 and the North 220 feet of the West 210 feet of Lot 3, in Block 6, Tract 1080-Washburn Park, a duly recorded subdivision, in the County of Klamath, State of Oregon.

Also, a tract of land situated in Lots 2 and 3, Block 6, of said Tract 1080-Washburn Park, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 3 as marked by a 1/2" iron pin; thence South 00°04'50" West, along the Westerly right of way line of Washburn Way, 7.7 feet; thence North 89°55'10" West, parallel to the North line of said Lot 3, 250.00 feet; thence North 00°04'50" East, 88.00 feet to a 5/8" Iron pin, being South 00°04'50" West 350.00 feet from the north line of said Lot 2; thence South 89°55'10" East, 250.00 feet to a 5/8" iron pin on the Westerly right of way line of said Washburn Way; thence South 00°04'50" West 80.03 feet to the point of beginning.

Also, a tract of land situated in Tract 49, Enterprise Tracts, a duly recorded subdivision in the County of Klamath, State of Oregon, more particularly described as follows:

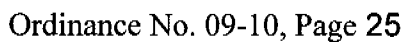
Beginning at the Northwest corner of Lot 1, Block 6 of said Tract 1080-Washburn Park, said point being South 47°30'05" West, 692.61 feet from the east ¼ corner of said Section 4; thence North 89°55'10" West, 26.85 feet; thence South 00°04'50" West, 50.00 feet; thence along the arc of a curve to the left (central angle=21°06'45" and radius=170.00 feet) 62.64 feet; thence along the arc of a curve to the right (central angle=21°06'45" and radius=230.00 feet) 64.75 feet to a point on the West line of said Lot 1, Block 6; thence North 00°04'50" East, 194.08 feet to the point of beginning, with bearings based on said Tract 1080-Washburn Park.

Parcel 4: A tract of land situated in the westerly portion of Lot 4, Block 6, Tract 1080-Washburn Park, a duly recorded subdivision in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 4; thence North 00°04'50" East along the West line of said Lot 4, 430.00 feet to the Northwest corner of said Lot 4; thence South 89°55'10" East along the North line of said Lot 4, 211.18 feet; thence South 00°09'45" West, 430.00 feet to the South line of said Lot 4; thence North 89°55'10" West, 210.57 feet to the point of beginning.

Parcel 5: Lot 3 and Lot 6, Block 1, of Tract 1249, a Re-Subdivision of Lot 4, Block 1, Tract 1080-Washburn Park, a duly recorded subdivision in the County of Klamath, State of Oregon.

39 09 04AD
KLAMATH FALLS



Washington Day
May 2 39 09 09AA

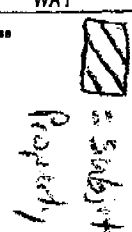


Exhibit B
FINDINGS

RELEVANT REVIEW CRITERIA AND FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 13.105 to 13.140, regarding Annexations.

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

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

Response

The proposed annexation involves land that is surrounded by the corporate boundaries of the City and is already developed and/or zoned for residential, commercial, or industrial development within the Urban Growth Boundary. Said land is not zoned Exclusive Farm Use (EFU) and is in conformance with Oregon Statewide Planning Goal 3: Agricultural Lands, OAR 660-015-0000(3).

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

Response

The proposed annexation involves land that is surrounded by the corporate boundaries of the City and is already developed and/or zoned for residential, commercial, or industrial development within the Urban Growth Boundary. Said land is not zoned Forestry/Range (FR) and is in conformance with Oregon Statewide Planning Goal 4: Forest Lands, OAR 660-015-0000(4).

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

Response

The proposed annexation involves land that is surrounded by the corporate boundaries of the City and is already developed and/or zoned for residential, commercial, or industrial development within the Urban Growth Boundary. Said land is not zoned for Open Space or Natural Resource Preservation and is in conformance with Oregon Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces, OAR 660-015-0000(5).

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

Response

The proposed annexation involves land that is surrounded by the corporate boundaries of the City and is already developed and/or zoned for residential, commercial, or industrial development within the Urban Growth Boundary. Annexation of said land will not adversely affect the quality of air, water, or land resources and is in conformance with Oregon Statewide Planning Goal 6: Air, Water, and Land Resources Quality, OAR 660-015-0000(6).

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

Response

The proposed annexation will not increase the probability of endangering life or property from natural disasters or hazards. Annexation of said land is in conformance with Oregon Statewide Planning Goal 7: Areas Subject to Natural Hazards, OAR 660-015-0000(7).

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

Response

The proposed annexation will not affect the citizen's recreational needs. Annexation of said land is in conformance with Oregon Statewide Planning Goal 8: Recreational Needs, OAR 660-015-0000(8).

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

Response

The annexation of these properties helps to facilitate the extension of City sewer and water services for residential development on the properties that do not already have City services. Annexation of said land is in conformance with Oregon Statewide Planning Goal 10: Housing, OAR 660-015-0000(10).

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

Response

The proposed annexation will help to facilitate the extension of City water and sanitary sewer services to those commercial and industrial properties within the proposed annexation area that do not currently receive those services. Annexation of said land is in conformance with Oregon Statewide Planning Goal 9: Economic Development, OAR 660-015-0000(9).

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

Response

The proposed annexation involves land and rights-of-way that are surrounded by the corporate boundaries of the City and are already developed and/or zoned for residential, commercial, or industrial development within the Urban Growth Boundary. Annexation of said land will create a timely, orderly, and efficient arrangement of public facilities and services by incorporating these islands of unincorporated territory that are surrounded by the corporate boundaries of the City. This annexation is in conformance with Oregon Statewide Planning Goal 11: Public Facilities and Services, OAR 660-015-0000(11). Land being annexed would be extended the full range of general fund City services, including City law enforcement.

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

Response

The proposed annexation involves land and rights-of-way that are surrounded by the corporate boundaries of the City and are already developed and/or zoned for residential, commercial, or industrial development within the Urban Growth Boundary. Annexation of said land will help provide a safe, convenient, and economic transportation system and is in conformance with Oregon Statewide Planning Goal 12: Transportation, OAR 660-015-0000(12).

11) The annexation will aid in conserving energy

Response

The proposed annexation will not affect the community's ability to conserve energy. Annexation of said land is in conformance with Oregon Statewide Planning Goal 13: Energy Conservation, OAR 660-015-0000(13).

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

Response

The proposed annexation involves land that is surrounded by the corporate boundaries of the City and is already developed and/or zoned for residential, commercial, or industrial development within the Urban Growth Boundary. The proposed annexation will promote an orderly and efficient transition from rural to urban land uses. Annexation of said land is in conformance with Oregon Statewide Planning Goal 14: Urbanization, OAR 660-015-0000(14). **"Land within urban growth boundaries shall be considered available for urban development."**

Finding

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

Criterion: *The annexation complies with the requirements of ORS 222. 750, which allows a city to annex territory not within a city that "is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5. . [.]"*

Findings:

1. Fourteen of the fifteen territories being annexed are surrounded by the corporate boundaries of the City. The other territory being annexed is surrounded by the corporate boundaries of the City and a lake (Upper Klamath Lake).
2. In the case of three of the territories being annexed, a portion of the corporate boundaries of the City which surround the territory consist only of a public right of way, but in no case does a boundary which consists of only public right of way constitute more than 25 percent of the perimeter of the territory being annexed.
3. **This criterion is met.**