



ORDINANCE NO. 20-04

**A SPECIAL ORDINANCE VACATING A CERTAIN ALLEY RIGHT-OF-WAY  
LOCATED WITHIN BLOCK 7 OF THE 2<sup>ND</sup> HOT SPRINGS ADDITION  
TO THE CITY OF KLAMATH FALLS**

WHEREAS, the Klamath Falls City Council initiated the vacation of certain mid-block alley right-of-way through Resolution No. 20-01;

WHEREAS, a public hearing was held on January 27, 2020 pursuant to applicable laws, at which time all evidence with reference to said proposed vacation was considered by the Planning Commission. The Planning Commission adopted appropriate findings and recommended approval of the proposed vacation to the City Council;

WHEREAS, hearing notices were duly given, and the City Council held a public hearing on February 18, 2020, on the recommendation of and including the record of the Planning Commission concerning the vacation;

WHEREAS, pursuant to such record and hearing, the City Council has determined the proposed vacation to be in compliance with Community Development Ordinance criteria; and

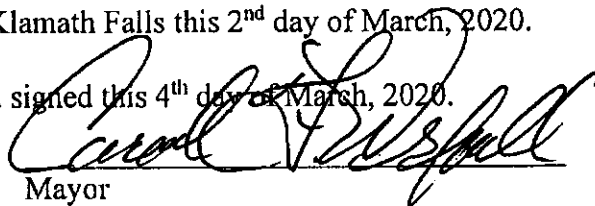
WHEREAS, the City Council adopted the findings of the Planning Commission as modified to include City Council meeting noticing. The modified findings are attached hereto and incorporated by this reference as Exhibit A; NOW THEREFORE,

**THE CITY OF KLAMATH FALLS HEREBY ORDAINS AS FOLLOWS:**

There is hereby vacated certain alley right of way in the City of Klamath Falls as depicted in the attached Exhibit B and legally described in the attached Exhibit C.

Passed by the Council of the City of Klamath Falls this 2<sup>nd</sup> day of March, 2020.

Presented to the Mayor, approved and signed this 4<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

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

I, Nichole Barrington, City Recorder for the City of Klamath Falls, Oregon do hereby verify 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 2<sup>nd</sup> day of March, 2020 and therefore approved and signed by the Mayor and attested by the City Recorder.

  
\_\_\_\_\_  
City Recorder

Returned at Counter

## Exhibit "A"

Findings – as Accepted by Planning Commission with minor modification.

### **RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS:**

This proposal is being reviewed according to the provisions of CDO Sections 13.005-13.055 regarding Vacations and Replats.

#### **A. Criterion: Consent of the owners of the requisite area has been obtained.**

Facts and Analysis: Consent of all abutting property owners has been obtained. No written objections from property owners within the requisite noticing area have been received as of February 7, 2020.

Proposed Finding: Consent of abutting property owners has been obtained and no written objections from property owners within the requisite noticing area have been received. 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 14 area property owners on January 8, 2020 and published in the Herald and News on January 15, 2020. Notice of the City Council public hearing was mailed to 14 area property owners on January 28, 2020 and published in the Herald and News on February 2nd and February 9, 2020. Notice of the proposed alley ROW vacation and public hearings was additionally posted on the subject site at both ends of the alley ROW. Per CDO Section 10.625 (B), Notice of Hearing on Vacation Petition, a physical notice is to be placed near each end of the proposed vacation which staff completed.

Proposed Finding: Notice of the proposed vacation was given by mail, published in the local newspaper, and posted on-site. 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: Through reviewing agency and property owner outreach, no feedback indicating adverse public impact has been received. A natural gas service line (Avista) within the subject alley ROW has been disconnected. There is a City wastewater line traversing the subject alley ROW that is to remain in-ground but become private if the proposed vacation is approved. Through future development, the applicant may choose to utilize the private sewer line or abandon in-place. Neither action is detrimental to the provision of City wastewater utility services. Future and additional coordination will be completed with all utility providers at the time of project application review.

Proposed Finding: No feedback has been received indicating adverse public impact. 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.**

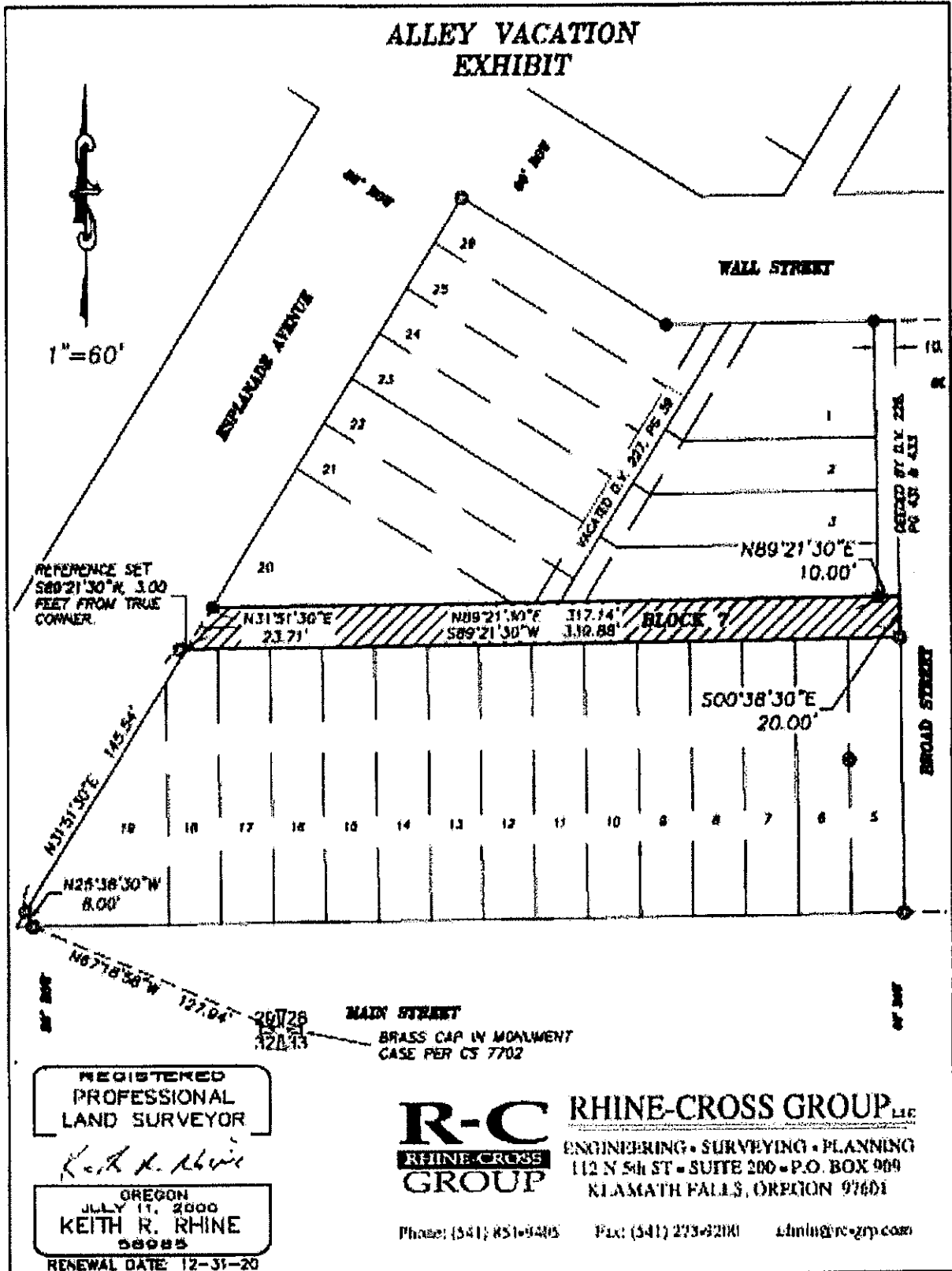
Facts and Analysis: The vacation of the subject alley ROW, if approved, will not eliminate access to the property or negatively effect surrounding street connectivity. While a land partition is to be completed to consolidate or replat the property's 26 existing lots into one, all 26 lots presently have street frontage along either Main Street, Esplanade Avenue, Wall Street, or N. Broad Street. The subject alley is classified as lesser than a local street and not specifically included within the Urban Area Transportation System Plan (TSP).

The Comprehensive Plan has little bearing or guidance to assist with vacation review.

Additional and more detailed review of CDO provisions will be completed at the time of property partition and development.

Proposed Finding: 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.

Exhibit "B"  
Alley Vacation Map



**Exhibit "C"**  
**Alley Vacation Legal Description**

**ALLEY VACATION**

A parcel of land situated in Block 7 of the Plat of 2<sup>nd</sup> Hot Springs Addition to Klamath Falls, being located in the SW1/4 of the SW1/4 of Section 28 and the SE1/4 of the SE1/4 of Section 29 in Township 38 South, Range 09 East of the Willamette Meridian. Being more particularly described as follows:

Commencing at the southeast corner of said Section 28, thence North 67°18'58" West, 127.94 feet to a point on the south right-of-way line of Main Street; thence North 25°38'30" West, 8.00 feet to a point on the southeasterly right-of-way line of Esplanade Avenue; thence along said southeasterly right-of-way line, North 31°51'30" East, 145.54 feet to the **True Point of Beginning**; thence continuing along said southeasterly right-of-way line, North 31°51'30" East, 23.71 feet to the north line of the east-west Alley in said Block 7; thence along said north line, North 89°21'30" East, 317.14 feet to a point on the west right-of-way line of Broad Street; thence continuing North 89°21'30" East, 10.00 feet; thence South 00°38'30" East, 20.00 feet to the south line of said east-west Alley in said Block 7; thence along said south line, South 89°21'30" West, 339.88 feet to the True Point of Beginning.

Said parcel contains 6670.15 square feet. Basis of bearings is per CS#8365, on file at the Klamath County Surveyors Office.