

2022-010130  
Klamath County, Oregon



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Fee: \$97.00

ORDINANCE NO. 22-10

**A SPECIAL ORDINANCE TO CREATE A PARTIAL VACATION AND TERMINATION  
OF RESERVED UTILITY AREAS CREATED THROUGH ORDINANCE NO. 5931  
FOR AN AREA EAST OF THE TIMBERMILL SHORES SUBDIVISION**

**WHEREAS**, on August 6, 1973, the City Council passed Ordinance No. 5931 to vacate certain streets, alleys, and intersections at the request of Modoc Lumber Co. while maintaining the right for the City and franchised utilities to operate and maintain then existing utilities. Ordinance No. 5931 was recorded on August 10, 1973 at Volume 73, Page 10602-10604 in the Klamath County, Oregon Clerk's Office;

**WHEREAS**, a new hotel property is to be developed over TimberMill Shores Subdivision Lot 8 and the land immediately east of as described and depicted within the attached Exhibit A which covers a portion of the vacated rights-of-way and reserved utility areas from Ordinance No. 5931;

**WHEREAS**, the property owner/developer of the new hotel property, Klamath Falls Venture 1, LLC, has requested that non-essential easements and/or reserved utility areas within the referenced area (Exhibit A) be terminated to facilitate the new hotel's development;

**WHEREAS**, City staff has evaluated the request and has located no active City utilities subject to Ordinance No. 5931 within the referenced area;

**WHEREAS**, Klamath Falls Venture 1, LLC and/or its successors in interest agree that any active utility line(s) encountered during property development within the referenced area shall be relocated at the expense of Klamath Falls Venture 1, LLC or its successors in interest;

**WHEREAS**, the City is to maintain a separate 30'-wide easement for wastewater utilities through the referenced area (Volume M01, Page 6081) that private development can accommodate;

**WHEREAS**, all City franchise utilities have been properly noticed and no objection was received for the termination of reserved utility areas through the referenced area; and

NOW, THEREFORE,

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

**Section 1**

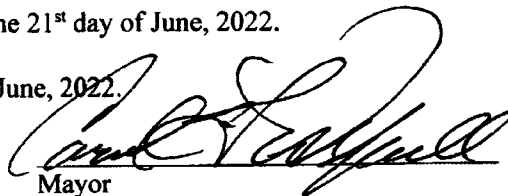
City Ordinance No. 5931 is hereby amended to allow for a Partial Vacation and Termination of Reserved Utility Areas for *only the area* described and depicted on the attached Exhibit A.

**Section 2**

This Ordinance shall become effective 30 days from enactment.

Passed by the Council of the City of Klamath Falls, Oregon, the 21<sup>st</sup> day of June, 2022.

Presented to the Mayor, approved and signed this 22<sup>nd</sup> day of June, 2022.

  
Mayor

ATTEST:  
  
City Recorder

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

I, Nicole Barrington City 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 21<sup>st</sup> day of June, 2022, and therefore approved and signed by the Mayor and attested by the City Recorder.

Nicole Barrington  
City Recorder

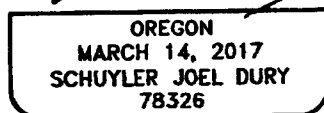
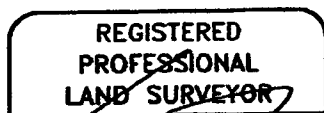
**EXHIBIT A**  
**EASEMENT RELINQUISHMENT PARCEL**  
**APRIL 25, 2022**

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING THOSE PORTIONS OF VACATED WILLOW AVENUE, THE NORTHEASTERLY HALF OF VACATED 3RD STREET, AND THE NORTHWESTERLY HALF OF THE VACATED ALLEY OF BLOCK 102, KLAMATH ADDITION TO LINKVILLE, WHERE EASEMENTS WERE RESERVED FOR EXISTING UTILITIES BY VACATION ORDER RECORDED AUGUST 10, 1973 IN VOLUME M73, PAGE 10602, KLAMATH COUNTY DEED RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, CITY OF KLAMATH FALLS, KLAMATH COUNTY, OREGON, AND LYING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND:

**BEGINNING** AT THE MOST SOUTHERLY CORNER OF LOT 8, TRACT 1430 – TIMBERMILL SHORES, KLAMATH COUNTY PLAT RECORDS; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 8 NORTH 38°32'48" EAST 237.86 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 4TH STREET; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 51°22'34" EAST 174.54 FEET TO THE CENTERLINE OF A VACATED ALLEY (20 FEET WIDE); THENCE ALONG SAID CENTERLINE SOUTH 38°37'26" WEST 320.00 FEET TO THE CENTERLINE OF VACATED 3RD STREET (60 FEET WIDE); THENCE ALONG SAID CENTERLINE NORTH 51°22'34" WEST 174.15 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF TIMBERMILL DRIVE (60 FEET WIDE); THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE NORTH 38°32'48" EAST 52.14 FEET TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE IS SHOWN ON THE ATTACHED EXHIBIT MAP AND BY THIS REFERENCE MADE A PART THEREOF.



**RENEWAL 12/31/2023**

