

**CITY OF KLAMATH FALLS  
PLANNING COMMISSION**

**Staff Report  
2-V-09**

**January 11, 2010**

**I. TITLE**

Request to vacate a portion of the Tiffany Street right-of-way, located at the north end of the improved portion of Tiffany Street, near the southwest end of Mountain View Boulevard.

**II. SUMMARY AND BACKGROUND**

Doug Jackson, on behalf of Jacque Mick (owner of properties immediately west and north of the subject right-of-way), requests to vacate a triangular shaped section of the Tiffany Street right-of-way, located at the north end of the improved portion of Tiffany Street, near the southwest end of Mountain View Boulevard. The right-of-way, if vacated, will revert to the adjacent land owners based on the order of the plated subdivisions. The portion of right-of-way proposed to be vacated is approximately 2,378 square feet in total area. This portion of Tiffany Street is unimproved as a street; containing only a residential driveway, a tree and native grass.

A portion of the vacated right-of-way will revert back to lots 8 & 9, Block 15, Eldorado Heights (owned by the applicant); another portion of the vacated right-of-way will revert to Lot 22, Nob Hill Replat (owned by the applicant); and an approximately 1,000 sq ft portion of the vacated right-of-way will revert to the City of Klamath Falls, who owns the portion of Mountain View Boulevard adjacent to the proposed vacation. The applicant requests that the City deed, to the applicant, the portion of the Tiffany Street right-of-way which reverts back to the City through the vacation process.

**Referring Agency Comments:**

Engineering –

1. There are no apparent conflicts with any existing City water or sewer pipelines, or any public street improvements.
2. The applicant should provide letters from the remaining utility franchise companies that they do not have any conflicts or concerns regarding this street vacation.
3. The result of this street vacation is very similar to a Property Line Adjustment where one party acquires land of another without creating an additional unit of land. In state law the new property corners are surveyed, monumented and a Map of Survey filed with the County Surveyor's office. As City Surveyor, although it is not required, I would recommend that the new property corners be set to properly identify the adjusted property lines that were created by this street vacation. This could be a condition placed on the applicant for the vacation approval.

References: ORS 92.060 (7, 8 & 9)

KCFD No.1 –

“Fire District 1 has no concerns with this street vacation.”

Avista:	No comments were received.
Charter:	No comments were received.
PP & L:	No comments were received.
Quest:	No comments were received.
Opponents:	No comments were received.
Proponents:	No comments were received.

### III. RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND PROPOSED FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (CDO), Chapters 10-14, specifically Sections 13.005-13.055, regarding Vacations.

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

Facts and Analysis: CDO Section 10.515(1) and ORS 271.080 require the applicant to obtain signed petitions of consent from all property owners abutting the proposed vacation and at least two-thirds of property owners in the affected area as defined by ORS 271.080(2). The Applicant has obtained 34 signed consent petitions from property owners in the affected area including all abutting property owners and approximately 74% of property owners in the affected area.

Finding: Consent of the owners of the requisite area has been obtained. **This criterion is met.**

#### B. **Criterion: Notice of the proposed vacation has been duly given.**

Facts and Analysis: Notice of this public hearing was mailed to 47 adjacent property owners on November 18, 2009 and published in the Herald and News on December 20, 2009.

Proposed Finding: Notice of the proposed vacation was duly given by mail and published in the local newspaper. **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: The portion of right-of-way proposed to be vacated is approximately 2,378 square feet in total area. This portion of Tiffany Street is unimproved as a street; containing only a residential driveway, a tree and native grass. The replatting of a portion of Eldorado Heights and the layout of the Nob Hill Subdivision make this portion of Tiffany Street no longer necessary. There are no apparent conflicts with any existing City water or sewer pipelines, or any public street improvements. The applicant shall verify that there are not any existing conflicts or concerns with other utility franchise companies.

Proposed Finding: The public interest will not be prejudiced by the vacation of said portions of Tiffany Street and **this criterion is met with the following conditions:**

1. The Applicant shall provide letters from the remaining utility franchise companies that they do not have any conflicts or concerns regarding this street vacation.
2. The Applicant shall have the new property corners surveyed, monumented and a Map of Survey filed with the County Surveyor's office to properly identify the adjusted property lines that are created by this street vacation.

**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 this right-of-way will not eliminate street frontage or required access to any of the lots in the area. The replatting of a portion of Eldorado Heights and the layout of the Nob Hill Subdivision make this portion of Tiffany Street no longer necessary.

Proposed Finding: The vacation will conform to the Comprehensive Plan and applicable provisions of Chapters 10 to 14 of the CDO and any applicable street plans. **This criterion is met.**

**IV. REQUESTED MOTIONS/ACTIONS**

- Hold a public hearing and take testimony.
- If desired, motion to modify the Proposed Findings as stated in the Staff Report.
- Motion to accept the Findings.
- Motion recommending approval or denial of the requested vacation to City Council, based on the approved Findings

**V. DOCUMENTS ATTACHED**

- Vicinity Map
- Legal Description

**VI. PUBLIC NOTICE**

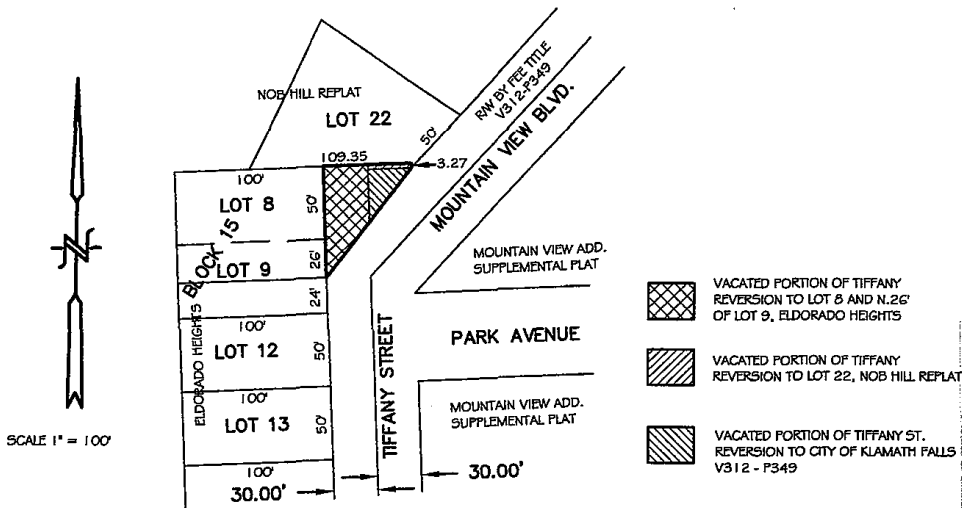
Notice of this public hearing was mailed to 47 adjacent property owners on November 18, 2009 and published in the Herald and News on December 20, 2009. No comments were received.

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Joe Slaughter,  
Associate Planner

## Vicinity Map

### PROPOSED VACATION OF A PORTION OF TIFFANY STREET – MOUNTAIN VIEW ADD. SUPPLEMENTAL PLAT– November 9, 2009



**NARRATIVE**

Tiffany Street was originally platted July 20, 1904 in Mountain View Addition; which was re-platted as supplemental Plat of Mountain View Addition, on November 1, 1905 (street layout did not change).

A portion of Mountain View supplemental plat, west of Tiffany Street Right of Way, was vacated November 4, 1932 and re-platted as Eldorado Heights (filed the same day; November 4, 1932).

A portion of Eldorado Heights including Tiffany Street Right of Way, was vacated North and West lot of 8, block 15 and re-platted as "Nob Hill" March 27, 1978

The original dedicated Tiffany Street. Right of Way still has Reversion Rights to the adjoining lots to the East and West divided at the centerline of the Right of Way.

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Keith R. Rhine*  
**OREGON  
JULY 11, 2000  
KEITH R. RHINE  
58985  
RENEWAL DATE: 12-31-10**

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*J-B-1017*

**LEGAL DESCRIPTION FOR VACATION  
OF A PORTION OF TIFFANY STREET**

A portion of Tiffany Street, dedicated November 1, 1905 on the Supplemental Plat of Mountain View Addition to the City of Klamath Falls, situated in the SE 1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, said portion of Tiffany Street being adjacent to Lot 8 and 9, Block 15 of Eldorado Heights, according to the official plat thereof on file in the Klamath County Clerks Office, said portion being more particularly described as follows:

Beginning at the northeast corner of said Lot 8, Block 15, said point also being a point on the south line of Lot 22, Tract 1145-Nob Hill Replat; thence N. 87°20'58" E., 60.00 feet along said south line of Lot 22 to the east right of way line of Tiffany Street; thence S. 02°27'12" E. along said east right of way line a distance of 3.27 feet to the most southerly corner of said Lot 22, said point being the northwest corner of that property conveyed to the City of Klamath Falls by deed Volume 312 at Page 349; thence southwesterly in a straight line to a point on the west right of way line of Tiffany Street, said point being southerly 26.00 feet from the northeast corner of Lot 9, Block 15 of said Eldorado Heights; thence northerly along the east right of way line of Tiffany Street, 76.00 feet more or less the the Point of Beginning. Containing 2,378 square feet more or less, with bearings based on the Plat of Tract 1145-Nob Hill Replat.