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## KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE  
APPLICATION FOR AN  
ADMINISTRATIVE ZONE  
CORRECTION NO. 75-9  
BY C. H. SEWALD

## O R D E R

This matter having come on before the Klamath County Planning Director upon the application of C. H. Sewald for an Administrative Zone Correction No. 75-9 pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from AF (Agriculture Forestry) zone to an A (Agriculture) zone, a description of the real property referred to in said application being that certain parcel of land being ten (10) acres more or less, lying between Oregon Highway 140 and the old O.C. & E. Railroad right-of-way (now Weyerhaeuser right-of-way) which is a portion of land conveyed to C. H. Sewald on Patent Number 36-75-0001, recorded in Deed Record Volume M74 Page 8899, and which parcel is a part of that land more particularly described as the E $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 27, Township 38 So., Range 11 $\frac{1}{2}$  East of the Willamette Meridian, Klamath County, Oregon, and said Planning Director having examined the application, and conducted other such studies as may be required, the Planning Director hereby makes the following Findings of Fact:

1. A description of the real property for which a zone correction is requested is that parcel of land being ten (10) acres more or less, lying between Oregon Highway 140 and the old O.C. & E. Railroad right-of-way (now Weyerhaeuser right-of-way) which is a portion of land conveyed to C. H. Sewald on Patent Number 36-75-0001, recorded in Deed Record Volume M74 Page 8899, and which parcel is a part of that land more particularly described as the E $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 27, Township 38 So., Range 11 $\frac{1}{2}$  East of the Willamette Meridian, Klamath County, Oregon.

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2. The land in question is currently zoned AF (Agriculture Forestry).

3. The requested zone correction is to an A (Agriculture) zone.

4. The part of Klamath County affected by the application was zoned on December 7, 1972.

5. C. H. Sewald purchased the land in question for agricultural purposes in 1974 for the purpose of adding additional acreage to his existing farm and ranch which lies immediately adjacent to the north.

6. C. H. Sewald has found that the subject parcel, because of its small size and physical separation by the railroad from the rest of his farm, cannot be utilized profitably for farming and ranching purposes.

7. Said parcel of land was created as a separate parcel on November 4, 1927 as shown by Exhibit A attached hereto and by reference made a part hereof, which action occurred before zoning was adopted in Klamath County.

8. By my own knowledge, parcel ownership research was not conducted in the area of the applicant's parcel prior to the adoption of zoning which would have disclosed said parcel.

9. The Comprehensive Land Use Plan Map #8 shows the applicant's property carries the Agricultural designation.

Based upon the above Findings of Fact, the Planning Director hereby makes the following Conclusions of Law:

1. The land in question was zoned unintentionally and erroneously.

2. Prior to December 7, 1972, the land in question was actually used as a ten (10) acre, more or less, parcel for agricultural purposes, and such use existed lawfully.

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3. The proper zone district for the use lawfully existing prior to December 7, 1972, is the A (Agriculture) zone.

NOW, THEREFORE, IT IS HEREBY ORDERED that application for Administrative Zone Correction No. 75-9, submitted by C. H. Sewald, requesting a zone correction from AF (Agriculture Forestry) zone to an A (Agriculture) zone, a description of the real property referred to in said application being that certain parcel of land being ten (10) acres more or less, lying between Oregon Highway 140 and the old O.C. & E Railroad right-of-way (now Weyerhaeuser right-of-way) which is a portion of land conveyed to C. H. Sewald on Patent Number 36-75-0001, recorded in Deed Record Volume M74 Page 8899, and which parcel is a part of that land more particularly described as the E $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 27, Township 38 So., Range 11 $\frac{1}{2}$  East of the Willamette Meridian, Klamath County, Oregon, is hereby provisionally approved and that the County zoning map #8 be corrected to show such zone correction. Unless an appeal is filed prior to May 30, 1975, this ORDER shall become permanent.

DONE AND DATED THIS 24<sup>th</sup> day of April 1975.

Pat Gordon  
Klamath County Planning Director

APPROVED AS TO FORM

Robert H. Brown  
County Legal Counsel



ACC 75-9

EXHIBIT A

177537

Robert E. Strahorn et ux

to

DEED.

Oregon-California &amp; Eastern Railway Co.,

KNOW ALL MEN BY THESE PRESENTS, That Robert E. Strahorn and Ruby Garland Strahorn, his wife, of the County of San Francisco of the State of California in consideration of the sum of Ten Dollars, paid by the Oregon-California & Eastern Railway Company, a corporation, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said Oregon-California & Eastern Railway Company, a corporation, its successors and assigns, the following described parcel of land situate in Klamath County in the State of Oregon, to-wit:

A strip of land 100 feet in width, being fifty feet in width on each side of and parallel with the center line of the main track of the Oregon-California & Eastern Railway Company's railroad, as the same is located out and located over and across lands situate in Klamath County, State of Oregon, and known and designated as follows, to-wit:  
The SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 22; the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 27; the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 14; the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 23; the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 14 all of T. 38 S., R. 11 $\frac{1}{2}$  E. W. M. Also SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35 and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 9 both sections of T. 37 S., R. 11 $\frac{1}{2}$  E. W. M.

together with all and singular, the trees, wood and timber thereon and the stone gravel and material therein.

TO HAVE AND TO HOLD the above described premises unto the said Oregon-California & Eastern Railway Company, its successors and assigns forever.

IN WITNESS WHEREOF Robert E. Strahorn and Ruby Garland Strahorn have hereunto set their hands and seals this 25th day of October A. D. 1927

Executed in the presence of:

Robert E. Strahorn (Seal)

Ivan L. C. Gooding

Ruby Garland Strahorn (SEAL)

State of New York

County of New York

} ss.

I, Wm. E. LaPlante, a Notary Public in and for said state, do hereby certify that on this 25th day of October A. D. 1927, personally appeared before me Robert E. Strahorn and Ruby Garland Strahorn, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 25th day of October, A. D. 1927

Wm. E. LaPlante, Notary Public for  
New York County, New York County No. 48  
New York Register No. 6014  
Term expires March 30, 1928

Seal.

State of New York

County of New York.

} ss.

No. 65831 Series B.

I, William T. Collins, Clerk of the County of New York, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, having a seal, do hereby certify that Wm. E. LaPlante whose name is subscribed to the deposition or certificate of this proof, and acknowledged, a Notary Public in and for said County, duly commissioned and sworn, and authorized by the laws of said state, to take depositions and to administer oaths to be used in any Court of said state and for general purposes; and also to take acknowledgments and proofs of deeds, or conveyances for land, tenements, or hereditaments in said state or New York. And further, that I am well acquainted with the handwriting of such Notary Public, and verily believe that the signature to said deposition or certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, the 26 day of Oct., 1927.

William T. Collins, Clerk

Seal.

Filed and recorded on November 4th, A. D. 1927 at 3.45 o'clock P. M.

C. R. Delap, County Clerk,

By, *C. R. Delap* Deputy.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY \* PLANNING DEPT

this 29th day of APRIL A. D., 1927 at 2:20 o'clock P. M., and duly recorded in

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NO FEE

WM. D. MILNE, County Clerk

By, *Wm. D. Milne* Deputy