

**1019** 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. 75-19 ) O R D E R  
BY MICHELE L. GREB )

RECEIVED MAY 20 1975  
*Erica*

This matter having come on before the Klamath County Planning Director upon the application for an Administrative Zone Correction pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application No. 75-19 requesting a zone correction from AF (Agriculture Forestry) zone to RA (Residential Agriculture) zone, a description of the real property referred to in said application being that certain property described in Exhibit A attached hereto and by reference made a part hereof, and said Planning Director having examined the application and conducted other such studies as may be required, the Planning Director makes the following findings of fact:

1. A description of the real property for which a zone correction is requested is on the east side of Tingley Rd., a county road, and 400 feet more or less south of Miller Island Rd., and more particularly described in Exhibit A attached hereto and by reference made a part hereof, and consisting of 16 acres more or less.
2. Said lot is surrounded on the north by low density residentially used land and on the east side by agricultural land, on the south side by agricultural land, and on the west side by open farmland as revealed in a field inspection on May 19, 1975.
3. By my own knowledge, applicant owns no other abutting property.

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4. The landowners who sold said real property to the applicant, purchased said land on the 29th of September 1972, as evidenced by Exhibit B attached hereto and by reference made a part hereof, with said purchase occurring lawfully before December 7, 1972, the adoption date of Klamath County Zoning Ordinance No. 17 which affects said lot, and the applicant purchased subject property on the 4th day of December 1973, as shown in Exhibit A.

5. By my own knowledge, a search of ownership records of the subject property and adjacent area was not made prior to the adoption of the Klamath County Comprehensive Land Use Plan and Ordinance No. 17 which would have disclosed the ownership stated in said Exhibit B.

6. The lot in question is currently zoned AF (Agriculture Forestry) on South Suburban Zoning Map, Sheet No. 2.

7. The Klamath County Comprehensive Land Use Plan, South Suburban Area, Sheet No. 2, designates said lot 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 AF (Agriculture Forestry) unintentionally and erroneously.

2. Prior to December 7, the land in question was lawfully conveyed as residential agriculture land to the applicant's grantors.

3. The proper zone district on South Suburban Zoning Map, Sheet No. 2, for applicant's lot is RA (Residential Agriculture) and the Comprehensive Land Use Plan, South Suburban Area, Sheet No. 2, should be designated Suburban Density Residential.

NOW, THEREFORE, IT IS HEREBY ORDERED that Administrative Zone Correction No. 75-19, submitted by heretofore described applicant requesting a zone correction from AF (Agriculture Forestry)



ORDER: ADMIN. ZONE CORRECTION 75-19  
MICHELE L. GREB  
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zone to an RA (Residential Agriculture) zone, a description of the real property referred to in said application being that certain property described in Exhibit A attached hereto and by reference made a part hereof, and further that the Klamath County Comprehensive Land Use Plan, South Suburban Area, Sheet No. 2, for the above-described property be changed to Suburban Density Residential, is hereby provisionally approved and that the Klamath County zoning and land use plan maps be corrected to show such correction. Unless an appeal is filed prior to June 23, 1975, this ORDER shall become permanent.

DONE AND DATED THIS 22<sup>nd</sup> day of May 1975.

APPROVED AS TO FORM

  
County Legal Counsel

  
Klamath County Planning Director

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K  
IN THE MATTER OF ORDER  
FOR ADMINISTRATIVE ZONE  
CORRECTION NO. 75-25

AFFIDAVIT OF MAILING

STATE OF OREGON )  
County of Klamath ) ss.

I, Hazel Webster, being first duly sworn, depose and say that I am an employee of the Klamath County Planning Department, and that on the 23rd day of May 1975, I did deposit in the U. S. postal system 7 copies of said ORDER and NOTICE, a copy of same being attached hereto, marked Exhibit A and Exhibit B, and by this reference incorporated herein, in a sealed envelope addressed to those individuals on the mailing list attached hereto, marked Exhibit C and by reference incorporated herein.

SUBSCRIBED and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
1975.

NOTARY PUBLIC FOR OREGON  
My commission expires \_\_\_\_\_



This Indenture Witnesseth, THAT DAVID LEE KENT and KAREN A. KENT, husband and wife, hereinafter known as grantors for the consideration hereinafter recited, have bargained and sold, and by these presents do grant, bargain, sell and convey unto MICHELE L. GREB, her heirs and assigns, the following described premises, situated in Klamath County, Oregon, to-wit:

A portion of the NW $\frac{1}{4}$  of Section 28, Township 39 South, Range 9 East of the Willamette Meridian, being more particularly described as follows:

Beginning at the Southwest corner of an instrument, recorded in M72, page 11076, said point also being South 00°01'40" West 459.5 feet from the Northwest corner of Section 28; thence South 85°38'55" East along the center line of an existing access lane, 842.57 feet to a 5/8 inch iron pin; thence Southerly, parallel to the West line of said NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , 890 feet, more or less, to the South line of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ ; thence West along said line 845.5 feet, more or less, to the center line of Tingley Lane, also the West line of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ ; thence North at said line, 853.75 feet to the point of beginning.

(Note: The above property has been granted special assessments for farm use, and when same is terminated it will be subject to additional ad valorem tax)  
Subject to: Acreage and use limitations under provisions of the United States Statutes and regulations issued thereunder; Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith; Rules, regulations, liens, assessments, contracts, rights of way, easements, and any and all obligations created or imposed upon or affecting said premises by the Klamath Basin Improvement District; Rights of the public in any portion of the herein described premises lying within the limits of any road or highway; Easements and rights of way of record or apparent on the land, if any; Mortgage to State of Oregon, by Director of Veterans Affairs, recorded Sept. 29, 1972, in Vol. M72, page 11033, Microfilm Records; Mortgage to Everett L. Leach and Wayne H. Cole, recorded Sept. 29, 1972, in Vol. M72, page 11085, Microfilm Records of Klamath County, Oregon, which above described two mortgages grantee hereby expressly assumes and agrees to pay according to the tenor thereof as same becomes payable and the notes accompanying them.  
The true and actual consideration for this transfer is \$ 37,728.62 being

The foregoing recitation of consideration is true as I verily believe.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantee, her heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantee, his heirs and assigns, that they are the owners in fee simple of said premises; that they are free from all incumbrances, except those above set forth; and that they will warrant and defend the same from all lawful claims whatsoever, except those above set forth.

IN WITNESS WHEREOF, they have hereunto set their hands and seals this 26th day of November, 1973.

David Lee Kent (SEAL) Karen A. Kent (SEAL)  
(SEAL) (SEAL)

STATE OF OREGON, County of Klamath ss. December 14th, 1973.  
Personally appeared the above named David Lee Kent and Karen A. Kent, husband and wife,  
and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me Cheryl L. Lachowski  
Notary Public for Oregon.  
My commission expires 7-23-77

Notary Office of  
GAYLON GORDON & SISEMORE  
First Federal Building  
Klamath Falls, Oregon

STATE OF OREGON,  
County of Klamath ss.

I certify that the within instrument was received for record on the 6th day of December, 1973, at 10:03 o'clock A.M., and recorded in book 2473 on page 15764. Record of Deeds of said County.

Witness my hand and seal of County affixed.

W. D. MILNE

County Clerk-Recorder

INDEXED Deputy

FFB \$ 2.00

D.V. 1

Att.  
Michele L. Greb  
Box 81 Hainman Rd  
City

WARRANTY DEED TO CREATE ESTATE BY THE ENTIRETY

This Indenture Witnesseth, THAT EVERETT LEACH and WAYNE M. COLE,

hereinafter known as grantors, for the consideration hereinafter stated have bargained and sold, and by these presents do grant, bargain, sell and convey unto DAVID LEE KENT and KAREN A. KENT, husband and wife, grantees, the following described premises, situated in Klamath County, Oregon, to-wit:

A portion of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 28, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Southwest corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 28; thence Northerly along the West line of said NW $\frac{1}{4}$  a distance of 853.75 feet to the center line of a driveway; thence Easterly along the center line of said drive a distance of 845.5 feet; thence Southerly parallel to the West line of said NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  a distance of 853.75 feet, more or less, to the South line of said NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ ; thence Westerly along said South line a distance of 845.5 feet, more or less, to the point of beginning, being 16.57 acres, more or less.

Subject to an 8-foot easement along the Northerly boundary a distance of 720 feet in length from the Northwest corner of the above described parcel and further subject to an 8-foot easement along the Southerly boundary a distance of 720 feet in length from the Southwest corner of the above described parcel.

Subject to: Taxes for fiscal year commencing July 1, 1972, which are now a lien but not yet payable; Acreage and use limitations under provisions of United States Statutes and regulations issued thereunder; Liens and assessments of Klamath Project and Klamath Irrigation District and regulations, easements, contracts, water and irrigation rights in connection therewith; Rules, regulations, liens, assessments, contracts, rights of way, easements and any and all obligations created or imposed upon or affecting said premises by the Klamath Basin Improvement District; Rights of the public in any portion of the herein described premises lying within the limits of any road or highway; Easements and rights of way of record and those apparent on the land, if any; and to a Declaration of Conditions and Restrictions as per the attached.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$32,000.00. However, the actual consideration includes other property which is part of the consideration. (Strike out the above when not applicable)

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantees as an estate by the entirety. And the said grantors do hereby covenant, to and with the said grantees, and their assigns, that they are the owner s in fee simple of said premises; that they are free from all incumbrances, except those above set forth, and that they will warrant and defend the same from all lawful claims whatsoever, except those above set forth.

IN WITNESS WHEREOF, they have hereunto set their hands and seals this 28th day of September, 1972. (SEAL) (SEAL) (SEAL)

STATE OF OREGON, County of Klamath ss. September 29, 1972. Personally appeared the above named Everett Leach and Wayne M. Cole,

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me

Notary Public for Oregon  
My commission expires 8-5-75

After recording return to:  
David L. Kent et ux  
PTE 1 Box 923  
Klamath Falls, Oregon

STATE OF OREGON,

County of ss.

I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book on page Record of Deeds of said County.

Witness my hand and seal of County affixed.

From the Office of  
GANNON, GORDON & SISEMORE  
523 Main Street  
Klamath Falls, Oregon 97601

County Clerk-Recorder

By Etazel Drangel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County Planning Director  
this 23rd day of May A. D., 1975 at 3:00 o'clock P. M., and duly recorded in DEEDS  
Vol. M. 75, of DEEDS on Page 5732

NO FEE \$X

WM. D. MILNE, County Clerk

Deputy