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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. 75-12)
BY BEN KERNS)

O R D E R

RECEIVED
AUG 1 1969
3:30 pm

This matter having come on before the Klamath County Planning Director upon the application of BEN KERNS for an Administrative Zone Correction No. 75-12, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from RD 8,000 (Residential Single Family) zone to C-4 (Commercial Central Business District) zone, a description of the real property referred to in said application being as shown on 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 hereby makes the following findings of fact:

1. A description of the real property for which a zone correction is requested is shown on Exhibit A, attached hereto and by reference made a part hereof.
2. The land in question is currently zoned RD 8,000 (Residential Single Family).
3. The requested zone correction is for C-4 (Commercial Central Business District).
4. The part of Klamath County affected by the application was zoned on December 7, 1972, under Ordinance No. 17.
5. The applicant purchased the land in question on November 7, 1968 for the purpose of constructing commercial buildings and opened Kerns Village Cleaners for business on July 9, 1969.

ORDER: ADMIN. ZONE CORRECTION 75-12
BEN KERNS
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6. By my own knowledge a land use study was conducted of the premises prior to the adoption of zoning, at which time I identified the commercial use of applicant's property but through an error the proper designation of C-4 on the zoning map and General Commercial on the Comprehensive Land Use Plan map were not made.

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 for Central Business District type of uses and such uses existed lawfully.
3. The proper zone district for the use lawfully existing prior to December 7, 1972, is C-4 (Commercial Central Business District) and the proper land use designation is General Commercial.
4. For the above recited reasons, the Planning Director finds that the zone correction necessary is the C-4 (Commercial Central Business District) zone and the Land Use Plan designation necessary is the General Commercial.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-12, submitted by BEN KERNS, requesting a zone correction from RD 8,000 (Residential Single Family) to C-4 (Commercial Central Business District) zone, and a Land Use Plan map correction from Urban Density Residential to General Commercial, a description of the real property referred to in said application being shown on Exhibit A, attached hereto, is hereby provisionally approved and that the county zoning maps and land use plan maps be changed to show such corrections. Unless an appeal is filed prior to September 1, 1975, this ORDER shall become permanent.

DONE AND DATED THIS 1st day of August 1975.

Pat Gordon
Klamath County Planning Director

APPROVED AS TO FORM

Mark Brin
County Legal Counsel

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EXHIBIT A
LEGAL DESCRIPTION
WOMEN GEMSON 75-12

BEN KERIS

The following described real property in Klamath County, Oregon:

A tract of land situated in Tract 33A, Enterprise Tracts subdivision, in the NW $\frac{1}{4}$ of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the Northwest corner of Section 3; thence South 00° 30' East along the Westerly boundary said Section 3, 826.8 feet, more or less, to its intersection with line parallel with and 75 feet distant at right angles Northeast from the centerline of South sixth Street as the same is now located and constructed; said parallel line being also the Northerly right-of-way line of said Street; thence South 55° 52' 30" East along said parallel line 1741.84 feet to a 5/8 inch iron pin marking the Easterly right-of-way line of Austin Street with the location of said point being in conformance with record of survey No. 939 filed in the office of the Klamath County Surveyor which contains the original owner's certification of original property corners; thence North 34° 07' 30" East at right angles to said South Sixth Street and along the Easterly right-of-way line of Austin Street a distance of 250.00 feet to a 5/8 inch iron pin with aluminum cap thence continuing North 34° 07' 30" East along Austin Street 38 feet to the true point of beginning; thence continuing along Austin Street 116 feet; thence South 55° 52' 30" East parallel to South Sixth Street 205.50 feet; thence South 34° 07' 30" West 116 feet; thence North 55° 52' 30" West 205.50 feet to the true point of beginning.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of KLAMATH COUNTY PLANNING DIRECTOR
this 1st day of AUGUST 1975 at 3:30 o'clock P.M.
duly recorded in Vol. M 75, of DEEDS on Page 8928

NO FEE

W.D. MILNE, County Clerk
By *Hazel Drayton*