

25169

AFFIDAVIT

STATE OF KANSAS)
) ss:
COUNTY OF RENO)

WRIGHT SUMMERS, of legal age, being first duly sworn upon his oath, deposes and states as follows:

1. That he is the President of AMERICANA REALTY CO, a corporation organized under and existing by virtue of the laws of the State of Kansas.
2. That said corporation has and does claim an interest in the following-described real estate, situated within Klamath County, Oregon, to wit:

The West One-Half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 13, Township 35 South, Range 12 East Meridian, consisting of five (5) acres more or less, excluding therefrom the Northernly 30 feet for ingress and egress, Klamath County, Oregon.

3. That the interest in the above-described real estate is derived from PAUL J. RIVELLO and BONNIE J. RIVELLO, husband and wife, of Hutchinson, Reno County, Kansas.

4. All parties interested may ascertain the exact extent of the interest claimed by AMERICANA REALTY CO., by contacting the undersigned at 2326 North Main, Hutchinson, Kansas, 67501.

Wright Summers
Wright Summers

STATE OF KANSAS, COUNTY OF RENO, ss:

BE IT REMEMBERED, That on this 18th day of January, 1977, before me the undersigned, a Notary Public in and for said County and State, came WRIGHT SUMMERS, who is personally known to me to be the person who executed the above and foregoing instrument of writing and such person before me subscribed and swore to the same, and duly acknowledged the execution thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

Judith A. [Signature]
Notary Public

STATE OF OREGON; COUNTY OF KLAMATH; ss:
Branine, Chalfant & Hyter
502 First National Bk Bldg. for record at request of BRANINE, CHALFANT & HYSTER
Hutchinson, Kansas 67501

this 15th day of FEBRUARY A. D. 1977 at 9:51 o'clock A.M., and
duly recorded in Vol. M 77 of DEEDS on Page 2689

FEES \$ 3.00

Wm D. MILME, County Clerk
[Signature]

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. 76-20)
BY WALTER RATHMACKER)

O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by Walter Rathmacker for an Administrative Zone Correction No. 76-20, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from RD 20,000 (Residential Single Family) zone to RD 5,000 and RD 10,000 (Residential Single Family) zones, a description of the real property marked Exhibit A, attached hereto and by reference made a part hereof, said application having been examined and such studies conducted as were required, the following findings of fact are set forth:

1. A description of the real property for which a zone change is requested is marked Exhibit A, attached hereto and by reference made a part hereof.
2. The land in question is currently zoned RD 20,000 and the requested zone correction is for two lots; one to be changed to RD 5,000 and the other to RD 10,000.
3. The part of Klamath County affected by the application was zoned on December 7, 1972.
4. Between October, 1971, and December, 1972, applicant spent \$7839.01 on construction specifically for a second residence as evidenced by a notarized sworn statement and cancelled checks submitted by the applicant on file in the Klamath County Planning Department.
5. The Comprehensive Land Use Plan for said property designates the applicant's land as Urban Density which is compatible with the RD (Residential Single Family) zones.
6. The applicant has been issued two building numbers on the property, 1535 and 1537 Madison Street.

ORDER: ADMINISTRATIVE ZONE CORRECTION NO. 76-20
WALTER RATHMACKER
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Based upon the above findings of fact, the following conclusions of law are set forth:

1. The land in question was zoned unintentionally and erroneously.
2. Prior to December 7, 1972, the land in question was actually used for residential purposes and such use existed lawfully.
3. Land Use studies conducted prior to the adoption of the Land Use Plan and Zoning Ordinance failed to identify the applicant's intended use of his land.
4. The proper zone district for the use lawfully existing prior to December 7, 1972, is RD 10,000 on Lot 6, Block 1, Shasta View Tracts. (See attached Exhibit A)
5. The proper land use designation on applicant's property is Urban Density Residential and no change is required.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 76-20, submitted by Walter Rathmacker requesting a zone correction from RD 20,000 zone to RD 10,000 and RD 5,000 zones, a description of the real property referred to in said application being marked Exhibit A, attached hereto and by reference made a part hereof is hereby provisionally approved and that the County zoning maps be changed to show such correction. Unless an appeal is filed prior to February 14, 1977, 1977, this ORDER shall become permanent.

DONE AND DATED THIS 13th day of January, 1977.

Richard W. Tison
Klamath County Planning Director

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Boivin and Boivin*

ADMINISTRATIVE ZONE CORRECTION NO. 76-20
WALTER RATHMACKER
EXHIBIT A

A change to RD 10,000 on Lot 6, Block 1, Shasta View Tracts, a duly recorded subdivision in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 38 South, Range 9, East of the Willamette Meridian and--

A change to RD 5,000 on a tract of land situated in Lot 6, Block 1, Shasta View Tracts, a duly recorded subdivision in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 38, Range 9, East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 6, marked by a $\frac{1}{2}$ inch iron pin; thence North along the Easterly right-of-way line of Madison Street 18.00 feet, to a $\frac{1}{2}$ inch iron pin being the True Point of Beginning of this description; thence continuing North along said right-of-way 49.00 feet to a $\frac{1}{2}$ inch iron pin; thence North 89° 49 feet 20 inches East parallel to the North of said lot 6, 115.00 feet to a $\frac{1}{2}$ inch iron pin; thence South 49.00 feet to a $\frac{1}{2}$ inch iron pin; thence South 89° 49 feet 20 inches west 115.00 feet to the True Point of beginning; containing 0.13 acre, with bearings based on said Shasta View Tracts.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of KLAMATH COUNTY PLANNING DIRECTOR
this 15th day of FEBRUARY A. D. 19 77 at 9:41 o'clock A.M., and
duly recorded in Vol. M 77 of DEEDS on Page 2685

NO FEE

Wm D. MILNE, County Clerk

By Hazel Onazil