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Vol. ^M 77 Page ¹⁹⁹⁶⁸ 15003

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. AD. 77-9)
By Ruth and Earle Millbradt)

O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by Ruth and Earle Millbradt for an Administrative Zone Correction no. 77-9, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from RA (Residential Agricultural) Zone to C-5 (Commercial Highway) Zone, a description of the real property referred to in said application being the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 7, Township 38 south, Range 9 East of the Willamette Meridian more particularly described in Exhibit A, attached hereto and by reference made a part of 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 correction is requested is the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 7 Township 38 South, Range 9 East of the Willamette Meridian more particularly described in Exhibit A, attached hereto and by reference made a part of.
2. The land in question is currently zoned RA (Residential Agricultural) and the requested zone correction is for C-5 (Commercial Highway).
3. The part of Klamath County affected by the application was zoned on December 7, 1972.
4. The Comprehensive Land Use Plan for said property designates the applicant's land as Urban Density which is not compatible with the Residential Agricultural zone.
5. Klamath County Assessor's records states that the land in question was taxed for Commercial use when Klamath county Zoning Ordinance No. 17 became law.
6. The land in question is identified by the Klamath County Assessor's office as one contiguous tax lot which includes the Mallard Motel and Campground.

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7. A site visit conducted by a member of the Klamath County Planning Department revealed that the septic tank system servicing the motel extends into the land in question and it was in use when Klamath County Zoning Ordinance No. 17 became law.

Based upon the above findings of fact, the following conclusions of law are set forth:

1. In respect to each other, the land in question and the Mallard Motel is contiguous with conforming use.
2. The land in question was zoned unintentionally and erroneously.
3. Prior to December 7, 1972, the land in question was actually used as commercial and such use existed lawfully.
4. Land Use studied conducted prior to the adoption of the Land Use Plan and Zoning Ordinance incorrectly indentified the applicant's use of his land.
5. The proper zone district for the use lawfully existing prior to December 7, 1972, is C-5 (Commercial Highway).
6. The proper land use designation of applicant's property is Commercial General.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 77-9, submitted by Ruth and Earle Millbradt requesting a zone correction from RA (Residential Agricultural) zone to C-5 (Commercial Highway) zone; a description of the real property referred to in said application being the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 7, Township 38 South, Range 9 East of the Willamette more particularly described in Exhibit A, attached hereto and by reference made a part of is hereby provisionally approved and that the County Zoning and Land Use Plan maps be changed to show such correction. Unless an appeal is filed prior to October 15, 1977 this ORDER shall become permanent.

DONE AND DATED THIS 2 day of September, 1977.

Peter M. Wall
Klamath County Planning Director

APPROVED AS TO FORM
Boivin, Boivin & Aspell
County Legal Counsel

By *Boivin*

19969-17

EXHIBIT

"A"

2-PAGES

The following described real property in Klamath County, Oregon:

PARCEL 1

Beginning at a point which lies on the Westerly right of way line of the Dalles-California Highway which lies North $89^{\circ} 49'$ West a distance of 489.5 feet and South $6^{\circ} 02'$ West along the Westerly right of way line of the Dalles-California Highway a distance of 1230.3 feet and North $89^{\circ} 49'$ West a distance of 486.54 feet from the iron pin which marks the center of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence South $6^{\circ} 02'$ West parallel to the Westerly right of way line of the Dalles-California Highway a distance of 90 feet to a point; thence North $89^{\circ} 49'$ West parallel to the East-West quarter line a distance of 385.0 feet to a point which lies on the Easterly right of way line of the new Highway; thence in a Northwesterly direction following the Easterly right of way line of the New Highway a distance of 91.5 feet to a point; thence South $89^{\circ} 49'$ East parallel to the East-West quarter line a distance of 403 feet more or less to the point of beginning, in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 38 South, Range 9 East of the Willamette Meridian.

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PARCEL 2

Beginning at a point on the Westerly right of way line of the old Dalles-California Highway which lies North 89° 49' West a distance of 439.5 feet and South 6° 02' West along the Westerly right of way line of the old Dalles-California Highway a distance of 1320.3 feet from the iron pin which marks the center of Section 7, Township 33 South, Range 9 East of the Willamette Meridian, and running thence: Continuing South 6° 02' West along the Westerly right of way line of the old Dalles-California Highway a distance of 60.3 feet to a point; thence North 89° 49' West parallel to the East-West quarter line a distance of 844 feet to a point on the Easterly right of way line of the new Dalles-California Highway; thence in a Northwesterly direction along the Easterly right of way line at the new Dalles-California Highway a distance of 61 feet to a point; thence South 39° 49' East parallel to the East-West quarter line a distance of 871.54 feet more or less to the point of beginning, in the SW¼ of Section 7, Township 33 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3

Beginning at a point on the Westerly right of way line of the Dalles-California Highway which lies North 89° 49' West a distance of 439.5 feet and South 6° 02' West along the Westerly right of way line of the Dalles-California Highway a distance of 1330.6 feet from the iron pin which marks the center of Section 7, Township 33 South, Range 9 East of the Willamette Meridian, and running thence: South 6° 02' West along the Westerly right of way line of the Dalles-California Highway a distance of 130 feet to a point; thence North 89° 49' West a distance of 786.54 feet to a point which lies on the Easterly right of way line of the new highway; thence in a Northwesterly direction following Easterly right of way line of the new highway a distance of 182.98 feet to a point; thence South 89° 49' East a distance of 844 feet more or less to a point of beginning, in the S½ of the SW¼ of Section 7, Township 33 South, Range 9 East of the Willamette Meridian,

EXCEPT THAT PORTION described as follows:

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 18th day of OCTOBER A.D., 19 77 at 3:38 o'clock P M., and duly recorded in Vol. M77 of DEEDS on Page 19968

FEE NONE

WM. D. MILNE, County Clerk
By Kenneth A. Letoch Deputy