**Tillamook County** 

# DEPARTMENT OF COMMUNITY DEVELOPMENT BUILDING, PLANNING & ON-SITE SANITATION SECTIONS



1510 – B Third Street Tillamook, Oregon 97141 www.tillamookcounty.gov (503) 842 – 3408

Land of Cheese, Trees and Ocean Breeze

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER

# NOTICE OF PUBLIC HEARING TILLAMOOK COUNTY PLANNING COMMISSION

**Date of Notice:** April 24, 2025 **Date of Planning Commission Hearing:** May 22, 2025

A public hearing will be held by the Tillamook County Planning Commission at 7:00p.m. on Thursday, May 22, 2025 in the Port of Tillamook Bay Conference Center, 4000 Blimp Boulevard, Tillamook, OR 97141 to consider the following:

**#851-25-000031-PLNG**: A Variance request to reduce the required 60-foot width requirement to 55.02-feet for a Neskowin Low Density Residential (Nesk R-1) zoned property, together with **#851-25-000030-PLNG**, a Property Line Adjustment to adjust a portion of Tax Lot 220 into Tax Lot 231 in the Nesk R-1 zone. Located in the Unincorporated Community of Neskowin, the subject properties are accessed via South Beach Road, a private road, zoned Neskowin Low Density Residential (Nesk R-1) and Small Farm and Woodlot (SFW-20), and designated as Tax Lot 220 and 231 of Section 36BC, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. The Applicant is Robert Fultz. The property owners are Jay Julien 2012 Irrevocable Trust, Sherry Kalish Irrevocable Trust, Seabreeze Associates Limited Partnership, Heather Gobet-Pomeroy, and Thomas Bates.

Notice of public hearing, a map of the request area, applicable specific request review criteria and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing have been mailed to all property owners within 750-feet of the exterior boundary of the subject properties for which application has been made at least 28 days prior to the date of the hearing.

Applicable criteria are contained within the Tillamook County Land Use Ordinance (TCLUO) TCLUO Section 8.030: Variance Review Criteria and Tillamook County Land Division Ordinance (TCLDO) Section 130: Property Line Adjustments. Only comments relevant to the approval criteria are considered relevant evidence. Relevant standards include and may not be limited to applicable standards contained within TCLUO Section 3.322: Neskowin Low Density Residential (Nesk R-1) and Section 3.006: Small Farm and Woodlot (SFW-20).

The hearing will take place at the Port of Tillamook Bay Conference Center with an option for virtual participation. For instructions on how to provide oral testimony at the May 22, 2025 hearing and hearing protocol, please visit the Tillamook County Community Development Planning Commission page at <a href="https://www.tillamookcounty.gov/bc-pc">https://www.tillamookcounty.gov/bc-pc</a> or email Sarah Thompson, Office Specialist, at <a href="mailto:sarah.thompson@tillamookcounty.gov">sarah.thompson@tillamookcounty.gov</a>. The virtual meeting link can be found at the bottom of the Community Development Department homepage as well as a dial in number for those who wish to participate via teleconference.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the May 22, 2025, Planning Commission hearing. Testimony submitted by 4:00pm on Tuesday, May 13, 2025 will be included in the packet mailed to the Planning

1

Commission the week prior to the May 22,2025, hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Sarah Thompson, Office Specialist, Tillamook County Department of Community Development, <u>sarah.thompson@tillamookcounty.gov</u> as soon as possible if you wish to have your comments included in the staff report that will be presented to the Planning Commission.

Documents and submitted application are also available on the Tillamook County Department of Community Development website (<u>https://www.tillamookcounty.gov/commdev/landuseapps</u>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon, 97141. A copy of the application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff report will be available for public inspection seven days prior to the hearing. Please contact Sarah Thompson for additional information sarah.thompson@tillamookcounty.gov or call 1-800-488-8280 x3423.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Land Division Ordinance, Tillamook County Comprehensive Plan and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

The Port of Tillamook Bay Conference Center is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearings, call 1-800-488-8280 ext. 3423 or email <u>sarah.thompson@tillamookcounty.gov</u> at least 24 hours prior to the hearing so that the appropriate communications assistance can be arranged.

If you need additional information, please contact Sarah Thompson, DCD Office Specialist, at 1-800-488-8280 ext. 3423 or email <u>sarah.thompson@tillamookcounty.gov</u>.

Tillamook County Department of Community Development

Melissa Jenck, Senior Planner, CFM

Sarah Absher, CFM, Director

Enc. Maps & Testimony Tips

# **TCLUO SECTION 8.030: VARIANCE REVIEW CRITERIA:**

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

# TCLDO SECTION 130(1)(b): PROPERTY LINE ADJUSTMENTS

- (b) Approval Criteria. The Director shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:
  - i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment;
  - ii. Lot standards.

1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.

2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.

3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.

4. As applicable, all lots and parcels shall conform the Tillamook County Flood Hazard Overlay Zone.

iii. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions, and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.

## Citizen Tips for Providing Testimony at a Planning Commission/Board of County Commissioner Hearing

Goal 1 of Oregon's Statewide Planning Goals recognizes the importance of citizen involvement "in all phases of the planning process." One of the principal ways for citizens to be involved is by testifying at local land use hearings. These citizen tips are designed to help citizens prepare and deliver testimony during Tillamook County land use hearing processes.

# Know the Process

The Chair of the decision-making body will always read aloud the order of presentation and the process. Presentation is generally as follows:

- Planning Staff Presentation (generally 15 minutes)
   Questions to Staff by the Decision-Maker
  - Applicant's Presentation (generally 15 minutes)
    - Questions to Applicant by the Decision-Maker
- Public Comment Period
  - Generally limited to 3 minutes per person.
  - Applicant Rebuttal & Final Statements
- Staff Final Statements
- Public Hearing Closed for Decision-Maker Deliberation
  - No further public testimony accepted.
- Decision-Maker may ask questions of staff.
- Decision-Makers vote on issue.
- Notice of Decision mailed to all parties.

## **Understand the Issue**

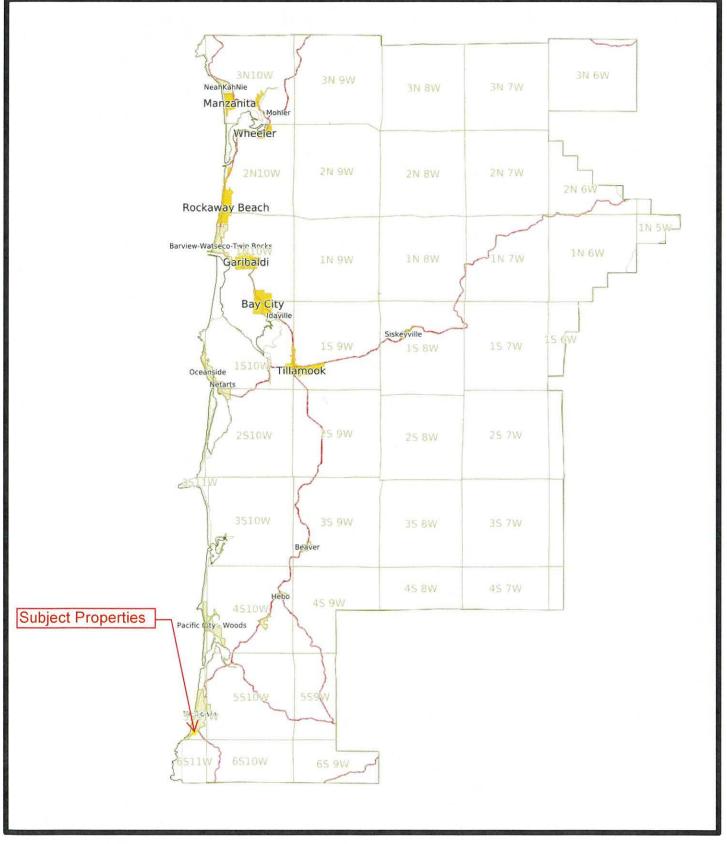
- Become familiar with the land use record (application, staff report and hearing materials) found on the Land Use Applications page under the Planning tab of the Community Development website.
- Become familiar with the relevant criteria (included in notice of public hearing).
- Prepare an outline of your testimony to use while testifying and focus testimony to the relevant criteria
- Decisions to approve or deny a request are based on the relevant criteria.
- Know when, where and who you are speaking to.
  - Tillamook County Planning Commission or Board of County Commissioners- depending on nature of request, application review process, and current phase of hearing process.
- Public testimony is generally limited to 3 minutes per person.
- Be sure to state your name and address for the record at the beginning of your testimony to ensure you receive notice of decision after hearing process has ended.

## **Check Department Website for Updates**

- Visit the Land Use Applications page.
- Follow posted calendar dates for written testimony submittal opportunities if the hearing is ongoing.
- Review additional written testimony received during the open comment periods.
- Review hearing packets and agendas if hearing process is ongoing.
- Review Notice of Decision and remain informed on appeal dates.

# **EXHIBIT** A

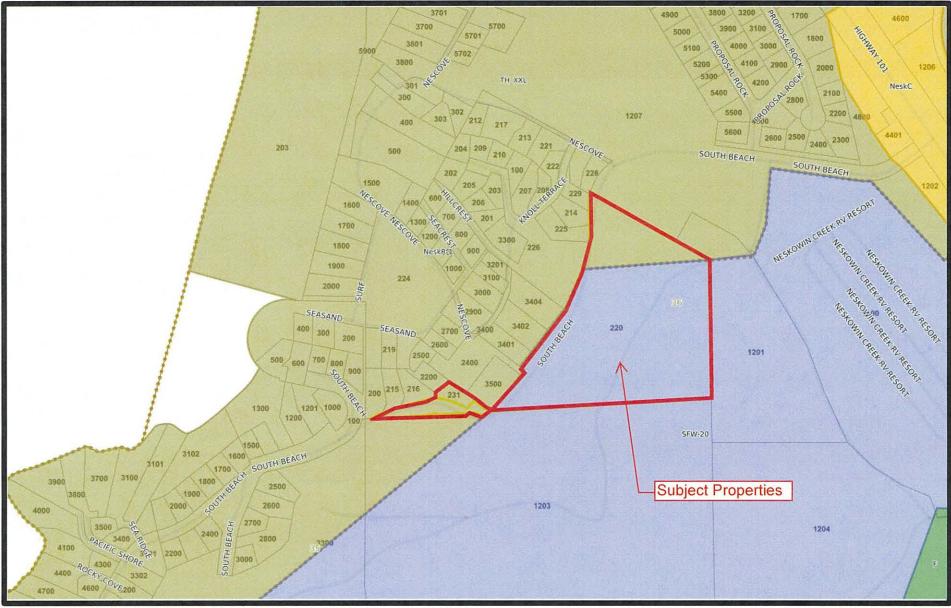
# Vicinity Map



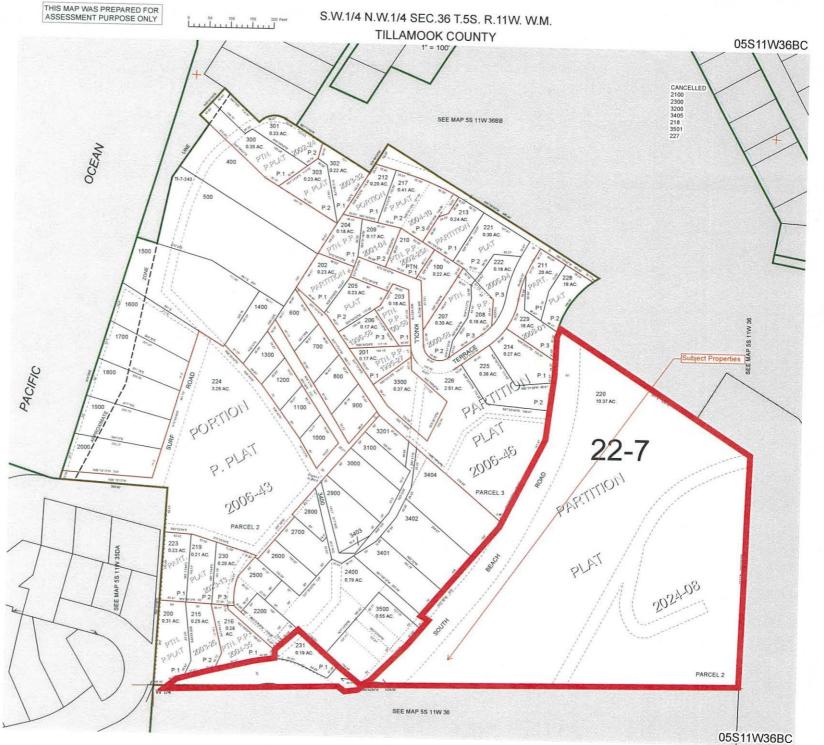
Generated with the GeoMOOSE Printing Utilities

# Zoning Map

MOOSEMAPPING



Generated with the GeoMOOSE Printing Utilities



# **Tillamook County** 2024 Real Property Assessment Report Account 410233

Map	5S1136B	C00220					Tax Status	Assessable	2	
Map Code - Tax ID	2207 - 41						Account Status	Active	-	
	2201 11	0100					Subtype	NORMAL		
Legal Descr	PARTITIC	ON PLAT	2024-08							
	Lot - PAR	RCEL 2								
Mailing	JULIEN, /						Deed Reference	# 2024-2960		
	KALISH, 9 SOUTH		ICE J TR	USTEE &			Sales Date/Price	07-18-2024	4/\$0	
			AND ME	04017-300	0		Appraiser	BRITTANY	MCINTYRE	
Property Class	010 I	MA SA	A NH							
RMV Class	010 0	09 UI	B UBL							
Site Situs Add	ress					Ci	ty		]	
			The second second		Value Sum	nmary				
Code Area		F	RMV		MAV		AV	RM	/ Exception	CPR %
2207 Lar	nd	18	,980				1	_and	0	
Imp	or		0					Impr	0	
Code Area To	tal	18	,980		139,540		18,980		0	
Grand To	tal	18	,980		139,540		18,980		0	
· · · · · · · · · · · · · · · · · · ·					Land Breal	kdown				
Code		Plan				Trend	0		-	
2207	RFPD Ex	Zone NESKR-	Value S	ource		%		_and Class	Iren	ded RMV
	2	1	Market			100	1.41 AC			2,580
		SFW20	Market			100	5.05 AC			9,240
1	2	SFW20	Market			100	3.91 AC			7,160
					Code Ar	ea Total	10.37 AC			18,980
				Imp	rovement E	Breakdow	/n			
	ear Stat uilt Class	Descrip	tion			Trenc %		Ex% MS Acc	t Tren	ded RM\
			Exe	mptions / S	pecial Ass	essment	s / Notations			
Notations										

Notations			
ADJUDICATION - 5 YEARS EXPIRED 309.115 ADDED 2015			
Fire Patrol	Amount	Acres	Year
FIRE PATROL SURCHARGE	0.00		2024
Code Area 2207			
Fire Patrol	Amount	Acres	Year
FIRE PATROL NORTHWEST	18.75	5.05	2024

# Tillamook County 2024 Real Property Assessment Report Account 410233

Comments

ts 04/29/05 Land to market after Partition Plat 2004-35 from Tax lot 216. dv.

04/11/06 Acreage change only after lot line adjustment to tax lot 2200. dv.

06/29/07 Land to market after Partition to tax lots 223 & 224. dv.

08/31/07 Seg. by deed to Tax Lot 227. Apportioned value is market value. dv.

03/8/10 BOPTA petition 2009 #30, Board reduced RMV to \$1000 per acre due to SFW zoning and wetlands.

Changed to unbuildable hood. Carried values forward. dv

04/15/14 Reappraised land; apportioned values between each fragment and applied the overrides due to BOPTA's adjudicated values in 2009. RBB

05/2015 Chkd. zoning and wetland area/Removed notation for 2009 BOPTA and input 5 yr. notation/RMV will reflect UBL status due to above factors. RCW

08/7/23 Due to a LLA, a portion of this TL is now carried in TL 219. No change in value. acreage adjustment only. KF

03/14/24 Due to a LLA a small portion of TL 220 is now being carried in TL 2200. Updated acreage only. See JV-24 -3167549. KF

08/19/24 Due to partition plat 2024-08, a portion of TL 5S11 36BC 220 will now be carried in the new TL 231. See JV # 24-3169429. Brought land to market and apportioned MAV, reset MAV 96/25. BDM

# **Tillamook County** 2024 Real Property Assessment Report

Account 419064

Мар	5S1136	BC002	31				Т	ax Status	Assessabl	e	
Code - Tax ID	2207 - 4	19064						ccount Status	Active		
Legal Descr	PARTIT	ION PL	_AT 20	24-08			5	ubtype	NORMAL		
	Lot - PA	RCEL	1								
Mailing	GOBET- BATES, 22011 S OREGO	THOM	IAS A IAN R	The second s	8 L F		s	eed Reference # ales Date/Price ppraiser	08-23-202	4 / \$125,000 / MCINTYRE	
Property Class	100	MA	SA	NH							
<b>RMV Class</b>	100	09	ST	981							
Site Situs Add	ress						City			]	
						Value Summary	/				
Code Area			RM	V		MAV		AV	RM	V Exception	CPR %
2207 Lan	d		90,09	0				La	and	0	
Imp	or		÷	0				Ir	npr	0	
Code Area To	tal		90,09	0		2,560		2,560		0	
Grand To	tal		90,09	0		2,560		2,560		0	
						Land Breakdow	n				
Code Area ID# F	RFPD Ex	Plan Zone	v	alue Sour	ce	Tre	end %	Size L	and Class	Tren	ided RMV
2207 1	-	NESK 1	KR- M	larket			117	0.19 AC			90,090
						Code Area To	otal	0.19 AC			90,090
					Imp	provement Break	down				
	ar Stat					Т	rend				
Area ID # Bu	uilt Class	s Desc	criptio	n			%	Total Sqft	Ex% MS Acc	t Tren	Ided RMV

08/19/24 Due to partition plat 2024-08, a portion of TL 5S11 36BC 220 will now be carried in the new TL 231. See JV # 24-3169429. Brought land to market and apportioned MAV, reset MAV 96/25. BDM .. Comments

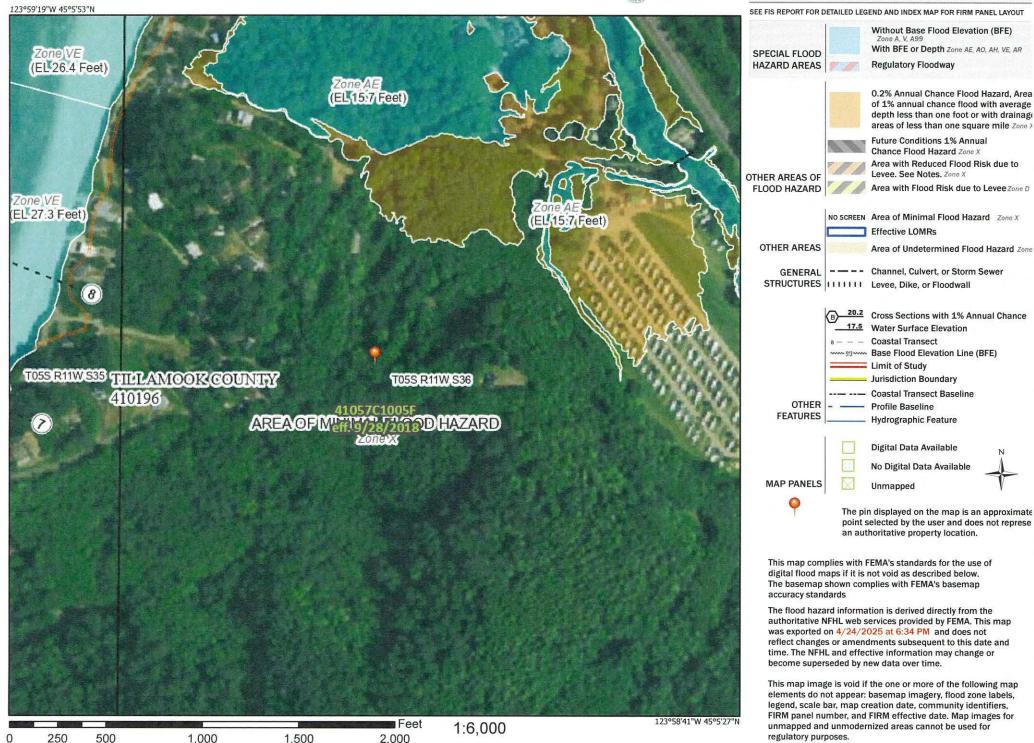
# National Flood Hazard Layer FIRMette

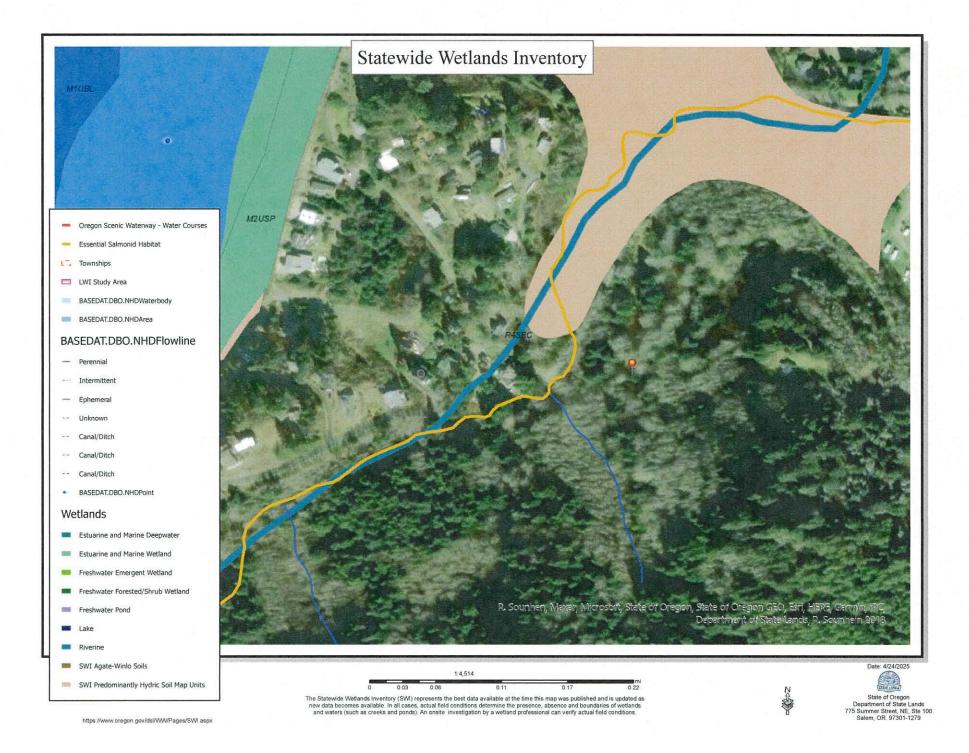


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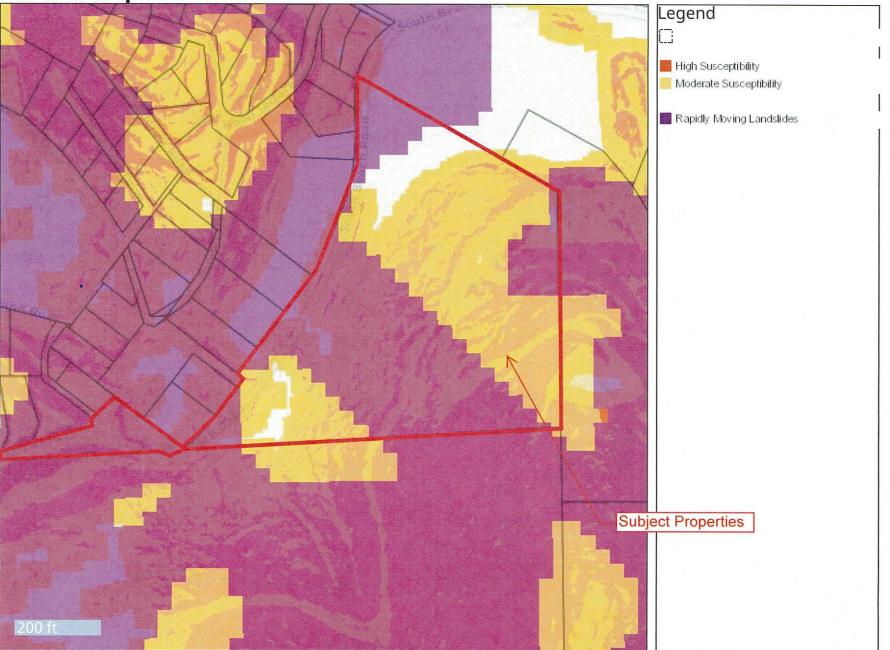
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# Legend





# **Hazard Map**



Printed on 4 / 24 / 2025

# EXHIBIT B



# VARIANCE APPLICATION #851-25-000031-PLNG



Tillamook County Department of Community Development 1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819 www.co.tillamook.or.us

PLANNING	APPLICATION	OFFICE USE ONLY Date Stamp
Applicant □ (Check Box if Sam Name: Robert B. Fultz	e as Property Owner) Phone:4157788700x212	JAN 23 2025
Address: 865 Highland Drive		101
City: Boulder Creek	State: CA Zip: 95006	Approved Denied
Email: neskowin@pacbell.net		Received by:
Property Owner (s) - see ne	ext page	Receipt #: 1,995.00 @
Name: Seabreeze Associates LP		Fees: 142414 2
Address: Same		Permit No:
City:	State: Zip:	
Email: Same		

Request: Due to a form defect that copies the second line into the third line, see next page.

Type II		Ту	vpe III	Type IV	
<ul> <li>Farm/Forest Re</li> <li>Conditional Use</li> <li>Variance</li> <li>Exception to Re</li> <li>Nonconforming</li> <li>Development F Development</li> <li>Non-farm dwel</li> <li>Foredune Grad</li> <li>Neskowin Coase</li> <li>Location:</li> </ul>	e Review esource or Riparian g Review (Major or Permit Review for E ling in Farm Zone ing Permit Review	Setback Minor) stuary	Detailed Hazard Report Conditional Use (As deemed by Director) Ordinance Amendment Map Amendment Goal Exception	Ordina C Large- Ameno	nd/or Code Text
Map Number:	55	11W		36BC	220, 231
in ap man ball	Township	Range		Section	Tax Lot(s)
Clerk's Instrume	nt #:				

### Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

PHAB RS	11/	7/24
Property Owner Signature (Required)	R3 11/7	Date /24
Applicant Signature	Lawrence Kalish Trustee, Sherry Kalish Irrevocable Trust	Date 11-7-24
Applicant Signature and property owner		Date
Land Use Application Rev. 6/9/23		Parte 1
Infla	Lawrence Kalish Trustee, Jay I. Julien Irrevocable Trust	11-7-24
Applicant Signature and property owner		Date

# Type II Variance Application

# Other property owners

Jay I. Julien Irrevocable Trust Lawarence Kalish, Trustee 17029 Brookwood Drive Boca Raton, FL 33496

Sherry Kalish Irrevocable Trust Lawarence Kalish, Trustee 17029 Brookwood Drive Boca Raton, FL 33496

Request: To merge a small part of a larger parcel, that is effectively orphaned by the presence of South Beach Road (see map), into an existing parcel. Doing this lot line adjustment will result in a parcel that does not meet the size requirements for the Nesk-R1 zone. Therefore, this variance is being requested in conjunction with an LLA.

# Overview:

To merge a small part of a larger parcel, which is effectively orphaned by the presence of South Beach Road (see map), into an existing parcel. Doing this lot line adjustment will result in a parcel that does not meet the size requirements for the Nesk-R1 zone. Therefore, a variance is being requested in conjunction with an LLA. Since this small part of a larger parcel cannot be made into a legal lot, not doing this lot line adjustment will result in a further sub-optimal future situation. We recognize that this situation is a legacy situation that is the result of earlier development that did not take this possibility into account. However, we cannot change the past—we are merely looking for the simplest way to ensure this land is not permanently orphaned.

### SECTION 8.030: REVIEW CRITERIA

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

(1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.

Response: This criterion doesn't apply given that there are only three parties bordering this very small piece of property, two of whom are involved in the overall application.

(2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.

Response: It can be reasonably expected that development of some kind will occur in the parcel T5S R11W 36BC 220, even a single-family residence. It can also be reasonably expected that such development will involve the creation of a legal parcel for South Beach Road as part of that development. The net effect of those actions will be to create a very small bit of orphan property on the west side of South Beach Road that will be difficult to address. This very small bit of orphan property is not large enough to create a legal parcel by itself. The only logical solution is to join this very small bit of orphan property to an existing parcel—T5S R11W 36BC-231.

(3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

Response: As detailed below, the only other parcel bordering this property will not be affected by this change at all. The owners of that parcel, which is to the north of the subject property, have already constructed an outbuilding which is on the north side of the common property line.

(4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

Response: Given the legacy process that created this situation, we do not see any other reasonable alternative to a variance that does not involve extending the legacy situation to an even worse situation.

### ARTICLE IV SUPPLEMENTARY REGULATIONS SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

(1) To ensure the availability of private open space;

Response: This very small bit of orphan property borders two legal parcels, one of which already has a legal dwelling. There is no immediate neighboring private open space other than the neighbor's yard and this variance does not impact their quiet enjoyment of their yard.

(2) To ensure that adequate light and air are available to residential and commercial structures; Response: This very small bit of orphan property will not impede the legal dwelling and is, in fact, hidden behind an outbuilding.

(3) To adequately separate structures for emergency access;

Response: Adequate emergency access to all adjacent dwellings is provided by South Beach Road. This variance does not affect that access.

(4) To enhance privacy for occupants of residences;

Response: This very small bit of orphan property will not impede the legal dwelling to the north and is, in fact, hidden behind an outbuilding.

(5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;

Response: The adjacent neighbor has already constructed both a dwelling and outbuilding. This variance will not affect their quiet enjoyment of both structures.

(6) To ensure that driver visibility on adjacent roads will not be obstructed;

Response: Neither South Beach Road nor driveway visibility is impacted by this variance.

(7) To ensure safe access to and from common roads;

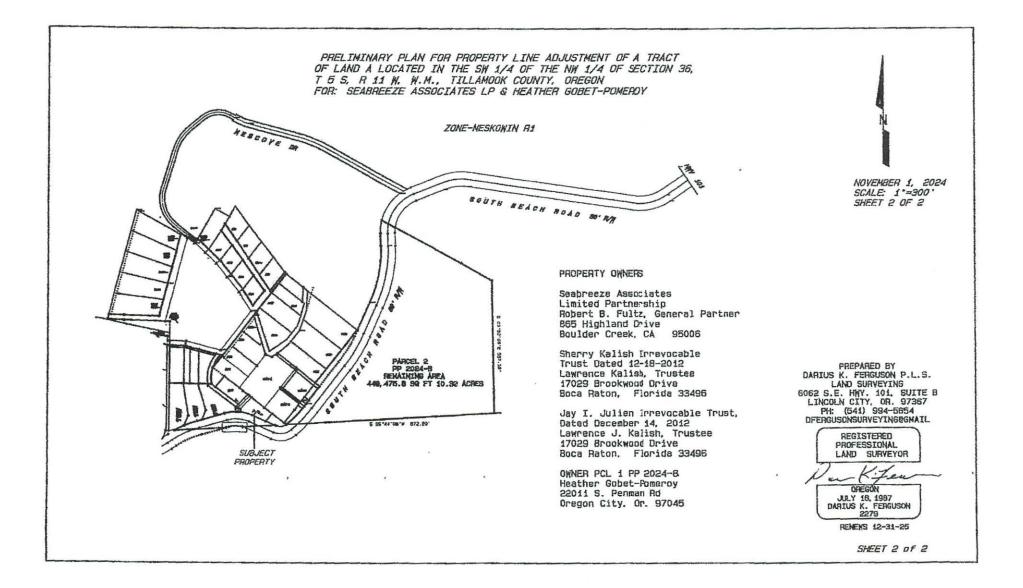
Response: Safe access from all adjacent driveways is not impacted by this variance.

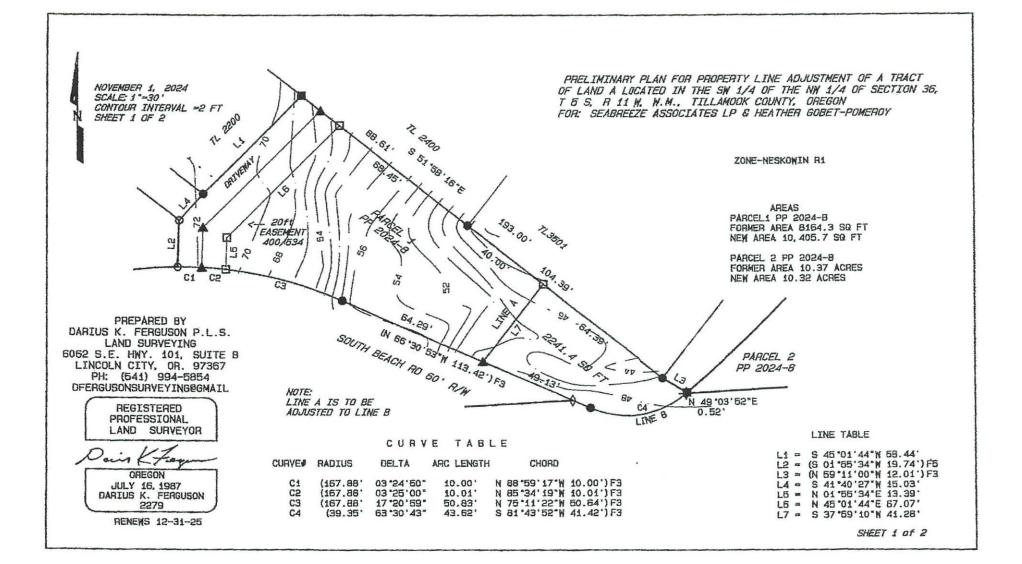
(8) To ensure that pleasing views are neither unreasonably obstructed nor obtained; Response: Since this very small bit of orphan property is hidden behind an outbuilding, any views of the adjacent neighbor are not impacted.

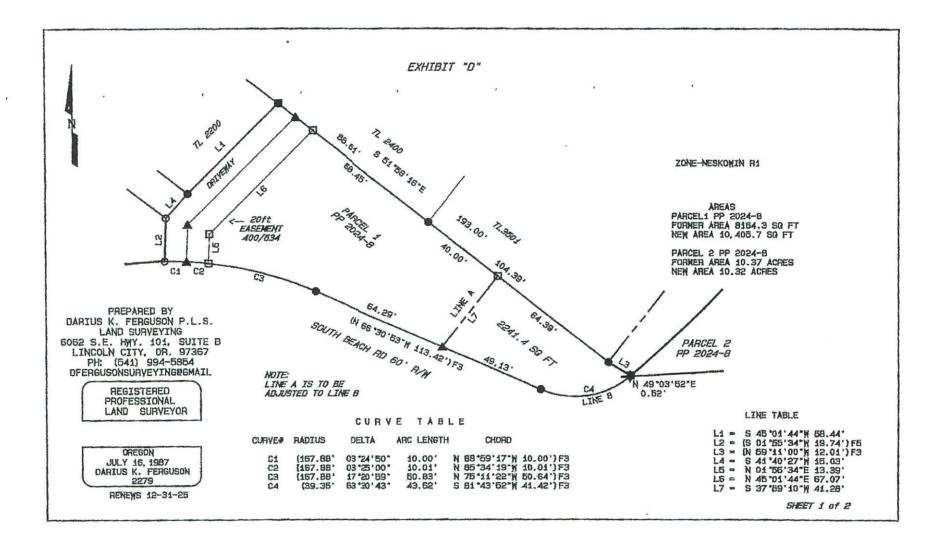
(9) To separate potentially incompatible land uses;

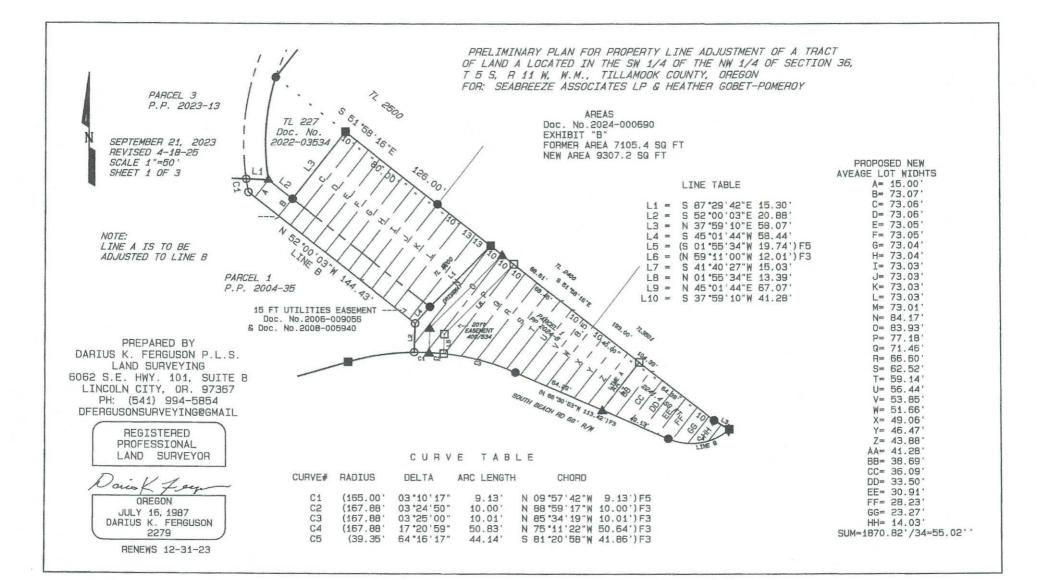
Response: This very small bit of orphan property is zone Nesk-R1, where as the majority of the larger parcel to which it is attached is SFW-20. It makes sense to break off the Nesk-R1 parts from the SFW-20 parts of a parcel. This will make for smoother processes in the future.

(10) To ensure access to solar radiation for the purpose of alternative energy production. Response: This very small bit of orphan property does not impede the adjacent properties and their potential generation of alternative energy. It is also heavily shaded most of the year.











# PROPERTY LINE ADJUSTMENT APPLICATION #851-25-000030-PLNG



Tillamook County Department of Community Development 1510-B Third Street. Tillamook, OR 97141 Tel: 503-842-3408 1 www.co.tillamook.or.us

Fax: 503-842-1819

Received by:

Permit No:

Fees:

Receipt #: 142059

514.80

851-25-00030-PLNG

OFFICE USE ONLY

PROPE	ERTY LINE ADJUSTM	ENT APPLICATION	Concernance of the second seco	ECEIVED
Applicant/Representation	itive			
Name: Robert B. Fultz	Phone: 415778	8700×212	J	AN 2 3 2025
Address: 865 Highland Drive			BY.	
City: Boulder Creek	State: CA	Zip: 95006	101	
Email: neskowin@pacbell.net				oved Denied

Zip: 95006

Zip: 97045

Email: neskowin@pacbell.

Three owners - see page 4 Property Owner (Unit A) Name: Seabreeze Associates Limited Partnership Phone: 4157788700x212

Address: 865 Highland Drive

City: Boulder Creek

Email: neskowin@pacbell.net

Email:

Property Owner (Unit B) Two owners - see page 4

State: OR

State: CA

Name: Heather J. Gobet-Pomeroy

Phone:

Address: 22011 South Penman Road

City: Oregon City

Property Owner (Unit (	
Name: N/A	Phone:
	A DESCRIPTION OF THE REPORT OF T

Address:			
City:	State:	Zip:	
Email:			

Describe the purpose of the proposed property line adjustment(s)

To merge a small part of a larger parcel, that is effectively orphaned by the presence of South Beach Road (see map),

into an existing parcel. Doing this lot line adjustment will result in a parcel that does not meet the size requirements for the Nesk-R1 zone. Therefore, a variance is being requested in conjunction with this LLA. Since this small part of a larger parcel cannot be made into a legal lot, not doing this lot line adjustment will result in a further sub-optimal future situation.

### Unit A Location:

Site Address: No address - South Beach area in Neskowin

Map Number:	5S	11W		36BC	220
	Township	Range		Section	Tax Lot(s)
Zoning: Nesk-R1					
Existing Use of Site	es: Bare land				
Unit B Location:	*				
Site Address: No ad	dress - South Bea	ch area in Neskowi	in		
Map Number:	58	11W		36BC	231
	Township	Range		Section	Tax Lot(s)
Zoning: Nesk-R1					
Existing Use of Site	eş: Bare land	A CONTRACTOR OF			
	A CONTRACTOR OF				
Property Line Ac	diustment Appli	ation	Rev. 9/18/15	-0	Fore 1

Map Number:			
Townsh	hip Range	Section	'Tax Lot(s)
Zoning:			
Existing Use of Sites:			
Taxlot (Units)	Existing Size	New Size	
T5S R11W 36BC-220	10.37 Ac	10.32 Ac	
T5\$ R11W 36BC-231	8,164.3 sq ft	10,405.7 sq ft	
Preliminary Property Line N	Aap Checklist		
a loss	ng and proposed 🛛 🔳 Other infor	mation: ariance application	
Identification of all existing	ng and proposed Other inform Concurrent view ns of existing Maps and le		
<ul> <li>Identification of all existing lot lines and dimensions</li> <li>Footprints and dimension structures (including access structures)</li> <li>Location and dimensions and streets</li> </ul>	ng and proposed Gother information Other informa	ariance application	
<ul> <li>Identification of all existing lot lines and dimensions</li> <li>Footprints and dimension structures (including access structures)</li> <li>Location and dimensions</li> </ul>	ng and proposed Gother information ns of existing Maps and lease essory for driveways to the Hazard Overlay	ariance application	

#### Authorization

N/A

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Department of Records. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Legally Authorized Signature	ner, Seabreeze Associates LP	11/6/2024 Date
In Hale	Lawrence Kalish Trustee, Sherry Kalish Irrevocable Trust	11-07/24
Legally Authorized Signature	Lawrence Kalish Trustee, Jay I. Julien Irrevocable Trust	Date 11-07-2

Property Line Adjustment Application

Rev. 9/18/15

Jult - Domes uthorized Signatu

Thomas A. Bates

### **APPROVAL STANDARDS:**

- All property sizes, setbacks and other dimensional attributes resulting from a property line adjustment shall conform to the provisions of the Tillamook County Land Use Ordinance and the Tillamook County Land Division Ordinance.
- A property line adjustment shall not result in the creation of a new lot or a replat of an existing subdivision or partition.
- 3. When one or more of the properties is larger than the minimum lot size in the zone, the same number of properties shall be as large or larger than the minimum lot size after the adjustment. When all properties are as large or larger than the minimum property size prior to the adjustment, no adjusted properties shall be reduced below the minimum lot size.

# APPROVAL-CRITERIA FOR ADJUSTMENTS IN RESOURCE AND COMMERCIAL ZONES:

In addition to the approval standards listed above, property line adjustments in resource zones (Farm and Forest) must comply-with the following criteria. Please use a separate sheet of paper to explain how the proposed adjustment complies with these criteria. Other information such as air photos (available through the GIS database) that would help to show how the adjustment complies with the criteria may also be submitted.

- In commercial zones, properties to be adjusted shall be shown to be of a size that is at least as appropriate to maintain the existing commercial enterprise and remain in compliance with Section 4.030: Off-Street Parking & Off-Street Loading Requirements of the Tillamook County Land Use Ordinance.
- 2. If the proposed adjustment involves the transfer of a dwelling from one property to another, the property that will acquire the dwelling must either receive land use approval for the dwelling, or a deed affidavit shall be recorded by the owner of the property where the dwelling was originally located, prohibiting the establishment of any new principal dwellings on that property.
- 3. On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment may not be used to:

a. Decrease the size of a tract that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

b. Decrease the size of a tract that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify.

## THE APPLICATION MUST INCLUDE:

- 1. Completed application form, signed by the applicant and all property owners.
- 2. Application Fee.
- 3. Completed preliminary map/survey.
- Written explanation of how the adjustment complies with the standards for a property line adjustment in a resource zone.
- 5. Copy of most recent deed or contract for each parcel involved.

Property Line Adjustment Application

Rev. 9/18/15

# LLA Application

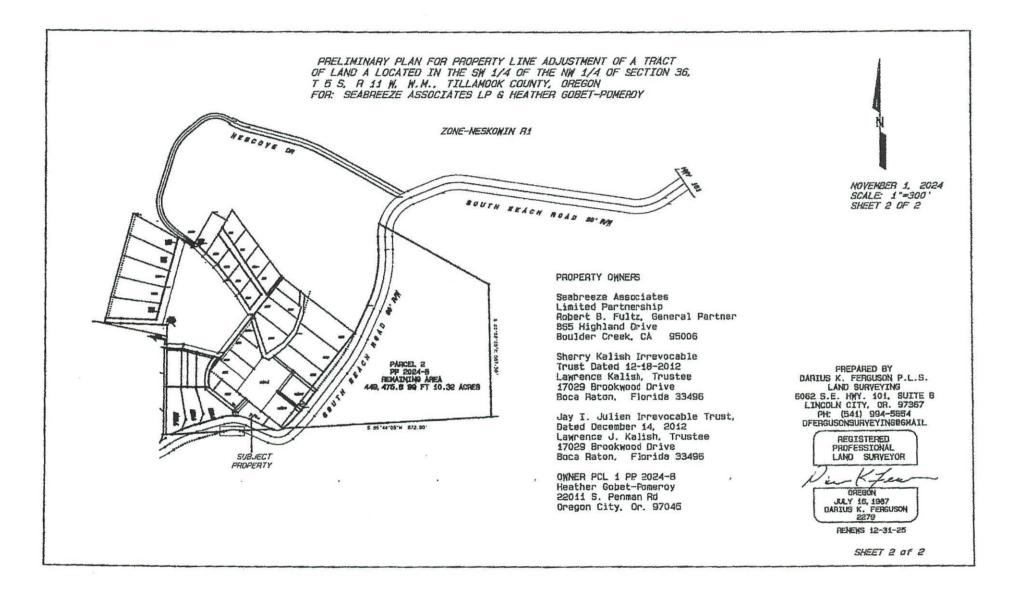
# Other property owners - Unit A

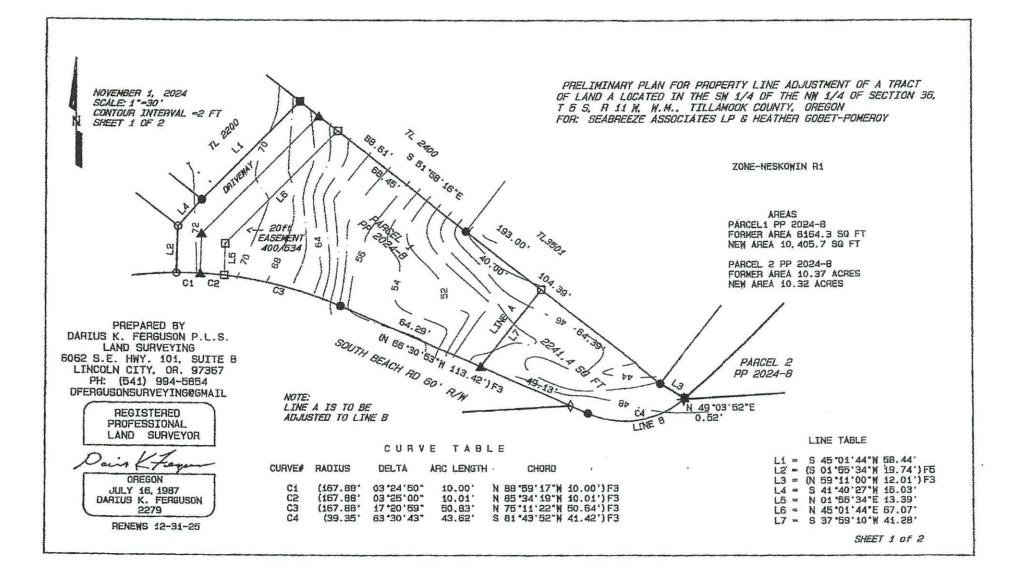
Jay I. Julien Irrevocable Trust Lawrence Kalish, Trustee 17029 Brookwood Drive Boca Raton, FL 33496

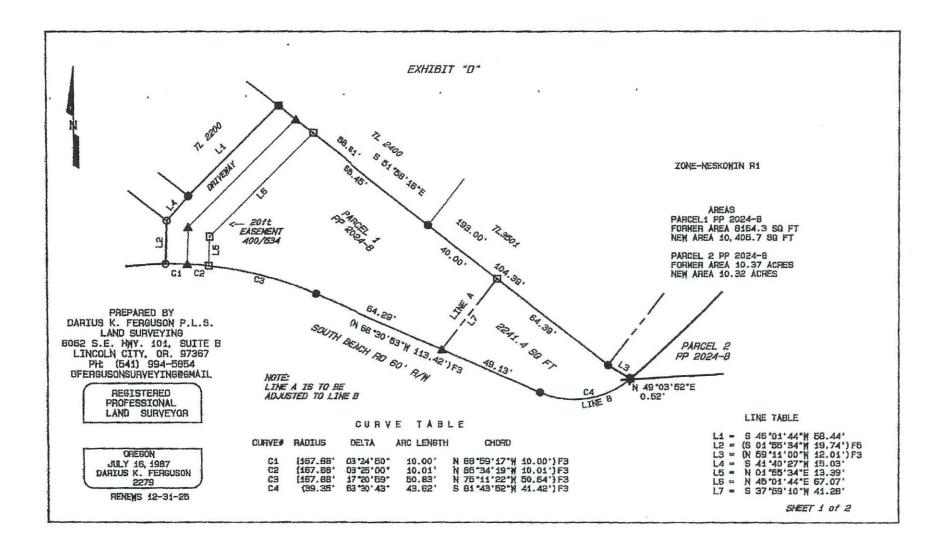
Sherry Kalish Irrevocable Trust Lawrence Kalish, Trustee 17029 Brookwood Drive Boca Raton, FL 33496

# Other property owner - Unit B

Thomas A. Bates 22011 South Penman road Oregon City, OR 97045







#### EXHIBIT "A"

#### LEGAL DESCRIPTION FOR A PROPERTY LINE ADJUSTMENT TO BE ADDED TO PARCEL 1 PARTITION PLAT 2024-8 AND REMOVED FROM PARCEL 2, PARTITION PLAT 2024-8

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY OREGON; BEING A PORTION OF PARCEL 2, PARTITION PLAT 2024-8 TILLAMOOK COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 1, PARTITION PLAT 2024-35, TILLAMOOK COUNTY PLAT RECORDS, THENCE SOUTH 51°58'16"EAST 64.39 FEET TO A 3/4 INCH IRON PIPE; THENCE SOUTH 59°11'00"EAST 12.01 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 49°03'52"WEST 0.52 FEET TO A 5/8 INCH IRON ROD ON THE SOUTH LINE OF SAID PARCEL 2 PARTITION PLAT 2024-8; THENCE ON A 167.88 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS SOUTH 81°43'52"WEST 41.42 FEET) AN ARC DISTANCE OF 43.62 FEET; THENCE NORTH 66°30'53"WEST 49.13 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1 PARTITION PLAT 2024-8; THENCE NORTH 37°59'10"EAST 41.28 FEET TO THE POINT OF BEGINNING.

#### EXHIBIT "B"

#### RESULTANT LEGAL DESCRIPTION OF A TRACT OF LAND AFTER A PROPERTY LINE ADJUSTMENT TO PARCEL 1 PARTITION PLAT 2024-8

PARCEL 1 PARTITION PLAT 2024-8, TILLAMOOK COUNTY PLAT RECORDS, TOGETHER WITH A PORTION OF PARCEL 2 PARTITION PLAT 2024-8, TILLAMOOK COUNTY PLAT RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 1, PARTITION PLAT 2024-35, TILLAMOOK COUNTY PLAT RECORDS, THENCE SOUTH 51°58'16"EAST 64.39 FEET TO A 3/4 INCH IRON PIPE; THENCE SOUTH 59°11'00"EAST 12.01 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 49°03'52"WEST 0.52 FEET TO A 5/8 INCH IRON ROD ON THE SOUTH LINE OF SAID PARCEL 2 PARTITION PLAT 2024-8; THENCE ON A 167.88 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS SOUTH 81°43'52"WEST 41.42 FEET) AN ARC DISTANCE OF 43.62 FEET; THENCE NORTH 66°30'53"WEST 49.13 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1 PARTITION PLAT 2024-8; THENCE NORTH 37°59'10"EAST 41.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,405.7 SQ FT

#### EXHIBIT "B" CONTINUED

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TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress over the following described tract:

Astrip of land, 20 feet in width, lying 10.0 feet on either side of the centerline located in the Southwest One-Quarter of the Northwest One-Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, more particularly described as follows:

Commencing at the most Easterly corner of that tract of land conveyed to Bruce Nolf, by Instrument recorded July 2, 1969, in Book 216, Page 200, Tillamook County Deed Records; thence South 52° 22' 00" East 10.08 feet, along the South line of that tract of land conveyed to Ralph T. Dawson, et ux, by Instrument recorded February 27, 1980, in Book 268, Page 163, Tillamook County Deed Records, to the true point of beginning; thence South 44° 38' 00" West 69.79 feet, parallel to the Southeast line of that tract of land described to Bruce Nolf, by Instrument recorded in Book 216, Page 200, Tillamook County Deed Records; thence South 01° 31' 50" West 15 feet, more or less, to the Northerly right-of-way line of that private roadway commonly known as South Beach Road and more particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as: Beginning at Engineer's right-at-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' 00" West, 110.00 feet; thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West, 145.32 feet) an arc distance of 148.72 feet; thence North 81° 58' 40" West 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West, 115.88 feet) an arc distance of 117.22 feet; thence South 67° 53' 56" West, 125.68 feet; thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West, 196.65 feet) an arc distance of 209.42 feet; thence South 2° 15' 11" East, 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11º01'53" West, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57"West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West 226.05 feet; thence on a 395.02 foot radius curve right (long chord bears South 42° 31'52" West, 133.31 feet) an arc distance of 134.33 feet: thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West, 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West, 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West, 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West, 116.77 feet; thence on a 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

The side lines of the above 20 foot easement are to be extended or shortened to begin at the South line of that parcel described in Book 268, Page 163, Tillamook County Deed Records, and to terminate at the Northerly right-of-way line of that private roadway commonly known as South Beach Road and described above.

#### EXHIBIT "B" CONTINUED

ALSO TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress over the following described tract, more particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as: Beginning at Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' 00" West, 110.00 feet; thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West, 145.32 feet) an arc distance of 148.72 feet; thence North 81° 58' 40" West 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West, 115.88 feet) an arc distance of 117.22 feet; thence South 67° 53' 56" West, 125.68 feet; thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West, 196.65 feet) an arc distance of 209.42 feet; thence South 2° 15' 11" East, 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11 ° 01'53" West, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West, 226.05 feet; thence on a 395.02 foot radius curve right (long chord bears South 42° 31'52" West, 133.31 feet) an arc distance of 134.33 feet; thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West, 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West, 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West, 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West, 116.77 feet; thence on a 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

#### EXHIBIT "C"

#### RESULTANT LEGAL DESCRIPTION OF A TRACT OF LAND AFTER A PROPERTY LINE ADJUSTMENT

PARCEL 3, PARTITION PLAT 2006-43, TILLAMOOK COUNTY DEED RECORDS; EXCEPTING THEREFROM A PORTION OF SAID PARCEL 2 MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 1, PARTITION PLAT 2024-35, TILLAMOOK COUNTY PLAT RECORDS, THENCE SOUTH 51°58'16"EAST 64.39 FEET TO A 3/4 INCH IRON PIPE; THENCE SOUTH 59°11'00"EAST 12.01 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 49°03'52"WEST 0.52 FEET TO A 5/8 INCH IRON ROD ON THE SOUTH LINE OF SAID PARCEL 2 PARTITION PLAT 2024-8; THENCE ON A 167.88 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS SOUTH 81°43'52"WEST 41.42 FEET) AN ARC DISTANCE OF 43.62 FEET; THENCE NORTH 66°30'53"WEST 49.13 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1 PARTITION PLAT 2024-8; THENCE NORTH 37°59'10"EAST 41.28 FEET TO THE POINT OF BEGINNING.



After recording return to: Heather J. Gobet-Pomeroy and Thomas A. Bates 22011 S Penman Rd Oregon City, OR 97045

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Until a change is requested all tax statements shall be sent to the following address: Heather J. Gobet-Pomeroy and Thomas A. Bates 22011 S Penman Rd Oregon City, OR 97045

File No.: 7101-4098815 (LG) Date: August 13, 2024

### THIS SPACE RESERVED FOR RECORDER'S USE

Tillamook County, Oregon 09/18/2024 03:03:02 PM DEED-DWARR \$35.00 \$11.00 \$10.00 \$61.00 - Total =\$117.00 I hereby certify that the within Instrument was received for record and recorded in the County of Tillamook, State of Oregon.

Christy Nyseth, Tillamook County Clerk

#### STATUTORY WARRANTY DEED

SeaBreeze Associates limited partnership, and Lawrence J. Kalish, Trustee of the Sherry Kalish Irrevocable Trust dated December 18, 2012, and Aaron Julien and Lawrence Kalish, Trustees of the Jay I. Julien 2012 Irrevocable Trust, Grantor, conveys and warrants to Heather J. Gobet-Pomeroy and Thomas A. Bates not as tenants in common, but with rights of survivorship, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

#### Subject to:

- Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
- 2. The 2024-2025 Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$125,000.00**. (Here comply with requirements of ORS 93,030)

Page 1 of 5

#### APN: 410233 Statutory Warranty Deed - continued

Statutory Warranty Deed Flie No.: 7101-4098815 (LG)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACOUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010,

Dated this 23 day of August, 20 24.

Jay I. Julien 2012 Irrevocable Trust

Please See astronad Lawrence J. Kalish, Trustee

Aaron Julien, Trustee

Seabreeze Associates Limited Partnership

By: Robert B. Fully

Name: Robert B. Fultz Title: General Partner

The Sherry Kalish Irrevocable Trust, Dated 12-18-2012

Please see astached

Lawrence J. Kalish, Trustee

APN: 410233

Statutory Warranty Deed - continued File No.: 7101-4098815 (LG)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010. TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 22nd day of August

Jay I. Julien 2012 Irrevocable Trust

x Sauvence If Kalish

Lawrence J. Kalish, Trustee X. Garon Hulien

Aaron Julien, Trustee

Seabreeze Associates Limited Partnership

By: Please see attached

Name: Robert B. Fultz Title: General Partner The Sherry Kalish Irrevocable Trust, Dated 12-18-2012

x Saurence & Kalish

Lawrence J. Kalish, Trustee

, 20 24

APN: 410233

Statutory Warranty Deed - continued

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File No.: 7101-4098815 (LG)

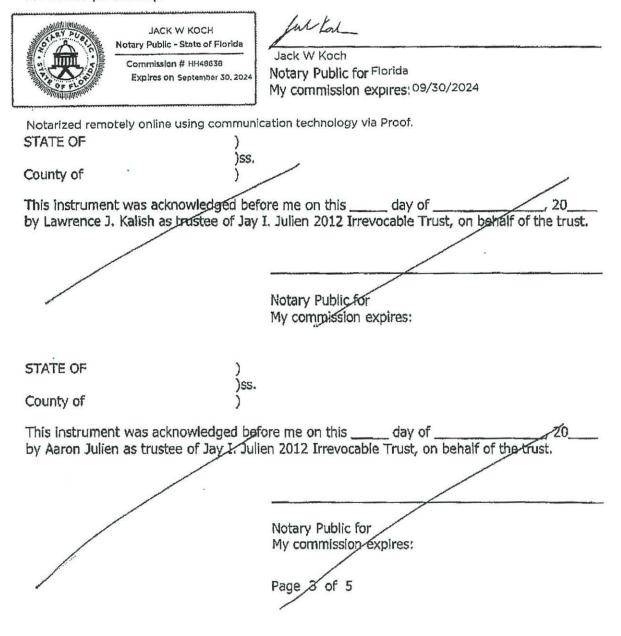
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STATE OFFlorida

County of Pasco

This instrument was acknowledged before me on this <sup>23rd</sup> day of August , 20<sup>24</sup> by Robert B Fultz as General Partner of SeaBreeze Associates limited partnership, on behalf of the limited partnership. Identified by a California driver license.



APN: <b>410233</b>	Statutory Warranty Deed - continued	File No.: 7101-4098815 (LG)
STATE OF Oregon		,
County of	133	
	wiedged before me on this ral Partner of SeaBreeze Asso	day of, 20, 20, clates limited partnership, on behalf of
	Notary Public for My commission	
STATE OF Colorado	)	
County of Jefferson	)ss. )	
This instrument was ackno by Lawrence J. Kalish as t	The provided before the on this $\frac{22}{100}$ rustee of Jay 1. Julien 2012 Irre	and day of <u>August</u> 20 <sup>24</sup> evocable Trust, on behalf of the trust.
MARK D, HOTT NOTARY PUBLIC STATE OF COLORAD		D.Hot
NOTARY 1D 199740060 MY COMMISSION EXPIRES AP	E NOTARY PUBLIC (O	r expires: 04/09/2027
Notarized remotely using a	udio-video communication techno	
STATE OF Florida	)	
County of Marion	)ss. )	
This instrument was ackn by Aaron Julien as trustee	owledged before me on this of Jay I. Julien 2012 Irrevocal	day of <u>August</u> , 20 24 ole Trust, on behalf of the trust.
Notary Public Commission	E ROBRISSON State of Florids n Jenuery 27, 2028 Notary Public for My commission	Joyce E Robinson pr Florida expires: 04/09/2027 1/27/2028
	Page 3 of 5	

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Notarized remotely online using communication technology via Proof.

#### APN: 410233

Statutory Warranty Deed - continued ......

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County of Jefferson

This instrument was acknowledged before me on this  $\frac{22nd}{day}$  day of  $\frac{August}{day}$ ,  $20^{24}$  by Lawrence J, Kalish as trustee of The Sherry Kalish Irrevocable Trust, on behalf of the trust.

MARK D. HOTT	1 -14 , 01		
NOTARY PUBLIC	Thank O.H		
STATE OF COLORADO			
NOTARY ID 19974006067	Notary Public for		
MY COMMISSION EXPIRES APRIL 9, 2027	My commission expires:	04/09/2027	
	The second se		

Notarized remotely using audio-video communication technology via Proof.

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Page 4 of 5

APN: 410233

Statutory Warranty Deed - continued File No.: 7101-4098815 (LG)

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#### EXHIBIT A

**LEGAL DESCRIPTION:** Real property in the County of Tillamook, State of Oregon, described as follows:

Parcel 1, Partition Plat 2024-8, Tillamook County Deed Records.

Tillamook County, Oregon 2023-02349 06/05/2023 11:31:01 AM DEED-DBS \$30.00 \$11.00 \$10.00 \$61.00 - Total =\$112.00 I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon. Tassi O'Neil, Tillamook County Clerk

THIS SPACE PROVIDED FOR RECORDER'S USE



After recording return to: First American Title 405 NW 5th St. Suite A Corvallis, OR 97330

Until a change is requested all tax statements shall be sent to the following address: No change,, NO CHANGE FROM CURRENT ADDRESS ON FILE

## BARGAIN AND SALE DEED FOR PROPERTY LINE ADJUSTMENT

Aaron Julien and Larry Kalish, Trustees of the Jay I. Julien 2012 Irrevocable Trust, Larry Kalish, Trustee of the Sherry Kalish Irrevocable Trust. and Seabreeze Associates Limited Partnership Grantors, convey to Aaron Julien and Larry Kalish, Trustee of the Jay I. Julien 2012 Irrevocable Trust, Larry Kalish, Trustee of the Sherry Kalish Irrevocable Trust, and Seabreeze Associates Limited Partnership Grantees the following described real property:

SEE EXHIBIT A FOR TRANSFER PARCEL LEGAL DESCRIPTION SEE EXHIBIT B FOR ADJUSTED GRANTEES LEGAL DESCRIPTION SEE EXHIBIT C FOR ADJUSTED GRANTORS LEGAL DESCRIPTION

Grantor is vested by Doc. No.s 2012-7263 (Sherry Kalish Trust), 2012-7117 (Jay I Julien Trust), and Book 320, Page 363 (Seabreeze Associates Limited Partnership), Tillamook County Deed Records

Grantee is vested by Doc. No. 2012-7263 (Sherry Kalish Trust), 2012-7117 (Jay I Julien Trust), and Book 320, Page 363 (Seabreeze Associates Limited Partnership), Tillamook County Deed Records

Grantor and Grantee execute this deed to facilitate an approved Property Line Adjustment per Case File No. #851-22-000379-PLNG and #851-22-000355-PLNG Unincorporated Community of Neskowin County of Tillamook

This property is free of liens and encumbrances, EXCEPT: THOSE OF PUBLIC RECORD, IF ANY.

True consideration for this conveyance is \$To effect property line adjustment (Here comply with the requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 5 day of May, 2023

GRANTORS

laron y

Robert B Fultz, General Partner Seabreeze Associates Limited Partnership

Aaron Julien, Trustee

Larry Kalsoli

Larry Kalish, Trustee

Larry Kalish, Trustee

GRANTEES

Robert B Fultz, General Partner Seabreeze Associates Limited Partnership

laron

Aaron Julien, Trustee

Larry Kaltoli

Larry Kalish, Trustee

Larry Kalloh

Larry Kalish, Trustee

State of

County of

----

ready 3. ) \$5. Benton

This instrument was acknowledged before me on <u>May 26 2023</u>, by

Limited Part	- Jorden M. Partier, Store dece insociality
OFFICIAL STAMP LAURIE D GARBARINO NOTARY PUBLIC - OREGON COMMISSION NO. 1002884 MY COMMISSION & #12005 JULY 23, 2024	Source Denson
State of	
County of	) 5\$. )

Florida Marion

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This instrument was acknowledged before me on	06/05/2023	by
Aaron Julien, trustee of the Jay I.Julien 2012 Irret	vocable Trust	
Joyde # 408#150N Nethy Fusic - State of Florida Commission's 62 #5570 Elignet bin arcsby 27 3024	- State of	r
Notarized online using audio-video communication		
.State of Florida ) Marion ) ss.		
County of		
This Instrument was acknowledged before me on <u></u>	6/05/2023	_, by
Larry Kalish, trustee of the Jay I. Julien 2012 Irre of the Sherry Kalish Irrevocable Trust	vocable Trust and Larry	Kalish, trustee
JDY-CE E-#DBU/SQM Notary Public - State of Floreda Centimesion # 500 945570 Expres on Messey, 37, 4024	- State of	

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Notarized online using audio-video communication.

## **EXHIBIT "A"**

#### LEGAL DESCRIPTION OF TRANSFER PARCEL

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY OREGON; BEING A PORTION OF PARCEL 3, PARTITION PLAT 2006-43 TILLAMOOK COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS; THENCE SOUTH 75°03'04"EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE. SOUTH 37°56'57"WEST 64.37 FEET TO A 3/4 INCH IRON PIPE AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DOG. NO. 2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD BEARS SOUTH 04°01'30"WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET; THENCE NORTH 87°29'42"WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS NORTH 15°04'34"EAST 131.33 FEET TO THE POINT OF BEGINNING.

## EXHIBIT "B"

:

PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS, TOGETHER WITH A PORTION OF PARCEL 3 PARTITION PLAT 2006-43, TILLAMOOK COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS; THENCE SOUTH 75°03'04"EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 37°56'57"WEST 64.37 FEET TO A 3/4 INCH IRON PIPE AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Dog. No. 2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD BEARS SOUTH 04°01'30"WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET; THENCE NORTH 87°29'42"WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE SOUTH EAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165,00 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS NORTH 15°04'34"EAST 131.33 FEET TO THE POINT OF BEGINNING.

## EXHIBIT "C"

PARCEL 3, PARTITION PLAT 2006-43, TILLAMOOK COUNTY DEED RECORDS; EXCEPTING THEREFROM THAT TRACT OF LAND AS DESCRIBED IN Doc. No.2022-03534, TILLAMOOK COUNTY DEED RECORDS; ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND;

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS; THENCE SOUTH 75°03'04"EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 37°56'57"WEST 64.32 FEET TO A 3/4 INCH IRON PIPE AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Doc. NO. 2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD BEARS SOUTH 04°01'30"WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET; THENCE NORTH 87°29'42"WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS NORTH 15°04'34"EAST 131.33 FEET TO THE POINT OF BEGINNING.

#### **RECORDING REQUESTED BY:**

Western Title & Escrow

3469 NW Highway 101 Lincoln City, OR 97367

100 3604 20000007

AFTER RECORDING RETURN TO: Order No.: WT0183398-KB Thomas A. Bates and Heather J. Gobet-Pomeroy 22011 S. Penman Rd. Oregon City, OR 97045

SEND TAX STATEMENTS TO: Thomas A. Bates and Heather J. Gobet-Pomerov 22011 S. Penman Rd. Oregon City, OR 97045

APN: 258063 Map: 5S1136BC02200

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### STATUTORY WARRANTY DEED

Elizabeth Duane Vergeer Crist and Tonie I. Tollen as Trustee of the Tonie I. Tollen Trust under agreement dated September 19, 2007, Grantor, conveys and warrants to Thomas A. Bates and Heather J. Gobet-Pomeroy, not as tenants in common, but with the rights of survivorship, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$685,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17. CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30,930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Tillamook County, Oregon 02/26/2020 12:11:02 PM DEED-DWARR \$30.00 \$11.00 \$10.00 \$61.00 - Total =\$112.00 I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon. Tassi O'Neil, Tillamook County Clerk

## 2020-01245

### STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 2

lerger Cuist Elizabeth Duane Vergeer

Tonie I. Tollen Trust under agreement dated September 19, 2007

BY Tonie I. Tollen Trustee

State of OR County of Lincoln

This instrument was acknowledged before me on <u>HEMUANU 24 2020</u> by Elizabeth Duane Vergeer Crist and **\*** Tonie I. Tollen Trust under agreement dated September 19, 2007.

OFFICIAL STAMP ublic - State of Oregon ATHRYN JOANNE BIGHIL NOTARY PUBLIC-OREGON My Commission Expires: COMMISSION NO. 969640 MY COMMISSION EXPIRES DECEMBER 20, 202

\* Tonie 1. Tollen, as Trustee of the

#### PARCEL I:

Beginning at a point South 52° 22' 00" East 100 feet from the Southwest corner of the tract of land owned by Aletta M. Brigham in Section 36, Township 5 South, Range 11 West of the Willamette Meridian and recorded in Volume 43 at Page 453, Deed Records of Tillamook County, Oregon, said Southwest corner being South 37° 38' 00" West 300 feet from an iron pipe set 964.8 feet West and 2063.5 feet South of the Northeast corner of the Northwest Quarter of said Section 36 and 697 feet South and 192.4 feet East of the Northeast corner of a tract conveyed to Dan J. Fry and R.E.L. Steiner by deed recorded April 24, 1913, in Book 26, at Page 75, Deed Records of Tillamook County, Oregon; thence South 52° 22' 00" East 60 feet along the South line of the above mentioned tract; thence South 37° 38' 00" West 50 feet to a point; thence North 52° 22' 00" East 40 feet to the point of beginning.

#### PARCEL II:

Beginning at a point which is South 52° 22' 00" East 186 feet from the Southwest corner of the O.A. Place tract, which Southwest corner is South 37° 38' 00" West 300 feet from a point which is South 2063.5 feet, and West 964.8 feet, from the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian; and running thence North 52° 22' 00" West, 26 feet to the Southeast corner of the tract presently owned by Bruce Nolf; thence South 37° 38' 00" West, along the Nolf Southerly line, 50 feet; thence South 52° 22' 00" East, to a point which is South 44° 38' 00" West, and on the line of the road across the O.A. Place property, if extended, from the point of beginning; and running thence North 44° 38' 00" East, to the point of beginning.

#### PARCEL III:

A tract of land lying in the Southwest Quarter of the Northwest Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, said tract being a portion of Parcel 3 of Partition Plat No. 2004-35 as recorded in Plat Cabinet B-864-0 of Partition Plat Records of Tillamook County, Oregon, recorded December 27, 2004, as Instrument No. 2004-010779, said portion of Parcel 3 being more particularly described as follows:

Beginning at the Southwesterly corner of that certain tract of land conveyed to Bruce Owen Nolf by deed recorded in Book 354, Page 608, Deed Records of Tillamook County, Oregon, said point also being an angle point in a Northerly line of the aforesaid Parcel 3; and running thence South 52° 22' 00" East, along that certain boundary line common to the aforesaid Parcel 3 and Nolf tract, a distance of 119.86 feet to an iron rod, said point also being the Southeasterly corner of that certain tract of land conveyed to Bruce Nolf by deed recorded in Book 216, Page 200, Deed Records of Tillamook County, Oregon; thence South 44° 38' 00" West a distance of 8.06 feet to an iron rod; thence North 52° 22' 00" West a distance of 118.88 feet to an iron rod; thence North 37° 38' 00" East a distance of 8.00 feet to the point of beginning.

TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress over the following described tract:

A strip of land, 20 feet in width, lying 10.0 feet on either side of the centerline located in the Southwest One-Quarter of the Northwest One-Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, more particularly described as follows:

Commencing at the most Easterly corner of that tract of land conveyed to Bruce Nolf, by Instrument recorded July 2, 1969, in Book 216, Page 200, Tillamook County Deed Records; thence South 52° 22' 00" East 10.08 feet, along the South line of that tract of land conveyed to Ralph T. Dawson, et ux, by Instrument recorded February 27, 1980, in Book 268, Page 163, Tillamook County Deed Records, to the true point of beginning; thence South 44° 38' 00" West 69.79 feet, parallel to the Southeast line of that tract of land described to Bruce Nolf, by Instrument recorded in Book 216, Page 200, Tillamook County Deed Records; thence South 01° 31' 50" West 15 feet, more or less, to the Northerly right-of-way line of that private roadway commonly known as South Beach Road and more

### EXHIBIT "A" Legal Description

particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as: Beginning at Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' 00" West, 110.00 feet; thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West, 145.32 feet) an arc distance of 148.72 feet; thence North 81° 58' 40" West 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West, 115.88 feet) an arc distance of 117.22 feet; thence South 67° 53' 56" West, 125.68 feet; thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West. 196.65 feet) an arc distance of 209.42 feet; thence South 2° 15' 11" East, 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11° 01'53" West, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West 226.05 feet: thence on a 395.02 foot radius curve right (long chord bears South 42° 31'52" West, 133.31 feet) an arc distance of 134.33 feet; thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West, 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West, 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West, 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West, 116.77 feet; thence on a 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS. in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

The side lines of the above 20 foot easement are to be extended or shortened to begin at the South line of that parcel described in Book 268, Page 163, Tillamook County Deed Records, and to terminate at the Northerly right-of-way line of that private roadway commonly known as South Beach Road and described above.

ALSO TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress over the following described tract, more particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as: Beginning at Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' 00" West, 110.00 feet; thence on a 200 foot radius curve right (long chord bears South 76° 43' 10" West, 145.32 feet) an arc distance of 148.72 feet; thence North 81° 58' 40" West 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82° 57' 38" West, 115.88 feet) an arc distance of 117.22 feet; thence South 67° 53' 56" West, 125.68 feet; thence on a 171.52 foot radius curve to the left (the long chord bears South 32° 54' 58" West, 196.65 feet) an arc distance of 209.42 feet; thence South 2° 15' 11" East, 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11° 01'53" West, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West, 226.05 feet; thence on a 395.02 foot radius curve right (long chord bears South 42° 31'52" West, 133.31 feet) an arc distance of 134.33 feet; thence on a 74.10 foot radius curve right (long chord bears South 85° 37' 14" West, 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West, 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West, 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West, 116.77 feet; thence on a 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

### EXHIBIT "B" Exceptions

#### Subject to:

#### SPECIFIC ITEMS AND EXCEPTIONS:

- 1. Rights of the public to any portion of the Land lying within the limits of streets, roads and highways.
- 2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:R. E. Lee SteinerPurpose:water pipeRecording Date:October 28, 1920Recording No:Book 3, Page 409 Miscellaneous Records

An assignment of the easement rights we assigned by instrument:

Assignee:	South Neskowin Water Company
Recording Date:	December 3, 1924
Recording No.:	Book 52, Page 345

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	E. C. Apperson and Alves N. Apperson, husband and wife
Purpose:	as mentioned in said easement
Recording Date:	September 10, 1917
Recording No:	Book 36, Page 238

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:Mrs. Nellie G. RogersPurpose:as mentioned in said easementRecording Date:March 15, 1918Recording No:Book 37, Page 101

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Lilly Litchfield Shirley	
Purpose:	as mentioned in said	easement
Recording Date:	August 30, 1920	
Recording No:	Book 42, Page 25	

6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Alleta M. Brigham
Purpose:	as mentioned in said easement
Recording Date:	August 11, 1921
Recording No:	Book 43, Page 453

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Mary E. Webster	
Purpose:	as mentioned in said	easement
Recording Date:	July 21, 1922	

Deed (Statutory Warranty) ORD1293.doc / Updated: 04.26.19

#### EXHIBIT "B" Exceptions

Recording No: Book 44, Page 625

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	The Pacific Telephone and Telegraph Company
Purpose:	as mentioned in said easement
Recording Date:	November 1, 1928
Recording No:	Book 59, Page 630

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document: 9.

Granted to:	O. A. Place and Marjorie J. Place, husband and wife
Purpose:	as mentioned in said easement
Recording Date:	August 7, 1951
Recording No:	Book 129, Page 203

10. Agreement, including the terms and provisions thereof,

Recording Date:	March 31, 1965
Recording No.:	Book 196, Page 237

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by:	Peter O. Place and Phyllis Place, husband and wife
Purpose:	as stated in said document
Recording Date:	July 2, 1969
Recording No:	Book 216, Page 200

Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in 12. Agreement for Easement

Recording Date: September 24, 1998 Recording No .: Book 400, Page 534

13. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Agreement for Easement

Recording Date:	September 24, 1998
Recording No.:	Book 400, Page 535

14. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Warranty Deed

Recording	Date:	September 24, 1998
Recording	No.:	Book 400, Page 537

15. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: August 29, 2005 Recording No: 2005-007708

# Check in with DSA

## **HPSF** Contracts

- Everything should pretty much be done by the time we meet
  - I am waiting getting these back from Commissioner's office for final 4 to go for signature
- First two went out on the wire, next 6 should be on a better timeline
- Thankfully this is the last time for these to be in house.

## Emails

- I have a lot of catching up to do
- Lelia Aman, Kevin Shulka, Darren Murphy Tax abatement
- Derrick Aragon follow up (example of my precarious schedule)
- Chris Opdal
- Dave Benneth (many)
  - Have concerns, see bleow

## Housing Commission

- Review agenda
- Dave Benneth.....
- Non-profit representation (colpac?)
- Developer interested in joining
- Proposed HPSF changes
  - I would like to go over my presentation with you once it is complete
  - Talked with Erin and EC and got good feedback

## MIRF -

- This will become more of a priority for me
- I have lots of work to get this done
  - Build my understanding of final version

County Staff

->BoCC

-> other cities

- This will be filled more after my check in with Erin
- I think I have a good plan for this now

## Personal

- I need to find a way to "wipe my slate" and get a fresh start.
- I am considering moving my time off request
  - Reduced request to May 2nd and 5th only
- Still very stressed, but feel like it is improving...finally
- Too many losses not enough wins lately
  - Starting to feel some momentum
- Quick long term calendaring chat

## TUESDAY (4/22)

Hi Angela, Madno Mizuho (347-461-1801) paid her fees and will email you the documents

Hi Angela, Ted Gibson (503-307-6618) paid his fees and will email you the documents license# 851-20-000030

Hello Angela, Tami Parks (503-317-4220) License 851-10-1182 thinks she paid her inspection fee twice. 3/24/25 & 4/11/25 I don't know if you can help her or not? Not sure what to do and I took payment on 4/11/25

Hi Angela, Jaime Vega (541-760-2383) Called to schedule her inspection on 4/25/25. she has already paid last week. Did you receive her email with supporting docs?

Hello Angela, Marc Geller (541-490-0979) paid his fees for license# 851-10-1061

### WEDNESDAY (4/23)

Hi Angela, Gnana Kanagaratnam (971-419-9997) paid his fees license# 851-10-1086

Hi Angela, Joel Soppet (925-989-8085) How much Liability insurance is required for the STVR, does it have to specify short term rental in the verbiage? He doesn't have a current application for Cape Meares and wants to apply, heard that the HOA is talking about not allowing more STVR's and do WE know the outcome of that meeting? Plus he had a few more questions, I just let him know that someone would call him back. Thank you

HI Angela, Callie Vogel (971-732-0499) made her payments on license# 851-22-000044 & 851-22-000045. Thank you

Hello Angela, David Avant (406-223-7085) called to get copy of current license# 851-10-1280. I didn't send it to him, I let him know that you would have to do that

Hi Angela, Gabe Willard (503-997-0280) paid his fees for license# 851-22-000051 & is forwarding an email with documents to you

Hi Angela, David Hill (503-724-3540) wants to know if there are any availability for STVR in TDM. He is wanting to purchase a property

### THURSDAY (4/24)

Hi Angela, Kimberly Johns (503-369-1862) Has questions about his license# 851-19-000083-STVR 5950 Neptune Dr-Wants to transfer his license. Yes, Kimberly is a fella