

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING
ADMINISTRATOR

SUBJECT: VALIDATION OF UNIT OF LAND CASE 19-01
575 SALEM HEIGHTS AVE S
AMANDA NO. 19-104345-LD

REQUEST

A proposal to validate one land area that were created through a sale by deed in 2002.

The request is to establish lawfully a land area created in 2002 when tax lot 10400 was described separately by a deed creating the land area. The sale effectively divided the parent parcel creating several units of land without a land use approval. The applicant is requesting to validate property known as Marion County Tax Assessors number 083W04AA / 10400; also known as 575 Salem Heights Avenue S.

The land area is approximately 2.88 acres in size, zoned RS (Single Family Residential), and located at the 575 Salem Heights Avenue S (Marion County Assessor Map and Tax Lot Numbers: 083W04AA / 10400).

OWNER: H. Thomas Harvey Jr (Jane Ann Harvey RT)

APPLICANT: Thomas B. Kay

RECOMMENDATION

Based on the application and information presented in the staff report, staff recommends that the Hearings Officer adopt the Facts and Findings of the staff report and APPROVE the request to validate one unit of land that was created through sale rather than through an approved subdivision or partition plat process, for property zoned RA (Residential Agriculture) and located at 575 Salem Heights Avenue S.

BACKGROUND/PROPOSAL

The proposal involves a unit of land, Tax Lot 10400, which was unlawfully created through a deed sale in 2002. In 2002, Tax Lot 10400 was sold separately from Tax Lots 10200, 10300 & 10200. Prior to the sale of Tax Lot 10400, this unit of land and Tax Lot 10400 were part of a single parent parcel. The parent parcel is approximately 5 acres in size. Because the division of the property did not receive land use approval for a partition or subdivision, the individual units of land were not lawfully established.

SRC 205.060 codifies the Oregon Legislative Assembly House Bill 2723 (2007), which provided authority to Oregon cities and counties to 'validate' units of land that were previously created by sale, but where the resulting land division did not comply with applicable law

regulating such divisions.

Tax Lot 10400 should not have been sold as a separate unit of land. The validation of unit of land process provided in SRC 205.060 provides a method to correct this error. The single sales transaction conveyed Tax Lot 10400 as a standalone property.

On February 1, 2019, Mark Ferris of Project Delivery Group, on behalf of the applicant Thomas B. Kay, filed a request to validate an existing unit of land that was created through sale rather than through an approved subdivision or partition plat process, for property zoned RS (Single Family Residential) and located at 575 Salem Heights Avenue S (Marion County Assessor Map and Tax Lot Numbers: 083W04AA / 10400).

The application was deemed complete for processing on February 27, 2019. Notice of the public hearing was mailed March 7, 2019. The state-mandated 120-deadline to issue a final local decision in this case is June 27, 2019.

APPLICANT'S STATEMENT

A request for a validation of unit of land must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted such statements and proof, which are included in their entirety as Attachment B to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) Designation

Comprehensive Plan Map: The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map.

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Growth Management: The subject property is located inside of the Urban Service Area.

2. Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential). The property subject to the validation request, Tax Lot 10400, is vacant. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); Dwellings

South: Across Salem Heights Avenue S; RS (Single Family Residential); Dwellings

East: RS (Single Family Residential); Vacant

West: RS (Single Family Residential); Dwellings

3. Existing Site Conditions

The subject property (Tax Lot 10400) is irregular shaped property. Salem Heights Avenue S, a Collector, provides access to the subject property to the south.

4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of Southwest Association of Neighbors (SWAN). Notification was sent to the neighborhood association and surrounding property owners within 250 feet of the property on March 7, 2019. Notice of the proposed application was also posted on the subject property. As of the date of this staff report, no written comments have been received from SWAN.

5. City Department and Public Agency Comments

- The Public Works Department, Development Services and City Surveyor staff reviewed the proposal and provided these comments and recommendations for plat approval.
 - Survey will review all submitted materials for a final comprehensive review of ORS 92 & SRC at the Final Plat Stage.
 - Final Plat Submittal: The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC). If the said documents are not in compliance with the requirements outlined in the ORS and the SRC, and as per SRC 205.035, the approval of the partition plat by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.
- The Building and Safety Division reviewed the proposal and identified no apparent issues.
- The Salem Fire Department reviewed the proposal and indicated that they have no concerns for this land division. Fire Department access shall be maintained to existing structures. Items including fire department access and water supply will be required to comply with the Oregon Fire Code adopted at the time of construction.

6. Public Agency and Private Service Provider Comments

Public agencies and public and private service providers for the subject property were mailed notification of the proposal. The following comment was received:

PGE – PGE reviewed the proposal and commented that development cost would be per current tariff and service requirements and a 10-foot public utility easement is required on all front street lots.

7. Criteria for Granting a Validation of Unit of Land

SRC 205.060(d) sets forth the criteria that must be met before a unit of land can be validated.¹ In order to approve a validation of unit of land, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied.

The applicable criteria are stated below in **bold** print. Following each criterion is a response and/or finding relative to the proposed tentative partition. The applicant provided justification for all applicable criteria (Attachment B).

SRC 205.060(d)(1): The unit of land is not a lawfully established unit of land.

Applicant Statement: In 2002, a deed was recorded (Reel 1974, Page 489) creating the unit of land without land use approval.

Finding: Staff concurs with the applicant's statement. The unit of land subject to the validation request was created in 2002 through a deed recording, which sold Tax Lot 10400 separately. Therefore, Tax Lot 10400 was not a lawfully established unit of land. This criterion is met.

SRC 205.060(d)(2): The unit of land was created through sale or deed or land sales contract executed and recorded before January 1, 2007.

Applicant Statement: It appears that Tax Lot 10400 was created by deed, as part of an unauthorized property line adjustment in 2002.

Finding: Staff concurs with the applicant's written statement. The subject unit of land was not created solely to establish a separate tax account, and was not created by gift or any other method that is not considered a sale. The applicant has provided a copy of the recorded deed creating the subject unit of land through sale as evidence that this criterion is met.

SRC 205.060(d)(3): The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold.

Finding: The subject property was entirely zoned Marion County RA (Residential Agriculture) when the land area was created by deed. The applicant provided Marion County Residential Agriculture Zone, Chapter 129, which was in effect when the land area was created. The development standards of the Marion County RA zone required a 6,000 square foot lot size with a minimum width of 60-feet. The subject land area meets those standards. The Code in effect when the deed was recorded in 2002 could have allowed the parcel as a lawful parcel through a land use determination decision. This criterion is met.

¹ Notwithstanding criterion SRC 205.060(d)(3), the Hearings Officer may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction or placement of a dwelling or other building on the unit of land after the sale. No approval has been issued for such construction on Tax Lot 10400.

SRC 205.005(d)(4): The plat complies with SRC 205.035 and ORS 92.

Finding: The applicant submitted a copy of a proposed plat (Attachment C). The Public Works Department reviewed the proposal and submitted comments describing the procedure and submittal requirements for recording of a final plat.

RECOMMENDATION

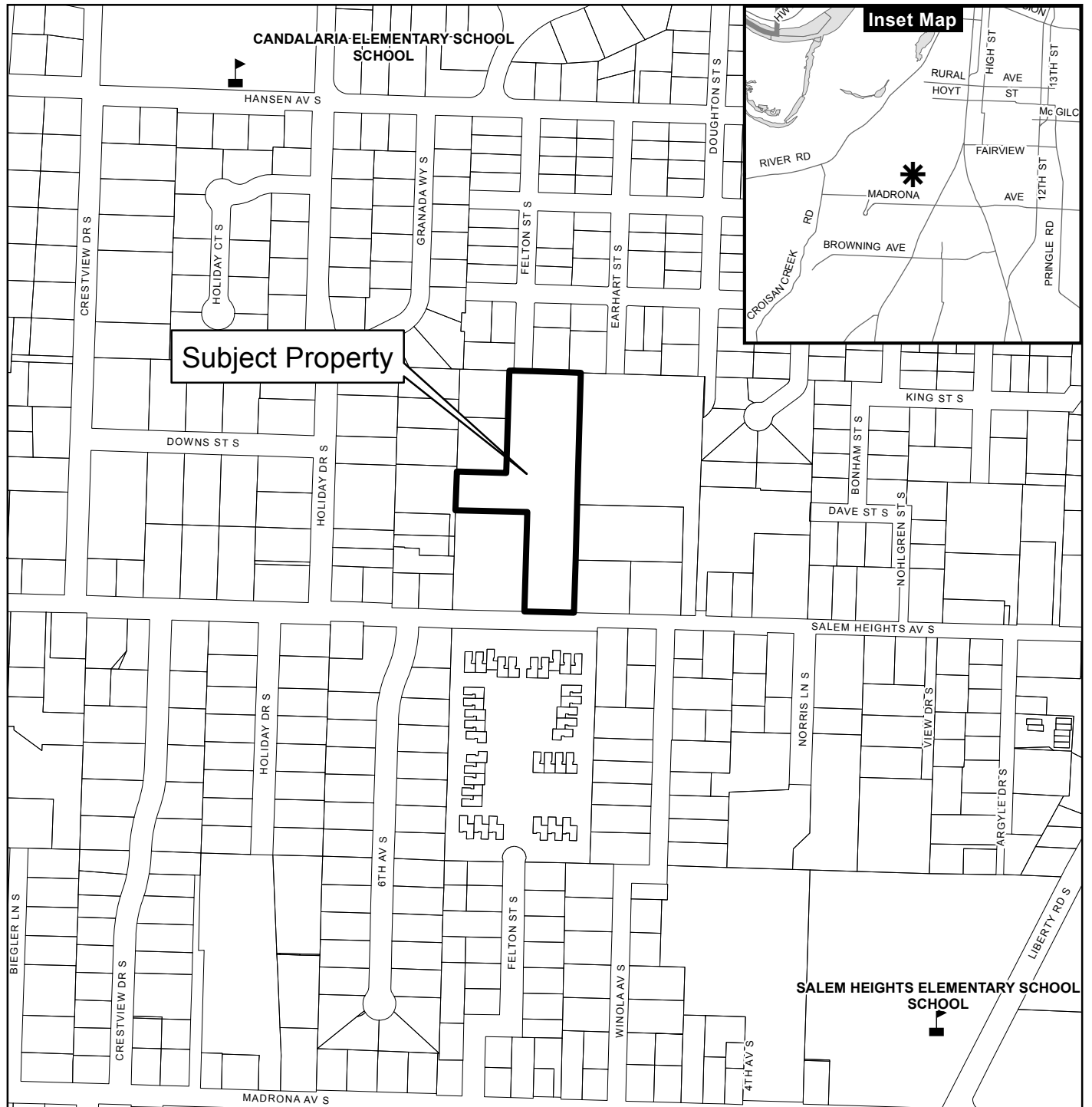
Based on the application and information presented in the staff report, staff recommends that the Hearings Officer adopt the Facts and Findings of the staff report and APPROVE the request to validate one unit of land that was created through sale rather than through an approved subdivision or partition plat process, for property zoned RA (Residential Agriculture) and located at 575 Salem Heights Avenue S (083W04AA / 10400).

Prepared by Olivia Glantz, Planner III








Application Deemed Complete Date: February 27, 2019
State Mandated Decision Date: June 27, 2019

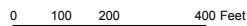
Attachments: A. Vicinity Map
B. Applicant's Statement
C. Applicant's Proposed Plat

Vicinity Map 575 Salem Heights Avenue S



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

WREN HEIGHTS LOT VALIDATION - NARRATIVE

OVERVIEW

On December 31st of 2018, the Applicant submitted an application to the city to subdivide a 7.7-acre parcel into 33 lots. During the completeness review process, it was determined that Tax Lot 10400 was created illegally. Included in the appendix of this application is a Record of Survey describing the parcel in question which states that "...the land described in the deed (Reel 1971, Page 489) was not legally created through a valid land-use process. The city erred in approving a lot line adjustment.....The monumented property therefore has no standing as a lawfully created parcel until such time as the owner complies with the City of Salem complies with the land partitioning procedures."

To correct this issue, and prior to the City approving the final plat for recording, the City is requiring the owner/developer of Wren Heights to go through a "lot validation" process whereby the owner/developer must submit a formal application for the lot validation which will be processed as a Type III application which is reviewed by City staff and heard by the City's Hearing Officer. This narrative addresses the criterion for lot validation as described in the City's Regulatory Code (SRC), Section 205.060 "Validation of a Unit of Land".



Figure 1 – Site Aerial

PROCESS:

The Lot Validation is a Type III process which requires submittal of an application that addresses the following criterion in the City of Salem Development Code – Section 205.060 – “Validation of a Unit of Land.” Correspondence with the Marion County Planning Department has indicated that their land-use ordinance has been in effect since 1961 so the City of Salem’s code applies to these parcels. The applicability and submittal requirements are outlined below:

Sec. 205.060. - Validation of Unit of Land.

- (a) **Applicability:** The purpose of this section is to provide a process whereby a unit of land unlawfully created may be lawfully established. This section shall only be used to validate units of land created before January 1, 2007. For purposes of this section:
 - (1) A unit of land is unlawfully created if the unit of land was created through a sale that did not comply with the criteria applicable to the creation of the unit of land at the time of sale; and
 - (2) A unit of land does not include a unit of land created solely to establish a separate tax account, a unit of land created by gift, or a unit of land created through any other method that is not considered a sale.
- (b) **Procedure type:** A validation of a unit of land is processed as a Type III procedure under SRC chapter 300.
- (c) **Submittal requirement:** In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for the validation of a unit of land shall include the following information:
 - (1) The recorded deed or land sales contract that created the unit of land;
 - (2) A copy of the land division and zoning regulations applicable to the property at the time in which the unit of land was created; and
 - (3) A plat prepared in accordance with SRC 205.035 and ORS 92.
- (d) **Criteria:** The validation of a unit of land shall be approved if the following criteria are met:
 - (1) The unit of land is not a lawfully established unit of land;
 - (2) The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007;
 - (3) The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold; and
 - (4) The plat complies with SRC 205.035 and ORS 92.

- (e) **Exception:** Notwithstanding subsection (d)(3) of this section, the Review Authority may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction or placement of a dwelling or other building on the unit of land after the sale.
- (f) **Expiration / Recording:**
 - (1) The validation of a unit of land shall expire as provided under SRC 300.850 unless the plat of the validated unit of land is recorded with the applicable county.
 - (2) A copy of the recorded plat shall be provided to the Director within 30 days of the date of recording with the county.
- (g) **Effect of Validation of Unit of Land:** Development or improvement of a unit of land validated pursuant to this section must comply with all applicable requirements of the UDC in effect at the time a complete application for development or improvement of the unit of land is submitted.

HISTORY:

Marion County's current tax map shows the subject property below.

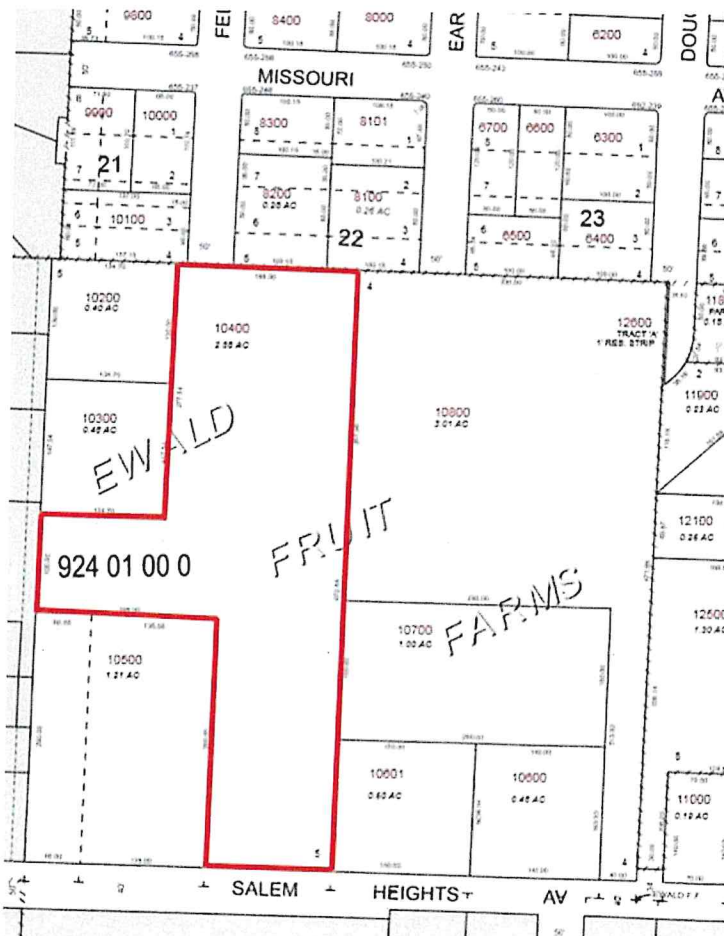
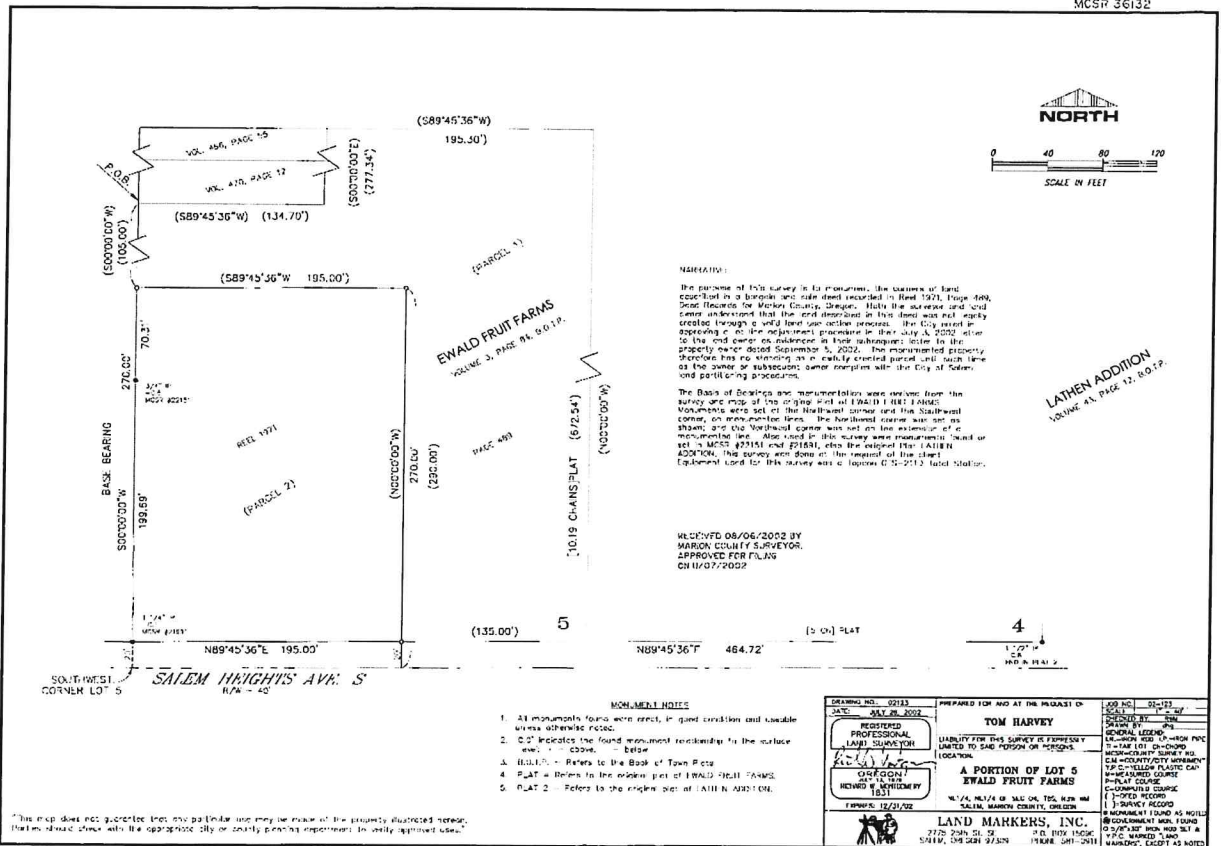


Figure 2 - Current Tax Map

The Record of Survey below shows the illegally created Parcel 1 (Tax Lot 14000) recorded on July 18, 2002. A copy of this survey, legal description, deed and preliminary title report are included in the appendix of this application.



MCSR 36132

Figure 3 – 2002 Record of Survey

Sec. 205.060. – VALIDATION OF A UNIT OF LAND – DISCUSSION OF APPROVAL CRITERIA

Criteria: The validation of a unit of land shall be approved if the following criteria are met:

(1) The unit of land is not a lawfully established unit of land.

Applicant’s Response: *The history describing the formation of these tax lots has been discussed previously in this application. This criterion is met.*

(2) The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007.

Applicant’s Response: *As indicated previously, Tax Lot 10400 was created illegally in 2002 by deed (reference Reel 1971, Page 489). A copy of the deed is included in this application. This criterion is met.*

(3) The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold.

Applicant's Response: *The existing zone at the time was "Residential Agricultural" in Marion County. A single-family residential dwelling was an allowed use at that time. The lot, at that time, complied with all applicable code requirements including height, setbacks, minimum lot area and width and there were no prohibited uses on the property. A copy of the Marion County Development Code in effect in 1985 is included in this application. This criterion is met.*

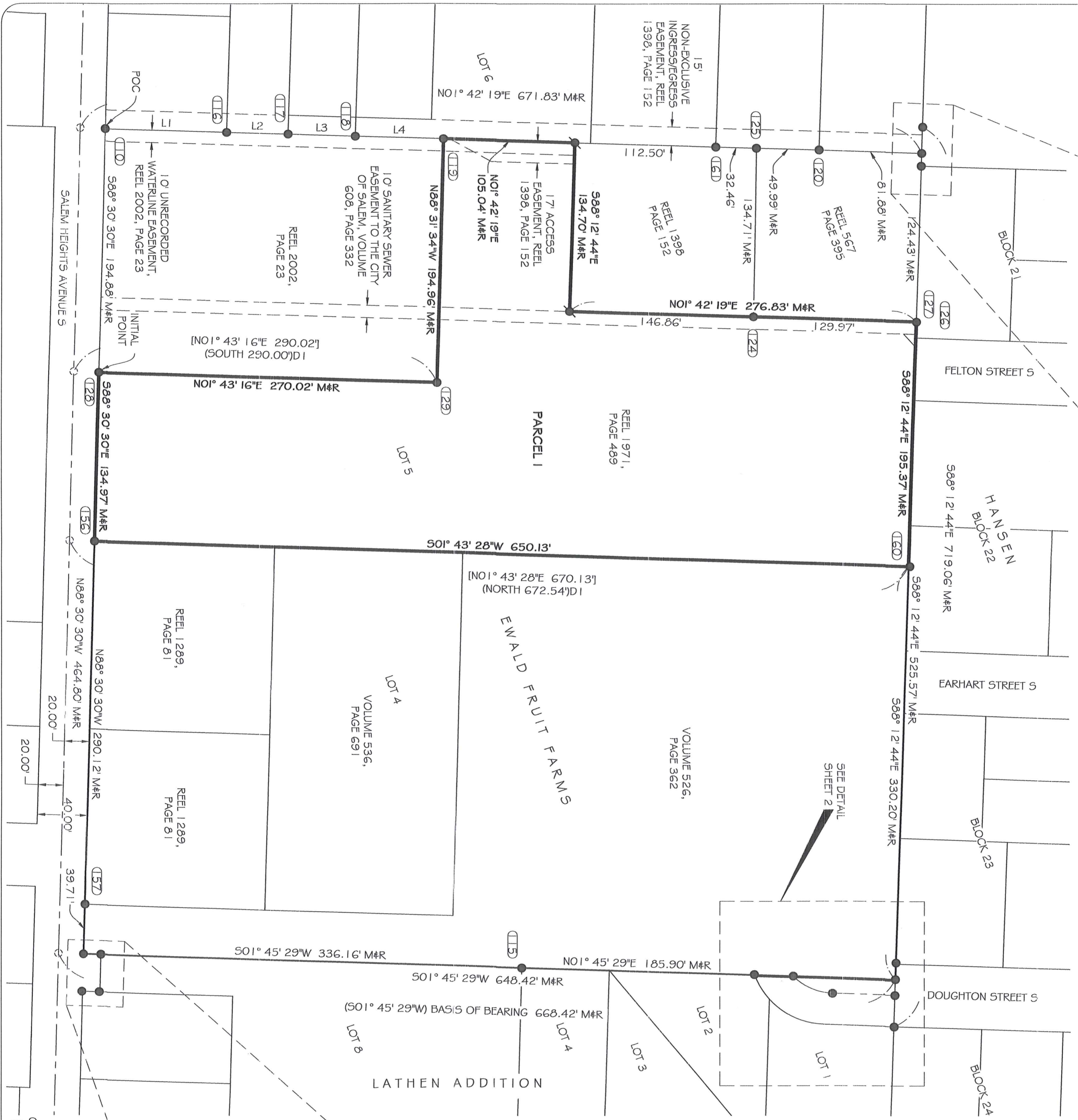
(4) The plat complies with SRC 205.035 and ORS 92.

Applicant's Response: *The final plat will meet the criteria outlined in both the city and state codes. This criterion will be met upon plat submittal and approval.*

PARTITION PLAT 2019-

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
TOWNSHIP 6 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
MAY 16, 2017

Sheet Number	Sheet Title
1	BOUNDARY, NARRATIVE AND LEGEND
2	MONUMENT TABLE & DOUGHTON STREET DETAIL
3	SIGNATURES AND APPROVALS



LEGEND:

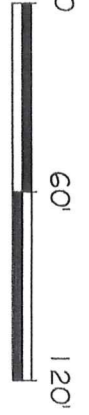
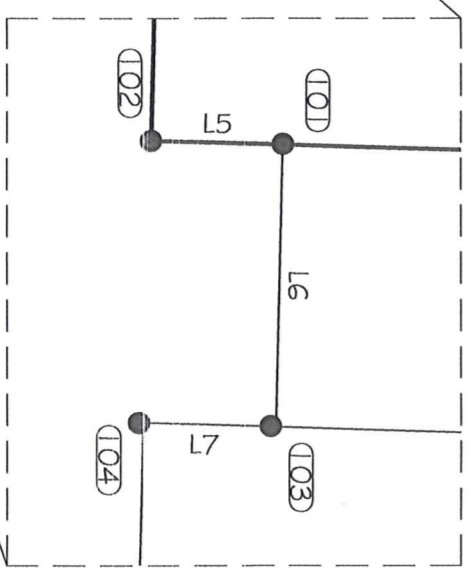
- DENOTES A FOUND MONUMENT AS NOTED IN MONUMENT TABLE
- DENOTES A FOUND MONUMENT, BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PD GROUP"
- DENOTES A CALCULATED POINT, NO CORNER FOUND OR SET
- M&R MEASURED AND RECORDED DATA PURSUANT TO MCSR 38736
- MCSR MARION COUNTY SURVEY RECORD
- DI MARION COUNTY DEED RECORD REEL 1971, PAGE 489
- [] CALCULATED DATA
- POC POINT OF COMMENCEMENT

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LAWFULLY ESTABLISH A LAND AREA CREATED IN 2002 BY MARION COUNTY DEED RECORD REEL 1971, PAGE 489, CONSISTING OF TAX LOT 083W044M10400.

THE BOUNDARY OF THE SUBJECT PROPERTY WAS RESOLVED PURSUANT TO MARION COUNTY SURVEY RECORD 38736. MONUMENTS WERE HELD AS SHOWN.

LINE #	LENGTH	DIRECTION
L1	96.92	N1° 42' 18.55"E
L2	49.02	N1° 42' 18.55"E
L3	53.74	N1° 42' 18.55"E
L4	70.27	N1° 42' 18.55"E
L5	13.98	S1° 45' 29.34"W
L6	29.92	N88° 30' 29.83"W
L7	13.98	N1° 45' 29.34"E



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
MAY 15, 2012
KEITH WHISENHUNT
62879

PROJECT DELIVERY GROUP
PROJECT DELIVERY GROUP, LLC
200 HAWTHORNE AVE
SALEM, OR 97301
503-364-4004
PROJECT NO. 151126

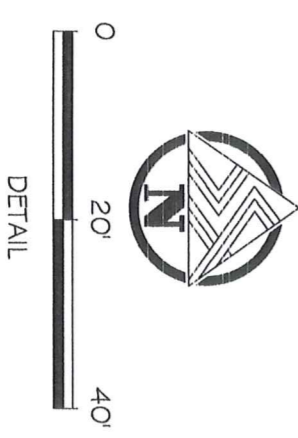
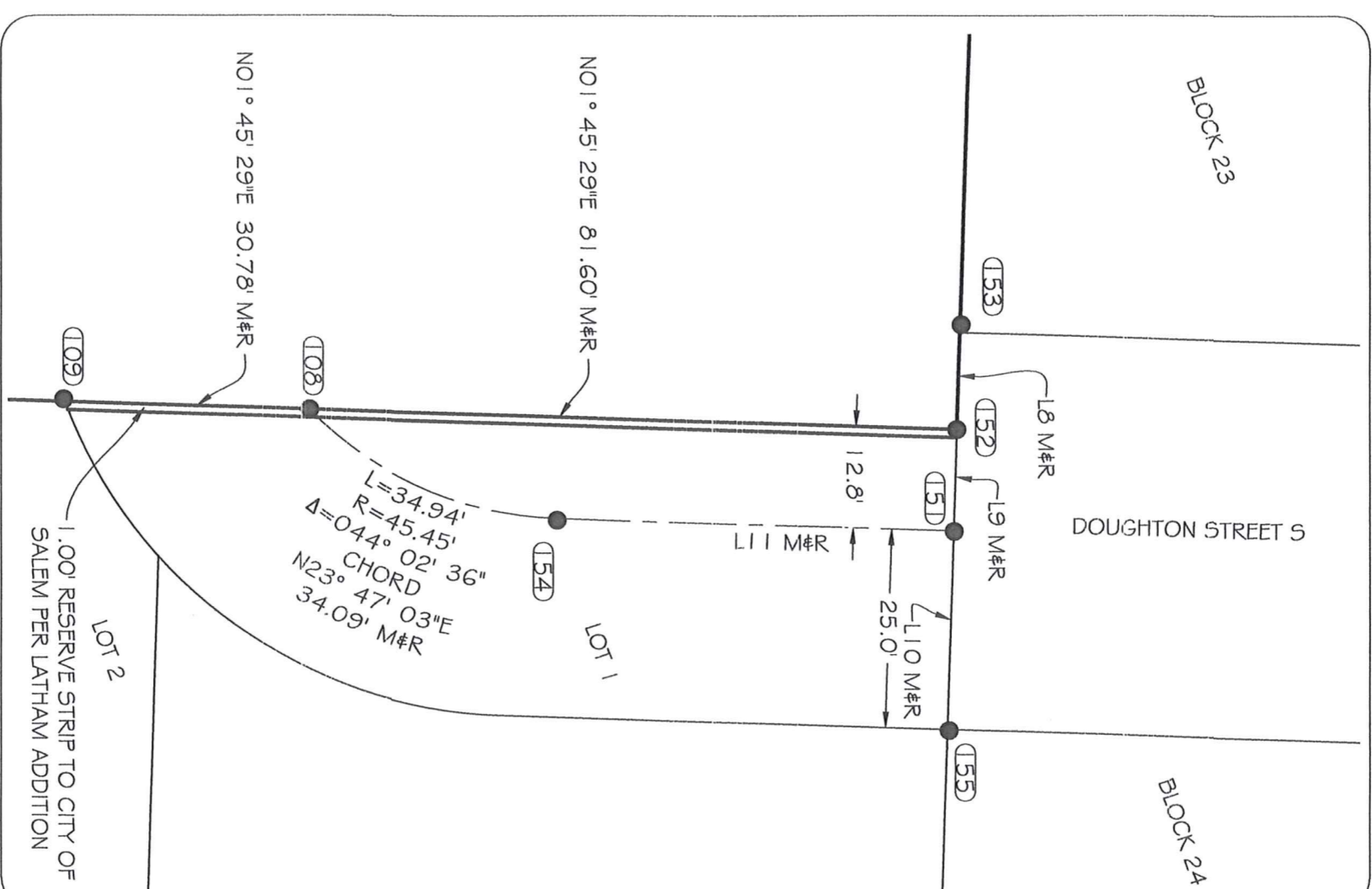
RENEWAL DATE: 6/15/20

PARTITION PLAT 2019-

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
MAY 16, 2017

FOUND MONUMENT TABLE		RECORD
NO.	DESCRIPTION	
101	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC", DOWN 0.8'	LATHEN ADDITION
102	1-1/2" IRON PIPE, 20' NORTH OF CL, DOWN 0.9'	MCSR 9658
103	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC"	LATHEN ADDITION
104	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC", S01°45'29"W, 0.51' FROM TRUE POSITION, DOWN 0.4'	MCSR 2057
108	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC", DOWN 1.3'	LATHEN ADDITION
109	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC", S69°56'34"W, 0.35' FROM TRUE POSITION	LATHEN ADDITION
110	1-1/4" IRON PIPE WITH PINCHED TOP, 20.00' NORTH OF CL	MCSR 9687
115	5/8" IRON ROD WITH UNREADABLE YELLOW PLASTIC CAP	LATHEN ADDITION
116	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ANDREWS RLS 1626", S88°12'44"E, 0.12' FROM TRUE POSITION	MCSR 37004
117	5/8" IRON ROD WITH DAMAGED YELLOW PLASTIC CAP MARKED "ANDREWS RLS 1626", DOWN 0.8'	MCSR 37004
118	3/4" IRON PIPE, DOWN 0.8'	MCSR 13587
119	5/8" IRON ROD IN DRIVEWAY MARKED "LAND MARKERS"	MCSR 36132
120	3/4" IRON PIPE, DOWN 0.4'	MCSR 22151
121	2" IRON PIPE	MCSR 13233
122	1/2" IRON PIPE	CANDALARIA HEIGHTS
123	IRON PIPE WITH CRIMPED TOP	MCSR 9687
124	1/2" IRON PIPE, DOWN 0.6'	NO RECORD
125	1/2" IRON PIPE, DOWN 0.6'	NO RECORD
126	1/2" IRON PIPE, DOWN 0.4', N64°49'52"E, 0.21' FROM TRUE POSITION	NO RECORD
127	3/4" IRON PIPE, DOWN 0.4', N47°32'15"E, 0.13' FROM TRUE POSITION	NO RECORD
128	5/8" IRON ROD MARKED "LAND MARKERS", 20.10' NORTH OF CL	MCSR 36132
129	5/8" IRON ROD MARKED "LAND MARKERS"	MCSR 36132
151	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC"	LATHEN ADDITION
152	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC", DOWN 0.7'	LATHEN ADDITION
153	1/2" IRON PIPE, N81°55'48"W, 1.00' FROM TRUE POSITION, DOWN 0.8'	MCSR 18297
154	5/8" IRON ROD, DOWN 0.8'	LATHEN ADDITION
155	5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ROBERTS SURV INC", N33°09'46"E, 0.22' FROM TRUE POSITION	LATHEN ADDITION
156	1-1/4" IRON PIPE, S01°29'30"W, 0.21' FROM TRUE POSITION	MCSR 9687
157	1-1/2" IRON PIPE, 20.14' NORTH OF CL, DOWN 0.4'	NO RECORD
160	1" IRON PIPE, DOWN 0.4'	MCSR 9687
161	1" IRON PIPE	MCSR 22151

LINE TABLE		
LINE #	LENGTH	DIRECTION
L8	12.21	N88° 12' 43.67"W
L9	12.84	N88° 12' 43.67"W
L10	24.94	N88° 12' 43.67"W
L11	50.00	S1° 45' 44.84"W



REGISTERED PROFESSIONAL LAND SURVEYOR
 Keith Whisenhunt
 OREGON
 MAY 15, 2012
 KEITH WHISENHUNT
 62679
 6/30/20

PROJECT DELIVERY GROUP, LLC
 200 HAWTHORNE AVE
 SALEM, OR 97301
 503-364-4004
 PROJECT NO. 15128
 SHEET 2 OF 3

PARTITION PLAT 2019-

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,
CITY OF SALEM, MARION COUNTY, OREGON
MAY 16, 2017

SURVEYORS CERTIFICATE:
I, KEITH WISENHUNT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND AS REFERENCED HEREON. THE BOUNDARY OF WHICH IS DESCRIBED AS:
A PORTION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 8 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON, BEING A PORTION OF THE LAND DESCRIBED IN MARION COUNTY DEED REEL 1971, PAGE 489 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SALEM HEIGHTS AVENUE, 20- FEET NORTH OF A CALCULATED POINT BEING THE SOUTHWEST CORNER OF LOT 5, EWALD FRUIT FARMS, MARION COUNTY BOOK OF TOWN PLATS VOLUME 407, PAGE 401. SAID POINT BEING A 1-1/4" IRON PIPE WITH A PINCHED TOP, LABELED AS MONUMENT 110.

THENCE, ALONG THE NORTH RIGHT-OF-WAY LINE OF SALEM HEIGHTS AVENUE, A BEARING OF SOUTH 89° 30' 30", EAST, A DISTANCE OF 194.88- FEET TO THE INITIAL POINT LABELED AS MONUMENT 128, BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "LAND MARKERS" SET IN MARION COUNTY SURVEY RECORD 36132.

THENCE, LEAVING SAID NORTH RIGHT-OF-WAY LINE OF SALEM HEIGHTS AVENUE AND COMMENCING ON A LINE COINCIDENT WITH THE EAST BOUNDARY OF THE LAND DESCRIBED IN MARION COUNTY DEED RECORD, REEL 2002, PAGE 23, A BEARING OF NORTH 01° 43' 1.6" EAST, A DISTANCE OF 270.02- FEET TO A POINT LABELED AS MONUMENT 129, BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "LAND MARKERS" SET IN MARION COUNTY SURVEY RECORD 36132.

THENCE, LEAVING SAID EAST BOUNDARY AND COMMENCING ON A LINE COINCIDENT WITH THE NORTH BOUNDARY OF THE LAND DESCRIBED IN SAID MARION COUNTY DEED RECORD, A BEARING OF NORTH 88° 31' 34" WEST, A DISTANCE OF 194.96- FEET TO A POINT LABELED AS MONUMENT 119, BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "LAND MARKERS" SET IN MARION COUNTY SURVEY RECORD 36132.

THENCE, LEAVING SAID NORTH BOUNDARY AND COMMENCING ON A LINE COINCIDENT WITH THE WEST BOUNDARY OF SAID EWALD FRUIT FARMS ON A BEARING OF NORTH 01° 42' 19" EAST, A DISTANCE OF 105.04- FEET TO A POINT BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PD GROUP" SET IN MARION COUNTY SURVEY RECORD 38736.

THENCE, LEAVING SAID WEST BOUNDARY AND COMMENCING ON A LINE COINCIDENT WITH THE SOUTH BOUNDARY OF THE LAND DESCRIBED IN MARION COUNTY DEED RECORD REEL 1396, PAGE 152, A BEARING OF SOUTH 89° 12' 44" EAST, A DISTANCE OF 134.70- FEET TO A POINT BEING A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "PD GROUP" SET IN MARION COUNTY SURVEY RECORD 38736.

THENCE, LEAVING SAID SOUTH BOUNDARY, AND COMMENCING ON A LINE COINCIDENT WITH THE EAST BOUNDARY OF MARION COUNTY DEED RECORD REEL 1396, PAGE 152, AND ALSO MARION COUNTY DEED RECORD REEL 567, PAGE 395, A BEARING OF NORTH 01° 42' 19" EAST, A DISTANCE OF 276.83- FEET TO A POINT ON THE SOUTH BOUNDARY OF BLOCK 21 OF HANSEN, MARION COUNTY BOOK OF TOWN PLATS VOLUME 6, PAGE 42, LABELED AS MONUMENT 127, BEING A 3/4" IRON PIPE.

THENCE, ALONG A LINE COINCIDENT WITH THE SOUTH BOUNDARY OF SAID HANSEN, A BEARING OF SOUTH 89° 12' 44" EAST, A DISTANCE OF 195.37- FEET TO A POINT LABELED AS MONUMENT 160, BEING A 1" IRON PIPE SET IN MARION COUNTY SURVEY RECORD 9687.

THENCE, LEAVING SAID NORTH BOUNDARY, AND COMMENCING ON A LINE COINCIDENT WITH THE EAST BOUNDARY OF LOT 5, EWALD FRUIT FARMS, A BEARING OF SOUTH 01° 43' 28" WEST A DISTANCE OF 650.13- FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SALEM HEIGHTS AVENUE, LABELED AS MONUMENT 156, BEING A 1-1/4" IRON PIPE, SET IN MARION COUNTY SURVEY RECORD 9687.

THENCE, LEAVING SAID EAST BOUNDARY AND COMMENCING ON A LINE COINCIDENT WITH SAID NORTH RIGHT-OF-WAY, A BEARING OF NORTH 89° 30' 30" WEST, A DISTANCE OF 134.97- FEET TO THE INITIAL POINT.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2.87 ACRES OF LAND, MORE OR LESS.

APPROVALS:

THE WITHIN PLAT IS HEREBY APPROVED AND DEDICATION ACCEPTED:

CITY PLANNING ADMINISTRATOR _____ DATE _____
ISSUE: SUBDIVISION NO. SUB _____

MARION COUNTY/CITY OF NAME SURVEYOR _____ DATE _____

MARION COUNTY BOARD OF COMMISSIONERS _____ DATE _____

MARION COUNTY TAX COLLECTOR _____ DATE _____

TAXES AND ASSESSMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID IN FULL TO _____

MARION COUNTY ASSESSOR _____

CONDITIONS OF APPROVAL FOR THIS PLAT ARE RECORDED IN MARION COUNTY DEED RECORDS, REEL _____, PAGE _____.

STATE OF OREGON)
)SS
COUNTY OF MARION)

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON

THIS _____ DAY OF _____, 2019, AT _____ O'CLOCK _____, AND RECORDED IN THE BOOK OF TOWN PLATS, VOLUME _____,

PAGE _____.

ALSO REFERENCED IN MARION COUNTY DEED RECORDS, REEL _____.

PAGE _____.

BILL BURGESS, MARION COUNTY CLERK

BY: _____
DEPUTY COUNTY CLERK

DECLARATION:

KNOW ALL MEN AND WOMEN BY THESE PRESENTS THAT THOMAS KAY COMPANY, BEING THE OWNER OF THE LAND AS DESCRIBED IN THE ABOVE SURVEYORS CERTIFICATE AND DESIRING OF THE SAID LAND TO BE DIVIDED INTO PARCELS, HAVE CAUSED THE LAND TO BE SURVEYED AND SUBDIVIDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92, OREGON REVISED STATUTES.

BY _____
THOMAS KAY

STATE OF OREGON)
)SS
COUNTY OF MARION)

ON THIS _____ DAY OF _____, 2019, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF OREGON, THE ABOVE NAMED CLIENT.

NOTARY PUBLIC, STATE OF OREGON

PRINTED NAME _____

COMMISSION NUMBER _____

MY COMMISSION EXPIRES _____

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 16, 2012
KEITH WISENHUNT
82879

RENEWAL DATE: 6/16/20



PROJECT DELIVERY GROUP, LLC
200 HAWTHORNE AVE
SALEM, OR 97301
503-364-4004
PROJECT NO. 151128