



Coos County Planning Department
60 E. Second St., Coquille OR 97423 (LOCATION)
225 N. ADAMS ST. COQUILLE OR 97423 (MAILING)
PHONE: 541-396-7770 EMAIL: PLANNING@CO.COOS.OR.US

LAWFULLY CREATED UNIT OF LAND DETERMINATION FORM

Date Received: 7/13/2023 Receipt #: 239983 Received by: C. Carr
Application File Number ~~ACW-23-0007X~~ Planner Assigned:

This application shall be filled out electronically. If you need assistance please contact staff
Please be aware if the fees are not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

Land Owner(s) Bandon Biota, LLC
Mailing address: 57744 Round Lake Road, Bandon Oregon 97411
Phone: 541-347-5870 Email:

Applicant(s) Bandon Dunes Golf Resort
Mailing address: 57744 Round lake Road, Bandon, Oregon 97411
Phone: 541-347-5870 Email:
Type of Ownership: Single Ownership - Signed Application

PROPERTY INFORMATION:


Township: Range: Section: 1/4 Section: 1/16 Section: Tax lot:
29S 15W 25 Select Select 1000 and 1200
Select Select Select Select Select

Tax Account Number(s): 1241601, 1241602

Any account information may be found on the Coos County Assessor's Webpage, by contacting staff or on

SUPPLEMENTAL QUESTIONS AND CRITERIA FOR A LAWFULLY CREATED (DISCRETE) UNIT OF LAND DETERMINATION.

I. The following questions are required to be answered:

1. How was the unit of land created? Section 6.1.125.1.e 
2. When was the unit of land created? 1980 and 1983
3. Provide the deed numbers were used to determine the unit(s) was lawfully created?
See Applicant's Exhibit "A"
4. How many lawfully created parcels are you requesting confirmation on?
4 (four)
5. How are these units of land accessed?
Hoffer Lane, a private easement

II. The following is required to be submitted as part of the application:

1. All deeds used to determine the Lawfully Created Units of Land (this need to be readable).
2. Map(s) of the Lawfully Created Units of Land with access point, roads and development.
3. Findings to the criteria listed in Section III of this application form.
4. All fees will be collected with the exception of any recording fees.

III. SECTION 6.1.125 LAWFULLY CREATED

"Lawfully established unit of land" means:

1. The unit of land was created:
 - a. Through an approved or pre-ordinance plat;
 - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;
 - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.
 - d. By a public dedicated road that was held in fee simple creating an intervening ownership prior to January 1, 1986;
 - e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
 - f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. "Navigable-for-title" or "title-navigable" means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.
2. Creation of parcel previously approved but not acted upon (92.178).
 - a. The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:
 - b. A plat implementing the previous land use decision was not recorded; or
 - c. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.
 - d. An application under this section is not subject to ORS 215.780.
 - e. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.

SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist a road may be required to provide access. The applicable road standards in Chapter VII will apply.

FINDINGS:

See Applicant's Exhibit "A"

EXHIBIT "A"

BANDON BIOTA, LLC LAWFULLY CREATED UNIT OF LAND DETERMINATION In Tax Lots 1000 and 1200 of Section 25, Township 29 South, Range 15 West W.M.

SUMMARY

A map has been submitted (Applicant's Exhibit "B") showing five units of land subject to this Lawfully Created Unit of Land Determination. An analysis showing the deed history of each parcel (orange, pink, yellow, green, and blue) is prepared below. While this analysis addressed five units of land for the purpose of clarity, the applicant owns four of the five parcels (orange, pink, yellow, and green) that are the focus of this determination.

The four units of land subject to this determination are currently owned by Bandon Biota, LLC (applicant) under Statutory Warranty Deed 2010-4708 (Deed of Record). In that conveyance deed, all four of the parcels are described as independent units of land. Because the current deed of record was created in 2010, it does not have the effect of creating lawful units of land ("Discrete Parcels"). Therefore, deed information has been submitted below that documents the creation of the parcels prior to January 1, 1986, the Coos County sunset date for the creation of parcels by deed.

HISTORY

In 1969, Ronald and Ruth Riley conveyed to Frances Cavoretto, the five parcels shown on Exhibit "B" (orange, pink, yellow, green, and blue), as one unit of land. The conveyance deed was not recorded until 1980 as 80-3-263, Deed Records of Coos County.

Green and Yellow

In 1980 (80-3-266), Frances Cavoretto conveyed to Lowell Meyer as the NW1/4 of the SW1/4 as Parcel III (Green). Cavoretto also conveyed to Meyer a one-half interest in the South 60 feet of the N1/2 of Section 25 (Yellow). The 1980 deed lawfully created two discrete parcels of land.

Orange and Pink

In 1983 (83-1-7047), Frances Cavoretto conveyed to Dave Brooks and James Hill the S1/2 of the NW1/4 (pink), and the South 330 feet of the NE1/4 of the NW1/4 (orange). Coos County interprets that a legal description that has a beginning and an end (period) creates a legal parcel, therefore, both the pink parcel and the orange parcel described under Parcel 1, are lawful units of land. This deed also conveyed a one-half interest in the area in yellow, however, that parcel had already been lawfully created in the 1980 deed cited above. The 1983 deed lawfully created two discrete parcels of land.

Blue

The area in Blue is a remainder of the two conveyances cited above, and as such, is a lawful unit of land that is not owned by the applicant.

Conclusion

This analysis addressed five units of land for the purpose of clarity, however, the applicant's intent is to determine the legal status of the four parcels (orange, pink, yellow, and green) conveyed to Bandon Biota, LLC in Statutory Warranty Deed 2010-4708 (Current Deed of Record). Deed information has been submitted documenting the lawful creation of the four parcels prior to January 1, 1986, the Coos County sunset date for the creation of legal parcels by deed.

SECTION 25 T29S R15W W.M.
COOS COUNTY

29S 15W 25

CANCELLED NO.

- 600
- 1302
- 502
- 1100U1
- 1100U2
- 1100
- 1001
- 503
- 200

APPLICANTS EXHIBIT B

1" = 400'

SEE MAP 29S 15W 24



SEE MAP
29 15 25D

APPLICANTS EXHIBIT B

DATE

29S 15W 25

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



After recording return to:
Bandon Biota, LLC
2450 Lakeview Ave.
Chicago, IL 60614

Until a change is requested all tax statements
shall be sent to the following address:
Bandon Biota, LLC
2450 Lakeview Ave.
Chicago, IL 60614

File No.: 7132-1531282 (VRR)
Date: February 08, 2010

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED BY
FIRST AMERICAN TITLE

STATUTORY WARRANTY DEED

Ronald Dale Puhl and Mary Anne Puhl, trustees of the Ronald & Mary Anne Puhl Trust under agreement, dated December 1, 1995, Grantor, conveys and warrants to Bandon Biota, LLC, a Delaware limited liability company, 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:

1. 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.

The true consideration for this conveyance is **\$1,300,000.00**. (Here comply with requirements of ORS 93.030)



APN: 12416.01

Statutory Warranty Deed
- continued

File No.: 7132-1531282 (VRR)
Date: 02/08/2010

EXHIBIT A

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

PARCEL I:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

EXCEPTING THEREFROM THE SOUTH 60 FEET OF THE ABOVE DESCRIBED PARCEL.

ALSO: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON; THENCE WEST 1320 FEET; THENCE NORTH 330 FEET; THENCE EAST 1320 FEET; THENCE SOUTH 330 FEET TO THE POINT OF BEGINNING.

ALSO: THE SOUTH 60 FEET OF THE NORTH HALF OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, BY INSTRUMENT RECORDED APRIL 30, 1984 AS MICROFILM NO. 84-3-4121, RECORDS OF COOS COUNTY, OREGON.

PARCEL II:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

80 3 263

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we RONALD L. RILEY, also known as R. L. Riley, and RUTH R. RILEY, also known as Ruth Riley, husband and wife, for true and actual consideration in the sum of ONE HUNDRED FIVE THOUSAND & no/100 (\$105,000.00) DOLLARS, to us paid by FRANCES D. CAVORETTO, a single woman, do hereby grant, bargain, sell and convey unto the said Grantee all of the following described real property, to-wit:

The W 1/2 of NE 1/4, the S 1/2 of NW 1/4 and the NW 1/4 of SW 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, also beginning at the Southeast corner of the NE 1/4 of NW 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence 1320 feet West; thence 330 feet North; thence 1320 feet East; thence 330 feet South to the point of beginning.

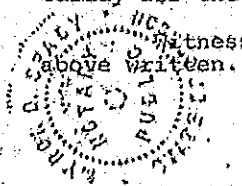
We, the Grantors, covenant to and with the Grantee that we are lawfully seized in fee simple of the above granted premises, free from all encumbrances except R. E. A. easement and such portions of the above described property as may have been heretofore conveyed from Grantors to the Grantee; that we shall and our heirs, executors and administrators shall warrant and forever defend the same against the lawful claims and demands of all persons whomsoever.

Witness our hands this 22nd day of ^{April} March, 1969.

Ronald L. Riley
Ruth R. Riley

STATE OF OREGON)
County of Coos) ss

On the ^{April} 22nd day of March, 1969, there appeared before me the aforementioned Ruth R. Riley, who personally acknowledged to me that she executed the foregoing instrument freely and voluntarily for the uses and purposes therein set forth.



In witness my hand and official seal the day and year last above written.

Myron J. [Signature]
Notary Public for Oregon

My Commission expires: May 29, 1971

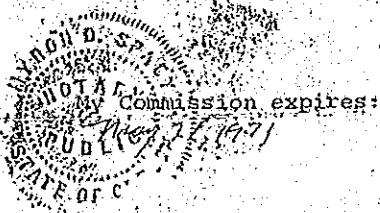
80 3 264

STATE OF)
) ss
County of)

On the 22nd day of March, 1969, there appeared before me the aforementioned Ronald L. Riley, who personally acknowledged to me that he executed the foregoing instrument freely and voluntarily for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Therese M. Gready
Notary Public for



WILLAMETTE VALLEY TITLE
294 Central
Coos Bay, Oregon 97420

605-80 3...
JUN 27 2 37 PM '80 483

State of Oregon)
County of Coos)

I hereby certify that the within instrument was filed for record in the Coos County Deed Records.

WITNESS my hand and seal of County affixed:

MARY ANN WILSON
Coos County Clerk

By *D. Buchanan*, deputy

Return to

W.V.T.

Fees 7.00

KNOW ALL MEN BY THESE PRESENTS, That FRANCES D. CAVORETTO, Grantor, in consideration of TWENTY FOUR THOUSAND ONE HUNDRED TWENTY FIVE AND NO/100 Dollars, to her, paid by the Grantee, herein, do.e.s. hereby grant, bargain, sell and convey unto

LOWELL E. MEYER

Grantee, the following described real property, situate in the County of Coos and State of Oregon, to-wit:

Parcel II:

The Northwest quarter of the Southwest quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

And an UNDIVIDED ONE-HALF INTEREST IN THE FOLLOWING PROPERTY:

Parcel III:

The South 60 feet of the North one-half of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

To Have and to Hold the granted premises unto the said Grantee, His Heirs and Assigns forever, And the Grantor do.e.s. covenant that she is lawfully seized in fee simple of the above granted premises free from all encumbrances, except special assessment as Forestland, reservation of timber rights as set forth in deed recorded 10/3/72 as Microfilm No. 72-10-77059 (Parcel 3); reservation of easement set forth in deed recorded 10/3/72 as Microfilm No. 72-10-77059 (Parcel 3); an easement set forth in instrument recorded 9/2/77 as Microfilm No. 77-9-14535 for roadway and utility easement (Parcel 3); easement created by instrument recorded 4/27/77 as Microfilm No. 77-4-06348 for roadway (Parcel 3); easement created by instrument recorded 2/8/78 as Microfilm No. 78-3-00039 for roadway (Parcel 3), all records of Coos County, Oregon, and that she, her heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness my hand and seal this 24 day of June, 1980.

WILLAMETTE VALLEY TITLE
294 Central
Coos Bay, Oregon 97420

(SEAL)
(SEAL)
(SEAL)

STATE OF OREGON
County of Coos ss.

STATE OF OREGON
County of ss.

On this 24 day of June, 1980, personally appeared the above named

I certify that the within instrument was received for record on o'clock, and was recorded in Book Page Record of Deeds of said county.

Frances D. Cavoretto

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Recorder of Conveyances
By Deputy

Notary Public for Oregon
My Commission Expires 2-6-81
WARRANTY DEED
Willamette Valley Title Co.

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Lowell E. Meyer
P. O. Box 582

Randon, OR. 97411

Return to: RECORDED JUN 27 1980 AT 3:27 PM
MARY ANN WILSON, COUNTY CLERK

83 1 7047

KNOW ALL MEN BY THESE PRESENTS, That FRANCES D. CAVORETTO, Grantor, in consideration of Seventy Thousand Eight hundred Seventy Five and no/100ths Dollars, to her paid by the Grantee herein, do hereby grant, bargain, sell and convey unto DAVE H. BROOKS and JAMES J. HILL, as tenants in common.

Grantee. the following described real property, situate in the County of COOS and State of Oregon, to-wit:

PARCEL I:

The South 1/2 of the Northwest quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, EXCEPTING THEREFROM the South 60 feet of the above parcel.

ALSO: Beginning at the Southeast corner of the Northeast quarter of the Northwest quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence 1320 feet West; thence 330 feet North; thence 1320 feet East; thence 330 feet South to the point of beginning.

and an UNDIVIDED ONE-HALF INTEREST IN THE FOLLOWING PROPERTY:

PARCEL III:

The South 60 feet of the North one-half of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

THIS IS A CORRECTION DEED THAT IS BEING RECORDED TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION OF THAT CERTAIN WARRANTY DEED RECORDED 6-27-80 as MF# 80-3-26, RECORDS OF COOS COUNTY, OREGON.

To Have and to Hold the granted premises unto the said Grantee, Heirs and Assigns forever. And the Grantor do covenant that she is lawfully seized in fee simple of the above granted premises free from all encumbrances.

EXCEPT THOSE OF RECORD

and that she will and her heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness my hand and seal this 17th day of February, 1983.



Handwritten signature of Frances D. Cavoretto with a circular seal impression.

STATE OF OREGON, County of Coos ss.

On this 17th day of February, 1983 personally appeared the above named

Frances D. Cavoretto

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me, Fred J. Smith, Notary Public for Oregon

My Commission Expires 2/19/83

WARRANTY DEED

Furnished as a courtesy by WILLAMETTE VALLEY TITLE CO.

Vertical stamp: State of Oregon, Coos County, 83-1-7047. Notary Public seal. Text: I hereby certify that the within instrument was filed for record in the Coos County Deed Records. WITNESS my hand and seal of Coos County affixed: MARY ANN WILSON, Coos County Clerk. Return to: [Signature]

UNTIL A CHARGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Return to: WILLAMETTE VALLEY TITLE, 221 Central, Coos Bay, Oregon 97422-2273