



**Coos County
Planning Department
Lawfully Established Parcel
Determination Application**

Official Use Only

Fee \$1600.00
Receipt No. 209854
Check No./Cash 3987
Date 4/17/19
Received By A. Dabbe
File No. D-19-001

The following application must be completed in full. An application **will not** be processed for a land use request without this information. The County will use these answers in its analysis of the merits of the application. Please submit readable deeds. A signed consent form will be required if the applicant and owner are not the same.

A. PLEASE PRINT OR TYPE (please attach additional sheets, if necessary):

Owner(s): Chase & Adrienne Hitner Telephone: 541-572-1997
Address: PO BOX 551, 17867 Hwy. 42
City: Myrtle Point Zip Code: 97458
Email: CKhitner@hotmail.com

Applicant(s): Chase & Adrienne Hitner Telephone: 541-572-1997
Address: PO BOX 551
City: Myrtle Point Zip Code: 97458
Email: CKhitner@hotmail.com

B. PROPERTY INFORMATION:

Township: 29 S Section: 29
Range: 11 W Tax Lot: 402, 406
Tax Account: 1099901 Zoning District: Excl. Farmuse

C. SUBMISSION REQUIREMENTS:

- Completed application form with appropriate fee
- A copy of the current deed of record
- A copy of each deed being used as evidence to support the application
- A detailed map indicating the relation of the existing property boundary to the discrete parcel boundaries

D. AUTHORIZATION: All areas must be initialed by all owners/applicant prior to the Planning Department accepting any application.



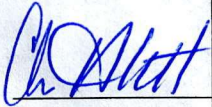
I hereby attest that I am authorized to make the application for an administrative review and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.



ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing.

(1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

The Coos County Board of Commissioners has adopted a schedule of fees which reflects the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are responsible to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may chose to revoke this permit or send this debt to a collection agency at your expense.



I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bear the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.



As applicant(s) I/we acknowledge that it is in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.



As the applicant(s) I/we acknowledge, pursuant to CCZLDO Section 6.1.150, a deed describing any recognized lawfully created parcels must be recorded with the County Clerk within one year from the date of final approval from the Planning Department.

E. SIGNATURES:

[Signature]
Applicant(s) Original Signature

4/15/2019
Date

[Signature]
Applicant(s) Original Signature

4/17/19.
Date

Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

| | | |
|--------|-----------|-----------------------------------|
| CCZLDO | § 6.1.125 | LAWFULLY CREATED LOTS OR PARCELS: |
|--------|-----------|-----------------------------------|

SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

1. The unit of land was created by an approved and recorded partition or subdivision;
2. A unit of land determined to be a legal lot or parcel through a prior county approval of a land use decision;
3. The unit of land is recognized as a legal lot as the result of court decisions or LUBA final opinion; or
4. The unit of land was created by deed instrument or land sales contract recorded prior to December 6, 1962, which was the date of the first official Coos County Subdivision Ordinance. After 1962 there was a legal process adopted by Coos County for land divisions.
5. The unit of land that was created by a lien foreclosure, foreclosure of a recorded contract of the sale of real property or the creation of cemetery lots;
6. The unit of land was created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, tidewaters;
7. The unit of land was created as a result of a dedication of a public road (held in fee simple) prior to 1990 may divide property in the following cases:
 - a. Between December 6, 1962 and January 1, 1989 (date the ordinance stopped acknowledging roads divide property) there were land division provisions adopted by Coos County. Staff will apply the provisions that were in place at that time the property was deeded to determine if the dedicated public road (held in fee simple) allowed for the road to divide the property; or
 - b. If a public dedicated road was held in fee simple prior to December 6, 1962 and the property was bisected by a public dedicated road held in fee simple then the properties were lawfully divided and will be recognized as lawfully created parcels; or
8. The unit of land was created by a legal description in deeds or other instruments conveying real property prior to 1986. A deed may describe property as separate parcels but must have a beginning and ending point for each description within that deed.

| | | |
|--------|-----------|--|
| CCZLDO | § 6.1.150 | APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS |
|--------|-----------|--|

SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:

If a parcel or lot cannot be shown to exist pursuant to LDO Section 6.1.125 Subsections 1 through 5 above then an application and notice is required. In the case of Subsections 4 through 8 an applicant shall submit evidence to show that the parcel(s) or lot(s) were lawfully created. A map showing the lawfully created parcel(s) or lot(s) shall be submitted with the application.

Staff will review the application based on the criteria in LDO Section 6.1.125; however, the applicant may provide case law to review if there is another applicable circumstance not provided in Section 6.1.125. If County Counsel is required to review information to determine legal status of a parcel or lot 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 lot or parcel exists it shall be separated out on its own deed prior to any reconfiguration such as property line adjustment. A copy of that deed needs to be provided to the Planning Department to show the process has been completed. If there are more than two discrete parcels found in rural area then a road may be required to provide access. The applicable road standards in Chapter VII will apply.

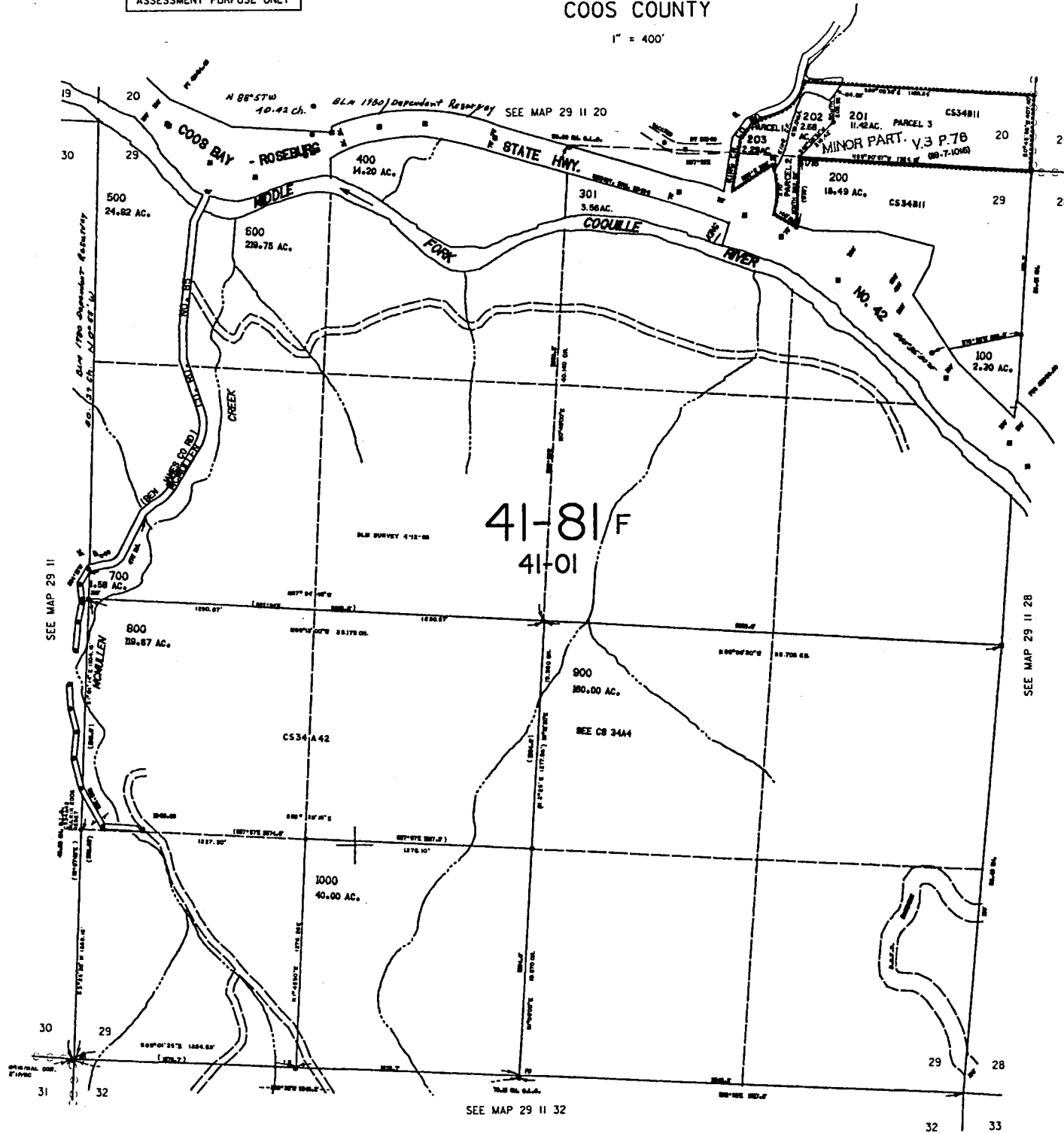
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 29 T.29S. R.11W. W.M.
COOS COUNTY

29 11 29

CANCELLED
300

1" = 400'



SEE MAP 29 11 32

DATE

29 11 29

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 20 T29S R11W W.M.
COOS COUNTY

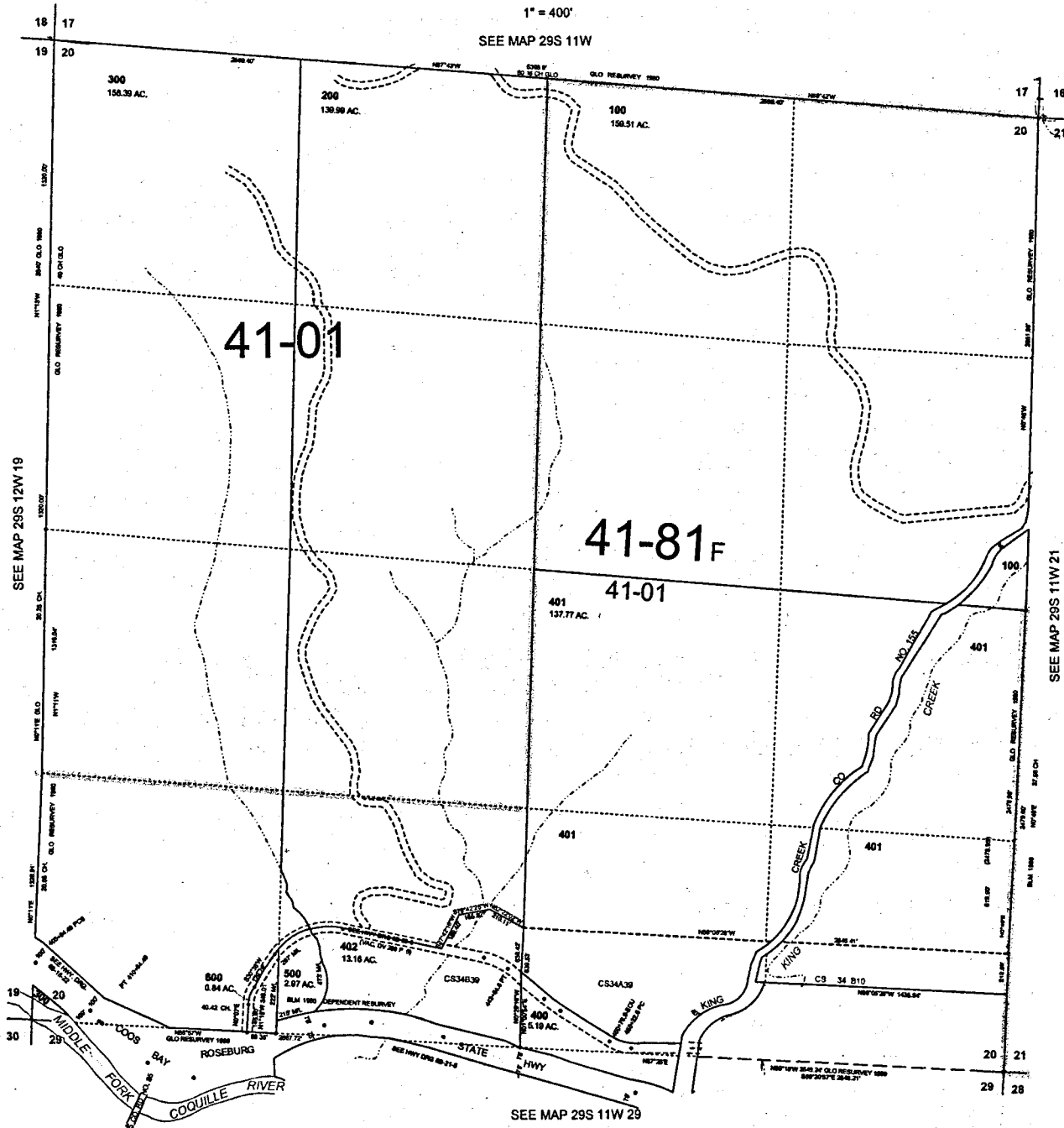
29S 11W 20

CANCELLED NO.

403
201
404

1" = 400'

SEE MAP 29S 11W



8-26-2014

29S 11W 20

BOUNDARY LINE ADJUSTMENT

SECTION 20 TOWNSHIP 29 SOUTH RANGE 11 WEST W. M. COOS COUNTY, OREGON
 SURVEYED FOR: LONE ROCK TIMBERLAND COMPANY
 SURVEYED BY: LONE ROCK TIMBER MANAGEMENT CO.
 P. O. BOX 1127 ROSEBURG, OREGON 97470
 SEPTEMBER 2013

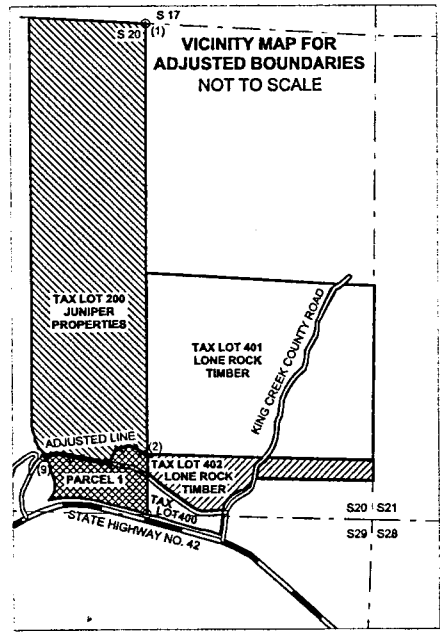
CORNER INFORMATION

- THE QUARTER CORNER BETWEEN SECTIONS 17 AND 20 FOUND 1976 BLM CAP 0.5 FEET ABOVE GROUND
 - 18" DOUGLAS FIR BEARS N35 1/4° W 33.5 FEET (RECORD N45° W 33.58 FEET) HEALED FACE AND TAG
 - 30" DOUGLAS FIR BEARS S0 1/4° W 10.85 FEET (RECORD S2 1/2° E 7.92 FEET) HEALED FACE AND TAG
 CORNER LIES ON TOP OF SOUTHERLY CUT BANK OF DIRT ROAD, APPROX. 5 YEAR OLD PLANTATION TO SOUTHEAST.
- SET 5/8" X 40" IRON ROD WITH YELLOW PLASTIC CAP MARKED LONE ROCK TIMBER PLS 2291
 - 17" DOUGLAS FIR BEARS S71° W 19.9 FEET WE SCRIBE BT AND TAG
 CORNER LIES ON SOUTHWEST SLOPE AND AT SOUTHWEST CORNER OF APPROX. 5 YEAR OLD PLANTATION. PUT METAL FENCE POST APPROX. 0.5 FEET NORTH OF CORNER. OLD DOWN FENCE LINE APPROX. 2.5 FEET NORTH OF CORNER.
- FOUND 5/8" IRON ROD PER MAP 34 A 39
 SOUTHERLY GATE POST BEARS S 0 3/4° W 28.3 FEET
 CORNER LIES ON NORTHERLY CUT BANK OF OLD HWY.
- THE QUARTER CORNER BETWEEN SECTIONS 20 AND 29 FOUND 1976 BLM CAP 0.5 FEET BELOW GROUND LEVEL
 - 1976 BLM WITNESS CAP BEARS N 43° 13' 19" W 14.56 FEET (RECORD N 43° 30' W 14.53 FEET) WITNESS CORNER LIES IN NORTHERLY RIGHT OF WAY FENCE LINE FOR HWY. 42
 CORNER LIES APPROX. 6 FEET SOUTH OF HWY 42
 NORTHERLY FENCE LINE. WHITE CARSONITE ODOT SURVEY MARKER BEARS APPROX. 2 FEET NORTH OF CORNER.
- SET 5/8" X 40" IRON ROD WITH YELLOW PLASTIC CAP MARKED LONE ROCK TIMBER PLS 2291
 - NORTHWEST CORNER OF LOW WELL BUILDING BEARS S18° W 18.5 FEET.
 PUT METAL FENCE POST APPROX. 0.5 FEET NORTH OF CORNER
- SET 5/8" X 40" IRON ROD WITH YELLOW PLASTIC CAP MARKED LONE ROCK TIMBER PLS 2291
 - 10" DOUGLAS FIR BEARS N73 3/4° W 15.5 FEET
 WE SCRIBE BT AND TAG TREE
 CORNER LIES ON SOUTH EDGE OF OLD SKID ROAD.
 PUT METAL FENCE POST APPROX. 0.5 FEET NORTH OF CORNER
- SET 5/8" X 40" IRON ROD WITH YELLOW PLASTIC CAP MARKED LONE ROCK TIMBER PLS 2291
 - NORTHWEST CORNER OF HOUSE BEARS S60 3/4° E 185.6 FEET
 CORNER LIES IN MIDDLE OF OLD HWY ROAD GRADE AT LEVEL OF BLACKTOP
- SET 5/8" X 40" IRON ROD WITH YELLOW PLASTIC CAP MARKED LONE ROCK TIMBER PLS 2291
 - NORTHERLY GATE POST BEARS N88 3/4° W 144.2 FEET
 - SOUTHERLY GATE POST BEARS S80° W 137.3 FEET
 CORNER LIES IN MIDDLE OF OLD HWY ROAD GRADE AT LEVEL OF BLACKTOP
- SET 5/8" X 40" IRON ROD WITH YELLOW PLASTIC CAP MARKED LONE ROCK TIMBER PLS 2291
 - NORTHERLY GATE POST BEARS N37 3/4° E 32.9 FEET
 - SOUTHERLY GATE POST BEARS S79 1/2° E 29.1 FEET
 CORNER LIES IN MIDDLE OF OLD HWY ROAD GRADE AT LEVEL OF BLACKTOP. WE SET ROD OVER CENTER OF CONCRETE CULVERT THROUGH WHICH FLOWS AN UNNAMED STREAM WHICH IS THE WEST BOUNDARY OF THE ADJUSTED UNIT.

BASIS OF BEARING
 FROM HOLT'S MAP 34-A-39
 WHICH IS BASED ON A
 BLM SOLAR OBSERVATION

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JULY 16, 1987
 KEN W. HOFFINE
 LICENSE # 2291
 EXPIRES: JULY 30, 2015



NARRATIVE

THIS SURVEY WAS CONDUCTED TO CREATE A BOUNDARY LINE DESCRIPTION THAT EXTENDS THE WEST BOUNDARY LINE OF DISCRETE PARCEL/TAX LOT 402 OWNED BY LONE ROCK TIMBER WESTERLY ACROSS A SOUTHERN PORTION OF TAX LOT 200 (PARCEL 1) OWNED BY JUNIPER PROPERTIES. WE RAN RANDOM CLOSED LOOP TRAVERSES FROM THE SOUTH 1/4 OF SECTION 20 TO THE NORTH 1/4 OF SECTION 20 TO SET A PROPERTY CORNER ON THE NORTH-SOUTH CENTERLINE OF SECTION 20. WE ALSO SURVEYED AND SET PROPERTY CORNERS ON THE NORTH BOUNDARY OF THE WEST EXTENSION OF TAX LOT 402 ACROSS TAX LOT 200. WE RECOVERED THE WEST PROPERTY CORNER (3) BETWEEN EXISTING TAX LOTS 200 AND 402 ESTABLISHED BY HOLT IN MAP 34-A-39 IN A FENCE LINE. PROPERTY CORNERS (7), (8) AND (9) WERE SET IN THE CENTERLINE OF OLD HIGHWAY NO. 42 TO ESTABLISH THE BOUNDARY LINE ALONG THE CENTERLINE OF THE OLD HIGHWAY. THIS WAS DONE TO ENSURE ACCESS ALONG THE OLD HIGHWAY FOR BOTH TAXLOT 200 AND 402 UPON COMPLETION OF THIS ADJUSTMENT. PROPERTY CORNER (9) WAS SET IN THE CENTERLINE OF THE EXISTING ROADWAY OVER THE CENTER OF AN EXISTING CULVERT THROUGH WHICH FLOWS A SMALL UNNAMED STREAM WHICH IS A PORTION OF THE WEST BOUNDARY OF TAXLOT 200 AS PER DEED #47245 VOLUME 301 PAGE 203 OF THE DEED RECORDS OF COOS COUNTY. WE SURVEYED THESE PARCELS USING RANDOM CLOSED LOOP TRAVERSES WITH A NIKON DTM 522 TOTAL STATION WITH GARY ANGIOLET, IGNACIO ROMAN, TOM LORD AND DAN SAILY ASSISTING ME.

COOS COUNTY SURVEYOR

DATE RECEIVED Sept. 17, 2013

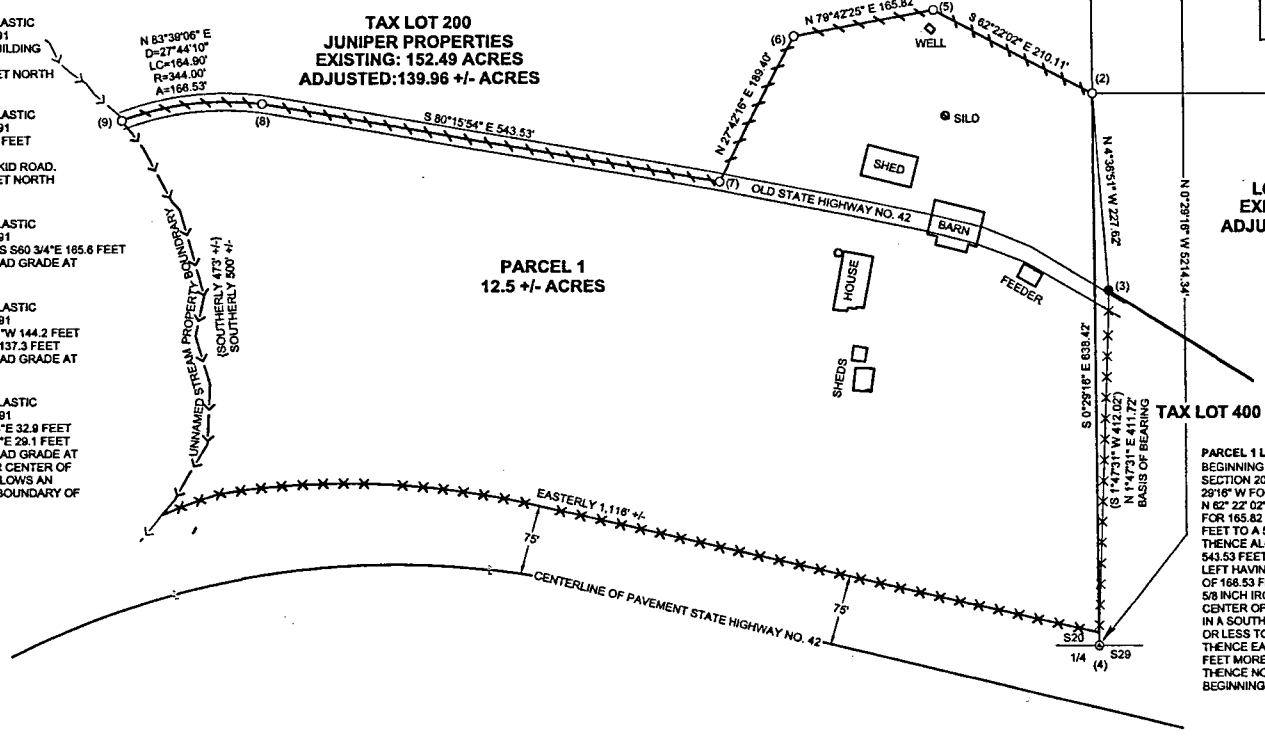
DATE ACCEPTED / FILED 9/17/13

Michael Z. Dabo

COOS COUNTY SURVEYOR

LEGEND

- SET 5/8" X 40" IRON ROD WITH YELLOW PLASTIC CAP MARKED LONE ROCK TIMBER PLS 2291
- ⊙ FOUND BLM BRASS CAP
- FOUND 5/8" IRON ROD AS PER MAP 34 A 39
- PROJECTED LINE
- PROPERTY BOUNDARY LINE
- → → APPROXIMATE LOCATION OF UNNAMED STREAM
- STATE HIGHWAY NO. 42 RIGHT-OF-WAY BOUNDARY FENCE LINE
- OCCUPATION FENCE LINE
- EXISTING ROADS
- ADJUSTED LINE
- APPROXIMATE CENTERLINE OF PAVEMENT STATE HIGHWAY NO. 42
- ▨ TAX LOT 200
- ▩ TAX LOT 402
- ▧ PARCEL 1 PORTION OF TAX LOT 200 TO BE ADJUSTED
- () HOLT'S 1983 SURVEY 34-A-39 FILED IN THE COOS COUNTY SURVEYOR'S OFFICE
- { } DEED 47245 VOLUME 301 PAGE 203 RECORDED IN THE COOS COUNTY CLERK'S OFFICE



PARCEL 1 LEGAL DESCRIPTION TO BE ADJUSTED TO TAX LOT 402 BEGINNING AT A 5/8 INCH IRON ROD ON THE NORTH-SOUTH CENTERLINE OF SECTION 20, TOWNSHIP 29 SOUTH, RANGE 11 WEST, W.M., WHICH BEARS N 0° 29'16" W FOR 638.42 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 20, THENCE N 62° 22' 02" W FOR 210.11 FEET TO A 5/8 INCH IRON ROD; THENCE S 79° 42' 25" W FOR 165.82 FEET TO A 5/8 INCH IRON ROD; THENCE S 27° 42' 18" W FOR 189.40 FEET TO A 5/8 INCH IRON ROD SET IN THE CENTERLINE OF OLD HIGHWAY 42; THENCE ALONG THE CENTERLINE OF SAID OLD HIGHWAY 42 N 80° 15' 54" W FOR 543.53 FEET TO A 5/8 INCH IRON ROD AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 344.00 FEET, ALONG SAID CURVE FOR AN ARC LENGTH OF 168.53 FEET, SAID CURVE HAVING A CHORD BEARING OF S 83° 39' 08" W TO A 5/8 INCH IRON ROD SET IN THE CENTERLINE OF SAID OLD HIGHWAY 42 OVER THE CENTER OF A CULVERT THROUGH WHICH FLOWS AN UNNAMED STREAM; THENCE IN A SOUTHERLY DIRECTION ALONG SAID UNNAMED STREAM FOR 473 FEET MORE OR LESS TO THE NORTH BOUNDARY OF THE CURRENT STATE HIGHWAY 42, THENCE EASTERLY ALONG THE NORTH BOUNDARY OF HIGHWAY 42 FOR 1,116 FEET MORE OR LESS TO THE NORTH-SOUTH CENTERLINE OF SECTION 20, THENCE NORTH ALONG SAID CENTERLINE OF SECTION 20 TO THE POINT OF BEGINNING, ALL LOCATED IN COOS COUNTY, OREGON.

34639



After recording return to:
Chase W. Hitner & Adrienne K. Hitner
PO Box 551
Myrtle Point, OR 97458

Until a change is requested all tax statements shall be sent to the following address:
Chase W. Hitner & Adrienne K. Hitner
PO Box 551
Myrtle Point, OR 97458

Escrow No. RB0710355
Title No. 360614010683
SWD r.020212

AFTER RECORDING
RETURN TO
Ticor Title Insurance
300 West Anderson Ave - Box 1075
Coos Bay, OR 97420-0233
10683

COOS COUNTY, OREGON **2014-04990**
\$56.00 **06/26/2014 02:04:04 PM**
Pgs=3



00009538201400049900030038
Terri L. Turi, Coos County Clerk

STATUTORY WARRANTY DEED

Juniper Properties LLC, an Oregon Limited Liability Company, as to Parcel 1 and Oregon Pacificwest Development LLC, an Oregon Limited Liability Company, as to Parcel 2,

Grantor(s), hereby convey and warrant to

Chase W. Hitner and Adrienne K. Hitner, husband and wife,

Grantee(s), the following described real property in the County of COOS and State of Oregon free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

The true and actual consideration for this conveyance is **\$195,000.00**.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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 24 day of June, 2014

Juniper Properties LLC, an Oregon Limited Liability Company

By: Lone Rock Timberland Co., Manager

GPB B
By: Greg Byrne, CFO

Oregon Pacificwest Development LLC, an Oregon Limited Liability Company

By: Lone Rock Timber Management Company, Member Manager

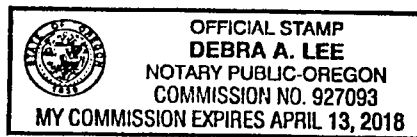
GPB B
By: Greg Byrne, CFO

State of OREGON
County of DOUGLAS

On this 24 day of June, 2014, before me, Debra A. Lee the undersigned, a Notary Public in and for said State, personally appeared Greg Byrne, CFO of Lone Rock Timberland Co., as Manager of Juniper Properties LLC, and Greg Byrne, CFO of Lone Rock Timber Management Company, as Member Manager of Oregon Pacificwest Development LLC, a Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this instrument first above written.

Debra A. Lee
Notary Public for Oregon
Residing at: Roseburg, OR
Commission Expires: 4-13-18



Order No.: 360614010683-TTCOO06

EXHIBIT "ONE"

PARCEL 1: That part of the NE 1/4 of the NW 1/4 of Section 29, Township 29 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, lying North of the Middle Fork of the Coquille River.

EXCEPTING: That parcel as described in Quitclaim deed from D. S. Brode and Emma Brode to Robert Radeker, in instrument recorded November 18, 1919 in Book 81, Page 449, Deed Records of Coos County, Oregon.

EXCEPTING: That parcel conveyed to State of Oregon, by and through its State Highway Commission, recorded December 20, 1960, in Book 282 Page 432, Deed Records of Coos County, Oregon.

EXCEPTING: That parcel conveyed to Selmar A. Hutchins, etux, recorded May 22, 1963 in Book 301, Page 203, Deed Records of Coos County, Oregon.

PARCEL 2: Beginning at a 5/8 inch iron rod on the North-South centerline of Section 20, Township 29 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, which bears North 0° 29' 16" West for 638.42 feet from the South Quarter corner of said Section 20; thence North 62° 22' 02" West for 210.11 feet to a 5/8 inch iron rod; thence South 79° 42' 25" West for 165.82 feet to 5/8 inch iron rod; thence South 27° 42' 16" West for 189.40 feet to a 5/8 inch iron rod set in the centerline of Old Highway 42; thence along said Old Highway 42 North 80° 15' 54" West for 543.53 feet to a 5/8 in ch iron rod at the beginning of a curve to the left having a radius of 344.00 feet, along said curve for an arc length of 166.53 feet, said curve having a chord bearing of South 83° 39' 06" West and a chord length of 164.90 feet to a 5/8 inch iron rod set in the centerline of said Old Highway 42 and over the center of a culvert through which flows an unnamed stream; thence in a Southerly direction along said unnamed stream for 473 feet, more or less, to the North boundary of the current State Highway 42; thence Easterly along the North boundary of Highway 42 for 1,116 feet, more or less, to the North-South Centerline of Section 20; thence North along said centerline of Section 20 to the point of beginning, all located in Coos County, Oregon.

FDOR0212.rdw

2014-04990

30278

WARRANTY DEED

(Individual)



Know All Men by These Presents, that we, George O. Horner and Lottie E. Horner, also known as Lottie Horner, husband and wife, grantors, for the consideration of the sum of Eight Thousand Six Hundred Sixty and No/100 (\$8,660.00) DOLLARS to us paid, have bargained and sold and by these presents do bargain, sell and convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, the following described premises, to wit:

A parcel of land lying in the SE 1/4 of Section 20 and in the NE 1/4 of Section 29, Township 29 South, Range 11 West, W.M., Coos County, Oregon, the said parcel being that portion of said subdivisions included in a strip of land 150 feet in width, 75 feet on each side of the center line of the Coos Bay-Roseburg Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 420+15.60, said Station being 79 feet South and 1442.73 feet West of the North quarter corner of said Section 29; thence on a spiral curve right (the long chord of which bears North 71° 01' 30" East) 400 feet; thence on a 954.93 foot radius curve right (the long chord of which bears North 86° 31' 45" East) 250.11 feet; thence on a spiral curve right (the long chord of which bears South 77° 58' East) 400 feet; thence South 73° 58' East, 934.26 feet to Station 440+00, said center line crosses the West and East lines of said NE 1/4 of said Section 29 approximately at Stations 421+45 and 435+10, respectively.

(Bearings used herein are based upon the Oregon Co-ordinate System, South Zone.)

The parcel of land to which this description applies contains 4.7 acres.

As a part of the consideration hereinabove stated, there is also bargained, sold, conveyed and relinquished to the Grantee all existing, future or potential common law or statutory abutter's easements of access between the right of way of the public way identified as the relocated Coos Bay-Roseburg Highway and all of the Grantors' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument, or are connected thereto by other parcels owned by Grantors.

Reserving, for service of the said remaining property, right of access from Grantors' remaining property to said Highway of a width of twenty-five (25) feet at the following places:

| <u>Hwy. Engr's Station</u> | <u>Side of Highway</u> | <u>Purpose</u> |
|----------------------------|------------------------|----------------|
| 430+00 | Southerly | Unrestricted |

Grantee has the right to construct or otherwise provide at any future time a frontage road or roads within the boundaries of any present or hereafter acquired right of way; whereupon, all rights or access hereinabove reserved to and from the highway that are on or adjacent to any such frontage road or roads shall cease, but the Grantors, their heirs and assigns shall have access to the frontage road or roads for any purpose; said frontage road or roads shall be connected to the main highway or to other public ways, only at such places as the Grantee may select.

It is expressly intended that these covenants, burdens and restrictions shall run with the land and shall forever bind the Grantee, their heirs and assigns.

plw/aw



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TO HAVE AND TO HOLD the said premises with their appurtenances, in fee simple, unto the said State of Oregon, by and through its State Highway Commission, its successors and assigns forever.

And the said grantor do hereby covenant to and with the said State of Oregon, by and through its State Highway Commission, its successor and assigns, that the said premises are the owner, in fee simple of said premises, that they are free from all encumbrances

and that the said grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the said grantor have hereunto set their hand and seals, this 14th day of December, 1960. Done in presence of:

George C. Horner (SEAL)
George C. Horner (SEAL)

30378

Warranty Deed

(Individual)

FROM

George C. Horner et ux

TO

STATE OF OREGON
BY AND THROUGH ITS
STATE-HIGHWAY COMMISSION

STATE OF OREGON
County of *Cook*

I certify that the within was received at *11:30* o'clock *am* on the *14th* day of *December* 1960

at *11:30* o'clock *am* on the *14th* day of *December* 1960

by me in *George C. Horner* County of *Cook*

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GEORGIANNA VAUGHAN

BY *Georgianna Vaughan* County Clerk of *Cook*

Return to
OREGON STATE HIGHWAY COMMISSION
Salem, Oregon

attorneys - Lloyd Dept.
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STATE OF OREGON

County of *Cook*

On this *14th* day of *December*, 1960, personally came before me,

Notary Public in and for said county and state, the within named *George C. Horner and*

George C. Horner, also known as *Lottie Horner*, his wife,

to me personally known to be the identical persons described in, and who executed the within instrument,

and who has personally acknowledged to me that they executed the same freely and voluntarily for the uses

and purposes therein named.

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



Mark Logan
Notary Public for Oregon

My commission expires *Aug. 18, 1963*