



**Coos County
Planning Department
Property Line Adjustment
Application**

Official Use Only

Fee	<u>700</u>
Receipt No.	<u>212916</u>
Check No./Cash	<u>5038</u>
Date	<u>8/27/19</u>
Received By	<u>e. dan</u>
File No.	<u>PLA-19-014</u>

Introduction

The purpose of a property line adjustment application is to review changes in property lines when no new lots are being created. Property lines may be changed to account for the location of fences, driveways, gardens and buildings. For example, a property owner may discover that a fence is located on a neighbor's property. As a solution, the affected property owners may agree to relocate their property lines. A property line adjustment review is needed to make sure the change is consistent with zoning standards.

In addition to filling out the application form, the applicant needs to draw a plot plan. The plot plan will show the property lines and dimensions, and the location of all buildings, wells, septic tanks and drain field for the parcels which are being adjusted.

The applicants need to submit the application to the Planning Department. Once the application and plot plan are accepted, staff will review the proposal.

A single adjustment of one line between two abutting properties will be approved as an administrative act.

Multiple adjustments between more than two abutting properties will be processed as a land use decision and may be approved as a single application on condition that each adjustment is completed prior to the next, in accordance with ORS Chapter 92.

Approval will become final after the applicant(s) complies with the approval criteria including completion of surveys when required and recording of the property line adjustment deed(s). These must be completed within one year of the approval.

This information is provided as a courtesy and is not intended to replace the provisions of Article 6.3.

If you have any questions about this application, please feel free to contact this office at 541-396-7770 or visit us at 225 North Adams Street in Owen Building in Coquille, Oregon.

Please complete the following sections:

A. Property 1:

Owner(s): MICHAEL G. GRAY & GARY T. GRAY Telephone: 541-404-5022
Address: 2810 OREGON AVE. SW
City/State: BANDON, OR Zip Code: 97411
Lien Holder(s): N/A
Address: _____
City/State: _____ Zip Code: _____
Township: 25S Section: 13-DB
Range: 13W Tax Lot: 101
Tax Account: 323301 Zoning District: _____
Initial Lot Size: 22.43 AC Adjusted Lot Size: 1.75 AC

B. Property 2:

Owner(s): MICHAEL G. GRAY & GARY T. GRAY Telephone: 541-404-5022
Address: 2810 OREGON AVE. SW
City/State: BANDON, OR Zip Code: 97411
Lien Holder(s): N/A
Address: _____
City/State: _____ Zip Code: _____
Township: 25S Section: 13-DB
Range: 13W Tax Lot: 100
Tax Account: 323300 Zoning District: _____
Initial Lot Size: 1.00 Adjusted Lot Size: 21.68 AC

C. Applicant:

Name: MICHAEL G. GRAY Telephone: 541-404-5022
Address: 2816 OREGON AVE. SW
City/State: BIANON, OR Zip Code: 97411

D. Surveyor

Name/Company: CLYDE F. MULLIKINS Telephone: 541-751-8900
Address: P.O. Box 809
City/State: NORTH BEND, OR Zip Code: 97459

E. Purpose of the Property Line Adjustment

TAX LOT 101 AFTER ¹BEFORE HAS A WELL. THE WELL SERVES
TAX LOT 105 (255-13W-BDB). THIS TAX LOT IS OWNED BY
MICHAEL G. GRAY PERSONALLY. HE WANTS TO KEEP THE WELL.

F. Criteria from Article 6.3

ARTICLE 6.3 PROPERTY LINE ADJUSTMENTS

SECTION 6.3.100 PROPERTY LINE ADJUSTMENTS:

As set forth in ORS 92.190(3), the common boundary line between lots or parcels may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as an Administrative Action.

SECTION 6.3.125 PROCEDURE:

1. An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:
 - a. Reason for the line adjustment;
 - b. Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;
 - c. A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;
 - d. A current property report (less than 6 months old) indicating any taxes, assessment

- or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.
- e. A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lien holders prior to submittal of an application.
2. A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:
 - a. No parcel is reduced in size contrary to a condition under which it was formed;
 - b. The resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming; and
 - c. Two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).
 3. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.
 4. A line adjustment for a lot or parcel that contains a dwelling, not on a public sanitation system, and is less than an acre before the adjustment and further reduced as a result of the adjustment shall obtain documentation from Department of Environmental Quality (DEQ) that the sanitation system will still meet their requirements.
 5. In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.
 - a. A resource unit of land less than 160 acres and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;
 - b. A resource unit of land 160 acres or greater and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted below 160 acres with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;
 - c. A resource unit of land 160 acres or greater and containing a dwelling approved as a 160-acre dwelling, or approved for construction of a 160-acre dwelling, cannot be reduced below 160 acres for the purpose of qualifying the vacant unit for a 160-acre dwelling.
 6. Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, resource lands, and estuary zoned lands unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.

7. Property line adjustments are subject to a twelve (12) day appeal period. If appealed, this will be treated as a Planning Director's decision and the procedures in Article 5.8 will be followed. A notice of the decision will be mailed to the applicant and to all neighborhood or community organizations recognized by the County and whose boundaries include the site. Notice of the decision will also be mailed to the owners of record of property on the most recent property tax assessment roll where such property is located:
 - a. Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;
 - b. Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;
 - c. Within 750 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone.

SECTION 6.3.150 EASEMENTS AND ACCESS:

A line adjustment shall have no affect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected then an easement may be created for access to comply with this criterion.

SECTION 6.3.175 MAPPING AND FILING REQUIREMENTS:

1. Map and Monuments Required:
 - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line;
 - c. The survey shall establish monuments to mark the adjusted line.
2. Approval and Filing Requirements:
 - a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;
 - b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;
 - c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;
 - d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;

- e. If a survey is required, the Deed shall be recorded and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
- f. The property line adjustment deed must be submitted on the exact format found in Figure 1 below.

G. Authorization: All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application.

MGG Property 1	I hereby attest that I am authorized to make the application for a discretionary decision 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.
GTG Property 2	

MGG Property 1	FEES The Coos County Board of Commissioners has adopted a schedule of fees and if the property owners understand they are subject to the fee. If a hearings officer is required to review this matter the property is responsible for actual cost of processing the application.
GTG Property 2	

MGG Property 1	I understand it is the function of the Planning Department 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.
GTG Property 2	

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

MGG

Property 1

GTC

Property 2

As the applicant(s) I/we acknowledge pursuant to Section 6.3.175(2), the property line adjustment deed must be recorded with the County Clerk within one year from the date of final approval from the Planning Department.

MGG

Property 1

GTC

Property 2

Michael Adams
Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

Greg T. [Signature]
Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

BEFORE MAP

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NW1/4 SE1/4 SEC. 13 T25S R13W W.M.
COOS COUNTY

25S 13W 13DB

1" = 100'

1/16
COR.

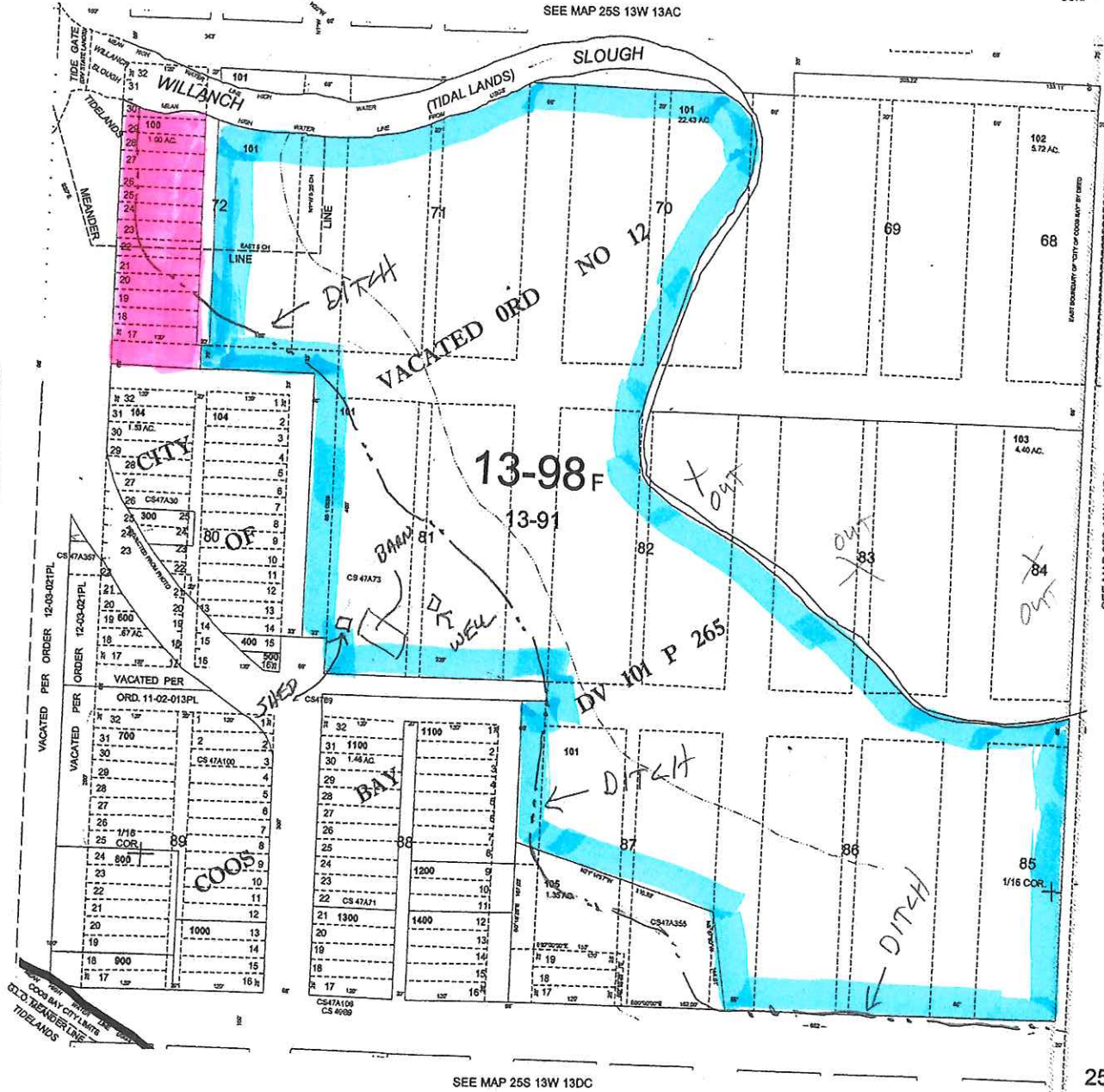
CANCELLED NO.

200
106
601
107

SEE MAP 25S 13W 13AC

SEE MAP 25S 13W 13CA

SEE MAP 25S 13W 13DA



SEE MAP 25S 13W 13DC

04-21-2014

25S 13W 13DB

TAX LOT 100

TAX LOT 101

COOS COUNTY, OREGON **2018-00723**
\$66.00 01/23/2018 04:16:00 PM
DEBBIE HELLER, CEA, COOS COUNTY CLERK Pgs=5

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

AFTER RECORDING RETURN TO:
Michael G. Gray
2810 S.W. Oregon Avenue
Bandon, OR 97411

ALL TAX STATEMENTS SHALL BE SENT TO:
Michael G. Gray
2810 S.W. Oregon Avenue
Bandon, OR 97411

RE-RECORD COVER SHEET - Please print or type information

Any errors in this cover sheet **DO NOT** affect the transactions(s) contained in the instrument itself.

(Required if document does not meet first page recording requirements under ORS 205.234 or does not provide adequate space on the first page for the recording certificate)

RE-RECORDED AT THE REQUEST OF Ticor Title Company
TO CORRECT The Legal Description
PREVIOUSLY RECORDED AS MICROFILM # 2018-00328

DOCUMENT TITLE(S)

(If two or more transactions, document(s) must be clearly labeled to record transaction in appropriate records)

Warranty Deed

NAME(S) of DIRECT party(s):

(i.e. DEEDS: Seller/Grantor – MORTGAGES: Borrower/Mortgagor – LIENS: Creditor/Plaintiff)

Alice R. Nichols

NAME(S) AND ADDRESS(ES) of INDIRECT party(s):

(i.e. DEEDS: Buyer/Grantee – MORTGAGES: Lender/Mortgagee – LIENS: Debtor/Defendant)

Michael G. Gray and Gary T. Gray, as equal tenants in common

LIEN DOCUMENTS: Amount of lien \$0

If conveying or contracting to convey fee title to real property:

True and Actual Consideration Paid \$160,000.00

COOS COUNTY, OREGON 2018-00328
\$66.00 01/10/2018 10:51:00 AM
DEBBIE HELLER, CEA, COOS COUNTY CLERK Pgs=3

WHEN RECORDED RETURN TO:

Michael G. Gray
2810 S.W. Oregon Avenue
Bandon, OR 97411

GRANTOR'S NAME:

Alice R. Nichols

GRANTEE'S NAME:

Michael G. Gray and Gary T. Gray
as equal tenants in common

MAIL TAX STATEMENTS TO:

Michael G. Gray
2810 S.W. Oregon Avenue
Bandon, OR 97411

**AFTER RECORDING
RETURN TO**

Ticor Title Company
300 West Anderson Ave. - Box 1075
Coos Bay, OR 97420-0233

7022138

CONSIDERATION: The true and actual consideration for this conveyance is \$160,000.

WARRANTY DEED

Alice R. Nichols, Grantor, conveys and warrants to Michael G. Gray and Gary T. Gray, as equal tenants in common, all of her interest in the following described real property in Coos County, Oregon, free of encumbrances except as specifically set forth herein:

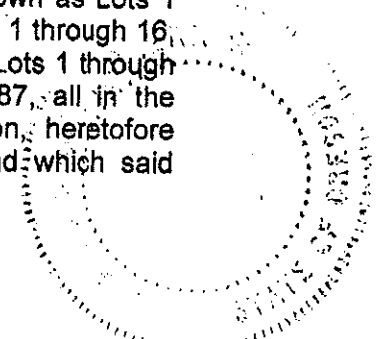
PARCEL 1: In Coos County, Oregon:

The Townsite of the City of Coos Bay, Records of Coos County, Oregon:

Block 72: Lots 17 through 32, inclusive

Block 87: Lots 17 through 19 inclusive

A portion of Section 13, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at the Northwest corner of lot 1, Block 72, City of Coos Bay; thence East 1,284 feet along the South line of G Street to the East boundary of said Townsite; thence South 1,332 feet along the East line of said Townsite to the Southeast corner of Block 85; thence West 652 feet along the North line of Sether Street; thence North 75 feet; thence West 120 feet; thence North 391 feet; thence to the North line of I street; thence West 326 feet; thence to the Southwest corner of Block 81; thence North 466 feet to the North line of H Street; thence West 186 feet; thence North 400 feet to the Place of Beginning, which was formerly known as Lots 1 through 16, inclusive, Block 68, all of Blocks 69, 70, 71; Lots 1 through 16, inclusive, Block 72, all of Blocks 81, 82, 83, 84, 85 and 86; Lots 1 through 16, inclusive, and Lots 20 through 32, inclusive, Block 87, all in the Townsite of the City of Coos Bay, Coos County, Oregon, heretofore vacated by Ordinance No. 12 of the City of Eastside and which said



vacation ordinance was recorded November 23, 1926 in Book 101, Page 265, Deed Records of Coos County, Oregon.

EXCEPTING a parcel of land described as all of those portions of Original Blocks 82, 83 and 84 lying North of Willanch Slough, together with the vacated street areas between said Blocks and South of said Blocks 83 and 84 to Willanch Slough; all in the Townsite of the City of Coos Bay, Coos County, Oregon, heretofore vacated by Ordinance No. 12, City of Eastside on November 23, 1926 in Volume 101, Page 265, Coos County Deed Records.

EXCEPTING ALL of Blocks 68, 69, and that portion of Block 70 lying East of the centerline of Willanch Slough, Townsite of the City of Coos Bay Plat, Coos County, Oregon, together with all of the vacated portion of "H" Street, and together with other vacated streets and alleys abutting said blocks.

EXCEPTING Lots 17, 18, 19 Block 87, The Townsite of the City of Coos Bay, Coos County, Oregon.

SAVE AND EXCEPT THAT PROPERTY conveyed by Property Line Adjustment Deed recorded May 16, 2013 bearing Instrument No. 2013-4517, Records Coos County, Oregon.

Coos County Assessor's Tax Account No. 323300 and No. 323301.

PARCEL 2: The East 33 1/3 feet of Lot 10, and all of Lots 11 and 12, Block 4, Lots 1, 2 and the East 33 1/3 feet of Lot 3, Block 5; The East 33 1/3 feet of Lot 10 and all of Lots 11 and 12, Block 5; Lots 1 and 2, Block 6 and the West 127.66 feet of Lot 11, Block 6, All in Crawford Point Addition to Coos Bay, Coos County, Oregon, together with that portion of vacated streets and alleys that would inure thereto.

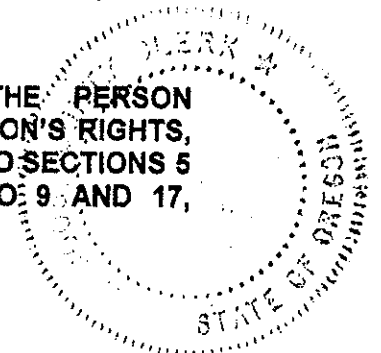
Coos County Assessor's Tax Account No. 3841000.

SUBJECT TO AND EXCEPTING all taxes and other assessments, all easements, rights of way, agreements, covenants, conditions, reservations, restrictions, and all other liens or encumbrances of any kind that are of record.

After this deed and a deed of even date herewith from Alice R. Nichols and Michael G. Gray as trustees of the Donald R. Gray trust FBO Gary T. Gray, grantors to Gary T. Gray, grantee, the owners of the above described real property are Michael G. Gray and Gary T. Gray each owning an undivided fifty percent (50%) interest in the property, as tenants in common.

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,

WARRANTY DEED - 2



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.

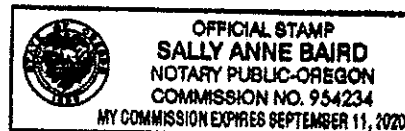
Dated: 1-5-18

Alice R. Nichols
Alice R. Nichols

STATE OF OREGON
County of Coos

This instrument was acknowledged before me on 1/5, 18, by Alice R. Nichols.

Sally Baird
Notary Public for Oregon
9/11/20



STATE OF OREGON
COUNTY OF COOS
Thereby certify that instrument #2018-00328, recorded on 1/10/2018, consisting of 3 page(s), has been compared with the original, and is a correct and whole transcript as it appears on record at the County Clerk's office in Coos-County, Oregon.
Debbie Heller, CEA, County Clerk
1/19/2018
Tammy Dalton
Tammy Dalton - Chief Deputy

WARRANTY DEED - 3

**ATTACHED
CORRECTED LEGAL DESCRIPTION**

PARCEL 1: In Coos County, Oregon:

The Townsite of the City of Coos Bay, Records of Coos County, Oregon:

Block 72: Lots 17 through 32, inclusive

Block 87: Lots 17 through 19 inclusive

A portion of Section 13, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at the Northwest corner of Lot 1, Block 72, City of Coos Bay; thence East 1,284 feet along the South line of G Street to the East boundary of said Townsite; thence South 1,332 feet along the East line of said Townsite to the Southeast corner of Block 85; thence West 652 feet along the North line of Sether Street; thence North 75 feet; thence West 120 feet; thence North 391 feet; thence to the North line of I street; thence West 326 feet; thence to the Southwest corner of Block 81; thence North 466 feet to the North line of H Street; thence West 186 feet; thence North 400 feet to the Place of Beginning, which was formerly known as Lots 1 through 16, inclusive, Block 68, all of Blocks 69, 70, 71; Lots 1 through 16, inclusive, Block 72, all of Blocks 81, 82, 83, 84, 85 and 86; Lots 1 through 16, inclusive, and Lots 20 through 32, inclusive, Block 87, all in the Townsite of the City of Coos Bay, Coos County, Oregon, heretofore vacated by Ordinance No. 12 of the City of Eastside and which said vacation ordinance was recorded November 23, 1926 in Book 101, Page 265, Deed Records of Coos County, Oregon.

EXCEPTING a parcel of land described as all of those portions of original Blocks 82, 83 and 84 lying North of Willanch Slough, together with the vacated street areas between said Blocks and South of said Blocks 83 and 84 to Willanch Slough, all in the townsite of the City of Coos Bay, Coos County, Oregon, heretofore vacated by Ordinance No. 12, City of Eastside on November 23, 1926 in Volume 101, Page 265, Coos County Deed Records.

EXCEPTING ALL of Blocks 68, 69, and that portion of Block 70 lying East of the centerline of Willanch Slough, Townsite of the City of Coos Bay Plat, Coos County, Oregon, together with all of the vacated portion of "H" Street, and together with other vacated streets and alleys abutting said blocks.

EXCEPTING Lots 17, 18, 19 Block 87, The Townsite of the City of Coos Bay, Coos County, Oregon.

SAVE AND EXCEPT THAT PROPERTY conveyed by Property Line Adjustment Deed recorded May 16, 2013 bearing Instrument No. 2013-4517, Records Coos County, Oregon.

PARCEL 2: Lot 1 of Block 4, EXCEPT that portion lying North of Willanch Creek or Slough. The East 33 1/3 feet of Lot 10, and all of Lots 11 and 12, Block 4, Lots 1, 2 and the East 33 1/3 feet of Lot 3, Block 5; The East 33 1/3 feet of Lot 10 and all of Lots 11 and 12, Block 5; Lots 1 and 2, Block 6 and the West 127.66 feet of Lot 11, Block 6, All in Crawford Point Addition to Coos Bay, Coos County, Oregon, together with that portion of vacated streets and alleys that would inure thereto.