



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

Official Use Only

Fee _____
Receipt No. 226250
Check No./Cash 1018
Date 6/24/21
Received By JAB
File No. D-21-007

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): Cedar Properties, LLC Telephone: 541-572-3483
Address: PO Box 635
City: Myrtle Point Zip Code: 97458
Email: dhitner@3hforestry.com

Applicant(s): Same as above Telephone: _____
Address: _____
City: _____ Zip Code: _____
Email: _____

B. PROPERTY INFORMATION:

Township: 28S Section: 28
Range: 11W Tax Lot: 700
Tax Account: 830901 Zoning District: F, EFU

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.

DH [Signature]

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.

DH [Signature]

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.

DH [Signature]

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.

DH [Signature]

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.

DH [Signature]

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:



Applicant(s) Original Signature

6/22/21

Date



Applicant(s) Original Signature

6/22/21

Date

Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

CCZLDO	§ 6.1.125	LAWFULLY CREATED LOTS OR PARCELS:
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SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“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 interviewing 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.

CCZLDO	§ 6.1.150	APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS
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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.

**CEDAR PROPERTIES DISCRETE PARCEL EVIDENCE
LOCATED IN T.28S, R.11W, S28, TL 700**

Cedar Properties, LLC is the owners of certain real property as described above and more particularly described per Warranty Deed 2017-05523, Deed Records of Coos County, Oregon. A chain of title analysis was done to determine if there are lawfully created discrete parcels within the ownership described above. The chain of title information utilized in making this determination dates from June 1951.

The parcels resulting from the chain of title analysis are shown on the attached color exhibit maps.

DEED HISTORY

T.28, R.11, S.28, Tax Lot 700 Parcel I:

In June 1951, per Vol. 210 Pg. 186, Coos County conveyed Parcel I to Howard T. Carver and Mona Carver. As a result of that conveyance (or possible previous conveyances) Parcel I became a discrete parcel of land

T.28, R.11, S.28, Tax Lot 700, Parcel II:

In June 1951, per Vol. 210 Pg. 184, Coos County conveyed Parcel II to Sanford N. Ray. As a result of that conveyance (or possible previous conveyances) Parcel II became a discrete parcel of land

T.28, R.11, S.28, Tax Lot 700, Parcel III:

In June 1951, per Vol. 210 Pg. 184, Coos County conveyed Parcel II to Sanford N. Ray. As a result of that conveyance (or possible previous conveyances) Parcels III & IV were separated by Parcel II and were no longer contiguous, so each became a discrete parcel of land.

T.28, R.11, S.28, Tax Lot 700, Parcel IV:

In June 1951, per Vol. 210 Pg. 184, Coos County conveyed Parcel II to Sanford N. Ray. As a result of that conveyance (or possible previous conveyances) Parcels III & IV were separated by Parcel II and were no longer contiguous, so each became a discrete parcel of land.

CONCLUSION

As a result of the conveyances described above, Tax Lot 700 consists of four discrete parcels.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 28 T28S R11W W.M.
COOS COUNTY

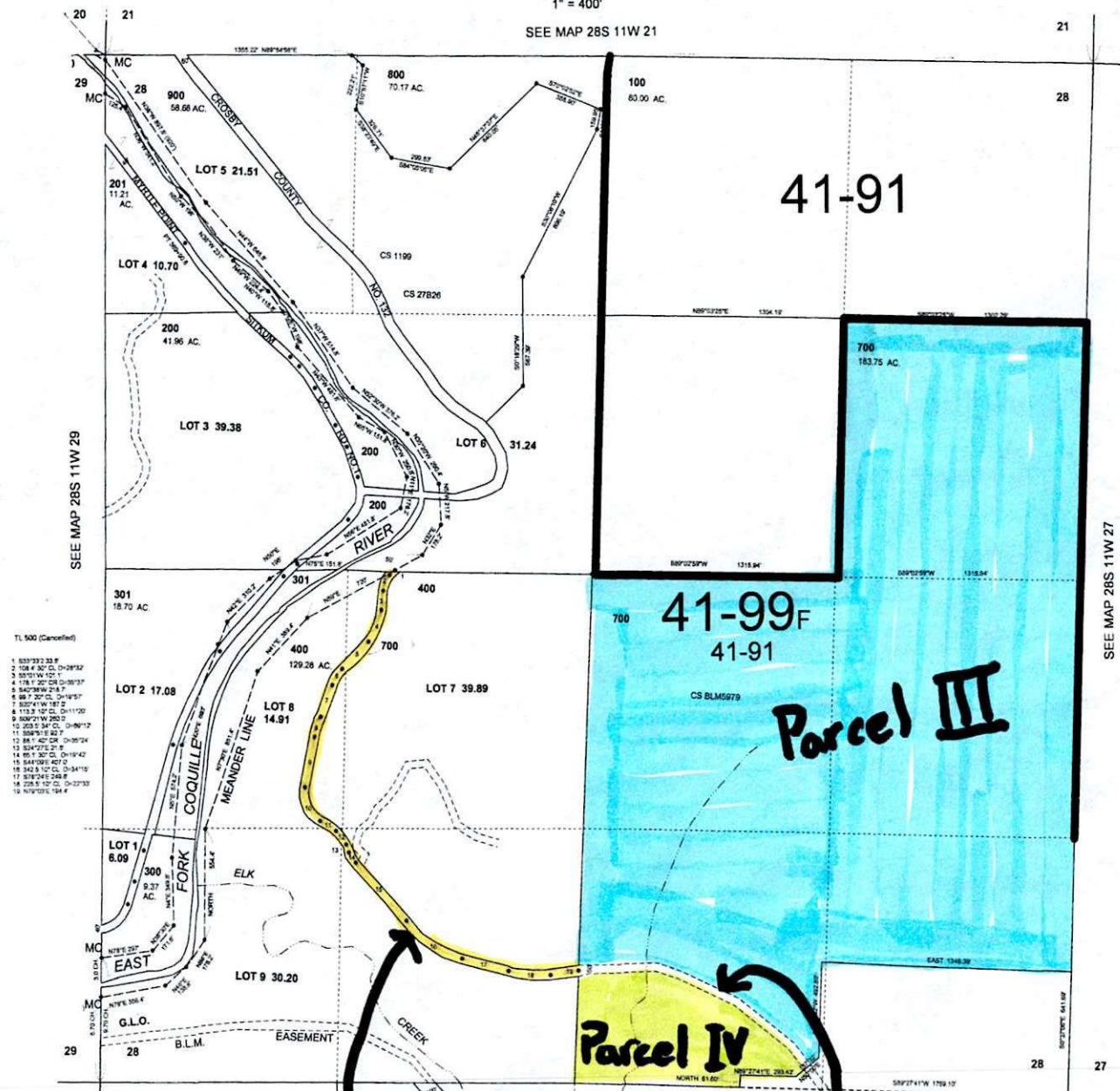
28S 11W 28

1" = 400'

SEE MAP 28S 11W 21

CANCELLED NO.

302
500
600
701



- T1, 500 (Cancelled)
- 1 633°23'23.8"
 - 2 108°4'30.0" S 128°32'
 - 3 83°01'W 121'
 - 4 178°5'25.25" S 128°32'
 - 5 84°28'W 214'
 - 6 68°5'20" S 128°32'
 - 7 83°41'W 187'
 - 8 113°9'10" S 128°32'
 - 9 80°21'W 262'
 - 10 35°5'50" S 128°32'
 - 11 35°9'15" S 128°32'
 - 12 88°4'42" S 128°32'
 - 13 82°4'27" S 128°32'
 - 14 85°3'30" S 128°32'
 - 15 84°10'0" S 128°32'
 - 16 84°3'10" S 128°32'
 - 17 87°24'248.8"
 - 18 228.9' 12' S 128°32'
 - 19 N 87°23' 184.4'

Parcel I

Parcel II

Parcel IV

Parcel III

41-91

41-99F
41-91

2-24-2010

28S 11W 28

SEE MAP 28S 11W 27

SEE MAP 28S 11W 29

SEE MAP 28S 11W 33

II class

VI class

III class

I class



RECORDING REQUESTED BY:



105 E 2nd Street
Coquille, OR 97423

GRANTOR'S NAME:
Gene & Betty Ray Trust under agreement dated January 4, 2007

GRANTEE'S NAME:
Cedar Properties, LLC

AFTER RECORDING RETURN TO:

Order No.: 360617019526-TT
William H. Hitner
Cedar Properties, LLC
PO Box 635
Myrtle Point, OR 97458

SEND TAX STATEMENTS TO:

Cedar Properties, LLC
PO Box 635
Myrtle Point, OR 97458

APN: 830901
98705 Shiloh Lane, Myrtle Point, OR 97458

COOS COUNTY, OREGON **2017-05523**
\$56.00 06/16/2017 01:22:01 PM
DEBBIE HELLER, CEA, COOS COUNTY CLERK Pgs=3

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Jody Lee Ray as Successor Trustee of the Gene & Betty Ray Trust under agreement dated January 4, 2007, Grantor, conveys and warrants to Cedar Properties, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Parcel 1:
The SE 1/4 of the NE 1/4 and the North 1/2 of the SE 1/4 and the West 1/2 of the SW 1/4 of the SE 1/4 all in Section 28, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, Oregon.

Parcel 2:
The SE 1/4 of the SE 1/4 and the East 1/2 of the SW 1/4 of the SE 1/4 of Section 28, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, EXCEPTING THEREFROM that parcel as conveyed by Property Line Adjustment Deed recorded January 29, 2010 as instrument no. 2010-974, Deed Records of Coos County, Oregon.

Parcel 3:
A strip of land fifty feet wide being 25 feet on each side of the center line of said road over and across the following described lands to-wit: The East 1/2 of the SW 1/4 of Section 28, Township 28 South, Range 11 West of the Willamette Meridian, Coos County, Oregon. The said center line being described as follows: Beginning at a point in the center of said road which is designated Engineer Station 10+04.8 and which Station is 1070.9 feet South 89° 56' West from the center of said Section 28, thence South 37° 33' West 33.6 feet; thence on a 30° curve left 108.4 feet; thence South 05° 01' West 101.1 feet; thence on a 20° curve right 178.1 feet; thence South 40° 38' West 218.7 feet; thence on a 20° curve left 99.7 feet; thence South 20° 41' West 167.0 feet; thence on a 10° curve left 113.3 feet; thence South 09° 21' West 260.0 feet; thence on a 34° curve left 203.5 feet; thence South 59° 51' East 92.7 feet; thence on a 40° curve right 88.1 feet; thence South 24° 37' East 21.6 feet; thence on a 30° curve left 65.1 feet; thence South 44° 09' East 407.0 feet; thence on a 10° curve left 342.5 feet; thence South 78° 24' East 249.6 feet; thence on a 10° curve left 225.5 feet; thence North 79° 03' East 194.4 feet to Engineer Station 41+83.7 and the North and South quarter line through said Section 28 and from which Station the Southeast corner of the said East 1/2 of the SW 1/4 bears South 00° 09' West a distance of 629.5 feet.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,200,000.00). (See ORS 93.030).

Subject to:

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

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

STATUTORY WARRANTY DEED

(continued)

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.

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

Dated: 06/15/17

Gene & Betty Ray Trust under agreement dated January 4, 2007

BY: Jody Lee Ray
Jody Lee Ray, Successor Trustee

State of Oregon
County of Coos

This instrument was acknowledged before me on 06/15/17 by Jody Lee Ray, as successor trustee of the Gene and Betty Ray Trust, under agreement dated January 4, 2007.

Ashley Danielle Pearce
Notary Public - State of Oregon

My Commission Expires: 12/15/2020

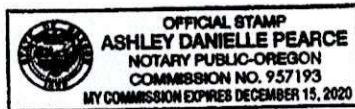


EXHIBIT "A"
Exceptions

Subject to:

1. Any policy of title insurance issued under this application will not insure a legal right of access for non-timber uses to and from said Land.
2. The Land has been classified as Farm/Forest, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
3. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the creeks, streams and tributaries.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of creeks, streams and tributaries.
4. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of creeks, streams and tributaries.
5. Any rights in favor of the public which may exist on said Land if said Land or portions thereof are or were at any time used by the public.
6. Easement(s), if any, as shown on assessment maps.
7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Coos-Curry Electric Cooperative Inc
Purpose: Underground system
Recording Date: January 12, 1994
Recording No: 94-01-0460
8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Coos-Curry Electric Cooperative Inc
Purpose: Grant of Perpetual Easement
Recording Date: December 13, 2006
Recording No: 2006-16750
9. An appurtenant easement(s), including the terms and provisions thereof, for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Sanford N. Ray
Purpose: Timber removal
Recording Date: May 3, 1974
Recording No: 74-5-993070
10. The proposed transaction may be subject to statutory requirements for the partitioning or subdivision of land pursuant to Chapter 92 of Oregon Revised Statutes. Violation may subject parties to both civil and criminal penalties. Furthermore, title insurance policies do not provide coverage against violation of these statutes.

KNOW ALL MEN BY THESE PRESENTS: That Coos County, a Political Subdivision of the State of Oregon, in consideration of the sum of One and No/100 Dollars (\$1.00) to it paid by Howard T. Carver and Mona Carver, husband and wife, as tenants by the entirety, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and quitclaimed, and by these presents does grant, bargain, sell, convey and quitclaim unto Howard T. Carver and Mona Carver, husband and wife, as tenants by the entirety, all its right, title and interest in and to the following described real property situated in the County of Coos and State of Oregon, to-wit:

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 28, T. 28 S., R. 11 W.W.M. The said center line being described as follows: Beginning at a point in the center of said road which is designated Engineer Station 10404.8 and which Station is 1070.7 ft. S. 89° 56' W. from the center of said Section 28; thence S. 57° 33' W. 33.6 ft.; thence on a 30° curve left 108.4 ft.; thence S. 05° 01' W. 101.1 ft.; thence on a 20° curve right 176.1 ft.; thence S. 40° 38' W. 218.7 ft.; thence on a 20° curve left 99.7 ft.; thence S. 20° 41' W. 167.0 ft.; thence on a 10° curve left 113.3 ft.; thence S. 09° 21' W. 260.0 ft.; thence on a 34° curve left 203.5 ft.; thence S. 59° 51' E. 92.7 ft.; thence on a 40° curve right 88.1 ft.; thence S. 21° 37' E. 21.6 ft.; thence on a 30° curve left 65.1 ft.; thence S. 41° 09' E. 407.0 ft.; thence on a 10° curve left 342.5 ft.; thence S. 78° 24' E. 249.6 ft.; thence on a 10° curve left 224.5 ft.; thence N. 79° 03' E. 191.2 ft. to Engineer Station 41,83.7 and the north and south quarter line through said Section 28, and from which Station the southeast corner of the said E $\frac{1}{2}$ of the SW $\frac{1}{4}$ bears S. 00° 09' W. distant 629.5 ft.

together with the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD, the above described premises unto the said Howard T. Carver and Mona Carver, husband and wife, as tenants by the entirety, their heirs and assigns forever.

IN WITNESS WHEREOF, Coos County has caused these presents to be examined by its County Judge and Commissioners this 15th day of June, 1951, an Order of said County Court heretofore entered of records.

COOS COUNTY, a body politic and corporate of the State of Oregon

James W. Harrison
County Judge
Rand M. Knusel
Commissioner
A. C. Guse
Commissioner



KNOW ALL MEN BY THESE PRESENTS: That Coos County, a Political Subdivision of the State of Oregon, in consideration of the sum of One and No/100 Dollars (\$1.00) to it paid by Sanford N. Ray, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and quitclaimed, and by these presents does grant, bargain, sell, convey and quitclaim unto Sanford N. Ray, all its right, title and interest in and to the following described real property situated in the County of Coos and State of Oregon, to-wit:

The SW¹/₄ of the SE¹/₄ of Section 28, Township 28 South, Range 11 W. M. The said center line being described as follows: Beginning at a point in the center of said road which is designated Engineer Station 41483.7 and which Station is 629.5 ft. N. 00° 09' E. from the southwest corner of the said SW¹/₄ of the SE¹/₄; thence N. 79° 05' E. 284.3 ft.; thence on a 30° curve right 121.3 ft.; thence S. 61° 31' E. 90.1 ft.; thence on a 10° curve left 17.2 ft.; thence S. 66° 17' E. 419.0 ft.; thence on a 20° curve right 128.1 ft.; thence S. 40° 40' E. 512.2 ft. to Engineer Station 57455.9 and the south boundary of said Section 28 and which Station is S. 89° 38' E. distant 1311.5 ft. from the southwest corner of the said SW¹/₄ of the SE¹/₄.

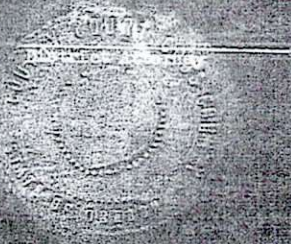
together with the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD, the above described premises unto the said Sanford N. Ray, his heirs and assigns forever.

IN WITNESS WHEREOF, Coos County has caused these presents to be executed by its County Judge and Commissioners this 15th day of June, 1951, by authority of an Order of said County Court heretofore entered of record.

Approved as to Form:

COOS COUNTY, a body politic and corporate of the State of Oregon



James W. Harrison
County Judge
Paul H. Kruse
Commissioner
J. C. [unclear]
Commissioner