



Land of Cheese, Trees and Ocean Breeze

**PARTITION REQUEST #851-22-000379-PLNG TOGETHER WITH PROPERTY LINE
ADJUSTMENT REQUEST #851-22-000355-PLNG
SHERRY KALISH, et al.**

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: November 4, 2022

REPORT PREPARED BY: Angela Rimoldi, Planning Permit Technician

I. GENERAL INFORMATION:

Request: A partition request to create a total of two (2) residential parcels located partially within and south of the Unincorporated Community of Neskowin. This partition proposal includes a property line adjustment of Tax Lot 00223, 00219 and 00220 as shown on the enclosed preliminary partition plat (Exhibit B). Upon completion of the proposed adjustment, the partition review is limited to Tax Lot 00219.

Location: Tax Lots 000223 and 000219 of Section 36BC, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County Oregon, are accessed via Seasand Circle, a private road (Exhibit A). Tax Lot 00220 of Section 36BC, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County Oregon, is accessed via South Beach, a private road (Exhibit A).

Zone: All Tax Lots fall within the Neskowin Low Density Residential (NeskR-1) zone; however, Tax Lot 220 holds a portion of Zoning under the Small Farm Woodlot (SFW-20) zone (Exhibit A).

Applicant: Seabreeze Associates, LP, 865 Highland Drive, Boulder Creek, CA. 95006

Property Owner: Kalish and Julien Irrevocable Trust, 17029 Brookwood Drive, Boca Raton, FL. 33496

Description of Site and Vicinity: The subject properties are irregular in shape, hold no improvements, and are vegetated with shrubs, grasses, and trees (Exhibit A). The properties are accessed via Seasand Circle and South Beach Road, both private roads within a gated community (Exhibit A). The subject properties are within an area primarily devoted to residential use, located south of the Unincorporated Community of Neskowin, zoned Neskowin Low Density Residential (NeskR-1) however, Tax Lot 220 holds a portion of Zoning under the Small Farm Woodlot (SFW-20) zone (Exhibit A). Surrounding property areas to the north, south and east are also zoned Neskowin Low Density Residential (NeskR-1), the area to the west is zoned the Small Farm Woodlot (SFW-20) (Exhibit A). Topography of the subject property varies but is generally sloped with some flat areas (Exhibit B).

The subject property is located within an area of Geologic Hazard, an area of minimal mapped wetlands or natural features as indicated on the NWI map and is located within an Area of Minimal Flood Hazard as depicted on FEMA Flood Insurance Rate Map (FIRM) Panel #41057C1005F (Exhibit A).

Staff finds that the standards of TCLUO Section 4.130: Development Requirements for Geological Hazard Areas is applicable to future development of the properties and a Condition of Approval has been made to require relevant standards of this section be adhered to at the time of development.

II. PROPERTY LINE ADJUSTMENT CRITERIA AND FINDINGS (#851-22-000355-PLNG)

EXISTING PROPERTIES							
Unit A				Unit B			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
5S	11W	36BC	00219	5S	11W	36BC	00223
Owner: Julien Irrevocable Trust				Owner: Kalish Irrevocable Trust			
Property Address: Vacant				Property Address: Vacant			
Mailing Address (Street or PO Box): 17029 Brookwood Drive, Boca Raton, FL. 33496				Mailing Address (Street or PO Box): 17029 Brookwood Drive, Boca Raton, FL. 33496			
Zone: Neskowin Low Density Residential (NeskR-1)				Zone: Neskowin Low Density Residential (NeskR-1)			

Unit C			
Township	Range	Section	Tax Lot
5S	11W	36BC	00220
Owner: Kalish Irrevocable Trust			
Property Address: Vacant			
Mailing Address (Street or PO Box): 17029 Brookwood Drive, Boca Raton, FL. 33496			
Zone: Neskowin Low Density Residential (NeskR-1) and Small Farm Woodlot (SFW-20)			

Proposed Unit	Existing Area	Proposed Area
A (Tax Lot 00219)	11,732 sq. ft.	9,186 sq. ft.
B (Tax Lot 00223)	13,759 sq. ft.	10,000 sq. ft.
C (Tax Lot 00220)	10.68 acres	Slightly less than 10.68 acres

i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment.

Findings:

- A partition is being reviewed for consideration. The lot line adjustment must be recorded prior to the partition.

ii. Lot standards.

1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.
2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line

adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.

3. *For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.*

Findings:

- Staff finds that Unit A and B meet the minimum lot size standard of 7,500 square feet required by the Neskowin Low Density Residential (NeskR-1) zone, both before and after the proposed property line adjustment (Exhibit B).
- Staff finds that Unit C is zoned Neskowin Low Density Residential (NeskR-1) and Small Farm Woodlot (SFW-20) (Exhibit B). The property line adjustment is isolated to the zoning area for the Neskowin Low Density Residential (NeskR-1) zone which does meet the minimum lot size standard of 7,500 square feet requirement, both before and after the proposed property line adjustment; however, does not meet the minimum lot size standard for the Small Farm Woodlot (SFW-20) zone both before and after the proposed adjustment, maintaining its non-conforming lot size standard for the SFW-20 zone (Exhibit B).
- Staff finds that all Units meet the minimum 60-foot lot width and 75-foot lot depth required by the Neskowin Low Density Residential (NeskR1) zone both before and after the proposed adjustment (Exhibit B).
- Staff finds that all Units have no improvements, therefore, set back standards do not apply (Exhibit B).
- Staff concludes that this criterion has been met.

4. *As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.*

Findings:

- Staff finds that all Units are located within Zone X an Area of Minimal Flood Hazard as depicted on FEMA FIRM 41057C1005F dated September 28, 2018 (Exhibit A).
- Staff concludes that this criterion has been met.

- iii. *Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.*

Findings:

- Staff finds that Unit A and B front Seasand Circle, a private road, both before and after the proposed adjustment (Exhibit B).
- Staff finds that Unit C fronts South Beach Road, a private road, both before and after the proposed adjustment (Exhibit B).
- Staff concludes this criterion has been met.

CONDITIONS OF APPROVAL:

1. The existing zoning designations for all Units shall remain the same and the standards for each zone will continue to apply, following the proposed adjustment.
2. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.

3. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.
4. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
5. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

III. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS FOR PARTITION #851-22-000379-PLNG ON TAX LOT 00219:

The desired use is governed through the following sections of the Tillamook County Land Use Ordinance (TCLUO) and Land Division Ordinance (TCLDO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria
- B. Land Use Ordinance Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
- C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas
- D. Land Use Ordinance Section 3.570 Neskowin Coastal Hazards Overlay (Nesk-CH) Zone

IV. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on October 7, 2022. Once comment was received from a neighboring property owner with concern to density impacts (Exhibit C). Concerns stated include development within or adjacent to wetlands, vegetation (tree) clearing, utility capacity impacts and opportunities for new construction that negatively impact the character and beauty of the Neskowin community (Exhibit C).

The project area does not contain mapped wetlands as previously stated in this report (Exhibit A). Water and sewer provider letters have been received by the Neskowin water and sewer districts confirming services are available to the parcels (Exhibit B). The remainder of concerns raised related to the criteria upon which a decision for a partition request are based upon are discussed below and are reflected in the Conditions of Approval.

A. Land Division Ordinance Section 070: Preliminary Plat Approval Criteria

(1) Approval Criteria. The Approval Authority (Director for partitions and Planning Commission for subdivisions) may approve, approve with conditions, or deny a preliminary plat. The Approval Authority decision shall be based on findings of compliance with all of the following approval criteria:

- (a) The land division application shall conform to the requirements of this ordinance;*
- (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;*

Findings: Staff finds that the applicability of the Neskowin Low Density Residential (NeskR-1) zone is addressed below. Plat and submitted supplemental information confirm the criteria above are met (Exhibit B).

- (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;*
- (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;*
- (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*

- (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
- (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;

Findings: Staff finds that the proposed partition maintains frontage on the existing private road, Seasand Circle (Exhibit B).

Land Division Ordinance Section 150 outlines development standards for partitions. Standards within this section either do not apply, evidence submitted by the Applicant confirms the standards are met, or that the standards can be met through compliance with the Conditions of Approval.

Staff concludes the above standards and the standards in Section 150 and 160 of the Land Division Ordinance have been met or can be met through the Conditions of Approval.

- (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
- (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
 - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.
 - (ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

Findings: Staff finds that the subject property is served by the Neskowin Regional Water District and the Neskowin Regional Sanitary Authority. Service letters were provided in the Applicant’s submittal, confirming service availability to the areas (Exhibit B).

The subject property is served by the Nestucca Rural Fire Protection District and Tillamook People’s Utility District. Given the location of the property, availability of public services existing in the area, and natural features on the subject property, staff concludes these criteria have been met, or can be met through compliance of the Conditions of Approval.

B. Land Use Ordinance Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone

(4) Standards: Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (a) The minimum lot size for permitted uses shall be 7,500 square feet, except that the minimum lot size for a two-family dwelling shall be 10,000 square feet. Where public sewers are not available, the County Sanitarian may require lot sizes greater than the minimum if necessary for the installation of adequate on-site subsurface sewage disposal systems, or for adequate protection of public health or sensitive water bodies.
- (b) The minimum lot width shall be 60 feet.
- (c) The minimum lot depth shall be 75 feet.

.....

Findings: Staff finds that the associated maps depict the size, lot width and lot depth of the proposed partition where minimums for each conform to the NeskR-1 zone standards; there are no improvements onsite therefore, setback requirements do not apply currently (Exhibit B). Future Development will be subject to the Developmental standards for the Neskowin Low Density Residential (NeskR-1) zone.

C. Land Use Ordinance Section 4.130: Development Requirements for Geologic Hazard Areas

(1) The following are **GEOLOGIC HAZARD AREAS** to which the standards of this Section apply:

.....

(b) Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;

.....

(3) A **GEOLOGIC HAZARD** report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:

(a) For building or mobile home or manufactured home permits in areas identified in (1) (b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1) (f) applies.

Findings: Staff finds the proposed partition is located within a geologic hazard area (Exhibit A). Future development of the subject property will be subject to development standards of the TCLUO Section 4.130.

D. Land Use Ordinance Section 3.570 Neskowin Coastal Hazards Overlay (Nesk-CH) Zone

.....

(10) **LAND DIVISION REQUIREMENTS:** All land divisions in areas subject to the provisions of this section shall be subject to the following requirements:

(a) Except as provided for in subsection (10)(b) below, all new lots and parcels shall have a building site located outside the Nesk-CH Overlay Zone. Such a building site shall consist of a minimum of 1,500 contiguous square feet of area that complies with all required lot setbacks and is located landward of the area subject to the provisions of this section.

(b) In a land division, one new lot or parcel may be exempted from the requirements of subsection (10)(a) to allow for the development or maintenance of one new single-family dwelling within the Neskowin Coastal Hazards Overlay zone for properties capable of a land division. The new lot or parcel:

(A) Shall be divided from a lot or parcel that was created prior to November 5, 2014; and

(B) Is subject to an approved Coastal Hazard Area permit in accordance with subsection (4) of this section; and

(C) Shall be divided from a lot or parcel that is vacant; or

(D) Shall be divided from a lot or parcel that contains an existing dwelling located outside of the Nesk-CH Overlay Zone; or Adopted May 27, 2015, Tillamook County Land Use Ordinance Article 3.500 96

(E) The net result shall contain only existing single-family dwelling(s) located within the Nesk-CH Overlay Zone.

.....

Findings: Staff finds the proposed partition is located within the Neskowin Coastal Hazards Overlay Zone. Future development of the subject property will be subject to development standards of the TCLUO Section 3.570.

V. DECISION: APPROVED WITH CONDITIONS:

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant and property owner have satisfied the minimum application requirements and can satisfy all applicable requirements outlined in the Tillamook County Land Use Ordinance and Tillamook County Land Division Ordinance. The Preliminary Partition Plat is hereby **APPROVED**, subject to the Conditions of Approval listed below.

By accepting this approval, the applicant and property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit. The applicant and property owner shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed Partition and building site or sites.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on November 16, 2022.**

VI. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and Ordinance Standards could result in nullification of this approval. This approval is subject to the following conditions:

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant and property owner shall comply with all requirements of the Tillamook County Surveyor's Office.
3. All easements necessary to serve the parcels for access and utilities shall be clearly identified on the final plat.
4. The applicant and property owner shall record the Final Plat within two (2) years from the approval date of the Preliminary Plat or apply for an extension of time from this Department prior to expiration of tentative plat approval.
5. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development of the parcels shall comply with the development standards required by TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone
7. Future development of the parcels is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
8. Future development of the parcels is subject to the standards required by TCLUO Section 3.570: Development Requirements for Neskowin Coastal Hazards Overlay Zone, where applicable.

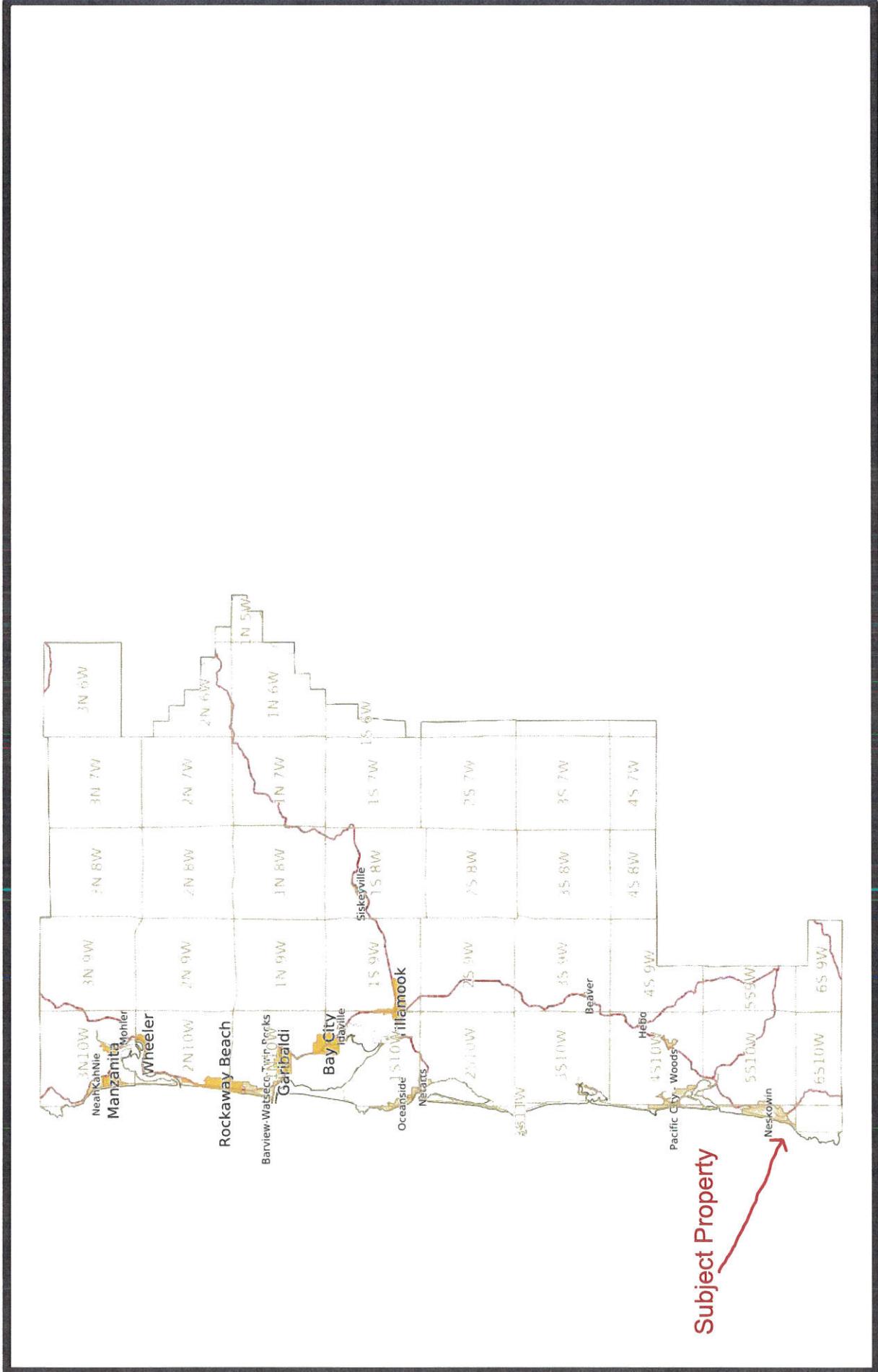
VII. EXHIBITS

- A. Property Identification Maps
- B. Applicant's Submittal
- C. Public Comments

EXHIBIT A



Map - Vicinity



Map - Zoning

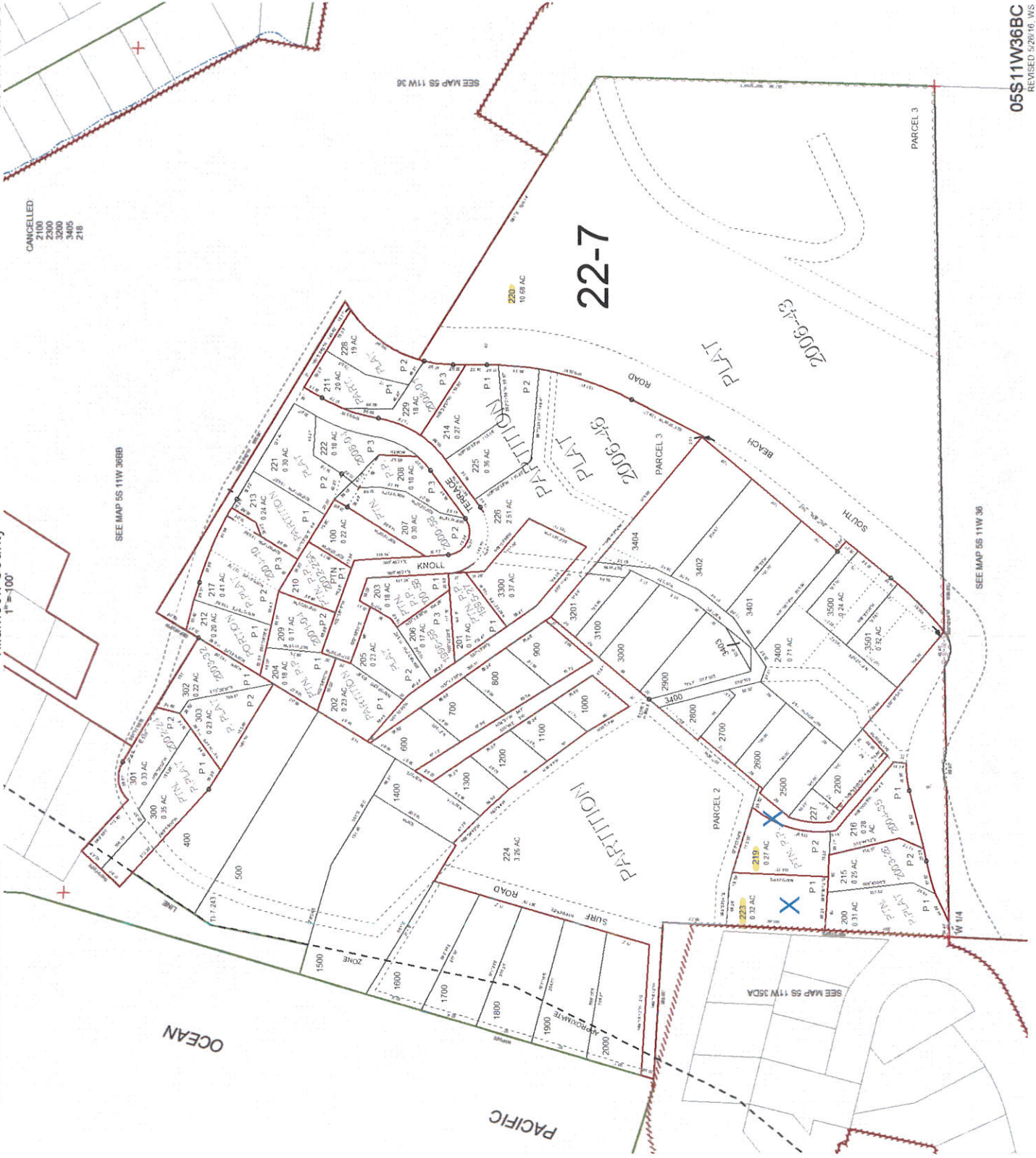
X = Subject Area



X = Subject Area

FOR ASSESSMENT AND TAXATION ONLY NOT SUITABLE FOR
LEGAL ENGINEERING OR SURVEY PURPOSES

S.W.1/4 N.W.1/4 SEC.36 T.5S. R.11W. W.M.
Tillamook County



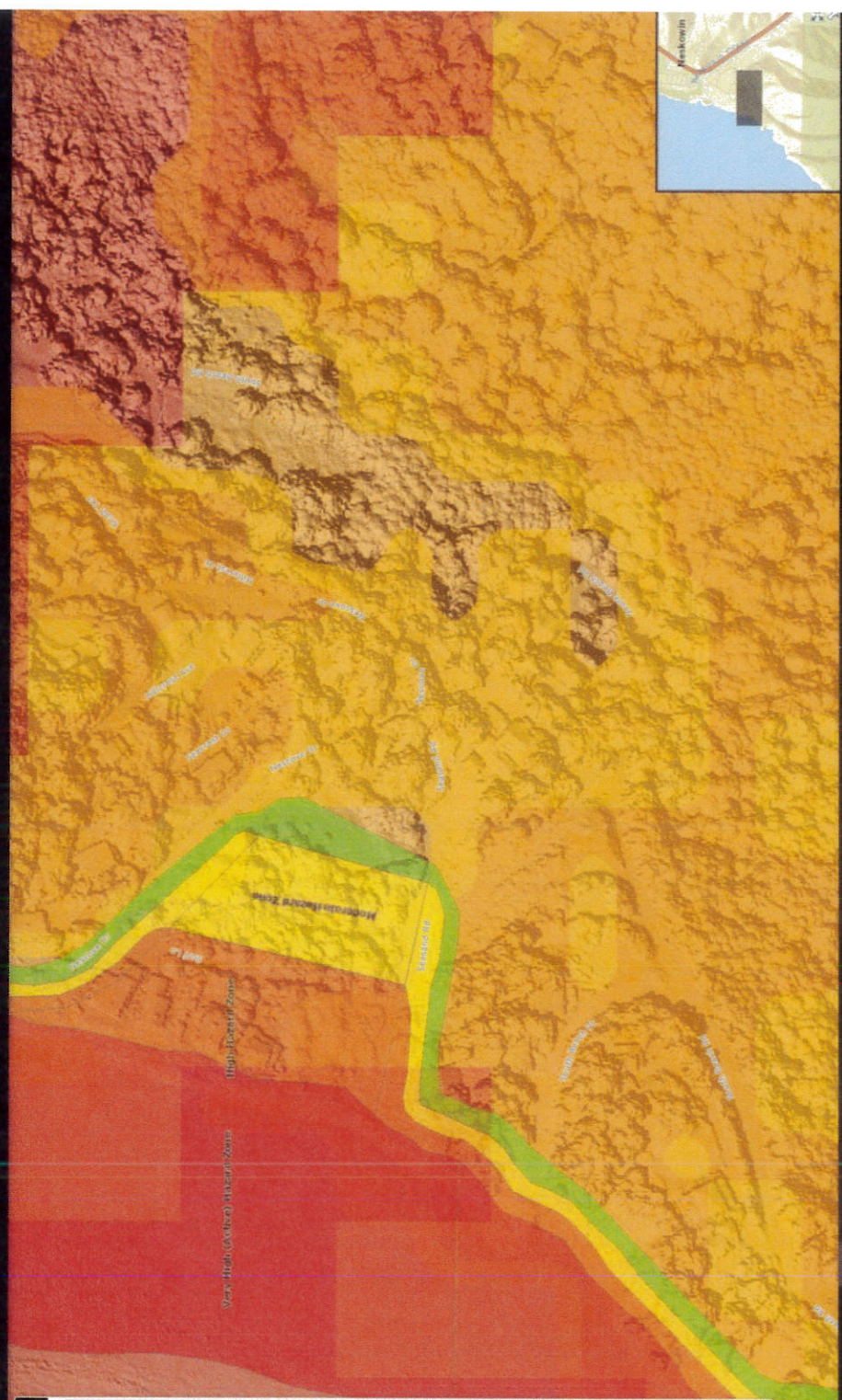
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REVISED 5/29/10, WS

Oregon HazVu: Statewide Geohazards Viewer

Oregon Department of Geology and Mineral Industries | Help | More Information

Layers Currently Showing

- Coastal Erosion Hazard**
 - Very High (Active) Hazard Zone
 - High Hazard Zone
 - Moderate Hazard Zone
 - Low Hazard Zone
 - NO DATA
- Earthquake Hazard**
 - Active Faults
 - Expected Earthquake Shaking
 - Violent
 - Severe
 - Very Strong
 - Strong
 - Moderate
 - Light
- Landslide Hazard**
 - Low - Landsliding Unlikely
 - Moderate - Landsliding Possible
 - High - Landsliding Likely
 - Very High - Existing Landslide
- Highest Hit Lidar Hillshade**
 - High - 11244
 - Low - 21





U.S. Fish and Wildlife Service

National Wetlands Inventory

Wetlands



U.S. Fish and Wildlife Service
wetlands_team@fws.gov

October 28, 2022

Wetlands

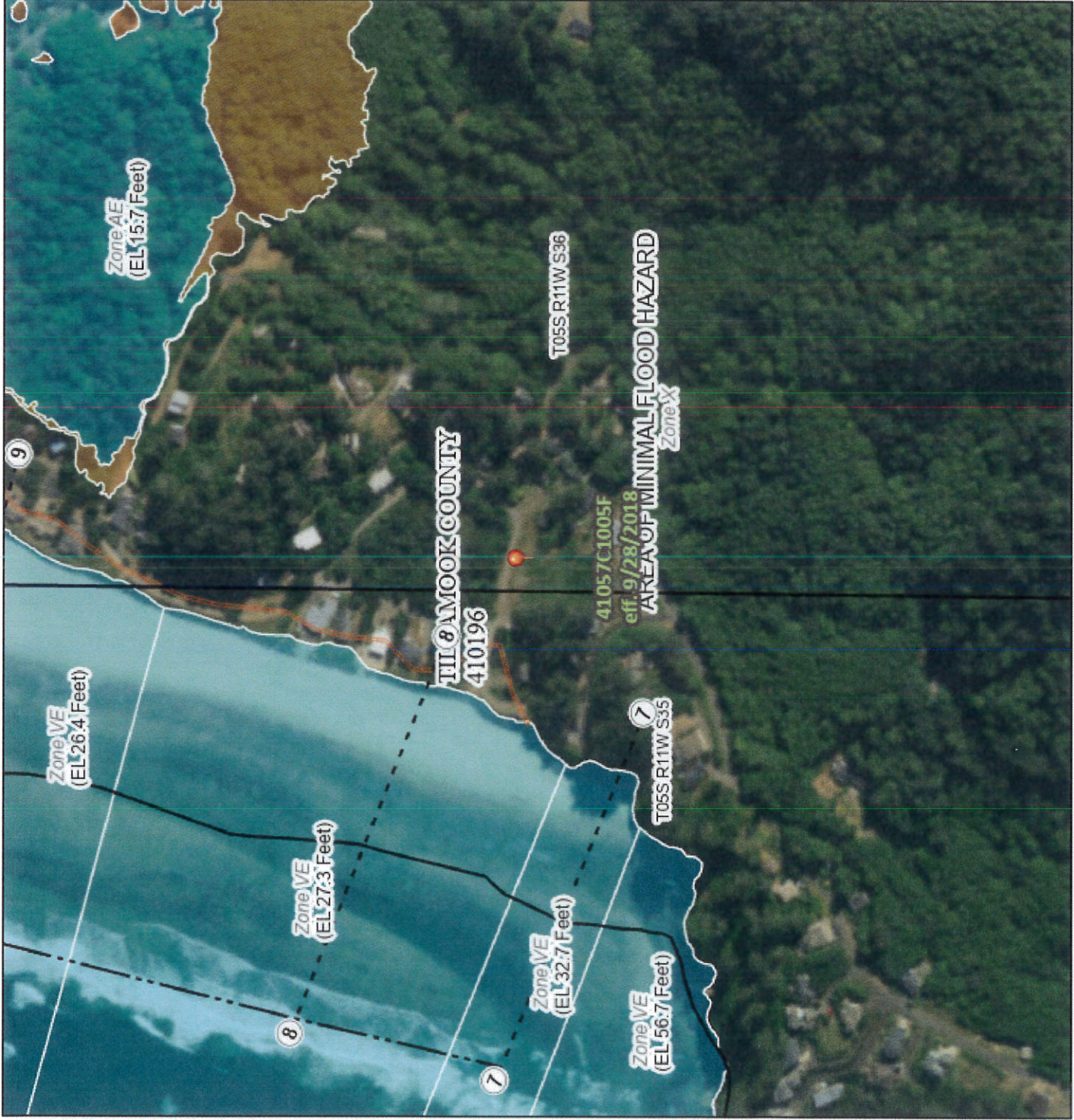
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Flood Hazard Layer FIRMette



123°59'31"W, 45°5'53"N



123°58'53"W 45°5'28"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
 Without Base Flood Elevation (BFE)
 Zone A, V, A99
 With BFE or Depth Zone AE, AO, AH, VE, AR
 Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
 Future Conditions 1% Annual Chance Flood Hazard
 Area with Reduced Flood Risk due to Levee. See Notes.
 Area with Flood Risk due to Levee

OTHER AREAS
 NO SCREEN
 Area of Minimal Flood Hazard
 Effective LOMRs
 Area of Undetermined Flood Hazard

GENERAL STRUCTURES
 Channel, Culvert, or Storm Sewer
 Levee, Dike, or Floodwall

OTHER FEATURES
 Cross Sections with 1% Annual Chance Water Surface Elevation
 Coastal Transect
 Base Flood Elevation Line (BFE)
 Limit of Study
 Jurisdiction Boundary
 Coastal Transect Baseline
 Profile Baseline
 Hydrographic Feature

MAP PANELS
 Digital Data Available
 No Digital Data Available
 Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/28/2022 at 6:47 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

PARTITION PLAT 2006 - 43
 REPEAT OF PARCEL 3 PARTITION PLAT 2004-35 C.S. P-754
 LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36, T 5 S., R 11 W., M.M.,
 TILLAMOOK COUNTY, OREGON
 FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP
 865 HIGHLAND DRIVE, BOULDER CREEK, CALIFORNIA 95006

- LEGEND**
- I.P. - IRON PIPE I.R. - IRON ROD
 - YPC - YELLOW PLASTIC ID CAP
 - MB - METAL BUSH
 - PBR - POINT OF BEGINNING
 - M/L - MORE OR LESS
 - C/L - CENTERLINE
 - MA - MONUMENT
 - - CALCULATED POINTS - NOT SET
 - - MONUMENTS FOUND AS NOTED - SEE MONUMENT TABLE
 - - MONUMENTS FOUND 5/8" I.R. W/PC MARKED "FERGUSON B-2628"
 - - MONUMENTS FOUND 3/8" I.R. W/PC MARKED "FERGUSON B-2629"
 - - MONUMENTS FOUND 1/2" I.R. W/PC MARKED "FERGUSON B-2628"
 - - P.L.S. 2279 OF RECORD SURVEY BY THIS FIRM
 - - PARTITION PLAT 2003-26
 - - P.L.S. 2279 OF RECORD SURVEY BY THIS FIRM
 - - PARTITION PLAT 2004-35 C.S. P-754
 - - MONUMENTS SET 5/8" x 30" I.R. W/PC MARKED
 - - REFERENCE NUMBER OF SURVEY RECORDED WITH TILLAMOOK COUNTY SURVEYOR
 - - DATA OF RECORD DEEDS AS NOTED
 - - DATA OF RECORD SURVEYS BY THIS FIRM (FERGUSON) C.S. B-2406
 - - ANTI C.S. P-615
 - - DATA OF RECORD SURVEY BY THIS FIRM (FERGUSON) C.S. B-2629
 - - DATA OF RECORD SURVEY BY THIS FIRM (FERGUSON) PARTITION
 - - DATA OF RECORD SURVEY BY THIS FIRM (FERGUSON) PARTITION
 - - PLAT 2004-35 C.S. P-754
 - - DATA OF RECORD SURVEY BY THIS FIRM (FERGUSON) PARTITION
 - - DATA OBSERVED BY THIS SURVEY WHEN MEASURED OR CALCULATED DIFFERENT THAN RECORD & NEW DATA

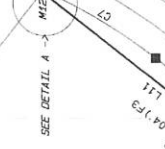
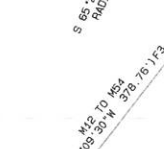
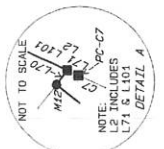
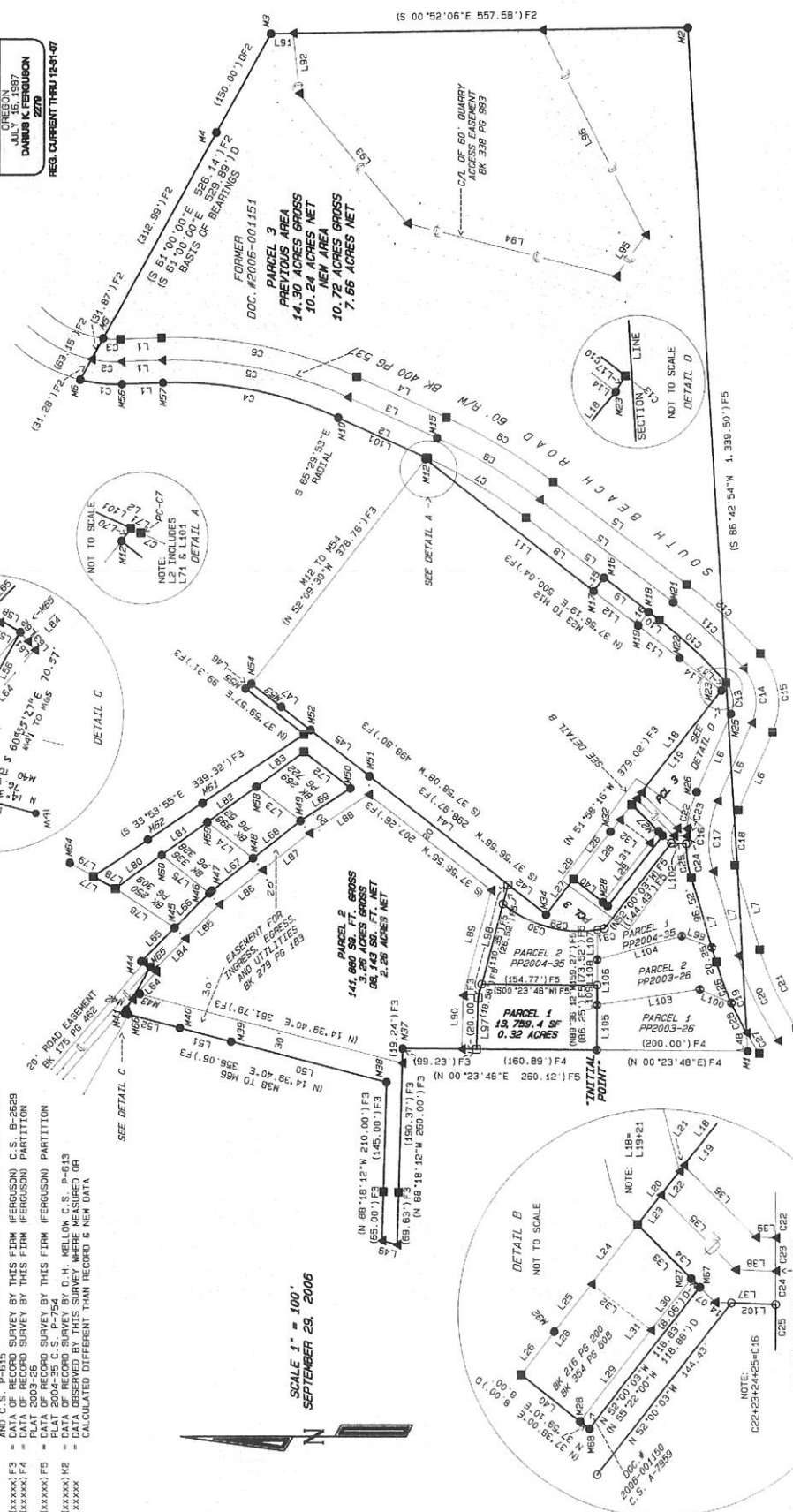
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SURVEY BY
DARLUS K. FERGUSON P.L.S.
 6802 SE HWY 101, SUITE B
 LINCOLN CITY, OR 97127
 PH: (541) 864-5864

REGISTERED
**PROFESSIONAL
 LAND SURVEYOR**

Darius K. Ferguson
 OREGON
 JULY 16, 1987
DARLUS K. FERGUSON
 2279
 REG. CURRENT THRU 12-31-07



SCALE 1" = 100'
 SEPTEMBER 29, 2006

I, DARLUS K. FERGUSON, P.L.S., HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ORIGINAL PLAT.
Darius K. Ferguson
 10/31/06
 DARLUS K. FERGUSON, P.L.S. 2279

CURVE TABLE

Table with columns for curve ID (C1-C28), radius (R), length (L), and other curve parameters. Includes notes for curve types like C/L, I.P., and various surveying markers.

PARTITION PLAT 2006 - 43

REPLAT OF PARCEL 3 PARTITION PLAT 2004-35 C.S. P-754 LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36, T 5 S, R 11 W, M.M.

FOR: MR. ROBERT PLATT, SCARBOROUGH ASSOCIATES LP 865 HIGHLAND DRIVE, BOULDER CREEK, CALIFORNIA 95006

FOUND MONUMENT TABLE

Table listing found monuments (M1-M68) with their locations, bearings, distances, and associated surveying notes.

LINE TABLE

Table listing line segments (L1-L109) with their bearings, distances, and associated surveying notes.

SURVEY BY DARIUS K FERUGSON P.L.S. 6025E HWY 101, SUITE B LINCOLN CITY, OR 97387 PH: (541) 884-8864

REGISTERED PROFESSIONAL LAND SURVEYOR DARIUS K FERUGSON 2279

OREGON JULY 16, 1987 DARIUS K FERUGSON 2279 REG. CURRENT THRU 12-31-07

I, DARIUS K. FERUGSON, P.L.S., HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT. DARIUS K. FERUGSON, P.L.S. 2279

EXHIBIT B



PROPERTY LINE ADJUSTMENT APPLICATION

Please Contact Robert Fultz for all issues

Applicant/Representative Seabreeze Associates LP

Name: Robert B. Fultz, General Partner Phone: 408 482 4650
 Address: 865 Highland Drive
 City: Boulder Creek State: CA Zip: 95006
 Email: neskowin@pacbell.net

Property Owner (Unit A) Lawrence Kalish, Trustee

Name: Sherry Kalish Irrevocable Trust Phone:
 Address: 17029 Brookwood Drive
 City: Boca Raton State: FL Zip: 33496
 Email:

Property Owner (Unit B) Lawrence J. Kalish, Trustee

Name: Jay I. Julien Irrevocable Trust Phone:
 Address: 17029 Brookwood Drive
 City: Boca Raton State: FL Zip: 33496
 Email:

Property Owner (Unit C)

Name: Phone:
 Address:
 City: State: Zip:
 Email:

Describe the purpose of the proposed property line adjustment(s)

Take property from T5S R11W 36BC-220 in order to split T5S R11W 36BC-219 and T5S R11W 36BC-223 into three conforming lots.

Unit A Location:

Site Address: No address
 Map Number: 5S 11W 36BC 219
Township Range Section Tax Lot(s)

Zoning: Nesk-R1
 Existing Use of Sites: Bare land

Unit B Location:

Site Address: No address
 Map Number: 5S 11W 36BC 223
Township Range Section Tax Lot(s)

Zoning: Nesk-R1
 Existing Use of Sites: Bare land

OFFICE USE ONLY
Date Stamp
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #: 128447
Fees: 490.-
Permit No: 851-22-000352-PLNG

All three are property owners of all parcels

Unit C Location:

Site Address: No address

Map Number:	5S	11W	36BC	220
	Township	Range	Section	Tax Lot(s)

Zoning: The portion being adjusted is Nesk-R1

Existing Use of Sites: Bare land and sewer and power line utilities in the portion being adjusted.

	Taxlot (Units)	Existing Size	New Size
(A)	36BC-219	11,732 sq ft	9,186 sq ft
(B)	36BC-223	13,759 sq ft	10,000 sq ft
	36BC-New Lot (TBD number)	N/A	8,746 sq ft
(C)	36BC-220	10.68 ac	slightly less than 10.68 ac

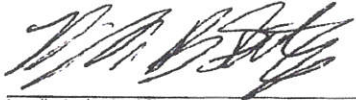
Preliminary Property Line Map Checklist

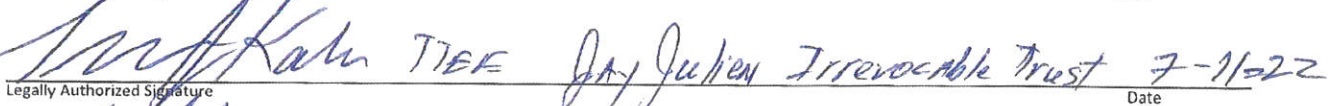
- Identification of all existing and proposed lot lines and dimensions
 - Footprints and dimensions of existing structures (including accessory structures)
 - Location and dimensions of driveways and streets
 - Location of lands subject to the Tillamook County Flood Hazard Overlay
 - Existing fences and walls
 - Sewage Disposal System
- No structures
No driveways
None
None
None

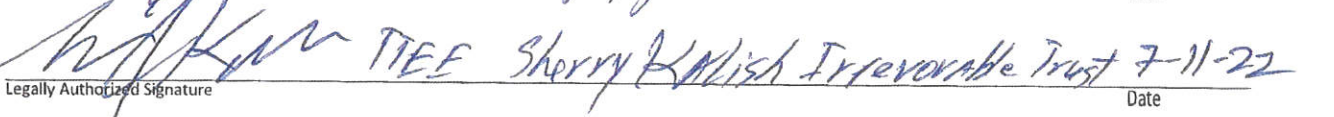
- Other information:
 1. Easements affecting the parcel
 2. Dimension lines for the new parcel showing it meets minimum width over the entire length of the lot
 3. Proposed new corners to be set
 4. Concurrent partition application

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Department of Records. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.


 Legally Authorized Signature _____ General Partner, Seabreeze Associates LP _____
 Date 7/9/2022


 Legally Authorized Signature _____ TIEE Jay Julien Irrevocable Trust 7-11-22 _____
 Date


 Legally Authorized Signature _____ TIEE Sherry Kalish Irrevocable Trust 7-11-22 _____
 Date

APPROVAL STANDARDS:

1. All property sizes, setbacks and other dimensional attributes resulting from a property line adjustment shall conform to the provisions of the Tillamook County Land Use Ordinance and the Tillamook County Land Division Ordinance.
2. A property line adjustment shall not result in the creation of a new lot or a replat of an existing subdivision or partition.
3. When one or more of the properties is larger than the minimum lot size in the zone, the same number of properties shall be as large or larger than the minimum lot size after the adjustment. When all properties are as large or larger than the minimum property size prior to the adjustment, no adjusted properties shall be reduced below the minimum lot size.

APPROVAL-CRITERIA FOR ADJUSTMENTS IN RESOURCE AND COMMERCIAL ZONES:

In addition to the approval standards listed above, property line adjustments in resource zones (Farm and Forest) must comply with the following criteria. Please use a separate sheet of paper to explain how the proposed adjustment complies with these criteria. Other information such as air photos (available through the GIS database) that would help to show how the adjustment complies with the criteria may also be submitted.

1. In commercial zones, properties to be adjusted shall be shown to be of a size that is at least as appropriate to maintain the existing commercial enterprise and remain in compliance with Section 4.030: Off-Street Parking & Off-Street Loading Requirements of the Tillamook County Land Use Ordinance.
2. If the proposed adjustment involves the transfer of a dwelling from one property to another, the property that will acquire the dwelling must either receive land use approval for the dwelling, or a deed affidavit shall be recorded by the owner of the property where the dwelling was originally located, prohibiting the establishment of any new principal dwellings on that property.
3. On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment may not be used to:
 - a. Decrease the size of a tract that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - b. Decrease the size of a tract that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify.

THE APPLICATION MUST INCLUDE:

1. Completed application form, signed by the applicant and all property owners.
2. Application Fee.
3. Completed preliminary map/survey.
4. Written explanation of how the adjustment complies with the standards for a property line adjustment in a resource zone.
5. Copy of most recent deed or contract for each parcel involved.



Please contact only Robert Fultz with issues

Tillamook County Department of Community Development
1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

LAND DIVISION APPLICATION

Robert B. Fultz, Gen Part

There are 3 property owners. Squeezed them in

Applicant (Check Box if Same as Property Owner)

Name: Seabreeze Associates LP Phone: 408 482 4650

Address: 865 Highland Drive

City: Boulder Creek State: CA Zip: 95006

Email: neskowin@pacbell.net

Property Owner Jay I. Julien Irrevocable Trust

Name: Sherry Kalish Irrevocable Trust Phone:

Address: 17029 Brookwood Drive (for both)

City: Boca Raton State: FL Zip: 33496

Email:

Location:

Site Address: No address

Map Number: 5S 11W 36BC 219 223 220
Township Range Section Tax Lot(s)

x Only 1 new parcel created

Land Division Type: Partition (Two or Three Lots, Type II) Subdivision (Four or More Lots, Type III)
 Preliminary Plat (Pages 1-2) Final Plat (Page 3)

PRELIMINARY PLAT (LDO 060(1)(B))

General Information

- N/A For subdivisions, the proposed name.
 Date, north arrow, scale of drawing.
 Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site.

- Parcel zoning and overlays
 Title Block
 Clear identification of the drawing as "Preliminary Plat" and date of preparation
 Name and addresses of owner(s), developer, and engineer or surveyor

Existing Conditions

- No pavement Existing streets with names, right-of-way, pavement widths, access points.
 Width, location and purpose of existing easements
 The location and present use of all structures, and indication of any that will remain after platting.
No structures Location and identity of all utilities on and abutting the site. If water mains and sewers are not on site, show distance to the nearest one and how they will be brought to standards
All utilities in easement area and in street Location of all existing subsurface sewerage systems, including drainfields and associated easements
Sewerage in street

- Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor
 The location and elevation of the closest benchmark(s) within or adjacent to the site
 Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats
N/A For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #:	
Fees: 1100.-	
Permit No: 851-22-000379PLNG	

Lawrence Kalish, Trustee
Lawrence J. Kalish, Trustee

To follow: will be sent via courier

- Fifteen (15) legible "to scale" hard copies
 One digital copy

Other information:

1. Concurrent lot line adjust
-
-
-
-
-

Proposed Development

None created

- Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to private tracts identified
- Location, width and purpose of all proposed easements
- Proposed deed restrictions, if any, in outline form
- Approximate dimensions, area calculation (in square feet), and identification numbers for all proposed lots and tracts

- Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space
 - On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots demonstrating that future development can meet minimum required setbacks and applicable engineering design standards
 - Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided
- Already in street**

- The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable N/A
- Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone
- Evidence of contact with the applicable road authority for proposed new street connections N/A
- Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development

To follow for the new lot

No new

No new

Additional Information Required for Subdivisions N/A

- Preliminary street layout of undivided portion of lot
- Profiles of proposed drainage ways
- Special studies of areas which appear to be hazardous due to local geologic conditions
- In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met
- Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met
- If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil
- Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction
- Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines

- FINAL PLAT (LDO 090(1))
- Date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter
- Description of the plat perimeter
- The names and signatures of all interest holders in the land being platted, and the surveyor
- Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record
- Exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way
- Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose
- Provisions for access to and maintenance of off-right-of-way drainage
- Block and lot boundary lines, their bearings and lengths
- Block numbers
- Lot numbers
- The area, to the nearest hundredth of an acre, of each lot which is larger than one acre
- Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale

Certificates:

- Title interest & consent Water
- Dedication for public use Public Works
- Engineering/Survey

Additional Information:

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

[Handwritten Signature]

Property Owner (*Required)

7/9/2022

Date

[Handwritten Signature]

Applicant Signature

7/9/2022

Date

Jeff Kalish TTEE for Jay Julian Irrevocable Trust 7-11-2022
Jeff Kalish TTEE for Sherry Kalish Irrevocable Trust 7-11-2022

RECEIVED
 JUL 16 2022
 BY:

PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT AND REPLAT OF PARCEL 2 PARTITION PLAT 2004-35 PARCEL 1 AND A PORTION OF PARCEL 3 PARTITION PLAT 2006-43 C.S. P-842, LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36, T 5 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP



NOTE:
 LINE A IS TO BE ADJUSTED TO LINE B
 LINE C IS TO BE ADJUSTED TO LINE D

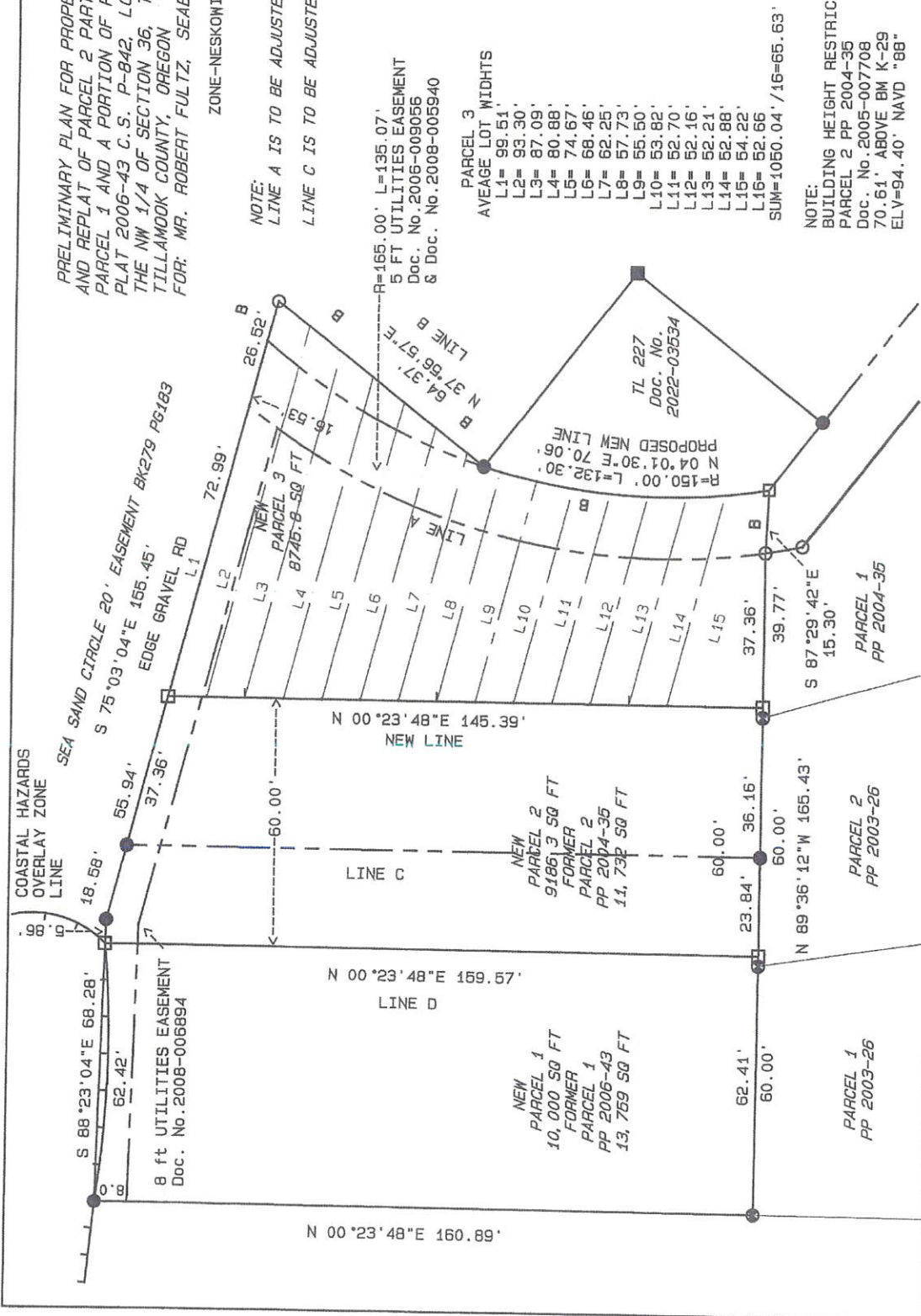
JULY 27, 2022
 SCALE: 1"=30'
 SHEET 1 OF 3

PREPARED BY
 DARIUS K. FERGUSON P.L.S.
 LAND SURVEYING
 6082 S.E. HWY. 101, SUITE B
 LINCOLN CITY, OR. 97367
 PH (541) 994-5854
 DFERGUSONSURVEYING@GMAIL

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Darius K. Ferguson
 OREGON
 JULY 16, 1987
 DARIUS K. FERGUSON
 2279

RENEWS 12-31-23



PARCEL 3
 AVERAGE LOT WIDTHS
 L1= 98.51
 L2= 93.30
 L3= 87.09
 L4= 80.88
 L5= 74.67
 L6= 68.46
 L7= 62.25
 L8= 57.73
 L9= 56.50
 L10= 53.82
 L11= 52.70
 L12= 52.16
 L13= 52.21
 L14= 52.88
 L15= 54.22
 L16= 52.66
 SUM=1050.04' / 15=65.63'

NOTE:
 BUILDING HEIGHT RESTRICTION
 PARCEL 2 PP 2004-35
 Doc. No. 2005-007708
 70.61' ABOVE BM K-29
 ELV=94.40' NAVD '88'

PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT
 AND REPLAT OF PARCEL 2 PARTITION PLAT 2004-35
 PARCEL 1 AND A PORTION OF PARCEL 3 PARTITION
 PLAT 2006-43 C.S. P-842, LOCATED IN THE SW 1/4 OF
 THE NW 1/4 OF SECTION 36, T 5 S, R 11 W, W.M.,
 TILLAMOOK COUNTY, OREGON
 FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP



JULY 27, 2022
 SCALE: 1"=30'
 CONTOUR INTERVAL = 2 FT
 ELEVATION DATUM NGVD "88"
 SHEET 2 OF 3

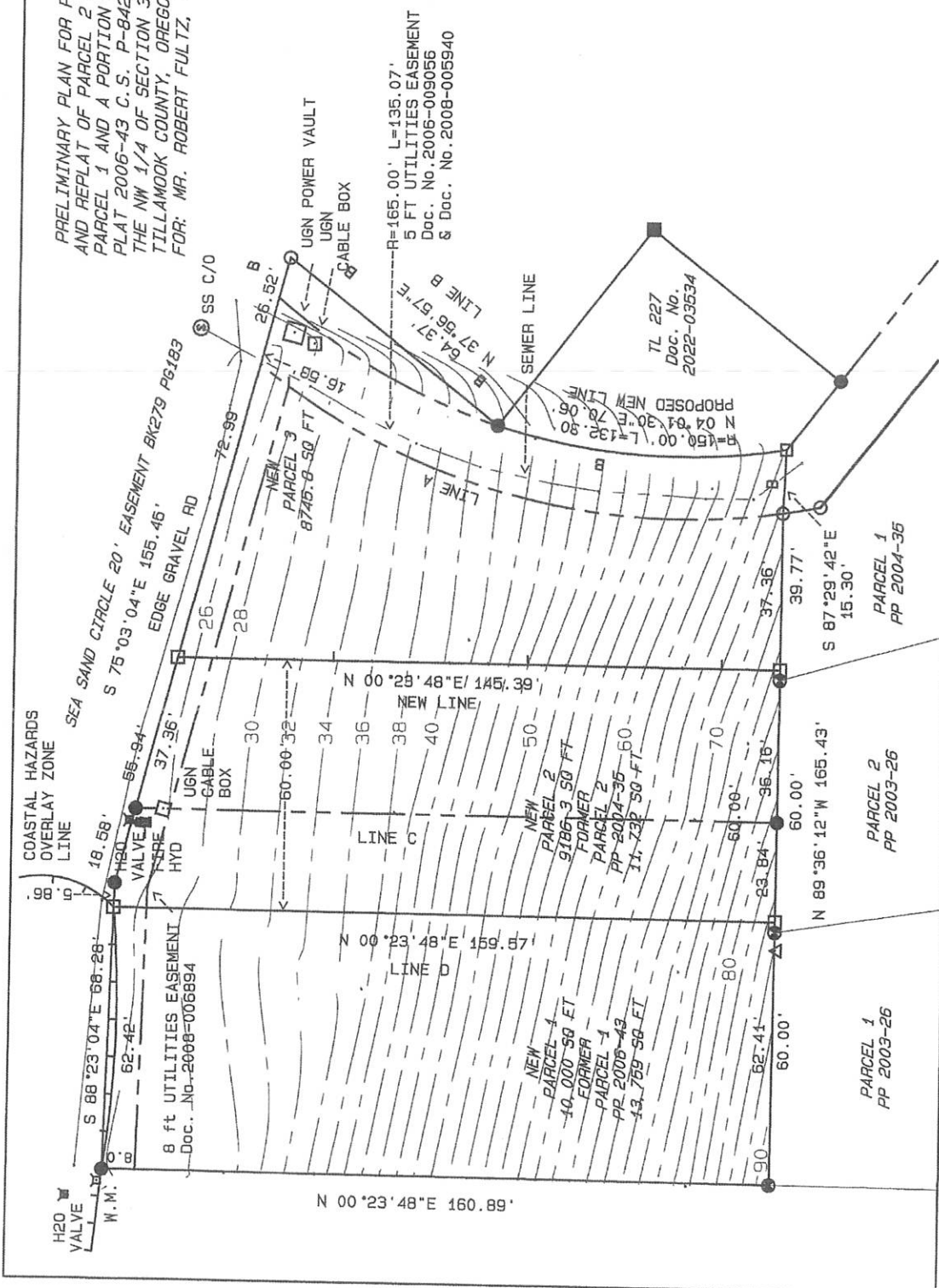
PREPARED BY
 DARIUS K. FERGUSON P. L. S.
 LAND SURVEYING
 6082 S.E. HWY. 101, SUITE B
 LINCOLN CITY, OR. 97367
 PH: (541) 994-5854
 DFERGUSONSURVEYING@GMAIL

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Darius Ferguson

OREGON
 JULY 15, 1987
 DARIUS K. FERGUSON
 2279

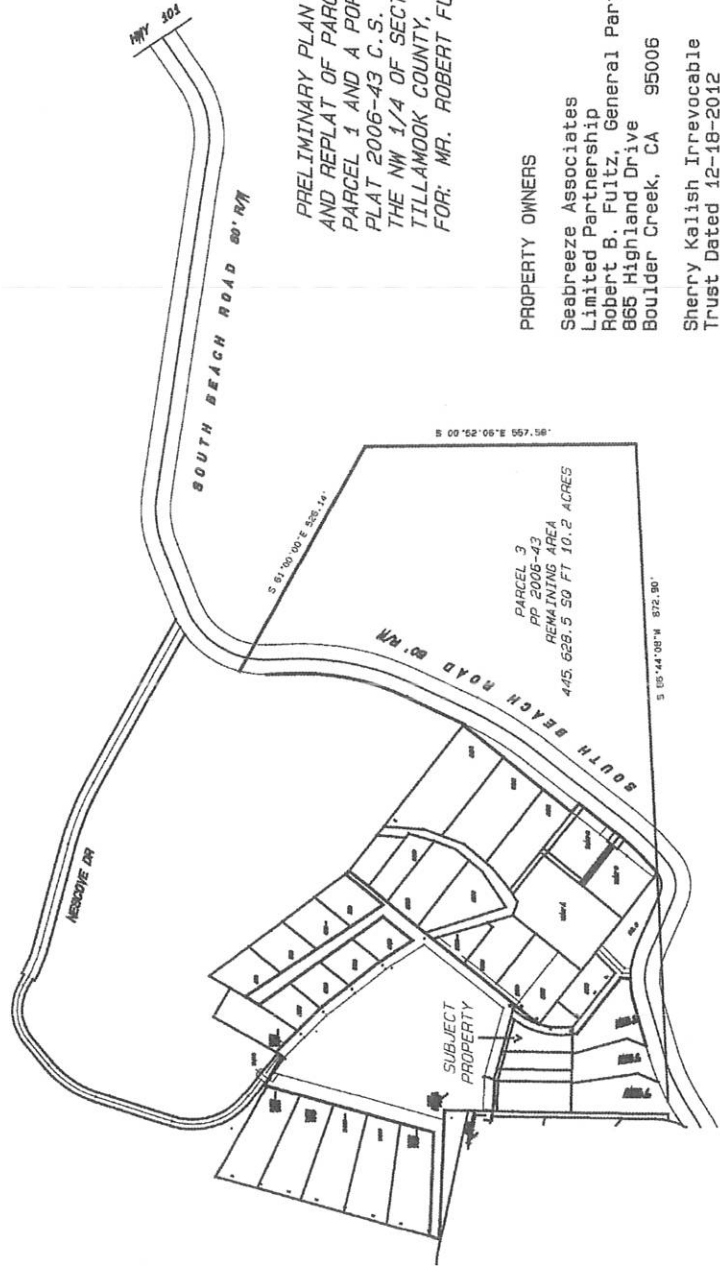
RENS 12-31-23





JULY 27, 2022
 SCALE: 1"=300'
 SHEET 3 OF 3

PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT
 AND REPLAT OF PARCEL 2 PARTITION PLAT 2004-35
 PARCEL 1 AND A PORTION OF PARCEL 3 PARTITION
 PLAT 2006-43 C.S. P-842, LOCATED IN THE SW 1/4 OF
 THE NW 1/4 OF SECTION 36, T 5 S, R 11 W, W.M.,
 TILLAMOOK COUNTY, OREGON
 FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP



PROPERTY OWNERS

- Seabreeze Associates
 Limited Partnership
 Robert B. Fultz, General Partner
 865 Highland Drive
 Boulder Creek, CA 95006
- Sherry Kalish Irrevocable
 Trust Dated 12-18-2012
 Lawrence Kalish, Trustee
 17029 Brookwood Drive
 Boca Raton, Florida 33496
- Jay I. Julien Irrevocable Trust,
 Dated December 14, 2012
 Lawrence J. Kalish, Trustee
 17029 Brookwood Drive
 Boca Raton, Florida 33496

PREPARED BY
 DARIUS K. FERGUSON P.L.S.,
 LAND SURVEYING
 6062 S.E. HWY. 101, SUITE B
 LINCOLN CITY, OR. 97367
 PH: (541) 994-6864
 DFERGUSONSURVEYING@GMAIL

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Darius K. Ferguson

OREGON
 JULY 16, 1987
 DARIUS K. FERGUSON
 2279

RENEWS 12-31-23



Neskowin Regional Water District

PO Box 823

Neskowin, OR 97149

Phone: (503)392-3966

Email: tnt@neskowinwater.com

Web: www.neskowinwater.com

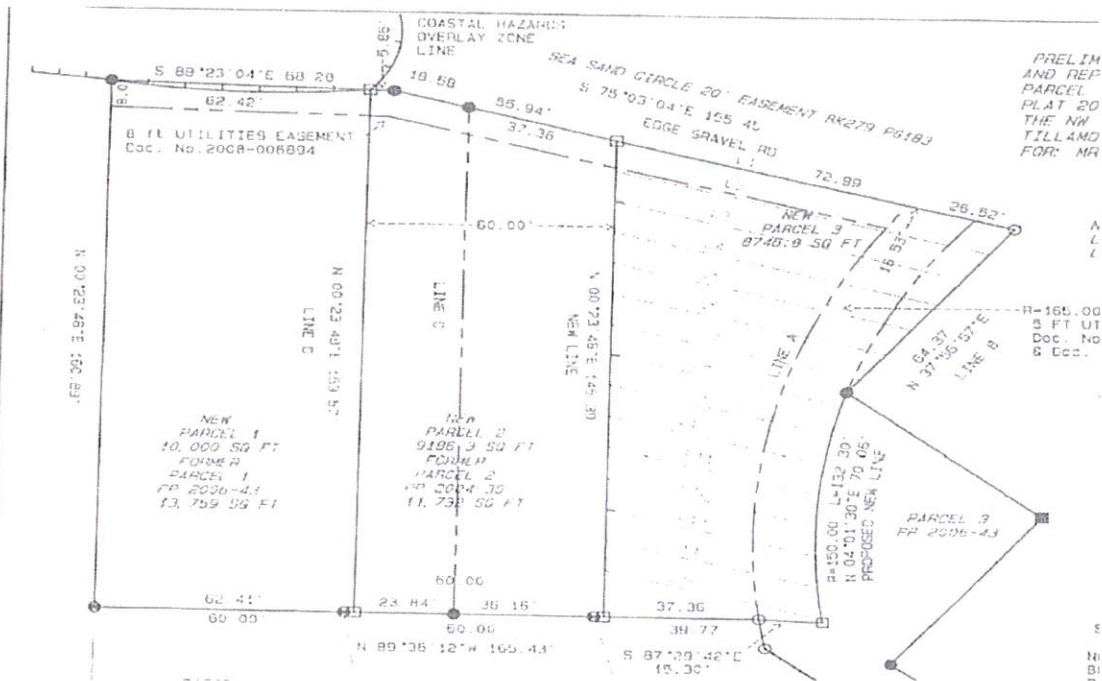
August, 12th 2022



RE: The creation of a lot from tax lots T5S R11W 36BC00219 and 00223

TO: Whomever it may concern.

I am writing this letter to whomever it concerns to inform them that the Neskowin Regional Water District has the capacity and infrastructure in place to serve the proposed new lot between Tax Lots T5S R11W 36BC-219 and 223. In order to receive water service the owner of the new lot will need to install a service line from the main that exists on Sea Sand Circle to the corner of the newly proposed lot.



Troy N. Trute.

General Manager of the Neskowin Regional Water District.



Neskowin Regional Sanitary Authority

P O Box 383, Neskowin, Oregon 97149

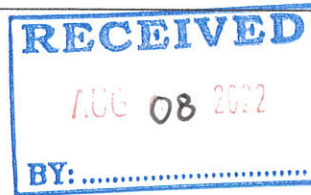
(503) 392-3404 (TTY 1-800-735-2900)

Date: 8-5-2022

To: Tillamook County One-Stop Permit Counter

From: Neskowin Regional Sanitary Authority

Re: Sewer Availability



I confirm that sewer is available to the following lot(s) within our District:

Township: 5S Range: 11 Section: 36BC Tax Lot: TBD

According to our records, the legal owner is:


Jay Julien 2012 Irrevocable Trust, Ann C. Julien Trustee, Lawrence Kalish Trustee, Sherry Kalish Irrevocable Trust, Lawrence J Kalish Trustee & Seabreeze Associates Limited Partnership

Comments: The sewer availability covers the new parcel that will be created from 36BC 219 & 223.

Additional reviews, easements and conditions may be required. This letter becomes void after 12 months from the date of issuance.

The current System Development Charge will be due to NRSA Sanitary District upon issuance of a building permit by the Tillamook County Department of Community Development. The District requires a copy of the approved building permit be sent to NRSA.

This letter shall not create a liability on the part of the Neskowin Regional Sanitary Authority, or by any officer, employee thereof, for the services described above.



Signature of Authorized NRSA Representative

NRSA Office Mgr.

Title

Telephone No: (503) 392-3404

Fax No: (503) 392-3477

E-mail Address: annisl@neskowinsanitary.com



Tillamook County, Oregon 2012-007263
12/26/2012 02:47:33 PM
DEED-DQUIT
\$15.00 \$11.00 \$15.00 \$10.00 - Total = \$52.00



00122120201200072630030034

I hereby certify that the within
instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.

Tassi O'Neil, Tillamook County Clerk

RETURN TO AND TAX STATEMENTS TO:
JAY JULIEN, ATTORNEY AT LAW
1501 BROADWAY, SUITE 1609
NEW YORK, NY 10036

QUITCLAIM DEED

KNOW ALL THESE MEN BY THESE PRESENTS, THE SHERRY KALISH REVOCABLE TRUST, as a tenant in common (hereinafter the "Grantor") does hereby give, grant, bargain, and convey unto LAWRENCE J. KALISH, Trustee of THE SHERRY KALISH IRREVOCABLE TRUST dated December 18, 2012, its successors and assigns, all of its right, title and interest as a tenant in common in and to that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Tillamook and State of Oregon, and more particularly described on SCHEDULE A, attached hereto and made a part hereof by this reference.

**Sherry Kalish, Trustee of

TO HAVE AND TO HOLD the same unto said Grantee and Grantee's heirs, successors and assigns forever.

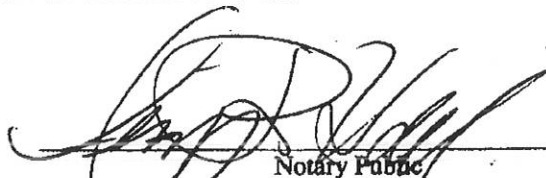
This transfer is made without consideration.

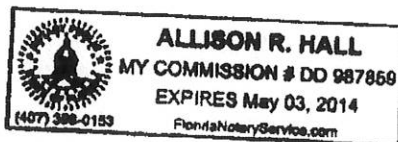
IN WITNESS WHEREOF, the party hereto has executed this instrument as of
the 20 day of December, 2012.


Sherry Kalish Trustee

STATE OF FLORIDA)
COUNTY OF Palm Beach) SS.:

On this 20 day of December, 2012, personally appeared SHERRY KALISH, to me
known, and known to me to be the individual described herein, and who executed the
foregoing instrument, and she acknowledged to me that she executed the same.
* trustee of the Sherry Kalish Revocable Trust


Notary Public



SCHEDULE A

TRACT 1

A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:
PARCEL 2 of PARTITION PLAT 2004-35, as recorded in Plat Cabinet B864-0, on December 27, 2004, as Instrument No. 2004-010779, Tillamook County Clerk's Records.

TRACT 2

TL# 229
A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:
PARCEL 1 of PARTITION PLAT 2006-43, as recorded in Plat Cabinet B979-0, on December 21, 2006, as Instrument No. 2006-10935, Tillamook County Clerk's Records.

TRACT 3

A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:
PARCEL 2 of PARTITION PLAT 2006-43, as recorded in Plat Cabinet B979-0, on December 21, 2006, as Instrument No. 2006-10935, Tillamook County Clerk's Records.

TRACT 4

TL# 220
A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:
PARCEL 3 of PARTITION PLAT 2006-43, as recorded in Plat Cabinet B979-0, on December 21, 2006, as Instrument No. 2006-10935, Tillamook County Clerk's Records.
EXCEPTING THEREFROM that land described in: STATUTORY WARRANTY DEED to Christopher Silkowski and Gale Moore as tenants by the entirety, recorded on June 26, 2007, as document 2007-005330 in Tillamook County Deed Records.
AND SUBJECT TO that NON-EXCLUSIVE EASEMENT FOR ACCESS ONLY as described in STATUTORY WARRANTY DEED to Christopher Silkowski and Gale Moore as tenants by the entirety, recorded June 26, 2007, as document 2007-005330, Tillamook County Deed Records.

RECEIVED
SEP 28 2022
BY:

Tillamook County, Oregon 2012-007117
12/18/2012 03:27:28 PM
DEED-DQUIT
\$15.00 \$11.00 \$18.00 \$10.00 - Total = \$52.00



00121947201200071170030035

I hereby certify that the within
Instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.

Tassi O'Neil, Tillamook County Clerk

RETURN TO AND TAX STATEMENTS TO:
JAY JULIEN, ATTORNEY AT LAW
1501 BROADWAY, SUITE 1609
NEW YORK, NY 10036

QUITCLAIM DEED

KNOW ALL THESE MEN BY THESE PRESENTS, JAY JULIEN, as a
tenant in common (hereinafter the "Grantor") does hereby give, grant, bargain, and convey
unto*THE JAY I. JULIEN 2012 IRREVOCABLE TRUST, its successors and assigns, all of
his right, title and interest as a tenant in common in and to that certain real property, with the
tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in
the County of Tillamook and State of Oregon, and more particularly described on
SCHEDULE A, attached hereto and made a part hereof by this reference.

*Ann C. Julien and Lawrence Kalish, Trustees of the

TO HAVE AND TO HOLD the same unto said Grantee and Grantee's heirs,
successors and assigns forever.


This transfer is made without consideration.

IN WITNESS WHEREOF, the party hereto has executed this instrument as of
the 14th day of December, 2012.


Jay I. Julien

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

On this 14 day of December, 2012, personally appeared JAY I. JULIEN, to me known,
and known to me to be the individual described herein, and who executed the foregoing
instrument, and he acknowledged to me that he executed the same.


Notary Public



ALAN A. MENDEL
NOTARY PUBLIC, STATE OF NEW YORK
REG. #02ME2658225
CERTIFICATE FILED IN N.Y. COUNTY
COMMISSION EXPIRES OCTOBER 31, 2013

SCHEDULE A

TRACT 1

A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:

72#
279
PARCEL 2 of PARTITION PLAT 2004-35, as recorded in Plat Cabinet B864-0, on December 27, 2004, as Instrument No. 2004-010779, Tillamook County Clerk's Records.

TRACT 2

A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:

PARCEL 1 of PARTITION PLAT 2006-43, as recorded in Plat Cabinet B979-0, on December 21, 2006, as Instrument No. 2006-10935, Tillamook County Clerk's Records.

TRACT 3

A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:

PARCEL 2 of PARTITION PLAT 2006-43, as recorded in Plat Cabinet B979-0, on December 21, 2006, as Instrument No. 2006-10935, Tillamook County Clerk's Records.

TRACT 4

A tract of land in the Southwest quarter of the Northwest quarter of Section 36, T. 5 S., R. 11 W. of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows:

PARCEL 3 of PARTITION PLAT 2006-43, as recorded in Plat Cabinet B979-0, on December 21, 2006, as Instrument No. 2006-10935, Tillamook County Clerk's Records. EXCEPTING THEREFROM that land described in STATUTORY WARRANTY DEED to Christopher Silkowski and Gale Moore as tenants by the entirety, recorded on June 26, 2007, as document 2007-005330 in Tillamook County Deed Records.

AND SUBJECT TO that NON-EXCLUSIVE EASEMENT FOR ACCESS ONLY as described in STATUTORY WARRANTY DEED to Christopher Silkowski and Gale Moore as tenants by the entirety, recorded June 26, 2007, as document 2007-005330, Tillamook County Deed Records.

50139

KNOW ALL MEN BY THESE PRESENTS, That JOYCE R. HIATT

hereinafter called the grantor, in consideration of Forty Nine Thousand Five Hundred Dollars, to grantor paid by Lester P. Fultz

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Tillamook and State of Oregon, described as follows, to-wit:

Legal description for this tract of land is described in "Exhibit A" pages 1 through 3, attached hereto and by this reference made part of this instrument.

Grantor reserves the following easements attached hereto marked "Exhibit B" pages 1 through 3, and by this reference made part of this instrument for the benefit of Parcel 1 of the real property conveyed herein for her benefit and for the benefit of her heirs, successors and assigns.

To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand and seal this 13 day of July, 1981

Joyce R. Hiatt (Signature and Seal)

STATE OF OREGON, County of Tillamook ss. Personally appeared the above named Joyce R. Hiatt 13 July 1981

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

Before me: [Signature] Notary Public for Oregon My commission expires 4-24-82

(OFFICIAL SEAL)

WARRANTY DEED TO AFTER RECORDING RETURN TO Lester P. Fultz Co. P. 700 P.O. Box 211 211 Marathia, OR 97121

STATE OF OREGON, County of ... I certify that the within instrument was received for record on the day of ... 1981 at ... 25/444 279/183 11-27-81 page ... County ... and seal of County Clerk-Recorder.

EXHIBIT A
DESCRIPTION

PARCEL I

A tract of land situated in the SW 1/4 of the NW 1/4 of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon more particularly described as follows:

Beginning at a point which is 2063.5 feet South and 964.8 feet West of the Northeast corner of said NW 1/4 of the NW 1/4 of said Section 36; thence North 37°38' East, 200.0 feet to the most northerly corner of that tract conveyed to Marilyn J. Place by deed recorded April 10, 1956 in Book 152, page 315, Deed Records of Tillamook County, Oregon and the true point of beginning of the tract herein described; thence from said true point of beginning North 37°22' West, 355.66 feet to the westerly line of that tract of land conveyed to Peter O. Place, et ux, by deed recorded May 1, 1961 in Book 175, page 462, Deed Records of Tillamook County; thence North 29° East, 252.59 feet along said line to the most northerly corner of the aforesaid Place tract; thence South 61° East, 225.45 feet along the northerly line of the said Place tract; thence South 29° West 79.39 feet; thence South 72°58'30" East, 13.42 feet; thence South 5°59' East, 115.57 feet; thence North 29° East, 171.0 feet to said Northerly line of said Place tract; thence South 61° East, 263.10 feet; thence on a 201.52 foot radius curve left (long chord bears South 5°53' West, 55.96 feet) an arc distance of 56.14 feet; thence South 2°04' East, 55.24 feet; thence on a 526.61 foot radius curve right (long chord bears South 11°13' West, 239.26 feet) an arc distance of 241.41 feet; thence South 24°30' West, 130.79 feet to a point which is South 52°22' East from the true point of beginning; thence North 52°22' West, 382.98 feet to the true point of beginning. EXCEPTING a tract described as beginning at a point 1842.32 feet South and 855.27 feet West of the Northeast corner of the NW 1/4 of the NW 1/4 of said Section 36; thence North 37°22' West, 10.0 feet; thence North 50° East, 109.81 feet; thence South 5°59' East, 31.5 feet; thence South 52°22' East, 127.9 feet; thence South 23°22' West 103.18 feet more or less; thence North 52°22' West, 123.5 feet; thence North 37°22' West, 50 feet to the point of beginning.

PARCEL II

A tract of land situated in Section 35 and 36, Township 5-South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, and more particularly described as follows:

Beginning at the quarter section corner common to said Sections 35 and 36 of said township and range; thence North, 400.0 feet along the Section line to the true point of beginning of the tract herein described; thence from said true point of beginning North, 60.0 feet; thence North 88°42' West, 260.0 feet; thence North 14°09' East, 20.0 feet; thence South 88°42' East, 210.0 feet; thence North 14°09' East, 355.8 feet to a point on the south line of that tract conveyed to Orion A. Place, et ux, recorded February 27, 1962, in Book 179, page 392, Tillamook County Deed Records; thence along the South line of said Place tract to the southeast corner thereof; thence in a southeasterly direction to the southwest corner of that tract conveyed to Pete Wilson Realty, Inc., by deed recorded January 27, 1970, in Book 218, page 292, Deed Records

Order No: 29-51076

Page 1

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11-27-81

251444

Tillamook County, Oregon
Deed Records
Book 279 Page 183

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BOOK 279 PAGE 183

Tillamook County, Oregon
Deed Records
Book 279 Page 183

Wilson Realty
Beudo

DESCRIPTION (cont.)

of Tillamook County; thence South 45°44' East, 64.95 feet; thence South 33°45' East, 155 feet; thence South 33°07' East, 80 feet; thence North 37°38' East, 78.52 feet; thence North 35°44' West, 310 feet; thence North 29°22' East, 32.95 feet; thence South 34°21' East, 347 feet; thence North 37°38' East, 99.5 feet; thence South 37°22' East, 10 feet to the most northerly corner of that tract conveyed to Marilyn J. Place by deed recorded April 10, 1956 in Book 152, page 315, Deed Records of Tillamook County; thence South 37°38' West, 400.0 feet along the Westerly line of the O.A. Place tracts; thence North 77°38' West, 248.15 feet to the true point of beginning.

PARCEL III

A tract of land situated in the SW 1/4 of the NW 1/4 of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon and more particularly described as follows:

Beginning at the quarter section corner common to Sections 35 and 36 of said township and range; thence North 400.0 feet; thence South 77°38' East, 248.15 feet to the Westerly line of the O.A. Place Tracts; thence South 37°38' West, 100.0 feet to the most Westerly corner thereof; thence South 52°22' East, 60.0 feet; thence South 37°38' West, 50.0 feet; thence South 52°22' East, 119.1 feet; thence North 44°38' West, 50.38 feet to the Southerly line of the aforesaid O.A. Place Tracts; thence South 52°22' East 193.0 feet along said O.A. Place Tracts to the most Southerly corner thereof; thence South, 4.14 feet to the South line of the SW 1/4 of the NW 1/4 of said Section 36; thence South 86°20'14" West, 480.46 feet along said South line to the point of beginning.

PARCEL IV

A tract of land situated in the SW 1/4 of the NW 1/4 of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon and more particularly described as follows:

Beginning at the quarter section corner common to Section 35 and 36 of said township and range; thence North 86°20'14" East, 480.46 feet along the South line of said SW 1/4 of the NW 1/4 of said Section 36 to the true point of beginning of the tract herein described; thence from said true point of beginning North, 4.14 feet to the most Southerly corner of the O.A. Place Tracts; thence North 37°38' East, 500.0 feet; thence South 52°22' East, 3.98 feet; thence North 24°30' East 130.79 feet; thence on a 526.81 foot radius curve left (long chord bears North 11°13' East, 239.26 feet) an arc distance of 241.41 feet; thence North 2°04' West, 55.24 feet; thence on a 201.52 foot radius curve right (long chord bears North 5°53' East, 55.96 feet) an arc distance of 56.14 feet to the Northerly line of the tract conveyed to Peter O. Place, et ux, by deed recorded May 1, 1961 in Book 175, page 462, Deed Records of Tillamook County; thence South 61° East, 524.89 feet to the Northeast corner of said Place tract; thence South 37°19'11" West, 721.19 feet to the South line of said SW 1/4 of the NW 1/4 of said Section 36; thence South 86°20'14" West, 436.89 feet along said South line to the true point of beginning.

Order No. 29-51076

Page 2

25444
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251444

Tillamook County Official Records
Witness my hand and Seal of Office
JUNE 1981
was received for record at.

NOV 27 2 52 PM '81

BOOK 279 PAGE 183

Tillamook County Official Records
Witness my hand and Seal of Office
JUNE 1981

Nicola Steele
Deeds

DESCRIPTION (cont.)

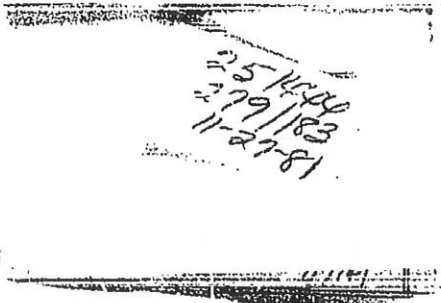
PARCEL V

A tract of land situated in the SW 1/4 of the NW 1/4 of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon and more particularly described as follows:

Beginning at the quarter section corner common to Sections 35 and 36 of said township and range; thence North 86°20'14" East, 917.35 feet along the South line of said SW 1/4 of the NW 1/4 of said Section 36 to the true point of beginning of the tract herein described; thence from said true point of beginning North 37°19'11" East, 721.19 feet to the Northeast corner of that tract of land conveyed to Peter O. Place, et ux, by deed recorded May 1, 1961 in Book 175, page 462, Deed Records of Tillamook County; thence South 1°14'46" East, 544.92 feet along the East line of said SW 1/4 of the NW 1/4 of said Section 36 to the Southeast corner thereof; thence South 86°20'14" West, 450 feet along the South line of said SW 1/4 of the NW 1/4 of said Section 36 to the true point of beginning. - - - -

Order No: 29-51076

Copy 3



251444

Clare of Oregon, County of Tillamook
I hereby certify that the within measure
was received for recording on

NOV 27 2 52 PM '81

BOOK 279 PAGE 183

Tillamook County Official Record
JUNE WALDEN, County Clerk

Nicholas Steinhilber
Deeds

EXHIBIT B

DESCRIPTION OF EASEMENTS:

Non-exclusive easements described as follows:

A strip of land 10 feet wide on each side of the following described centerline situated in Section 36, Township 5 South, Range 11 West of the Willamette Meridian: Beginning at the most southerly corner of that tract conveyed to O.A. Place, et ux, by deed recorded in Book 179, page 392, Deed Records; thence North 49° 10' West 189.6 feet; thence North 9° 08' East 90 feet more or less to the South line of the Steiner tract recorded in Book 36, page 420, Deed Records; thence North 16° 27' East 170.0 feet to a point; thence North 40° 04' East 135 feet; thence North 63° 16' East 105.44 feet; thence South 66° 11' East 56.0 feet; thence South 61° East 27.05 feet more or less to the centerline of a 30.0 foot wide roadway easement granted by Chinook Associates Inc. and Joyce E. Hiatt on 3 July 1980.

EASEMENT "B" A strip of land 20 feet wide, lying to the left hand of a line which begins at a point South 2063.5 feet and West 964.8 feet, from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 36, Township 5 South, Range 11 West; and runs thence: North 33° 07' West, 110 feet; thence North 38° 45' West, 155 feet; thence North 45° 44' West 128.35 feet to the Southeast line of the former O.A. Place property recorded in Book 179, page 392, Deed Records.

EASEMENT "C" A strip of land 20 feet wide, lying to the right hand of a line beginning at a point which is West 964.8 feet and South 2063.5 feet from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 36, Township 5 South, Range 11 West; of the Willamette Meridian, and running thence South 17° 59' East 173.7 feet;

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11-27-81

251444

State of Oregon, County of Tillamook
County Clerk's Office
Date recorded for record 11/27/81

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BOOK 279 PAGE 183

Tillamook County Official Records
Book and Page Number and Date of Recording
JUNE WAGNER, County Clerk

Nicholas Stead
Records

03141

thence North 87° 54' East 37.36 feet; thence North 36° 19' East 124 feet; thence North 23° 22' East 103.18 feet; thence offsetting to the left North 52° 22' West 10.6 feet; thence North 03° 09' East 60.65 feet.

EASEMENT "E" Beginning at a point South 1976.37 feet and West 909.81 feet from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 36, Township 5 South, Range 11 West; thence North 34° 21' West 338.5 feet; thence South 29° 22' West 32.95 feet; thence South 35° 34' East, 231.44 feet; thence South 36° 02' East 108.2 feet; thence North 37° 38' East 20 feet; thence North 34° 21' West 10 feet to the point of beginning.

EASEMENT "G" Beginning at a point South 2063.5 feet and West 964.8 feet from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 36, Township 5 South, Range 11 West; thence North 33° 07' West 30 feet; thence North 37° 38' East 78.57 feet; thence South 36° 02' East 29.51 feet; thence South 37° 36' West to the point of beginning.

EASEMENT "H" A strip of land 30 feet wide, lying to the right hand of a line which begins at a point North 481.02 feet and West 44.98 feet and North 14° 09' East 366.0 feet from the West quarter corner of Section 36, Township 5 South, Range 11 West; and runs thence North 14° 09' East to intersection with that 20 foot wide Easement across the Peter O. Place property, which easement is described in deed to P.O. Place recorded in Book 175, page 462, Deed Records.

2

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11-27-81

251444

State of Oregon, County of Tillamook
I hereby certify that the within instrument
was received for record at

NOV 27 2 52 PM '81

BOOK 279 PAGE 183

TILLAMOOK COUNTY OFFICIAL SEAL
JAMES WAGNER, County Clerk

William Slack
Slack

EASEMENT "I" A strip of land 30 feet wide, lying to the right hand of a line which begins at a point North 481.02 feet and West 44.98 feet from the West quarter corner of Section 36, Township 5 South, Range 11 West, and runs thence North 14° 09' East, 366 feet.

EASEMENT "J" A strip of land 20 feet wide, lying to the right hand of a line which begins at a point 460 feet North from the West quarter corner of Section 36, Township 5 South, Range 11 West of the Willamette Meridian and runs thence North 88° 42' West 260 feet.

EASEMENT "K" A strip of land 10 feet wide, lying to the right hand of a line which begins at a point North 826.17 feet, and East 42.11 feet, from the West quarter corner of Section 36, Township 5 South, Range 11 West, and runs thence North 60° 54' West, 211.73 feet.

EASEMENT GRANTED BY RIGHT OF WAY DEED dated 24 September, 1963

A strip of land 20 feet wide, being 10 feet on either side of a line which begins at a point which is South 1972.71 feet, and West 755.76 feet, from the Northeast corner of the Northwest quarter of Section 36, T5S, R11W, W.M., and runs thence North 03° 09' East, to the northerly line of the tract conveyed by Peter O. Place and Phyllis D. Place to O.A. Place and Marjorie J. Place on or about 24 September, 1963.

All of the above easements are to be for the benefit of the Hiatt tracts and all of their future purchasers. Easements are for the purpose of vehicular and foot traffic as is appropriate.

-Here Ends Exhibit B-

3

25-1444
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11-27-81

251444

State of Oregon, County of Tillamook
I hereby certify that this instrument
was filed for record at

Nov 27 2 52 PM '81

BOOK 279 PAGE 183

Tillamook County Official Records
I have examined and find that this
instrument is correct and true to the
JUNE BRACKEN County Clerk

Nicholas Slack Deputy
Deeds 28.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Jay Julien, as Trustee of Julien and Associates, Inc., Pension Trust Fund, as a tenant in common, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Jay Julien, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of grantor's right, title and interest as a tenant in common in and to that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Tillamook, State of Oregon, described on Schedule A which is attached hereto and made a part hereof.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And the grantor hereby covenants to and with the grantee and grantee's heirs, successors and assigns that the grantor is lawfully seized in fee simple of the said real property as a tenant in common, and that said real property is free from all encumbrances, subject to the exceptions stated on Schedule A, and that grantor will warrant and defend the same in every part and parcel thereof against the lawful claims and demands of all persons except as or claimed under encumbrances set forth in Schedule A attached hereto.

The true and actual consideration paid for this transfer is Fifteen thousand (\$15,000.00) dollars, all of which is paid in cash.

In construing this deed and where the context so requires, the singular includes the plural and the plural includes the singular.

IN WITNESS WHEREOF, the grantor has executed this instrument this 24th day of October, 1991.

J. Julien

Jay Julien, as Trustee
of Julien and Associates, Inc.
Pension Trust Fund

State of New York)
) ss.:
County of New York)

On this 27th day of October, 1991, personally appeared Jay

Julien who, being duly sworn, did say that he is Trustee of Julien and Associates, Inc., Pension Trust Fund, and that he executed the foregoing instrument on behalf of the said corporation by authority of its Board of Directors.

Gordon Reven

GORDON REVEN
Notary Public, State of New York
No. 31-485682
Qualified in New York County
Commission Expires March 10, 1988
72

Grantor
Jay Julien
as Trustee of Julien and
Associates, Inc.
Pension Trust Fund
1100 Broadway
New York, New York 10018

Grantee
Jay Julien
225 Central Park West
New York, New York 10021

NO 88753

Form 1

State of New York }
County of New York }
I, NORMAN GOYMAN, County Clerk and Clerk of the Supreme Court of the State of
New York, in and for the County of New York, Court of Record, having by law a seal,
DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

whose name is subscribed to the enclosed and ditto captioned certificate of acknowledgment or proof, was at the
time of taking the same a NOTARY PUBLIC, in and for the State of New York duly commissioned, sworn and
qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his
autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he
was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC
or have compared the signature of the annexed instrument with his autograph signature deposited in my office, and
I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

NOV 14 1987
RECEIVED \$1.00

Norman Goyman
County Clerk and Clerk of the Supreme Court, New York County

Schedule A

The land referred to in this deed is described as

A tract of land situated in the Southwest quarter of the Northwest quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian in Tillamook County, Oregon more particularly described as follows:

Beginning at the quarter section corner common to Sections 35 and 36 of said township and range; thence North, 460.0 feet along the section line; thence North 88°42' West, 260.0 feet; thence North 14°09' East, 20.0 feet; thence South 88°42' East, 210.0 feet; thence North 14°09' East, 355.8 feet to a point on the South line of a tract conveyed to Orion A. Place, et ux, recorded February 27, 1962, in Book 179, page 392, Tillamook County Records; thence along the South line of said Place tract to the Southeast corner thereof; thence in a southeasterly direction to the Southwest corner of a tract conveyed to Pete Wilson Realty, Inc. by deed recorded January 27, 1970, in Book 218, page 292, Deed Records of Tillamook County; thence South 45°44' West, 64.95 feet; thence South 30°45' East, 150.0 feet; thence South 33°07' East, 80.0 feet; thence North 37°38' East, 78.52 feet; thence North 35°44' West, 310.0 feet; thence North 29°22' East, 32.95 feet; thence South 34°21' East, 347.0 feet; thence North 37°38' East, 99.5 feet; thence South 37°22' East, 10.0 feet to the most northerly corner of that tract conveyed to Marilyn J. Place by deed recorded April 10, 1956 in Book 152, page 315, Deed Records of Tillamook County; thence South 37°38' West, 500.0 feet to the most westerly corner of the O. A. Place tracts; thence South 52°22' East, 60.0 feet; thence South 37°38' West, 50.0 feet; thence South 52°22' East, 119.1 feet; thence North 44°38' East, 50.28 feet to the southerly line of the aforesaid O. A. Place tracts; thence South 52°22' East, 193.0 feet along said O. A. Place tracts to the most southerly corner thereof; thence North 37°38' East, 500.0 feet; thence South 52°22' East, 2.98 feet; thence North 24°30' East, 130.79 feet; thence on a 526.61 foot radius curve left (long chord bears North 11°13' East, 239.26 feet) an arc distance of 241.41 feet; thence North 2°04' West, 55.24 feet; thence on a 200.52 foot radius curve right (long chord bears North 5°53' East, 55.96 feet) an arc distance of 56.14 feet to the northerly line of the tract conveyed to Peter O. Place, et ux, by deed recorded May 1, 1961, in Book 175, page 462, Deed Records of Tillamook County; thence South 61° East, 524.89 feet to the Northeast corner of said Place tract; thence South 1°14'46" East, 544.92 feet to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 36; thence South 86°20'14" West, 1367.35 feet along the South line of the said Southwest quarter of the Northwest quarter of said Section 36 to the quarter section corner common to Sections 35 and 36 and the point of beginning.

GRANTING to the grantees herein, their heirs and assigns, a tract of land for roadway easement purposes situated in Section 36, Township 5 South, Range 11 West of the Willamette Meridian in Tillamook County, Oregon, the centerline of which is more particularly described as follows:

A strip of land 60.0 feet in width lying 30.0 feet on either side of the centerline described as: Beginning at Engineers Right-of-Way Station 267+20 on the southerly right-of-way line of the Relocated Oregon Coast Highway 101; thence South 55°25' West, 110.0 feet; thence on a 200.0 foot radius curve right (long chord bears South 76°43'10" West, 145.32 feet) an arc distance of 148.72 feet; thence North 81°38'40" West, 705.43 feet; thence on a 222.96 foot radius curve left (long chord bears South 82°57'38" West, 115.88 feet) an arc distance of 117.22 feet; thence South 67°53'56" West, 125.68 feet; thence on a 171.52 foot radius curve left (long chord bears South 32°54'58" West, 196.65 feet) an arc distance of 209.42 feet, entering the tract to which this easement applies at about an arc distance of 170 feet; thence South 2°15'11" East, 55.24 feet; thence on a 550.61 foot radius curve right (long chord bears South 11°01'53" West, 253.04 feet) an arc distance of 255.32 feet; thence South 24°18'57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30°48'57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37°18'57" West, 226.05 feet; thence on a 385.02 foot radius curve right (long chord bears South 42°31'52" West, 133.31 feet) an arc distance of 134.33 feet; thence on a 74.10 foot radius curve right (long chord bears South 95°37'14" West, 70.40 feet) an arc distance of 72.26 feet; thence North 65°50'31" West, 111.46 feet to Point "A"; thence on a 138.31 foot radius curve left (long chord bears North 75°54'29" West 47.74 feet) an arc distance of 47.98 feet to Point "B"; thence returning to Point "A"; thence from Point "A" on a 138.31 foot radius curve left (long chord bears North 85°50'31" West, 94.04 feet) an arc distance of 95.96 feet; thence South 74°16'57" West, 116.77 feet; thence on a 409.28 foot radius curve left (long chord bears South 68°42'02" West, 79.62 feet) an arc distance of 79.75 feet and leaving the tract to which this easement applies. Reserving for the benefit of the grantor, his heirs and assigns and other property owners to the North, South and West of the tract herein conveyed all portions of the above described easement which traverse the tract conveyed by this deed. Said benefits to include rights of ingress and egress and utility line (water, sewer, electrical, telephone and television lines), rights of way. (Note: The easement description leaves the tract during the 385.02 foot radius curve and re-enters the tract on the course North 65°58'03" West.), excepting as trust conveyed to Ralph T. Dawson by deed recorded September 2, 1982 in Deed Records in book 293 page 431.

SUBJECT also to a further easement described as follows: Returning to Point "B" as described in the foregoing easement description; thence North 4°09'27" East, 30.0 feet to the northerly right-of-way of the easement roadway and the true point of beginning of the easement herein described; thence from said true point of beginning North, 58 feet more or less to the southerly line of the Nolf property; thence South 52°22' East, 30 feet more or less to the most southerly corner of the said Nolf tract; thence South 13°52' East, 40 feet more or less to the northerly right-of-way line of the above described easement; thence westerly along said right-of-way line a distance of 30 feet more or less to the true point of beginning of the easement herein described.

SUBJECT also to a quarry access easement, 60 feet in width lying 30 feet on either side of the following described centerline: Beginning at the Northeast corner of the Peter O. Place tract as conveyed and recorded May 1, 1961, in Book 175, page 462, Deed Records of Tillamook County; thence from said point of beginning South 1°14'46" East, 30.0 feet along the easterly line of the said Place tract to the true point of beginning of the easement herein described; thence from said true point of beginning South 82°55' West, 80.0 feet; thence South 49°46' West, 225.0 feet; thence South 13°41' West, 288.44 feet; thence South 55°09' East, 67.50 feet; thence North 62°46' East, 285 feet more or less to the easterly line of the said Peter O. Place tract.

SUBJECT to an old easement over and across the easterly portion of the said Peter O. Place tract. - - - - -

SUBJECT to the following:

- A. Rights of the public in and to that portion of said premises lying in streets, roads and highways.
- B. The rights of the public and of the State of Oregon as declared acquired under the provisions of Chapter 601, Oregon Laws 1969, effective July 6, 1967, as amended by Chapter 601, Oregon Laws 1969, effective August 22, 1969.
- C. The various easements for access that has been deemed to the smaller tracts within this tract and to the rights of water for domestic water purposes, if any still exist.
- D. Right of Way Easement, including the terms and provisions thereof, from Peter O. Place and Phyllis D. Place, to Tillamook People's Utility District, a municipal corporation, dated August 16, 1969, recorded August 20, 1969, in Book 216, page 709, Tillamook County Records.
- E. Easements for ingress, egress, utility and a quarry access easement set forth in vesting deed to Jay Julien, as Trustee, et al, recorded November 27, 1961, in Book 279, page 184, Tillamook County Records. - - - - -
- F. Co-tenancy interests of SEABREEZE ASSOCIATES LIMITED PARTNERSHIP and PHILIP J. KASSEL.

Return to: Philip J. Kassel
4205 W.ington Ave. Ste 2835
New York, NY 10170

Page 3

311274

I hereby certify that the within instrument was duly recorded in the County of Tillamook, State of Oregon.



BOOK 338 PAGE 983
WITNESS MY HAND AND SEAL AT TILLAMOOK,
OREGON, THIS 10th DAY OF DECEMBER, 1969.

JOSEPHINE WELLS, County Clerk
Deputy
G. W. WELLS
ART. 1005
PLCP. 1005

EXHIBIT C

Angela Rimoldi



From: Lynn Cooper <lynn.cooper@oracle.com>
Sent: Thursday, October 20, 2022 3:24 PM
To: Angela Rimoldi; Sarah Absher
Cc: Lynn Cooper
Subject: EXTERNAL: RE: Tillamook County Dept of Community Development / Administrative Review of Partitions: #851-22-000379-PLNG and #851-22-000355-PLNG. Comments and concerns from Lynn Cooper. - 10/20/2022.

Importance: High

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

+ Adding Sarah Absher.

Subject: Tillamook County Dept of Community Development / Administrative Review of Partitions: #851-22-000379-PLNG and #851-22-000355-PLNG. Comments and concerns from Lynn Cooper. - 10/20/2022.

Importance: High

To: Tillamook County Dept of Community Development

Attention: Sarah Absher and Angela Rimoldi.

We recently received your NOTICE OF ADMINISTRATIVE REVIEW, regarding PARTITION REQUEST #851-22-000379-PLNG TOGETHER WITH PROPERTY LINE ADJUSTMENT REQUEST #851-22-000355-PLNG. Date of Notice: October 7, 2022.

In your notice you mentioned that the Tillamook County Department of Community Development is considering the approval for making partition and line adjustments on the land parcels shown above.

Our property resides immediately adjacent to these parcels, on the hill just above the parcels. My wife and I have big concerns about these partitions and line adjustments and we hope you will not approve these parcel amendments.

Preface:

First of all, I purchased our Neskowin land parcel back in 2004, which I believe is noted as parcel "215" on the drawing you sent to us. Back in 2004, while I was considering buying my lot, I was told by the Realtor's (Sam Shell & Dan Trinci) that there were only two potential building lots below my property line, therefore only two possible homes could be developed below my future home. I certainly would not have purchased the lot had I known that more than two homes could be developed in the lots below me. In addition, I was told that the beautiful very large treed open space at the bottom of the hill was designated as a wetlands area, therefore it would not be developed in the future. Based on these promises, I decided to invest in buying my lot to eventually build our retirement home, which we have been saving for and planning to do in the near future.

However, during the last couple of years, it seems that the Tillamook County Dept of Community Development has continued to consider changes, which negatively impacts the promises made to land / homeowners such as myself, as well as others in our Neskowin community. In our view, every additional parcel, or sub-partition that gets approved continues to erode the character and beauty of our Neskowin community, as well as diminish the promises that were made to the many land/home buyers such as ourselves.

I understand that my statements above may not directly apply to the Notice you sent to me and my family, however I wanted to share my concerns with the County and folks making these partition and property line amendment requests. I urge you to please don't do this to our community!

Additional Criteria Feedback:

In regards to your Notice, Tillamook County Community Development should not approve these parcel amendments and therefore should deny the requested plat changes, for the following reasons:

- Moving the boundary lines would allow for the creation of an additional lot, therefore this would open the potential for at least three homes to be built on the lots in question, which would degrade the hillside and increase the potential for erosion and mudslides during future heavy rains, or seismic activities. The additional support for water drainage infrastructure is another concern.
- By moving the boundary lines, the lot setbacks would further limit future home building site options for whoever purchases and decides to build on these lots in question. In addition, such boundary limitations could result in additional tree losses, due to damaging trees, or eliminating some of the beautiful thousand year old giant trees that reside on our hillside. I am sure the county would agree that these rare coastal trees must be protected for future generations to enjoy!
- Sewage considerations: By approving property line changes, an additional lot and future homesite would put more strain on an already overburdened sewage system that the community has been dealing with.
- Road considerations: By approving property line changes, an additional lot and future homesite would add more use to the local roads and entrance bridge, which increases road and bridge maintenance and costs over time.
- Water use: By approving property line changes, an additional lot and future homesite would require additional water, utilities and trash service usage in our area.
- Tillamook County Flood Hazard Overlay Zone concerns: By approving property line changes, an additional lot would legally *require* the county to conduct an additional costly re-review of the approved Flood Hazard Overlay Zone, to determine if these changes could impact the previously approved study, since creating an additional lot homesite would put additional people in harms way, in the event of an earthquake, or other tidal, or flooding anomalies in the future.
- Lastly, our Neskowin area is considered to be a "low density" residential zone, therefore approval of these changes may shift the entire character of our area into a "medium density" residential zone, which would have additional legal ramifications.

I hope that you will carefully review our concerns, consider our neighborhood impacts and deny these parcel and partition boundary requests.

Thank you for your consideration!

Please reply back to me, so I know you received my communication email before the due date, as outlined in your Notice.

Regards,

Lynn & Bozena Cooper
4950 S. Yosemite Street F2-333
Greenwood Village, CO.
80111

720-635-0038

Email: lynncooperjr@gmail.com