

John G. Reppeto
Land Surveyor

1225 N.W. Murray Rd. #202
Portland, OR 97229

Phone
(503) 643-8755

2 DEC 1991

Nov. 27, 1991

Job No. 91071

Legal Description - Parcel 1

A tract of land situated in the N.W. 1/4 of the N.W. 1/4 of Section 25, T 3 N., R 2 W., W.M., Multnomah County, Oregon, being described as follows;

Beginning at the Northwest corner of said Section 25; thence N 89 deg. 57 min. 30 sec. E along the North line of said Section 25 a distance of 412.92 ft.; thence S 00 deg. 04 min. 25 sec. E a distance of 534.77 ft.; thence N 89 deg. 55 min. 35 sec. E a distance of 365.00 ft.; thence S 00 deg. 04 min. 25 sec. E a distance of 784.26 ft. to the South line of the N.W. 1/4 of the N.W. 1/4 of said Section 25; thence S 89 deg. 39 min. 16 sec. W along the South line of said legal subdivision a distance of 783.14 ft. to the Southwest corner thereof; thence N 00 deg. 09 min. 07 sec. E along the West line of said Section 25 a distance of 1322.98 ft. to the Point of Beginning. EXCEPTING THEREFROM that portion of the above described property lying within the limits of Watson Road, Co. Rd. No. 944-40. Containing 19.0 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Reppeto

OREGON
JULY 10, 1964
JOHN G. REPPETO
657

APPROVED LOT LINE ADJUSTMENT
In Accordance With MCC 11. 45
Case # Date 12/2/91
Division of Planning & Development
Dan H. [Signature]
by
REGISTRATION DIVISION

SEC 25 3N 2W

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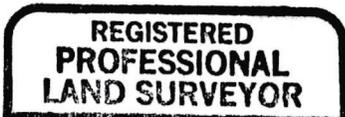
Nov. 27, 1991

Job No. 91071

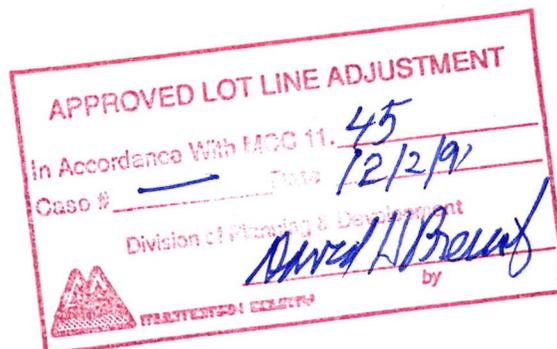
Legal Description - Parcel 2

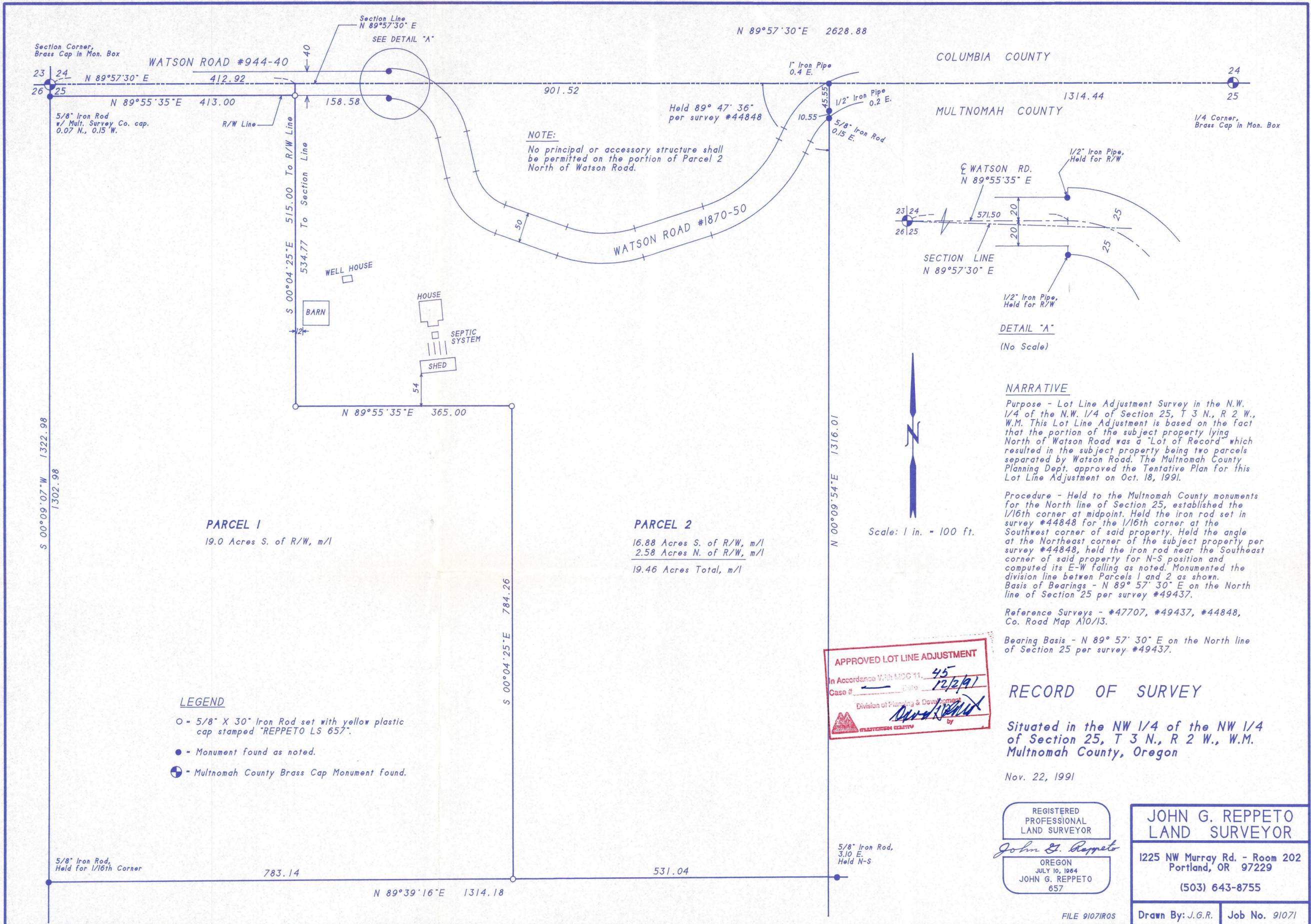
A tract of land situated in the N.W. 1/4 of the N.W. 1/4 of Section 25, T 3 N., R 2 W., W.M., Multnomah County, Oregon, being described as follows;

Beginning at the Northwest corner of said Section 25; thence N 89 deg. 57 min. 30 sec. E along the North line of said Section 25 a distance of 412.92 ft. to the TRUE POINT OF BEGINNING of the tract herein to be described; thence S 00 deg. 04 min. 25 sec. E a distance of 534.77 ft.; thence N 89 deg. 55 min. 35 sec. E a distance of 365.00 ft.; thence S 00 deg. 04 min. 25 sec. E a distance of 784.26 ft. to the South line of the N.W. 1/4 of the N.W. 1/4 of said Section 25; thence N 89 deg. 39 min. 16 sec. E along the South line of said legal subdivision a distance of 531.04 ft. to the Southeast corner thereof; thence N 00 deg. 09 min. 54 sec. E along the East line of the N.W. 1/4 of the N.W. 1/4 of said Section 25 a distance of 1316.01 ft. to the Northeast corner of said legal subdivision; thence S 89 deg. 57 min. 30 sec. W along the North line of said Section 25 a distance of 901.52 ft. to the True Point of Beginning. EXCEPTING THEREFROM that portion of the above described property lying within the limits of Watson Road, Co. Rd. No. 944-40 and No. 1870-50. Containing 19.46 acres, more or less.

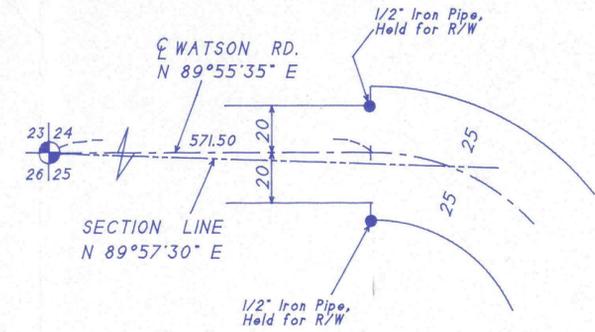


John G. Reppeto





NOTE:
No principal or accessory structure shall be permitted on the portion of Parcel 2 North of Watson Road.



NARRATIVE

Purpose - Lot Line Adjustment Survey in the N.W. 1/4 of the N.W. 1/4 of Section 25, T 3 N., R 2 W., W.M. This Lot Line Adjustment is based on the fact that the portion of the subject property lying North of Watson Road was a "Lot of Record" which resulted in the subject property being two parcels separated by Watson Road. The Multnomah County Planning Dept. approved the Tentative Plan for this Lot Line Adjustment on Oct. 18, 1991.

Procedure - Held to the Multnomah County monuments for the North line of Section 25, established the 1/16th corner at midpoint. Held the iron rod set in survey #44848 for the 1/16th corner at the Southwest corner of said property. Held the angle at the Northeast corner of the subject property per survey #44848, held the iron rod near the Southeast corner of said property for N-S position and computed its E-W falling as noted. Monumented the division line between Parcels 1 and 2 as shown.

Basis of Bearings - N 89° 57' 30" E on the North line of Section 25 per survey #49437.

Reference Surveys - #47707, #49437, #44848, Co. Road Map A10/13.

Bearing Basis - N 89° 57' 30" E on the North line of Section 25 per survey #49437.

APPROVED LOT LINE ADJUSTMENT
In Accordance With SDC 11-45
Case # _____ Date 12/2/91
Division of Planning & Development
MULTNOMAH COUNTY
by *John G. Reppeto*

RECORD OF SURVEY

Situated in the NW 1/4 of the NW 1/4 of Section 25, T 3 N., R 2 W., W.M. Multnomah County, Oregon

Nov. 22, 1991

REGISTERED PROFESSIONAL LAND SURVEYOR
John G. Reppeto
OREGON
JULY 10, 1964
JOHN G. REPPETO
657

JOHN G. REPPETO
LAND SURVEYOR
1225 NW Murray Rd. - Room 202
Portland, OR 97229
(503) 643-8755

Drawn By: J.G.R. Job No. 91071

FILE 91071R05

Scale: 1 in. = 100 ft.



- LEGEND**
- - 5/8" X 30" Iron Rod set with yellow plastic cap stamped "REPPETO LS 657".
 - - Monument found as noted.
 - ⊙ - Multnomah County Brass Cap Monument found.

PARCEL 1
19.0 Acres S. of R/W, m/l

PARCEL 2
16.88 Acres S. of R/W, m/l
2.58 Acres N. of R/W, m/l
19.46 Acres Total, m/l

S 00°09'07"W 1302.98

N 00°09'54"E 1316.01

S 00°04'25"E 784.26

N 89°39'16"E 1314.18

783.14

531.04

5/8" Iron Rod, Held For 1/16th Corner

5/8" Iron Rod, 3.10 E., Held N-S

Section Corner, Brass Cap in Mon. Box

1/4 Corner, Brass Cap in Mon. Box

5/8" Iron Rod w/ Mult. Survey Co. cap. 0.07 N., 0.15 W.

1" Iron Pipe 0.4 E.

1/2" Iron Pipe 0.2 E.

5/8" Iron Rod 0.15 E.

WATSON RD. N 89°55'35" E

SECTION LINE N 89°57'30" E

DETAIL "A" (No Scale)

NARRATIVE

Bearing Basis - N 89° 57' 30" E on the North line of Section 25 per survey #49437.

Situated in the NW 1/4 of the NW 1/4 of Section 25, T 3 N., R 2 W., W.M. Multnomah County, Oregon

Nov. 22, 1991

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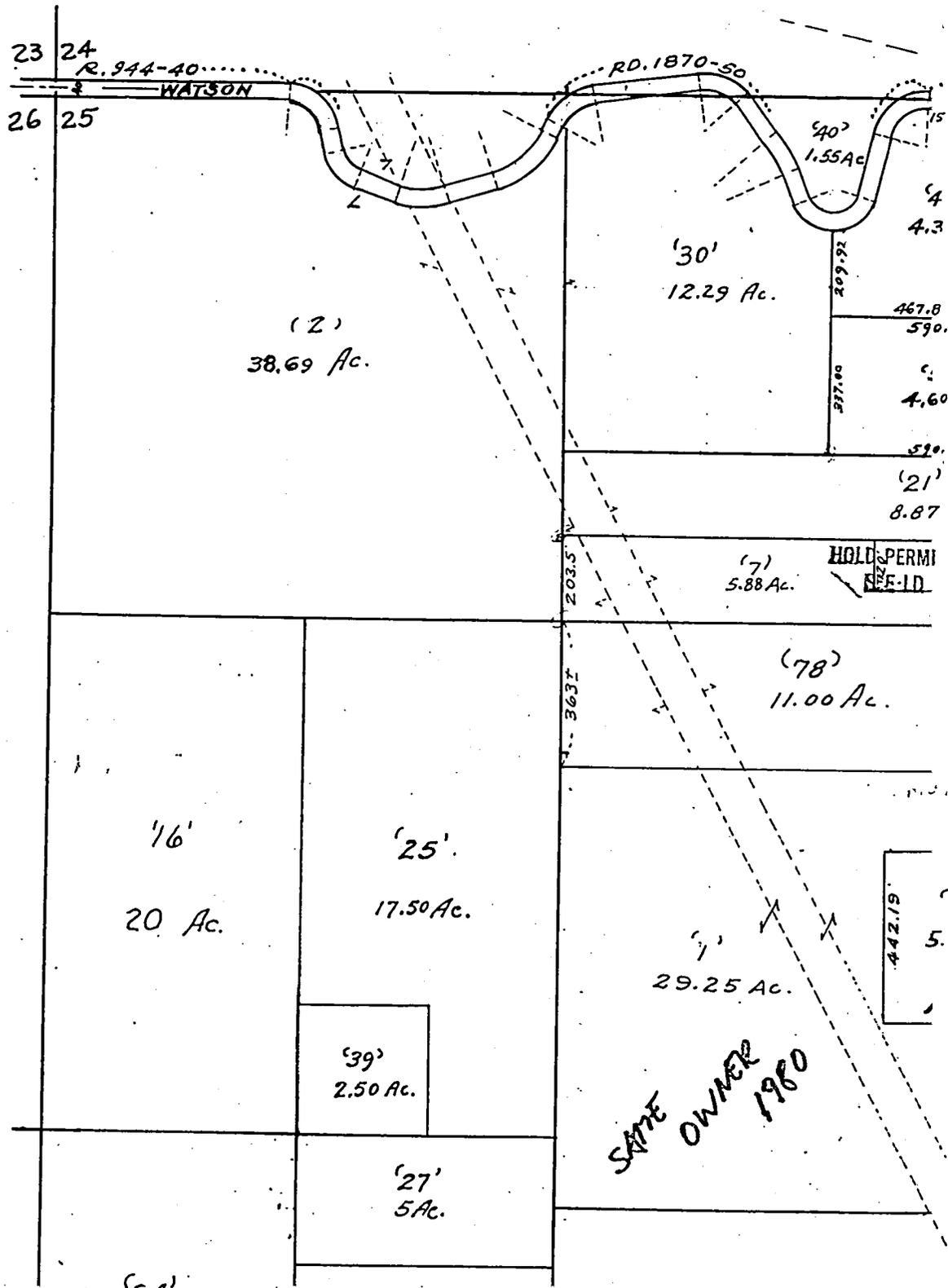
Nov. 22, 1991

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(503) 643-8755

Drawn By: J.G.R. Job No. 91071

FILE 91071R05



O'DONNELL, RAMIS, CREW & CORRIGAN

JEFF H. BACHRACH
CHARLES E. CORRIGAN*
STEPHEN F. CREW
CHARLES M. GREEFF
MARK E. HERZOG***
WILLIAM A. MONAHAN
NANCY B. MURRAY
MARK P. O'DONNELL
TIMOTHY V. RAMIS
SHEILA C. RIDGWAY*
MICHAEL C. ROBINSON**
WILLIAM J. STALNAKER

ATTORNEYS AT LAW
BALLOW & WRIGHT BUILDING
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

PLEASE REPLY TO PORTLAND OFFICE

CLACKAMAS COUNTY OFFICE
181 N. Grant, Suite 202
Canby, Oregon 97013
(503) 266-1149

JAMES M. COLEMAN
KENNETH M. ELLIOTT
Special Counsel

October 16, 1991

*ALSO ADMITTED TO PRACTICE IN STATE OF WASHINGTON
**ALSO ADMITTED TO PRACTICE IN WISCONSIN
***ADMITTED TO PRACTICE IN NEW YORK ONLY

Mr. Dave Prescott
Multnomah County Department
of Environmental Services
Division of Planning & Development
2115 S.E. Morrison Street
Portland, Oregon 97214

Re: Lot Line Adjustment Application

Dear Dave:

Please find a tentative plan map and completed consent form for a lot line adjustment at 20300 Watson Road, Scappoose, Oregon 97056. The tentative plan map contains all of the information required by your form, "Starting a Lot Line Adjustment." It is the opinion of John L. DuBay, Chief Assistant County Counsel for Multnomah County, that you may accept and process this application because Multnomah County Zoning Code § 11.15.2182(c) does not prohibit a lot line adjustment where a county road intersects a parcel. I have enclosed a copy of John's memorandum. A check in the amount of \$75 as the fee for this application is also enclosed.

Please call me if you have any questions about this matter. I would like to be notified when you have approved the tentative plan map. I will then see that a final plan map is submitted. Thank you for your assistance.

Very truly yours,

O'DONNELL, RAMIS, CREW & CORRIGAN



Michael C. Robinson

MCR/dd

Enclosures

mer\Smith\84036-1\Hall.Lt1

cc: Mr. Mike V. Smith
Mr. John L. DuBay
Mr. Bob Hall
Mr. Timothy V. Ramis



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

LOT LINE ADJUSTMENT

Statement of Property Owner Consent

We the undersigned property owners, consent to the adjustment of the boundaries of our properties as shown on the attached map.

(Please print in black ink or type)

1321 34 \$5.00 00

Address 20300 N.W. WATSON ROAD, SCAPPOOSE, OR 97056

Legal Description North West Quarter of the Northwest Quarter of Section 25, Township 3 North, Range 2 West of the Willamette Meridian, City Multnomah, State of Oregon,

Owner's Name Michael VERN SMITH

Owner's Signature Michael Vern Smith

Date October 8, 1991

Address _____

Legal Description _____

Owner's Name _____

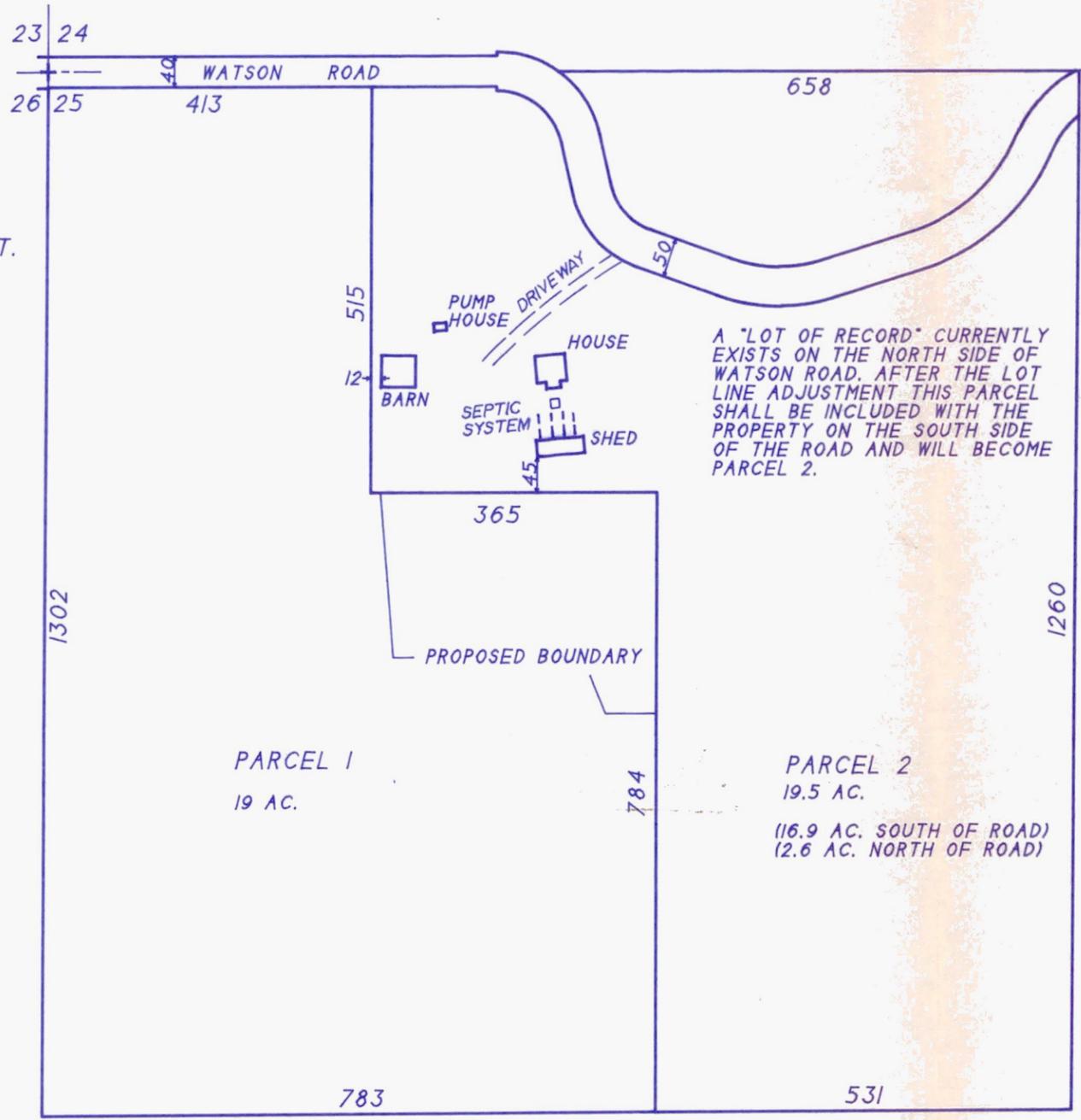
Owner's Signature _____

Date _____

Complete and return this form prior to final Planning Division approval of the lot line adjustment.



SCALE: 1 IN. = 200 FT.



COLUMBIA COUNTY
MULTNOMAH COUNTY

TENTATIVE PLAN MAP

A PROPOSED LOT ADJUSTMENT IN TAX LOT 2
N.W. 1/4 SEC. 25, T 3 N., R 2 W., W.M.
MULTNOMAH CO., OREGON

FOR: O'DONNELL, RAMIS, CREW & CORRIGAN, ATTYS.

APPROVED LOT LINE ADJUSTMENT
 In Accordance With MCC 11.45
 Case # _____ Date 10-28-91
 Division of Planning & Development
 by *Daniel A. Boush*
 MULTNOMAH COUNTY

REGISTERED PROFESSIONAL LAND SURVEYOR
John G. Reppeto
 OREGON
 JULY 10, 1964
 JOHN G. REPPETO
 657

**JOHN G. REPPETO
 LAND SURVEYOR**
 1225 NW Murray Rd. - Room 202
 Portland, OR 97229
 (503) 643-8755

Drawn By: JGR Job No. 91071



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GARY HANSEN
SHARRON KELLEY

COUNTY COUNSEL
LAURENCE KRESSEL

CHIEF ASSISTANT
JOHN L. DU BAY

ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
GERALD H. ITKIN
H.H. LAZENBY, JR.
MATTHEW O. RYAN
JACQUELINE A. WEBER
MARK B. WILLIAMS

M E M O R A N D U M

TO: Bob Hall
DES Planning & Development (412)

FROM: John L. DuBay (106/1530)
Chief Assistant County Counsel

DATE: September 26, 1991

SUBJECT: Lot Line Adjustment; MCC.11.15.2182(C)

You and I discussed the possibility of a lot line adjustment near Watson Road as proposed by Mike Robinson. His clients own a 40-acre parcel, a portion of which is within a loop created by Watson Road, which enters and leaves the northern boundary of the 50-acre tract. By virtue of MCC.2182, two lots of record are created. The first lot is within the loop and the second is the remainder of the tract. A map of the tract is enclosed.

Mr. Robinson's client wishes to divide the 40-acre tract in order to get two building sites. He is prevented from doing so because the portion of the tract south of Watson Road is not large enough to permit the creation of two lots meeting the lot size standard.

Mr. Robinson proposes a lot line adjustment, which would bisect the 40 acres from south to north. By including the portion north of Watson Road in the adjustment, this would create two lots of approximately 20 acres each. While zoning code section 11.15.2182(C) states a separate lot "shall be deemed created" when a County road intersects a parcel, the section does not prohibit self-imposed restrictions on development. Such restrictions, it seems to me, could apply to all lots, including lots of record. In other words, the lot of record provisions are intended to preserve a land owner's right to get a permit on parcels that have had a separate legal identity before the restrictions were adopted. These provisions do not prohibit a land owner from waiving these guaranteed rights.

The lot line adjustment would be coupled with restrictions on the face of both the partition plat and the lot line adjustment approval restricting dwelling permits to one for each parcel.

The County can enforce restrictive covenants only if the covenants are for the benefit of adjacent land owned by the County. The County does not have title to any tract adjacent to the property. It does have an easement in the public road. Mike Robinson claims that the easement interest is sufficient ownership interest to enforce the restriction. I have not yet seen that authority.

Even if that authority should not exist, the notation of the prohibition and restrictions on the partition plat and lot line adjustment approval should constitute sufficient notice to all future buyers that permits will not be issued in violation of the restrictions.

In summary, I see no legal impediment to the proposed arrangement.

If you would like to discuss this further or think that I have missed some important consideration in this analysis, please give me a call.

cc: Mike Robinson

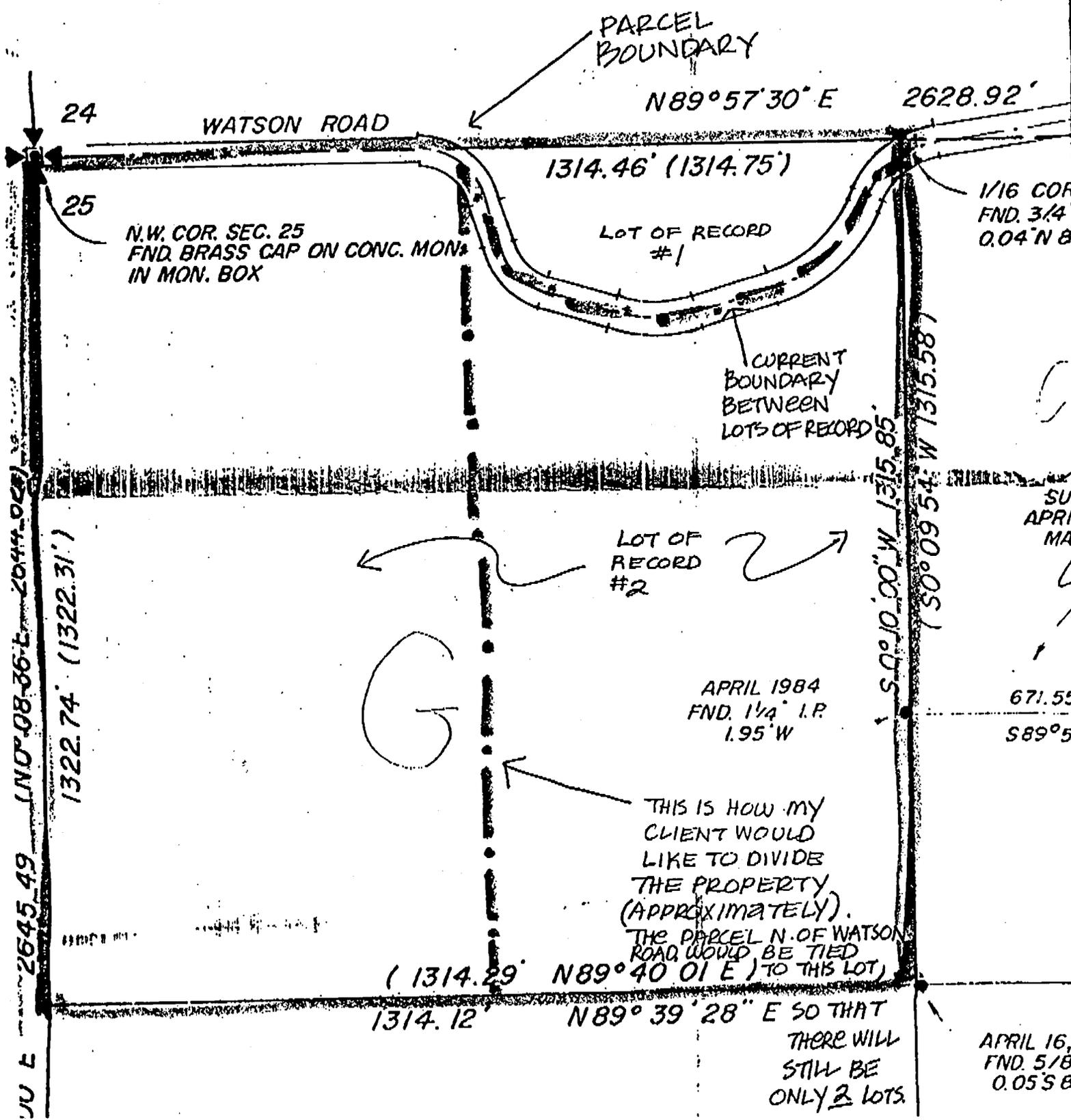
O:\FILES\008JLD.MEM\dp

RECEIVED
OCT 3 1991

Multnomah County
Zoning Division

SURVEY TO DETERMINE THE N.W. 1/4 OF SECTION 2 SURVEYED JAN. 2-6, 1987

S 25 3N 2W



PARCEL BOUNDARY

24

WATSON ROAD

N 89° 57' 30" E

2628.92'

25

N.W. COR. SEC. 25
FND. BRASS CAP ON CONC. MON.
IN MON. BOX

1314.46' (1314.75')

LOT OF RECORD
#1

1/16 COR.
FND. 3/4'
0.04' N 8

CURRENT
BOUNDARY
BETWEEN
LOTS OF RECORD

LOT OF
RECORD
#2

G

APRIL 1984
FND. 1 1/4" I.P.
1.95' W

THIS IS HOW MY
CLIENT WOULD
LIKE TO DIVIDE
THE PROPERTY
(APPROXIMATELY).

THE PARCEL N. OF WATSON
ROAD WOULD BE TIED
(1314.29' N 89° 40' 01" E) TO THIS LOT)

(1314.29' N 89° 40' 01" E)

1314.12' N 89° 39' 28" E SO THAT

THERE WILL
STILL BE
ONLY 2 LOTS.

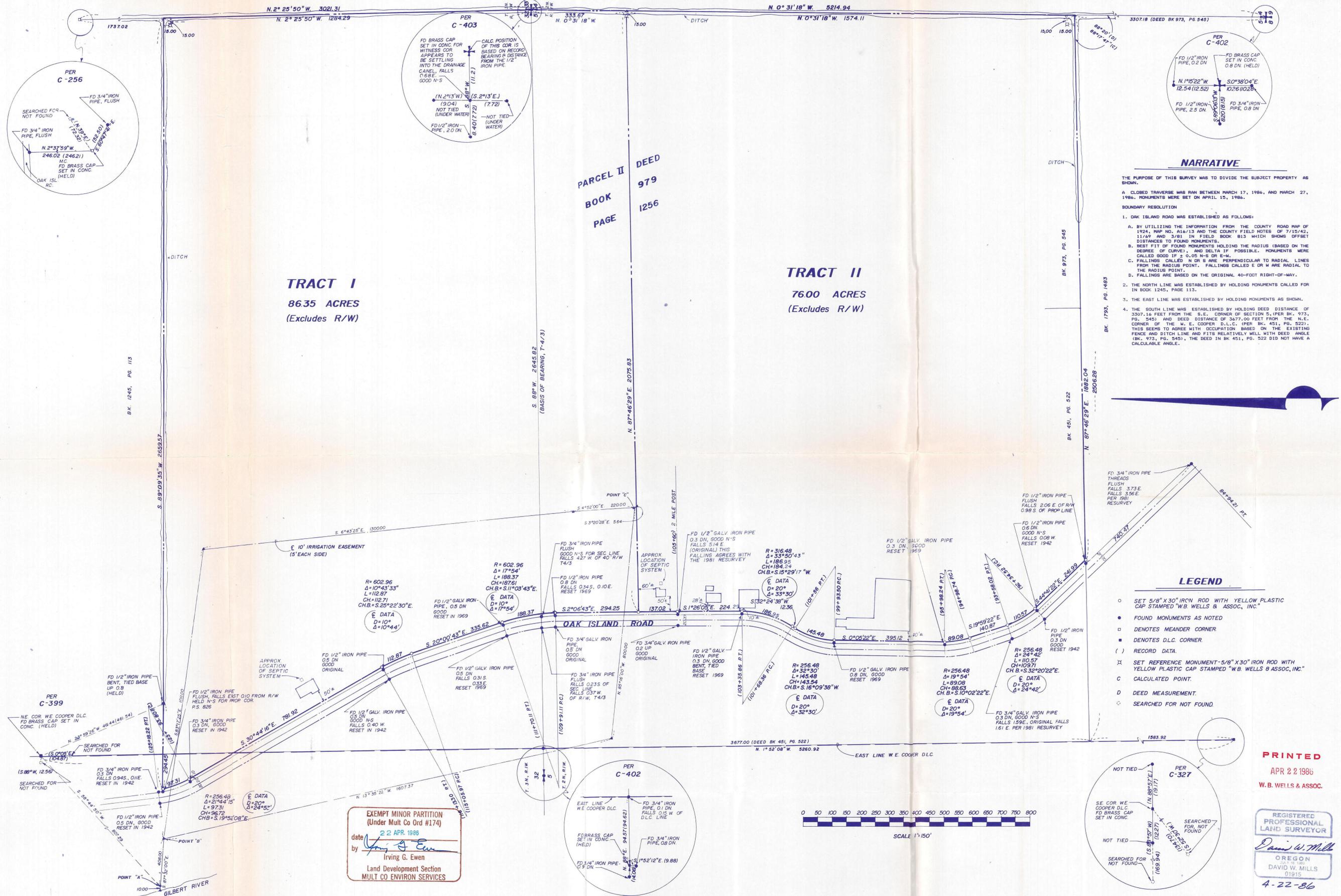
JU E 2645.49 (N 0° 08' 36" E 2644.92')

1322.74' (1322.31')

S 0° 10' 00" W 1315.85'
(S 0° 09' 54" W 1315.58')

SU
APRIL
MA.
671.55
S 89° 5'

APRIL 16,
FND. 5/8
0.05' S 8



TRACT I
86.35 ACRES
(Excludes R/W)

TRACT II
76.00 ACRES
(Excludes R/W)

PARCEL II DEED
BOOK 979
PAGE 1256

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO DIVIDE THE SUBJECT PROPERTY AS SHOWN.

A CLOSED TRAVERSE WAS RUN BETWEEN MARCH 17, 1986, AND MARCH 27, 1986. MONUMENTS WERE SET ON APRIL 15, 1986.

BOUNDARY RESOLUTION

1. OAK ISLAND ROAD WAS ESTABLISHED AS FOLLOWS:
 - A. BY UTILIZING THE INFORMATION FROM THE COUNTY ROAD MAP OF 1924, MAP NO. 411/13 AND THE COUNTY FIELD NOTES OF 7/15/42, 11/69 AND 3/81 IN FIELD BOOK 813 WHICH SHOWS OFFSET DISTANCES TO FOUND MONUMENTS.
 - B. BEST FIT OF FOUND MONUMENTS HOLDING THE RADIUS (BASED ON THE DEGREE OF CURVE), AND DELTA IF POSSIBLE. MONUMENTS WERE CALLED GOOD IF ± 0.05 N-S OR E-W.
 - C. FALLINGS CALLED N OR S ARE PERPENDICULAR TO RADIAL LINES FROM THE RADIUS POINT. FALLINGS CALLED E OR W ARE RADIAL TO THE RADIUS POINT.
 - D. FALLINGS ARE BASED ON THE ORIGINAL 40-FOOT RIGHT-OF-WAY.
2. THE NORTH LINE WAS ESTABLISHED BY HOLDING MONUMENTS CALLED FOR IN BOOK 1245, PAGE 113.
3. THE EAST LINE WAS ESTABLISHED BY HOLDING MONUMENTS AS SHOWN.
4. THE SOUTH LINE WAS ESTABLISHED BY HOLDING DEED DISTANCE OF 3307.16 FEET FROM THE S.E. CORNER OF SECTION 5, (PER BK. 973, PG. 545) AND DEED DISTANCE OF 3677.00 FEET FROM THE N.E. CORNER OF THE W. E. COOPER D.L.C. (PER BK. 451, PG. 522). THIS SEEMS TO AGREE WITH OCCUPATION BASED ON THE EXISTING FENCE AND DITCH LINE AND FITS RELATIVELY WELL WITH DEED ANGLE (BK. 973, PG. 545), THE DEED IN BK. 451, PG. 522 DID NOT HAVE A CALCULABLE ANGLE.

LEGEND

- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "W.B. WELLS & ASSOC., INC."
- FOUND MONUMENTS AS NOTED
- DENOTES MEANDER CORNER
- DENOTES D.L.C. CORNER
- () RECORD DATA
- ⊗ SET REFERENCE MONUMENT-5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "W.B. WELLS & ASSOC., INC."
- C CALCULATED POINT.
- D DEED MEASUREMENT.
- SEARCHED FOR NOT FOUND.

EXEMPT MINOR PARTITION
(Under Mult Co Ord #174)
date 22 APR 1986
by *Irving G. Ewen*
Land Development Section
MULT CO ENVIRON SERVICES



PRINTED
APR 22 1986
W.B. WELLS & ASSOC.

REGISTERED PROFESSIONAL LAND SURVEYOR
David W. Mills
OREGON
DAVID W. MILLS
01915
4-22-86

DESIGNED : N/A
RESOLVED : R.L.R., D.W.M.
DRAWN : M.J.B.
CHECKED : R.L.R., D.W.M.
DATE : 4-16-86
SCALE : 1"=150'
FILE NO. : 86-73
REVISED :

SITUATED IN THE NE 1/4 OF SECTION 5 T. 2N., R. 1W., W.M.
AND THE S. 1/2 OF SECTION 32, T. 3N., R. 1W., W.M.
COUNTY OF MULTNOMAH STATE OF OREGON
BASIS OF BEARINGS : T-4/3
BASIS OF DATUM : N/A

A PARTITION OF PARCEL II
DEED BOOK 979, PAGE 1256

W.B. WELLS & ASSOCIATES, INC.
ENGINEERS SURVEYORS
4230 NE FRAGMENT STREET, PORTLAND, OREGON 97218