

John G. Reppeto  
Land Surveyor

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

Phone  
(503) 643-8755

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  
*David H. Brown*  
by  
RECEIVED BY COUNTY

2 DEC 1991

SEC 25 3N2W

John G. Reppeto  
*Land Surveyor*

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Portland, OR 97229

Phone  
(503) 643-8755

Nov. 27, 1991

Job No. 91071

Legal Description - Parcel 2

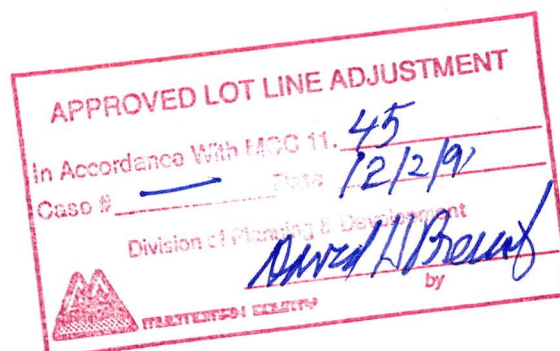
A tract of land situated in the N.W. 1/4 of the N.W. 1/4 of Section 25, T 3 N., R 2 W., W.M., Multnomah County, Oregon, being described as follows;

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.

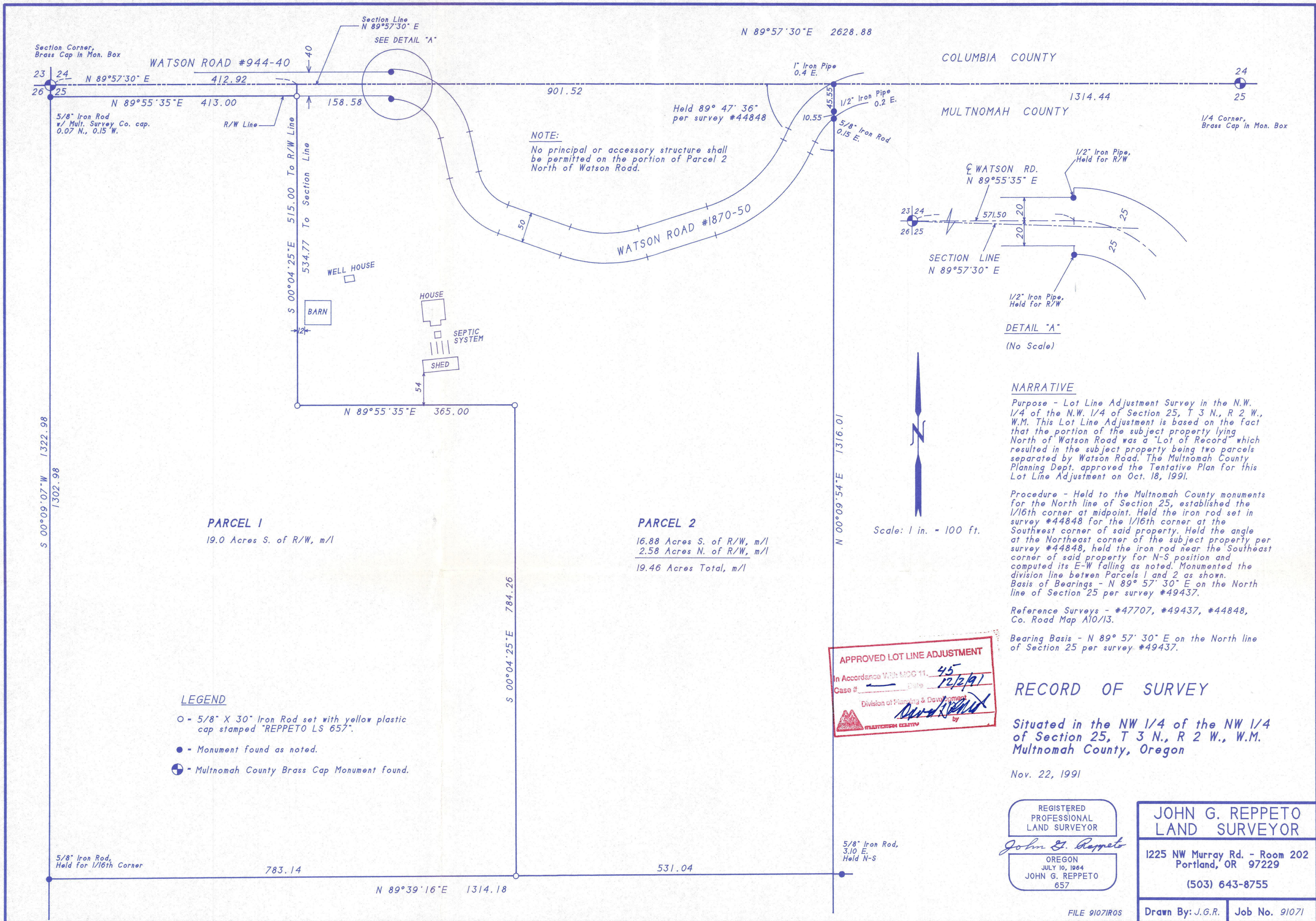
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*John G. Reppeto*

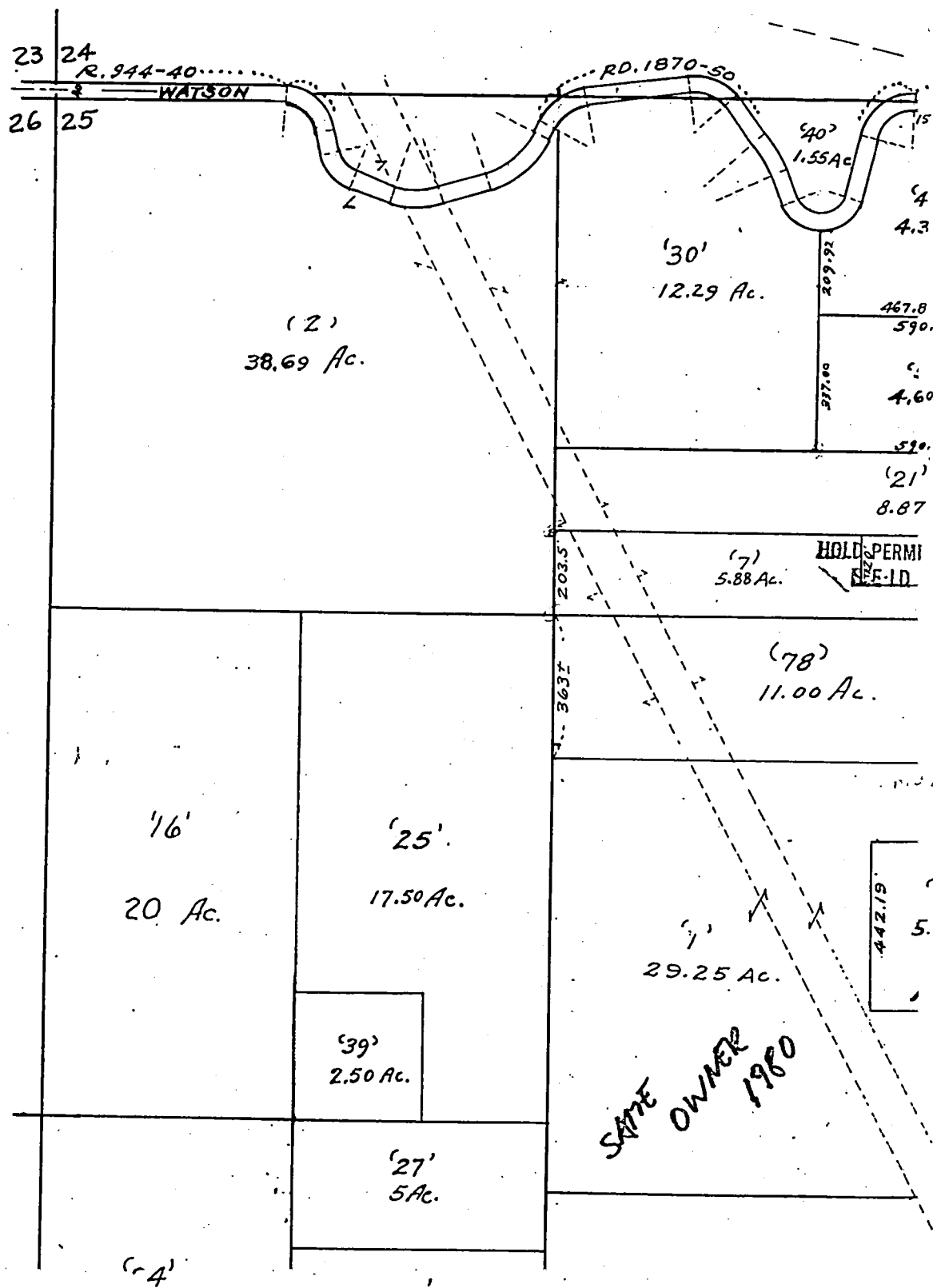
OREGON  
JULY 10, 1964  
JOHN G. REPPETO  
657













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*

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)

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 \_\_\_\_\_

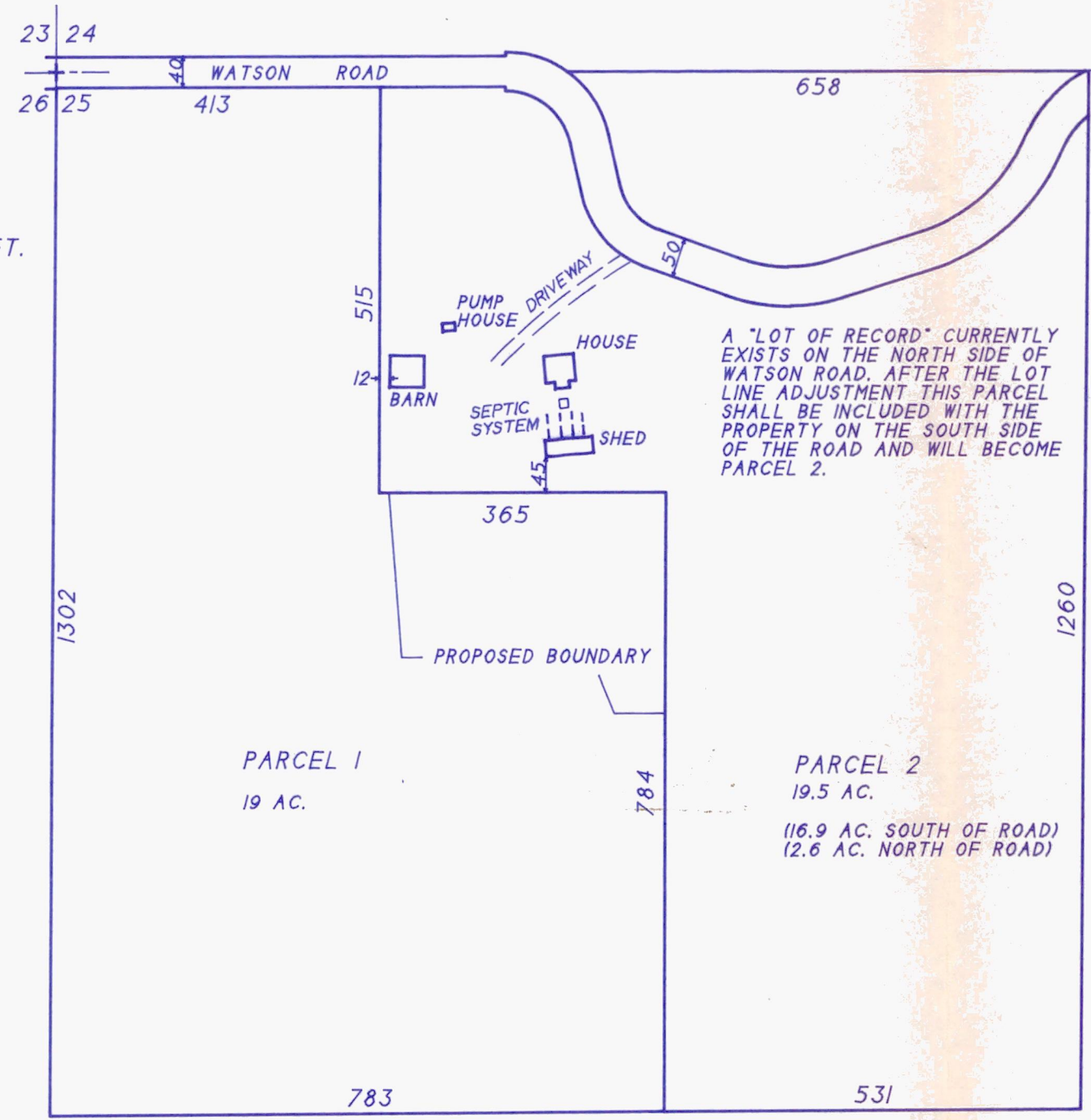
Date \_\_\_\_\_

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





SCALE: 1 IN. = 200 FT.

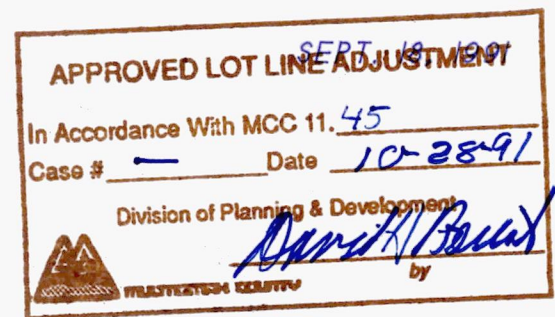


COLUMBIA COUNTY  
MULTNOMAH COUNTY

### 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.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*John G. Reppeto*

OREGON  
JULY 10, 1964  
JOHN G. REPPETO  
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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

## MEMORANDUM

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

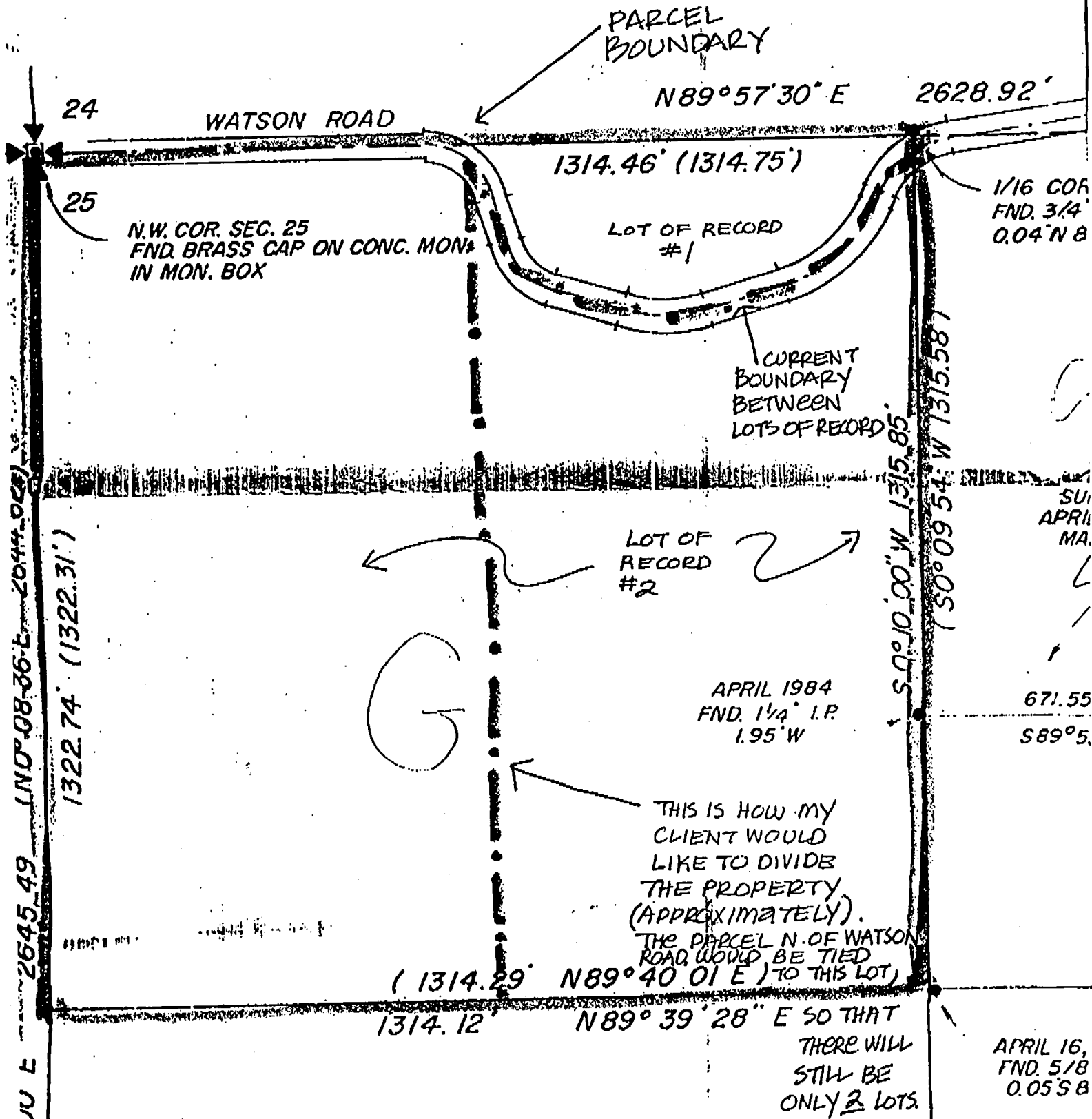
RECEIVED  
OCT 3 1991

Multnomah County  
Zoning Division

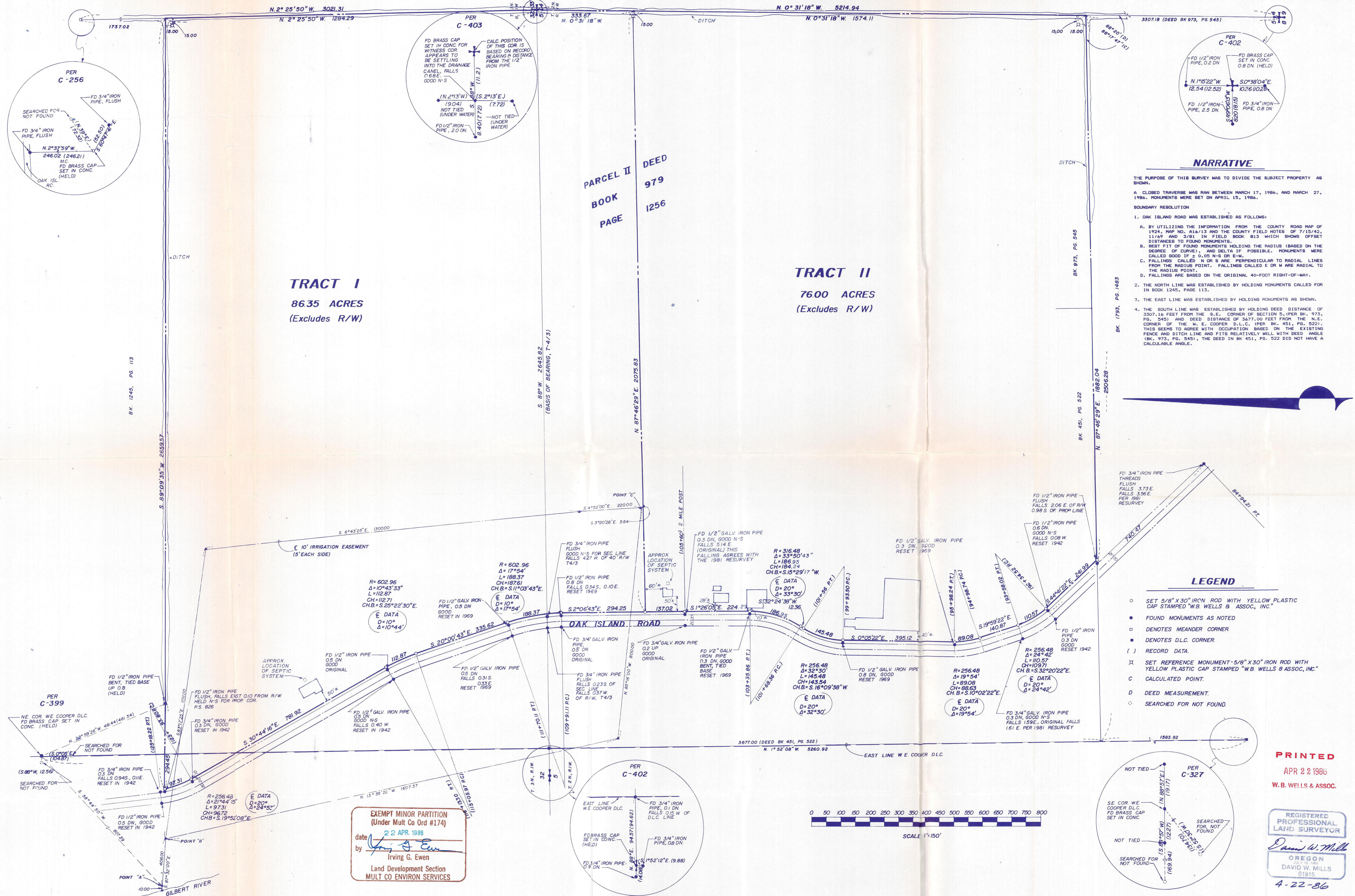


# SURVEY TO DETERMINE THE N.W. 1/4 OF SECTION 25 SURVEYED JAN. 2-6, 1987

S 25 3N 1W







**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. 416/13 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  $\pm 0.05$  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.

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  
4320 NE FREMONT STREET, PORTLAND, OREGON 97218