



Land of Cheese, Trees and Ocean Breeze

**PARTITION REQUEST #851-22-000042-PLNG:
MUGGEE & ESPLIN**

ADMINISTRATIVE DECISION AND STAFF REPORT

DECISION: Approved with Conditions

DECISION DATE: April 7, 2022

REPORT PREPARED BY: Angela Rimoldi, Planning Permit Technician

I. GENERAL INFORMATION:

Request: A partition request to rectify a land division initially completed by deed to create two (2) residential parcels on a property located within the Unincorporated Community of Neskowin (Exhibit B).

Location: The subject properties are accessed via South Beach Road, a private road, and is designated as Tax Lot 214 and Tax Lot 223 of Section 35 in Township 5 South, Range 11 West, W.M., Oregon (Exhibit A).

Zone: Neskowin Low Density Residential (NeskR1) Zone (Exhibit A).

Applicant: Dallas Esplin, 11765 Hwy 101 S., Tillamook, OR. 97141

Property Owner: Clinton Mugge, P.O. Box 314, Cloverdale, OR. 97112

Description of Site and Vicinity: The subject properties are irregular in shape, hold no development, and are vegetated with shrubs, grasses, and trees (Exhibit A). The properties are accessed via South Beach Road, a private road, within a gated community (Exhibit A). The subject property is within an area primarily devoted to residential use, located south of the Unincorporated Community of Neskowin, zoned Neskowin Low Density Residential (NeskR1) (Exhibit A). Surrounding property areas to the north and east are also zoned Neskowin Low Density Residential (NeskR1), the area to the south is zoned Forest (F), and the area to the west is ocean (Exhibit A). Topography of the subject property varies but is 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. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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 (Nesk R-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

III. ANALYSIS:

Notice of the request was mailed to property owners within 250 feet of the subject property and other agencies on March 4, 2022. No comments were received.

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: Applicability of the Neskowin Low Density Residential (Nesk R-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, South Beach road (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: 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, Tillamook County Public Works, 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 (Nesk-R1) 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: Associated maps depict the size, lot width and lot depth of the proposed partition where minimums for each conform to the Nesk-R1 zone standards (Exhibits A and B).

Staff finds that proposed Parcel and Proposed Parcel 2 are undeveloped and set back standards do not apply (Exhibit B).

Staff concludes these criteria have been met.

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: The proposed partition is located within a geologic hazard area. 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

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(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.

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Findings: 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.

IV. 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 April 19, 2022.**

V. 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.

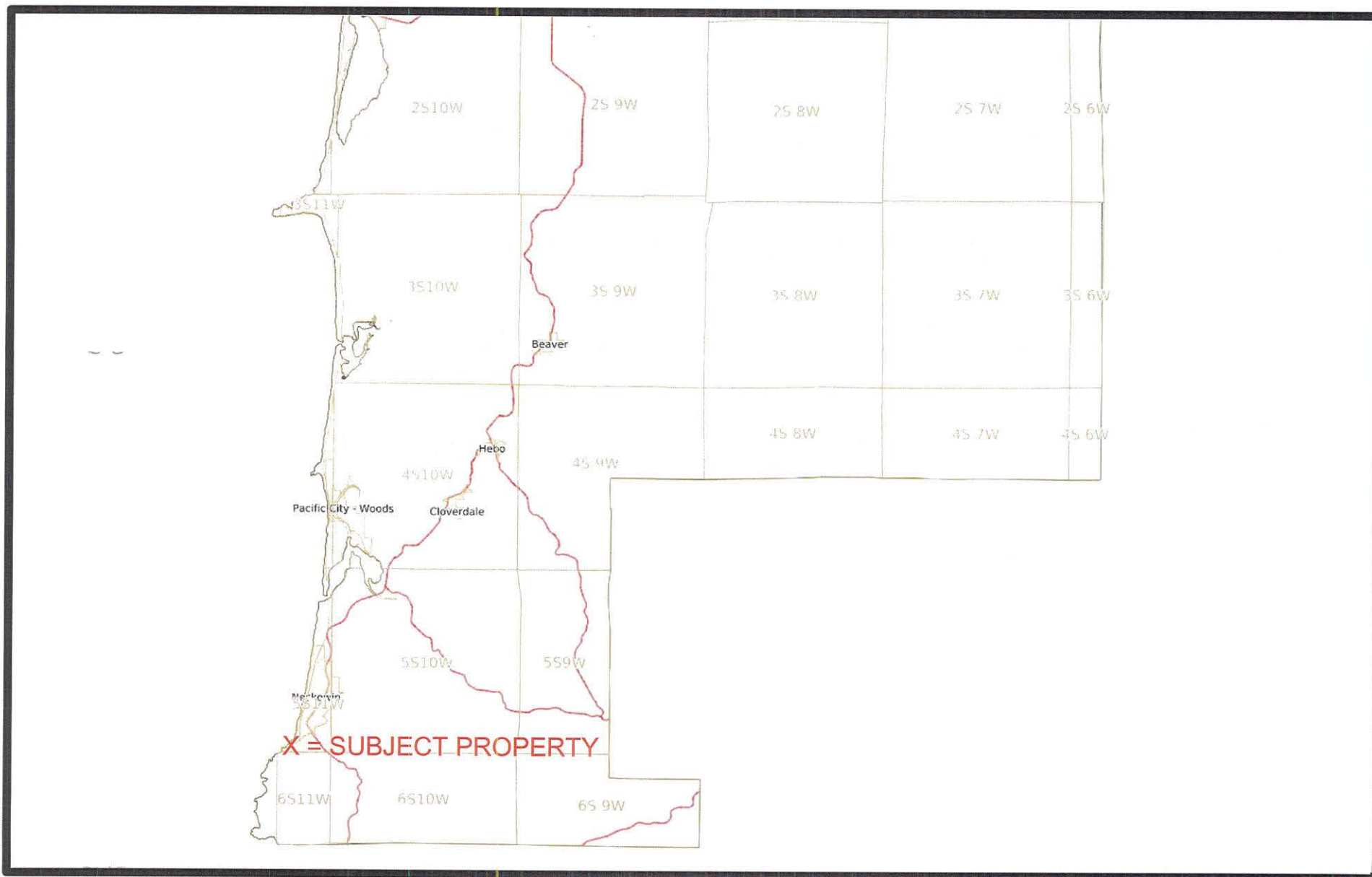
5. The applicant and property owner shall record the Final Plat within ninety (90) days from the date of final signature of the partition plat.
6. Future development of the subject property shall comply with the development standards required by TCLUO Section 3.322: Neskowin Low Density Residential (Nesk R-1) Zone,
7. Future development of the subject property is subject to the standards required by TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
8. Future development of the subject property is subject to the standards required by TCLUO Section 3.570: Development Requirements for Neskowin Coastal Hazards Overlay Zone.

VI. EXHIBITS

- A. Property Identification Maps
- B. Applicant's Submittal

EXHIBIT A

Map



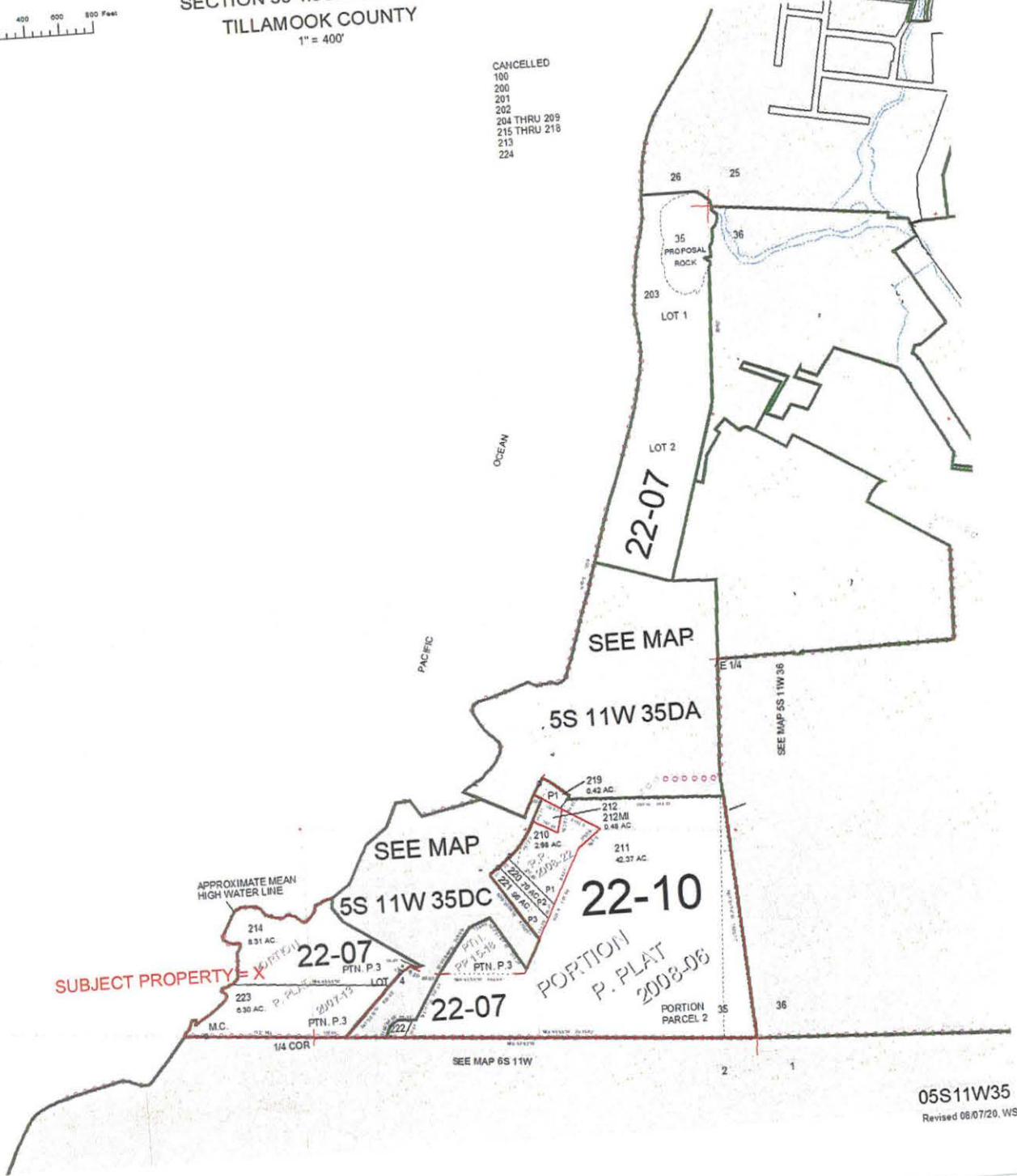
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 35 T.5S. R.11W. W.M.
TILLAMOOK COUNTY
1" = 400'

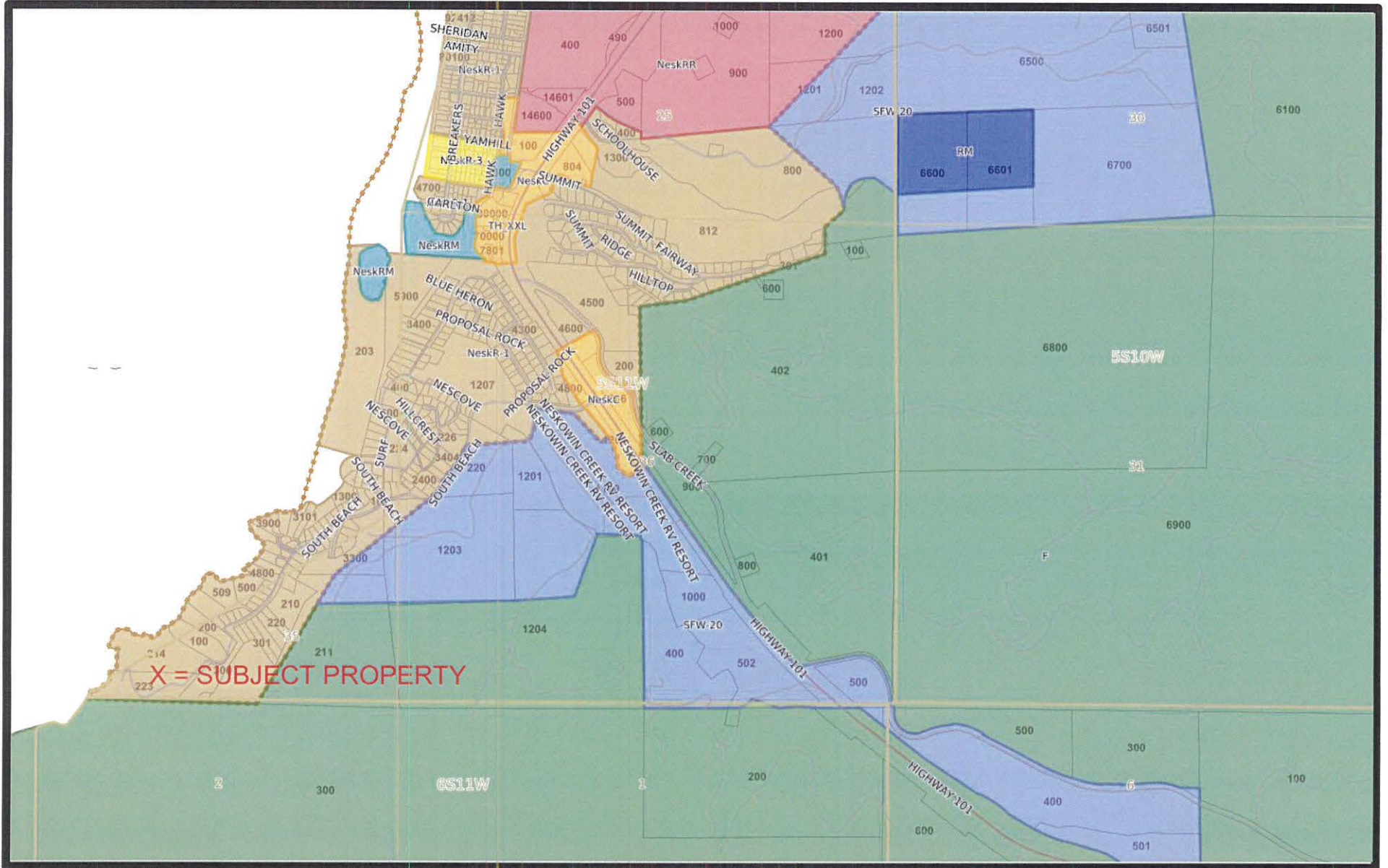
CANCELLED
100
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204 THRU 209
215 THRU 218
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224

05S11W35

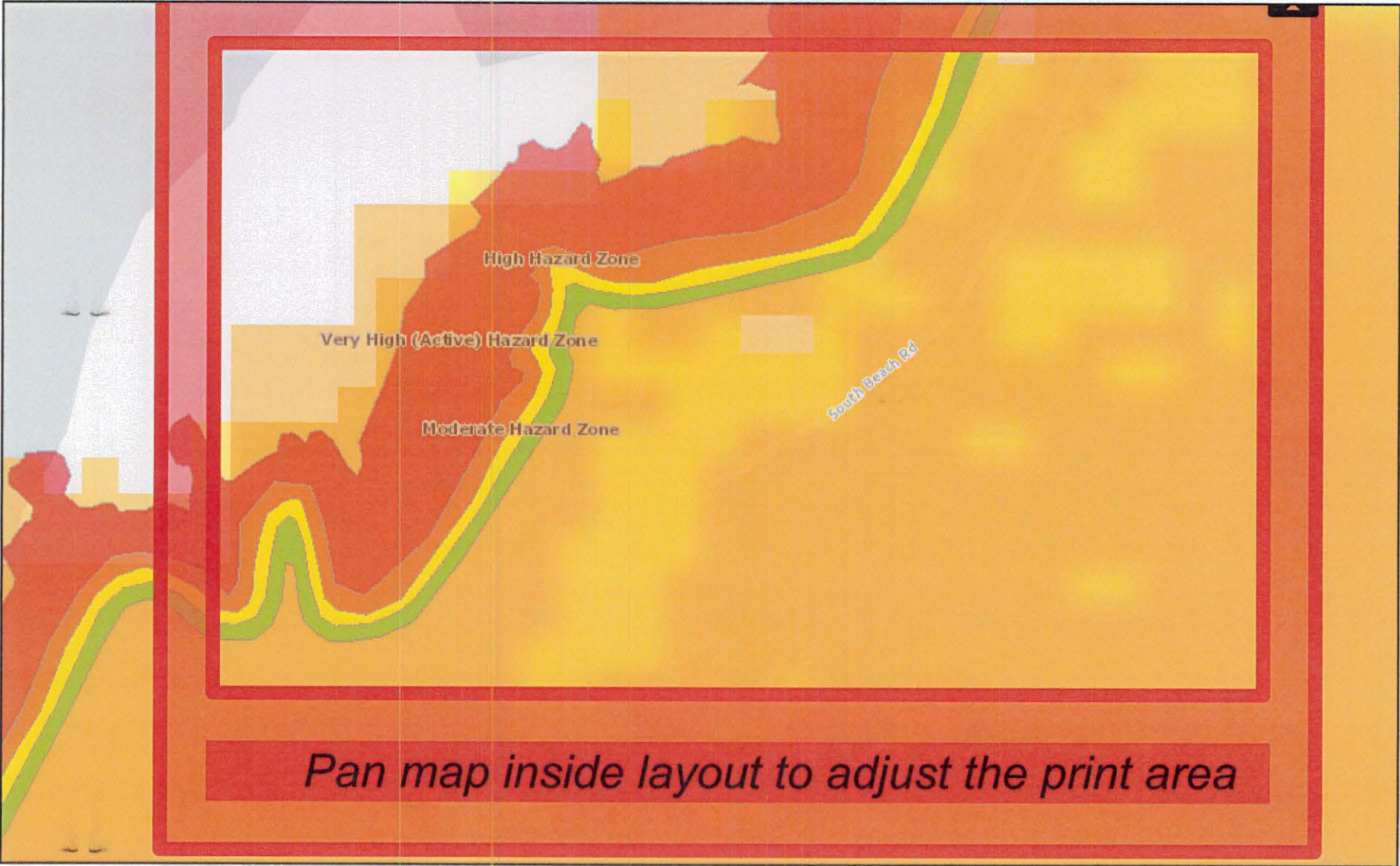


05S11W35
Revised 08/07/20, WS

Map

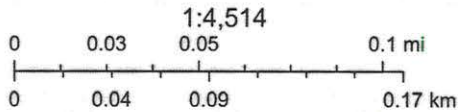


PARTITION #851-22-000042-PLNG



April 5, 2022

- | | | | |
|--------------------------------|-----------------|------------------------------------|----------|
| Very High (Active) Hazard Zone | Low Hazard Zone | Expected Earthquake Shaking | Strong |
| High Hazard Zone | NO DATA | Violent | Moderate |
| Moderate Hazard Zone | Active Faults | Severe | Light |
| | | Very Strong | |





April 5, 2022

Wetlands

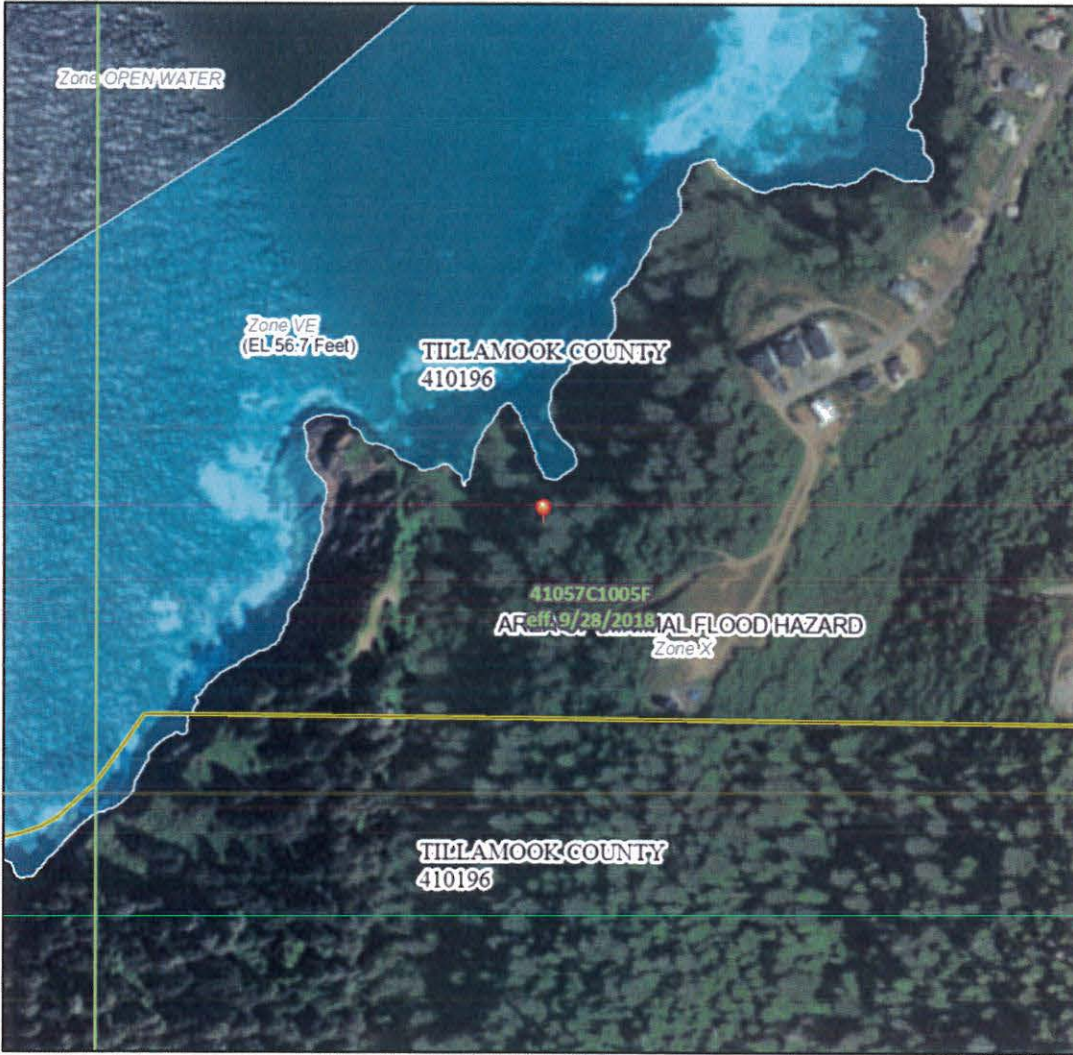
- | | | |
|---|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Emergent Wetland |  Lake |
|  Estuarine and Marine Wetland |  Freshwater Forested/Shrub Wetland |  Other |
| |  Freshwater Pond |  Riverine |

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



124°03'W 45°53'N



0 250 500 1,000 1,500 2,000 Feet 1:6,000 123°59'26\"/>

Basemap: USGS National Map; Orthoimagery: Data refreshed October, 2020

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
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D
 - OTHER AREAS OF FLOOD HAZARD**
 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone D
 - 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 4/5/2022 at 12:54 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.

EXHIBIT B



LAND DIVISION APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: DALLAS ESPLIN Phone: 503-842-5551
 Address: 11765 HWY 101 SOUTH
 City: TILLAMOOK State: OR Zip: 97141
 Email: BAYSIDESURVEYING@GMAIL.COM

Property Owner

Name: CLINTON MUGGE Phone: 480-703-7975
 Address: PO BOX 314
 City: CLOVERDALE State: OR Zip: 97112
 Email: MUGGECL@GMAIL.COM

Location:

Site Address: N/A
 Map Number: 5S-11-35-214

| Township | Range | Section | Tax Lot(s) |
|----------|-------|---------|------------|
| | | | |

| OFFICE USE ONLY |
|---|
| Date Stamp |
| <input type="checkbox"/> Approved <input type="checkbox"/> Denied |
| Received by: |
| Receipt #: |
| Fees: 409. |
| Permit No: 851-2-000042PLNG |

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))

- 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.

- 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.
- 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
- Location of all existing subsurface sewerage systems, including drainfields and associated easements

General Information

- 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

- 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
- For any plat that is 5 acres or larger, the Base Flood Elevation, per FEMA Flood Insurance Rate Maps

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

Other information:

- 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.


 Property Owner (*Required) _____ Date 1-26-2022
 Applicant Signature Dallas Esplin _____ Date 01-26-2022

BASIS OF BEARING

THE LINE BETWEEN FOUND MONUMENTS (226) AND (231) BEARS NORTH 48°57'2" EAST, THE CALCULATED RECORD VALUE FROM MAP P-921, TILLAMOOK COUNTY SURVEY RECORDS.

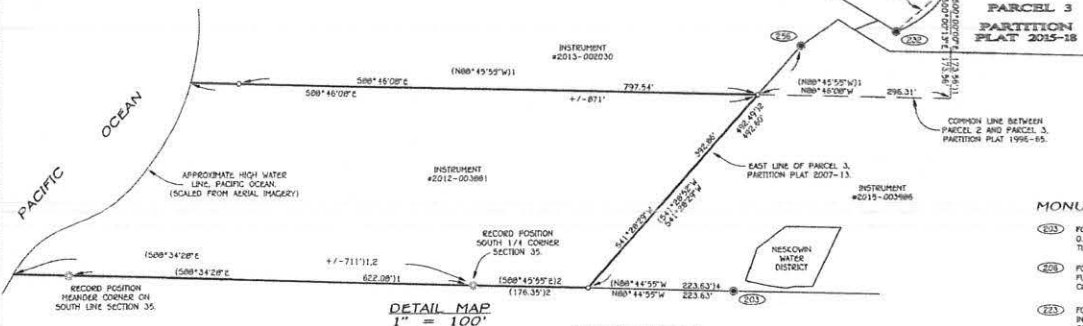
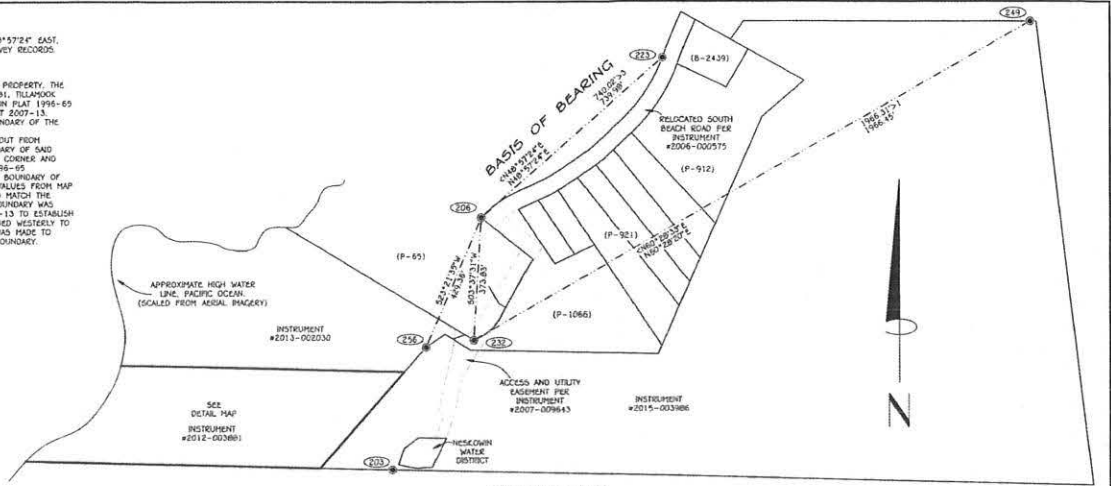
NARRATIVE

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF THE SUBJECT PROPERTY. THE SUBJECT PROPERTY IS A PORTION OF EXHIBIT "A", INSTRUMENT #2012-003981, TILLAMOOK COUNTY DEED RECORDS DESCRIBED AS THAT PORTION OF PARCEL 3, PARTITION PLAT 1996-85 THAT IS CONTAINED WITHIN THE BOUNDARIES OF PARCEL 3 OF PARTITION PLAT 2007-13. THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NORTH AND EAST BOUNDARY OF THE SUBJECT PROPERTY.

THE SOUTHWEST CORNER OF PARCEL 3, PARTITION PLAT 2007-13 WAS LAD OUT FROM MONUMENT (231) AT RECORD VALUES FROM MAP B-3193. THE EAST BOUNDARY OF SAID PARCEL 3 WAS DETERMINED BY HOLDING THE LINE BETWEEN SAID SOUTHWEST CORNER AND FOUND MONUMENT (235). THE BOUNDARY OF PARCEL 3, PARTITION PLAT 1996-85 ESTABLISHES THE NORTH BOUNDARY OF THE SUBJECT PROPERTY. THE NORTH BOUNDARY OF SAID PARCEL 3 WAS LAD OUT FROM FOUND MONUMENT (235) AT RECORD VALUES FROM MAP P-366. SAID VALUES WERE THEN ROTATED 0°00'13" COUNTERCLOCKWISE TO MATCH THE MEASURED BEARING BETWEEN FOUND MONUMENTS (235) AND (243). SAID BOUNDARY WAS INTERSECTED WITH THE EAST BOUNDARY OF PARCEL 3, PARTITION PLAT 2007-13 TO ESTABLISH THE NORTHEAST CORNER OF THE SUBJECT PROPERTY. SAID LINE WAS EXTENDED WESTERLY TO APPROXIMATE MEAN HIGH WATER LINE OF THE PACIFIC OCEAN. NO ATTEMPT WAS MADE TO LOCATE THE EXISTING 1/4 CORNER AND QUARTER CORNER ON THE SOUTH BOUNDARY. ALL MAPS LISTED HEREON ARE PER TILLAMOOK COUNTY SURVEY RECORDS.

LEGEND

- INDICATES SET 3/16" x 1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ONION PEAK DESIGN".
- INDICATES MONUMENT FOUND AS NOTED HEREON, HELD FOR CONTROL.
- INDICATES MONUMENT FOUND AS NOTED HEREON.
- INDICATES RECORDED POSITION OF MONUMENT AS NOTED HEREON, POSITION NOT MEASURED ON THIS SURVEY.
- (1) INDICATES RECORD VALUE FROM P-366, TILLAMOOK COUNTY SURVEY RECORDS.
- (2) INDICATES RECORD VALUE FROM P-859, TILLAMOOK COUNTY SURVEY RECORDS.
- (3) INDICATES RECORD VALUE FROM P-921, TILLAMOOK COUNTY SURVEY RECORDS.
- (4) INDICATES RECORD VALUE FROM B-3193, TILLAMOOK COUNTY SURVEY RECORDS.
- < > INDICATES CALCULATED VALUE.
- NO () OR < > INDICATES MEASURED VALUE.



REGISTERED PROFESSIONAL LAND SURVEYOR
Erick M. White
 OREGON
 APRIL 08, 2014
 ERICK M. WHITE
 78572
 EXPIRES 9/30/2018

MONUMENT NOTES

- (226) FOUND 3/16" REBAR WITH PLASTIC CAP STAMPED "BUCKEL ASSOC. INC." 0.2" ABOVE GROUND, HELD FOR CONTROL. SEE MAP B-3193, TILLAMOOK COUNTY SURVEY RECORDS.
- (228) FOUND 3/16" REBAR WITH PLASTIC CAP STAMPED "BUCKEL ASSOC. INC." FLUSH IN GROUND, HELD FOR CONTROL. SEE MAP B-3006, TILLAMOOK COUNTY SURVEY RECORDS.
- (229) FOUND 3/16" REBAR WITH PLASTIC CAP STAMPED "HUB & ASSOC. INC." FLUSH IN GROUND, HELD FOR CONTROL. TIED AND HELD VERTICAL BEND FOR CONTROL. SEE MAP A-6854, TILLAMOOK COUNTY SURVEY RECORDS.
- (248) FOUND 3/16" REBAR WITH PLASTIC CAP STAMPED "HUB INC." FLUSH IN GROUND, HELD FOR CONTROL. SEE MAP B-1920, TILLAMOOK COUNTY SURVEY RECORDS.
- (256) FOUND 3/16" REBAR 0.1" ABOVE GROUND, HELD FOR CONTROL. SEE MAP P-859, TILLAMOOK COUNTY SURVEY RECORDS.

BOUNDARY SURVEY FOR:
ERICKSON PROPERTIES, LLC
 A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN EXHIBIT "A", INSTRUMENT 2012-003981, TILLAMOOK COUNTY DEED RECORDS.
 SE 1/4 & SW 1/4, SECTION 35, T5S, R11W, W.M. TILLAMOOK COUNTY
 FEBRUARY 28, 2017



ONION PEAK DESIGN
 PD BOX 326
 HEALDEN, OR 97131
 (503) 368-6102
 FAX (503) 368-6102

*NESC# #2014
 ERICKSON1703-85.DWG

Neskowin Regional Sanitary Authority



P O Box 383, Neskowin, Oregon 97149

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

Date: 10.20.2021

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: 35 00 Tax Lot: 00214

According to our records, the legal owner is:

Clinton & Michelle Mvgge

Comments:

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: nrsa01@centurylink.net



Neskowin Regional Water District

PO Box 823

Neskowin, OR 97149

Phone: (503)392-3966

Email: tnt@neskowinwater.com

Web: www.neskowinwater.com

DATE: 9/16/2021

TO: Tillamook County
Department of Community Development – One Stop Permit Counter
201 Laurel Avenue
Tillamook, OR 97141
(503) 842-3408
(503) 842-1819 FAX

FROM: Neskowin Regional Water District

RE: Water Availability

To Whom It May Concern:

I confirm that the water may be available to the following lot(s) within our district:

T 5S R 11 SEC 35 TL# 0000214

According to our records, the legal owner is:

MUGGE, CLINTON & MICHELLE

Comments:

Water is available provided the needed utility infrastructure improvements are installed.

This letter shall not create a liability on the part of Tillamook County, or by an officer, or employee thereof, for the services described above.

Signature of Authorized Representative:

Troy N. Trute (G.M of the Neskowin Regional Water District)

)
)

)
)



Neskowin Regional Water District

PO Box 823

Neskowin, OR 97149

Phone: (503)392-3966

Email: tnt@neskowinwater.com

Web: www.neskowinwater.com

DATE: 9/17/2021

TO: Tillamook County
Department of Community Development – One Stop Permit Counter
201 Laurel Avenue
Tillamook, OR 97141
(503) 842-3408
(503) 842-1819 FAX

FROM: Neskowin Regional Water District

RE: Water Availability

To Whom It May Concern:

I confirm that the water may be available to the following lot(s) within our district:

T 5S R 11 SEC 35 TL# 0000223

According to our records, the legal owner is:

WILSON, BRANDON E &

Comments:

Water is available provided the needed utility infrastructure improvements are installed.

This letter shall not create a liability on the part of Tillamook County, or by an officer, or employee thereof, for the services described above.

Signature of Authorized Representative:
Troy N. Trute (G.M of the Neskowin Regional Water District)

TICOR TITLE 360417000398


Western Title & Escrow
Order Number: **131926-TKA**

Tillamook County, Oregon **2017-003847**
06/27/2017 03:21:05 PM
DEED-DWARR
\$20.00 \$11.00 \$21.00 \$10.00 - Total = \$62.00



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

Tassi O'Neil, Tillamook County Clerk

| |
|--|
| Grantor |
| Erickson Properties LLC 10260 SW Greenburg Road, Ste 1020 Portland, OR 97223 |
| Grantee |
| RETURN TO: Brandon E. Wilson Shannon K. Lewis 1340 SW Claremont Terrace Portland, OR 97225 |
| Until a change is requested, all tax statements shall be sent to the following address: |
| Brandon E. Wilson Shannon K. Lewis 1340 SW Claremont Terrace Portland, OR 97225 |

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Erickson Properties LLC, an Oregon limited liability company, Grantor conveys and warrants to Brandon E. Wilson and Shannon K. Lewis,

Grantee(s), the following described real property free of encumbrances except as specifically set forth herein.

See Attached Exhibit A

Account: 416112
Map & Tax Lot: 5S1135-00-00223

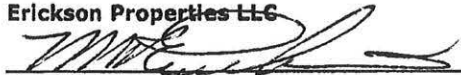
This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$517,500.00. (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

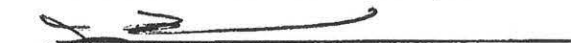
Executed this 22 day of June, 2017

Erickson Properties LLC


By: **Michael K. Erickson**
Its Authorized Member

State of **Oregon**, County of Washington) ss.

This instrument was acknowledged before me on this 22-day of June, 2017 by **Michael K. Erickson**,
as Authorized Member of Erickson Properties LLC.


Notary Public for the State of Oregon

My commission expires: April 5, 2020



EXHIBIT "A"
Legal Description

That portion of Parcel 3 of Partition Plat 1996-65 that is contained within the boundaries of Parcel 3, PARTITION PLAT NO. 2007-13, Tillamook County, Oregon.

ALSO:

A perpetual non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, 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 Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101; thence South 55° 25' West 110.00 feet; thence on a 200 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° 58' 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 to the left (the long chord bears South 32° 54' 58" West 196.65 feet) an arc distance of 209.42 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 253.4 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 395.02 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 85° 37' 14" West 70.40 feet) an arc distance of 73.36 feet; thence North 65° 50' 33" West 111.46 feet; thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West 94.04 feet) an arc distance of 95.96 feet; thence South 74° 16' 57" West 116.77 feet; thence on 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, NESKOWIN HEIGHTS, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records.

ALSO:

A perpetual, non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, more particularly described as follows:

Lot 99, NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records, and Lot 99, FIRST ADDITION TO NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 16, Tillamook County Records.

EXCEPTING THEREFROM that portion described as follows:

Beginning at the Northwest corner of Lot 2, Block 2, NESKOWIN HEIGHTS; thence North 78° 50' West 25.0 feet; thence North 11° 10' East 10.0 feet; thence on a 157.0 foot radius curve right (long chord bears North 11° 10' East 314.0 feet) an arc distance of 493.23 feet; thence South 11° 10' West 50.0 feet; thence on a 107.0 foot radius curve left (long chord bears South 11° 10' West 214.0 feet) an arc distance of 336.15 feet; thence South 78° 50' East 25.22 feet; thence South 11° 12' 40" West 60.0 feet, more or less, to the point of beginning.

ALSO:

That certain non-exclusive easement for roadway and utility line purposes over a strip of land 25 feet in width as reserved by L.E.W. Engineering, Inc., in that Deed to Robert C. Brodine, Jr. and Verna Lee Brodine, husband and

EXHIBIT "A"
Legal Description

wife, recorded August 16, 1974 in Book 237, page 499, Tillamook County Records.

ALSO:

A perpetual non-exclusive pedestrian easement for ingress and egress over and across the following described tract of land, more particularly described as follows:

Beginning at the Initial point of the Plat of NESKOWIN HEIGHTS, said Initial Point being the quarter Section corner common to Sections 35 and 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon; thence West 12.78 feet to the Easterly sideline of Tract 99 of Neskowin Heights; thence Northerly along said Tract 99 Easterly sideline to the most Southerly Southeast corner of Lot 8, Block 1, Neskowin Heights; thence North 157.51 feet along the East boundary of said Lot 8 to the Southeast of Lot 1 of said Block 1, Neskowin Heights; thence North 109.74 feet to the Northeast corner of said Lot 1; thence South 78° 50' 00" East 10.19 feet, more or less, to the Easterly boundary of Neskowin Heights; thence South 350.00 feet, more or less, to the point of beginning.

ALSO:

A perpetual, non-exclusive easement for the right of parking on the Southern-most half portion of the following described roadway, said roadway which is a portion of Lot 99, NESKOWIN HEIGHTS, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, as described in Book 3, Page 13, Plat Records, and more particularly described as follows:

Commencing at the most Southerly corner of Lot 1, Block 2, NESKOWIN HEIGHTS, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records; thence North 60° 40' 42" East 5.86 feet; thence on an 82.50 foot radius curve left (long chord bears North 9° 04' 39" West 154.81 feet) an arc distance of 200.88 feet; thence North 78° 50' West 33.87 feet to the true point of beginning; thence from said true point of beginning North 78° 50' West 150.22 feet; thence North 11° 12' 40" East 60.0 feet, more or less, to the Southeast corner of Lot 4, Block 1, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records; thence South 78° 50' East 150.00 feet; thence South 11° 10' 00" West 60.00 feet, more or less, to the true point of beginning.

ALSO together with easements as disclosed on PARTITION PLAT NO. 2006-044, as recorded December 22, 2006, in Plat Cabinet B980-0, in Tillamook County Records and also on PARTITION PLAT NO. 2008-022, as recorded June 20, 2008, in Plat Cabinet B1068-0, Tillamook County Records and also PARTITION PLAT NO. 2007-037, as recorded October 29, 2007, in Plat Cabinet B-1033-0, Tillamook County Records and also PARTITION PLAT NO. 2008-031, as recorded September 18, 2008, in Plat Cabinet B1080-0, Tillamook County Records.

RECORDING REQUESTED BY:



802 Main Ave.
Tillamook, OR 97141

GRANTOR'S NAME:
John W. Ericksen and Kathryn C. Ericksen

GRANTEE'S NAME:
Clinton Mugge and Michelle Mugge

AFTER RECORDING RETURN TO:
Order No.: 360420005108-CR
Clinton Mugge and Michelle Mugge
42120 N Olympic Fields Ct
Anthem, AZ 85086

SEND TAX STATEMENTS TO:
Clinton Mugge and Michelle Mugge
42120 N Olympic Fields Ct
Anthem, AZ 85086

APN: 412599
Map: 5S11 35 00214
Vacant Land on South Beach Road, Neskowin, OR 97149

Tillamook County, Oregon
08/17/2020 11:44:00 AM 2020-05362
DEED-DWARR
\$50.00 \$11.00 \$10.00 \$61.00 - Total = \$132.00
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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

John W. Ericksen and Kathryn C. Ericksen, as tenants in common, Grantor, conveys and warrants to Clinton Mugge and Michelle Mugge, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$350,000.00). (See ORS 93.030).

Subject to:

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

TICOR TITLE™ 360420005108

STATUTORY WARRANTY DEED
(continued)

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

Dated: AUGUST 14, 2020

[Signature]
John W. Ericksen

[Signature]
Kathryn C. Ericksen

State of Maine
County of Cumberland

This instrument was acknowledged before me on 8/14/2020 by John W. Ericksen and Kathryn C. Ericksen.

[Signature]
Notary Public - State of

My Commission Expires: July 20, 2027

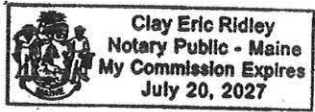


EXHIBIT "A"
Legal Description

Parcel 3 of PARTITION PLAT NO. 2007-013, situated in the Southeast quarter of Section 35, Township 5 South, Range 11 West, Willamette Meridian, County of Tillamook, State of Oregon, recorded May 21, 2007 as Instrument No. 2007-004184, Tillamook County Records.

EXCEPTING THEREFROM that portion of said parcel that is contained within the boundaries of Parcel 3 of Partition Plat No. 1996-065, Tillamook County, Oregon.

TOGETHER WITH a non-exclusive easement for ingress and egress over a strip of land situated in the Southeast quarter of Section 35, Township 5 South, Range 11 West, Willamette Meridian, County of Tillamook, State of Oregon, as described in document recorded December 31, 2002 in Book 442, page 796, Tillamook County Records.

ALSO: A perpetual non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, 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 Engineer's right-of-way station 267+20 on the Southerly right-of-way line of Relocated Oregon Coast Highway No. 101;
thence South 55° 25' West 110.00 feet;
thence on a 200 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° 58' 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 to the left (the long chord bears South 32° 54' 58" West 196.65 feet) an arc distance of 209.42 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 253.4 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 395.02 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 85° 37' 14" West 70.40 feet) an arc distance of 73.36 feet;
thence North 65° 50' 33" West 111.46 feet;
thence on a 138.31 foot radius curve left (long chord bears North 85° 50' 33" West 94.04 feet) an arc distance of 95.96 feet;
thence South 74° 16' 57" West 116.77 feet;
thence on 409.28 foot radius curve left an arc distance of 125 feet, more or less, to the Easterly right-of-way line of the private roadway designated as Lot 99, Neskowin Heights, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records.

ALSO: A perpetual, non-exclusive easement for ingress, egress, pedestrian access, and utilities over the following described tract, more particularly described as follows:

Lot 99, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 13, Tillamook County Records, and Lot 99, FIRST ADDITION TO NESKOWIN HEIGHTS, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, Page 16, Tillamook County Records.

EXCEPTING THEREFROM that portion described as follows: Beginning at the Northwest corner of Lot 2, Block 2, Neskowin Heights;

thence North 78° 50' West 25.0 feet;
thence North 11° 10' East 10.0 feet;
thence on a 157.0 foot radius curve right (long chord bears North 11° 10' East 314.0 feet) an arc distance of 493.23 feet;
thence South 11° 10' West 50.0 feet;
thence on a 107.0 foot radius curve left (long chord bears South 11° 10' West 214.0 feet) an arc distance of 336.15 feet;
thence South 78° 50' East 25.22 feet;
thence South 11° 12' 40" West 60.0 feet, more or less, to the point of beginning.

ALSO: That certain non-exclusive easement for roadway and utility line purposes over a strip of land 25 feet in width as reserved by L.E.W. Engineering, Inc., in that Deed to Robert C. Brodine, Jr. and Verna Lee Brodine, husband and wife, recorded August 16, 1974 in Book 237, page 499, Tillamook County Records.

ALSO: A perpetual non-exclusive pedestrian easement for ingress and egress over and across the following described tract of land, more particularly described as follows:

Beginning at the initial point of the Plat of Neskowin Heights, said Initial Point being the quarter Section corner common to Sections 35 and 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County,

EXHIBIT "A"
Legal Description

Oregon;

thence West 12.78 feet to the Easterly sideline of Tract 99 of Neskowin Heights;
thence Northerly along said Tract 99 Easterly sideline to the most Southerly Southeast corner of Lot 8, Block 1, Neskowin Heights;
thence North 157.51 feet along the East boundary of said Lot 8 to the Southeast of Lot 1 of said Block 1, Neskowin Heights;
thence North 109.74 feet to the Northeast corner of said Lot 1;
thence South 78° 50' 00" East 10.19 feet, more or less, to the Easterly boundary of Neskowin Heights;
thence South 350.00 feet, more or less, to the point of beginning.

ALSO: A perpetual, non-exclusive easement for the right of parking on the Southern-most half portion of the following described roadway, said roadway which is a portion of Lot 99, Neskowin Heights, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, as described in Book 3, page 13, Plat Records, and more particularly described as follows:

Commencing at the most Southerly corner of Lot 1, Block 2, Neskowin Heights, Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, page 13, Tillamook County Records;
thence North 60° 40' 42" East 5.86 feet;
thence on an 82.50 foot radius curve left (long chord bears North 9° 04' 39" West 154.81 feet) an arc distance of 200.88 feet;
thence North 78° 50' West 33.87 feet to the true point of beginning;
thence from said true point of beginning North 78° 50' West 150.22 feet;
thence North 11° 12' 40" East 60.0 feet, more or less, to the Southeast corner of Lot 4, Block 1, Neskowin Heights, in Tillamook County, Oregon, according to the official Plat thereof recorded in Plat Book 3, page 13, Tillamook County Records;
thence South 78° 50' East 150.00 feet;
thence South 11° 10' 00" West 60.00 feet, more or less, to the true point of beginning.

ALSO together with easements as disclosed on PARTITION PLAT NO. 2006-044, as recorded December 22, 2006, in Plat Cabinet B980-0, in Tillamook County Records, and also on PARTITION PLAT NO. 2008-022, as recorded June 20, 2008, in Plat Cabinet B1068-0, Tillamook County Records, and also PARTITION PLAT NO. 2007-037, as recorded October 29, 2007, in Plat Cabinet B-1033-0, Tillamook County Records, and also PARTITION PLAT NO. 2008-031, as recorded September 18, 2008, in Plat Cabinet B1080-0, Tillamook County Records.

EXHIBIT "B"
Exceptions

Subject to:

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020/21.
2. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Regional Sanitary Authority.
3. Regulations, levies, liens, assessments, rights of way and easements of Neskowin Water District. None found as of August 4, 2020.
4. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads, and highways.
5. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Pacific Ocean.
6. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.
7. Rights of public and of governmental bodies in that portion of the subject land lying below the mean high water line of the Pacific Ocean and lying within the ocean shore and the dry sand area as declared under the provisions of ORS 390.605 through 390.770 and as found in Thornton v. Hay, 254 Or 584, 452 P2d 671 (1969).
8. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Pacific Ocean.
9. Right to lay water pipes, including the terms and provisions thereof;

Granted by: J. R. Brigham
To: R. E. Steiner, et al
Recording Date: October 28, 1920
Recording No.: Miscellaneous Book: 3 Page: 409

NOTE: Rights under said instrument were transferred to the South Neskowin Water Company, by instrument recorded December 3, 1924 in Book 52, page 345, Records of Tillamook County, Oregon.

10. Rights of ingress and egress and rights to water, including the terms and provisions thereof;

Granted by: John R. Brigham
To: E. C. Apperson, et al
Recording Date: September 10, 1917
Recording No.: Book: 36 Page: 238

Also granted in Deed,
To: Nellie G. Rogers
Recording Date: March 15, 1918
Recording No.: Book: 37 Page: 101

Also granted in Deed,
To: Lillie Lichfield Shirley
Recording Date: August 30, 1920
Recording No.: Book: 42 Page: 25

Also as granted in Deed,
To: Aletta M. Brigham
Recording Date: August 11, 1921
Recording No.: Book: 43 Page: 453

Also granted in Deed,
To: Mary E. Webster
Recording Date: July 21, 1922
Recording No.: Book: 44 Page: 625
(Location not specific.)

11. Agreement granting perpetual privilege of attaching water pipes to water mains, and right to cross property in direct course to the nearest county road and ocean beach, granted in instrument;

Granted by: J. R. Brigham
To: R. E. Steiner, et al
Recording Date: August 4, 1910
Recording No.: Miscellaneous Book: 2 Page: 130
(location not specific.)

EXHIBIT "B"
Exceptions

12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Ralph I. Sutton and Mildred M. Sutton
Purpose: Ingress and egress, etc.
Recording Date: May 1, 1963
Recording No: Book: 175 Page: 459
Affects: South Beach Road
13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Peter O. Place and Phyllis Place
Purpose: Ingress and egress, etc.
Recording Date: May 1, 1963
Recording No: Book: 175 Page: 462
Affects: South Beach Road
14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Peter O. Place and Phyllis Place
Purpose: Ingress and egress, etc.
Recording Date: August 15, 1962
Recording No: Book: 182 Page: 223
Affects: South Beach Road
15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Orion A. Place and Marjorie J. Place
Purpose: Ingress and egress, etc.
Recording Date: August 15, 1962
Recording No: Book: 182 Page: 226
Affects: South Beach Road
16. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
Recording Date: March 2, 1966
Recording No: Book: 201 Page: 33
17. Amendment(s)/Modification(s) of said covenants, conditions and restrictions
Recording Date: July 27, 1972
Recording No: Book: 228 Page: 221
Amendment(s)/Modification(s) of said covenants, conditions and restrictions
Recording Date: April 2, 1990
Recording No: Book: 327 Page: 294
Amendment(s)/Modification(s) of said covenants, conditions and restrictions
Recording Date: August 7, 1995
Recording No: Book: 371 Page: 424
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: All Grantees of lots and tracts within the area platted as Proposal Rock, Tillamook County
Purpose: Ingress and egress, etc.
Recording Date: April 19, 1968
Recording No: Book: 211 Page: 973
Affects: South Beach Road
18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: July 14, 1970
Recording No: Book: 219 Page: 954
Affects: See document for specifics

EXHIBIT "B"
Exceptions

19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: August 19, 1970
Recording No: Book: 220 Page: 365
Affects: See document for specifics
20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: August 17, 1971
Recording No: Book: 224 Page: 159
Affects: See document for specifics
21. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 26, 1974
Recording No: Book: 236 Page: 128
22. Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: April 2, 1990
Recording No: Book: 327 Page: 294
Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed in a document:

Granted to: Robert C. Brodine, Jr. and Verna Lee Brodine
Purpose: Ingress, and egress, etc.
Recording Date: August 16, 1974
Recording No: Book: 237 Page: 499
Affects: See document for specifics
23. Easement and Maintenance Agreement, including the terms and provisions thereof;

Executed by: L.E.W. Engineering, Inc., an Oregon corporation; and Robert C. Brodine, Jr. and Verna Lee Brodine, husband and wife
Recording Date: August 16, 1974
Recording No.: Book: 237 Page: 500
Affects: Roadway use and maintenance and water system use
24. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public Utilities
Recording Date: July 28, 1976
Recording No: Book: 246 Page: 157
Affects: See document for specifics
25. Agreement for Easement, including the terms and provisions thereof;

Executed by: L.E.W. Engineering, Inc.
Recording Date: January 19, 1977
Recording No.: Book: 248 Page: 738
Affects: South Beach Road
26. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: January 29, 1979
Recording No: Book: 261 Page: 256
Affects: See document for specifics

EXHIBIT "B"
Exceptions

27. Easement Agreement, including the terms and provisions thereof;
Executed by: Elizabeth Morse Trowbridge; and Chinook Enterprises, Inc.
Recording Date: February 19, 1980
Recording No.: Book: 268 Page: 10
Affects: South Beach Road
28. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Chinook Associates, Inc.
Purpose: Sewer
Recording Date: September 5, 1980
Recording No: Book: 271 Page: 450
Affects: See document for specifics
29. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Elizabeth Trowbridge, et al
Purpose: Ingress and ingress
Recording Date: November 3, 1981
Recording No: Book: 278 Page: 814
Affects: See document for specifics
30. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Mildred Sutton
Purpose: Ingress and egress
Recording Date: November 2, 1982
Recording No: Book: 284 Page: 320
Affects: South Beach Road and other property also
31. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: October 2, 1984
Recording No: Book: 295 Page: 220
Affects: See document for specifics
32. Agreement for Easement, including the terms and provisions thereof;
Executed by: Chinook Associates; and Proposal Rock Homeowners Association
Recording Date: February 5, 1987
Recording No.: Book: 308 Page: 5
Affects: South Beach Road
33. Agreement for Easement, including the terms and provisions thereof;
Executed by: Chinook Associates; and Proposal Rock Homeowners Association
Recording Date: February 12, 1988
Recording No.: Book: 313 Page: 986
Affects: South Beach Road
34. Non-exclusive easements, in common with others, including the terms and provisions thereof, for ingress and egress and utilities over Lot 99, Neskowin Heights, and Neskowin Heights First Addition, and any extensions thereof.
35. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust, U/D/T dated September 20, 1988
Purpose: Ingress and egress, etc.
Recording Date: March 6, 1991
Recording No: Book: 333 Page: 681
Affects: South Beach Road and other property
36. Easements for access and utilities over the existing roads, appurtenant to each parcel which is situated in the West half of Section 36, Township 5 South, Range 11 West of the Willamette Meridian and Section 35, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, to which access is gained through the locked (or lockable) gate maintained by Proposal Rock Homeowners Association.

EXHIBIT "B"
Exceptions

37. Easements as shown on the recorded Partition Plats, 1996-65 and 2007-13.
38. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: May 14, 1993
Recording No: Book: 350 Page: 833
Affects: See document for specifics
39. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: September 28, 1994
Recording No: Book: 364 Page: 132
Affects: See document for specifics
40. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Russell F. Wilson
Purpose: Ingress and egress
Recording Date: October 4, 1994
Recording No: Book: 364 Page: 266
Affects: South Beach Road and othe property also
41. Agreement for Easement, including the terms and provisions thereof;
Executed by: Philip J. Kessel; and Seabreeze Associates limited Partnership
Recording Date: August 25, 1995
Recording No.: Book: 371 Page: 974
Affects: South Beach Road
42. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Paul Jeffrey Rood, trustee of the Paul Jeffrey Rood Trust, U/D/T September 20, 1988
Purpose: Ingress and egress, etc.
Recording Date: August 19, 1996
Recording No: Book: 380 Page: 453
- Modification and/or amendment by instrument;
Recording Date: April 8, 2004
Recording No.: 2004-002677
43. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Ocean View Ventures, inc., etal
Purpose: Access and utilites
Recording Date: April 29, 1998
Recording No: Book: 395 Page: 927
44. Agreement, including the terms and provisions thereof;
Executed by: Pacific Ridge Enterprises, Inc., etal
Recording Date: June 5, 1998
Recording No.: Book: 397 Page: 109
Affects: Maintenance, etc.
45. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
Recording Date: July 17, 1998
Recording No: Book: 398 Page: 470

EXHIBIT "B"
Exceptions

46. Amendment(s)/Modification(s) of said covenants, conditions and restrictions
Recording Date: October 12, 2001
Recording No: Book: 429 Page: 952
Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: December 22, 1998
Recording No: Book: 403 Page: 109
Affects: See document for specifics
47. Agreement, including the terms and provisions thereof;

Executed by: Kent H. Ziegler; and Paul Jeffrey Rodd
Recording Date: August 2, 1999
Recording No.: Book: 409 Page: 754
Affects: See document for specifics
48. Easement Agreement, including the terms and provisions thereof;

Executed by: Kent H. Ziegler, etal
Recording Date: December 31, 2002
Recording No.: Book: 442 Page: 796
Affects: Ingress and egress, etc.
49. Easement Agreement, including the terms and provisions thereof;

Executed by: Kent H. Ziegler, etal
Recording Date: January 24, 2006
Recording No.: 2006-000575
Affects: Ingress and egress
50. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Neskowin Regional Sanitary Authority
Purpose: Sewer, etc.
Recording Date: October 17, 2006
Recording No: 2006-009057
Affects: A portion of South Beach Road
51. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Neskowin Regional Water District, a municipal corporation
Purpose: Water pipelines, etc.
Recording Date: November 29, 2006
Recording No: 2006-010376
Affects: See document for specifics
52. Easement Agreement, including the terms and provisions thereof;

Executed by: William M. Roberts, etal
Recording Date: November 20, 2007
Recording No.: 2007-009643
Affects: See document for specifics
53. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 11, 2008
Recording No: 2008-008424