



Land of Cheese, Trees and Ocean Breeze

NOTICE OF ADMINISTRATIVE REVIEW
PARTITION REQUEST #851-23-000452-PLNG
JULIEN IRREVOCABLE TRUST, et al.
TOGETHER WITH
PROPERTY LINE ADJUSTMENT REQUEST #851-23-000451-PLNG
GOBET-POMEROY, et al. & JULIEN IRREVOCABLE TRUST, et al.
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER

Date of Notice: October 20, 2023

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-23-000452-PLNG: A partition request for two (2) residential parcels following completion of a property line adjustment. Located within the Unincorporated Community of Neskowin and accessed from South Beach Road, a private road, the subject properties made part of the partition and property line adjustment proposal are designated as Tax Lots 00220 and 02200 of Section 36BC, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County Oregon. The subject properties are zoned Neskowin Low Density Residential (NeskR-1). Tax Lot 00220 also holds a portion of Zoning under the Small Farm Woodlot (SFW-20) zone for that portion located outside of the community boundary. Property owners are Jay I. Julien Irrevocable Trust, Sherry Kalish Irrevocable Trust, Seabreeze Associates LP, with Heather J. Gobet-Pomeroy and Thomas A. Bates. The applicant is Seabreeze Associates LP – Robert Fultz, General Partner. *The partition proposal includes a property line adjustment of all above mentioned Tax Lots as shown on the enclosed preliminary partition plat. Upon adjustment, partition review is limited to Tax Lot 00220.*

Written comments received by the Department of Community Development **prior to 4:00p.m. on November 3, 2023**, will be considered in rendering a decision. Comments should address the attached criteria upon which the Department must base its decision. Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 750 feet of the exterior boundaries of the subject property for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request. The decision will be rendered no sooner than November 3, 2023.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection on the Tillamook County Department of Community Development website:

<https://www.co.tillamook.or.us/commdev/landuseapps> and is also available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141.

If you have any questions about this application, please call the Department of Community Development at 503-842-3412 or email angela.rimoldi@tillamookcounty.gov

Sincerely,

Angela Rimoldi, Planning Permit Technician

Sarah Absher, CFM, Director

EXHIBITS:

Exhibit A -Location Maps

Exhibit B – Applicants Submittal

TILLAMOOK COUNTY LAND USE ORDINANCE

SECTION 3.322: NESKOWIN LOW DENSITY RESIDENTIAL (NeskR1) 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.
 - (d) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
 - (1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for onsite sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
 - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
 - (e) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
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TILLAMOOK COUNTY 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;
 - (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;

- (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.

TILLAMOOK COUNTY LAND DIVISION ORDINANCE

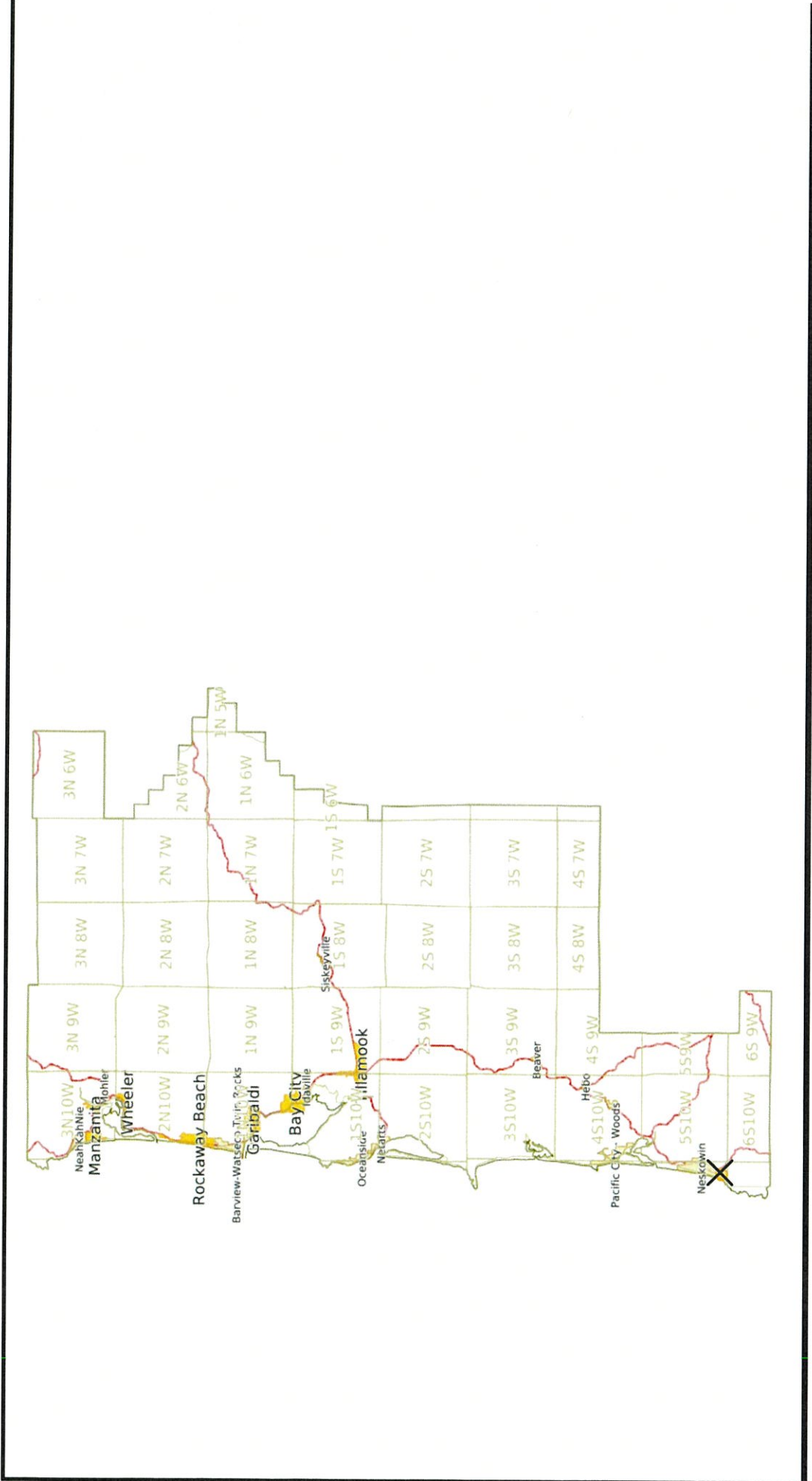
SECTION 130: PROPERTY LINE ADJUSTMENT CRITERIA (Applicable criteria are in bold and underlined.)

- i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment. (Partition review included..)***
- ii. Lot standards.***
 - 1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.***
 - 2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.***
 - 3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.***
 - 4. As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.***
- iii. Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.***

EXHIBIT A



Tillamook County GIS



Created: Wed Oct 18 2023-12:14:58
Active Layers: County_Boundary, Fed_state_highways, citylimit, community_polygon, TaxlotOwner, Township_Range_Section, Road_Centerline
Extent: -13850252.609072, 5623487.9835598, -13610698.96246, 5748844.70993

Tillamook County
2023 Real Property Assessment Report
 Account 258063

Map 5S1136BC02200
 Code - Tax ID 2207 - 258063

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr See Record

Mailing BATES, THOMAS A &
 GOBET-POMEROY, HEATHER J
 22011 S PENMAN RD
 OREGON CITY OR 97045

Deed Reference # 2020-1245
 Sales Date/Price 02-24-2020 / \$685,000
 Appraiser ELIZABETH LOFTIS

Property Class 101 MA SA NH
 RMV Class 101 09 OV 985

Site	Situs Address	City
1	49995 SOUTH BEACH RD	COUNTY

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
2207	Land	225,290			Land	0
	Impr	797,010			Impr	0
Code Area Total		1,022,300	552,530	552,530		0
Grand Total		1,022,300	552,530	552,530		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2207					LANDSCAPE - AVERAGE	100			1,500
	1	<input checked="" type="checkbox"/>		NESKR-1	Market	114	0.16 AC		199,390
					OSD - AVERAGE	100			24,400
Code Area Total							0.16 AC		225,290

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2207	1	2003	155	Two story or more	127	2,442			797,010
Code Area Total						2,442			797,010

Exemptions / Special Assessments / Notations					
Code Area				Amount	Year Used
2207	Special Assessments				
	■ SOLID WASTE			12.00	2023
	Fire Patrol				
	■ FIRE PATROL SURCHARGE			47.50	2023
	■ FIRE PATROL NORTHWEST			18.75	2023
				0.16	

Comments 3/4/04 Old house removed. New house 100% complete. dv. 4/11/06 Acreage change only after lot line adjustment from tax lot 220. dv 04/18/14 Reappraised land;tabled values. RBB

Tillamook County
2023 Real Property Assessment Report
 Account 410233

Map 5S1136BC00220 Code - Tax ID 2207 - 410233 Legal Descr PARTITION PLAT 2006-43 Lot - PARCEL 3 PT Mailing JULIEN, ANN C TRUSTEE & KALISH, LAWRENCE J TRUSTEE & 9 SOUTH RD CHEBEAGUE ISLAND ME 04017-3000	Tax Status Assessable Account Status Active Subtype NORMAL Deed Reference # 2012-7263 Sales Date/Price 12-20-2012 / \$0 Appraiser KARI FLEISHER Property Class 010 MA SA NH RMV Class 010 09 UB UBL
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Site Situs Address	City
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Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
2207 Land	18,990		Land	0	
Impr	0		Impr	0	
Code Area Total	18,990	142,100	18,990	0	
Grand Total	18,990	142,100	18,990	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2207		<input checked="" type="checkbox"/>		NESKR-1	Market	100	1.61 AC		2,880
				SFW20	Market	100	5.05 AC		9,030
	1	<input checked="" type="checkbox"/>		SFW20	Market	100	3.96 AC		7,080
Code Area Total							10.62 AC		18,990

Improvement Breakdown									
Code Area	Year ID #	Stat Built	Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV

Exemptions / Special Assessments / Notations									
Notations									
<ul style="list-style-type: none"> ■ ADJUDICATION - 5 YEARS EXPIRED 309.115 ADDED 2015 									
Fire Patrol						Amount	Acres	Year	
<ul style="list-style-type: none"> ■ FIRE PATROL SURCHARGE 						0.00		2023	
Code Area 2207									
Fire Patrol						Amount	Acres	Year	
<ul style="list-style-type: none"> ■ FIRE PATROL NORTHWEST 						18.75	5.05	2023	

Comments 4/29/05 Land to market after Partition Plat 2004-35 from Tax lot 216. dv. 4/11/06 Acreage change only after lot line adjustment to tax lot 2200. dv. 6/29/07 Land to market after Partition to tax lots 223 & 224. dv. 8/31/07 Seg. by deed to Tax Lot 227. Apportioned value is market value. dv. 3/8/10 BOPTA petition 2009 #30, Board reduced RMV to \$1000 per acre due to SFW zoning and wetlands. Changed to unbuildable hood. Carried values forward. dv 04/15/14 Reappraised land; apportioned values between each fragment and applied the overrides due to BOPTA's adjudicated values in 2009. RBB 5/2015 Chkd. zoning and wetland area/Removed notation for 2009 BOPTA and input 5 yr. notation/RMV will reflect UBL status due to above factors. RCW 8/7/23 Due to a LLA, a portion of this TL is now carried in TL 219. No change in value. acreage adjustment only. KF

EXHIBIT B



LAND DIVISION APPLICATION

Seabreeze Associates LP

Applicant (Check Box if Same as Property Owner)

Name: Robert B. Fultz, General Partner Phone: 415-778-8700 x212
 Address: 865 Highland Drive
 City: Boulder Creek State: CA Zip: 95006
 Email: neskowin@pacbell.net

Property Owner Sherry Kalish Irrevocable Trust

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

There are 3 property owners.

Location:

Site Address: No address

Map Number: 5S 11W 36BC 00220
Township Range Section Tax Lot(s)

Only 1 new parcel created

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

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

General Information

- For subdivisions, the proposed name.
- Date, north arrow, scale of drawing.
- Location of the development sufficient to development sufficient to define its location, boundaries, and a legal description of the site.
- Parcel zoning and overlays
- Title Block
- Clear identification of the drawing as "Preliminary Plat" and date of preparation
- Name and addresses of owner(s), developer, and engineer or surveyor
- Fifteen (15) legible "to scale" hard copies
- One digital copy

Existing Conditions

- 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
- 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
- Other information:
Concurrent lot line adjust

No structures

All utilities in South Beach Road (adjacent)

Sewerage in South Beach Road (adjacent)

Creek
N/A

OFFICE USE ONLY
Date Stamp
RECEIVED
OCT 02 2023
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: <u>1155.-</u>
Permit No: <u>851-23-000452PLNG</u>

- 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.

	Robert B. Fultz General Partner, Seabreeze Associates LP	Date: <u>9/26/2023</u>
Property Owner (*Required)	Lawrence Kalish Trustee, Jay I. Julien Irrevocable Trust	Date: <u>9/26/2023</u>
Applicant Signature	Aaron Julien Trustee, Jay I. Julien Irrevocable Trust	Date: <u>9/26/2023</u>
Signature: _____	Lawrence Kalish Trustee, Sherry Kalish Irrevocable Trust	Date: <u>9/26/2023</u>

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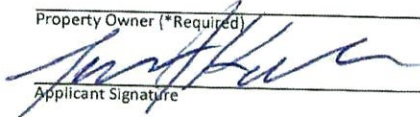
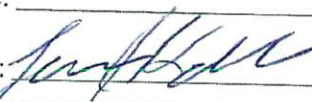
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	Robert B. Fultz	
Property Owner (*Required)	General Partner, Seabreeze Associates LP	9/26/2023
	Lawrence Kalish	Date
Applicant Signature	Trustee, Jay I. Julien Irrevocable Trust	9/26/2023
	Aaron Julien	Date
Signature: _____	Trustee, Jay I. Julien Irrevocable Trust	Date: 9/26/2023
	Lawrence Kalish	
Signature: 	Trustee, Sherry Kalish Irrevocable Trust	Date: 9/26/2023

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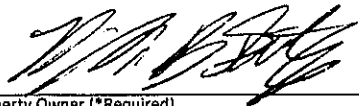
Certificates:

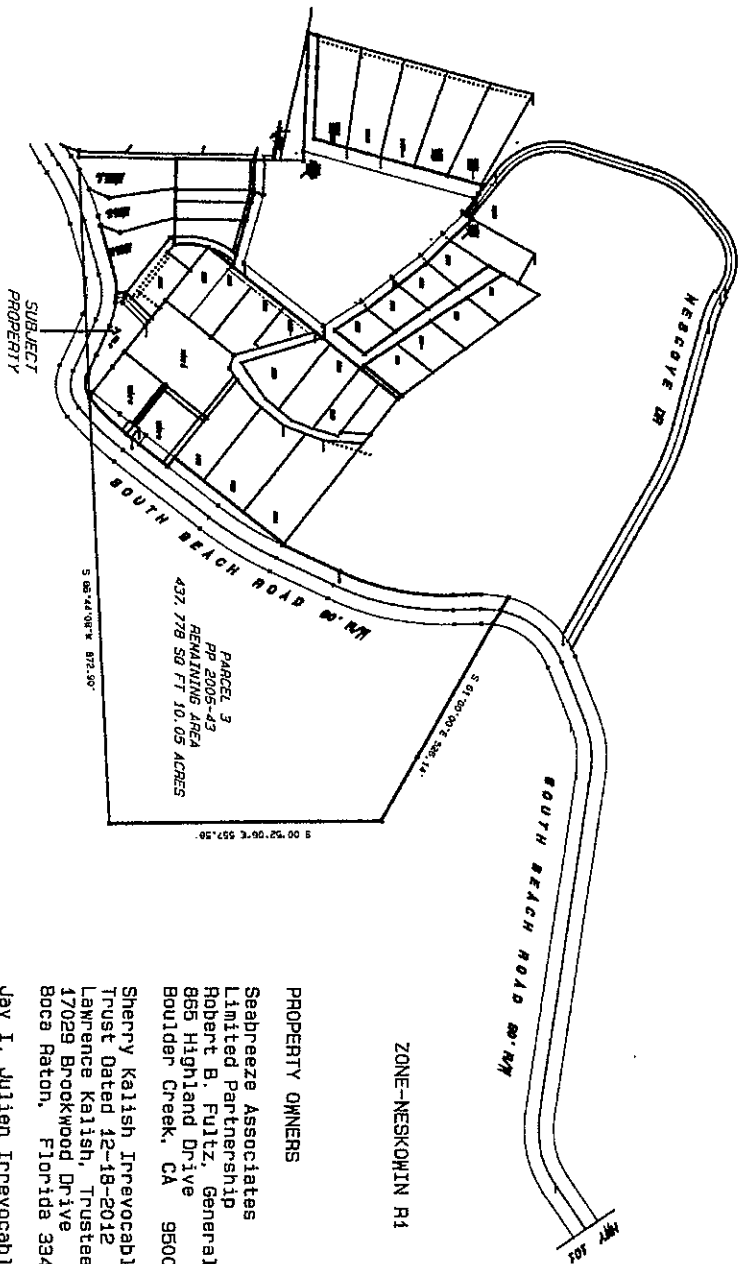
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Applicant Signature	Aaron Julien Trustee, Jay I. Julien Irrevocable Trust	Date: <u>9/26/2023</u>
Signature: _____	Lawrence Kalish Trustee, Sherry Kalish Irrevocable Trust	Date: <u>9/26/2023</u>



PRELIMINARY PLAN FOR PARTITION PLAT
OF A PORTION OF PARCEL 3 PARTITION PLAT 2006-43
LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,
T 8 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON
FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP

ZONE-NESKOWIN R1

PROPERTY OWNERS

Seabreeze Associates
Limited Partnership
Robert B. Fultz, General Partner
865 Highland Drive
Boulder Creek, CA 95006

Sherry Kalish Irrevocable
Trust Dated 12-18-2012
Lawrence Kalish, Trustee
17029 Brookwood Drive
Boca Raton, Florida 33496

Jay I. Julien Irrevocable Trust,
Dated December 14, 2012
Lawrence J. Kalish, Trustee
17029 Brookwood Drive
Boca Raton, Florida 33496

OWNER TL 2200
Heather Gohet-Pomeroy
22011 S. Penman Rd
Oregon City, Or. 97045



SEPTEMBER 21, 2023
SCALE 1"=500'
SHEET 3 OF 3

PREPARED BY
DARIUS K. FERGUSON P.L.S.
LAND SURVEYING
6062 S.E. HWY. 101, SUITE B
LINCOLN CITY, OR. 97367
PH: (541) 994-5954
DFERGUSON@SURVEYING08GMAIL

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darius K. Ferguson

OREGON
JULY 16, 1987
DARIUS K. FERGUSON
2279

RENEWS 12-31-23



SEPTEMBER 21, 2023
 SCALE 1"=50'
 SHEET 1 OF 3

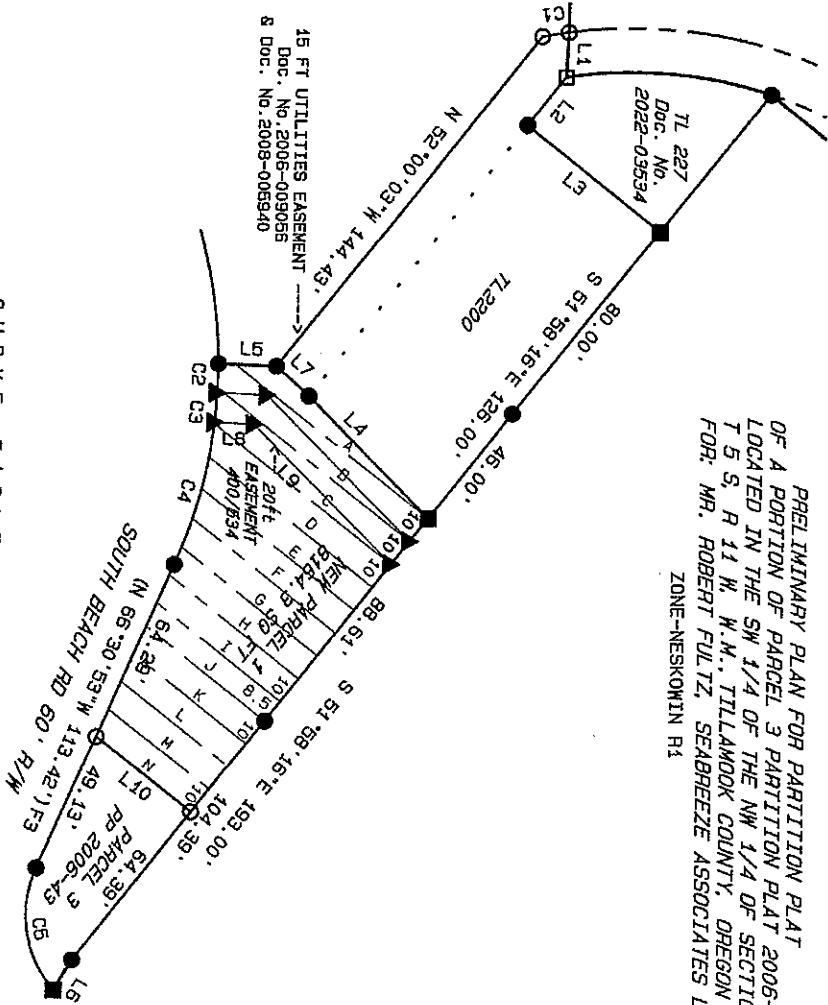
PREPARED BY
 DARIUS K. FERGUSON P.L.S.
 LAND SURVEYING
 6062 S.E. HWY. 104, SUITE B
 LINCOLN CITY, OR, 97367
 PH: (541) 994-5854
 DFERGUSONSURVEYING@GMAIL

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 16, 1987
 DARIUS K. FERGUSON
 2279

RENEWS 12-31-23

PRELIMINARY PLAN FOR PARTITION PLAT
 OF A PORTION OF PARCEL 3 PARTITION PLAT 2006-43
 LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,
 T 5 S, R 11 W, N.M., TILLAMOOK COUNTY, OREGON
 FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP
 ZONE-NESKOMWIN R1



CURVE TABLE

CURVE#	RADIUS	DELTA	ARC LENGTH	CHORD
C1	(165.00')	03°10'17"	9.13'	N 09°57'42"W 9.13') F5
C2	(167.88')	03°24'50"	10.00'	N 88°59'17"W 10.00') F3
C3	(167.88')	03°25'00"	10.01'	N 85°34'19"W 10.01') F3
C4	(167.88')	17°20'59"	50.83'	N 75°11'22"W 50.64') F3
C5	(39.35')	64°16'17"	44.14'	S 81°20'58"W 41.86') F3

PROPOSED NEW
 AVERAGE LOT WIDTHS

- L4+L7=73.47'
- A=84.17'
- B=83.93'
- C=77.18'
- D=71.46'
- E=66.50'
- F=62.52'
- G=59.17'
- H=56.44'
- I=53.95'
- J=51.66'
- K=49.06'
- L=46.47'
- M=43.88'
- N=41.28'
- SUM=921.14' / 15=61.4'

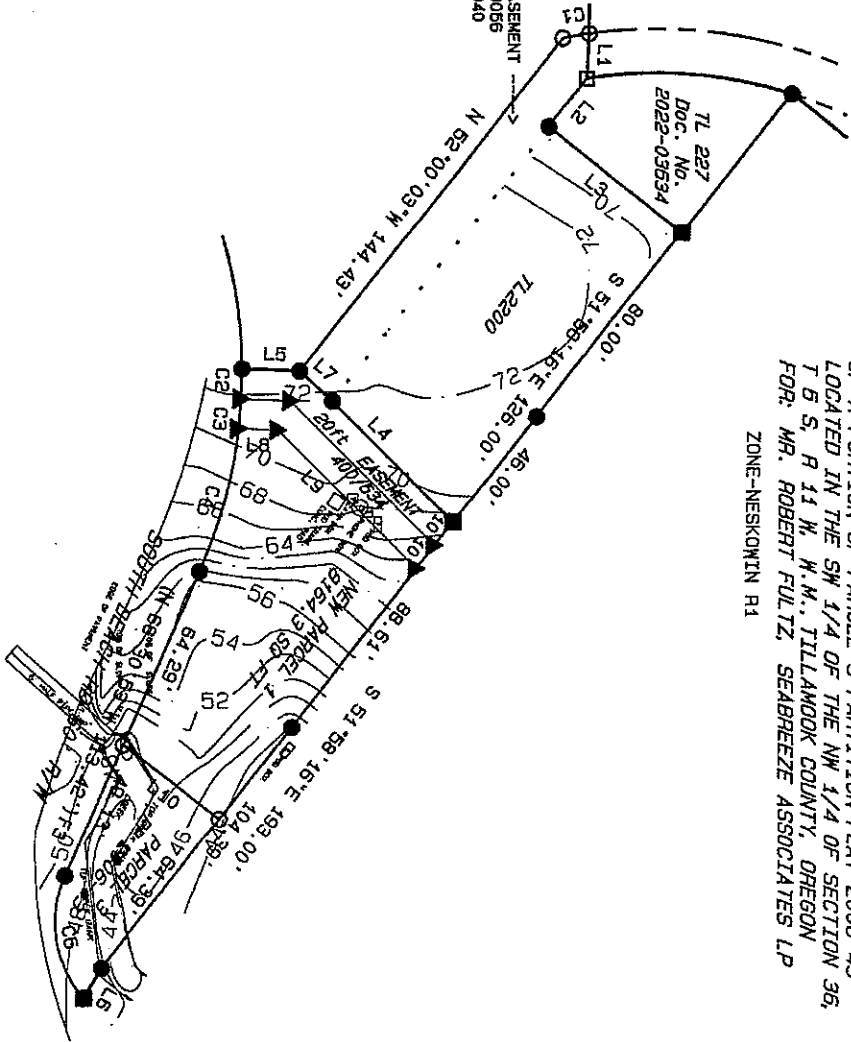
LINE TABLE

- L1 = S 87°29'42"E 15.30'
- L2 = S 52°00'03"E 20.88'
- L3 = N 37°59'10"E 58.07'
- L4 = S 45°01'44"W 68.44'
- L5 = (S 01°56'34"W 19.74') F5
- L6 = (N 59°41'00"W 12.01') F5
- L7 = S 41°40'27"W 18.03'
- L8 = N 01°56'34"E 13.39'
- L9 = N 45°01'44"E 67.07'
- L10 = S 37°59'10"W 41.28'



SEPTEMBER 24, 2023
SCALE 1"=50'
CONTOUR INTERVAL = 2 FT
SHEET 2 OF 3

15 FT UTILITIES EASEMENT
Doc. No. 2006-009056
& Doc. No. 2008-005940



PRELIMINARY PLAN FOR PARTITION PLAT
OF A PORTION OF PARCEL 3 PARTITION PLAT 2006-43
LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,
T 6 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON
FOR: MR. ROBERT FULTZ, SEABREEZE ASSOCIATES LP
ZONE-NESKOMIN R1

PREPARED BY
DARIUS K. FERGUSON P.L.S.,
LAND SURVEYING
6062 S.E. HWY. 104, SUITE B
LINCOLN CITY, OR. 97367
PH: (541) 994-6864
DFERGUSON@SURVEYINGGMAIL

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darius K. Ferguson

OREGON
JULY 16, 1987
DARIUS K. FERGUSON
2279

RENEWS 12-31-23

From: Troy N. Trute <tnt@neskowinwater.com>
To: 'Robert Fultz' <neskwin@pacbell.net>
Sent: Tuesday, September 5, 2023 at 09:54:40 AM PDT
Subject: RE: Water "will serve" letter

The creation of these lots from the single tax lot 220 will not be an issue with the Neskowin Regional Water District. The District currently has enough capacity and enough infrastructure to supply these new lots, as proposed by Robert Fultz.



Troy N. Trute

General Manager

Neskowin Regional Water District

P.O Box 823, Neskowin, Oregon, 97149

503-392-3966 Office

541-992-1655 Cell

tni@neskowinwater.com

Neskowin Regional Sanitary Authority



P O Box 383, Neskowin, Oregon 97149

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

Date: August 30, 2023

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: 36 BC Tax Lot: 00220

According to our records, the legal owner is:

Jay Julien 2012 Irrevocable Trust, Sherry Kalish Irrevocable Trust & Seabreeze Associates Limited Partnership

Comments: Letter is issued for the purpose of proposed lot partition.

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

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

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

Signature of Authorized NRSA Representative

NRSA Office Mgr.

Title

Telephone No: (503) 392-3404

Fax No: (503) 392-3477

E-mail Address: annisl@neskowinsanitary.com





PROPERTY LINE ADJUSTMENT APPLICATION

Applicant/Representative Seabreeze Associates LP

Name: Robert B. Fultz, General Partner, Phone: 415 778 8700 x212
 Address: 865 Highland Drive
 City: Boulder Creek State: CA Zip: 95006
 Email: neskowin@pacbell.net

Property Owner (Unit A)

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

All three are property owners of T5S R11W 36BC-00220

Property Owner (Unit B) A

Name: Jay I. Julien 2012 Irrevocable Trust Phone:
 Address: 17029 Brookwood Drive
 City: Boca Raton State: FL Zip: 33496
 Email:

Property Owner (Unit C) B

Name: Heather J. Gobet-Pomeroy Phone:
 Address: 22011 South Penman Road
 City: Oregon City State: OR Zip: 97045
 Email:

Ms. Gobet is the property owner of T5S R11W 36BC-02200

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

Adding a 15 foot strip of land from part of the parcel, T5S R11W 36BC-00220, to Ms. Gobet's property, which is T5S R11W 36BC-02200.

Unit A Location:

Site Address: No address
 Map Number: 5S 11W 36BC 00220
Township Range Section Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Bare land with sewer and power line utilities in the portion being added to T5S R11W 36BC-02200.

~~**Unit B Location:**~~

Site Address: N/A
 Map Number:
Township Range Section Tax Lot(s)

Zoning:

Existing Use of Sites:

OFFICE USE ONLY
Date Stamp
RECEIVED
OCT 02 2023
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by:
Receipt #:
Fees: 514.50
Permit No: 851-23-00451 -PLNG

Unit ^B Location:

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Residence

	Taxlot (Units)	Existing Size	New Size
A)	36BC-00220	10.6 ac	10.05 ac
B)	36BC-02200	7105.4 sq ft	9307.2 sq ft

Preliminary Property Line Map Checklist

- Darius Identification of all existing and proposed lot lines and dimensions Other information: _____
 - Darius Footprints and dimensions of existing structures (including accessory structures) _____
 - Darius Location and dimensions of driveways and streets _____
 - None Location of lands subject to the Tillamook County Flood Hazard Overlay _____
 - Darius Existing fences and walls _____
 - Darius Sewage Disposal System _____
- Date: 9/26/2023
- Signature: _____ Aaron Julien
Trustee, Jay I. Julien Irrevocable Trust

Authorization

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

Robert B. Fultz
General Partner, Seabreeze Associates LP 9/26/2023

Legally Authorized Signature Date

Lawrence Kalish
Trustee, Jay I. Julien Irrevocable Trust 9/26/2023

Legally Authorized Signature Date

Lawrence Kalish
Trustee, Sherry Kalish Irrevocable Trust 9/26/2023

Legally Authorized Signature Date

Signature: _____ Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: _____ Thomas A Bates Date: 9/26/2023

Unit C Location:

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Residence

Taxlot (Units)	Existing Size	New Size
36BC-00220	10.6 ac	10.05 ac
36BC-02200	7105.4 sq ft	9307.2 sq ft

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- Darius Existing fences and walls
- Darius Sewage Disposal System

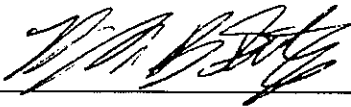
Other information:
 Easements affecting the parcel _____
 Concurrent partition application _____

Aaron Julien Date: 9/26/2023
 Trustee, Jay I. Julien Irrevocable Trust

Signature: _____

Authorization

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



Robert B. Fultz
 General Partner, Seabreeze Associates LP 9/26/2023

Legally Authorized Signature

Date

Lawrence Kalish
 Trustee, Jay I. Julien Irrevocable Trust 9/26/2023

Legally Authorized Signature

Date

Lawrence Kalish
 Trustee, Sherry Kalish Irrevocable Trust 9/26/2023

Legally Authorized Signature

Date

Signature: _____

Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: _____ Thomas A Bates Date: 9/26/2023

Unit C Location:

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Residence

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36BC-00220	10.6 ac	10.05 ac
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 - Concurrent partition application _____
- Darius Footprints and dimensions of existing structures (including accessory structures) _____
- Darius Location and dimensions of driveways and streets _____
- None Location of lands subject to the Tillamook County Flood Hazard Overlay _____
- Darius Existing fences and walls _____
- Darius Sewage Disposal System _____

Aaron Julien Date: 9/26/2023

Signature: _____ Trustee, Jay I. Julien Irrevocable Trust

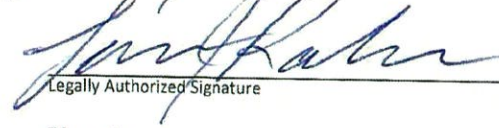
Authorization

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

Robert B. Fultz
General Partner, Seabreeze Associates LP 9/26/2023
Date

Legally Authorized Signature


Lawrence Kalish
Trustee, Jay I. Julien Irrevocable Trust 9/26/2023
Date

Legally Authorized Signature


Lawrence Kalish
Trustee, Sherry Kalish Irrevocable Trust 9/26/2023
Date

Signature: _____ Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: _____ Thomas A Bates Date: 9/26/2023

Unit C Location:

Site Address: 49995 S Beach Road Neskowin, OR

Map Number:	5S	11W	36BC	02200
	Township	Range	Section	Tax Lot(s)

Zoning: Nesk-R1

Existing Use of Sites: Residence

Taxlot (Units)	Existing Size	New Size
36BC-00220	10.6 ac	10.05 ac
36BC-02200	7105.4 sq ft	9307.2 sq ft

Preliminary Property Line Map Checklist

- Darius Identification of all existing and proposed lot lines and dimensions Other information:
 - Easements affecting the parcel _____
 - Concurrent partition application _____
 - Darius Footprints and dimensions of existing structures (including accessory structures) _____
 - Darius Location and dimensions of driveways and streets _____
 - None Location of lands subject to the Tillamook County Flood Hazard Overlay
 - Darius Existing fences and walls _____
 - Darius Sewage Disposal System _____
- Date: 9/26/2023
- Signature: _____ Aaron Julien
Trustee, Jay I. Julien Irrevocable Trust

Authorization

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

Robert B. Fultz
General Partner, Seabreeze Associates LP 9/26/2023
Date

Legally Authorized Signature

Lawrence Kalish
Trustee, Jay I. Julien Irrevocable Trust 9/26/2023
Date

Legally Authorized Signature

Lawrence Kalish
Trustee, Sherry Kalish Irrevocable Trust 9/26/2023
Date

Legally Authorized Signature

Signature: *Heather J. Gobet-Pomeroy* Heather J. Gobet-Pomeroy Date: 9/26/2023

Signature: *Thomas A Bates* Thomas A Bates Date: 9/26/2023

APPROVAL STANDARDS:

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

APPROVAL-CRITERIA FOR ADJUSTMENTS IN RESOURCE AND COMMERCIAL ZONES:

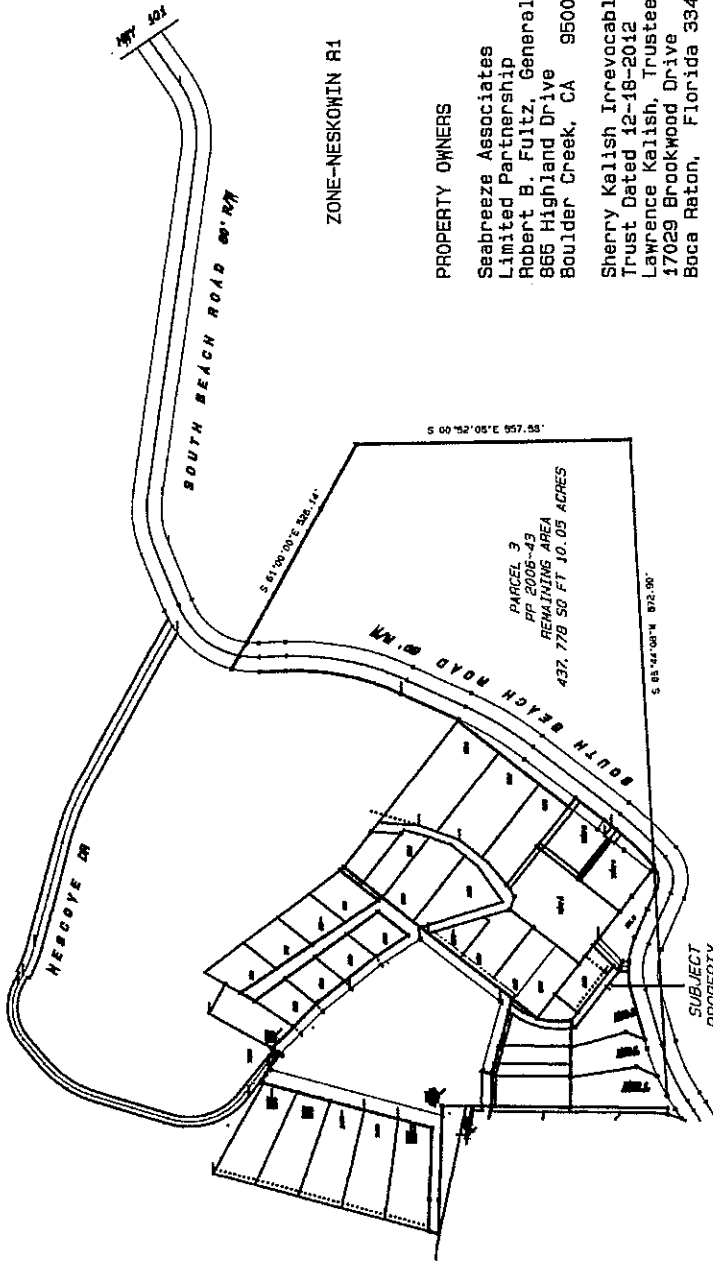
In addition to the approval standards listed above, property line adjustments in resource zones (Farm and Forest) must comply with the following criteria. Please use a separate sheet of paper to explain how the proposed adjustment complies with these criteria. Other information such as air photos (available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

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

THE APPLICATION MUST INCLUDE:

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

SEPTEMBER 21, 2023
 SCALE 1"=300'
 SHEET 3 OF 3



ZONE-NEKOWIN R1

PROPERTY OWNERS

Seabreeze Associates
 Limited Partnership
 Robert B. Fultz, General Partner
 865 Highland Drive
 Boulder Creek, CA 95006

Sherry Kalish Irrevocable
 Trust Dated 12-18-2012
 Lawrence Kalish, Trustee
 17029 Brookwood Drive
 Boca Raton, Florida 33496

Jay I. Julien Irrevocable Trust,
 Dated December 14, 2012
 Lawrence J. Kalish, Trustee
 17029 Brookwood Drive
 Boca Raton, Florida 33496

OWNER TL 2200
 Heather Gobet-Pomeroy
 22011 S. Panman Rd
 Oregon City, Or. 97045

PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT OF A TRACT
 OF LAND A LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36,
 T 6 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON
 FOR: SEABREEZE ASSOCIATES LP & HEATHER GOBET-POMEROY

PREPARED BY
 DARIUS K. FERGUSON P.L.S.
 LAND SURVEYING
 6062 S.E. HWY. 101, SUITE B
 LINCOLN CITY, OR. 97367
 PH: (541) 994-5854
 DFERGUSONSURVEYING@GMAIL

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Darius K. Ferguson

OREGON
 JULY 16, 1987
 DARIUS K. FERGUSON
 2279

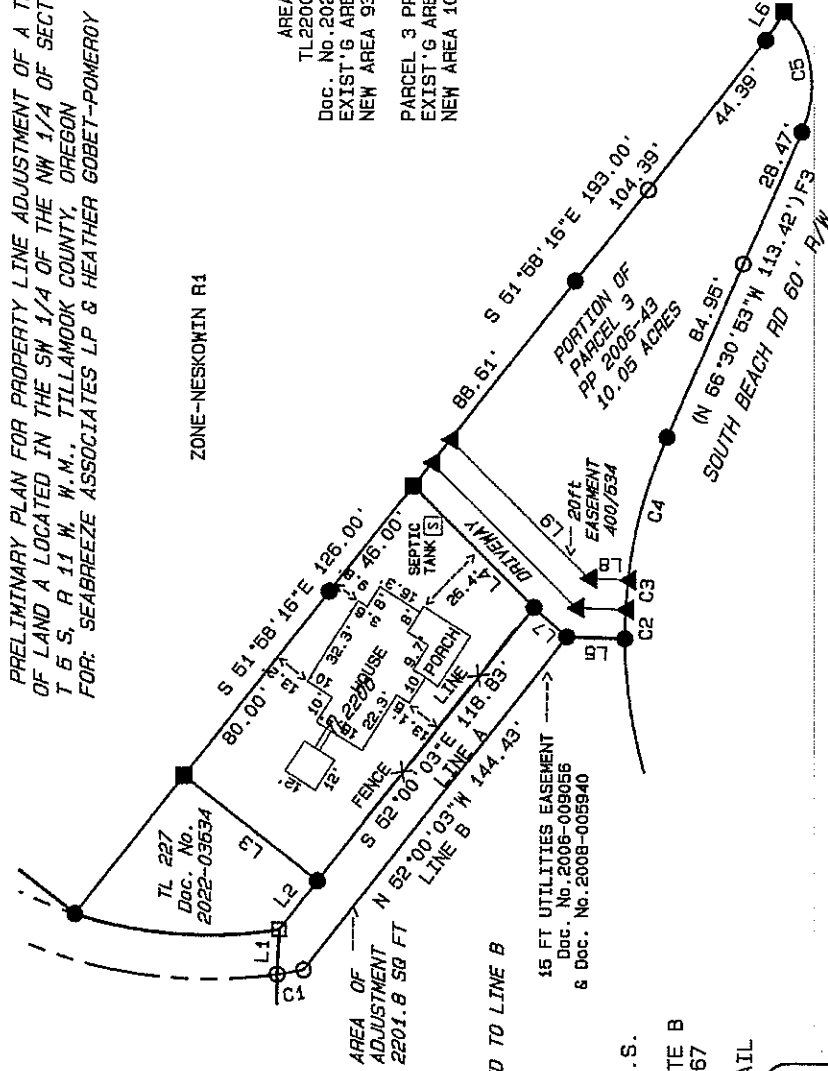
RENS 12-31-23

PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT OF A TRACT OF LAND A LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36, T 6 S, R 11 W, W.M., TILLAMOOK COUNTY, OREGON FOR: SEABREEZE ASSOCIATES LP & HEATHER GOBET-POMEROY

ZONE-NESKOWIN R1

SEPTEMBER 21, 2023
SCALE 1"=50'
SHEET 1 OF 3

AREAS
TL2200
Doc. No. 202-01245
EXIST'G AREA 7105.4 SQ FT
NEW AREA 9307.2 SQ FT
PARCEL 3 PP 2006-43
EXIST'G AREA 10.6 AC
NEW AREA 10.05 AC



NOTE:
LINE A IS TO BE ADJUSTED TO LINE B

15 FT UTILITIES EASEMENT
Doc. No. 2006-009056
& Doc. No. 2008-005940

PREPARED BY
DARIUS K. FERGUSON P.L.S.
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6062 S.E. HWY. 101, SUITE B
LINCOLN CITY, OR. 97367
PH: (541) 994-5854
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REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darius K. Ferguson

OREGON
JULY 16, 1987
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2279

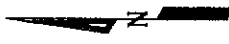
RENEWS 12-31-23

LINE TABLE

L1 = S 87°29'42"E 15.30'
L2 = S 52°00'03"E 20.88'
L3 = N 37°59'10"E 58.07'
L4 = S 45°01'44"W 58.44'
L5 = (S 01°55'34"W 19.74') F5
L6 = (N 69°11'00"W 12.01') F3
L7 = S 41°40'27"W 15.03'
L8 = N 01°55'34"E 13.39'
L9 = N 45°01'44"E 67.07'

CURVE TABLE

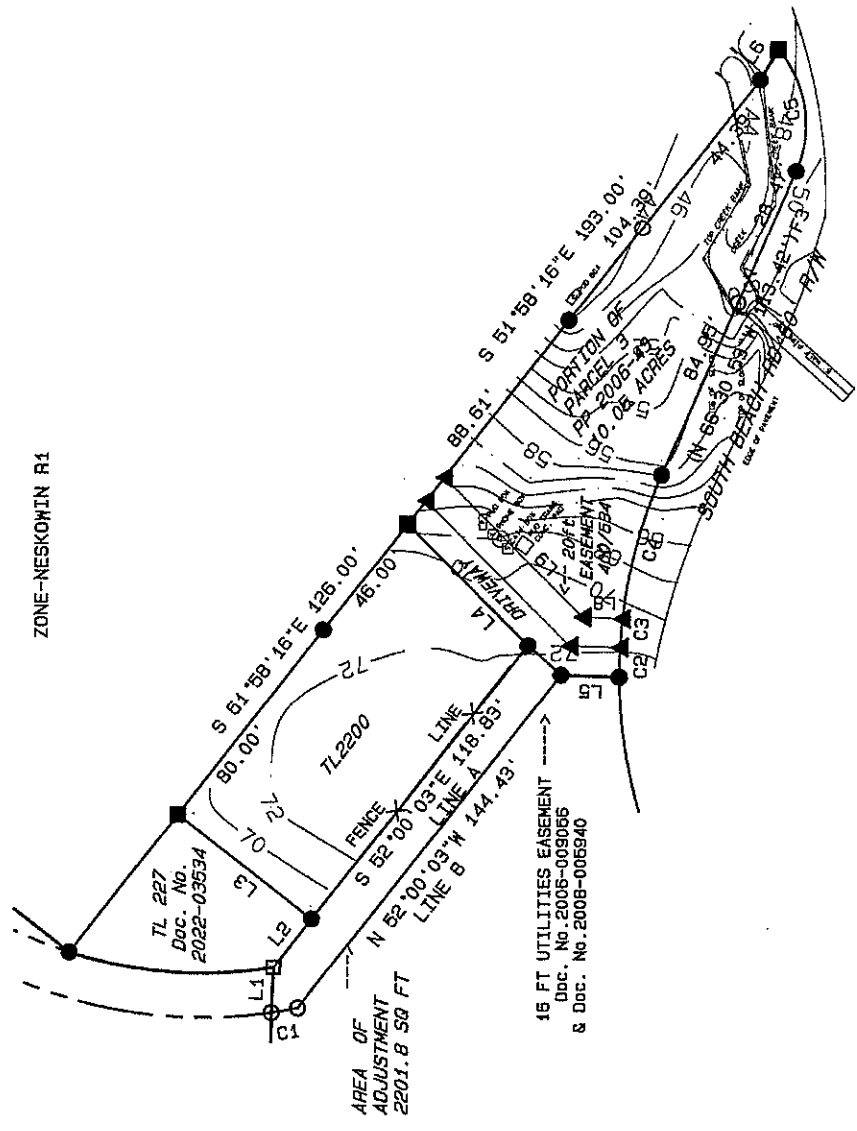
CURVE#	RADIUS	DELTA	ARC LENGTH	CHORD
C1	(165.00'	03°10'17"	9.13'	N 09°57'42"W 9.13') F5
C2	(167.88'	03°24'50"	10.00'	N 88°59'17"W 10.00') F3
C3	(167.88'	03°25'00"	10.01'	N 85°34'19"W 10.01') F3
C4	(167.88'	17°20'59"	50.83'	N 75°11'22"W 50.64') F3
C5	(39.35'	64°16'17"	44.14'	S 81°20'58"W 41.86') F3



PRELIMINARY PLAN FOR PROPERTY LINE ADJUSTMENT OF A TRACT OF LAND A LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 36, T 5 S, R 11 W, M.M., TILLAMOOK COUNTY, OREGON FOR: SEABREEZE ASSOCIATES LP & HEATHER GOBET-POMERROY

SEPTEMBER 21, 2023
SCALE: 1"=50'
CONTOUR INTERVAL =2 FT
SHEET 2 OF 3

ZONE-NESKOWIN R1



PREPARED BY
DARIUS K. FERGUSON P.L.S.
LAND SURVEYING
6062 S.E. HWY. 101, SUITE B
LINCOLN CITY, OR. 97367
PH: (541) 994-6854
DFERGUSONSURVEYING@GMAIL

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darius K. Ferguson

OREGON
JULY 15, 1987
DARIUS K. FERGUSON
2279

RENEWS 12-31-23

TC# 220



Tillamook County, Oregon	2023-02349
06/05/2023 11:31:01 AM	
DEED-DBS	
\$30.00 \$11.00 \$10.00 \$61.00 - Total =\$112.00	
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	

THIS SPACE PROVIDED FOR RECORDER'S USE

After recording return to:
First American Title
405 NW 5th St. Suite A
Corvallis, OR 97330

Until a change is requested all tax statements shall be sent to the following address: No change,,
NO CHANGE FROM CURRENT ADDRESS ON FILE

FIRST AMERICAN 4063430

BARGAIN AND SALE DEED FOR PROPERTY LINE ADJUSTMENT

Aaron Julien and Larry Kalish, Trustees of the Jay I. Julien 2012 Irrevocable Trust, Larry Kalish, Trustee of the Sherry Kalish Irrevocable Trust, and Seabreeze Associates Limited Partnership Grantors, convey to Aaron Julien and Larry Kalish, Trustee of the Jay I. Julien 2012 Irrevocable Trust, Larry Kalish, Trustee of the Sherry Kalish Irrevocable Trust, and Seabreeze Associates Limited Partnership Grantees the following described real property:

SEE EXHIBIT A FOR TRANSFER PARCEL LEGAL DESCRIPTION
SEE EXHIBIT B FOR ADJUSTED GRANTEE'S LEGAL DESCRIPTION
SEE EXHIBIT C FOR ADJUSTED GRANTORS LEGAL DESCRIPTION

Grantor is vested by Doc. No.s 2012-7263 (Sherry Kalish Trust), 2012-7117 (Jay I Julien Trust), and Book 320, Page 363 (Seabreeze Associates Limited Partnership), Tillamook County Deed Records

Grantee is vested by Doc. No. 2012-7263 (Sherry Kalish Trust), 2012-7117 (Jay I Julien Trust), and Book 320, Page 363 (Seabreeze Associates Limited Partnership), Tillamook County Deed Records

Grantor and Grantee execute this deed to facilitate an approved Property Line Adjustment per Case File No. #851-22-000379-PLNG and #851-22-000355-PLNG Unincorporated Community of Neskowin County of Tillamook

This property is free of liens and encumbrances, EXCEPT: THOSE OF PUBLIC RECORD, IF ANY.

True consideration for this conveyance is \$To effect property line adjustment (Here comply with the 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.

Dated this 5 day of May, 2023

GRANTORS

[Signature]
Robert B Fultz, General Partner
Seabreeze Associates Limited Partnership

Aaron Julien
Aaron Julien, Trustee

Larry Kalish
Larry Kalish, Trustee

Larry Kalish
Larry Kalish, Trustee

GRANTEES

[Signature]
Robert B Fultz, General Partner
Seabreeze Associates Limited Partnership

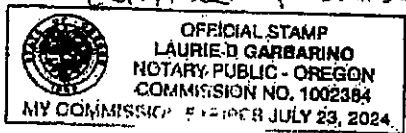
Aaron Julien
Aaron Julien, Trustee

Larry Kalish
Larry Kalish, Trustee

Larry Kalish
Larry Kalish, Trustee

State of Oregon)
County of Benton) ss.

This instrument was acknowledged before me on May 26 2023, by
Robert B Fultz, general Partner, Seabreeze Associates
Limited Partnership



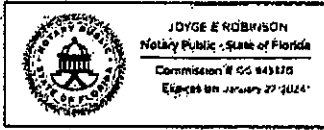
Laurie D Garbarino
Notary Public - State of Oregon

State of _____)
County of _____) ss.

Florida
Marion

This instrument was acknowledged before me on 06/05/2023, by

Aaron Julien, trustee of the Jay I. Julien 2012 Irrevocable Trust



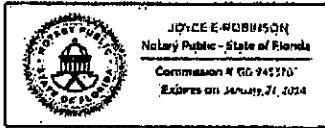
[Signature]
Notary Public - State of Florida

Notarized online using audio-video communication

State of Florida)
 Marion) ss.
County of _____)

This instrument was acknowledged before me on 06/05/2023, by

Larry Kalish, trustee of the Jay I. Julien 2012 Irrevocable Trust and Larry Kalish, trustee of the Sherry Kalish Irrevocable Trust



[Signature]
Notary Public - State of Florida

Notarized online using audio-video communication.

EXHIBIT "A"

LEGAL DESCRIPTION OF TRANSFER PARCEL

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON; BEING A PORTION OF PARCEL 3, PARTITION PLAT 2006-43 TILLAMOOK COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS; THENCE SOUTH 75°03'04"EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 37°56'57"WEST 64.37 FEET TO A 3/4 INCH IRON PIPE AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Doc. No. 2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD BEARS SOUTH 04°01'30"WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET; THENCE NORTH 87°29'42"WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE RIGHT (LONG CHORD BEARS NORTH 15°04'34"EAST 131.33 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS,
TOGETHER WITH A PORTION OF PARCEL 3 PARTITION PLAT 2006-43,
TILLAMOOK COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF
PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS;
THENCE SOUTH 75°03'04"EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE
SOUTH 37°56'57"WEST 64.37 FEET TO A 3/4 INCH IRON PIPE AT THE MOST
NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Doc. No.
2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST
LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD
BEARS SOUTH 04°01'30"WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET;
THENCE NORTH 87°29'42"WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE
SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE
ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE
RIGHT (LONG CHORD BEARS NORTH 15°04'34"EAST 131.33 FEET TO THE POINT
OF BEGINNING.

EXHIBIT "C"

PARCEL 3, PARTITION PLAT 2006-43, TILLAMOOK COUNTY DEED RECORDS;
EXCEPTING THEREFROM THAT TRACT OF LAND AS DESCRIBED IN Doc.
No. 2022-03534, TILLAMOOK COUNTY DEED RECORDS; ALSO EXCEPTING
THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND;

BEGINNING AT A 5/8 INCH IRON ROD AT THE NORTHEAST CORNER OF
PARCEL 2, PARTITION PLAT 2004-35, TILLAMOOK COUNTY PLAT RECORDS;
THENCE SOUTH 75°03'04" EAST 26.52 FEET TO A 5/8 INCH IRON ROD; THENCE
SOUTH 37°56'57" WEST 64.37 FEET TO A 3/4 INCH IRON PIPE AT THE MOST
NORTHERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN Doc. No.
2022-03534, TILLAMOOK COUNTY DEED RECORD; THENCE ALONG THE WEST
LINE OF SAID TRACT ON A 150.00 FOOT RADIUS CURVE LEFT (LONG CHORD
BEARS SOUTH 04°01'30" WEST 70.06 FEET) AN ARC DISTANCE OF 70.71 FEET;
THENCE NORTH 87°29'42" WEST 15.30 FEET TO A 5/8 INCH IRON ROD AT THE
SOUTHEAST CORNER OF SAID PARCEL 2 PARTITION PLAT 2004-35; THENCE
ALONG THE EAST LINE OF SAID PARCEL 2 ON A 165.00 FOOT RADIUS CURVE
RIGHT (LONG CHORD BEARS NORTH 15°04'34" EAST 131.33 FEET TO THE POINT
OF BEGINNING.

RECORDING REQUESTED BY:



3469 NW Highway 101
Lincoln City, OR 97367

AFTER RECORDING RETURN TO:

Order No.: WT0183398-KB
Thomas A. Bates and Heather J. Gobet-Pomeroy
22011 S. Penman Rd.
Oregon City, OR 97045

SEND TAX STATEMENTS TO:

Thomas A. Bates and Heather J. Gobet-Pomeroy
22011 S. Penman Rd.
Oregon City, OR 97045

APN: 258063
Map: 5S1136BC02200

TICOR 36042000007

Tillamook County, Oregon
02/26/2020 12:11:02 PM
DEED-DWARR
\$30.00 \$11.00 \$10.00 \$61.00 - Total = \$112.00
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

Elizabeth Duane Vergeer Crist and Tonie I. Tollen as Trustee of the Tonie I. Tollen Trust under agreement dated September 19, 2007, Grantor, conveys and warrants to Thomas A. Bates and Heather J. Gobet-Pomeroy, not as tenants in common, but with the rights of survivorship, 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 SIX HUNDRED EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$685,000.00). (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.

STATUTORY WARRANTY DEED
(continued)

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

Dated: 2/24/2020

Elizabeth Duane Vergeer Crist
Elizabeth Duane Vergeer Crist

Tonie I. Tollen Trust under agreement dated September 19, 2007

BY: Tonie I. Tollen
Trustee T. Tollen

State of OR
County of Lincoln

This instrument was acknowledged before me on February 24 2020 by Elizabeth Duane Vergeer Crist and ^{*}Tonie I. Tollen Trust under agreement dated September 19, 2007.

K. Bighill
Notary Public - State of Oregon
My Commission Expires: 12/20/21



**Tonie I. Tollen, as Trustee of the*

EXHIBIT "A"
Legal Description

PARCEL I:

Beginning at a point South 52° 22' 00" East 100 feet from the Southwest corner of the tract of land owned by Aletta M. Brigham in Section 36, Township 5 South, Range 11 West of the Willamette Meridian and recorded in Volume 43 at Page 453, Deed Records of Tillamook County, Oregon, said Southwest corner being South 37° 38' 00" West 300 feet from an iron pipe set 964.8 feet West and 2063.5 feet South of the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 36 and 697 feet South and 192.4 feet East of the Northeast corner of a tract conveyed to Dan J. Fry and R.E.L. Steiner by deed recorded April 24, 1913, in Book 26, at Page 75, Deed Records of Tillamook County, Oregon; thence South 52° 22' 00" East 60 feet along the South line of the above mentioned tract; thence South 37° 38' 00" West 50 feet to a point; thence North 52° 22' 00" West 100 feet to a point; thence North 37° 38' 00" East 50 feet to a point; thence South 52° 22' 00" East 40 feet to the point of beginning.

PARCEL II:

Beginning at a point which is South 52° 22' 00" East 186 feet from the Southwest corner of the O.A. Place tract, which Southwest corner is South 37° 38' 00" West 300 feet from a point which is South 2063.5 feet, and West 964.8 feet, from the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian; and running thence North 52° 22' 00" West, 26 feet to the Southeast corner of the tract presently owned by Bruce Nolf; thence South 37° 38' 00" West, along the Nolf Southerly line, 50 feet; thence South 52° 22' 00" East, to a point which is South 44° 38' 00" West, and on the line of the road across the O.A. Place property, if extended, from the point of beginning; and running thence North 44° 38' 00" East, to the point of beginning.

PARCEL III:

A tract of land lying in the Southwest Quarter of the Northwest Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, said tract being a portion of Parcel 3 of Partition Plat No. 2004-35 as recorded in Plat Cabinet B-864-0 of Partition Plat Records of Tillamook County, Oregon, recorded December 27, 2004, as Instrument No. 2004-010779, said portion of Parcel 3 being more particularly described as follows:

Beginning at the Southwesterly corner of that certain tract of land conveyed to Bruce Owen Nolf by deed recorded in Book 354, Page 608, Deed Records of Tillamook County, Oregon, said point also being an angle point in a Northerly line of the aforesaid Parcel 3; and running thence South 52° 22' 00" East, along that certain boundary line common to the aforesaid Parcel 3 and Nolf tract, a distance of 119.86 feet to an iron rod, said point also being the Southeasterly corner of that certain tract of land conveyed to Bruce Nolf by deed recorded in Book 216, Page 200, Deed Records of Tillamook County, Oregon; thence South 44° 38' 00" West a distance of 8.06 feet to an iron rod; thence North 52° 22' 00" West a distance of 118.88 feet to an iron rod; thence North 37° 38' 00" East a distance of 8.00 feet to the point of beginning.

TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress over the following described tract:

A strip of land, 20 feet in width, lying 10.0 feet on either side of the centerline located in the Southwest One-Quarter of the Northwest One-Quarter of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, in Tillamook County, Oregon, more particularly described as follows:

Commencing at the most Easterly corner of that tract of land conveyed to Bruce Nolf, by Instrument recorded July 2, 1969, in Book 216, Page 200, Tillamook County Deed Records; thence South 52° 22' 00" East 10.08 feet, along the South line of that tract of land conveyed to Ralph T. Dawson, et ux, by Instrument recorded February 27, 1980, in Book 268, Page 163, Tillamook County Deed Records, to the true point of beginning; thence South 44° 38' 00" West 69.79 feet, parallel to the Southeast line of that tract of land described to Bruce Nolf, by Instrument recorded in Book 216, Page 200, Tillamook County Deed Records; thence South 01° 31' 50" West 15 feet, more or less, to the Northerly right-of-way line of that private roadway commonly known as South Beach Road and more

EXHIBIT "A"
Legal Description

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' 00" 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, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West 226.05 feet; thence on a 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 a 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, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

The side lines of the above 20 foot easement are to be extended or shortened to begin at the South line of that parcel described in Book 268, Page 163, Tillamook County Deed Records, and to terminate at the Northerly right-of-way line of that private roadway commonly known as South Beach Road and described above.

ALSO TOGETHER WITH a perpetual, non-exclusive easement for ingress and egress 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' 00" 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, 253.04 feet) an arc distance of 255.32 feet; thence South 24° 18' 57" West, 130.79 feet; thence on a 702.11 foot radius curve right (long chord bears South 30° 48' 57" West, 158.93 feet) an arc distance of 159.30 feet; thence South 37° 18' 57" West, 226.05 feet; thence on a 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 a 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, in Tillamook County, Oregon, according to the official plat thereof, recorded in Book 3, Page 13, Plat Records of Tillamook County, Oregon.

EXHIBIT "B"
Exceptions

Subject to:

SPECIFIC ITEMS AND EXCEPTIONS:

1. Rights of the public to any portion of the Land lying within the limits of streets, roads and highways.
2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: R. E. Lee Steiner
Purpose: water pipe
Recording Date: October 28, 1920
Recording No: Book 3, Page 409 Miscellaneous Records

An assignment of the easement rights we assigned by instrument:

Assignee: South Neskowin Water Company
Recording Date: December 3, 1924
Recording No.: Book 52, Page 345
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: E. C. Apperson and Alves N. Apperson, husband and wife
Purpose: as mentioned in said easement
Recording Date: September 10, 1917
Recording No: Book 36, Page 238
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mrs. Nellie G. Rogers
Purpose: as mentioned in said easement
Recording Date: March 15, 1918
Recording No: Book 37, Page 101
5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Lilly Litchfield Shirley
Purpose: as mentioned in said easement
Recording Date: August 30, 1920
Recording No: Book 42, Page 25
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Alleta M. Brigham
Purpose: as mentioned in said easement
Recording Date: August 11, 1921
Recording No: Book 43, Page 453
7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mary E. Webster
Purpose: as mentioned in said easement
Recording Date: July 21, 1922

EXHIBIT "B"
Exceptions

Recording No: Book 44, Page 625

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The Pacific Telephone and Telegraph Company
Purpose: as mentioned in said easement
Recording Date: November 1, 1928
Recording No: Book 59, Page 630

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: O. A. Place and Marjorie J. Place, husband and wife
Purpose: as mentioned in said easement
Recording Date: August 7, 1951
Recording No: Book 129, Page 203

10. Agreement, including the terms and provisions thereof,

Recording Date: March 31, 1965
Recording No.: Book 196, Page 237

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: Peter O. Place and Phyllis Place, husband and wife
Purpose: as stated in said document
Recording Date: July 2, 1969
Recording No: Book 216, Page 200

12. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Agreement for Easement

Recording Date: September 24, 1998
Recording No.: Book 400, Page 534

13. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Agreement for Easement

Recording Date: September 24, 1998
Recording No.: Book 400, Page 535

14. Terms, provisions and conditions, including, but not limited to, maintenance provisions, as contained in Warranty Deed

Recording Date: September 24, 1998
Recording No.: Book 400, Page 537

15. Covenants, conditions, restrictions and easements 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, source of income, gender, gender identity, gender expression, medical condition or genetic information, 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: August 29, 2005
Recording No: 2005-007708

Date: October 16, 2023

RE: Incomplete application for a Partition Application #851-23-000452-PLNG

To Whom It May Concern:

As indicated in the attached correspondence, your application has been deemed to be **incomplete**.

Please acknowledge, in writing, your intent to provide the material required to complete the application, as identified in the attached correspondence.

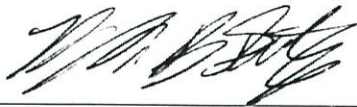
Tillamook County Department of Community Development
Attn: Angela Rimoldi – Planning Technician
1510 B Third Street
Tillamook, OR 97141

If you indicate your intent to complete the application, you will have 180 days from the date the application was originally submitted (**October 2, 2023**) to submit the required material. If you fail to submit the material within 180 days, your application will be deemed void. The case file regarding the application will then be closed.

If you do not return this acknowledgment, by the above date, such action will be considered to be a refusal to complete the application under the meaning accorded in ORS 215.428. Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

ACKNOWLEDGMENT

- I intend to provide the additional material identified in the attached correspondence from the Department of Community Development.
- I refuse to provide the additional material identified in the attached correspondence from the Department of Community Development.



Signed and Acknowledged (Applicant)

10/16/2023

Date

