

After Recording Return to:

Peggy Hawker, City Recorder
City of Newport
169 SW Coast Highway
Newport, OR 97365

Until a Change is Requested,
Send Tax Statements To:

No Change

Lincoln County, Oregon
02/19/2020 03:17:21 PM
DOC-LOT/ADJ
2020-01748
Cnt=1 Pgs=6 Stn=20
\$30.00 \$11.00 \$60.00 \$10.00 \$7.00 - Total = \$118.00



00178563202000017480060086

I, Dana W. Jenkins, County Clerk, do hereby certify
that the within instrument was recorded in the Lincoln
County Book of Records on the above date and time.
WITNESS my hand and seal of said office affixed.

Dana W. Jenkins, Lincoln County Clerk



Parties: City of Newport, 169 SW Coast Highway, Newport, Oregon 97365

DECLARATION OF PROPERTY LINE ADJUSTMENT

This Declaration of Property Line Adjustment is made this 18th day of February, 2020 by the City of Newport, an Oregon municipal corporation, hereafter referred to as "City."

RECITALS

A. City is the owner of the real property described as follows:

LOTS 13 AND 14, BLOCK 41, CASE AND BAYLEY'S SECOND ADDITION TO THE CITY OF NEWPORT, IN THE CITY OF NEWPORT, COUNTY OF LINCOLN AND STATE OF OREGON. EXCEPTING THEREFROM THE EASTERLY 6.0 FEET OF EVEN WIDTH OF LOT 13.

The property presently consists of two lawfully established units of land, which shall be referred to herein as parcels.

B. City desires to adjust the property lines between the two parcels previously existing.

C. City applied to the City of Newport Community Development Department and received approval for a property line adjustment described herein under Case File No. 1-PLA-16, the final order for which is attached as Exhibit A and by this reference incorporated herein.

DECLARATION

1. The real property described in Recital A above is hereby adjusted to create the two following described parcels.

Parcel 1:

THOSE PORTIONS OF LOTS 13 AND 14, BLOCK 41, "CASE AND BAYLEY'S 2ND ADDITION", IN THE CITY OF NEWPORT, LINCOLN COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE WESTERLY CORNER OF LOT 14, "CASE AND BAYLEY'S 2ND ADDITION"; THENCE NORTH 53° 18' 33" EAST, 94.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF BLOCK 41 TO A 5/8 INCH IRON ROD; THENCE SOUTH 36° 35' 38" EAST, 49.56 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 53° 18' 34" WEST, 94.10 FEET, TO

A 5/8 INCH IRON ROD ON THE SOUTHWESTERLY BOUNDARY OF THE AFOREMENTIONED LOT 14; THENCE NORTH 36° 28' 45" WEST, 49.56 FEET ALONG SAID SOUTHWESTERLY BOUNDARY TO THE POINT OF BEGINNING.

Parcel 2:

THOSE PORTIONS OF LOTS 13 AND 14, BLOCK 41, "CASE AND BAYLEY'S 2ND ADDITION", IN THE CITY OF NEWPORT, LINCOLN COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD AT THE WESTERLY CORNER OF LOT 14, "CASE AND BAYLEY'S 2ND ADDITION"; THENCE SOUTH 36° 28' 45" EAST, 49.56 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LOT 14 TO A 5/8 INCH IRON ROD AND THE TRUE POINT OF BEGINNING; THENCE NORTH 53° 18' 34" EAST, 94.10 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 36° 35' 38" EAST, 43.87 FEET TO A 5/8 INCH IRON ROD ON THE SOUTHEASTERLY BOUNDARY OF LOT 13; THENCE SOUTH 53° 34' 04" WEST, 94.19 FEET ALONG THE SOUTHERLY BOUNDARIES OF THE AFOREMENTIONED LOTS 13 AND 14 TO A 5/8 INCH IRON ROD AT THE SOUTHERLY CORNER OF SAID LOT 14; THENCE NORTH 36° 28' 45" WEST, 43.45 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF LOT 14 TO THE TRUE POINT OF BEGINNING.

2. The parcels created by this declaration have been surveyed by Gary Nyhus, A Registered Professional Land Surveyor in the State of Oregon. A reduced copy of his survey, which has been filed as County Survey No. 20679, is attached as Exhibit B and by this reference incorporated herein.
3. In the future, each parcel shall be conveyed using the descriptions set forth above.
4. The parcels described herein are subject to an easement, in favor of the City of Newport, as described in Instrument No. 2017-07902, recorded August 16, 2017.
5. This declaration is binding upon heirs, successors and assigns of City.
6. 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.

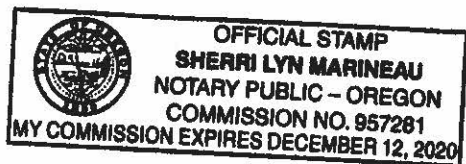
DATED: Febru 19, 2020.

CITY OF NEWPORT, an Oregon municipal corporation

By: Dr. R. Nobel
Name: Spencer R. Nobel
Its: City Manager

STATE OF OREGON)
) ss.
County of Lincoln)

This document was acknowledged before me on 19th day of February, 2020, by Spencer R. Nobel, as City manager of City of Newport.



Sherril Lyn Marineau
Notary Public - State of Oregon

**BEFORE THE COMMUNITY DEVELOPMENT
DIRECTOR CITY OF NEWPORT, COUNTY
OF LINCOLN, STATE OF OREGON**

IN THE MATTER OF LAND USE FILE NO. 1-PLA-16)
APPLICATION FOR PROPERTY LINE ADJUSTMENT,) FINAL
AS SUBMITTED BY HABITAT FOR HUMANITY OF) ORDER
LINCOLN COUNTY (CITY OF NEWPORT, PROPERTY)
OWNER))

WHEREAS:

- 1.) The Community Development (Planning) Director has duly accepted the application filed consistent with City of Newport Property Line Adjustment standards codified as part of the Newport Municipal Code in Chapter 13.99; and
- 2.) The Community Development (Planning) Director has duly reviewed the request and has given proper notice to affected property owners; and
- 3.) The Community Development (Planning) Director has allowed evidence and recommendations from interested persons, Planning Department staff, other City departments, and local utilities/agencies to be submitted; and
- 4.) At the conclusion of said review, after consideration, the Newport Community Development (Planning) Director approved the request for said property line adjustment.

THEREFORE, LET IT BE RESOLVED by the City of Newport Community Development (Planning) Director that the attached Findings of Fact (Exhibit "A") support approval of the property line adjustment as requested by the applicant, subject to the following conditions:

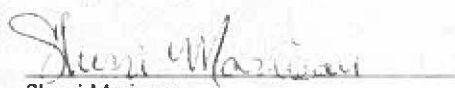
- 1.) The adjusted property line shall be configured such that the lot bordering SW 10th Street is 4,652 sq. ft. in size, equivalent to the current size of Lot 14. The second lot shall be configured such that it aligns with the current size of Lot 13, which is 4,093 square feet in area.
- 2.) Habitat for Humanity of Lincoln County shall prepare conveyances in accordance with ORS 92.190(4), containing the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement. The parties shall thereupon attach a copy of this final order setting forth the City's approval of the property line adjustment, and record the property line adjustment deeds, order, and survey with the Lincoln County Clerk, in the manner provided in ORS 92.190(3).
- 3.) Habitat for Humanity of Lincoln County shall finalize the survey of the adjusted property line, and the same shall be monumented, and the survey shall be filed with the county surveyor, as required by ORS 92.060(7).
- 4.) The property line adjustment shall not be effective until the utility easement, conveyances, final order, and survey have been recorded.

BASED UPON THE ABOVE, the Newport Community Development (Planning) Director determines that the request for a property line adjustment, as conditioned, is in conformance with Chapter 13.99 of the Newport Municipal Code.

Accepted and approved this 5th day of December, 2016.


Derrick I. Tokos, AICP
Community Development (Planning) Director

Attest:


Sherri Marineau
Executive Assistant

C.S. # 20079
FILED 2 August 2017
LINCOLN COUNTY SURVEYOR

NARRATIVE

MONUMENT DESCRIPTIONS

-
- SE 10TH STREET (54')
- EDGE OF ASPHALT
- SIDEWALK
- PROPOSED SIDEWALK
- LOT 16
BEFORE 4,881 SF
AFTER 0.11 AC
4,861 SF
- PORTION OF LOT 13
BEFORE 4,110 SF
AFTER 0.09 AC
4,110 SF
- TAX LOT 1901
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- BOUNDARY
- BOUNDARY
- S PINE STREET (80')
- MEASUREMENTS:
 N53°18'33"E 50.00'
 N53°18'33"E 44.00'
 (C.S. 18.417)
 (44)
 S53°34'10"E 58.58'
 S53°34'10"E 41.87'
 S53°34'10"E 44.05'
 S53°34'10"E 50.10'
 (C.S. 18.417)
 S53°34'10"E 84.00'
 S53°34'10"E 84.18'
 (C.S. 18.417)
 S53°34'10"E 84.18'
 (C.S. 18.417)
 S53°34'10"E 84.18'
 (C.S. 18.417)
- SCALE
1"=20'

SCALE
1"=20'

SW 10TH STREET (54')

N53°18'33"E, 288.45'
(N53°30'28"E, 288.40' CALC FROM C.S. 18.422)

- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- () RECORD INFORMATION, AS NOTED
- CALCULATED POSITION ONLY
- [] RECORD: PLAT BOOK 2, PAGE 10
"CASE AND BAYLEY'S 2ND ADDITION"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUL 24 2011
GARY KEITH MYHUS
2018
RENEWAL DATE:
DEC. 31, 2018

0 20 40 60
SCALE IN FEET

NYHUS SURVEYING INC. -GARY NYHUS- PROFESSIONAL LAND SURVEYOR P.O. BOX 208 740 E. THISSELL RD. TIDEWATER, ORE 97390 (541) 528-3234		CHECKED BY: GON DRAWN BY: GAM DATE: 6-28-2017 SCALE: 1" = 20' PROJECT: 18094
DRAWN BY: GW MAPPING - GREG MURRY - (541) 574-6568 / 332824		