

Exhibit H: Legal Memo



Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

February 24, 2021

Via Electronic Mail
planning@cityofsalem.net

City of Salem
Planning Department
555 Liberty Street SE, Room 305
Salem, Or 97301

RE: Legal Opinion – 5.02-Acre Parcel in TL 3400 is “Lawfully Established”

Dear Planner:

This firm represents Matthew Bailey, the property owner and applicant for property line adjustments of property located at 710 Winding Way SE in Salem, more particularly described as TL 3400, which consists of a 5.02-acre parcel and Lots 16, 17 and 21 of the Alderbrook Manor subdivision.

This letter establishes that the 5.02-acre parcel in TL 3400 is “lawfully established” within the meaning of ORS 92.010(3)(a) for the purposes of effectuating the proposed property line adjustments, as are Lots 16, 17 and 21.

I. The 5.02 Acres is Lawfully Established

The 5.02-acre so-called “remnant” lot situated between the Alder Brook Annex No. 1 and Alderbrook Manor subdivisions is not a “remnant” at all. It is “lawfully established” within the meaning of ORS 92.010(3)(a), because it was created by deed in 1943 before there were any applicable state or local land division laws. The deed that created the 5.02-acre parcel is attached as Exhibit 1.

Even if the deed did not create the 5.02 acres, it would be lawfully established by the two subdivisions which flank it. Either way, it is lawfully established.

Lots 16, 17 and 21 of the Alderbrook Manor subdivision are also “lawfully established” within the meaning of ORS 92.010(3)(a)(B)(i) and (4), because they were created “in compliance with all applicable planning, zoning and subdivision ordinances and regulations” as established by the 1958 approval of the Alderbrook Manor plat by City officials. And they were created by “a subdivision of land”.

II. The Legal Framework

SRC 205.055 provides that a property line adjustment (PLA) is required to relocate common property lines between two abutting units of land that were “lawfully established, as defined by ORS 92.010(3)(a)”. This “lawfully established” requirement is reiterated in the PLA approval criteria which require that the PLA involves only units of land that were “lawfully established, where the instruments creating the units of land have been properly recorded”. SRC 205.055(d)(3). Accordingly, the PLAs at issue require the applicant to establish that the 5.02-acre parcel, as well as the three additional lots involved, are “lawfully established” within the meaning of ORS 92.010(3)(a).

ORS 92.010(3)(a) provides:

“(a) ‘Lawfully established unit of land’ means:

“(A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or

“(B) Another unit of land created:

“(i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

“(ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.”

ORS 92.010(4) provides that “‘Lot’ means a single unit of land created by subdivision of land.”

In other words, under ORS 92.010(3)(a), a unit of land is “lawfully established” if it is created in one of three ways: (A) pursuant to state law governing property divisions, (B)(i) in compliance with applicable land use laws, or (B)(ii) by deed or contract if there were no applicable land use laws. The 5.02-acres was created by deed at a time (1943) when there were no applicable ordinances or regulations. The other lots were created by lawful subdivision in compliance with all applicable ordinances as evidenced by the approval and signature of the Salem Planning Commission president.

III. Legal Analysis Applying the Legal Framework to the Facts Here

There are actually two ways to conclude that the 5.02-acre parcel is “lawfully established.” The first, and most straightforward and legally relevant way is that the 5.02-acre parcel was created by deed in 1943. Exhibit 1 is the deed that created the 5.02-acre lot. Neither the City nor Marion County had any land division rules that applied at that time. State law did not include any rules about land divisions, other than for subdivisions, until the 1970s either. Therefore the 1943 deed establishes that the 5.02-acre lot is “lawfully established”. ORS 92.010(3)(a)(B)(ii). That is the simple and correct answer.

However, if necessary, there is a second way that the 5.02-acres would be considered to be “lawfully established”. That is, its boundaries were created lawfully by subdivisions in 1941 and 1958 that complied with all applicable planning, zoning or subdivision or partition ordinances and regulations at the time. Because there were planning commission signatures on the relevant 1941 and 1958 plats, those were City determinations that all relevant laws were satisfied.

Accordingly, all evidence points to the fact that the 5.02-acre parcel was created “in compliance with all applicable planning, zoning and subdivision ordinances and regulations” either way – by deed or by two subdivisions.

Lots 16, 17 and 21 of the Alderbrook Manor subdivision, the three additional lots involved in the proposed PLAs, are also “lawfully established” within the meaning of ORS 92.010(3)(a), because they were created by the 1958 approval of the Alderbrook Manor plat signed by city officials.

Our even more detailed explanation of why the 5.02-acre parcel (so-called “remnant”) and lots 16, 17 and 21 of the Alderbrook Manor subdivision are “lawfully established,” follows.

1934 Parent Parcel Conveyed by Deed

In the beginning, there was 58.47 acres, a parent tract created by deed from Edwin Y. Lansing to Irving B. Dexter on February 24, 1934. Exhibit 2, p 1-2 (Vol. 219, Page 127). That deed conveying that 58.47-acre parent was recorded on July 2, 1934. The deed describing this parent used a metes and bounds description, which description an AKS Engineering surveyor determined corresponds to a survey prepared for Edwin Y. Lansing by the County Surveyor for Marion County in 1934. Exhibit 2, p. 3.¹ At the time, this was a perfectly fine way of creating a unit of land – a tract (now considered a partition) – and so the deed was effective for that purpose. There were definitely requirements (probably state and not City) for the City to sign off on subdivision plats; but neither the City nor Marion County had any rules about land divisions to create a single unit of land like the 58.47-acre parent.

1941 Alder Brook Annex No. 1 Subdivision

In 1941, the northern portion of the 58.47-acre parent was subdivided into 22 lots, known as Alder Brook Annex No. 1, using up about 29 acres of the parent and leaving about 29.45-acres to the south. Alder Brook Annex No. 1 divided away the 29.45-acre lot to the south. There can be no serious dispute that 29.45-acre lot was created by Alder Brook Annex No. 1, and there can be no dispute that Alder Brook Annex No. 1 was a lawful subdivision. Exhibit 3. In this regard,

¹ Exhibit 2, p 3 shows the “Alder Brook” subdivision that existed to the north of the 58.47-acre parent tract at the time the 1934 survey was prepared. The Alder Brook subdivision was also signed by the President of the City planning commission. The Alder Brook subdivision should not be confused with Alder Brook Annex No. 1 or Alderbrook Manor.

the Alder Brook Annex No. 1 subdivision plat was approved by the County Surveyor and the President of the City of Salem's Planning Commission:

The above Plat is hereby Approved

Hugh Fisher
County Surveyor

The above Plat is hereby Approved

H. J. Swant
President of the City Planning Commission
for the City of Salem Oregon.

The plat and its dedication were approved by the County Assessor, the County Judge, and two County Commissioners:

State of Oregon) ss.
County of Marion)

I, R. Shelton County assessor and Leroy Hewlett County Judge
and J. E. Smith, and Ralph A. Girod County Commissioners for
said County and State, do hereby approve the above Plat and
Dedication which are in due and legal form.

R. Shelton
County Assessor

Leroy Hewlett
County Judge

J. E. Smith
County Commissioner

Ralph A. Girod
County Commissioner

Attest
W. B. Boyer
County Clerk



The approved Alder Brook Annex No. 1 plat was properly recorded on March 12, 1941
(Page 39, Book 13 in Town Plats of Marion County):

State of Oregon) ss.
County of Marion)

I, Herman William Lanke, Recorder of conveyances in and for said
County hereby Certify that the within instrument was received
for record at 9:35 AM and recorded on Page 39 in Book 13 of Town
Plats of Said County.

Dated this 12th day of March 1941

Herman William Lanke
County Recorder

These approvals from a variety of officials, including the President of the City of Salem's Planning Commission, establish that the Alder Brook Annex No. 1 subdivision was created in compliance with all then-applicable planning, zoning and subdivision or partition ordinances and regulations. An approved subdivision plat is a land use decision by the local land use authority that a proposed plat complies with applicable laws and land use standards. *Kine v. Deschutes County*, __ Or LUBA __, *5 (Jan 29, 2021, LUBA No 2018-130). It follows that the 29.45-acre lot to the south that the Alder Brook Annex No. 1 subdivision created, was created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations.

1943 5.02-acre Parcel (so-called “Remnant”) Conveyed by Deed

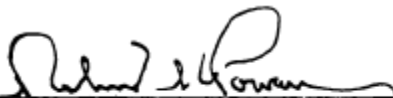
On March 4, 1943, the 5.02-acres at issue, part of the 29.45-acre lot to the south of Alder Brook Annex No. 1, was conveyed by deed from W.S. Walton and Winnie Pettyjohn to Philip and Blossom Goldstein. Exhibit 1 (Vol. 281, Page 265). That deed conveying the 5.02 acres was recorded on March 10, 1943. The deed described the conveyed property using a metes and bounds description, which description corresponds to the 5.02-acre parcel. At the time, this was a perfectly fine way of creating a unit of land, and the deed was effective for that purpose. The 1943 deed establishes that the 5.02-acres is a lawfully established parcel. ORS 92.010(3)(a)(B)(ii).

The 1943 deed for the 5.02-acre lot left a 24.43-acre remainder tract that would be subdivided in 1958 into Alderbrook Manor Subdivision, the subdivision boundaries for which would themselves finally either affirm or create the 5.02 acres, deeded in 1943 (in Exhibit 1), if for whatever reason that deed was ineffective for that purpose.

1958 Alderbrook Manor Subdivision

In 1958, the remaining part of the southern half of the original parent, which after the deed taking away the 5.02-acre lot “remnant” left about 24.43 acres, was subdivided a final time into Alderbrook Manor subdivision. Alderbrook Manor subdivision platted 59 lots on the 24.43 acres. Exhibit 4. Like Alderbrook Annex No. 1, the Alderbrook Manor plat was approved by the President of Salem Planning and Zoning Commission and the County Surveyor:

This plat is hereby approved.



President of Salem Planning and Zoning Commission



County Surveyor

By: L.A. Williams Rep.

The plat and its dedication were approved by the County Assessor, the County Judge, and two County Commissioners:

STATE OF OREGON
COUNTY OF MARION S.S.

I, H.F. Domagalla County Assessor and Rex Hertley, County Judge and E.L. Rogers
Roy J. Rice, Commissioners for Marion County, Oregon do hereby approve the within plat
and dedication which are in due and legal form.



H.F. Domagalla
County Assessor
Rex Hertley
County Judge
Roy J. Rice
County Commissioner
E.L. Rogers
County Commissioner

The approved Alderbrook Manor plat was properly recorded on June 5, 1958 (Marion County Book of Town Plats, Vol. 19, Page 41):

STATE OF OREGON
COUNTY OF MARION S.S.

I, Herman Wm Lanke County Recorder for said County and State do hereby certify that the
within plat was received and duly recorded by me in Marion County in Book of Town Plats Volume
19 Page 41 on this 5th day of June 1958 at 9:00 A.M.



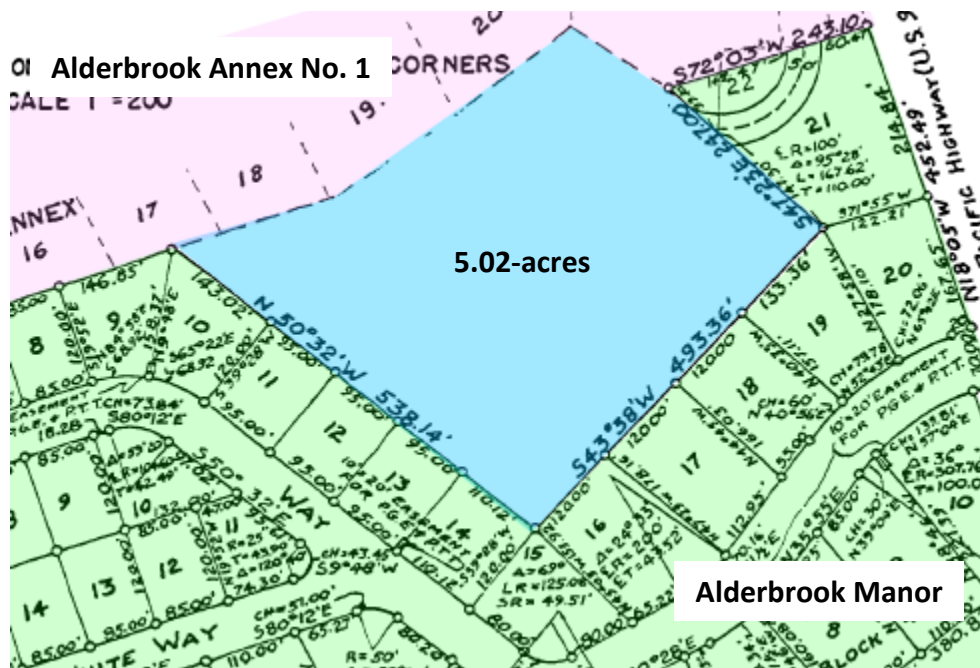
Herman Wm Lanke
County Recorder

1000
1000
1000

Like Alder Brook Annex No. 1, the official approvals, including by the President of Salem Planning and Zoning Commission, establish that the Alderbrook Manor subdivision was created in compliance with all planning, zoning and subdivision or partition ordinances and regulations applicable at the time.

The 5.02 acres is bordered by Alder Brook Annex No. 1, lots 17, 18, 19, 20 and 21 and by Alderbrook Manor, lots 10, 11, 12, 13, 14 16, 17, 18 and 19. If it was not lawfully created by the Exhibit 1 deed (a proposition that finds no legal support), then it was created as a result of the two lawful subdivisions. Either way, it is not possible to reasonably argue the 5.02 acres, was not lawfully created either by deed or by subdivision.

An image of the 5.02-acre lot is shown on the Alderbrook Manor plat in relation to the Alderbrook Annex No. 1 and Alderbrook Manor subdivisions:



A home, quite fancy in its day, has long been established on the 5.02-acre lot, since around 1910, and taxed.

The 5.02-acres is zoned Single Family Residential (RS) and is well-beyond the 4,000 sq. ft. minimum lot size required in the zone. There is no issue of it being of a nonconforming size. A public road (dedicated as a part of both subdivisions), “Vacation Lane,” serves the 5.02-acre lot. It is not plausible for the City to take the position that either the Exhibit 1 “deed” or the two subdivisions did not “lawfully establish” the 5.02 acres as an independent unit of land.

ORS 92.017 establishes that once a legal lot is created, that it remains a legal lot until its boundaries are later changed.

IV. Conclusion

The 5.02 acres is “lawfully established” within the meaning of ORS 92.010(3)(a), because it was created by deed in 1943 when there were no land division ordinances or regulations that would have prohibited creating it by deed.


If for some reason the 1943 deed did not have the effect of lawfully creating the 5.02-acre lot, the 5.02 acres is nevertheless “lawfully established” within the meaning of ORS 92.010(3)(a) and (4) because it was created “in compliance with all applicable planning, zoning and subdivision ordinances and regulations” as a result of the approved and properly recorded Alder Brook Annex No. 1 and Alderbrook Manor subdivisions.

Lots 16, 17 and 21 of the Alderbrook Manor subdivision are also “lawfully established” within the meaning of ORS 92.010(3)(a) and (4), because they were created “in compliance with all applicable planning, zoning and subdivision ordinances and regulations” as established by the

1958 approval of the Alderbrook Manor plat by City officials. And as noted above, once established, a legal lot remains lawfully established as a matter of law under ORS 92.107.

Please feel free to call with any questions or to discuss this.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is fluid and cursive, with the first name "Wendie" being more prominent.

Wendie L. Kellington

WLK:wlk

CC: Client
Curt Fisher
Lyle Misbach

VOL 281 265

No. 418 Warranty Deed

For Sale by R E Moores & Co., Salem

This Indenture Witnesseth, That W. S. Walton and Winnie Pettyjohn,
both being single persons,

for the consideration of the sum of
Ten Dollars and other good and valuable consideration ----- ~~XXXXXX~~
to them paid, have bargained and sold and by these presents do bargain, sell and convey unto
N. Philip Goldstein and Blossom Goldstein, creating an estate
by the entirety.

the following described premises, to-wit:
Beginning at an iron pipe called the Westerly Angle Point in the South
line of Lot Nineteen (19) Alderbrook Annex No. 1, a legal subdivision
in T. 8 S., R. 3 W. of the Willamette Meridian in Marion County, Oregon,
said iron pipe being also called North 76 degrees 25 minutes East
62.65 feet; South 63 degrees 38 minutes West 54.08 feet; South 26
degrees 22 minutes East 666.70 feet; North 70 degrees 08 minutes East
9.72 feet from the quarter corner between Sections three (3) and ten
(10); and running from thence North 55 degrees 24 minutes East 109.53
feet along the south line of said Lot Nineteen (19) to an iron pipe
called the Easterly Angle Point in the South line of said Lot Nineteen
(19); thence North 52 degrees 04 minutes East 182.90 feet along the
south line of said Lot Nineteen and Lot Twenty (20) to an iron
pipe called the southeast corner of Lot Twenty (20); thence south 56
degrees 21 minutes East 134.60 feet along the southwesterly line of
Lot (21) in the same Subdivision to an iron pipe called the southwest
corner of Lot twenty-one (21); thence south 47 degrees 23 minutes
East 247.00 feet to an iron pipe; thence South 43 degrees 38 minutes
West 493.36 feet to an iron pipe; thence North 50 degrees 32 minutes
West 636.14 feet to an iron pipe in the south line of Lot seventeen (17)
Alderbrook Annex No. 1; thence North 70 degrees 08 minutes East 242.13
feet along the south line of said lot seventeen (17) and Lots eighteen
and nineteen (18 & 19) to the place of beginning, containing five (5)
acres of land situate in T. 8 S., R. 3 W., N. M., in Marion County,
Oregon.

together with an easement for road purposes commencing at the northeast
corner of the above described land and extending easterly to State
Highway No. 90 along the route of the present road.

together with an easement over and upon the adjacent property for the
intake works, filter, pump house and pipeline now delivering water to
the above described premises with the right of egress and ingress to,
along and around said works necessary for the operation and maintenance
of the same; and Grantees shall have a joint and equal right with
grantors to the operation, maintenance and control of said water system
and the parties hereto shall each have a right to one-half $\frac{1}{2}$ of all
water furnished by and through said system.

This conveyance is made subject to the condition that no building for
the housing of fowls or animals shall be constructed within One hundred
(100) feet of the exterior boundary of the granted premises by grantees
or grantors on adjoining property now owned by them.



TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said
Grantees, their heirs and assigns forever.

Vol. 281 p. 266
And the said Grantors do hereby covenant
to and with the said Grantees,
their heirs and assigns
that they are the owner in fee simple of said premises; that said premises are free from
all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF,

We have hereunto set our hands and
seal this 4th day of March, A. D. 1943.

Done in the Presence of:



W. S. Walton (SEAL)
Winnie Pettyjohn (SEAL)

INDEXED

2452 'U' For Sale by R. E. Moore & Co., Salem

WARRANTY DEED

FROM,

W. S. Walton et al

TO

Philip Goldstein et ux.

STATE OF OREGON,

County of MARION

I certify that the within was received
at 2:30 o'clock P. M. on the
day of MAR 10 1943, MARION
duly recorded by me in
County Records, Book of Deeds, Vol.
191, Page 265

W. S. Walton

Winnie Pettyjohn

By *W. S. Walton* Deputy

Winnie Pettyjohn

ck. 20
32

STATE OF OREGON,

County of Marion

On this the 4th day of March, 1943, before me,
A Notary Public for Oregon, the undersigned officer, personally appeared
W. S. Walton and Winnie Pettyjohn, of the state (county or city
as the case may be) of Oregon, known to me (or satisfactorily proven) to
be the person as described in the foregoing instrument, and acknowledged that they executed the
same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



W. S. Walton
Notary Public for Oregon
my Comm. Expires Jan 18, 1946

'THIS INDENTURE WITNESSETH: That Edwin Y. Lansing, a widower and single, hereinafter called the "Grantor," in consideration of the sum of ten dollars to him paid, the receipt of which hereby is acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto Irving B. Dexter, hereinafter called the "Grantee," the following-described real property, to-wit:

Beginning at the Southwest corner of Lot 16 in Alder Brook, said corner being on the West boundary of a 16 acre tract of land deeded to Edwin Y. Lansing by that certain deed of conveyance as the same is of record at page 62, volume 217 of the Deed Records for Marion County, Oregon, and from thence running South $12^{\circ}15'$ West 12.88 chains to a fir tree 40 inches in diameter, which tree is mentioned in the description of said 16.00 acre tract of land in said deed; thence South 24° West 2.00 chains to an iron pipe set on the South boundary of the North half of the North half of section 10 in Township 8 South of Range 3 West; thence North $89^{\circ}25'$ East along the South boundary of the North half of the North half of said section, 38.20 chains to the middle of the County Road leading from Salem to Jefferson at a point 19.50 chains West of the Southeast corner of the North half of the North half of said section 10; thence North $17^{\circ}45'$ West along the middle of the County Road leading from Salem to Jefferson 5.29 chains; thence North $28^{\circ}15'$ West along the middle of the said County Road 5.64 chains; thence North $14^{\circ}15'$ West along the middle of said County Road 2.36 chains; thence North $28^{\circ}15'$ West along the middle of said County Road 4.16 chains; thence North $18^{\circ}45'$ West along the middle of said County Road 2.50 chains to a point 30 feet North $71^{\circ}26'$ East of the Southeast corner of Lot No. 1 in Alder Brook; thence South $71^{\circ}26'$ West 244.72 feet to the Southwest corner of said Lot No. 1; thence North $18^{\circ}34'$ West 178 feet to the Northwest corner of said Lot No. 1; thence South $71^{\circ}26'$ West 105 feet to the Southwest corner of Lot No. 2 in Alder Brook; thence North $31^{\circ}42'$ West 162.75 feet to the Southeast corner of Lot No. 6 in Alder Brook; thence South $78^{\circ}45'$ West 260 feet to the Southeast corner of Lot No. 9 in Alder Brook; thence South $63^{\circ}38'$ West 789.12 feet to the Southwest corner of Lot 15 in Alder Brook; thence North $26^{\circ}22'$ West 98.2 feet to the Southeast corner of Lot 16 in Alder Brook; thence South $63^{\circ}38'$ West 342 feet to the place of beginning and containing 58.47 acres of land, all in Marion County, Oregon. (Re-survey by County Surveyor, February, 1934.)

ALSO: Lots 12 (twelve), 13 (thirteen), 14 (fourteen), 15 (fifteen) and 16 (sixteen) in Alder Brook,

71° 26' West 105 feet to the Southwest corner of Lot No. 2 in Alder Brook; thence North 31° 42' West 162.75 feet to the Southeast corner of Lot No. 6 in Alder Brook; thence South 78° 45' West 260 feet to the Southeast corner of Lot No. 9 in Alder Brook; thence South 63° 38' West 789.12 feet to the Southwest corner of Lot 15 in Alder Brook; thence North 26° 22' West 98.2 feet to the Southeast corner of Lot 16 in Alder Brook; thence South 63° 38' West 342 feet to the place of beginning and containing 58.47 acres of land, all in Marion County, Oregon. (Re-survey by County Surveyor, February, 1934.)

ALSO: Lots 12 (twelve), 13 (thirteen), 14 (fourteen), 15 (fifteen) and 16 (sixteen) in Alder Brook, as the same is shown of record at page 21 of Book 12 (twelve) of Town Plats of Marion County, Oregon;

\$5.00 U. S. Int. Rev. Stamps cancelled E.Y.L., 7/2/34.
together with the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the same, unto said grantee, his heirs and assigns forever.

And said grantor hereby does covenant to and with said grantee, his heirs and assigns, that he is lawfully seised in fee simple of said premises; that said premises are free from all encumbrances; excepting a mortgage in the original principal sum of \$6000, to Federal Land Bank of Spokane, and the 1933 and 1934 taxes, which said mortgage and taxes the grantee hereby assumes and agrees to pay; and that he will, and his heirs and personal representatives shall, forever warrant and defend the same against all lawful claims and demands whatsoever, except said mortgage and said taxes.

IN WITNESS WHEREOF, said grantor has hereunto set his hand and seal this twenty-fourth day of February, 1934.

Edwin Y. Lansing

Seal

STATE OF OREGON
County of Marion

} ss.

On this twenty-fourth day of February, 1934, before me personally appeared Edwin Y. Lansing, a widower and single, to me known to be the person described in, and who executed, the foregoing instrument, and acknowledged to me that he executed the same as his free act and deed.

Winnie Pettyjohn

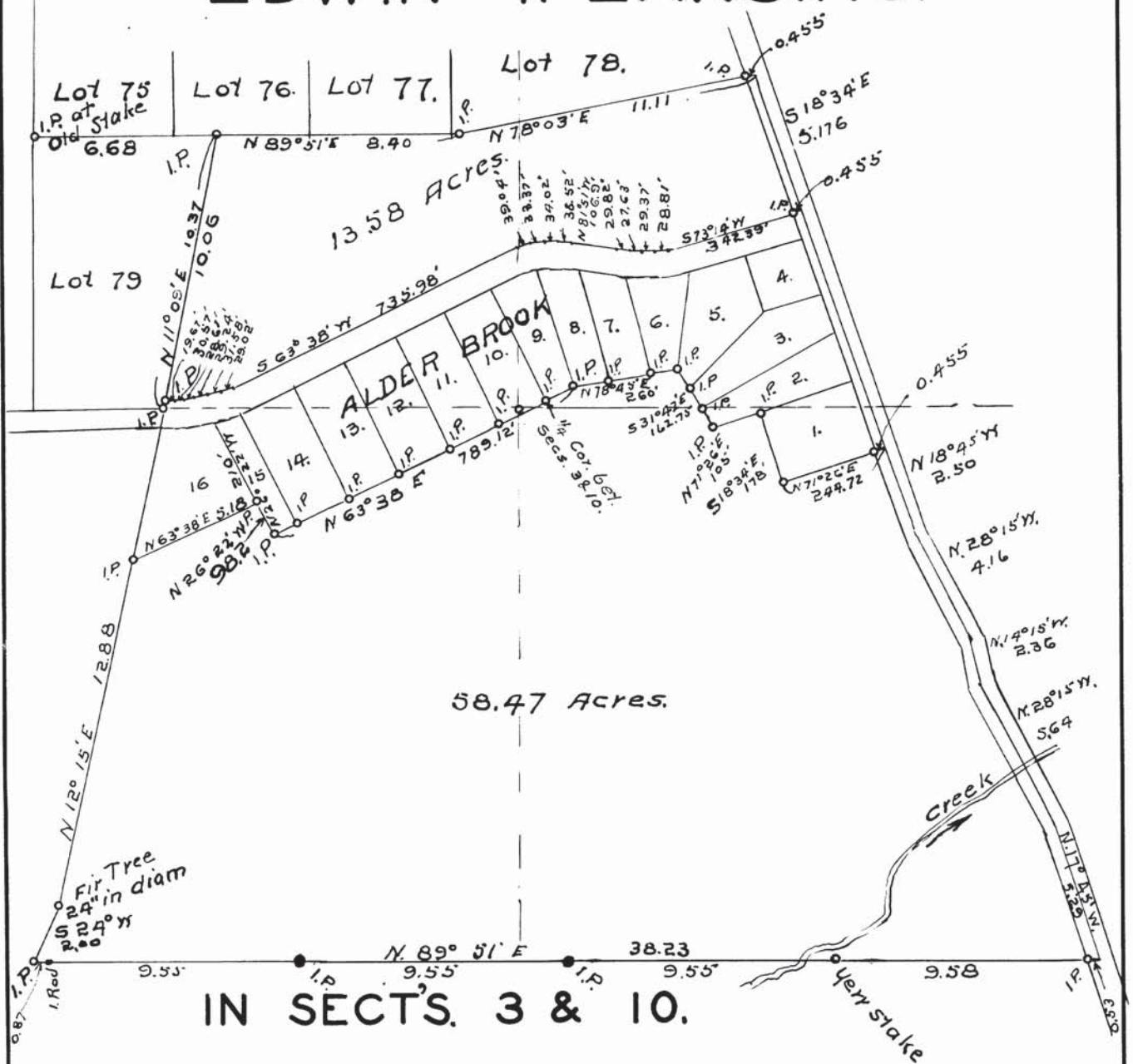
Notary Public for Oregon

My commission expires Oct. 28, 1934

Seal

NO.

COUNTY SURVEY FOR EDWIN Y. LANSING.



IN SECT'S. 3 & 10.

T. 8 S. R. 3 W.

MARION COUNTY
OREGON

Feb. 18th to
SURVEYED Mar 1st 1934
B. B. HERRICK, COUNTY SURVEYOR
MARION COUNTY, OREGON
BY *Hugh Fisher* DEPUTY

SURVEYORS CERTIFICATE

I, Floyd L. Siegmund being first duly sworn depose and say that I have surveyed and marked with proper monuments the land hereon shown as Alder Brook Annex No. 1, and which is described as follows: Beginning at a 2" iron pipe set 6" below the surface of the ground said iron pipe being the initial point of Alder Brook Addition as shown on the recorded plat on Page 21 of Book 12 of Town Plats in the office of the Recorder for Marion County, Oregon, said iron pipe being N 67° 25' E. 62.65' from a stone at the 1/4 Sec. Cor. between Sections 3 & 10 in T. 8 S. R. 3 W. of the Willamette Meridian in Marion County, Oregon; Thence S 63° 38' W 659.83' to an iron pipe at the S.E. Corner of Lot No. 15 of Alderbrook Addition; Thence N 26° 26' W 299.8 feet to an iron pipe at the North East Corner of said Lot 15; thence S 63° 38' W 5.8 feet to an iron pipe; thence S 71° 34' W 34.3 feet to an iron pipe; Thence S 73° 25' W 211 feet to an iron pipe at the Northwest Corner of Lot No. 15; Thence S 26° 32' E 210.0 feet to an iron pipe at the South-East Corner of lot No. 16 of said Addition; From this tangent following a curve to the right with a radius of 145.76 feet 97.69 ft. to an iron pipe at the point of tangent; thence S 11° 52' W 694.6 feet to an iron pipe; Thence N 70° 8' E. 1144.54 to an iron pipe; thence N 55° 24' E 109.53 ft to an iron pipe; thence N 52° 4' E 182.9' to an iron pipe; thence S 56° 21' E 134.6 ft to an iron pipe; thence N 72° 3' E 243.1 ft to the Right of way of the Pacific Highway.

thence N 18° 5' W along the West line of said Highway 359.56 feet to an iron rod on the South Boundary of Lot #1 of Alder Brook Addition; thence S 71° 17' W. 184.56 feet to an iron pipe at the South West Corner of said lot No. 1; Thence N 12° 31' W 178.0 feet to an iron pipe at the North West corner of said Lot No. 1; thence S 71° 17' W 104.47 feet to an iron pipe at the southwest corner of lot No. 2 of Alder Brook Addition; thence N 31° 42' W 162.75 feet to an iron pipe at the South East Corner of Lot No. 6 of said addition; thence S 78° 45' W 260.2 feet to an iron pipe at the South East Cor. of Lot No. 9 of said Addition; Thence S 63° 38' W 69.12 feet to the place of beginning. The initial point is a section of 2" galvanized iron pipe 36" long set 6" below the surface of the ground.

Subscribed and sworn to before me this 11th day of March, 1941.

Floyd L. Siegmund
Robey S. Bateliffe
 Notary Public for Oregon
 My Commission Expires: June 30, 1943.

The above Plat is hereby Approved

Hugh Fisher
 County Surveyor

The above Plat is hereby Approved

H. J. Swart
 President of the City Planning Commission
 for the City of Salem Oregon.

DEDICATION

Know all men by these presents:

That Winnie Pettyjohn unmarried and W.S. Walton unmarried being the owners of the land described in the Surveyor's Certificate hereon made and desiring to dispose of the same in lots, have caused the same to be surveyed and platted, The name to be known as Alder Brook Annex No. 1 The streets as shown on the Plat are hereby dedicated to the Public use forever.

All taxes and assessments levied against said land have been paid Dated this 11th day of March, 1941.

Done in the presence of

Winnie Pettyjohn
W.S. Walton

State of Oregon } ss.
 County of Marion }

On this 11th day of March, 1941, personally came before me a Notary Public in and for said County and State the above mentioned Winnie Pettyjohn and W.S. Walton to me personally known to be the identical persons described in and who executed the above instrument and who each personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named and without fear or compulsion from anyone

Robey S. Bateliffe
 Notary Public for Oregon
 My Commission Expires: June 30, 1943.

State of Oregon } ss.
 County of Marion }

I, R. Shelton County assessor and Leroy Hewlett County Judge and J.E. Smith, and Ralph A. Girod County Commissioners for said County and State, do hereby approve the above Plat and Dedication which are in due and legal form.

R. Shelton
 County Assessor
Leroy Hewlett
 County Judge
J.E. Smith
 County Commissioner
Ralph A. Girod
 County Commissioner

State of Oregon } ss.
 County of Marion }

I, Herman William Lanke, Recorder of conveyances in and for said County hereby Certify that the within instrument was received for record at 9:35 AM and recorded on Page 39 in Book 13 of Town Plots of Said County.

Dated this 12th day of March 1941

Herman William Lanke
 County Recorder

19/41

ALDERBROOK MANOR

IN SECTION 10 TOWNSHIP 8 SOUTH RANGE 3 WEST OF THE WILLAMETTE MERIDIAN MARION COUNTY OREGON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS That we, Harold E. Geller and Jean Snow Geller, his wife being the owners of said land described in the surveyors certificate hereon made and desiring to dispose of same in lots have caused the same to be surveyed and plotted the name to be known as ALDERBROOK MANOR. We hereby certify that all taxes and assessments levied against said land have been paid. We hereby dedicate to the public use for ever the streets laid out through said land as shown on the within plot.

In witness where of we set our hand and seal 9 day of MAY 1958.



Harold Edward Geller
Jean Snow Geller

STATE OF OREGON S.S.
COUNTY OF MARION

On this 9 day of MAY 1958 personally came before me a notary public in and for said county and state the within named Harold E. Geller and Jean Snow Geller his wife to me personally known to be the identical persons described in and who executed the above instrument and who personally acknowledged to me that they executed the same freely and voluntarily for the uses and purpose therein named and without fear or compulsion from anyone.

Witness my hand and seal this 9 day of MAY 1958.

Ronald L. Boatwright
Notary Public for the State of Oregon
My commission expires FEB. 27, 1962

STATE OF OREGON
COUNTY OF MARION S.S.

I, Herman Wm Lanke County Recorder for said County and State do hereby certify that the within plot was received and duly recorded by me in Marion County in Book of Town Plats Volume 19 Page 41 on this 5th day of June 1958 at 9:00 A.M.



Herman Wm Lanke
County Recorder

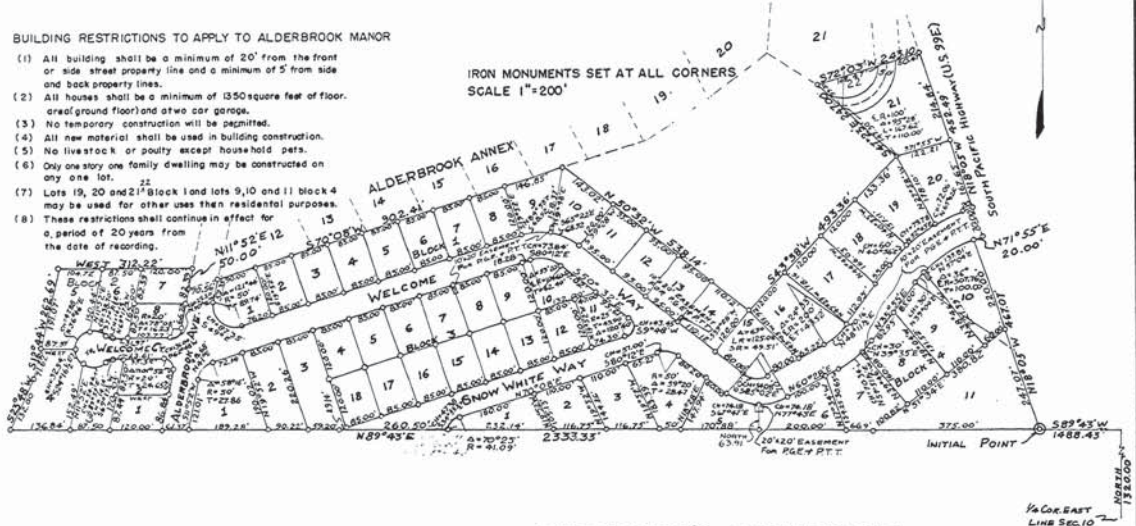
The taxes on the above described property are paid in full to 6-30-58

Donna Spriggs
Sheriff and Tax Collector

BUILDING RESTRICTIONS TO APPLY TO ALDERBROOK MANOR

- (1) All building shall be a minimum of 20' from the front or side street property line and a minimum of 5' from side and back property lines.
- (2) All houses shall be a minimum of 1350 square feet of floor, area ground floor and other car garage.
- (3) No temporary construction will be permitted.
- (4) All new material shall be used in building construction.
- (5) No livestock or poultry except household pets.
- (6) Only one story one family dwelling may be constructed on any one lot.
- (7) Lots 19, 20 and 21 Block land lots 9, 10 and 11 block 4 may be used for other uses than residential purposes.
- (8) These restrictions shall continue in effect for a period of 20 years from the date of recording.

IRON MONUMENTS SET AT ALL CORNERS
SCALE 1"=200'



STATE OF OREGON
COUNTY OF MARION S.S.

I, H.F. Damagallo County Assessor and Rex Hartley, County Judge and E.L. Rogers Roy J. Rice, Commissioners for Marion County, Oregon do hereby approve the within plot and dedication which are in due and legal form.

H.F. Damagallo
County Assessor
Rex Hartley
County Judge
Roy J. Rice
County Commissioner
E.L. Rogers
County Commissioner
H. Mattson
County Clerk



At Test:

This plot is hereby approved.

William J. Brown
President of Salem Planning and Zoning Commission

A.D. Erickson
County Surveyor
By: H.D. Williamson Dep.

SURVEYOR'S CERTIFICATE

STATE OF OREGON S.S.
COUNTY OF MARION

I, Paul J. Ferguson, being first duly sworn depose and say that I have surveyed and marked with proper monuments the land hereon shown as ALDERBROOK MANOR which is described as follows:

Beginning at the initial point of this subdivision which is a iron rod set in concrete at the point of intersection of the south line of the North half of Section 10 Township 8 South Range 3 West of the Willamette Meridian, Marion County, Oregon and the West line of the relocated Pacific Highway said point being opposite center line Station 97+17.07 and is 1320.00 feet North and 1488.43 feet South 89°43' West of the 1/4 corner on the East line of said section 10; thence North 18°05' West 467.07 feet; thence N 71°55' E 200.00 feet; thence North 18°05' West 452.49 feet; thence South 72°03' West 243.10 feet; thence S 47°23' E 247.00 feet; thence South 43°38' West 493.36 feet; thence North 50°32' West 538.14 feet; thence South 70° 08' West 902.41 feet; thence North 11°52' East 50.00 feet; thence West 312.22 feet; thence South 12°44' West 262.69 feet; thence South 23°46' West 132.00 feet; thence N 89°43' E 233.33 feet to the initial point and place of beginning and containing 24.432 acres of land.



Paul J. Ferguson
Oregon Land Surveyor Certificate No. 234



Subscribed and sworn before me this 8 day of May 1958.

Donald L. Boatwright
Notary Public for Oregon
My commission expires FEB. 27, 1962