

**TURNER ROAD
Legal Lot Narrative
December 4, 2021**

SITE DATA

**Pre-App no. 21-109(21-117195)
4400 Block of Turner Road SE
Map and Lot# 082W07C 00200**

Prepared by:



PO Box 398
Camas, WA 98607
360.903.4751
cindy@kcdevelopment.net

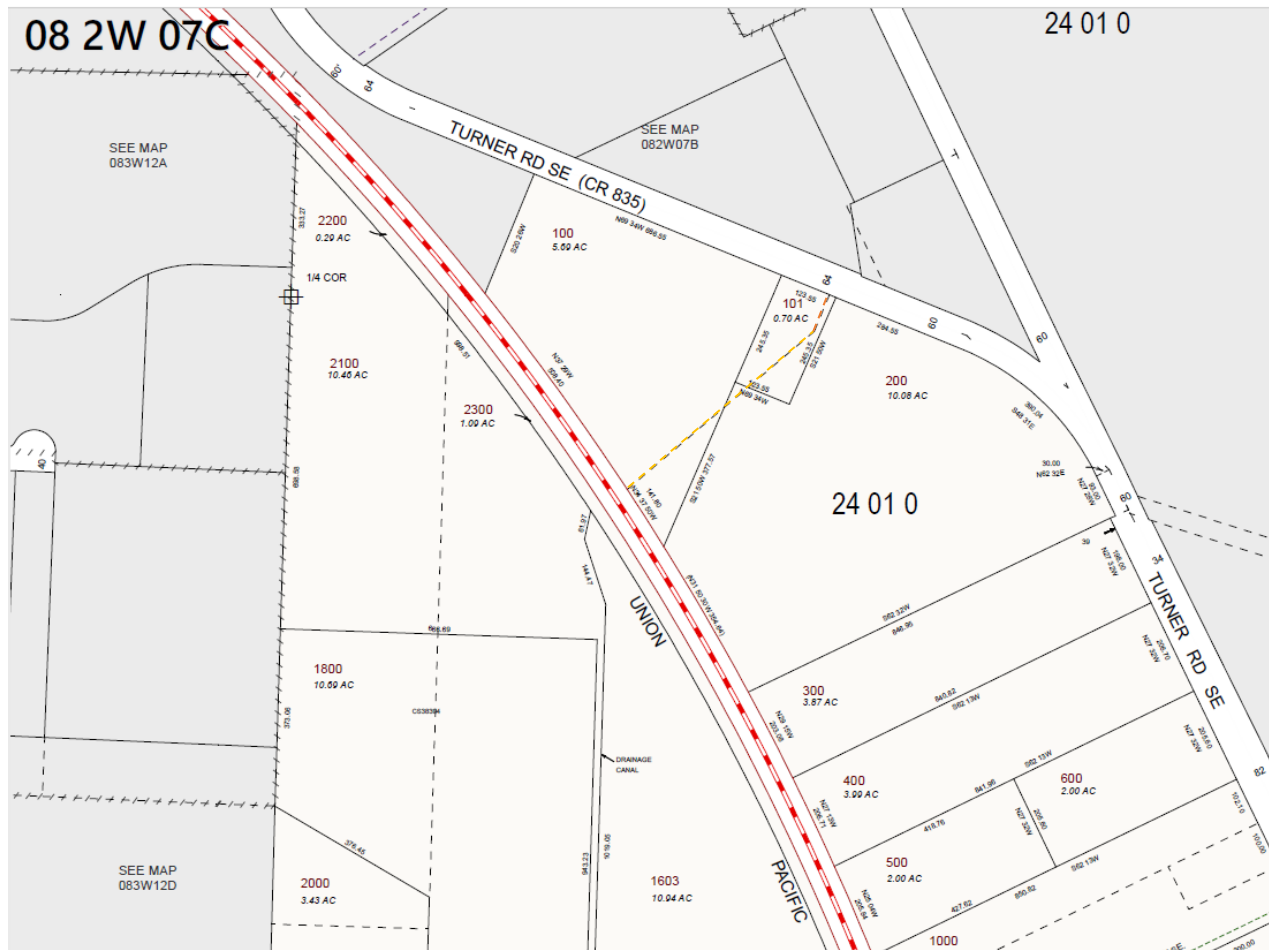
Prepared for:



Phelan Development Company
6750 SW Bradbury Court
Portland, OR 97224
503.718.8837

Turner Road Legal Lot Narrative

This narrative is to document the legal lot status for Tax Lot 200 of Map 082W07C. The subject parcel is depicted as a 10.08 Acre lot by the tax map:



Tax Lots 100, 101 and 200 as shown by this assessor's tax map were originally one parcel. Tax Lot 200 was sold in its entirety prior to the partition of Tax Lot 101 from Tax Lot 100. The dashed line depicted on the Assessor's map that runs through the current south corner of Tax Lot 100 and through current Tax Lot 101 was the original division line and was done legally in 1967. Therefore, the subsequent creation of Tax Lot 101 could not change the legal lot status of Tax Lot 200.

For this purpose of this narrative, "Old Tax Lot 100" and "Old Tax Lot 200" refers to their original configuration. Their common lot line being said dashed line, highlighted in yellow above. The history of the subject parcels is evidenced by the deed history outlined on the following pages.

Turner Road Legal Lot Narrative

On February 9, 1966, Lloyd M. Hill, Inc. purchased what is now mapped as Tax Lots 100, 101 and 200 as one parcel. The deed reference is Volume 612, Page 775, Marion County Records:

FURNISHED AS A COUNTEREY BY:
UNION TITLE INSURANCE CO.
222 COURT STREET N.E. - SALEM

#206619
TITLE INSURANCE BASED ON A COMPLETE PLANT
VOL 612 PAGE 775

This Indenture Witnesseth, That J. RAY DANIELS and MARY L. DANIELS, husband and wife
for the sum of TEN & 00/100 DOLLARS
to them paid, have, bargained and sold and by these presents do, bargain, sell and convey to
LLOYD M. HILL, INC., an Oregon corporation
the following described premises situate in Marion County, to-wit:

Beginning on the northeasterly line of the Southern Pacific Railroad Company right of way at a point which is 1800.20 feet south-89° 15' east and 1124.95 feet north 21° 52' west and 776.30 feet north 25° 03' west and 638.20 feet north 32° 01' west and 508.40 feet north 37° 51' west from the southwest corner of the John Baum Donation Land Claim in Township 8 south, Range 2 west of the Willamette Meridian, in Marion County, Oregon; thence north 20° 26' east, 272.75 feet to a point on the southwesterly line of Turner Road; thence south 69° 34' east along the southwesterly line of said Turner Road, 971.10 feet to the P. C. of a 542.96 foot radius curve to the right; thence southeasterly along the arc of said curve (the chord of which bears south 46° 31' east, 390.04 feet), a distance of 398.85 feet to the P. T. of said curve; thence north 62° 32' east, 30.00 feet to a point in the center of said Turner Road; thence south 27° 28' east along the center of said Turner Road, 93.00 feet; thence south 62° 32' west, 668.90 feet to a point on the northeasterly line of said railroad right of way; thence northeasterly along the said right of way line, 1005.45 feet to the place of beginning.



To Have and to Hold unto the said grantee, its successors, heirs and assigns forever.
AND the said Grantors do hereby covenant to and with the said grantee, its successors, heirs and assigns, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except that premises are within the Santiam Water Control District and are subject to the assessments and levies thereof; also except Easement recorded May 24, 1949 in Vol. 404, Page 307, Deed Records for Marion County, Oregon; also except right of the public in that part lying in Turner Road.

and that they will WARRANT and DEFEND the same from all lawful claims whatsoever save and except as above stated.

WITNESS our hand and seals this 1st day of September, 1965.

J. Ray Daniels (SEAL)
Mary L. Daniels (SEAL)
(SEAL)
(SEAL)

STATE OF OREGON } ss.
County of Marion
On this 5th day of September, 1965,
personally appeared the above named
J. RAY DANIELS and MARY L. DANIELS,
husband and wife

and acknowledged the foregoing instrument to be
their voluntary act and deed.

Before me:
[Signature]
Notary Public for Oregon.
My Commission Expires
March 14 1966

STATE OF OREGON } ss.
County of MARION
I certify that the within instrument was received for record on the day of FEB 9, 1966
at 9:57 o'clock A.M., and recorded in
Book 612 Page 775 Record of Deeds of said county.

Herman W. Lunde
Recorder of Conveyances.

By _____ Deputy.
Return to: _____

Union # 209477

Turner Road Legal Lot Narrative

On May 1, 1967, Lloyd M. Hill, Inc. conveyed to Milroy Enterprises "Old Tax Lot 200". The deed utilized the same legal description as the land he purchased in 1966 (current Tax Lots 100, 101 and 200) and then excepted out from the conveyance "Old Tax Lot 100". Therefore, the two old tax lots are both legal lots of record in that 1967 configuration. The deed reference is Volume 630, Page 608, Marion County Records:

BY THESE PRESENTS, that LLOYD M. HILL, INC.,
an Oregon corporation, in consideration of the sum of Ten Dollars (\$10.00) and other legal consideration to it paid by MILROY ENTERPRISES, a partnership comprised of ROY L. HOUCK SONS' CORPORATION and LLOYD M. HILL, INC. of the County of Marion, State of Oregon has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said MILROY ENTERPRISES, a partnership, and its assigns, all the following bounded and described real property, situated in the County of Marion, State of Oregon, to-wit:

Beginning on the northeasterly line of the Southern Pacific Railroad Company right-of-way at a point which is 1800.20 feet south 83° 15' east and 1124.95 feet north 21° 52' west and 776.30 feet north 25° 03' west and 638.20 feet north 32° 01' west and 508.40 feet north 37° 39' west from the southwest corner of the John Baum Donation Land Claim in Township 8 south, Range 2 west of the Willamette Meridian, in Marion County, Oregon; thence north 20° 26' east, 272.75 feet to a point on the southwesterly line of Turner Road; thence south 69° 34' east along the southwesterly line of said Turner Road, 971.10 feet to the P.C. of a 542.96 foot radius curve to the right; thence southeasterly along the arc of said curve (the chord of which bears south 48° 31' east, 390.04 feet), a distance of 398.85 feet to the P. T. of said curve; thence north 62° 32' east, 30.00 feet to a point in the center of said Turner Road; thence south 27° 28' east along the center of said Turner road, 93.00 feet; thence south 62° 32' west, 888.90 feet to a point on the northeasterly line of said railroad right of way; thence northwesterly along the said right of way line, 1005.45 feet to the place of beginning.

SUBJECT TO:
Easement recorded May 24, 1949 in Volume 404, Page 307, Deed Records for Marion County, Oregon;
Right of the public in that part of said premises lying in Turner Road; and the fact that said premises are within the Santiam Water Control District and are subject to the assessments and levies thereof.

SAVE AND EXCEPT the following, which is not hereby conveyed:
Beginning on the easterly line of the Southern Pacific Company Railroad right of way at a point which is 1800.20 feet south 89° 15' east and 1124.95 feet north 21° 25' west and 776.30 feet north 25° 03' west and 638.20 feet north 32° 01' west from the southwest corner of the John Baum Donation Land Claim in Township 8 south, Range 2 west of the Willamette Meridian in Marion County, Oregon; thence north 37° 39' west along the easterly line of said railroad right of way 508.40 feet; thence north 20° 26' east, 272.75 feet to a point on the southwesterly line of Turner Road; thence south 69° 34' east

along the Southwesterly line of said Turner Road, a distance of 671.00 feet; thence South 20°26' West, a distance of 83.15 feet; thence South 48° 02' West, 516.80 feet to the place of beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all right, title and interest in and to the same.

To Have and to Hold the above described granted and sold premises unto the said Hilroy Enterprises, a partnership, and its assigns forever.

Done by order of the Board of Directors, with the seal of said corporation, this 16th day of Jan., 1967.

LLOYD M. HILL, INC.

Michael M. Hill (president)

R. L. Hill (Secretary)

State of Oregon)
County of Marion) ss.

On this 16th day of June, 1947,
before me appeared M. A. Hill and R. H. Hill,
both to me personally known, who being duly sworn,
did say that he, the said M. A. Hill is the Pres.
President, and he, the said R. H. Hill is the
Secretary of LLOYD M. HILL, INC., the within named corporation,
and the seal affixed to said instrument is the corporate seal of
said corporation and that the said instrument was signed and sealed
in behalf of said corporation by authority of its Board of Directors,
and M. A. Hill and R. H. Hill
acknowledged said instrument to be the free act and deed of said
corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

[Signature]
Notary Public for Oregon
My commission expires Aug. 22, 1948

805230


Page 3

STATE OF OREGON,)
County of Marion,)
I Certify that the within was re-
ceived and duly recorded by me in
MARION COUNTY RECORDS
Book of DEEDS Vol. 640
Page 661 on the 16
day of JUNY 1 - 1947
at 8:35 o'clock A. M.
Alman 1037- Spade
Recorder
Deputy

Silky Enterprise

Turner Road Legal Lot Narrative

On June 9, 1983, Lloyd M. Hill, Inc. conveyed "Old Tax Lot 100" to William I. and Karen K. Nicholas. This deed utilized the same legal description as the exception from the 1967 conveyance. The deed reference is Reel 312, Page 1963, Marion County Records:

	12608 <small>WARRANTY DEED</small>	<small>REEL</small> 312	<small>PAGE</small> 1963
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KNOW ALL MEN BY THESE PRESENTS, That LLOYD M. HILL, INC., an Oregon corporation hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by WILLIAM I. NICHOLAS and KAREN K. NICHOLAS, husband and wife hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Marion and State of Oregon, described as follows, to-wit:

Beginning on the Easterly line of the Southern Pacific Company Railroad right of way at a point which is 1800.20 feet South 89° 15' East and 1124.95 feet North 21° 25' West and 776.30 feet North 25° 03' West and 638.20 feet North 32° 01' West from the Southwest corner of the John Baum Donation Land Claim in Township 8 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 37° 39' West along the Easterly line of said railroad right of way 508.40 feet; thence North 20° 26' East 272.75 feet to a point on the Southwesterly line of Turner Road; thence South 69° 34' East along the Southwesterly line of said Turner Road, a distance of 671.00 feet; thence South 20° 26' West, a distance of 83.15 feet; thence South 48° 02' West 516.80 feet to the place of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except:

See Reverse Side

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 300,000.00-----

~~IN WITNESS WHEREOF, the grantor has caused this instrument to be signed and sealed by its officers, duly authorized thereto by order of its board of directors.~~

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

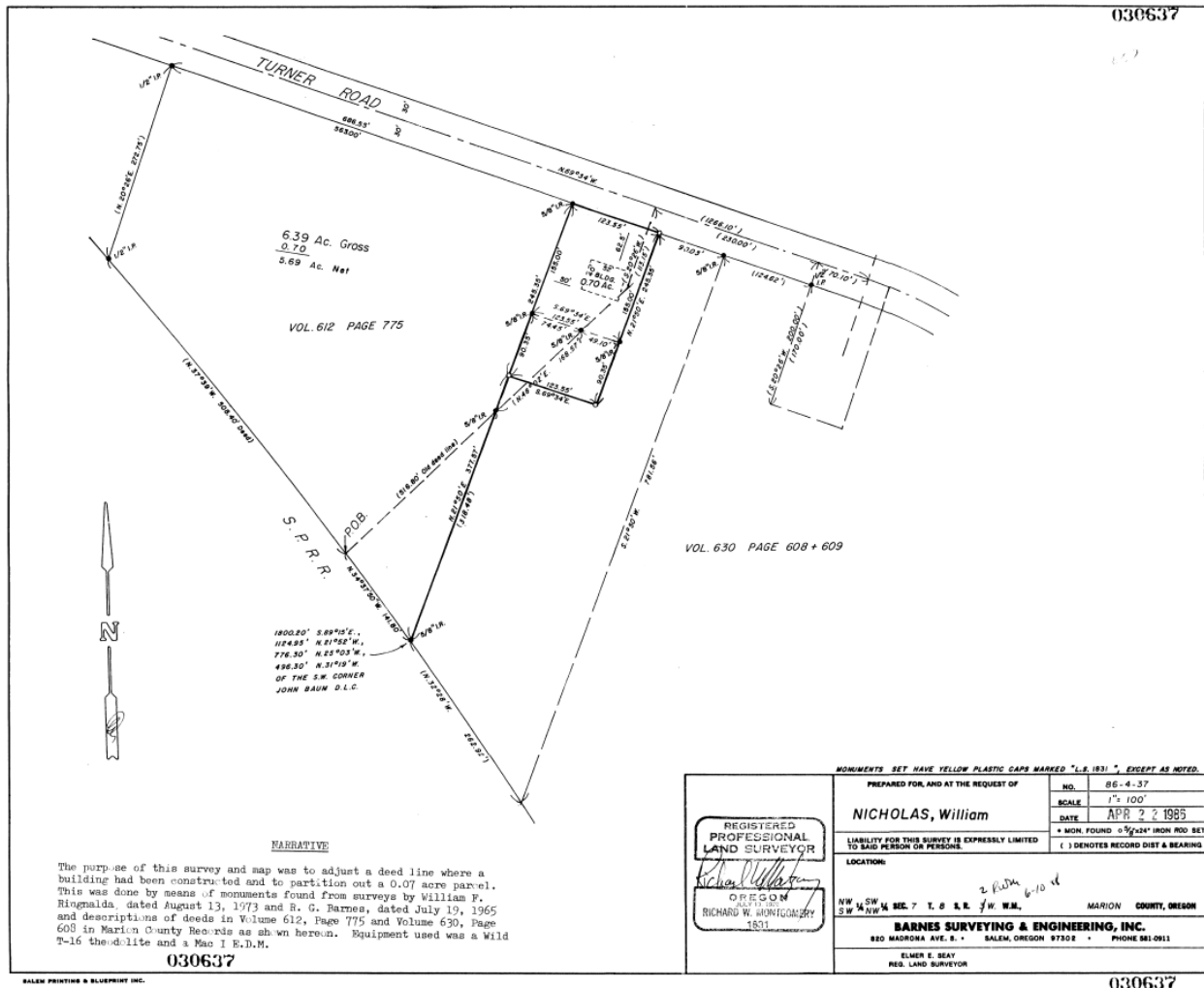
In Witness Whereof, the grantor has executed this instrument this 9 day of June, 1983; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

<p>LLOYD M. HILL, INC., an Oregon corporation</p> <p>By: <i>[Signature]</i> President</p> <p>STATE OF OREGON, } County of Marion, } ss. June 9, 1983</p> <p>Personally appeared R. M. Hill, who, being duly sworn, did depose and say that the forerun is the true and correct copy of the original of the foregoing instrument.</p> <p>and acknowledged the foregoing instrument to be voluntary and duly done.</p> <p>Before me:</p> <p>(OFFICIAL SEAL) Notary Public for Oregon My commission expires: 4-12-86</p>	<p>LLOYD M. HILL, INC., an Oregon corporation</p> <p>and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in full of said corporation by authority of its board of directors and each of them acknowledged said instrument to be voluntary and duly done.</p> <p>(OFFICIAL SEAL) Notary Public for Oregon My commission expires: 4-12-86</p>
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<p>Lloyd M. Hill, Inc. 4355 Turner Road S.E. Salem, Oregon</p> <p>William I. Nicholas 4613 Jade N.E. Salem, Oregon</p> <p>After recording return to: William I. Nicholas 4613 Jade N.E. Salem, Oregon</p> <p>NAME, ADDRESS, ZIP</p> <p>Until a change is requested all tax statements shall be sent to the following address: William I. Nicholas 4613 Jade N.E. Salem, Oregon</p> <p>NAME, ADDRESS, ZIP</p>	<p>STATE OF OREGON, } County of Marion, } ss. I certify that the within instrument was received for record on the day of June, 1983, at _____ o'clock _____ M., and recorded in book _____, volume No. _____, on page _____, as a document for file, instrument/microfilm No. _____, Record of Deeds of said county.</p> <p>Witness my hand and seal of County affixed.</p> <p>By _____ Deputy</p>
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Turner Road Legal Lot Narrative

In April of 1986, William Nicholas hired a surveyor and CS 30637 was recorded. This survey shows an existing building that crosses over the old tax lot line:



The narrative in the survey provides the history. The lot line between "Old Tax Lot 100" and "Old Tax Lot 200" was moved via survey to allow the building purchased by the Nicholas' to reside entirely on their land.

One can presume that these buyers contacted seller Lloyd M. Hill and the parties decided to resolve the situation with a property line adjustment.

Furthermore, the survey shows the creation of Tax Lot 101. It was partitioned by survey from adjusted Tax Lot 100. Both Tax Lot 100 and 101 remained in Nicholas ownership following this partition.

Turner Road Legal Lot Narrative

On May 10, 1988, Lloyd M. Hill, Inc. conveyed to Richard H. Hill "Old Tax Lot 200" with the same parent description and same excepted area. The deed reference is Reel 618, Page 336, Marion County Records. Also on May 10, 1988, a corrected deed was recorded by grantor, Lloyd M. Hill, Inc. and grantee, Richard H. Hill, which still utilized the original parent parcel description as purchased in 1966, then excepted out a revised area. This new excepted area is currently known as Tax Lots 100 and 101 in their current configurations. Richard H. Hill received ownership of the current configuration of Tax Lot 200. The deed reference is Reel 618, Page 337, Marion County Records:

REEL PAGE
618 337

CORRECTION DEED

This Correction Deed is made and entered into this 31st day of March, 1988, by LLOYD M. HILL, INC., an Oregon corporation, as grantor, and RICHARD H. HILL, as grantee.

WHEREAS, grantor conveyed certain real property to grantee by Bargain and Sale Deed dated March 5, 1986, and recorded in Reel 447, Page 289, Marion County Records, Oregon; and

WHEREAS, in the deed, by mutual mistake, the property was incorrectly described; and

WHEREAS, to prevent difficulties hereafter and to permit recordation of a deed which reflects the true agreement of the parties in every respect, the parties desire to correct the errors in the legal description.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in the Warranty Deed referred to above and the sum of \$1.00 in hand paid, it is agreed that the legal description on the deed referred to above be corrected to read:

Beginning on the Northeasterly line of the Southern Pacific Railroad Company right of way at a point which is 1800.20 feet South 89° 15' East and 1124.95 feet North 21° 52' West and 776.30 feet North 25° 03' West and 638.20 feet North 32° 01' West and 508.40 feet North 37° 39' West from the Southwest corner of the John Baum Donation Land Claim in Township 8 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 20° 26' East, 272.75 feet to a point on the Southwesterly line of Turner Road; thence South 69° 34' East along the Southwesterly line of said Turner Road, 971.10 feet to the P.C. of a 542.96 foot radius curve to the right; thence Southeasterly along the arc of said curve (the chord of which bears South 48° 31' East, 390.04 feet); a distance of 398.85 feet to the P.T. of said curve; thence North 62° 32' East 30.00 feet to a point in the center of said Turner Road; thence South 27° 28' East along the center of said Turner Road, 93.00 feet; thence South 62° 32' West, 888.90 feet to a point on the Northeasterly line of said railroad right of way; thence Northwesterly along the said right of way line, 1005.45 feet to the place of beginning.

SAVE AND EXCEPT the following, which is not hereby conveyed:
Beginning on the Easterly line of the Southern Pacific Company Railroad right-of-way at a point which is 1800.20 feet South 89° 15' East and 1124.95 feet North 21° 52' West and 776.30 feet North 25° 03' West and 638.20 feet North 32° 01' West from the Southwest corner of the John Baum Donation Land Claim in Township 8 South,

MAIL TAX STATEMENTS TO:

Richard H. Hill
P.O. Box 12726
Salem, OR 97309

AFTER RECORDING RETURN TO:

Richard H. Hill
P.O. Box 12726
Salem, OR 97309

MAY 10 1988

Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 37° 39' West along the Easterly line of said railroad right-of-way 508.40 feet; thence North 20° 26' East 272.75 feet to a point on the Southwesterly line of Turner Road; thence South 69° 34' East along the Southwesterly line of said Turner Road, a distance of 686.55 feet; thence South 21° 50' West, a distance of 245.35 feet; thence North 69° 34' West 123.55 feet; thence South 21° 50' West 377.57 feet to the Easterly line of Southern Pacific Company Railroad; thence North 34° 37' 50" West along said right-of-way line 141.80 feet to the place of beginning and containing 6.39 acres of land, more or less.

In all other particulars, the deed above referenced is confirmed and adopted as if set forth in full herein.

The following is the notice as required by Oregon law: "THIS INSTRUMENT WILL 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 APPROVED USES."

IN WITNESS WHEREOF, the grantor and grantee have executed this document on the date first above written.

GRANTOR

LLOYD M. HILL, an Oregon corporation,

By: 

GRANTEE


Richard H. Hill

MAY 10 1988

Turner Road Legal Lot Narrative

State of Oregon }
County of Marion } ss.

On this 31st day of March, 198 8 personally appeared Richard H. Hill who, being duly sworn, did say that he is the president of LLOYD M. HILL, INC., an Oregon corporation, and that said instrument was signed on behalf of said corporation by authority of its board of directors; and he acknowledged said instrument to be his voluntary act and deed.

Before me:



Notary Public for Oregon
My Commission Expires: 12/8/88

MAY 10 1988

On this 31st day of March, 198 8, personally appeared the above named RICHARD H. HILL, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Notary Public for Oregon
My Commission Expires: 12/8/88

STATE OF OREGON

County of Marion
I hereby certify
that the within was
received and duly
recorded by me in
Marion County
records: 2100
Fee \$ 21.00
Hand Returned ☐

REEL PAGE
618 337

MAY 10 1 53 PM '88

ALAN H. DAVIDSON
MARION COUNTY CLERK
BY [Signature] DEPUTY

Page 3 - Correction Deed
REF: H10270.CD

Turner Road Legal Lot Narrative

On July 20, 1988, William I. and Karen K. Nicholas memorialized the surveyed partition of Tax Lot 101, and conveyed this 0.70 Acre parcel to David T. and Patricia A. Shrabel. The deed reference is Reel 632, Page 402, Marion County Records:

16-1

TICOR 210277CG

X33 X33 g Baum 7-82W

REEL 632 PAGE 402

TICOR TITLE INSURANCE

STATUTORY WARRANTY DEED

WILLIAM I. NICHOLAS AND KAREN K. NICHOLAS Grantor,

conveys and warrants to **DAVID T. SHRABEL AND PATRICIA A. SHRABEL, AS TENANTS BY THE ENTIRETY.**

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in **MARION** County, Oregon, to wit:

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

THIS INSTRUMENT WILL 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 APPROVED USES. The said property is free from encumbrances except **EASEMENTS OF RECORD; STATUTORY POWERS OF SANTIAM WATER CONTROL DISTRICT.**

The true consideration for this conveyance is \$ **80,000.00** (Here comply with the requirements of ORS 93.030)

Dated this **5th** day of **July** 19 **88**

WILLIAM I. NICHOLAS
William I. Nicholas

KAREN K. NICHOLAS
Karen K. Nicholas

State of Oregon, County of **Marion**

The foregoing instrument was acknowledged before me this **5th** day of **July**, 19**88** by **William I. Nicholas and Karen K. Nicholas**

Coleen L. James
Notary Public for Oregon
My commission expires: **8/27/90**

State of Oregon, County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____ by _____ President and Secretary of _____ a _____ corporation, on behalf of the corporation.

Notary Public for Oregon
My commission expires: _____

WARRANTY DEED

WILLIAM I. NICHOLAS KAREN K. NICHOLAS GRANITOR

DAVID T. SHRABEL PATRICIA A. SHRABEL GRANTEE

Until a change is requested, all tax statements shall be sent to the following address:

DAVID T. SHRABEL
6923 76TH AVE. SE
SALEM, OREGON 97301

Escrow No. **210277** Title No. **210277**

After recording return to:

DAVID T. SHRABEL
6923 76TH AVE. SE
SALEM, OREGON 97301

This Space Reserved for Recorder's Use

Ticor Form No. 137 Statutory Warranty Deed 8/85

"EXHIBIT A"

Beginning on the South right of way line of Turner Road at a point which is 1800.20 feet South 89 Degrees 15' East and 1124.95 feet North 21 Degrees 52' West and 776.30 feet North 25 Degrees 03' West and 496.30 feet North 31 Degrees 19' West and 622.92 feet North 21 Degrees 50' East of the Southwest corner of the John Baum Donation Land Claim in Section 7, Township 8 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence South 69 Degrees 34' East, along said right of way line, 123.55 feet; thence South 21 Degrees 50' West 245.35 feet; thence North 69 Degrees 34' West, parallel to said right of way line, 123.55 feet; thence North 21 Degrees 50' East 245.35 feet to the point of beginning.

JUL 20 1988

STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

Fee \$ 16.00

Hand Returned ☐

REEL
632

PAGE
402

JUL 20 11 25 AM '88

ALAN H. DAVIDSON
MARION COUNTY CLERK

BY JL DEPUTY

Pursuant to the Oregon Revised Statutes:

ORS 92.010(3)(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 ordinances and regulations; or

ii: By deed or land sales contract, if there were not applicable planning, zoning or subdivision or partition ordinances or regulations

The State Land Division Laws and the City of Salem Partition Laws originated in 1979. “Old Tax Lots 100 and 200” were created in 1967 by deed and are therefore legal lots of record.

ORS 92.010(12) “Property Line Adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

In 1986 the common lot line between “Old Tax Lots 100 and 200” was adjusted by a survey of the newly configured lot line. In 1988, deeds were recorded to further document this adjustment. This was a legal adjustment of the lot line.

ORS 92.017 When lawfully created lot or parcel remains discrete lot or parcel. *A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. [1985 c.717 §3; 1993 c.702 §2]*

In 1986 by survey, Tax Lot 100 was further divided. The deed in 1988 conveyed a 0.70 Acre portion of Tax Lot 100 to another party which was an illegal conveyance. These actions created Tax Lot 101.

Tax Lot 200 remains a discrete and therefore legal lot of record because it originated prior to the platting laws and has not been further divided.

Included with this narrative is the full chain of title as prepared by Fidelity National Title Company of Oregon.