

NOTICE of FILING

LAND USE REQUEST AFFECTING THIS AREA

There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.

Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213.

CASE NUMBER:	Validation of Units of Land Case No. VUL22-03
CASE NUMBER.	
PROPERTY LOCATION:	4130 Portland Rd NE, Salem OR 97301
NOTICE MAILING DATE:	June 6, 2022
PROPOSAL SUMMARY:	A proposal to validate a unit of land that was created through recording of a deed in 1943.
COMMENT PERIOD:	All written comments must be submitted to City Staff no later than <u>5:00</u> <u>p.m., TUESDAY, JUNE 21, 2022</u> . Please direct any questions and/or comments to the Case Manager listed below. Comments received after the close of the comment period will not be considered. <i>Note:</i> Comments submitted are <u>public record</u> . This includes any personal information provided in your comment such as name, email, physical address and phone number.
CASE MANAGER:	Liz Olmstead, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2363; E-Mail: <u>Eolmstead@cityofsalem.net</u> .
NEIGHBORHOOD ASSOCIATION:	Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:
	Northgate Neighborhood Association; Email: <u>northgateneighborhoodsalem@gmail.com</u> .
ACCESS:	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
CRITERIA TO BE CONSIDERED:	Salem Revised Code (SRC) Chapter 205.060(d) – Validation of Unit of Land Salem Revised Code (SRC) is available to view at this link: http://bit.ly/salemorcode. Type in the chapter number(s) listed above to view the
	applicable criteria.

PROPERTY OWNER(S):	Salem-Keizer School District 24J
APPLICANT(S):	Saalfeld Griggs Lawyers on behalf of Salem-Keizer School District 24J
PROPOSAL REQUEST:	An application to validate and lawfully establish a unit of land which was unlawfully created through the recording of a deed in 1943 without receiving required land use approval. The land area is approximately 2.08 acres in size, zoned CR (Retail Commercial), and located at 4130 Portland Rd NE - 97301 (Marion County Assessors Map and Tax Lot Numbers: 073W12AC / 3200).
APPLICATION PROCESS:	Following the close of the Public Comment Period, a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who submitted written comments, and anyone who received notice of the land use request.
	Failure to raise an issue in writing prior to the close of the Public Comment Period with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
MORE INFORMATION:	All documents and evidence submitted by the applicant are available on the City's online Permit Application Center at https://permits.cityofsalem.net . You can use the search function without registering and enter the permit number listed here: 22 103079. Paper copies can be obtained for a reasonable cost.

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE For more information about Planning in Salem: <u>http://www.cityofsalem.net/planning</u>

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Validation of Units of Land Case No. VUL22-03
PROJECT ADDRESS:	4130 Portland Rd NE, Salem OR 97301
AMANDA Application No.:	22-103079-LD
COMMENT PERIOD ENDS:	<u>Tuesday, June 21, 2022 at 5:00 P.M.</u>

SUMMARY: A proposal to validate a unit of land that was created through recording of a deed in 1943.

REQUEST: An application to validate and lawfully establish a unit of land which was unlawfully created through the recording of a deed in 1943 without receiving required land use approval. The land area is approximately 2.08 acres in size, zoned CR (Retail Commercial), and located at 4130 Portland Rd NE - 97301 (Marion County Assessors Map and Tax Lot Numbers: 073W12AC / 3200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by <u>5:00 p.m., Tuesday, June 21, 2022</u>, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are <u>public</u>* <u>record</u>. This includes any personal information provided in your comment such as name, email, physical address and phone number. <u>Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your <u>comments to the Case Manager listed below.</u></u>

<u>CASE MANAGER</u>: Liz Olmstead, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2363; E-Mail: <u>Eolmstead@cityofsalem.net</u>.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ____1. I have reviewed the proposal and have no objections to it.
- ____2. I have reviewed the proposal and have the following comments:

Name/Agency:	
Address:	
Phone:	
Email:	
Date:	

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

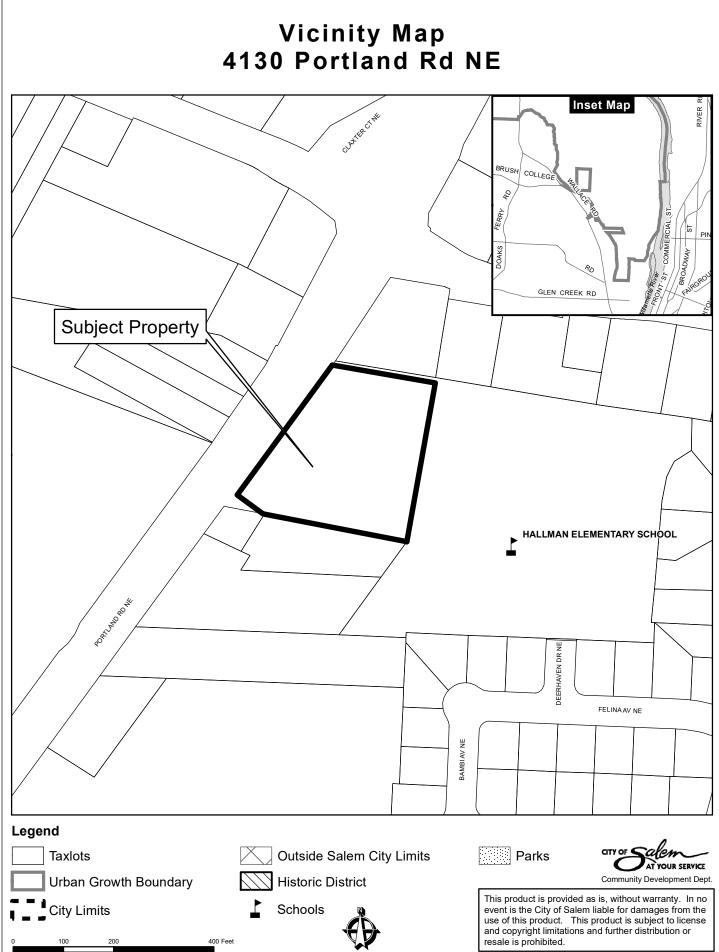
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POSTAGE WILL BE PAID BY ADDRESSEE PLANNING DIVISION CITY OF SALEM RM 305 555 LIBERTY ST SE SALEM OR 97301-9907

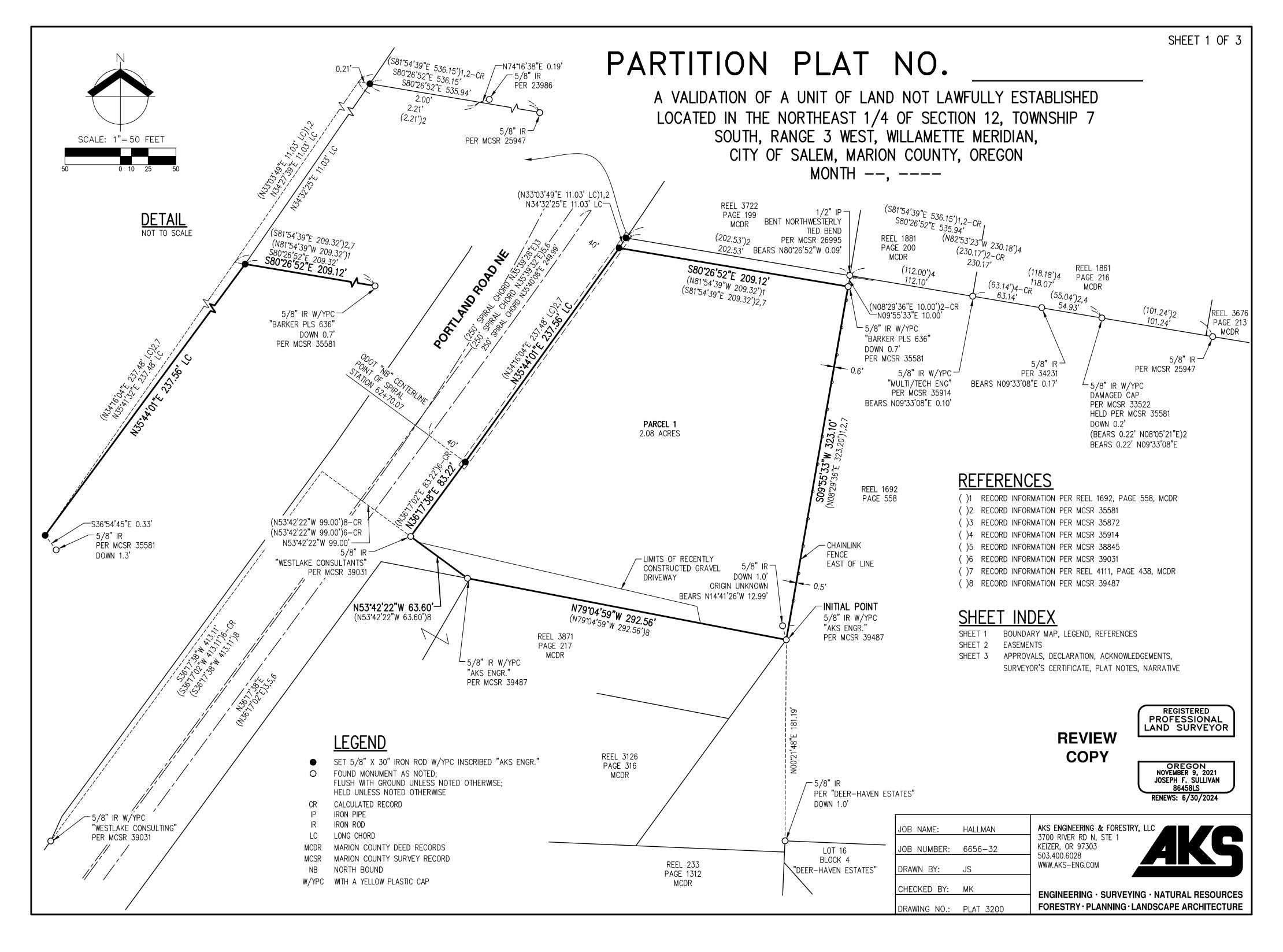


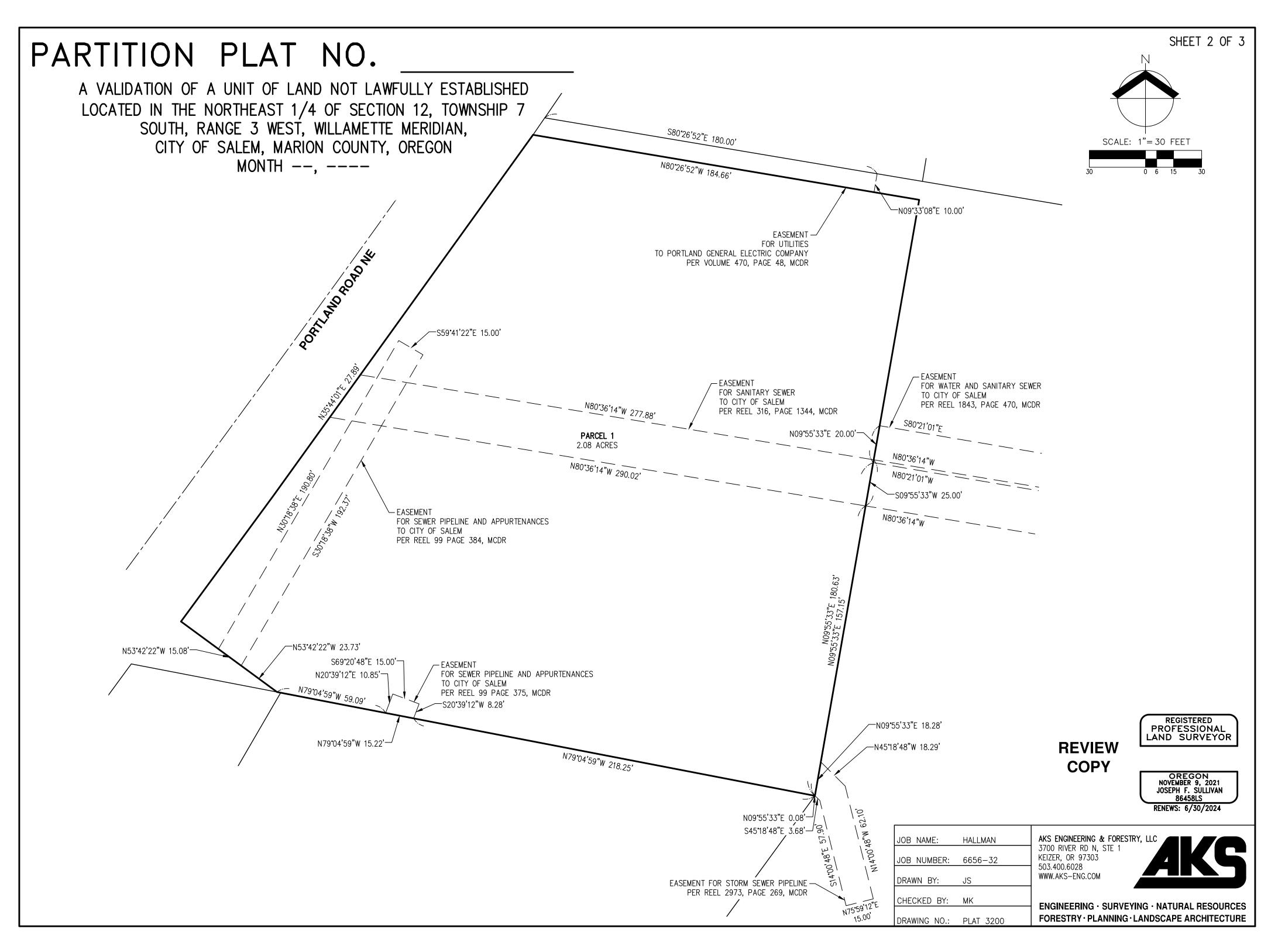


NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES



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PARTITION PLAT NO.

A VALIDATION OF A UNIT OF LAND NOT LAWFULLY ESTABLISHED LOCATED IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON MONTH --, ----

CITY OF SALEM APPROVALS:	
APPROVED THIS DAY OF	_, 20_
BY: CITY OF SALEM PLANNING ADMINISTRATOR	
***************************************	k

APPROVED THIS DAY OF ,20

BY:

CITY OF SALEM SURVEYOR

MARION COUNTY APPROVALS:

ALL TAXES AND ASSESSMENTS ON THE ABOVE DESCRIBED PROPERTY, AS PROVIDED BY ORS 92.095, HAVE BEEN PAID THROUGH

APPROVED THIS ____ DAY OF .20

BY:					
	MARION	COUNTY	TAX	COLLECTOR	

APPROVED THIS ____ DAY OF _____, 20____

BY: MARION COUNTY ASSESSOR

) SS

STATE OF OREGON COUNTY OF MARION

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT NO. WAS RECEIVED FOR RECORDING ON THE DAY OF O'CLOCK M _, 20___,AT __ AND RECORDED IN THE BOOK OF PARTITION PLATS. IT IS ALSO RECORDED IN MARION COUNTY DEED RECORDS AS REEL _____, PAGE _____

BILL BURGESS, MARION COUNTY CLERK

BY:

DEPUTY COUNTY CLERK

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT MARION COUNTY SCHOOL DISTRICT 24J. AN OREGON MUNICIPAL CORPORATION, IS THE OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED IN ACCORDANCE WITH THE PROVISIONS OF THE OREGON REVISED STATUTES CHAPTER 92.

JOEL T. SMALLWOOD, DIRECTOR OF MAINTENANCE AND CONSTRUCTION SERVICES MARION COUNTY SCHOOL DISTRICT

ACKNOWLEDGMENT

STATE OF OREGON

COUNTY OF MARION

SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS DAY OF , 20___ BY JOEL T. SMALLWOOD, DIRECTOR OF MAINTENANCE AND CONSTRUCTION SERVICES OF MARION COUNTY SCHOOL DISTRICT 24J. AN OREGON MUNICIPAL CORPORATION.

NOTARY SIGNATURE

NOTARY PUBLIC - OREGON (PRINTED NAME)

COMMISSION NO.

MY COMMISSION EXPIRES

PLAT NOTES THIS PLAT IS SUBJECT TO THE CITY OF SALEM PLANNING ADMINISTRATOR CONDITIONS OF

- APPROVAL FOR CASE FILE NO. XXXXXXXXX
- 2. PARCEL 1 IS SUBJECT TO AN EASEMENT OVER ITS ENTIRETY FOR SCHOOL BUS ACCESS AND TURNAROUND PER REEL 2973, PAGE 268, MCDR.
- 3. PARCEL 1 IS SUBJECT TO VOLUME 453, PAGE 76, MARION COUNTY DEED RECORDS. A SLOPE EASEMENT DESCRIBED BY SAID DOCUMENT FALLS WITHIN THE EXISTING RIGHT-OF-WAY. A RIGHT OF ACCESS DESCRIBED WITHIN SAID DOCUMENT IS SUPERCEDED BY VOLUME 466, PAGE 3, MARION COUNTY DEED RECORDS.
- PARCEL 1 IS SUBJECT TO VOLUME 466, PAGE 3, MARION COUNTY DEED RECORDS, PARTICULARLY REGARDING RIGHT OF ACCESS TO PORTLAND ROAD NE.

SURVEYOR'S CERTIFICATE

I. JOSEPH F. SULLIVAN, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED HEREON, SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE UNIT OF LAND PER REEL 3871, PAGE 217, MARION COUNTY DEED RECORDS, BEING A POINT WHICH BEARS NORTH 00°21'48" EAST 181.19 FEET FROM THE NORTHWEST CORNER OF LOT 16, BLOCK 4, "DEER-HAVEN ESTATES", RECORDED IN VOLUME 34, PAGE 46. MARION COUNTY BOOK OF TOWN PLATS: THENCE ALONG THE NORTH LINE OF SAID UNIT OF LAND. NORTH 79°04'59" WEST 292.56 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PORTLAND ROAD NE: THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 53°42'22" WEST 63.60 FEET TO A POINT 40.00 FEET FROM THE ODOT "NB" CENTERLINE; THENCE NORTH 3617'38" EAST 83.22 FEET TO A POINT OPPOSITE THE ODOT "NB" CENTERLINE STATION 67+70.07; THENCE ALONG A SPIRAL TO THE LEFT, THE CHORD OF WHICH BEARS, NORTH 35'44'01" EAST 237.56 FEET TO THE WESTERLY LINE OF THE UNIT OF LAND PER REEL 1692. PAGE 558. MARION COUNTY DEED RECORDS: THENCE SOUTH 80°26'52" EAST 209.12 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 09°55'33" WEST 323.10 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2.08 ACRES, MORE OR LESS.

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO VALIDATE AND MONUMENT THAT UNIT OF LAND NOT LAWFULLY ESTABLISHED AS APPROVED BY THE CITY OF SALEM VALIDATION OF UNIT OF LAND PARTITION CASE BY DECOMPERAREE AGE 2, PAGE 558, MARION COUNTY DEED RECORDS (MCDR), AND LATER GRANTED BY DEED TO MARION COUNTY SCHOOL DISTRICT 24J BY REEL 4111, PAGE 438, MCDR.

BEARINGS ARE BASED ON THE OREGON STATE PLANE COORDINATE SYSTEM OF 1983, NORTH ZONE, NAD 83(2011) EPOCH 2010.00 AND ESTABLISHED USING THE TRIMBLE VRS NOW NETWORK.

MARION COUNTY SURVEY RECORD (MCSR) 35581 BY CLARENCE BARKER WAS RECORDED IN AUGUST OF 2000 FOLLOWING THE RECORDING OF SAID DEED PER REEL 1692, PAGE 558 IN MAY OF 2000. BARKER MONUMENTED THE NORTHEAST, NORTHWEST AND SOUTHWEST CORNERS AND THE POINT OF SPIRAL ON THE WEST LINE OF THE PROPERTY LATER GRANTED IN AUGUST OF 2018 BY SAID REEL 4111, PAGE 438.

I FOUND AND HELD BARKER'S MONUMENT AT THE NORTHEAST CORNER. I FOUND AND HELD THE MONUMENT AT THE SOUTHEAST CORNER, REMONUMENTED BY ABRAHAM KAHNAMOOIAN PER MCSR 39487 AND THE MONUMENT SET BY KAHNAMOOIAN AT THE ANGLE POINT IN THE SOUTH LINE ESTABLISHED BY A RIGHT-OF-WAY DEDICATION PER REEL 2080, PAGE 315, MCDR. I FOUND AND HELD A MONUMENT SET BY GARY ANDERSON FALLING ON THE EASTERLY RIGHT-OF-WAY LINE OF PORTLAND ROAD NE. ALSO BEING THE WESTERLY CORNER OF THE SUBJECT PROPERTY AS ESTABLISHED BY SAID RIGHT-OF-WAY DEDICATION DEED PER REEL 2080, PAGE 315, MCDR, PER MCSR 39031. A POST-CONSTRUCTION SURVEY FOR THE URBAN RENEWAL AGENCY OF THE CITY OF SALEM BASED ON STEVEN HOWELL'S PRE-CONSTRUCTION SURVEY PER MCSR 38845 AND MARK MAYER'S PRE-CONSTRUCTION SURVEY PER MCSR 35872. ANDERSON REPORTS IN MCSR 39031 THAT THE MONUMENT SET BY BARKER AT THE POINT OF SPIRAL (STATION 60+70.07 OF ODOT "NB" CENTERLINE) WAS DESTROYED DURING CONSTRUCTION AND NOT RESET. I FOUND THIS MONUMENT EASTERLY OF THE POINT OF SPIRAL. TO REMONUMENT THIS CORNER I DETERMINED THE ALIGNMENT OF THE RIGHT-OF-WAY BY HOLDING A MONUMENT SET BY ANDERSON AND FALLING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID PORTLAND ROAD NE. USING THIS ALIGNMENT I PROJECTED A RECORD DISTANCE OF 83.22 FEET PER ANDERSON FROM HIS MONUMENT AT THE WESTERLY CORNER OF THE SUBJECT PROPERTY.

BARKER'S MONUMENT AT THE NORTHWEST CORNER OF THE SUBEJECT PROPERTY WAS NOT FOUND NOR WAS BARKER'S MONUMENT AT THE NORTHWEST CORNER OF THE PROPERTY PER SAID REEL 1691, PAGE 558. I FOUND A MONUMENT PER MCSR 23968 NEAR THE NORTHWEST CORNER OF THE PROPERTY PER SAID REEL 1691, PAGE 558, ALSO FOUND BY BARKER, BUT NOW OUT OF POSITION. WHICH IS CONSISTENT WITH A COMPARISON OF MAYER'S REPORTED LOCATION TO HOWELL'S AND ANDERSON'S REPORTED LOCATIONS. TO REMONUMENT THE NORTHWEST CORNER OF THE PROPERTY PER SAID REEL 1691, PAGE 558, I FIRST ESTABLISHED THE NORTH LINE OF SAID PROPERTY BY HOLDING A MONUMENT AT AN ANGLE POINT IN ITS NORTH LINE, BY HOLDING A RECORD 0.22 FEE PER BARKER FROM A MONUMENT ALONG ITS NORTH LINE AND BY HOLDING A RECORD 10.00 FEET PER BARKER FROM HIS MONUMENT AT THE NORTHEAST CORNER OF THE SUBJECT PROPERTY. THE IRON PIPE NORTH OF THE SAID NORTHEAST CORNER WAS FOUND BENT AND WESTERLY OF THE CALCULATED LOCATION BUT ON LINE. A MONUMENT SET BY JEFFREY WHEELER IN MCSR 35914 WITHIN 0.3 FEET OF THIS PIPE WAS NOT FOUND. INDICATING THAT THIS AREA HAS BEEN DISTURBED. OTHER MONUMENTS SET BY WHEELER AND FOUND WITH THIS SURVEY FALL NEAR TO BUT NORTHERLY OF THE NORTH LINE OF SAID PROPERTY PER REEL 1692, PAGE 558. THE NORTH LINE OF THE SUBJECT PROPERTY WAS HELD PARALLEL. THIS RESOLUTION CONFORMS WITH BARKER'S SURVEY AS DETAILED ON THE MAP, BUT I HELD A 40-FOOT OFFSET FROM THE PORTLAND ROAD NE ODOT "NB" CENTERLINE SPIRAL PER HOWELL AND ANDERSON TO COMPLETE THE RESOLUTION OF THE WESTERLY LINE AND ESTABLISH THE NORTHWEST CORNER OF THE SUBJECT PROPERTY.



OREGON NOVEMBER 9, 2021 JOSEPH F. SULLIVAN 86458LS RENEWS: 6/30/2024

REGISTERED

PROFESSIONAL

LAND SURVEYOR

JOB NAME:	HALLMAN	AKS ENGINEERING & FORESTRY, LLC			
JOB NUMBER:	6656-32	3700 RIVER RD N, STE 1 KEIZER, OR 97303			
DRAWN BY:	JS	503.400.6028 WWW.AKS-ENG.COM			
CHECKED BY:	МК	ENGINEERING · SURVEYING · NATURAL RESOURCES			
DRAWING NO .:	PLAT 3200	FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE			

SHEET 3 OF 3