

ORDINANCE NO. 410

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BROOKINGS BY THE ESTABLISHMENT OF THE PD (PLANNED DEVELOPMENT) DESIGNATION UPON THAT CERTAIN REAL PROPERTY BELOW DESCRIBED.

WHEREAS, a public hearing was held on October 7, 1986 before the Brookings Planning Commission for the purpose of considering a request for preliminary plan approval for a 42-unit planned development and a concurrent request for the establishment of a PD (Planned Development) zone designation for a 9.53 acres parcel of land generally located on the North side of Ransom Avenue Easterly extension approximately 40 feet East of its intersection with Sixth Street (identified as tax lots 200 and 202, Assessor's Parcel Map No. 41-13-6AA) within the Residential Medium Density (R-MD) zone; and

WHEREAS, by a unanimous vote, the Brookings Planning Commission did grant preliminary plan approval for the proposed 42-unit planned development; and further offered a favorable recommendation to the City Council that evidence submitted into the record of the proceedings provided adequate findings in support of the establishment of the PD (Planned Development) zoning designation upon the subject property; and

WHEREAS, the Brookings City Council, at its rescheduled regular meeting on November 17, 1986, did conduct a public hearing on this matter, during which hearing testimony and evidence was presented by the applicant and the applicant's representative, interested parties, and recommendations were received and presented by the planning staff; and

WHEREAS, at the conclusion of said public hearing, after consideration and discussion, the Brookings City Council, upon a MOTION duly seconded, did vote to adopt the final Order and Findings of Fact document and approve the designation of the PD (Planned Development) zone upon the subject property;

NOW, THEREFORE, THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. The zoning map of the city of Brookings is amended to designate the following described property as Residential Medium Density - Planned Development (R-MD-PD)).

PARCEL "A"

A parcel of land in the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

Beginning at a 5/8 inch by 30 inch iron rod set in the North line of Ransom Avenue at a point described as being North 9.67 feet and 664.15 feet West from the Southeast Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Six (6), said point also being the Southeast Corner of that parcel described in Book of Records 50, Page 398, Official Records of Curry County;

Thence along said Northern Roadway boundary South 89° 08' 25" East (Record South 89° 08' East) 90.00 feet to a 5/8 inch by 30 inch iron rod;

Thence North 0° 03' 09" West 90.00 feet to a 5/8 inch by 30 inch iron rod;

Thence North 89° 08' 25" West 90.00 feet to a 5/8 inch by 30 inch iron rod set on the East line of that parcel of land described in Book of Records 50, page 398;

Thence along said Easterly boundary South 0° 03' 09" East (Records South) 90.00 feet to the Point of Beginning.

PARCEL "B"

A parcel of land within the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 6, Township 41 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon, being more particularly described as follows:

Beginning at a 2 1/2 inch brass cap set in concrete at the Southeast corner of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter, said brass cap being the southwest corner of the Sundown Subdivision as recorded in Plat Book 2, page 128, Official Records of Curry County and lying on the northerly right of way line of Ransom Avenue;

Thence North 00° 29' 30" West, along the westerly line said Subdivision, 238.00 feet to the TRUE POINT OF BEGINNING:

Thence North 00° 29' 30" West, continuing along said line and the westerly line of that property described in Book of Records 76, page 1066, Official Records of Curry County, 455.57 feet to a point lying on the north line of said Section 6;

Thence North 89° 47' 15" West, along said section line, 657.57 feet to the east one-sixteenth corner, also being the northeast corner of that property described in Book of Records 64, page 694, Official Records of Curry County;

Thence South 00° 03' 09" West, along the easterly line of said parcel and that parcel of land described in Book of Records 50, page 397, Official Records of Curry County, 596.31 feet to the northwest corner of that property described in Book of Records 81, page 269, Official Records of Curry County;

Thence South 89° 08' 25" East, along the northerly line of said parcel, 90.00 feet;

Thence South 00° 03' 09" West (record South 00° 03' 09" East), along the easterly line of said parcel, 90.00 feet to a point lying on the northerly right of way line of Ransom Avenue;

thence South 89° 08' 25" East, along said right of way, 407.22 feet to Point "A";

Thence North 00° 29' 30" West, leaving said right of way, 238.00 feet;

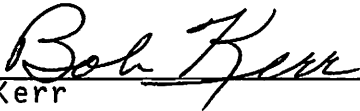
Thence South 89° 08' 25" East 167.00 feet to the TRUE POINT OF BEGINNING.

First Reading: November 17, 1986


Second Reading: November 17, 1986

Passage: November 17, 1986

Signed by me in authentication of its passage this 17th day of November, 1986.

  
\_\_\_\_\_  
Bob Kerr  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Pectol  
City Recorder

FRANK S. AKIN and DOROTHY AKIN, as tenants by the entirety  
hereinafter called grantor, convey(s) to  
MICHAEL G. CREMAROSA and MARCELLA CREMAROSA, husband and wife  
all that real property situated in the County  
of CURRY, State of Oregon, described as

SEE ATTACHED EXHIBIT "A"

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except the  
rights of the public in and to that portion of the herein described property  
lying within the limits of public roads or highways,  
and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$ 8,000.00

Dated this 1 day of June, 19 86

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.

VERIFY APPROVED USES.

STATE OF OREGON, County of Curry ) ss.

Frank S. Akin

Dorothy H. Akin

June 1, 19 86 personally appeared the above named  
Frank S. & Dorothy Akin and acknowledged the foregoing  
instrument to be their voluntary act and deed.

Before me

V. J. BROWN  
NOTARY PUBLIC - OREGON

Notary Public for Oregon

My commission expires:

The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume

\* \* \* \* \* includes other property of value and the balance of the actual consideration \* \* \* consists of or includes other property of value given or promised which is part of the vehicle \* \* \* \* \*

WARRANTY DEED (INDIVIDUAL)

Frank & Dorothy Akin  
TO  
Michael & Marcella Cremarosa

STATE OF OREGON, )

County of )

I certify that the within instrument was received for record  
on the day of 19  
at o'clock M and recorded in book  
on page Records of Deeds of said County

Witness my hand and seal of County affixed

Send tax statements to:  
Michael & Marcella Cremarosa  
P.O. Box 294  
Brookings, Oregon  
97415

Title

CURRY COUNTY TITLE

Title Number: 52657

**Parcel A**

BR 122 PAGE 588

~~EXHIBIT A-M~~

A parcel of land in the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

Beginning at a 5/8 inch by 30 inch iron rod set in the North line of Ransom Avenue at a point described as being North 9.67 feet and 664.15 feet West from the Southeast Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section Six (6), said point also being the Southeast Corner of that parcel described in Book of Records 50, Page 398, Official Records of Curry County;

Thence along said Northern Roadway boundary South 89° 08' 25" East (Record South 89° 08' East) 90.00 feet to a 5/8 inch by 30 inch iron rod;

Thence North 0° 03' 09" West 90.00 feet to a 5/8 inch by 30 inch iron rod;

Thence North 89° 08' 25" West 90.00 feet to a 5/8 inch by 30 inch iron rod set on the East line of that parcel of land described in Book of Records 50, page 398;

Thence along said Easterly boundary South 0° 03' 09" East (Records South) 90.00 feet to the Point of Beginning.

Indexed In Deeds  
State of Oregon }  
County of Curry } ss

I hereby certify that the within instrument was filed for record June 26, 1986 at 3:45 o'clock PM and recorded in Book of Records Vol 122 Page 587-588  
EUGENE P. BAUMANN, County Clerk  
Eugene P. Baumann Deputy  
Fee Rec'd \$13.00



BOOK OF RECORDS

M. R. ARCHIBALD, JR. and WILLEY A. ARCHIBALD  
MICHAEL G. CREMAROSA and MARCELLA F. CREMAROSA, husband and wife  
at CURRY State of Oregon, described as

SEE ATTACHED EXHIBIT "A"

CURRY COUNTY TITLE 5-2584

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except  
"SEE ATTACHED EXHIBIT "A"

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$ 60,000.00

Dated this 9th day of June 19 86

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. VERIFY APPROVED USES.

M. R. ARCHIBALD, JR.  
WILLEY A. ARCHIBALD

STATE OF OREGON, County of CURRY

M. R. ARCHIBALD, JR. and WILLEY A. ARCHIBALD 19 86 personally appeared the above named and acknowledged the foregoing instrument to be THEIR voluntary act and deed

Before me  
Notary Public for Oregon  
My commission expires 7-86



The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume  
value given or promised which is part of the the whole

WARRANTY DEED (INDIVIDUAL)

M. R. ARCHIBALD, JR.  
WILLEY A. ARCHIBALD  
MICHAEL & MARCELLA CREMAROSA

Send tax statements to:  
Michael & Marcella Cremarosa  
P.O. Box 294  
Brookings, Oregon  
97415

STATE OF OREGON  
County of  
I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and recorded in book \_\_\_\_\_ of page \_\_\_\_\_ Records of Deeds of said County. Witness my hand and seal of said County at \_\_\_\_\_ Title \_\_\_\_\_

May 15, 1986

128 69

# Parcel B.

A parcel of land lying within the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 6, Township 41 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon, being more particularly described as follows:

Beginning at a 2 1/2 inch brass cap set in concrete at the southeast corner of said Northwest Quarter of the Northeast Quarter of the Northeast Quarter, said brass cap being the southwest corner of the Sundown Subdivision as recorded in Plat Book 2, page 128, Official Records of Curry County and lying on the northerly right of way line of Ransom Avenue;

thence North 00°29'30" West, along the westerly line said Subdivision, 238.00 feet to the TRUE POINT OF BEGINNING;

thence North 00°29'30" West, continuing along said line and the westerly line of that property described in Book of Records 76, page 1066, Official Records of Curry County, 455.57 feet to a point lying on the north line of said Section 6;

thence North 89°47'15" West, along said section line, 657.57 feet to the east one-sixteenth corner, also being the northeast corner of that property described in Book of Records 64, page 694, Official Records of Curry County;

thence South 00°03'09" West, along the easterly line of said parcel and that parcel of land described in Book of Records 50, page 397, Official Records of Curry County, 596.31 feet to the northwest corner of that property described in Book of Records 81, page 269, Official Records of Curry County;

thence South 89°08'25" East, along the northerly line of said parcel, 90.00 feet;

thence South 00°03'09" West (record South 00°03'09" East), along the easterly line of said parcel, 90.00 feet to a point lying on the northerly right of way line of Ransom Avenue;

thence South 89°08'25" East, along said right of way, 407.22 feet to Point "A";

thence North 00°29'30" West, leaving said right of way, 238.00 feet;

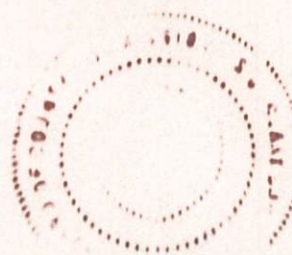
thence South 89°08'25" East 167.00 feet to the TRUE POINT OF BEGINNING.

RESERVING THEREFROM a 50 foot wide easement for ingress, egress and access, lying westerly of, parallel with and adjacent to the following described line: Beginning at Point "A" as described above;

thence North 00°29'30" West 150.00 feet to its terminus point.

EXCEPTIONS:

- 1) The rights of the public in and to that portion of the herein described property lying within the limits of public roads or highways.
- 2) An easement recorded, December 14, 1979 BR: 74 Page: 345
- 3) An easement, recorded May 10, 1985 BR: 112 Page: 68-9



Indexed in Deeds  
 State of Oregon }  
 County of Curry } ss

I hereby certify that the within instrument was filed for record JUNE 13, 1986 at 10:47 o'clock A M and recorded in Book of Records Vol. 123 Page 68-69  
Eugene P. Haumann, County Clerk  
Shirley J. Turner, Deputy  
 Fee Rec'd 73.00

BOOK OF RECORDS