

MINUTES  
 REGULAR MEETING - PLANNING COMMISSION  
 CITY OF BROOKINGS  
 APRIL 1, 1975

Chairman C. William Landis called the meeting to order at 7:30 p.m. Commissioners present were: Shirley Earle, Carl Rust, Earl Breuer, Herb Herzog, and Ralph Renn.

APPROVAL OF MINUTES:

MOTION by Commissioner Breuer, second by Commissioner Rust and carried unanimously that minutes of March 4, 1975, meeting be approved as mailed.

BUILDING REPORT:

Following is building report for month of March 1975 which Building Inspector Charles C. Williams summarized for the Commissioners:

	<u>Permit No.</u>	<u>Value</u>	<u>Fee</u>
<b>Residences:</b>			
Marvin H Pope	2048	\$ 39,000.00	\$154.00
J. Anderson	2049	24,000.00	108.00
Oscar Boyer	2055	27,567.00	121.00
Oscar Boyer	2056	<u>27,567.00</u>	<u>121.00</u>
Surcharge      5.04		118,134.00	504.00
<b>Garage:</b>			
Walter Cook	2054	1,500.00	16.00
Surcharge      .16			
<b>Additions - Residential:</b>			
John R. Lacy	2046	7,500.00	28.00
Surcharge      .28			
<b>Additions - Commercial:</b>			
Sam Erb - A & W Drive In	2050	30,000.00	127.00
Surcharge      1.27			
<b>Signs:</b>			
Brookings Supply	2053	900.00	9.00
<b>Cement Slab:</b>			
Raymond Fletcher	2051	500.00	5.00
Surcharge      .05			
<b>Carport &amp; Storage Room:</b>			
Horace Klahn	2052	2,875.00	24.00
Surcharge      .24			
<b>Demolition:</b>			
Bud Smith	2047		5.00
Surcharge      .05			
		<u>\$161,409.00</u>	<u>\$718.00</u>

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March 1975

11 Permits Issued  
Value, \$161,409.00  
Fees, 718.00  
Surcharge 7.09

March 1974

3 Permits Issued  
Value, \$32,375.00  
Fees, 144.50

LEGISLATIVE ACTION:

1. REQUEST FOR LOT SPLIT BY ROY BRIMM - TAX LOT 300, MAP 40-13-32C ON HILL ROAD.

After discussion Commissioner Breuer made MOTION to grant lot split of Tax Lot 300, Map 40-13-32C, as requested by Roy Brimm. Motion seconded by Commissioner Herzog and carried unanimously.

2. REQUEST FOR VARIANCE ON NORTH FIFTH STREET PROPERTY OWNED BY RON FALLERT.

Mr. Fallert's architect appeared before the Commission to answer any questions they might have regarding requested variance which is for the allowance of 7' additional height to dwelling which will be constructed in an RL zone. He also described the property as being 3 plus acres surrounded by 130 acres owned by South Coast Lumber Company.

The Building Inspector had asked Commissioner Renn to view the site and he told the Commission the elevation of knoll where dwelling is to be constructed is approximately 80 feet higher than the intersection of Ransom Avenue and Chetco Avenue, is flat on top, and there is an unobstructed view of surrounding area. In his opinion there was no reason why the variance should not be granted.

After further discussion Commissioner Herzog MOVED that variance for building height of 27 feet for dwelling in an RL zone be granted. Motion seconded by Commissioner Renn and carried unanimously.

OTHER MATTERS:

In response to a request by Chairman at the last Commission meeting, Mr. L. G. Van Duzee was present with additional detail concerning his request for lot split of Tax Lot 1800, Map 41-13-8BB, Lots 8 & 9, in Iowa Tract off Tanbark Road.

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Copy of letter from Mr. Van Duzee, dated March 27, 1975, addressed to the attention of the Planning Commission, is made a part of these minutes together with drawing submitted by Mr. Van Duzee showing requested lot split, access on Kern Street, utility easement, and copies of recorded instruments regarding right-of-way and easements.

After discussion Commissioner Rust MOVED, Commissioner Earle seconded, and it was carried unanimously that lot split of Tax Lot 1800, Map 41-13-8BB, in Iowa Tract off Tanbark Road, as requested by Mr. L. G. Van Duzee, be granted.

Commissioner Earle handed each Commissioner a copy of letter of resignation she had written to the Mayor. Her letter was prompted by new State Law requiring a "Financial Disclosure Statement" which she felt was an invasion of her privacy and that of her family. Others of the Commission had not received a questionnaire as yet but were assured by the Mayor they would be forthcoming. Mayor Kerr and other members of the City Council had received their questionnaire. The Mayor expects to talk with the City Attorney regarding this matter prior to the deadline for filing which is April 15, and suggested each person affected by questionnaire hold off on making any decision regarding it until he gets an opinion from the attorney.

Mayor Kerr reminded the Commission one place on the Commission has not been filled, and tonight the term of Carl Rust will expire, and he asked not to be reappointed. Consequently two vacancies will need to be filled. The Mayor named two interested persons, Ray Lockman and Tom McGovern. The Commissioners were agreeable to anyone the Mayor might choose and decided not to make a recommendation.

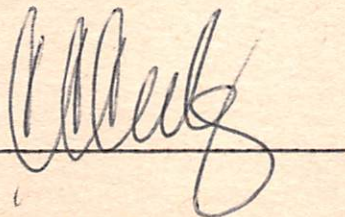
Fire Chief Merle Frank was in the audience and was introduced by Chairman C. William Landis.

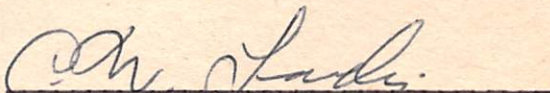
ADJOURNMENT:

Meeting was adjourned at 8:10 p.m. by Chairman C. William Landis.

ATTEST:

SECRETARY



  
CHAIRMAN

Brookings, Oregon 97415

3-27-75

City of Brookings  
City Hall  
Brookings, Oregon 97415

Attention-Planning Commission

Gentlemen:

Please refer to a certain parcel of land known as tax lot 1800, consisting of lots 8 & 9 of Iowa Tract which is located off Tanbark Street on what is sometimes known as Kern St.

We previously wrote you and appeared on February 4 and March 4 in an attempt to get your approval of splitting this property differently to make better use of the property and enable a more suitable and logical shaped house to be built on the property. While we do not personally have any plans to build on this property, we would like to have it set up in the most logical shape for someone's use. We want to sell the property to enable us to use our funds for other demanding purpose.

We have attached a sketch showing the proposal. It is identical to what was discussed at the last meeting except the lot 9 would have a strip of land on the West side of the property rather than the East Side. Also, we have added an easement on the South Side of property to allow for water & Sewer for lots 8 & 9.

There was agreement among planning commission members but the suggestion was made that this be spelled out and a sketch submitted. I trust that this can now be finalized.

We attach copies of our Right of Way Easement and Mr. Palmer's which is a later date. We also attach copy of Gold Coast Title letter of March 28, 1975. I cannot see where there could be any question as to our right to use the right of way as shown on the sketch we are submitting 3-27-75 which is clearly spelled out in our Deed.

Very truly yours,

*L. G. VanDuzee*  
L. G. VanDuzee

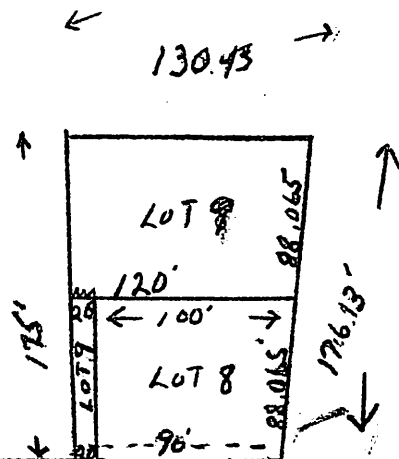
Orig. C. W. Landis  
cc Charles Williams

5 additional CC

8 + 9 of 1800 - 41-13-9 RB



TAN BARK ST



25' Access R/W KERNS ST

10' UTILITY EASEMENT X 110'  
FOR USE OF LOTS 8 & 9  
WATER, Sewer, underground Tel or  
Electricity + or T.V. Cable  
underground

PROPOSED LOT SPLIT - LOTS 8 & 9  
10WA TRACT

Submitted by L.G. Vanduzee 3-27-75

April 17, 1963

FORM NO. 10-62 GRANTY DEED (When Recorded by Notary)

152

4A-16774

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KNOW ALL MEN BY THESE PRESENTS, That John J. Connors, and Dolores L. Connors, husband and wife,

in consideration of \$100 Dollars, and other good and valuable consideration to them paid by Merwyn Palmer and Dorothy L. Palmer,

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Curry, and State of Oregon, bounded and described as follows, to-wit:

A tract of land lying in the fractional Northwest quarter (NW 1/4) of Section Eight (8), Township Four-one (41) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon; Beginning at a point which is South 791.5 feet and East 409.2 feet from the Northwest corner of said Section Eight (8); thence West 364.2 feet to a point on the Easterly line of that publicly used road known as Tan Bark Road; then North 25.0 feet; thence East 220.8 feet; thence North 60' 40" East 201.3 feet; thence South 57 deg. 13 min. East 293.2 feet to a point on the top of the bluff overlooking the Pacific Ocean; thence South 57 deg. 13 min. East 100.00 feet, more or less, to a point on the ordinary high tide line of the Pacific Ocean; thence following said tide line southwesterly to a point which bears South 50 deg. 00 min. East from the place of beginning; thence North 50 deg. 00 min. West 60.0 feet, more or less, to a point on top of the bluff; thence North 50 deg. 00 min. West 43.0 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantees as tenants by the entirety, their heirs and assigns forever.

And the grantors, covenant that no one lawfully seized in fee simple of the above granted premises free from all incumbrances, no exceptions, other than easements - Roof Recorded Deed Volume 58, page 304; Gulley recorded Deed Volume 50, page 107, records, Curry County,

60T  
5

and that the grantors will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand and seal this 17th day of April, 1963

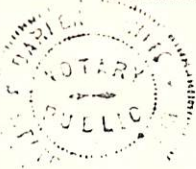
John J. Connors (SEAL)  
Dolores L. Connors (SEAL)

STATE OF OREGON, }  
County of Curry } ss.

On this 17th day of April, 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John J. Connors, and Dolores L. Connors, husband and wife who are

known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

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



Notary Public for Oregon.  
My Commission expires October 5, 1965

WARRANTY DEED  
John J. Connors, J. and  
Dolores L. Connors  
TO  
Merwyn Palmer and  
Dorothy L. Palmer  
AFTER RECORDING RETURN TO

STATE OF OREGON, }  
County of Curry }  
I certify that the within instrument was received for record on the 17 day of April, 1963, at 9:20 o'clock A.M., and recorded in book 62 on page 152. Record of Deeds of said County.

Notary Public for Oregon.  
My Commission expires October 5, 1965

Deed No.

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KNOW ALL MEN BY THESE PRESENTS, that JOHN J. FURNORS, JR. and DOLORES L. COMBENS, husband and wife hereinafter called "Grantors" for the sum of One Dollar and other valuable consideration to them paid by H. E. ROOP and OPAL D. ROOP, husband and wife, hereinafter called "Grantees", do hereby grant, bargain, sell and convey unto the said Grantees the right of way easement which is particularly described and granted hereafter.

**WITNESSETH:**

1. The Grantees are the owners of Lots 8 and 9 of Iowa Tract, a subdivision in the City of Brookings, Curry County, Oregon as said Lots 8 and 9 appear upon that certain Map entitled Iowa Tract, a subdivision in the City of Brookings, Curry County, Oregon, approved November 7, 1951 and recorded in Plat Book 1 at Page 31, Official Record of Town Plats in the office of the County Clerk of Curry County, Oregon.

2. The Grantors are the owners of a strip of land in said City of Brookings which abuts upon the South boundary of the Grantees' said Lots 8 and 9, which strip is hereinafter more particularly described.

3. The Grantees desire a necessary easement of ingress and egress over and upon said strip of land to and from their said Lots 8 and 9, Iowa Tract. The Grantors are willing to grant such an easement to the Grantees.

NOW, THEREFORE, for the consideration hereinabove mentioned, the Grantors do hereby grant, bargain, sell and convey unto the Grantees, their heirs and assigns, a perpetual easement

of access, ingress and egress to and from the Grantees' said Lots 8 and 9 respectively (said Lots 8 and 9 each being a dominant estate in itself and separate from the other) of said Iowa Tract over and upon that certain strip of land situated in the City of Brookings, Curry County, Oregon, bounded and described as follows; to-wit:

A strip of land lying in the fractional Northwest quarter (NW 1/4) of Section 8, Township 41 South, Range 13 West, Willamette Meridian, beginning at the Southwest (SW) corner of Lot 5, Iowa Tract, a subdivision, as said Southwest corner of said Lot 5, appears upon that certain Map entitled Iowa Tract, a subdivision in the City of Brookings, Curry County, Oregon approved November 7, 1951 and recorded in Plat Book 1 at Page 31, Official Record of Town Plats in the office of the County Clerk of Curry County, Oregon; thence East along the South boundary line of said Lot 5 of Iowa Tract to the Southwest (SW) corner of Lot 8 of said Iowa Tract, thence East along the South boundary line of said Lot 8 of Iowa Tract to the Southwest corner of Lot 9 of said Iowa Tract; thence East along the South boundary line of said Lot 9 of said Iowa Tract a distance of 30 feet to a point on the South boundary line of said Lot 9 of said Iowa Tract; thence due South a distance of 25 feet to a point; thence West along a line which is 25 feet from and parallel to the South boundary line of Lots 9, 8 and 5 of said Iowa Tract to a point on the Easterly right of way line of Tanbark Road (a street in said City of Brookings); thence North along the East side of said way line of said Tanbark Road a distance of 25 feet to the point of beginning.

TO HAVE AND TO HOLD the said easement of access, ingress and egress unto the Grantees, their heirs and assigns, perpetually; however, the Grantors are giving and granting said easement, notwithstanding said consideration, as a courtesy to the Grantees and, therefore, this grant and conveyance of said easement is made without any warranty on the part of the Grantors and the Grantors assume no responsibility on account thereof and shall not in any way, now or hereafter, be liable to the Grantees, their heirs or assigns, under or by reason of this grant and conveyance of said easement.

Granters do hereby covenant that in consideration of the granting to them of this covenant that they will restrict their use of said Lots 8 and 9 to single family dwelling purposes with not more than one dwelling house located upon each lot and will cause this said restriction to be placed in any deed of conveyance hereinafter made by granters herein.

WITNESS our hands and seals this 8 day of

April, 1960.

John J. Connors, Jr.  
John J. Connors, Jr.

Dolores L. Connors  
Dolores L. Connors

STATE OF OREGON }  
County of Curry } CB.

BE IT REMEMBERED, that on this 8 day of April, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named JOHN J. CONNORS, JR., and DOLORES L. CONNORS, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

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

Marianne Rendahl  
Notary Public for Oregon

My Commission expires: June 9, 1962



RECORDED: April 13, 1960  
Olga A. Walker, County Clerk, 11:50a  
CURRY COUNTY, ORE. BY [Signature]