
NOTICE OF DECISION

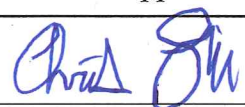
Case File: T2-2018-11080
Permit: Lot of Record Verification
Applicant: Edward Trompke **Owners:** James Ellis & Marjorie Turner
Location: 35611 SE MacInnes Rd., Corbett
Tax Lot 300, Section 03, Township 1 South, Range 4 East, W.M.
Alternate Account #R994030210 Property ID #R341208
Zoning: Exclusive Farm Use (EFU) / Rural Residential (RR)
Overlays: None
Proposal Summary: Applicant requests a Lot of Record Verification for Tax Lot 300, Section 03, Township 1 South, Range 4 East.

Determination: The property known as 35611 SE MacInnes Rd. (1S4E03 – 00300) is not a Lot of Record in its current configuration.

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, April 22, 2019 at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at chris.liu@multco.us

Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

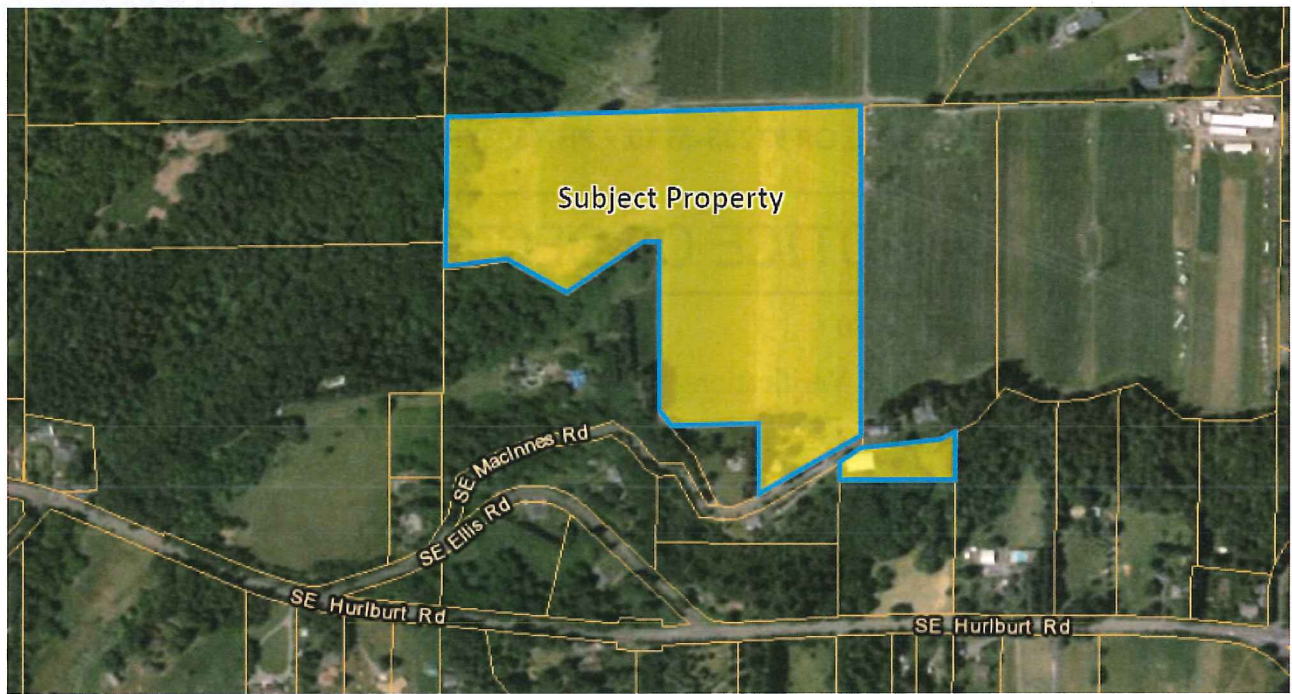
Issued By: 
Chris Liu, Assistant Planner

For: Michael Cerbone, AICP
Planning Director

Date: Monday, April 8, 2019

Vicinity Map

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Applicable Approval Criteria: Multnomah County Code (MCC): MCC 35.0005 Definitions - Lot of Record, MCC 35.2675 Lot of Record – Exclusive Farm Use (EFU), MCC 35.3170 – Rural Residential (RR), and MCC 37.0560 Code Compliance and Applications

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or by visiting our website at multco.us/landuse/zoning-codes under the link Chapter 35: East of the Sandy River Rural Plan Area and Chapter 37: Administration and Procedures.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 PROJECT DESCRIPTION:

Staff: The applicant requests that the County verify the Lot of Record status on the existing 23.72+/- acre property known as 35611 SE MacInnes Road, Corbett (1S4E03 – 00300) in the East of Sandy River Rural Area.

2.0 PROPERTY DESCRIPTION & HISTORY:

Staff: The subject property is located in east Multnomah County outside the Metro Urban Growth Boundary and outside the National Scenic Area. The subject property is split-zoned with the portion of the property north of MacInnes Road being in the Exclusive Farm Use (EFU) zone and the southern portion of the property zoned Rural Residential (RR). Oxbow Regional Park and the Sandy River are approximately ½ mile south and west of the subject property.

Tax Records indicate the subject property contains a house constructed in 1930 and an accessory building constructed in 1951. These structures pre-date building permit requirements.

3.0 CODE COMPLIANCE AND APPLICATIONS:

MCC 37.0560: Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

Staff: The subject property does not have any associated active code compliance cases. There are no known compliance issues on the property currently. This land use decision will determine the Lot of Record status of the subject property only. Criteria met.

4.0 LOT OF RECORD CRITERIA:

4.1 MCC 35.0005: Definitions - Lot of Record - Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 35.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

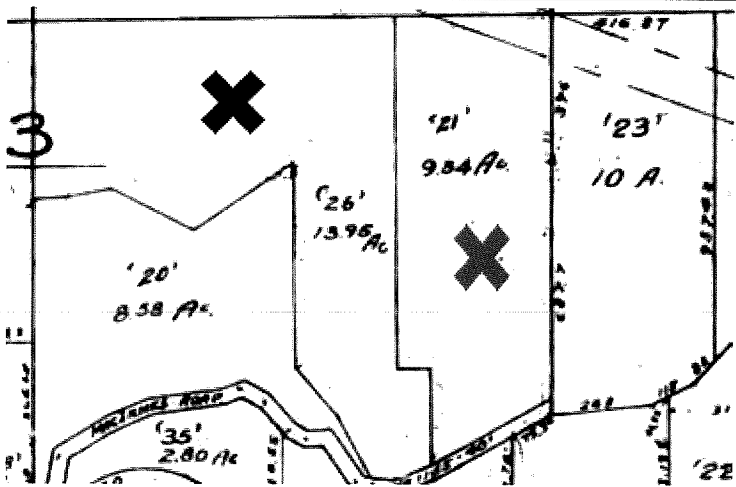
1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or

3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

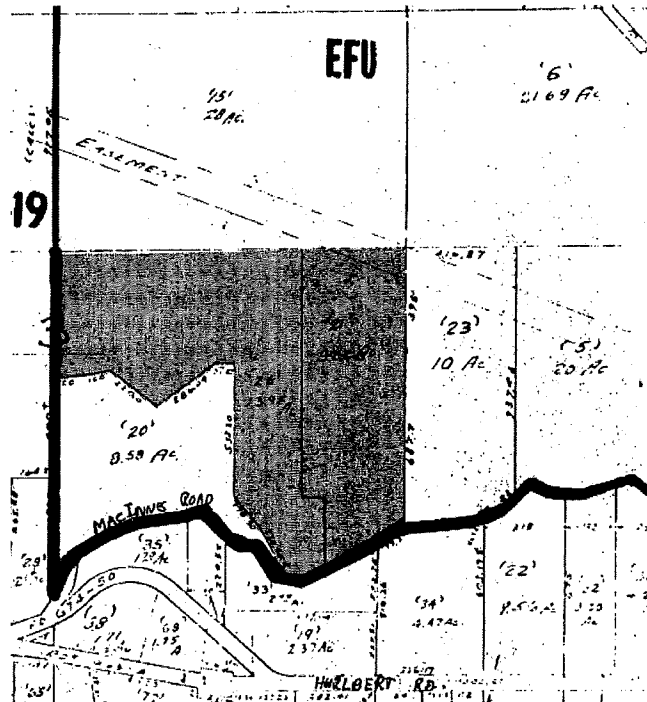
(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

Staff: The applicant submitted various documents to support the Lot of Record Verification application (Exhibit A.1 – A.11). The information below summarizes the information provided by the applicant as well as information from staff research (Exhibit B.2 – B.17)

Year	Zoning	Existing Configurations – Separate Units of Land Denoted by Black ‘X’ and Gray ‘X’
1962–2018	F2: 1962-1977 MUA-20: 1977-1980 EFU: 1980 to Present	 <p>Image: 1962 County Tax Assessor Map</p>

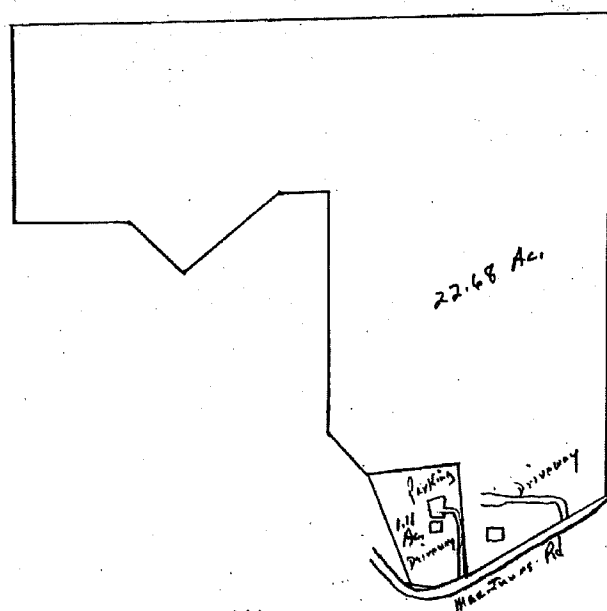
- i. From 1962 to December 8, 1975, the zoning for the subject property was ‘F2’ with a 2 acre minimum lot size. On December 9, 1975, the minimum lot size for the subject property increased to 20 acres under the ‘F2’ zoning regulations.
- ii. On October 6, 1977, the zoning for the subject property changed from ‘F2’ to ‘MUA-20’ (Exhibit B.5). The lot size remained at 20 acres.
- iii. On August 13, 1980, the zoning for the subject property changed from ‘MUA-20’ to ‘EFU’ (Exhibit B.7). This change increased the minimum lot size from 20 acres to 38 acres and instituted the aggregation requirement for contiguous EFU zoned properties under the same ownership and under 19 acres in size (Exhibit B.8).
- iv. In the mid-90’s, the minimum lot size for the EFU zone went from 38 to 80 acres to create a new parcel.

In the land use cases LD 3-81/CU 4-81, it stated that tax lot '21' and '26' were legal parcels that existed as shown below since the 1940s.



The parcel contained in tax lot '26' was 13.95 acres and tax lot '21' contained a 9.84 acre parcel. Both tax lot '21' and '26' each contained a single family dwelling which were established prior to the County implementing zoning regulations in 1955. Based upon the staff report and hearings officer's decision, both tax lot '26' and '21' were aggregated as a single lot of record (Exhibit B.9)

In 1981, the County approved a joint land use application for these two tax lots ('26' and '21'). Land Division 3-81 (LD 3-81) and Conditional Use 4-81(Exhibit B.9 for full land use decision) tentatively approved a "two-lot land division" to reconfigure the two parcels as shown below:



Auth Ellis Smith

Tax lot '21' was approved to increase from a 9.85 acres to a 22.68 acre parcel. Tax lot '26' was approved to decrease in size from 13.95 acres to 1.11 acre parcel. This reduction of tax lot '26' below the minimum lot size was accomplished by approving a "Non-Resource dwelling" through a conditional use process (CU 4-81) and the use of the code section "3.104.3 Lot Size for Conditional Uses" to allow a parcel less than the EFU minimum lot size of 38 acre which was in effect at the time.

Land use case LD 3-81/CU 4-81, was essentially a property line adjustment that reconfigured tax lot '21' into a larger unit of land (currently "tax lot 1S4E03 - 00300") and reduced tax lot '26' into a smaller unit of land with no new lots being created. In addition to the land division, CU 4-81 allowed the dwelling on tax lot '26' to be broken off from the original aggregated parcels as a non-resource related dwelling.

The joint decision, LD 3-81/CU 4-81 included two conditions of approval, which required the recording of a "partition map" and the recording of a deed restriction (Exhibit B.9). The specific language in the conditions are as follows:

Condition 1.. Within one year of the date this decision becomes final, the applicant shall record a final partition map evidencing the proposed division. Prior to filing such map, the applicant shall submit it to the Land Development section for review and approval as a Type III Land Division in accordance with the requirements of section 1.5 of Ord. 174 (contact Irv. Ewen or Gary Clifford for assistance at 248.3043).

Condition 2.. Prior to approval of the final partition map the applicant shall record the deed restriction required by section 3.113.3. C 25 of Ord. No. 100, despite the zoning of the subject site as EFU.

In addition to the conditions of approval listed above, the land division needed to follow and meet the code provisions in the Land Division ordinance. Condition 1 references the newly adopted Ordinance 174 (Exhibit B.12) but references the old code citation "section 1.5". Planning staff utilizing Ordinance 174 would have reviewed the final partition map under the provisions starting at MCC 11.45.690 through MCC 11.45.750. In addition to the final partition map, the applicant was required under MCC 11.45.720(C) and (F) to provide a copy of any deed restrictions applicable to the partition and the metes and bounds description of each parcel being created.

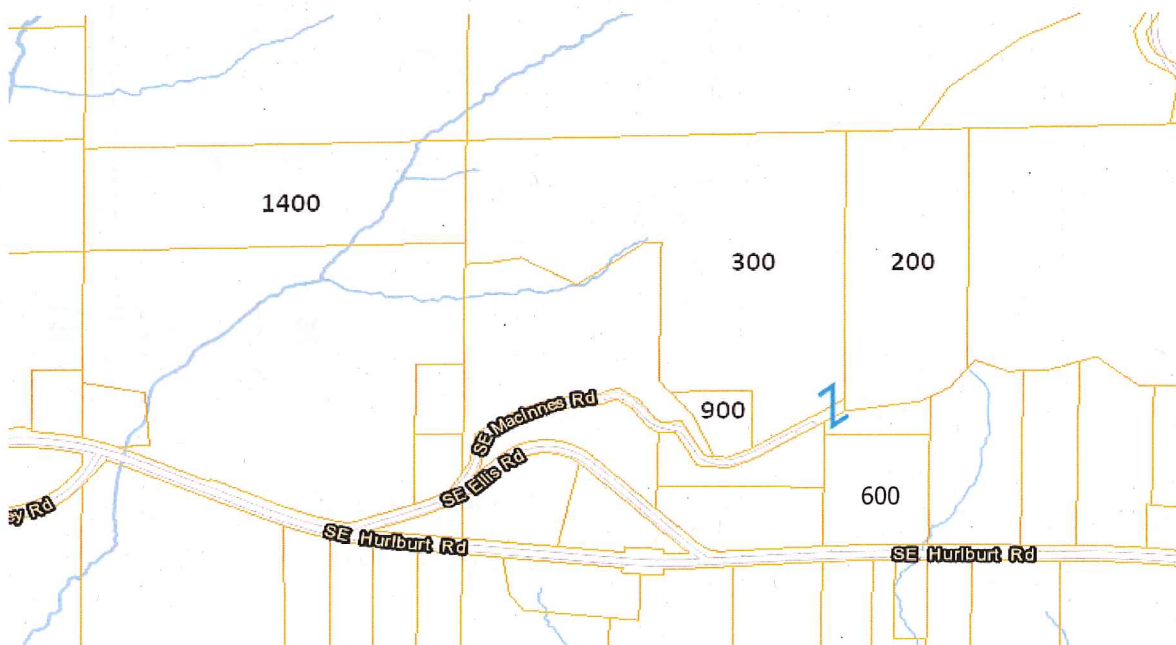
MCC 11.45.750 outlined the steps for finalizing a partition (Exhibit B.14). MCC 11.45.750 states **"Final approval effective. The approval process for a subdivision shall become final upon the recording the approved subdivision plat, under subsection (1) of ORS 92.120, and for a partition, upon the recording of the approved partition map, any required street dedications and other required documents with the Recording Section of the Department of Administrative Services."** [Staff underline and italicized for emphasis]. Further, MCC 11.45.420 states "Time limit. The final subdivision plat or final partition map shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan..."

Planning staff found evidence in the LD 3-81/CU 4-81 case file and on the County Surveyor's website that Survey #45542 was recorded in April 1981 (Exhibit B.11). The survey was labeled Partition Map LD 3-81 and was signed by R.K. Baker for the Land Development Section. Also in the case file, LD3-81/CU 4-81, planning staff finds two approved legal descriptions (Exhibit B.15 and B.16) and a signed Conditions and Restrictions covenant (Exhibit B.17). Just the recording of Partition Map LD 3-81 (Survey #45542) did not reconfigure the original tax lot '26' or tax lot '21' as the document was not a plat. The approved legal descriptions needed to be recorded as part of a deed for the new units of land (parcels) to be created by the metes and bound descriptions. The time limit to record the new deeds appears to be 1 year from the date of the approval of the tentative plan per MCC 11.45.420.

The first legal description in case file LD 3-81/CU 4-81 is labeled Parcel I and describes the 48,225 sq. ft. (1.11 acre) parcel to be created (currently known as tax lot 1S4E03D – 00900). The second legal description is labeled Parcel II and describes a 992,845 sq. ft. (22.79 acre) parcel to be created which is now known as tax lot 1S4E03 – 00300. There is no evidence in the case file LD 3-81/CU 4-81 which shows that these two documents were recorded.

The legal descriptions stamped approved in the case file were not in recordable form as there was no deed instruments with them (Exhibits B.15 and B.16). The covenant in the file does appear to be in recordable form, but there is no evidence that it was recorded (Exhibit B.17). The applicant has not provided evidence that the covenant required in Condition 2 was recorded. Without the covenant being recorded, Condition 2 would not have been met in a timely fashion. As described in MCC 11.45.420, the time limit to record any condition included with the approval of the tentative plan was 1 year. Further, per MCC 37.0691, all land use decisions authorized prior to January 1, 2001 expired on January 1, 2003 unless a different timeframe was specifically included in the decision.

The applicant provided title reports for 1S4E03 – 00300 (TL 300), 1S4E03B -01400 (TL 1400), and 1S4E03 – 00200 (TL 200). The map below identifies the tax lots to assist the reader in understanding the situation.



The applicant did not provide a title report for tax lot 1S4E03D - 00900 (TL 900) which may have provided documentation that the covenant has been recorded or that the legal description for Parcel I was recorded in a timely fashion. Planning staff obtained and reviewed the parcel record card (tax lot descriptions) for tax lot 900 and found that the first deed utilizing the new legal description for Parcel I appears to have been recorded on July 24, 1991 (Exhibit B.10). Staff did not find a corresponding 1991 deed for Parcel II. The 1991 deed without a corresponding deed for Parcel II would have illegally divided the original tax lot '26' (13.95 acres) into a 1.11 acre unit of land and a 12.84 acre unit of land. As the 1991 deed was recorded ten years after the land division approval, it does not appear to be timely filed in compliance with Condition 1.

The title report for tax lot 300 did not include evidence that the deed restriction for LD 3-81 / CU 4-81 was recorded. The Title Report for tax lot 300 includes a number of deeds that describe land to the south of SE MacInnes Road. These legal descriptions describe tax lot 1S4E03D -00600 (TL 600) prior to the adjustment application with tax lot 300 in the year 2005 (Exhibit A.7). The first deed that describes Parcel II from the Partition Map LD 3-81 was recorded on March 15, 2001 as a correction deed (Exhibit A.7). Planning staff did not find the new legal description being used prior to that date. As the 2001 deed was recorded twenty years after the land division approval, it does not appear to be timely filed in compliance with Condition 1.

Based on the above information, case LD 3-81 & CU 4-81 expired due to a failure to meet the required conditions of approval within the allotted timeframe. Both Parcel I (tax lot 900) and Parcel II (tax lot 300) do not meet the definition of a Parcel as defined in MCC 35.0005 Definitions.

4.2 Discussion of the Property Line Adjustment T2-05-065 relating to this Verification

Year	Zoning	Existing Configurations – Separate Units of Land Denoted by Black 'X' and Gray 'X'
2005 - present	EFU	<p>Image: Survey Record #60048</p>

On August 3, 2005, the County approved a property line adjustment (PLA) (land use case #T2-05-065) (Exhibit B.2) between tax lot 300 and an adjacent lot ("tax lot 600") in the Rural Residential "RR" zone. The County found tax lot 300 was a Lot of Record based upon the case file LD 3-81 and the belief that it was timely filed.

Property Line Adjustment, T2-05-065 had four Conditions of approval. They are as follows:

1. **The property owner, or representatives thereof, shall complete the adjustment pursuant to the attached "Applicant's Instructions for Finishing a Property Line Adjustment," and "Surveyor's Instructions for Finishing a Property Line Adjustment" included as Exhibits S.4 and S.5 respectively. This will entail survey and monumentation of the new lot line by a registered surveyor and verification by survey of the location of the existing dwellings and other structures in relation to lot lines as required by MCC 35.7970(C).**
2. **Parcel 1, (35611 SE MacInnes Road) shall only be eligible for one primary dwelling. The addition of Rural Residential zoned property to the EFU zoned parcel shall not be construed as containing an extra dwelling right. Prior to final approval of the legal descriptions and survey, *the applicant shall record a restrictive covenant against the deed to the property stating that the parcel is permitted to have only one primary dwelling unit.* (MCC 35.2670) [Staff italicized for emphasis]**
3. **After the surveyor has prepared the legal descriptions and final map, call planner Tammy Boren-King (503-988-3043) to schedule an appointment for final approval of the legal descriptions and survey. Bring a copy of the recorded restrictive covenant required by Condition 2, three copies of the final map and three copies of the legal descriptions for the subject property line adjustment to this meeting.**
4. **After final approval of the final map and legal descriptions has been granted, *finalize the property line adjustment through the recording of a conveyance conforming to the approved configuration as described in the Applicant's Instructions included as Exhibit 14.*** [Staff italicized for emphasis]

The property line adjustment decision clearly states the following as part of the Scope of Approval:

2. **Pursuant to MCC 37.0690, *this land use permit expires two years from the date the decision is final* if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) *final survey, plat, or other documents have not been recorded*, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.** [Staff italicized for emphasis]

PROPERTY LINE ADJUSTMENT SURVEY

PARCEL 1 (100.00 ACRES)

PARCEL 2 (100.00 ACRES)

PROPERTY LINE ADJUSTMENT SURVEY

DATE: 10/10/2007

SURVEYOR: JAMES R. ELLIS, JR.

CONTACT: JAMES R. ELLIS, JR., 1500 N. 15TH ST., SUITE 100, DENVER, CO 80202

TEL: 303-733-8880 FAX: 303-733-8881

PROJECT NO: 2007-130961

DATE: 10/10/2007

SCALE: 1" = 200'

2007-130961

PROPERTY LINE ADJUSTMENT SURVEY

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PROJECT NO: 2007-130961

DATE: 10/10/2007

SCALE: 1" = 200'

2007-130961

In addition to failing to record the deeds with new legal descriptions in a timely fashion, the applicant has not demonstrated that Condition 2 was met in a timely fashion. Staff requested a copy of the recorded covenant in the Incomplete Letter (Exhibit C.1) sent to the applicant on November 28, 2018. The applicant provided a restrictive covenant recorded on December 28, 2018 in document #2018-133187, which states “This Restrictive Covenant is imposed in fulfillment of Condition of Approval 2 of the approved Property Line Adjustment, Multnomah County Land Use Case File No. T2-05-065, dated July 20, 2005. As such it shall burden the Property effective as of August 1, 2005...” (Exhibit A.11). The applicant at the time failed to meet the conditions of approval for T2-05-065 and the permit expired.

4.3 Exclusive Farm Use (EFU) Lot of Record Criteria

MCC 35.2675: Lot of Record –

(A) In addition to the Lot of Record definition standards in MCC 35.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

*** * ***

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, SRC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) Exception to the standards of (A)(2) above:

(a) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

Staff: As shown in Exhibit B.3, per 1989-1991 County tax rolls Ms. Ruth Ellis was a listed property owner for the subject parcel 1S4E03-00300 (“tax lot 300”), a contiguous 12.0-acre parcel 1S4E03B-01400 (“tax lot 1400”), and 1S4E03D-00900 (“tax lot 900”).

The applicant provided a chain of title for both tax lot 300 (Exhibit A.7), 1400 (Exhibit A.8), and 200 (Exhibit A.9); Exhibit B.4 summarizes this information. Documents of note include:

- i. A Special Warranty Deed recorded on January 22, 1986 in Book 1880, Page 723, supports the tax roll information indicating that Ruth Ellis owned tax lot 300.

- ii. A Warranty Deed recorded on January 15, 1980 in Book 1412, Page 1311 transferred a ½ interest (except for reserving a living estate) of tax lot 1400 from Ruth M. Ellis Smith to Marjorie Turner.
- iii. A Warranty Deed recorded on January 15, 1980 in Book 1312, Page 1316 conveyed the remaining ½ interest (except for reserving a living estate) of tax lot 1400 from Ruth M. Ellis Smith to Marjorie Turner.

As noted in 'ii' and 'iii' above, the submitted deed information appears to show that Marjorie Turner obtained the 'full' future interest in tax lot 1400. However, Ruth M. Ellis Smith maintained a greater than possessory interest via a living estate for the subject property. Given Ruth M. Ellis Smith maintained her ownership interest until her death in 2003, her ownership interest did not transfer to Marjorie Turner until that time. Therefore, tax lot 1400 and tax lot 300 were in the same ownership on February 20, 1990 through Ruth M. Ellis Smith.

As noted in section 5.1 above, due to the expiration of case LD 3-81/CU 4-81 and PLA T2-05-065, the current legal configuration for the land contained in tax lot 300 would be two parcels: 13.95 acre parcel (original TL '26') and a 9.84 acre parcel (originally TL '21') that are aggregated together with two houses. Once they have been returned to their original configuration, ownership would need to be corrected or clarified. *Based on the information in the record, Ruth M. Ellis Smith owned both of the original tax lots '26' and '21' on February 20, 1990 (Exhibit B.4); hence, it appears that the original tax lot '26', original tax lot '21', and tax lot 1400 aggregate to form a single Lot of Record.*

4.4 MCC 35.2675: Lot of Record -

(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

* * *

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 35.2690 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(D) The following shall not be deemed a Lot of Record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest;**
- (3) A Mortgage Lot.**
- (4) An area of land created by court decree.**

Staff: MCC 35.2675(B), (C), and (D) do not affect the outcome of this Lot of Record Verification.

4.5 Lot of Record – Rural Residential (RR) Zone

MCC 35.3170: Lot of Record -

(A) In addition to the Lot of Record definition standards in MCC 35.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

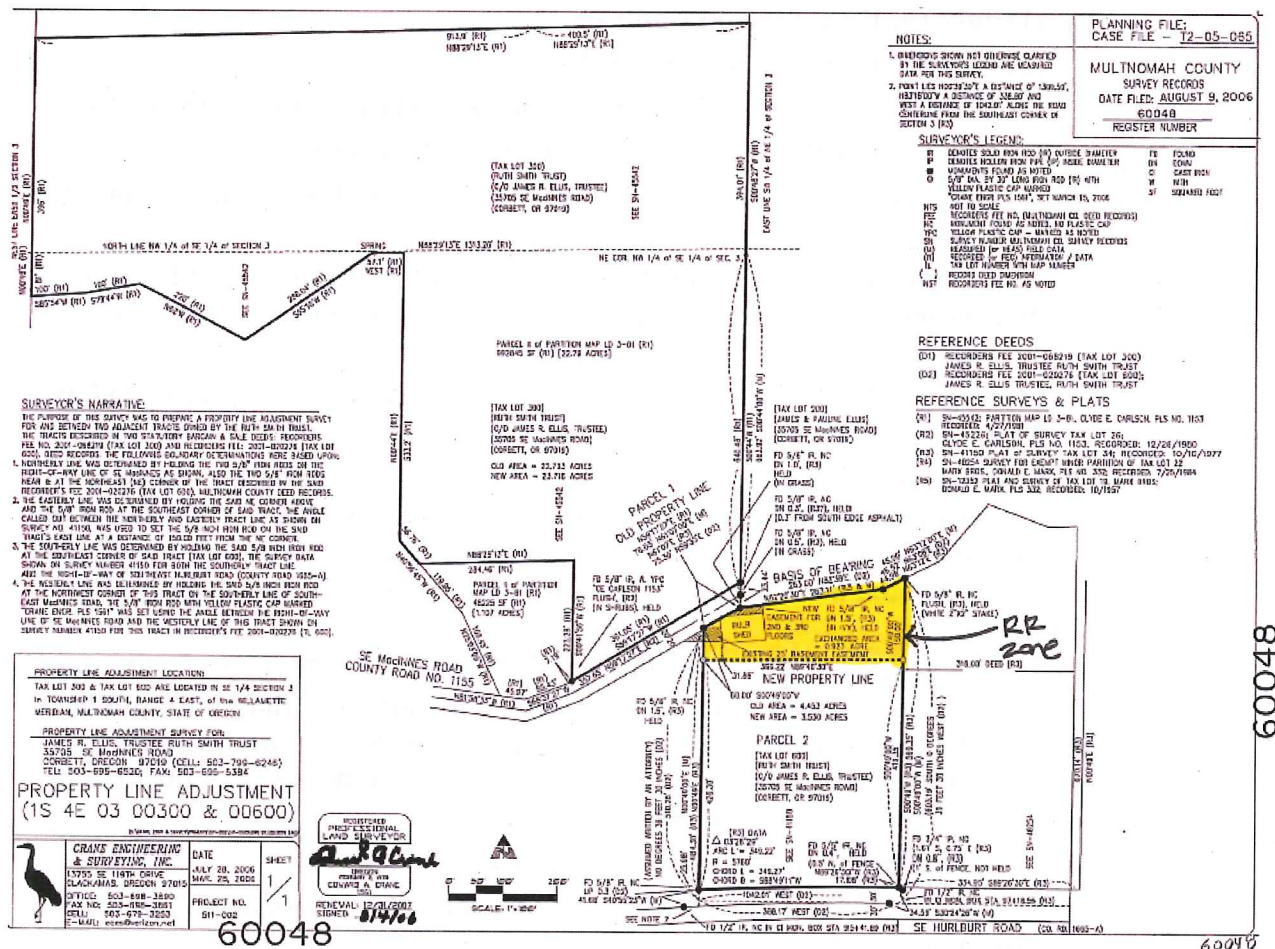
(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 35.3185, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 35.3160, 35.3175, and 35.4300 through 35.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

Staff: The current tax lot 300 contains a small piece of land south of MacInnes Road which is zoned Rural Residential (RR). This piece of land was unlawfully broken off of tax lot 600 in 2007 (Exhibit A.5) prior to the expiration of T2-05-065 property line adjustment. In 2009 (Exhibit A.6), a deed was recorded consolidating this RR zoned piece of land with the land to the north of MacInnes Road to make a 23.72 acre tax lot. While this land transfer was approved in T2-05-065, the property line adjustment expired on August 3, 2007 when the conditions of approval had not been met and all required deeds were not recorded. This small piece of Rural Residential land could return to its original parent parcel 1S4E03D – 00600 or other actions taken in an attempt to legalize it. *The portion of tax lot 300 that is south of MacInnes Road and zoned Rural Residential is not a Lot of Record.*



5.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits

All exhibits are available for review in Case File T2-2018-11080 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	10.30.2018
A.2	2	Copy of Property Line Adjustment Survey from 2006	10.30.2018
A.3	12	Notice of Decision for land use case #T2-05-065	10.30.2018
A.4	3	Warranty Deed Instrument #2005-169023 recorded September 6, 2005	10.30.2018
A.5	3	Warranty Deed Instrument #2007-130961 recorded July 20, 2007	10.30.2018
A.6	5	Bargain & Sale Deed Instrument # 2009-177561	10.30.2018
A.7	36	Title Report by Chicago Title for Tax Lot 300	10.30.2018

		<ul style="list-style-type: none"> i. Warranty Deed Book 1880, Page 723 recorded Jan 22, 1986 (1 Page) i. Warranty Deed Instrument #2001-020276 recorded February 13, 2001 (2 pages) ii. Warranty Deed Instrument #2000-142450 recorded October 13, 2000 (5 pages) iii. Warranty Deed Instrument #2000-142451 recorded October 13, 2000 (4 pages) iv. Warranty Deed Instrument #2001-034730 recorded March 15, 2001 (5 pages) v. Warranty Deed Instrument #2001-068219 recorded May 10, 2001 (6 pages) 	
A.8	21	Title Report by Chicago Title for Tax Lot 1400 <ul style="list-style-type: none"> i. Quit Claim Deed Instrument #2009-054133 recorded April 22, 2009 (4 pages) ii. Warranty Deed Book 1412, Page 1311 recorded on January 15, 1980 (1 page) iii. Warranty Deed Instrument #2000-142447 recorded on October 13, 2000 (1 page) iv. Quit Claim Deed Instrument #2009-046448 recorded on April 8, 2009 (2 pages) v. Warranty Deed Book 1412, Page 1316 recorded on January 15, 1980 (2 pages) 	10.30.2018
A.9	15	Title Report by Chicago Title for Tax Lot 200 <ul style="list-style-type: none"> i. Warranty Deed Book 1412, Page 1312 recorded on January 15, 1980 (3 pages) ii. Warranty Deed Book 1412, Page 1315 recorded on January 15, 1980 (1 page) iii. Quitclaim Deed Book 1445, Page 1539 recorded on June 3, 1980 (1 page) iv. Quitclaim Deed Book 1509, Page 503 recorded on March 12, 1981 (1 page) 	10.30.2018
A.10	2	Letter of authorization from second property owner	11.7.2018
A.11	5	Restrictive Covenant recorded via instrument #2018-133187 (recorded 12/28/2018)	1.2.2019
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information	10.30.2018
B.2	3	Copy of p. 1 – 3 of the Notice of Decision for case #T2-05-065	1.2.2019
B.3	1	Map of Adjacent Parcels and Owners from 1989-1991	1.2.2019
B.4	1	Summary of Chain of Title Information from Exhibit A.7 & A.8	1.2.2019
B.5	1	October 6, 1977 County Tax Map for 1S4E03	1.2.2019
B.6	7	March 6, 1979 Zoning Ordinance 100 as Amended	1.2.2019
B.7	1	August 14, 1980 County Tax Map for 1S4E03	1.2.2019

B.8	10	March 23, 1982 Zoning Code MCC Ch. 11.15	1.2.2019
B.9	7	Copy of the Notice of Decision from case #LD-3-81/CU4-81	1.2.2019
B.10	2	Parcel Record Card for Tax Lot 900 (1S4E03D-00900)	1.2.2019
B.11	1	Survey Map record #45542	1.2.2019
B.12	38	Land Division Regulations effective 10.19.1978 to 1.1981	3.25.2019
B.13	46	CU 4-81 Case File (Application submitted 12.16.1980)	3.25.2019
B.14	44	Land Division Regulations effective 1.1981 to 1.26.1994	3.25.2019
B.15	1	Legal Description for Parcel 1 from case LD 3-81	3.25.2019
B.16	1	Legal Description for Parcel 2 from case LD 3-81	3.25.2019
B.17	2	Unrecorded Conditions and Restrictions Covenant from case LD 3-81	3.25.2019
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	11.28.2018
C.2	1	Applicant's Response	12.19.2018
C.3	1	Complete Letter (Day 1)	1.8.2018
C.4	2	Opportunity to Comment	1.10.2018
C.5	16	Administrative Decision	4.8.2019