



PROPERTY LINE ADJUSTMENT

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER: PLA-24-005

Date Received: 3/21/24 Receipt #: 248025 Received by: C. Carr

This application shall be filled out electronically. If you need assistance please contact staff. If the fee is not included the application will not be processed. (If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) CUNNINGHAM, KEVIN D. & DELICIA A.

Mailing address: 68155 Ridge Road

Phone: (541) 297-4797 Email: deliciacunningham14@gmail.com

Township: 24S Range: 13W Section: 24 1/4 Section: B 1/16 Section: Select Tax lot: 600

Tax Account Number(s): 179102 Zone: Select Zone Rural Residential-2 (RR-2)

Acreage Prior to Adjustment: 2.10 Acreage After the Adjustment 2.10

B. Land Owner(s) KISSINGER, KERRY & JACQUELINE

Mailing address: 68131 Ridge Road

Phone: (206) 384-5177 Email: kerrykissinger@gmail.com

Township: 24S Range: 13W Section: 24 1/4 Section: B 1/16 Section: Select Tax lot: 4500

Tax Account Number(s) 179300 Zone Rural Residential-2 (RR-2)

Acreage Prior to Adjustment: 1.26 Acreage After the Adjustment 1.26

C. Surveyor Stephan Stys

Mailing Address P.O Box 778

Phone #: 541-294-6915 Email: stephan@estabrooklandsurveying.com

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: Map Information Or Account Information

Submittal Requirements:

An application for a line adjustment or elimination shall be filed by the owners of all units of land affected. The application shall be accompanied by an appropriate fee and contain the following information:

- a. A property line adjustment must include a tentative map drawn on 8 ½" x 11" or 11" x 17" size paper. The map shall contain the following information:
 - i. North arrow and Scale – The property boundaries and any other required detail shall be provided to scale.
 - ii. Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be shown on separate sheets of paper as before and after maps and shall contain acreage before an after adjustments.
 - iii. Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.
 - iv. Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.
 - v. Location of on-site wastewater treatment systems or name of sanitary sewer district. This includes drain field and repair areas. All on-site wastewater improvements are to remain on the same unit of land as the structure it is serving.
 - vi. Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit
 - vii. Existing structures and the distance from each structure to the existing and proposed property lines. Setbacks for all structures within 50 feet of the proposed property line (130 feet if property is zoned Forest or Forest Mixed Use) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.
- b. A preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.
- c. Evidence to show that the units of land are lawfully created pursuant to Section 6.1 Lawfully Created. If the conformance of the unit of land is unknown, then a Lawfully Created Determination application will be required either prior or in conjunction with a property line adjustment application. If a Lawfully Created Unit of Land Determination is required, then this will be treated as an Administrative Action.
- d. Upon completion of the Property Line Adjustment Review the mapping and filing requirements of Section 6.3.157 shall be followed.


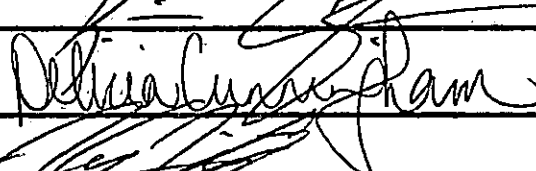
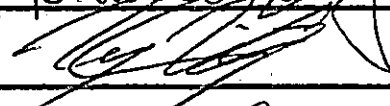
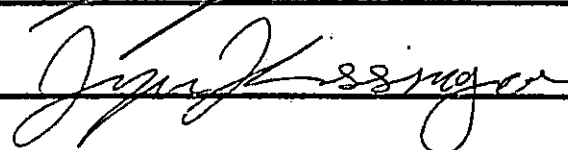
Criteria:

- I. General Criteria - A Property Line Adjustment requires application pursuant to Ministerial Application (Type I) procedures according to Article 5.0, unless otherwise specified by this section. An application for multiple property line adjustments can be made under one application, so long as the deeds are recorded in the correct sequence. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:
 - a. The property line adjustment cannot:
 - i. Create an additional unit of land; or
 - ii. Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions. An example would be if parcels were required to meet a minimum acreage or have an accessory structure and adjustment would remove the primary use or structure.
 - b. All properties affected by the proposed adjustment are legal units of land unless this adjustment is to correct an improperly formed unit of land or to correct an encroachment issue.
 - c. A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:
 - i. One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or
 - ii. Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.
 - d. Split-zoned properties: The adjustment will not create a split-zoned unit of land that does not comply with the standards for creation of a parcel in each zone unless the property owner provides for the recording of a restrictive covenant in the deed records for the subject property that prohibit the property from being partitioned along the zoning boundary until such time as each parcel would comply with the minimum standards for the creation of a unit of land (meeting the criteria for land division) in each zone. If a split-zone unit of land is created, it shall not be used to justify a rezone in the future.
 - e. All required setback for the applicable zoning districts has been mapped as required and comply. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment
2. Resource Zoned Properties: In addition to the General Criteria in subsection 3 the following additional criteria is required to be addressed.
 - a. All property line adjustments that are less than 200 acres (before and after the property line adjustment) are subject to an Administrative Action (Type II Review). If there is no structural development on either unit of land and the purpose of the application is not to qualify for a dwelling then it can be reviewed as a Ministerial Action (Type I).
 - b. A property line adjustment cannot be used to:
 - i. Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or
 - ii. As prohibited by ORS 92.192(4)(a) through (c), in a manner that would:
 1. Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

2. Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling.
3. Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard. Or
4. Allow for change in configuration to qualify for a Forest Template Dwelling. The adjustment may require a template test prior and after any adjustments made after January 1, 2019 at the time a Forest Template Dwelling Application is received.

Acknowledgment Statement: I hereby declare that I am the legal owner of record or an agent having consent of the legal owner of record and I am authorized to obtain land use approvals. The statements within this form and submittal information provided are true and correct to the best of my knowledge and belief. I understand that any authorization for land use approval may be revoked if it is determined that it was issued based on false statements, misrepresentation or in error.

Property Owner Signatures

Kevin Cunningham - 
Delia Cunningham - 
Kerry Kissinger - 
Jacqueline Kissinger - 

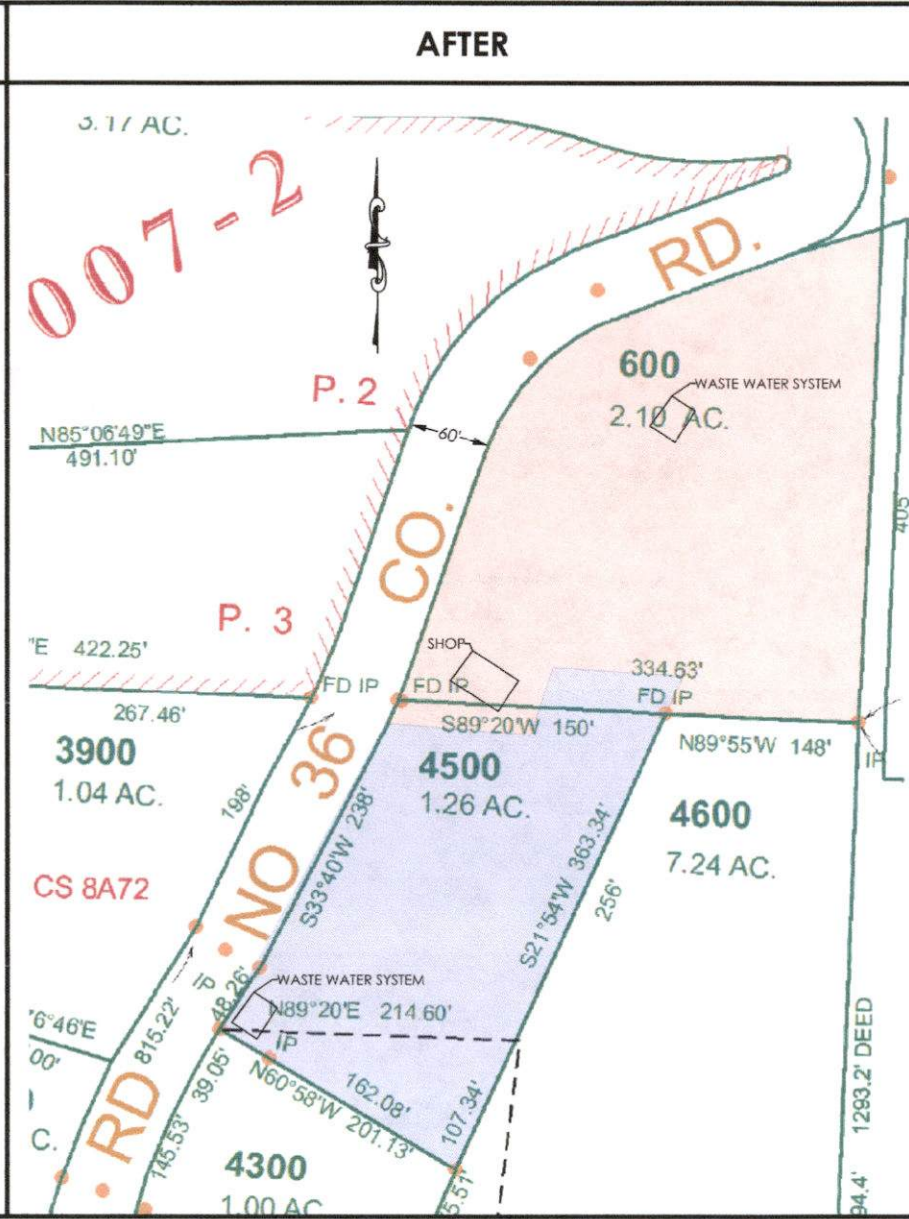
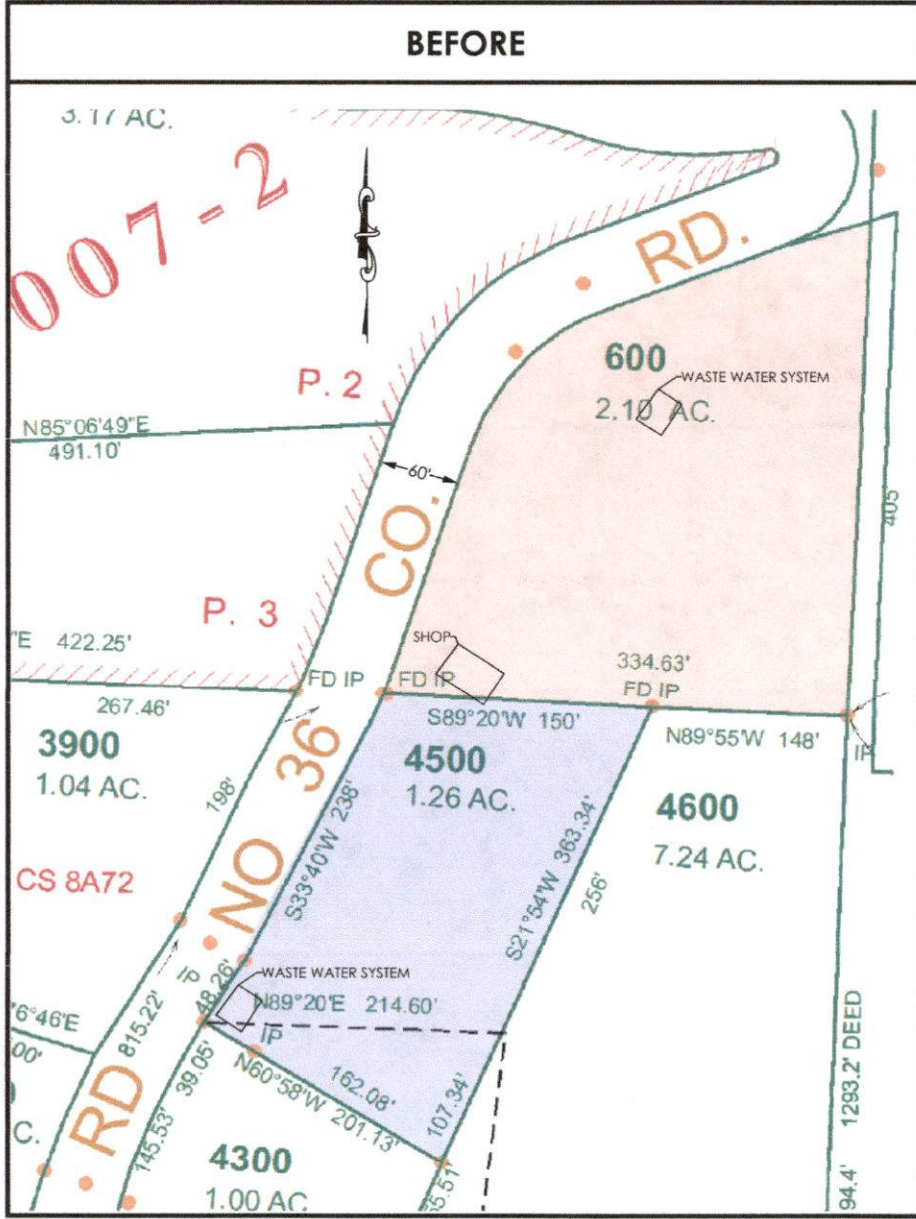


FIGURE	1
TENTATIVE MAP AND PLOT PLAN	24S-13W-24B-600 24S-13W-24B-4500
Drawn By: BAC Date: 2/15/2024	DELICIA CUNNINGHAM PROPERTY LINE ADJUSTMENT



1495 NW Garden Valley Blvd., Roseburg, OR 97471
PHONE (541) 672-6651 FAX (541) 672-5793

STATUS OF RECORD TITLE

FSBO

February 28, 2024
Title Number: 624538AM
Title Officer: Whitney Estes
Fee: \$200.00

Your Reference No.

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

Kerry Kissinger and Jacqueline Kissinger, as Tenants by the Entirety

and dated as of **February 14, 2024** at 7:30 a.m.

Said property is subject to the following on record matters:

1. Taxes assessed under Code No. 1308 Account No. 179300 Map No. 24S1324-B0-04500
The 2023-2024 Taxes: \$528.83, plus interest, unpaid.
2. Mobile Home Taxes assessed under Account No. 174435.
The 2023-2024 Taxes: \$200.96, plus interest, unpaid.
(X-174435)
3. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
4. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: West Coast Power Company
Recorded: April 2, 1940
Instrument No.: Book: 136 Page: 8
5. The Land, as defined in the policy to be issued, does not include any improvement(s) located on the Land which is described or defined as a mobile home (manufactured housing unit) under the provisions of State Law and is subject to registration.
ID Number 174435.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

Order No. 624538AM

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THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

File No. 624538AM

Beginning at a point on the North boundary of the Southeast quarter of the Northwest quarter of Section 24, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon a distance of 143 feet West of the iron pipe at the Northeast corner of said Southeast quarter of the Northwest quarter; thence South $89^{\circ} 20'$ West along said North boundary of the Southeast quarter of the Northwest quarter a distance of 150 feet to a point on the Easterly boundary of the County Road; thence South $33^{\circ} 40'$ West along the County Road boundary 238 feet to the point of beginning of a curve to the left of a 543 foot radius; thence along said curve through a central angle of $5^{\circ} 06'$ for a distance of 48.28 feet to the most Northwesterly corner of parcel conveyed to Don Robert Haylor, Jr. et ux, in deed recorded in Book 303, Page 260, Deed Records of Coos County, Oregon; thence South $60^{\circ} 58'$ East 201.13 feet to the most Southeasterly corner of said parcel; thence North $21^{\circ} 09'$ East 363.34 feet to the point of beginning.



1495 NW Garden Valley Blvd., Roseburg, OR 97471
PHONE (541) 672-6651 FAX (541) 672-5793

STATUS OF RECORD TITLE

FSBO

February 29, 2024
Title Number: 624537AM
Title Officer: Teri Due
Fee: \$200.00

Your Reference No.

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

Kevin D. and Delicia A. Cunningham, as tenants by the entirety

and dated as of **February 14, 2024** at 7:30 a.m.

Said property is subject to the following on record matters:

1. City liens, if any, of the City of North Bend.
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$30.00 per account will be added if a search is requested)
2. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.
3. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: General Telephone Company of the Northwest Inc.
Recorded: March 14, 1973
Instrument No.: [73-3-83071](#)
4. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: Central Lincoln People's Utility District
Recorded: August 23, 1974
Instrument No.: [74-8-103817](#)
5. Notice of Infringement and Grant of Right of Temporary Occupancy, including the terms and provisions thereof,
Recorded: October 24, 1989
Instrument No.: [89-10-1514](#)

6. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:

Amount: \$318,000.00

Trustor/Grantor: Kevin D. Cunningham and Delicia A Cunningham, as tenants by the entirety

Trustee: Aldridge Pite, LLC

Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Guild Mortgage Company LLC

Dated: October 20, 2023

Recorded: October 27, 2023

Instrument No.: [2023-07515](#)

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

Kevin D Cunningham

Delicia A. Cunningham

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EXHIBIT 'A'

File No. 624537AM

A tract of land, situated in the Northeast quarter of the Northwest quarter. Section 24, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, described as follows:
Beginning at the iron pipe at the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 24; thence West along the South line of the Northeast quarter of the Northwest quarter for a distance of 334.63 feet to the center line of a County Road; thence along the center line of said County Road as follows: North 17° 03' East for a distance of 272.92 feet; thence North 41° 48' East for a distance of 64.88 feet; thence North 67° 29' East for a distance of 230 feet, more or less, to the East line of said Northeast quarter of the Northwest quarter of said Section 24; thence along said East line South for a distance of 405 feet, more or less, to the point of beginning.

