



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. VUL20-04
PROPERTY LOCATION:	867 Hawthorne Ave SE, Salem OR 97301
NOTICE MAILING DATE:	November 23, 2020
PROPOSAL SUMMARY:	An application to validate and lawfully establish a unit of land which was unlawfully created through the recording of a deed.
COMMENT PERIOD:	All written comments must be submitted to City Staff no later than 5:00 p.m., Monday, December 7, 2020. Please direct any questions and/or comments about the case to the Case Manager listed below.
CASE MANAGER:	Steven McAtee, Planner II , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2363; E-mail: smcatee@cityofsalem.net
NEIGHBORHOOD ASSOCIATION:	<i>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:</i> South East Salem Neighborhood Association (SESNA), Jeff Leach, Land Use Co-Chair; Phone 503-508-5499; Email: landuse.sesna@gmail.com . Southeast Mill Creek Association (SEMCA), Alan Rasmussen, Land Use Chair; Phone: 503-930-1968; Email: arasmussen@modernbuildingsystems.com .
ACCESS:	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
CRITERIA TO BE CONSIDERED:	Salem Revised Code (SRC) Chapter(s) SRC 205.060 – 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):	Steve Freeburg
APPLICANT(S):	Steve Freeburg
PROPOSAL REQUEST:	An application to validate and lawfully establish a unit of land which was unlawfully created through the recording of a deed in 2001 without receiving required land use approval. The land area is approximately 7.19 acres in size, zoned CR (Retail Commercial), and located at Hawthorne Avenue SE - 97301 (Marion County Assessors Map and Tax Lot Number: 073W36A / 1100).
APPLICATION PROCESS:	<p>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.</p> <p>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.</p>
MORE INFORMATION:	Documents and evidence submitted by the applicant are available for review and paper copies can be obtained at a reasonable cost. You can also find out more information about the status of the proposed application on the City's online Permit Application Center at https://permits.cityofsalem.net . Just enter the permit number listed here: 20 113443

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

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. VUL20-04

PROJECT ADDRESS: 867 Hawthorne Ave SE, Salem OR 97301

AMANDA Application No.: 20-113443-LD

COMMENT PERIOD ENDS: December 7, 2020

SUMMARY: An application to validate and lawfully establish a unit of land which was unlawfully created through the recording of a deed.

REQUEST: An application to validate and lawfully establish a unit of land which was unlawfully created through the recording of a deed in 2001 without receiving required land use approval. The land area is approximately 7.19 acres in size, zoned CR (Retail Commercial), and located at Hawthorne Avenue SE - 97301 (Marion County Assessors Map and Tax Lot Number: 073W36A / 1100).

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 5:00 p.m., Monday, December 7, 2020, will be considered in the decision process. Comments received after this date will be not considered. ****PLEASE NOTE: City offices have very limited staffing due to COVID-19. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.****

CASE MANAGER: Steven McAtee, Planner II, Phone: 503-540-2363; E-Mail: smcatee@cityofsalem.net.

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: _____

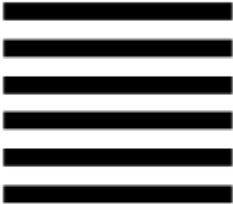
Email: _____

Date: _____

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



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



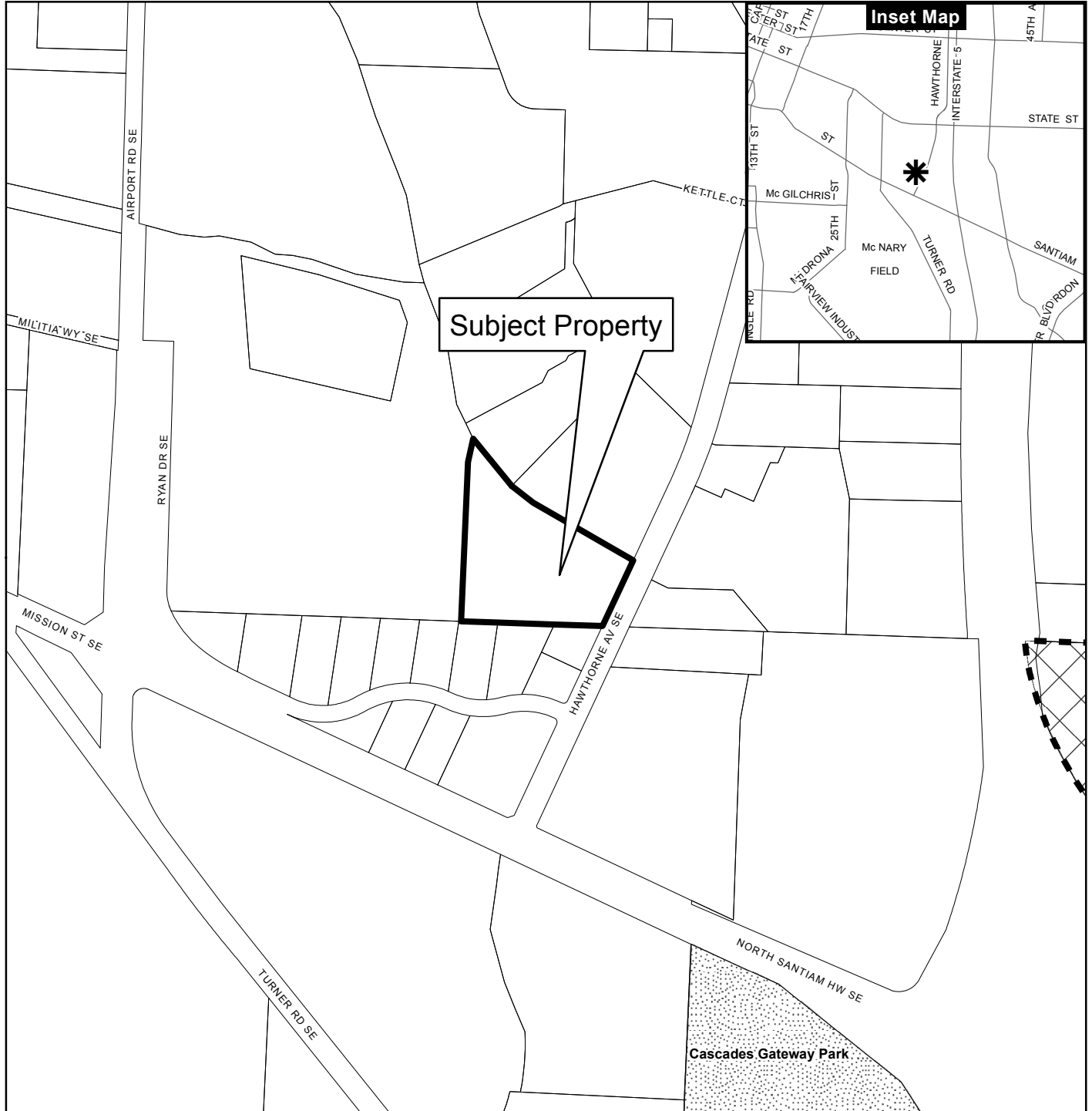
BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 1508 SALEM, OR

POSTAGE WILL BE PAID BY ADDRESSEE








PLANNING DIVISION
CITY OF SALEM RM 305
555 LIBERTY ST SE
SALEM OR 97301-9907



Vicinity Map 867 HAWTHORNE AVE SE



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks


CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

0 100 200 400 Feet



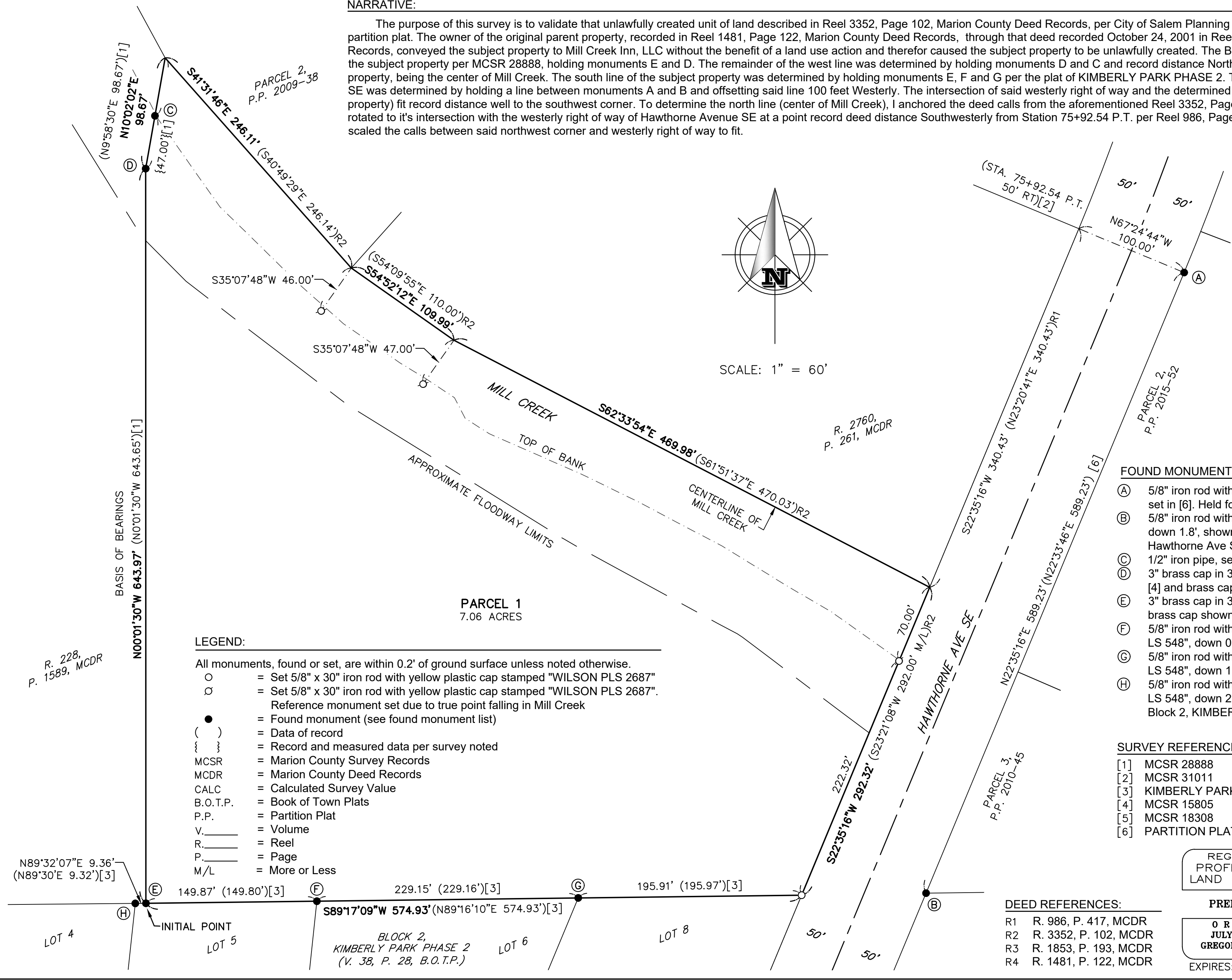
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

PARTITION PLAT NO. _____

LOCATED IN THE N.E. 1/4 OF SECTION 36, T. 7 S., R. 3 W., W.M.,
CITY OF SALEM, MARION COUNTY, OREGON
NOVEMBER 6, 2020

NARRATIVE:

The purpose of this survey is to validate that unlawfully created unit of land described in Reel 3352, Page 102, Marion County Deed Records, per City of Salem Planning Case No. VUL _____, by means of a partition plat. The owner of the original parent property, recorded in Reel 1481, Page 122, Marion County Deed Records, through that deed recorded October 24, 2001 in Reel 1853, Page 193, Marion County Deed Records, conveyed the subject property to Mill Creek Inn, LLC without the benefit of a land use action and therefor caused the subject property to be unlawfully created. The Basis of Bearings used is along the west line of the subject property per MCSR 28888, holding monuments E and D. The remainder of the west line was determined by holding monuments D and C and record distance Northeasterly to the northwest corner of the subject property, being the center of Mill Creek. The south line of the subject property was determined by holding monuments E, F and G per the plat of KIMBERLY PARK PHASE 2. The westerly right of way of Hawthorne Avenue SE was determined by holding a line between monuments A and B and offsetting said line 100 feet Westerly. The intersection of said westerly right of way and the determined south line (the southeast corner of the subject property) fit record distance well to the southwest corner. To determine the north line (center of Mill Creek), I anchored the deed calls from the aforementioned Reel 3352, Page 102, at the calculated northwest corner and rotated to it's intersection with the westerly right of way of Hawthorne Avenue SE at a point record deed distance Southwesterly from Station 75+92.54 P.T. per Reel 986, Page 417, Marion County Deed Records. I then scaled the calls between said northwest corner and westerly right of way to fit.



- FOUND MONUMENT LIST:**
- (A) 5/8" iron rod with yellow plastic cap stamped "QUERY PLS 1653", set in [6]. Held for P.C. easterly right of way of Hawthorne Ave SE.
 - (B) 5/8" iron rod with yellow plastic cap stamped "LANDMARKERS", down 1.8', shown in [6]. Held for easterly right of way of Hawthorne Ave SE.
 - (C) 1/2" iron pipe, set in [1]. Held.
 - (D) 3" brass cap in 3/4" iron pipe, down 0.5'. Shows 1" iron pipe set in [4] and brass cap shown in [1]. Held.
 - (E) 3" brass cap in 3/4" iron pipe. Shows 1" iron pipe set in [4] and brass cap shown in [5]. Held for Initial Point.
 - (F) 5/8" iron rod with yellow plastic cap stamped "S & K, INC LS 447 LS 548", down 0.8', set in [3]. On south line subject property.
 - (G) 5/8" iron rod with yellow plastic cap stamped "S & K, INC LS 447 LS 548", down 1.4', set in [3]. Held for south line subject property.
 - (H) 5/8" iron rod with yellow plastic cap stamped "S & K, INC LS 447 LS 548", down 2.0', set in [3]. Held for northwest corner Lot 5, Block 2, KIMBERLY PARK PHASE 2.

- SURVEY REFERENCES:**
- [1] MCSR 28888
 - [2] MCSR 31011
 - [3] KIMBERLY PARK PHASE 2 (V. 38, P. 28, B.O.T.P.)
 - [4] MCSR 15805
 - [5] MCSR 18308
 - [6] PARTITION PLAT 2010-45

- DEED REFERENCES:**
- R1 R. 986, P. 417, MCDR
 - R2 R. 3352, P. 102, MCDR
 - R3 R. 1853, P. 193, MCDR
 - R4 R. 1481, P. 122, MCDR

- LEGEND:**
- All monuments, found or set, are within 0.2' of ground surface unless noted otherwise.
 - = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687"
 - ⊙ = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687". Reference monument set due to true point falling in Mill Creek
 - = Found monument (see found monument list)
 - () = Data of record
 - { } = Record and measured data per survey noted
 - MCSR = Marion County Survey Records
 - MCDR = Marion County Deed Records
 - CALC = Calculated Survey Value
 - B.O.T.P. = Book of Town Plats
 - P.P. = Partition Plat
 - V. _____ = Volume
 - R. _____ = Reel
 - P. _____ = Page
 - M/L = More or Less

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES: 6/30/2022

**BARKER
SURVEYING**

3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM

PARTITION PLAT NO. _____

LOCATED IN THE N.E. 1/4 OF SECTION 36, T. 7 S., R. 3 W., W.M.,
CITY OF SALEM, MARION COUNTY, OREGON
NOVEMBER 6, 2020

SURVEYOR'S CERTIFICATE:

I, Gregory L. Wilson, a Registered Professional Land Surveyor in Oregon, do hereby depose and say that I did accurately survey and mark with proper monuments the lands represented on the attached map, situated in the northeast one-quarter of Section 36, Township 7 South, Range 3 West of the Willamette Meridian, City of Salem, Marion County, Oregon, being described as follows:

Beginning at the Initial Point of this partition plat, said point being marked by a 3/4-inch iron pipe with 3-inch brass cap found at the southwest corner of that property described in that instrument recorded in Reel 3352, Page 102, Marion County Deed Records, said point bearing North 89°32'07" East 9.36 feet from the northwest corner of Lot 5, Block 2, KIMBERLY PARK PHASE 2, as platted and recorded in Volume 38, Page 28, Book of Town Plats for Marion County, Oregon; and running thence:

North 00°01'30" West 643.97 feet along the west line of said property to a 3/4-inch iron pipe with 3-inch brass cap;

thence North 10°02'02" East 98.67 feet along said west line to the center of Mill Creek;

thence South 41°31'46" East 246.11 feet along said center of Mill Creek to a point which bears North 35°07'48" East 46.00 feet from a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687";

thence South 54°52'12" East 109.99 feet along said center of Mill Creek to a point which bears North 35°52'12" East 47.00 feet from a like iron rod;

thence South 62°33'54" East 469.98 feet along said center of Mill Creek to a point on the westerly right of way of Hawthorne Avenue SE which bears North 22°35'16" East 70.00 feet from a like iron rod;

thence South 22°35'16" West 292.32 feet along said westerly right of way to the northeast corner of Lot 8 in said Block 2, KIMBERLY PARK PHASE 2;

thence South 89°17'09" West 574.93 feet along the north line of said Block 2 to the Point of Beginning, containing 7.06 acres of land, more or less.

Gregory L. Wilson
Registered Professional Land Surveyor No. 2687
License expires June 30, 2022

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES: 6/30/2022

THE WITHIN PLAT IS HEREBY APPROVED:

Planning Administrator, City of Salem Date _____

Salem City Surveyor Date _____

Marion County Assessor Date _____

Taxes and assessments on the above described property as provided by ORS 92.095, have been paid through _____.

Marion County Tax Collector Date _____

STATE OF OREGON
S.S.
COUNTY OF MARION

I do hereby certify that the attached Partition Plat No. _____ was received for recording on the _____ day of _____, 20____, at _____ .m. o'clock and recorded in Record of Partition Plats. Also referenced in Marion County Deed Records in Reel _____, at Page _____.

Bill Burgess, Marion County Clerk

By: _____
Deputy County Clerk

DECLARATION:

Know all people by these presents that PJS Land Development LLC, an Oregon limited liability company, being the owner of the land described in the Surveyor's Certificate hereon made and desiring to dispose of the same in parcels, has caused the same to be partitioned and surveyed as shown on the attached map in accordance with the provisions of O.R.S. Chapter 92.

In witness whereof, I set my hand and seal this _____ day of _____ 20 ____.

PJS Land Development LLC

By: _____
Steven Freeburg, Member

ACKNOWLEDGEMENT:

STATE OF OREGON
S.S.
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Steven Freeburg, as Member of PJS Land Development LLC, an Oregon limited liability company, being the identical person described in the above instrument and who personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes stated therein and without fear or compulsion from anyone.

NOTARY PUBLIC - OREGON

(PRINT NAME)

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

Planning Administration Conditions of Approval pertaining to this Partition Plat are recorded in Reel _____, Page _____, Records for Marion County, Oregon.



3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM