

**MILWAUKIE PLANNING**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503-786-7630  
 planning@milwaukieoregon.gov

Application received on  
 February 1, 2022

# Application for Land Use Action

Master File #: R-2022-001

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Amendment to Maps and/or Ordinances:<br><input type="checkbox"/> Comprehensive Plan Text Amendment<br><input type="checkbox"/> Comprehensive Plan Map Amendment<br><input type="checkbox"/> Zoning Text Amendment<br><input type="checkbox"/> Zoning Map Amendment<br><input type="checkbox"/> Code Interpretation<br><input type="checkbox"/> Community Service Use<br><input type="checkbox"/> Conditional Use<br><input type="checkbox"/> Development Review<br><input type="checkbox"/> Director Determination<br><input type="checkbox"/> Downtown Design Review<br><input type="checkbox"/> Extension to Expiring Approval<br><input type="checkbox"/> Historic Resource:<br><input type="checkbox"/> Alteration<br><input type="checkbox"/> Demolition<br><input type="checkbox"/> Status Designation<br><input type="checkbox"/> Status Deletion | <input checked="" type="checkbox"/> Land Division:<br><input type="checkbox"/> Final Plat<br><input checked="" type="checkbox"/> Lot Consolidation<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Property Line Adjustment<br><input checked="" type="checkbox"/> Replat<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Miscellaneous:<br><input type="checkbox"/> Barbed Wire Fencing<br><input type="checkbox"/> Mixed Use Overlay Review<br><input type="checkbox"/> Modification to Existing Approval<br><input type="checkbox"/> Natural Resource Review**<br><input type="checkbox"/> Nonconforming Use Alteration<br><input type="checkbox"/> Parking:<br><input type="checkbox"/> Quantity Determination<br><input type="checkbox"/> Quantity Modification<br><input type="checkbox"/> Shared Parking<br><input type="checkbox"/> Structured Parking<br><input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:<br><input type="checkbox"/> Accessory Dwelling Unit<br><input type="checkbox"/> Duplex<br><input type="checkbox"/> Manufactured Dwelling Park<br><input type="checkbox"/> Temporary Dwelling Unit<br><input type="checkbox"/> Sign Review<br><input type="checkbox"/> Transportation Facilities Review<br><input type="checkbox"/> Variance:<br><input type="checkbox"/> Use Exception<br><input type="checkbox"/> Variance<br><input type="checkbox"/> Willamette Greenway Review<br><input type="checkbox"/> Other: _____<br><input type="checkbox"/> Use separate application forms for:<br>Annexation and/or Boundary Change<br><ul style="list-style-type: none"> <li>• Compensation for Reduction in Property Value (Measure 37)</li> <li>• Daily Display Sign</li> <li>• Appeal</li> <li>• Appeal</li> </ul> |
|---|--|--|

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **City of Milwaukie - Attn: Joseph Briglio**

Mailing address: **6101 SE Johnson Creek Blvd, Milwaukie** State/Zip: **OR, 97206**

Phone(s): **(503)786-7616** Email: **briglij@milwaukieoregon.gov**

Please note: The information submitted in this application may be subject to public records law.

**APPLICANT'S REPRESENTATIVE** (if different than above): **HHPR, Inc. - Brad Kilby**

Mailing address: **205 SE Spokane Street, Portland** State/Zip: **OR 97202**

Phone(s): **(503)221-1131** Email: **bradk@hhpr.com**

**SITE INFORMATION:**

Address: **10722 SE Main Street, Milwaukie, OR** Map & Tax Lot(s): **11E36BB02500**

Comprehensive Plan Designation: **TC** Zoning: **DMU** Size of property: **.96 Acres**

**PROPOSAL (describe briefly):**

This is a proposal to consolidate lots 1-8 of Block 13 of the plat of "Milwaukie" into two lots.

**SIGNATURE:**

**ATTEST:** I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: **Joseph Briglio, Gen. Dev. Director** Date: **2/1/22**

**IMPORTANT INFORMATION ON REVERSE SIDE**

\*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

**WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION** (excerpted from MMC Subsection 19.1001.6.A):

**Type I, II, III, and IV** applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

**Type V** applications may be initiated by any individual.

**PREAPPLICATION CONFERENCE:**

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

**REVIEW TYPES:**

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

**\*\*Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form).

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	R-2022-001	\$ N/A		City is Applicant	
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): Historic Milwaukie					
Notes:					

# Milwaukie City Hall Lot Consolidation

## Lot Consolidation

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**PROPERTY OWNER:** City of Milwaukie  
Attn: Joseph Briglio – Community Development Director  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
Phone: (503)786-7616  
[briglioj@milwaukieoregon.gov](mailto:briglioj@milwaukieoregon.gov)

**APPLICANT/PLANNER:** Harper Houf Peterson Righellis, Inc.  
Hillary Harris, Assistant Planner  
205 SE Spokane Street, Suite 200  
Portland, OR 97202  
Phone: (503) 221-1131  
Email: [hillaryh@hhpr.com](mailto:hillaryh@hhpr.com)

**SURVEYOR:** Harper Houf Peterson Righellis, Inc.  
Brian Henson, Professional Land Surveyor  
205 SE Spokane Street, Suite 200  
Portland, OR 97202  
Phone: (503)221-1131  
Email: [Brianh@hhpr.com](mailto:Brianh@hhpr.com)

**TAX LOT NUMBER:** 11E36BB02500

**SITE ADDRESS:** 10722 SE Main Street, Milwaukie, OR

**PROPERTY SIZE:** .96 Acres

**ZONING DISTRICT:** Downtown Mixed Use (DMU)

**PROPOSAL SUMMARY:** This is a proposal to consolidate lots 1-8 of Block 13 of the plat of “Milwaukie” into two lots. The existing City Hall building would be located on proposed lot #1 and all parking and open space that currently surrounds City Hall on the north, east, and south would occupy proposed lot #2.

**DATE:** January 31, 2022

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## ATTACHMENTS

- 000\_Land Use Application
- 002\_Preliminary Title Report
- 003\_Tax Map
- 004\_ Existing Conditions Map
- 005\_ Proposed Consolidation Map



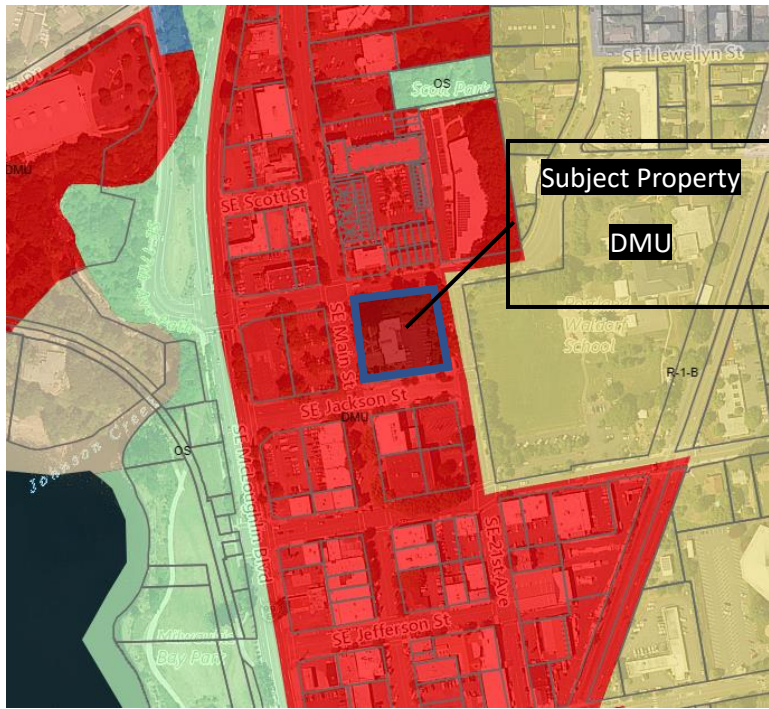
# I. PROJECT SUMMARY & BACKGROUND

## Existing Conditions

Site Map



Zoning



## Project Description

The Milwaukie City Hall sits on lots 1-8 in Block 13 of the Milwaukie Plat. Currently all eight lots are developed with the City Hall building, associated parking, and open space. The applicant is proposing to consolidate the property into two lots so that the City Hall building sits on proposed lot 1 and all of the open space and parking will be located on lot 2.

## II. APPLICABLE FINDINGS TO REQUIRED CODE SECTIONS

### Chapter 17.12: Application Procedure and Approval Criteria

#### 17.12.020: Application Procedure

- A. *Application for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Type III procedures as indicated in this section.*

**Response:** Acknowledged by the applicant.

- B. *Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The Planning Director may modify the procedures identified in Table 17.12.020 as follows:*
1. *Type III review may be changed to Type II review, or a Type II review may be changed to a Type I review, upon finding the following:*
    - a. *The proposal is consistent with applicable standards and criteria;*
    - b. *The proposal is consistent with the basis and findings of the original approval; and*
    - c. *The proposal does not increase the number of lots.*
  2. *Type III review may be required in the following situations:*
    - a. *When the Planning Commission approved the original land use action; and*
    - b. *The proposed change is inconsistent with the original approval.*

**Response:** The original lots were created by deed with the plat of "Milwaukie." The survey research indicates that the plat was created by deed in the early 1900's and are considered "Legal Lots" due to the fact that they were lawfully established by deed prior to the enactment of Senate Bill 100 in 1973. Under the provisions of ORS Chapter 92.017, a lot (unit of land established through a subdivision) lawfully created remains a discrete lot, unless the lot or parcel lines are vacated or the lot or parcel is further divided. None of the research conducted indicates that the lots were replatted or vacated. Therefore, the eight lots within block 13 of the "Milwaukie" subdivision remain discreet lots. This is a proposal to consolidate eight lots into two. Per table 17.12.020(1.)(a), the consolidation of legal lots created by deed are subject to a type I review.

- C. *An increase in the number of lots within the original boundaries of a partition plat shall be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds 3.*

**Response:** This proposal does not result in the creation in the number of new lots. In fact, the proposal reduces the number of lots from eight to two through a property line consolidation.

*D. Partitions*

- 1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1005 Type II Review. Should any associated application subject to Type III review be submitted in conjunction with a partition, the partition application shall be processed according to Section 19.1006 Type III Review.*
- 2. Full compliance with all requirements for subdivision may be required if the Planning Commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds 2 acres and within a year is being partitioned into more than 2 parcels, any one of which is less than 1 acre.*

*E. Subdivisions. Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1006 Type III Review.*

*F. Final Plats. Applications for final plats of partitions and subdivisions shall be processed in accordance with Section 19.1004 Type I Review.*

**Response:** This is a request to consolidate eight lots into two lots. This request is not a subdivision or partition; therefore, the provisions listed above are not applicable to this request.

**17.12.030: Approval Criteria for Lot Consolidation, Property Line Adjustment, and Replat**

- A. Approval Criteria. The approval authority may approve, approve with conditions, or deny a lot consolidation, property line adjustment, and/or replat based on the following approval criteria. The applicant for a lot consolidation, property line adjustment, or replat shall demonstrate the following:*
- 1. Compliance with this title and Title 19 of this code.*
  - 2. The boundary change will allow reasonable development of the affected lots and will not create the need for a variance of any land division or zoning standard.*
  - 3. Boundary changes shall not reduce residential density below minimum density requirements of the zoning district in which the property is located.*

**Response:** This is a proposal by the City of Milwaukie to organize the land where the existing City Hall sits onto two distinct parcels of land. Essentially, the request consolidates eight existing lots within the “Milwaukie” subdivision into two lots. The existing City Hall building and its associated frontage onto SE Main Street would remain with proposed lot 1. The remaining property which consists of parking and open space around the existing City Hall building will remain with proposed lot 2. No access or utilities are proposed to be relocated or reconstructed with this proposal. Block 13 is rectangular and surrounded by public streets on all four sides. Each one of the resulting lots will continue to have access to the same public services that they receive today.

The property is zoned Downtown Mixed Use which according to its purpose statement, “provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and



which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.” The existing uses are “traditional office” and “parks and open space,” which are outright permitted uses within the zone. This application does not include a proposal to change the uses on the property.

Future redevelopment of the property would be subject to the applicable development standards of section 19.304.4. Although no redevelopment is proposed with this application, the following table provides a summary of the development standards that this consolidation would affect. As proposed, the applicable development standards that are affected by this request are met.

<b>Downtown Mixed Use Zone Dimensional Requirements from Table 19.304.4</b>			
<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Notes</b>
<b>Lot Standards</b>			
<b>Minimum Lot size</b>	<b>750 square feet</b>		
Lot 1		10,264.38 SF	Standard is exceeded
Lot 2		31,735.77 SF	Standard is exceeded
<b>Minimum Street Frontage</b>	<b>15 feet</b>		
Lot 1		105.91 Feet	Standard is exceeded
Lot 2		619.99 Feet	Standard is exceeded
<b>Floor Area Ratio</b>	<b>0.5 – 1.1</b>		
Lot 1		~1	Standard is met
Lot 2		N/A	No structures proposed
<b>Building Height</b>	<b>45-69 feet</b>		
Lot 1		Existing 2-story	No change proposed
Lot 2		N/A	No structures proposed
<b>Setbacks</b>			
<b>Minimum Street Setback</b>	<b>0</b>		The existing building on lot 1 located ~38 feet from the property line. There are no structures proposed on lot 2. Setbacks appear to be met or are already non-conforming.
<b>Maximum Street Setback</b>	<b>10-20</b>	Existing bldg. ~38 feet	
<b>Side and Rear Setbacks</b>	<b>None</b>	N/A	
<b>Frontage Occupancy Requirements</b>	<b>50-90%</b>		
Lot 1			The existing building frontage would extend along the entire front of the lot, but outside of the build to line by approximately ~18 ft.
Lot 2		N/A	There are no proposed structures on lot 2.





<b>Primary Entrance</b>			A primary entrance to Main Street is provided from the existing building on lot 1. There are no structures proposed on lot 2.
<b>Off-Street Parking</b>			Parking is provided as an accessory use to City Hall on lot 2.

## Chapter 17.16: Application Requirements and Procedures

### 17.16.010: Application Required

*Application submissions for lot consolidation, property line adjustment, partition, subdivision, and replat shall be made in accordance with provisions of this chapter.*

**Response:** This is an application request to consolidate eight existing lots into two. The applicant intends to meet the applicable provisions of this chapter.

### 17.16.020: Determination of Completeness

- A. *Consistency with Submission Requirements. The Planning Director shall review applications for consistency with submission requirements of this chapter. Application submissions that do not meet the requirements of this chapter shall be deemed incomplete for the purpose of ORS 227.178 and Chapter 19.1000. The Planning Director shall provide to the applicant notice of whether an application is complete or incomplete in accordance with ORS 227.178 and Subsection 19.1003.3.*
- B. *Time Allowed to Complete Submission. If the Planning Director finds that the application submission is not complete, the applicant has 15 calendar days from the date of the Director’s notice to provide the missing information. If the missing information is not provided within 15 days, the application shall be rejected. Rejection of an incomplete application does not constitute a land use action.*
- C. *Reactivation of rejected applications may only be made by new submission of a complete application and fee.*

**Response:** The applicant is providing an application and supporting documentation to meet the submission requirements of this section as required.

### 17.16.030: Waiver of Submission Requirements

- A. *Certain application submission requirements may be waived at the discretion of the Planning Director subject to meeting the following conditions:*
  - 1. *The applicant shows good cause for the requested waiver;*
  - 2. *The waiver does not compromise a proper and complete review; and*

3. *The information is not material to describing the proposal or demonstrating compliance with approval criteria.*

**Response:** The applicant is not requesting a waiver of the submittal requirements.

- B. *Application submission requirements that may not be waived include:*
  1. *Signed and completed application form, submission requirements form, and plan checklist;*
  2. *Property owner's authorization for application to be made;*
  3. *Detailed narrative description that specifies how the proposal complies with applicable codes; and*
  4. *Required plans, maps, and drawings.*

**Response:** This submittal includes a signed application form, a detailed narrative, and the required maps and drawings are required.

- C. *Application fees may only be waived by action of the City Council.*

**Response:** This is a city-initiated application. Fees will be paid presumably through an interdepartmental transfer. The applicant is not requesting a waiver of fees from the City Council.

#### **17.16.040: Lot Consolidation and Property Line Adjustment**

*The following shall accompany applications for lot consolidation and property line adjustments:*

- A. *Completed application forms signed by all owners of property included in the proposal;*
- B. *Application fee as adopted by the City Council;*
- C. *Narrative report that describes how the proposal meets approval criteria;*
- D. *Additional information as may be required by the application check list; and*
- E. *A plan drawn to scale showing the following details:*
  1. *Scale, north arrow, and date of map;*
  2. *Tax map and lot number identifying each property involved in the application;*
  3. *Adjacent rights-of-way, with width shown;*
  4. *Location, width, and purpose of any recorded easements and/or plat restrictions;*
  5. *Proposed property lines and dimensions of the affected lots;*
  6. *The area of each lot;*
  7. *Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines;*
  8. *Deeds of the properties involved; and*
  9. *Application fee as adopted by the City Council.*

**Response:** This request includes all of the required submittal items listed in this section.

### **III. CONCLUSION**

This narrative along with the submitted documentation and signed application submitted with this narrative demonstrate compliance with the applicable standards required for a lot consolidation within this zone. The applicant respectfully requests that the City review staff approve this request.



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MILWAUKIE

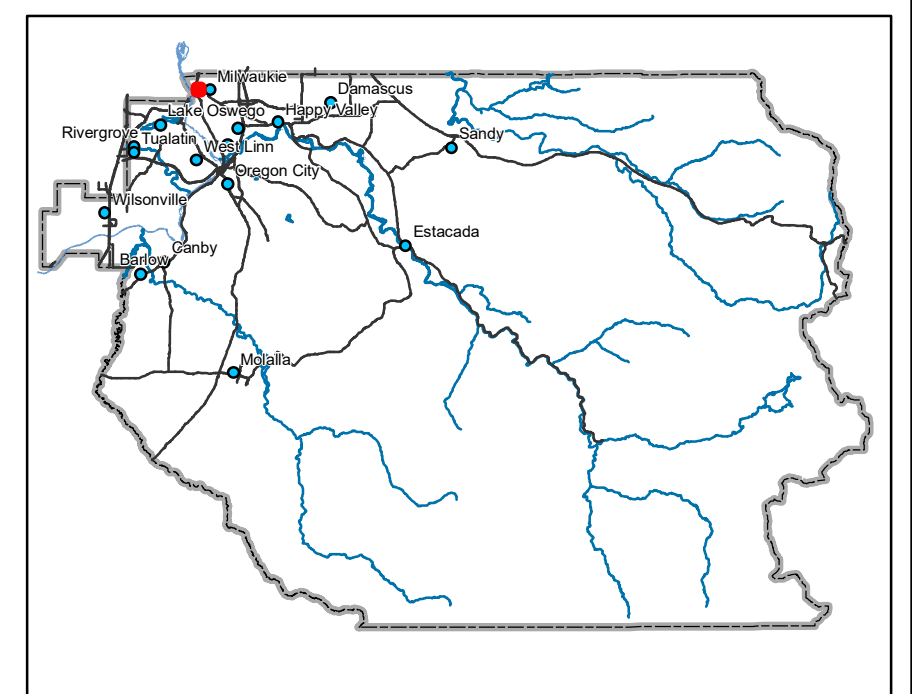
N.W. 1/4 N.W. 1/4 SEC. 36 T.1S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

D. L. C.  
LOT WHITCOMB NO. 38  
WM. MEEK NO. 50

Cancelled Taxlots

- 100
- 101E1
- 300
- 400
- 1000
- 1200
- 1400
- 1700
- 2100
- 2200
- 2300
- 2311
- 2312
- 2500E1
- 3000
- 4400E1
- 5100E1
- 5190
- 90000
- 90001
- 90002
- 90002
- 3301

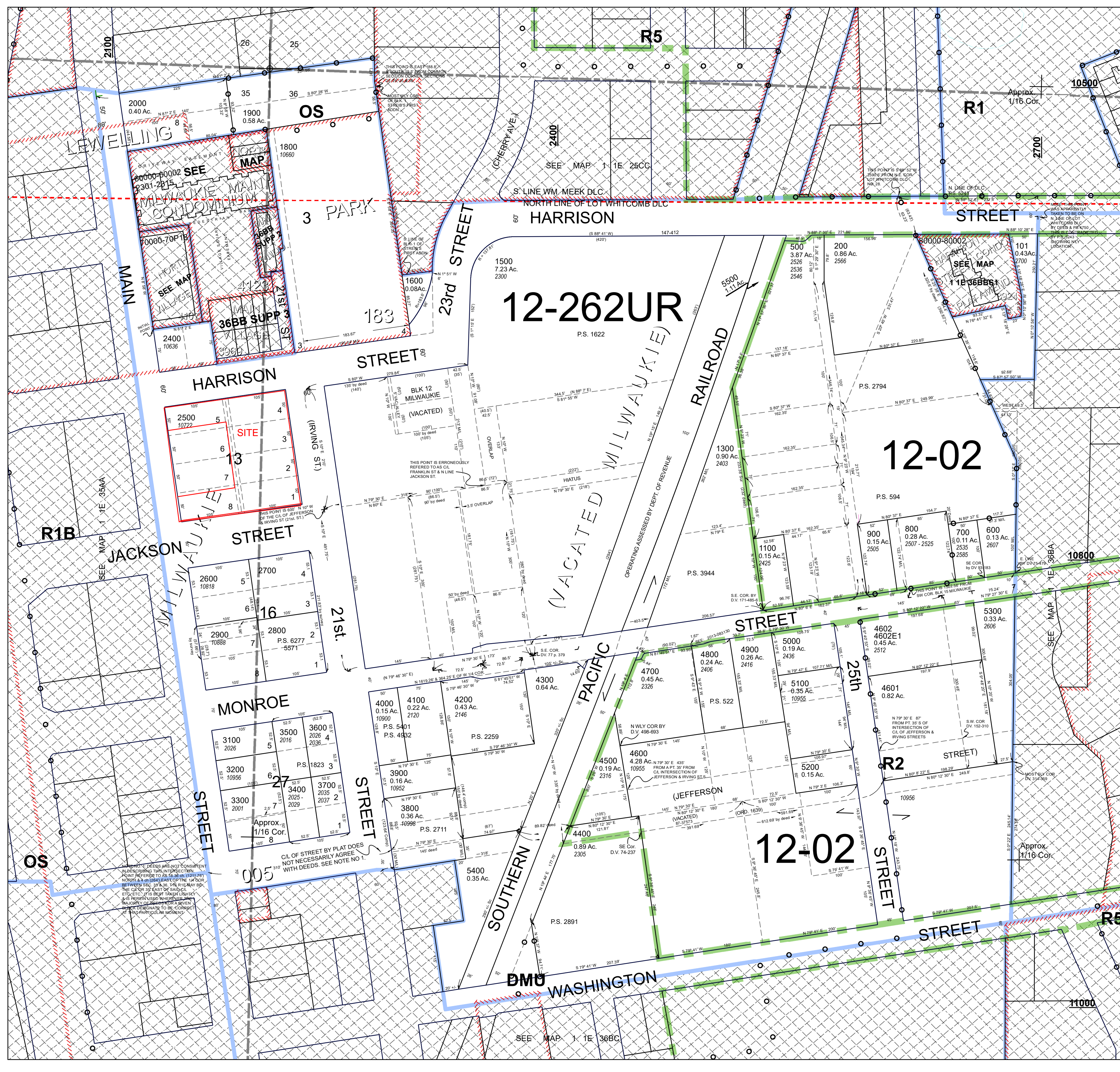
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

8/10/2021

1 1 E 36BB  
MILWAUKIE

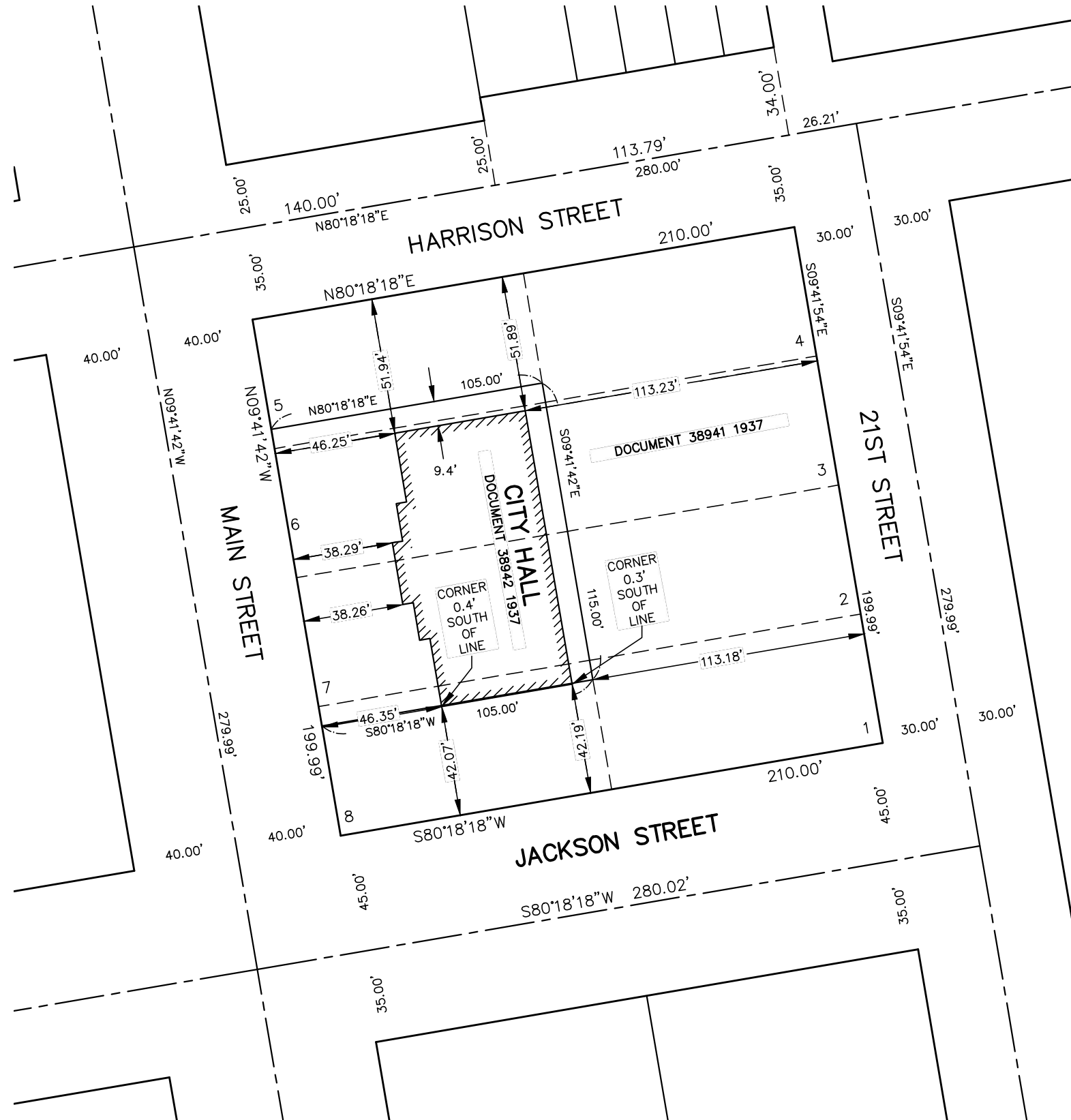
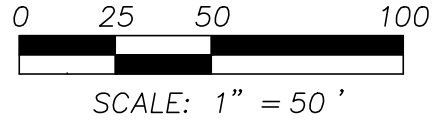


C/L OF STREET BY PLAT DOES NOT NECESSARILY AGREE WITH DEEDS. SEE NOTE NO. 1.

NO. 1. DEEDS ARE NOT CONSIDERED INDESCRIBING THIS INTERSECTION POINT REFERRED TO AS C/L OF JEFFERSON ST. & N. 1/4 COR. OF SEC. 36, T.1S. R.1E. W.M. THE C/L OR 35' EAST OF SAID C/L (E/C/L) AT THE RIGHT HAND CORNER IS HEREBY USED WHEREVER THE PROPERTY OF WHITCOMB OR A REVENUE AGENT IS REQUIRED TO BE CORNERED AT THIS PARTICULAR POINT.

LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 35,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST, W.M.  
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON

SURVEYED: DECEMBER 2022



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*B. Henson*

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
2855

EXPIRES:

SITE PLAN  
CITY OF MILWAUKIE CITY HALL  
OREGON CITY, OREGON

**Harper Houf Peterson**  
**Righellis Inc.**  
ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS  
205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

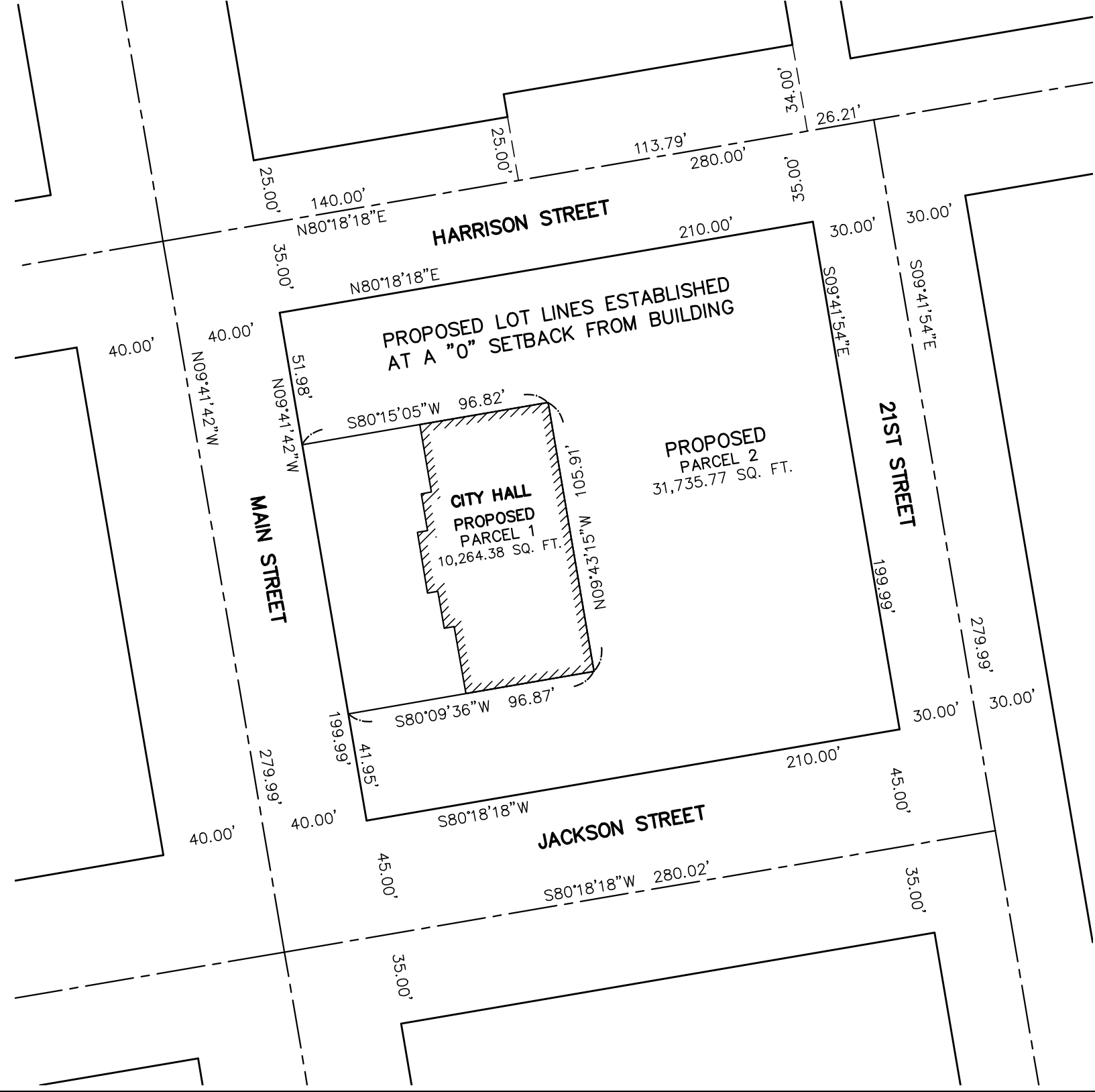
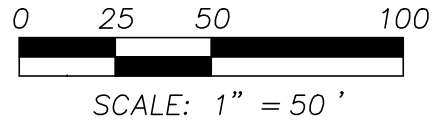
DESIGNED:	BKH	RCB	20220113
DRAWN:			
CHECKED:			
DATE:			
DESCRIPTION			

SHEET NO.  
**1**

JOB NO.  
MWK-30

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PROPOSED CONDITIONS  
LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 35,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST, W.M.  
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON  
SURVEYED: DECEMBER 2022



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*B. Henson*

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
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EXPIRES:

SITE PLAN  
CITY OF MILWAUKIE CITY HALL  
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**Harper Houf Peterson**  
**Righellis Inc.**  
ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS  
205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

DESIGNED:	---							
DRAWN:	BKH							
CHECKED:	RCB							
DATE:	20220113							
DATE	NO.	DESCRIPTION						
R	E	V	I	S	I	O	N	S

SHEET NO.  
**1**

JOB NO.  
MWK-30



**First American Title Insurance Company  
National Commercial Services  
200 SW Market Street, Suite 250  
Portland, Oregon 97201**

Escrow Officer: **Rene Moody**  
Phone: **(503)795-7600**  
Fax: **(866)678-0591**  
E-mail **rmoody@firstam.com**

File No: **NCS-974679-OR1**

Title Officer:  
Phone:  
Fax:  
E-mail

File No: **NCS-974679-OR1**

**PRELIMINARY TITLE REPORT NO. 5**

ALTA Owners Standard Coverage	Liability	\$ 6,500,000.00	Premium	\$	TBD
ALTA Owners Extended Coverage	Liability	\$	Premium	\$	
ALTA Lenders Standard Coverage	Liability	\$	Premium	\$	
ALTA Lenders Extended Coverage	Liability	\$	Premium	\$	
ALTA Leasehold Standard Coverage	Liability	\$	Premium	\$	
ALTA Leasehold Extended Coverage	Liability	\$	Premium	\$	
Endorsements	Liability	\$	Premium	\$	
Govt Service Charge			Cost	\$	
Other				\$	

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit "A" attached hereto.

and as of 06/11/2020 at 8:00 a.m., [title to the fee simple estate is vested in:](#)

**Rose City of Oregon Federal Credit Union**

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.**

**In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:**

- A. Survey or alternative acceptable to the company
  - B. Affidavit regarding possession
  - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
    - i. Satisfactory evidence that no construction liens will be filed; or
    - ii. Adequate security to protect against actual or potential construction liens;
    - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
- 
6. This item has been intentionally deleted.
  7. This item has been intentionally deleted.
  8. This item has been intentionally deleted.
  9. This item has been intentionally deleted.
  10. This item has been intentionally deleted.
  11. This item has been intentionally deleted.
  12. Easement, including terms and provisions contained therein:  
Recording Information: May 03, 1934 in [Volume 222, Page 0627](#)  
In Favor of: The Pacific Telephone and Telegraph Company  
For: Utility



13. Easement, including terms and provisions contained therein:  
Recording Information: May 3, 1934 in [Volume 222, Page 0628](#)  
In Favor of: The Pacific Telephone and Telegraph Company  
For: Utility
14. Easement, including terms and provisions contained therein:  
Recording Information: December 5, 1934 in [Volume 225, Page 0355](#)  
In Favor of: The State of Oregon, by and through its State Highway  
Commission  
For: Slopes of cuts or fills
15. Easement, including terms and provisions contained therein:  
Recording Information: August 31, 1954 in [Volume 485, Page 0495](#)  
In Favor of: The City of Milwaukie  
For: Water main and right of way
16. Easement as contained in Deed, from William B. Davis, et ux, et al, to the City of Milwaukie, Oregon, a municipal corporation, recorded October 20, 1955 in [Volume 502, Page 0634](#), Deed Records.
17. This item has been intentionally deleted.
18. We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.
19. Unrecorded leases or periodic tenancies, if any.
20. Prior to closing, the Company must confirm whether the county recording office in which the Land is located has changed its access policies due to the COVID-19 outbreak. If recording has been restricted, specific underwriting approval is required; and, additional requirements or exceptions may be made.
21. General and special taxes and assessments for the fiscal year 2020-2021, a lien not yet due or payable.

-END OF EXCEPTIONS-

<b>INFORMATIONAL NOTES</b>
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NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and book.

NOTE: Taxes for the year 2019-2020, paid in full.

Tax Amount:	\$80,538.75
Code No.:	012-262
Map & Tax Lot No.	11E35AA00100
Property ID/Key No.	00017939

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE  
WE KNOW YOU HAVE A CHOICE!**



## First American Title Insurance Company of Oregon

### SCHEDULE OF EXCLUSIONS FROM COVERAGE

#### 1. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY - 2006 EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
  - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

#### 2. American Land Title Association OWNER POLICY - 2006 EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
  - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

**Exhibit "A"**

Real property in the County of Clackamas , State of Oregon, described as follows:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF MILWAUKIE, COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF LOT 4, BLOCK 2, LEWELLING PARK (MAP 183), 110 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 4, BLOCK 2, LEWELLING PARK ADDITION TO THE CITY OF MILWAUKIE, ACCORDING TO THE DULY RECORDED PLAT THEREOF;  
THENCE NORTH 8°58' WEST ALONG THE EASTERLY LINE OF SAID BLOCK 2, LEWELLING PARK, AND THE PROJECTION THEREOF, A DISTANCE OF 110 FEET;  
THENCE SOUTH 81°02' WEST ON A LINE PARALLEL TO THE NORTHERLY LINE OF SAID BLOCK 2, LEWELLING PARK, 132.8 FEET, OR MORE OR LESS, TO THE POINT OF INTERSECTION OF SAID LINE WITH THE EASTERLY LINE OF THE EAST PORTLAND, OREGON CITY HIGHWAY, ALSO KNOWN AS THE EAST SIDE SUPER HIGHWAY AND S.E. M'CLOUGHLIN BOULEVARD;  
THENCE SOUTHERLY ALONG SAID EASTERLY BOUNDARY LINE OF SAID EAST PORTLAND-OREGON CITY HIGHWAY, TO THE POINT OF INTERSECTION OF SAID BOUNDARY LINE WITH THE SOUTHERLY LINE OF SAID BLOCK 2, LEWELLING PARK; SOUTHERLY LINE OF SAID BLOCK 2, LEWELLING PARK, A DISTANCE OF 84.69 FEET TO A POINT WHICH IS 8 FEET WEST OF THE LINE THAT DIVIDES LOT 2, BLOCK 2, LEWELLING PARK FROM LOT 3, BLOCK 2, LEWELLING PARK;  
THENCE NORTH 8°58' WEST AND PARALLEL TO SAID DIVIDING LINE, A DISTANCE OF 110 FEET;  
THENCE NORTH 81°02' EAST ON A LINE PARALLEL TO THE SOUTHERLY AND NORTHERLY LINES OF SAID BLOCK 2, LEWELLING PARK, 113 FEET TO THE POINT OF BEGINNING AND BEGINNING AT A POINT ON THE WESTERLY LINE OF MAIN STREET, 220 FEET NORTH OF THE NORTHWEST CORNER OF THE INTERSECTION OF MAIN STREET AND SCOTT STREET IN MILWAUKIE, CLACKAMAS COUNTY, OREGON;  
THENCE A DISTANCE OF 20 FEET IN A NORTHERLY DIRECTION ALONG SAID WESTERLY LINE OF MAIN STREET;  
THENCE A DISTANCE OF 127 FEET MORE OR LESS ON A LINE PARALLEL TO THE NORTHERLY LINE OF BLOCK 2, LEWELLING PARK ADDITION TO THE CITY OF MILWAUKIE, TO THE POINT OF INTERSECTION OF SAID LINE WITH THE EASTERLY LINE OF EAST PORTLAND-OREGON CITY HIGHWAY, ALSO KNOWN AS EAST SIDE SUPER HIGHWAY AND S.E. M'CLOUGHLIN BOULEVARD;  
THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF SAID HIGHWAY TO THE POINT OF INTERSECTION WITH THE NORTHERLY LINE OF PROPERTY DESCRIBED IN DEED RECORDED MAY 31, 1956 AT PAGE 0481 OF BOOK 5121, DEEDS, CLACKAMAS COUNTY, OREGON;  
THENCE EASTERLY ALONG SAID NORTHERLY LINE PARALLEL TO THE NORTHERLY LINE OF BLOCK 2, LEWELLING PARK ADDITION, A DISTANCE OF 133 FEET, MORE OR LESS TO THE POINT OF BEGINNING, ALL IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON;

EXCEPTING FROM THE ABOVE FIRST DESCRIBED TRACT THE FOLLOWING DESCRIBED PROPERTY:

PART OF LOTS 1 AND 2, BLOCK 2, LEWELLING PARK (MAP 183), IN CLACKAMAS COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF BLOCK 2, LEWELLING PARK, WITH THE EASTERLY LINE OF THE EAST PORTLAND-OREGON CITY HIGHWAY, ALSO KNOWN AS THE EAST SIDE SUPER HIGHWAY AND S.E. M'CLOUGHLIN BOULEVARD;  
THENCE NORTH 81°02' EAST TRACING THE SOUTHERLY LINE OF SAID BLOCK 2, A DISTANCE OF 84.69 FEET TO A POINT WHICH BEARS 8 FEET WEST FROM THE EASTERLY LINE OF LOT 2, BLOCK 2, LEWELLING PARK;  
THENCE NORTH 8°58' WEST AND PARALLEL TO THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF

110 FEET;  
THENCE SOUTH 81°02' WEST PARALLEL TO THE SOUTHERLY LINE OF BLOCK 2, LEWELLING PARK, A  
DISTANCE OF 60 FEET, MORE OR LESS, TO THE AFORESAID EASTERLY LINE OF THE EAST PORTLAND-  
OREGON CITY HIGHWAY;  
THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID HIGHWAY, 155 FEET, MORE OR LESS, TO  
THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.