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A

code 220/119

DOR 21-458-2019

Notice to Taxing Districts

ORS 308.225

code 220 7282
- RFPD 721

6561 → code 119



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

Lincoln County
Legal Counsel
Room 110
225 W Olive St.
Newport OR 97365

**Description and Map Approved
November 19, 2019
As per ORS 308.225**

Description Map - Received from: Janet Harrison
On: 11/15/2019

This is to notify you that your Description and Map in Lincoln County for:
Withdrawing from the **East Lincoln County Fire & Rescue District**

Order No 10-19-333

see ↑

has been: Approved 11/19/2019
 Disapproved

11-11-3472 1500
code 220 to 119

SV# 424 for 20/21
12/13/19.

Department of Revenue File Number: 21-458-2019

Reviewed by: Robert Ayers, 503-983-3032

Boundary: Change Proposed Change

The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district

If you have not already done so, the approved version of the Description and Map must also be filed with the County Assessor

- Transfer
- Merge
- Establishment of Tax Zone

11-11-34 721500

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

In the Matter of:)
WITHDRAWAL OF A PARCEL) ORDER NO. 10-19-333
OF REAL PROPERTY FROM)
THE EAST LINCOLN COUNTY)
FIRE AND RESCUE DISTRICT)

WHEREAS, on or around August 5, 2019, the Lincoln County Board of Commissioners received a fully completed petition (with map and legal description approved by the Oregon Department of Revenue, and map changes as required) from Wallace Kaufman to withdraw his property from the Toledo Rural Fire Protection District (now the East Lincoln County Fire and Rescue District) pursuant to ORS 198.870(1)(a) (See Exhibit "1" attached to and made part of this Order which includes a map of the property proposed to be withdrawn); and

WHEREAS, notice of that petition filing was sent to the District in accordance with ORS 198.870(2); and

WHEREAS, September 11, 2019, was set as the date for the hearing on the proposed withdrawal, and notice of the hearing was published and posted in accordance with ORS 198.730 and 198.800; and

WHEREAS, the Board conducted a hearing on September 11, 2019, pursuant to ORS 198.805, did not alter the boundaries, and found that the criteria prescribed by ORS 198.870(4) have been met in that it has not been, or is not or would not be, feasible for the territory described in the petition to receive service from the District; and

WHEREAS, following the hearing conducted on September 11, 2019, the Board entered an order pursuant to ORS 198.805, 198.810, and 198.870, which approved of the petition, set the boundary of the property proposed to be withdrawn from the East Lincoln County Fire and Rescue District, and directed that a second and final public hearing on this withdrawal be conducted on October 16, 2019, at 9:30 A.M. , in the Board of Commissioners Hearing Room, which is Room 108 of the Lincoln County Courthouse located at 225 West Olive Street in Newport, Oregon. The order further directed at the time of the final hearing that the Board would enter an order withdrawing the property from the District if written requests for an election on the issue of this withdrawal are not filed at or before the hearing by not less than 15 percent of the electors or 100

35 electors, whichever is the lesser number, registered in the District, and directed that notice of the
36 final hearing set by that order be published in the News Times, a newspaper of general circulation,
37 on September 25, 2019; and

38 WHEREAS, notice of the second and final public hearing was published in accordance
39 with the ORS; and

40 WHEREAS, an insufficient number of written requests for an election on the proposed
41 withdrawal were filed on or before the time of the final hearing as required by ORS 198.810;
42 therefore, pursuant to ORS 198.875(1), 198.810, 198.815 and 198.820,

43 **IT IS HEREBY ORDERED THAT:**

- 44 (1) The territory described in Exhibit "1" of this order is withdrawn from the East Lincoln
45 County Fire and Rescue District.
46 (2) Pursuant to ORS 198.870, within 10 days of the date of this order, duplicate copies of this
47 order shall be filed with: The Oregon Department of Revenue; the Oregon Secretary of State, the
48 Lincoln County Clerk; and the Lincoln County Assessor.
49 (3) Duplicate copies of this order shall also be forwarded to: Petitioner Wallace Kaufman; the
50 East Lincoln County Fire and Rescue District, c/o Jeff Doyle, District Secretary; the Lincoln
51 County Planning Department; and Lincoln County Counsel Wayne Belmont.

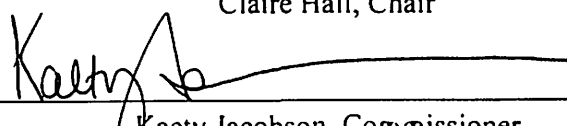
52 DATED this 16th day of October, 2019

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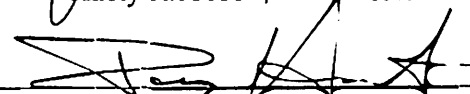
LINCOLN COUNTY BOARD OF COMMISSIONERS



Claire Hall, Chair



Kaety Jacobson, Commissioner



Doug Hunt, Commissioner

Exhibit "1"

1. PETITION TO WITHDRAW FROM

TOLEDO RURAL FIRE PROTECTION DISTRICT

The undersigned petitioner requests that proceedings be taken for withdrawal of property from the Toledo RFPD consisting of property on the west side of Poole Slough, Tax Map 11-11-34-00-01500-00.

Statements required by ORS 198.750

(a) This petition is filed pursuant to ORS 198.705 to 198.955.

(b) Affected districts and counties are: Toledo Rural Fire Protection District and Lincoln County Oregon.

(c) The following are the names and principal Acts of all affected districts and counties that currently exist in the territory proposed to be included within the district: ORS Chapter 478 "Rural Fire Protection Districts", Lincoln County (ORS chapter 203); Lincoln County Solid Waste District (ORS chapter 451); Lincoln County School District (ORS chapter 330); Lincoln County Extension District (ORS chapter 566); Oregon Coast Community College (ORS chapter 341); Linn-Benton Education Service District (ORS chapter 334); Lincoln County Transportation Service District (ORS chapter 451); Lincoln County Library District (ORS chapter 357); Port of Newport; Toledo Rural Fire Protection District (ORS chapter 478); and Pacific Communities Hospital District (ORS chapter 440).

(d) This petition proposes removal of property from the Toledo Rural Fire Protection District.

(e) The territory subject to this petition is inhabited.

(f) The following is a description of the property proposed to be removed from the district:

17.5 acres (5 + 12.5) Tax Map 11-11-34-00-01500-00.

Justification:

My property is located extreme west end of the TRFPD annexation district and across Poole Slough from any road that could be used by the TRFPD. The only road access the TRFPD would have to my property would be through Newport then another 10 miles south and east. I respectfully ask to be withdrawn from the TRFPD annexation district for the following reasons:

The Toledo fire station is about 20 miles by road from my property and accessed from the end of SE 98th Street only by private rights of way. Travel time, assuming no traffic in Newport, bridge delay, etc., would be at least 40 minutes. Even should equipment reach here, there are no water lines or fire hydrants.

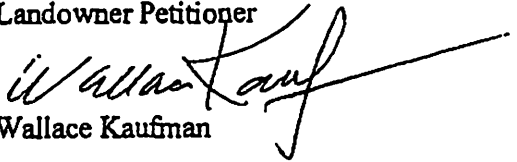
The commissioners have previously withdrawn property much closer because of (see Torland and Holbert petition, June 23, 2017).

I am paying for and have paid for services that cannot and could not be performed or accessed.

I hereby petition to have my property withdrawn from the Toledo Rural Fire Protection District. I petition the Lincoln County Board of Commissioners to commence to do so.

I further request that taxes billed to me for these services be rebated to me since they were charged for services that were clearly impractical and impossible to render.

Landowner Petitioner

A handwritten signature in black ink that reads "Wallace Kaufman". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Wallace Kaufman

Name of Landowner/Petitioner

Phone Number of Landowner/Petitioner 541 995 4785

PO Box 756, Newport, OR 97365

Dated and signed: 4 June 2019

11-11-34 TL 1500

PTO 120036 TH

PREMIER
title of oregon

Lincoln County Oregon
01/27/2012 01:42:18 PM 2012-00620
DOC:WO Pages: 70
1*0 33 111 20 115 20 \$10.00 \$7.30 Total \$153.30



Notary Public for Oregon
Dana W. Jenkins, Lincoln County Clerk

Grantor:
Mark Stephen McDonald
1291 SW Hayter St
Dallas, OR 97338

After recording return to: (Name, Address, Zip)
Grantor:
Wallace Kaufman
34251 MT Tom Dr
Harrisburg, OR 97446

Until requested otherwise, send all tax statements to:
(Name, Address, Zip)
Wallace Kaufman
34251 MT Tom Dr
Harrisburg, OR 97446

SPACE ABOVE RESERVED FOR RECORDER'S USE

WARRANTY DEED
(Individual Grantor)

Mark Stephen McDonald, Grantor, conveys and warrants to Wallace Kaufman, an estate in fee simple, Grantee, the following described real property free of encumbrances, except as specifically set forth herein: situated in Lincoln County, State of Oregon, described as follows, to-wit:

See Legal Description attached hereto as Exhibit "A"

Subject to and excepting: See attached Exhibit "B"

93.040 Mandatory statements for sales agreements, earnest money receipts or other instruments for conveyance of fee title to real property; liability of drafter and recorder. (1) The following statement shall be included in the body of an instrument transferring or contracting to transfer fee title to real property except for owner's sale agreements or earnest money receipts, or both, as provided in subsection (2) of this section: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009."

The true and actual consideration for this conveyance is \$130,000.00. (Here comply with requirements of ORS 93.030.)

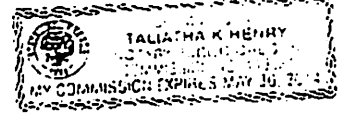
Dated this 27 day of January, 2012

[Signature]
Mark Stephen McDonald

STATE OF Oregon)
County of Lincoln) SS.

This instrument was acknowledged before me on this 27 day of January, 2012 by Mark Stephen McDonald.

[Signature]
Notary Public for Oregon
My commission expires 5/30/13



WITHDRAWAL PETITION
East Lincoln County Fire and Rescue District

(1) Pursuant to ORS 198.870 and ORS 478.665, the owners of the following real property hereby petition the Lincoln County Board of Commissioners to withdraw that real property from the East Lincoln County Fire and Rescue District (formerly Toledo Rural Fire Protection District):

Map and tax lot: 11-11-34-00-01500-00
Legal Description: See attached Exhibit "A"
Map: See attached Exhibit "S"

DATED this 6th day of May, 2019.


Signature(s) of Property Owner(s)

Wallace Kaufman
Printed Name of Property Owner(s)

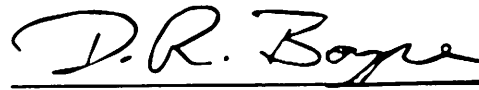
PO Box 756, Newport, OR 97365
Address of Property Owner(s)

541 995 4785
Phone Number of Property Owner(s)


(2) The Board of the East Lincoln County Fire and Rescue District hereby approves of this petition by endorsement:

Endorsement by
BOARD OF DIRECTORS
of the East Lincoln County Fire and Rescue District

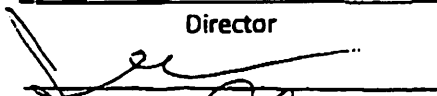
DATED this 15 day of May, 2019.



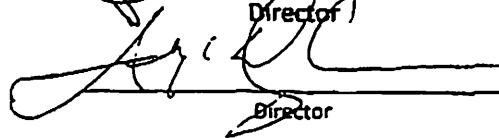
Director



Director



Director



Director

Director

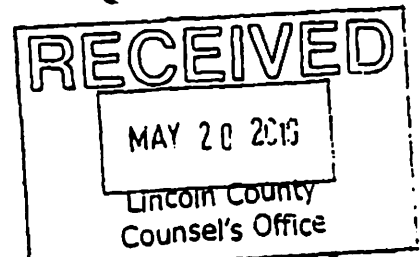


EXHIBIT "A"

A tract of land in the Southwest quarter of the Southeast quarter of Section 34, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the Northeast corner of the Southwest quarter of the Southeast quarter of Section 34, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, and running thence West along the North line of said Southwest quarter of the Southeast quarter, 18 chains; thence South parallel to the West line of said Southwest quarter of the Southeast quarter, 10 chains; thence East 18 chains to the East line of said Southwest quarter of the Southeast quarter; thence North along the East line of the Southwest quarter of the Southeast quarter, 10 chains, to the point of beginning

EXCEPTING that portion described in deed to John A. Viles and Viola M. Viles, recorded December 4, 1963, in Book 240, page 309, Deed Records, and being described as beginning at a point on the North line of the Southwest quarter of the Southeast quarter of Section 34, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, that is 2 chains East of the Northwest corner of said subdivision; thence East, 375 feet to the true point of beginning, thence South 100 feet; thence East to Poole Slough; thence Northerly along Poole Slough to the North line of the Southwest quarter of the Southeast quarter; thence West along said North line 133 feet, more or less, to the true point of beginning.

FURTHER EXCEPTING any tide and overflow lands as described in and conveyed by deed to John A. Viles and Viola M. Viles, recorded December 4, 1963, in Book 240, page 309, Deed Records.

TOGETHER WITH easements for access as set forth in instruments recorded December 11, 2008, Document No. 200814019, and recorded November 21, 2011, Document No. 201110822.

EXHIBIT "B"

Any adverse claim or defect in the title based upon the assertion that some portion of said land has been removed from or brought within the boundaries of the premises by an avulsive movement of Poole Slough or has been formed by a process of accretion or reliction or has been created by artificial means or has accreted to such portion so created, or that some portion of land is tide, submerged or submersible land.

Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Poole Slough, including any ownership rights which may be claimed by the State of Oregon below the high water mark.

Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

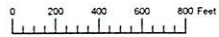
Access Easement, including the terms and provisions thereof:

Between : The Wetlands Conservancy
And : Mark Stephen McDonald
Recorded : December 11, 2008
Document No. : 200814019
Over : 11-11-34 TL 1400
(Exact location not described; does not appear to connect with a dedicated road)

Roadway Easement Agreement, including the terms and provisions thereof:

Between : William O. Freeman
And : Mark Stephen McDonald
Recorded : November 21, 2011
Document No. : 201110822
Over : 12-11-00 TL 1800 and 1900
(Does not appear to connect with a dedicated road)

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



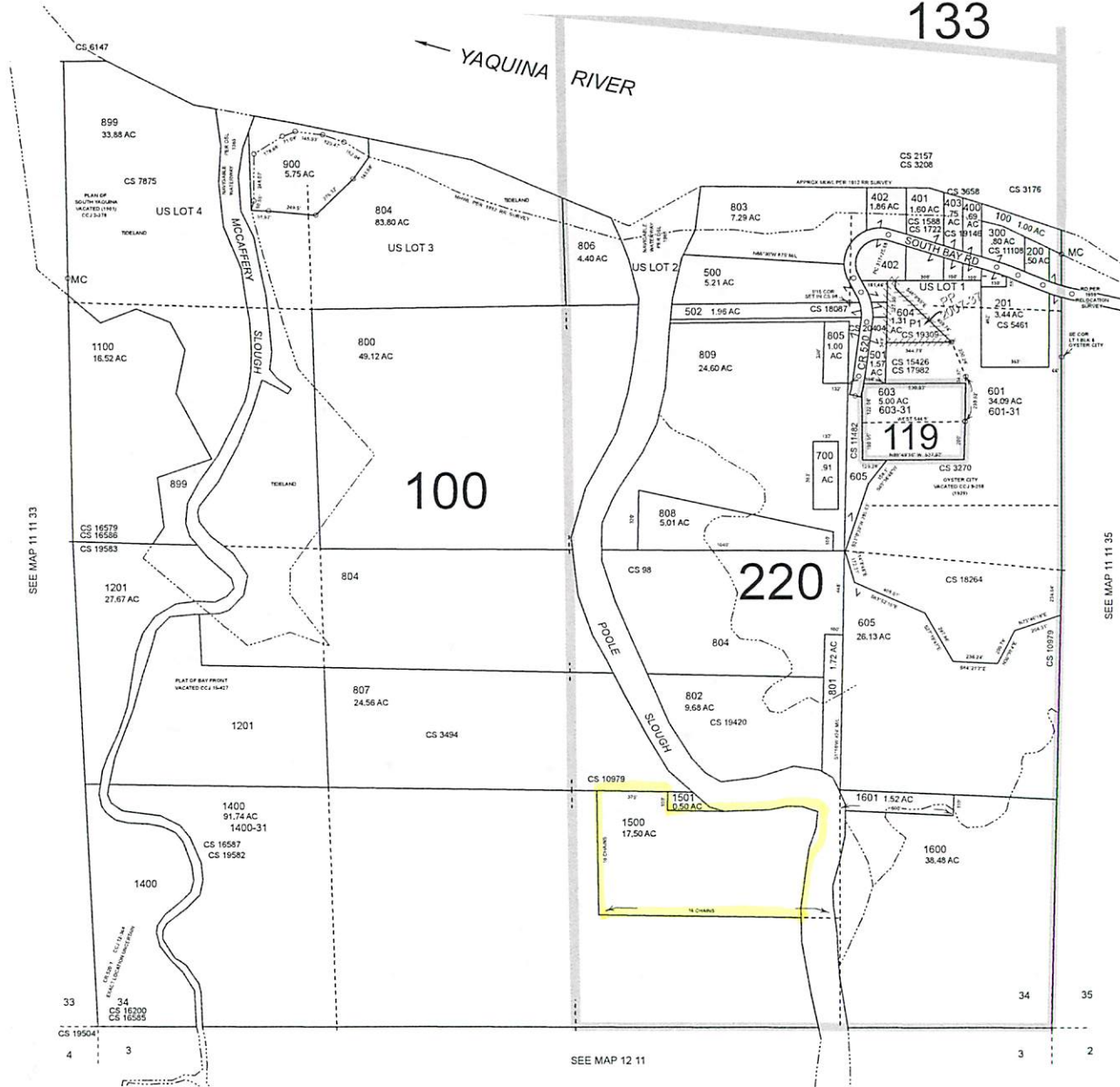
SECTION 34 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 400'

11 11 34

SEE MAP 11 11 27

133

← YAQUINA RIVER



SEE MAP 11 11 33

SEE MAP 11 11 35

SEE MAP 12 11

- Cancelled
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- 199
- 400-T1
- 500
- 600-11
- 600-31
- 601-11
- 602
- 602-11
- 602-31
- 602-10
- 802-11
- 804-10
- 805-10
- 805-11
- 1000
- 1200
- 1202
- 1300
- 1300-31
- 1400-11
- 1401
- 1401-31
- 1700
- 1800
- 1900

Revised: SEB
02/01/2018

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