

Application for Claims Under LC 2.700 through 2.770

Due to Regulatory Reduction of Property Value Under Provisions Added to ORS Chapter 197 by BM37

Note: This completed form together with the referenced supporting documentation and application fee must be submitted to the Lane County Land Management Division, 125 East 8th Avenue, Eugene, Or., 97401 for all claims subject to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), to be considered for compensation under LC 2.700 through 2.770. In all cases, the applicant has the burden of demonstrating, with competent evidence, that all applicable criteria are met and the applicant would be entitled to compensation if the land use regulation continues to apply. Use additional paper, if necessary.

1. Applicant/ Agent

<u>Ralph Keeney</u> Applicant Name (Please Print)	<u>90856 Hill Road</u> Mailing Address	<u>SPFD, OR 97478</u>	<u>746-2291</u> Phone
<u>Rollie Keeney</u> Agent Name (Please Print)	<u>90854 Hill Road</u> Mailing Address	<u>SPFD, OR 97478</u>	<u>726-9038</u> Phone

2. Property Owner

Please provide the Name, Mailing Address and telephone number of all property owners of record holding interest in the property that is the subject of this application. Include a complete listing of all lien holders, trustees, renters, lessees or anyone with an interest in the property and describe the ownership interest.

<u>Ralph & Lois Keeney</u> Property Owner Name (Please Print)	<u>90854 Hill Rd</u> Mailing Address	<u>SPFD, OR 97478</u>	<u>746-2291</u> Phone
<u>Paloma Keeney</u> Property Owner Name (Please Print)	<u>90854 Hill Rd</u> Mailing Address	<u>SPFD, OR 97478</u>	<u>726-9038</u> Phone

3. Legal Description

Please provide an accurate legal description, tax account number(s), map, street address and location of all private real properties that are the subject of this application.

Assessor Map & Tax Lot 16 02 33 300 Tax ID: 4183313

Street Address 90856 Hill Road Springfield Legal Description Attached

4. Identification of Imposed Land Use Regulation

Please identify the Lane Code section or other land use regulation imposed on the private real property that is alleged to restrict the use of the subject property in a manner that reduces the fair market value. Include the date the regulation was first adopted, enforced or applied to the subject property and a written statement addressing all the criteria in LC 2.740(1).

See attached exhibit A

5. Title Report

Please attach a Preliminary Title Report showing title history and continuous ownership traced to the earliest family member ownership, the date of current owner(s) acquisition and all current interests of record for the subject property, issued within 30 days of the application submittal. Provide copies of relevant deeds.

see Deeds attached

6. Appraisal/Regulatory Effect

Please provide one original, signed appraisal prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon addressing the requirements of provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in fair market value by showing the difference in the fair market value of the property before and after the application of the challenged regulations as of the date the owner makes written demand for compensation. Include all of the supporting methodology, assumptions and calculations affecting the appraisal.

7. Leases, Covenants, Conditions and Restrictions

Please provide copies of any leases or covenants, conditions and restrictions applicable to the subject property.

8. Identification of Relief Sought

Please specifically indicate what relief is being sought, either a monetary value of the claim describing the reduction in fair market value of the property or the specific use authorization sought in any waiver of the land use regulation.

Request for waiver of land use regulation to
allow land division into 3 parcels, map attached

I (we) have completed all of the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) authorized to submit this application on behalf of all those with an interest in the property and all the owner(s) agree to this claim as evidenced by the signature of those owner(s) below. Include additional signatures, as necessary.

Entry by County or its designee upon the subject property is authorized by the owner(s) and the owner(s) consent to the application for claims under provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

Ralwa Keeney
Ralph A Keeney
Louis A Keeney
Owner(s) Signature

8-29-05
Date

Rollie Keeney
Keene Keeney
Applicant/Agent Signature

8/29/05
Date

The following contacts are provided to assist you in finding the necessary information for this application.

For zoning and land use information, please contact the Land Management Division at 682-3577.

This phone contact is a message line. Please leave a message and a Planner will return your call.

For deeds and records information, please contact Lane County Deeds and Records at 682-3654.

Jan. 12, 2006

To: Lane County
Attn: Steve Hopkins

Re: Measure 37 claims

PA 05-6369 - Keeneey

PA 05-6611 Ralph Keeneey, Paloa Keeneey

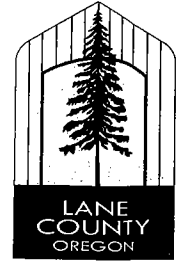
We will be providing the required
the evidence of fair market value
and reduction of value by
Feb. 1, 06 for both applications

Ralpa Keeneey

Exhibit A Page 2 of 2

Re: LC 2.740

- A) Lane County adopted and enforced the First zoning in 1980 by ordinance 841, Re-zoning was done on February 29, 1984 effective May 17, 2002 placing this parcel in F-2 Impacted Forest zoning.
- B) Fair Market Value has been reduced by restricting division of this parcel into smaller tracts and requiring Special Use permits + Conditions for home construction.
- C) The Land use Code was adopted and enforced after the land owner took ownership.



LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

August 19, 2005

Mr. Ralph Keeney
90856 Hill Rd.
Springfield, OR 97478

PA 05-6119
Research request for Assessor's map 16-02-33, Tax lot 300

Request: Land use zoning code section in use on 6/13/1960

Response: The subject property was unzoned in 1960. The property was subject to the subdivision ordinance in effect at the time. A copy of the 1949 Ordinance is enclosed. It may have been amended between 1949 and June 13, 1960; additional research into the Commissioner's Journal entries would be necessary to make that determination. A copy of the journal entries for that time period is enclosed.


The property was first zoned in 1980, by Ordinance 841, copy enclosed.

Land use zone code section currently in effect

Response: Currently the property is zoned Impacted Forest (F-2).

Date current land use zoning was adopted and enforced

Response: This zoning was established on February 29, 1984. A copy of the zoning plot is enclosed. Please see the response to your inquiry regarding tax lot 323 for information about accessing Lane Code on the Internet, or obtaining copies.

Prepared by 
Celia Barry, Associate Planner, 541-682-6935

WARRANTY DEED
1862

FOR VALUE RECEIVED, **ONNI PUUSTINEN**, a single man,

herein referred to as grantors, hereby grant, bargain, sell and convey unto **RALPH KEENEY** and **LOIS A. KEENEY**, husband and wife,

herein referred to as grantees, the following described real property, with tenements, hereditaments appurtenances, to wit:

A nine-tenths (9/10) undivided interest in and to the following-described real property:

Commencing at the southwest corner of the Donation Land Claim of Thomas Lister, Notification No. 7568, Claim No. 47, in Section 33, Township 16 South of Range 2 West of the Willamette Meridian; thence running north 40 chains, thence east 40 chains, thence south 40 chains, thence west 40 chains to the place of beginning, and being the South half of said Donation Land Claim; also Lot 4 of Section 33, Township 16 South, Range 2 West of the Willamette Meridian, all being in Lane County, Oregon, EXCEPTING THEREFROM the railroad right of way as set forth in instrument recorded August 12, 1899, in Book 47, Page 493, Lane County Oregon Deed Records, in Lane County, Oregon.

17) 33-16-200

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns fore And the said Grantors hereby covenant that they are lawfully seized in fee simple of said prem that they are free from all incumbrances, EXCEPT easements and restrictions of record

and that they will warrant and defend the above granted premises against all lawful claims w soever, except as above stated.

Dated February 22 1960

(Seal)

x *Onni Puustinen*

(Seal)

STATE OF OREGON, County of Lane, ss.

Personally appeared the above na

Onni Puustinen



MES L. HERSH

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever
And the said Grantees hereby covenant that they are lawfully seized in fee simple of said premises
that they are free from all incumbrances, EXCEPT easements and restrictions
of record

and that they will warrant and defend the above granted premises against all lawful claims
soever, except as above stated.

Dated February 22 19 60

(Seal)

x Onni Puustinen

(Seal)

Personally appeared the above

STATE OF OREGON, County of Lane, ss.

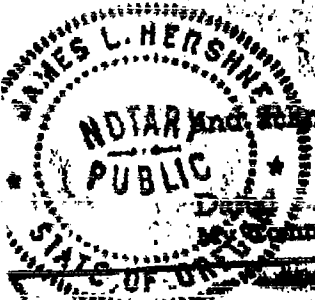
Onni Puustinen

And he acknowledged the foregoing instrument to be his voluntary act and deed. Before me

February 22 A.D. 1960

Commission Expires 3/4/61

James L. Hershner
Notary Public for Oregon



Commitments of
CASCADE TITLE COMPANY
Eugene, Oregon
972 Oak Street
WARRANTY DEED

4119 - Hershner
TO

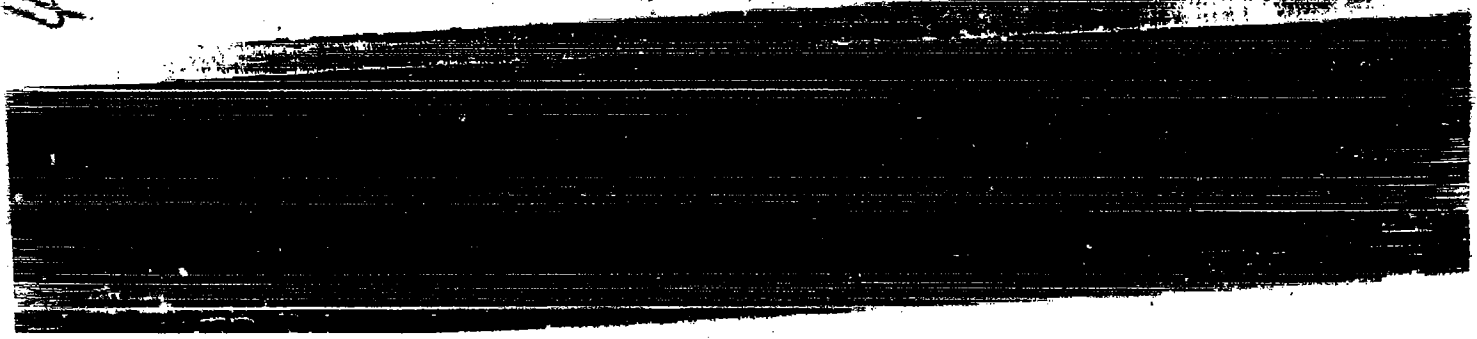
State of Oregon,
County of Lane -
I, Mary L. Chase, County Clerk, and
at-risk Recorder of Deeds, do hereby certify
and for said County, do hereby certify
that the within instrument was received
for record at

1960 JUN 13 PM 3 52

NEEL 154 60 D

County Clerk
MARY L. CHASE, County Clerk
Deputy

Return To:
Onni Puustinen
Eugene, Ore



ELT-2004-05

THIS DEED IS BEING RE-RECORDED TO CORRECT SCRIVENERS ERROR

Bargain and Sale Deed

KNOW ALL MEN BY THESE PRESENTS, That RALPH A. KEENEY AND LOIS A. KEENEY, AS TENANTS BY THE ENTIRETY, hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey to RALOA A. KEENEY; hereinafter called Grantee, and unto Grantees' heirs, successors and assigns, all of that certain real property situated in the County of Lane, State of Oregon, described as follows, to wit:

SEE ATTACHED "EXHIBIT A"

**and Ralph A Keeney and Lois A. Keeney, with rights of survivorship To have and to hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars is "Other".

THIS INSTRUMENT WILL 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 OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

In Witness Whereof, the Grantor has executed this instrument this 3rd day of May, 2004.

Ralph A. Keeney
RALPH A. KEENEY

Lois A. Keeney
LOIS A. KEENEY

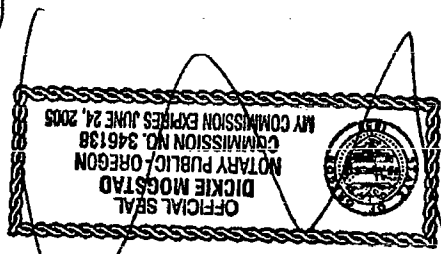
STATE OF OREGON, (County of Lane) ss.

This instrument was acknowledged before me on May 3, 2004 by

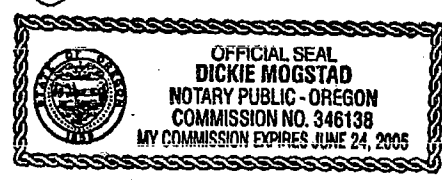
Ralph A. Keeney + Lois A. Keeney

[Signature]
Notary Public for Oregon

Grantor's Name and Address:
Ralph A. Keeney
Lois A. Keeney
90856 Hill Road
Springfield, Or 97478



Grantee's Name and Address:
Raloa A. Keeney
90854 Hill Road
Springfield, OR 97478



Send Tax Statements to:
Same as Grantee Above

Division of Chief Deputy Clerk
Lane County Deeds and Records

2004-033810



RETURN TO EVERGREEN LAND TITLE CO.

Exhibit A

Beginning at a point where the Southwest corner of that certain tract of land described in Memorandum of Contract between Ralph A. Keeney, et ux, sellers, and Randall A. Powell, et ux, buyers, said Memorandum Recorded April 17, 1985, Reception No. 85-13377, Lane County Oregon Official Records, intersects the East-West center section line of Section 33, Township 16 South, Range 2 West of the Willamette Meridian, in Lane County, Oregon, said point being 660.57 feet North 00° 03' 17" West and 897.79 feet North 89° 54' 27" East and 649.14 feet South 00° 04' 43" East from the Northeast corner of Government Lot 3 in said Section 33, running North 89° 10' 42" East along said East-West center section line 868.80 feet, more or less, to the most Westerly corner of that certain tract of land conveyed to Randall A. Powell, et ux, by Deed Recorded November 1, 1985, Reception No. 85-39690, Lane County Oregon Official Records; thence South 64° 59' 20" East 140.0 feet to a point on the West line of the County Road; thence Southwesterly along the Northwesterly line of said County Road to a point where said Northwesterly line intersects the Northerly line of that certain tract of land conveyed to Nancy A. Sieloff, et al, by Deed Recorded November 18, 1985, Reception No. 85-41520, Lane County Oregon Official Records; thence North 74° 39.6' West along the Northerly line of said Sieloff tract to a point that is South 15° 18' 12" West from the Point of Beginning; thence North 15° 18' 12" East 189.44 feet, more or less, to the Point of Beginning, in Lane County, Oregon.

In Witness Whereof, the Grantor has re-executed this instrument this _____ day of September, 2005.

Ralph A. Keeney
Ralph A. Keeney

Lois A. Keeney
Lois A. Keeney

State of Oregon, County of Lane) ss.
This instrument was acknowledged before me on September _____ 2005
by Ralph A. Keeney and Lois A. Keeney

Notary Public for Oregon

1602 33 350

