



Clatsop County
Community Development
800 Exchange Street, Suite 100
Astoria, Oregon 97103
Phone 503 325-8611 Fax 503 338-3606
comdev@co.clatsop.or.us www.co.clatsop.or.us

STAFF REPORT
Application 20170428

STAFF REPORT DATE: October 2, 2017

REQUEST: Lot of Record Determination

OWNER/APPLICANT: Valerie I. Ramirez
3718 SE Jackson Street
Milwaukie, OR 97222

AGENT: Deborah J. Leber
3718 SE Jackson Street
Milwaukie, OR 97222

PROPERTY DESCRIPTION: T4N, R10W, SEC31CC, TL00100
Formerly T4N, R10W, SEC31C, TL00400.

ZONING DESIGNATION: CR - Coastal Residential
20,000 square feet minimum in exception areas.
Property is located in Exception Area 1, Map F

PROPERTY SIZE (approximate): 0.76 acres (~33,106 square feet)

EXISTING STRUCTURES: Clatsop County Assessor's documents do not indicate any structures currently located on the subject parcel.

COUNTY STAFF REVIEWER: Clancie Adams, Permit Tech

LOT-OF RECORD BACKGROUND:

There are two steps to a lot of record determination. The first is to determine whether or not the subject property was created legally and is based on the following provision in Ordinance #80-14, Section 1.030, Definitions, "Lot-of-Record", which reads:

LOT OF RECORD -- Any lot or parcel lawfully created by a subdivision or partition plat of record in the County Clerk's Office, or lawfully created by deed or land sales contract prior to land use partitioning requirements, and of record in the Deed Records of Clatsop County.

LOT OF RECORD STATUS:**Staff Finding:**

The subject T4N, R10W, SEC10DA, TL00100 was created by the recording of a subdivision with the Clatsop County Clerk on August 15, 1927 (County Deed Records, Book 9, Page 8). **The subject property meets the county's definition of "lot of record". LWDUO §1.030.**

LAND USE BACKGROUND:

Land Use Parcel Status is governed by Standards Section S1.030, which states:

S1.030. General Exception to Lot Size Standards.

(2) In all other areas:

- (A) If, at the time the applicable zone or an amendment to the applicable lot size or dimension standards was adopted, a lot of record has an area or dimension that does not meet the requirements of the zone, and the lot of record was not in the same ownership with a contiguous lot or parcel which does not meet the minimum area or dimension requirements, the lot of record may be developed as allowed by the applicable zone and county development standards.

LAND USE STATUS:

Staff Finding: S1.030 (2)(a) applies. The subject T4N, R10W, SEC31CC, TL 00100 is located in the Coastal Residential Zone which has a minimum lot size of 20,000 square feet (Goal 3-4 Exception Area 1, Map F). The subject parcel measures approximately 33,106 square feet and is not substandard in size. The parcel was owned by Arch Cape Land Company on September 30, 1980, the effective date of Clatsop County Ordinance #80-14 which established the current minimum lot size for the CR Zone. TL00100 was not owned in common with other contiguous substandard lots. **The subject T4N, R10W, SEC31CC, TL00100 constitutes "one land use parcel".**

CONCLUSION:

The subject T4N, R10W, SEC31CC, TL 00100 meets both criteria of the Lot of Record Determination and therefore, is considered a "buildable" lot. Any development of a land use parcel must adhere to all ordinances and standards except for minimum lot size and dimensions.

APPEAL: This determination is a Type I procedure, as defined in Section 2.015, Type I Procedure. Pursuant to Ordinance #80-14, Section 2.230, Request for Review/Appeal, this determination may be appealed within twelve (12) days of this decision. **The deadline for filing an appeal is 4:00 PM on October 16, 2017.**



Development Permit

Clatsop County Planning and Development
800 Exchange St Ste 100
Astoria, OR 97103

Ph. (503) 325 - 8611 Fax (503) 338 - 3606

For Department Use Only

Permit #: 20170496
Permit Type: Type I Complex
Entry Date: 9/25/2017
Entered By: Will Caplinger
Assigned To: Clancie Adams
Permit Status: Completed

Permit Timeline

User	Status	Date
Will Caplinger	Entered	09/25/2017
Clancie Adams	Assigned	09/25/2017
Clancie Adams	Completed	10/03/2017

Proposed Use

Proposed Use: Lot of Record Detemination

Zone: CR

Description: Lot of Record determination

Owner/Project Location

Owner: Name: VALERIA I. RAMIREZ
Address: 3718 SE JACKSON STREET
City, State, Zip: PORTLAND, OR 97222

Ph. #: (503) 522-2939
Cell: () -
Fax: () -

Situs Address: T R S Q S Qq S Taxlot
City: ARCH CAPE State: OREGON 4 10 31 C C 00100

Applicant/Agent

Applicant: Name: VALERIA I. RAMIREZ
Address: 3718 SE JACKSON STREET
City, State, Zip: PORTLAND, OR 97222

Ph. #: (503) 522-2939
Cell: () -
Fax: () -

Agent: Name/Type: Deborah J. LeBer (Agent)
Address: 3718 SE Jackson Street
City, State, Zip: Portland, OR 97222

Ph. #: (503) 260-3612
Cell: () -
Fax: () -

Fees

Fee Type:
Planning/Development

Permit Fee Total:

\$163.00

Total: \$163.00

Receipt

Payor Name:
VALERIA I. RAMIREZ

Pymnt Type
Credit Card

Check #

Pymnt Date
09/25/2017

Pymnt Amount:
\$163.00

Balance Due: \$0.00

Signatures

1. For Commercial and Industrial uses, include parking and loading plan, sign plan and erosion control plan.

2. For residential and other uses, include an erosion control plan.

3. Review attached applicant's statement and sign below.

I have read and understand the attached APPLICANT'S STATEMENT and agree to abide by the terms thereof.

Applicant Signature: _____ **Date:** _____

Owner Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____



Development Permit

For Department Use Only

Clatsop County Planning and Development
800 Exchange St Ste 100
Astoria, OR 97103

Permit #: 20170496

Ph. (503) 325 - 8611 Fax (503) 338 - 3606

Zoning District Requirements

Property Access Info.

Access to Property:
County Permit Required?
State Permit Required?

Direction	Setbacks	
	Req.	Actual
F:		
S1:		
S2:		
R:		

Property Information

Compliance/Permit Requirements

Clatsop County Compliance

Except as noted, the Clatsop County Community Development Department finds the proposed use(s)/action(s) in compliance with the Clatsop County Land & Water Development and Use Ordinance and with the Clatsop County Comprehensive Plan.

The evaluation of the land parcels outlined above is based on the information presented at this time, standards provided in the Clatsop County Land & Water Development & Use Ordinance, and policies of the Comprehensive plan, and the Zoning/ Comprehensive Plan Map.

*The applicant or property owner must comply with the conditions noted below and on the attached applicants statement.
This permit is not valid unless the conditions are met.*

Entered by: Will Caplinger

Entered Date: 09/25/2017

Applicants Signature: _____

Date: _____

Clatsop County Authorization: _____

Date: _____



Development Permit

Applicant's Statement

1. *Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the following permits: Building, Sanitation, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon Department of Parks and Recreation, or a Clatsop County Road Approach. I shall obtain any and all necessary permits before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements, or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.*
2. *It is expressly made a condition of this permit that I at all times fully abide by all State, Federal, and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.*
3. *As a condition for issuing this Development Permit/Action, the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever, which might result from the undersign's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.*
4. **WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATIONS.**
I have been advised that this Land and Water Development Permit/Action by the Clatsop County Community Development Director may be appealed within twelve (12) calendar days of the date of of permit issuance and authorization (note: if the twelfth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.
5. *I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14, as amended and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.*
6. *I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Permit/Action (check first, with the Clatsop County Community Development Department).*
7. *I understand that this Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place. Upon expiration, a new development permit must be obtained.*



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20170496

RECEIVED
Clatsop County

SEP 25 2017

Land Use Planning

Lot of Record Determination

GHO

Fee: \$163

~ 33,106 SF

Determination Property Description

T 4N R 10 W S 31CC TL 100 Acres 0.76 Zone CR

T R S TL Acres Zone abuts RM

T R S TL Acres Zone

Contiguous Property Description:

No dwelling

T R S TL Acres Zone

T R S TL Acres Zone

T R S TL Acres Zone

T R S TL Acres Zone

T R S TL Acres Zone

Applicant: Valeria I Ramirez Email: vramprdx@aol.com

* Mail Address: 3718 SE Jackson Street City/State/Zip Milwaukie OR 97222

Phone: 503/522-2939 (cell) Phone: 503/522-2939 (cell)

Signature: Valeria I Ramirez Date: 09/25/2017

Owner: Same as above Email:

Mail Address: City/State/Zip

Phone: Phone:

Signature: Date:

Other: Owner's Representative Deborah J. LeBer Email: focaspdx@aol.com

Mail Address: 3718 SE Jackson St City/State/Zip Milwaukie OR 97222

Phone: 503/260-3612 (cell) Phone: 503/260-3612

Signature: Deborah LeBer Date: 09/25/2017

* Change of address as of 6/2017 from 2725 NE 43rd Ave, Portland OR 97213

Map

4 10 31cc 00100

20,000 sf

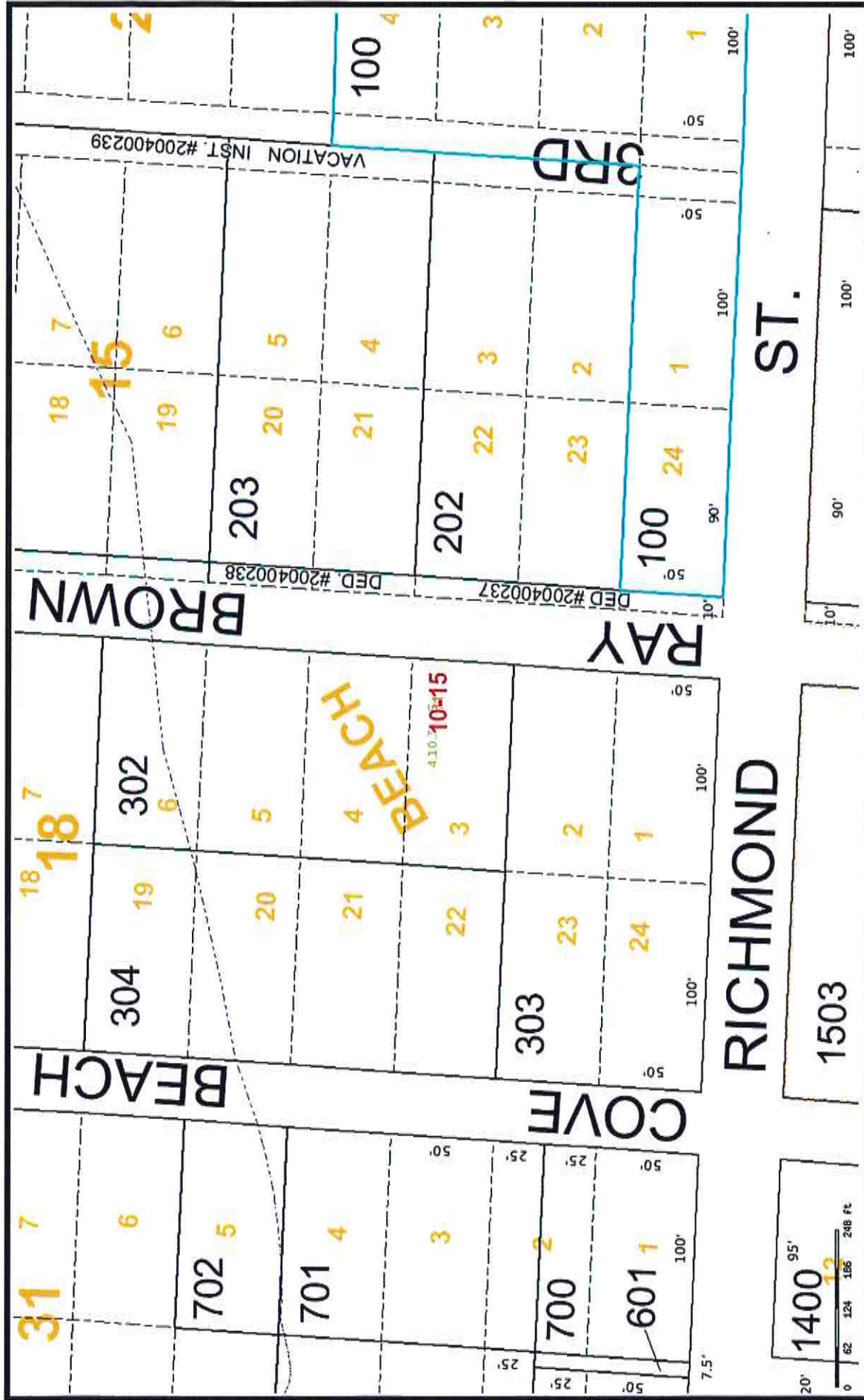
1F/32

CR

9/30/80



Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.



Area 1 Map F

9.31 CC	100	4.10.31 CC	410	}	.22
	200		402		
	300		404	}	□ .41
	400		408		
	1500		401	□	.34
	1600		403	}	□ .33
	1700		409		
			405		
9.31 CB	100		400	}	□ .39
	200		407		
	300		701		
	1100		500	□	.26
	1200		600		.16
	1000	48.53	700		.17
	1002		1200		.08
10.31 BC	100		1100	□	.20
	200		1400		.11
	300		1000	□	.09
	400		1302		.33
	1000		901	□	.17
10.31 C	200		1308		.22
10.31 BB	100		900		.12
	600		902	□	.09
	700		800	□	.28
	500		1502	}	□ .23
	400		1501		
10.31 B	400				

Clancie Adams

From: Eileen Ystad
Sent: Wednesday, September 27, 2017 3:09 PM
To: Clancie Adams
Subject: RE: Need Help

Clancie

Cove Beach was platted in 1927 by Arch Cape Land Company. 410 31CC – 100 was originally 410 31C – 400. At the time of the original entry on the tax lot card that is how it was taxlotted and was Lots 1 thru 12 Block 2. In 1994 tax lots 101 and 102 were cut out. In 2004 tax lot 207 was included.

If it doesn't make since give me a call.

Eileen
503-338-3747

From: Clancie Adams
Sent: Wednesday, September 27, 2017 1:49 PM
To: Eileen Ystad
Subject: Need Help

Hey,

I am trying to do a lot of record for 41031CC00100. I have not been able to find any deed records prior to 1994 that indicate how the tax lot was originally formed. Notes say it was formerly 41031C00040. The original description was Lot 1-12 Block 2 Cove Beach. Tax Lots 101 and 102 were created out of 100 in 1994. Do you have any information on how 100 was originally created?

THANKS. (I would come up and waste your time by visiting but I'm the only one here today)

Clancie Jo Adams | Permit Technician
Clatsop County Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103
Phone: 503.325.8611 | Fax: 503.338.3666

This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and Online Services Use Policy and Procedures of Clatsop County.

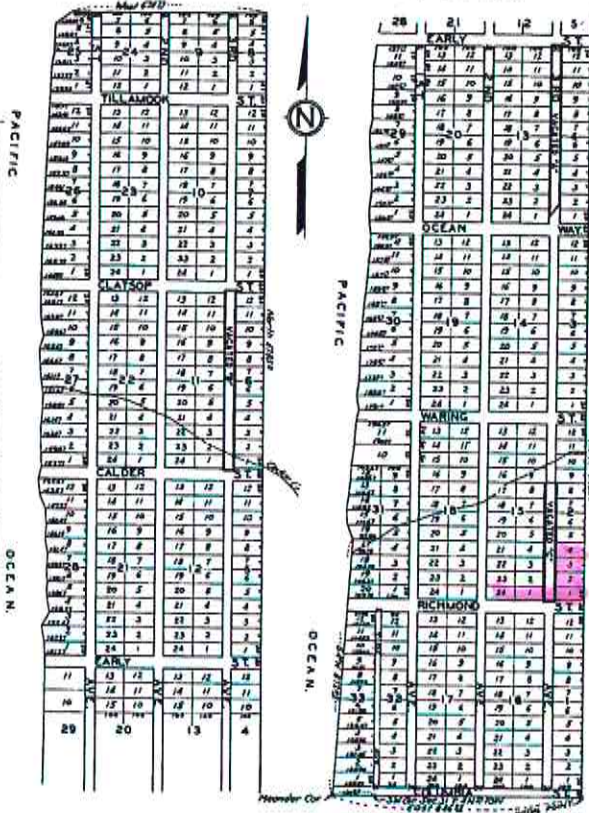
Beginning September 1, 2015, our office hours will be 7:30 AM to 4:00 PM, Monday-Friday.

Book 41Pg 8
08/15/27

Book - 9
8

MAP OF COVE BEACH.

IN SEC. 31 T. 4 N. R. 10 W. & SEC. 36 T. 4 N. R. 11 W. W.M.
SCALE 1 IN = 200 FT. W.C. ELLIOTT, CIVIL ENGR.



Know all Men, that the Arch Cape Land Company, a corporation organized and existing under and by virtue of the laws of the State of Oregon, does hereby make, establish and declare the annexed map, office and correct map and plat of COVE BEACH, accompanying surveyor's certificate, all tracts being of the dimensions shown on said map, and all streets and avenues of the width herein set forth, and said Arch Cape Land Company does hereby dedicate to the public use forever all streets and avenues shown on said map.

IN WITNESS WHEREOF, said Arch Cape Land Company has caused these presents to be executed by its President and its Secretary and its corporate seal to be hereunto affixed this 20 day of May 1927.

Witnessed in the presence of us as witnesses: M. T. Huchness ARCH CAPE LAND COMPANY. BY Earl L. Cady SECRETARY.

THIS CERTIFIES, that on this 20 day of May 1927, before me the undersigned a notary public in and for said county and state, appeared M. T. Huchness and Earl L. Cady, to me respectively known to be President and Secretary, respectively of the Arch Cape Land Company, the corporation above named, who being first separately sworn did say that he, the said M. T. Huchness is the President and he, the said Earl L. Cady is the Secretary of said Arch Cape Land Company, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors, and they acknowledged said instrument to be the act and deed of said corporation.

IN TESTIMONY WHEREOF, I then hereunto set my hand and affixed my official seal the day and year first in this my certificate written.

M. T. Huchness
NOTARY PUBLIC FOR STATE OF OREGON.
My Commission Expires May 4 1930

I, WILLIAM C. ELLIOTT, being first duly sworn, depose and say that I have correctly surveyed and marked with appropriate monuments the land represented on the annexed plat of COVE BEACH, and at the initial point of said survey I set on iron pipe 4 inches in diameter and 12 inches long. Said initial point is situated 200 feet east of the southwest corner of Section 31 Township 4 North Range 10 West of the Willamette Meridian.

The boundaries of the land plotted are as follows: Beginning at said initial point thence North 47° 50' feet thence West 6743 feet thence South along the line of Meas high tide of the Pacific Ocean to a point 850 feet West and 100 feet North of the Southwest corner of Section 31, Township and Range as above, thence South 4° West 8728 feet thence East 840 feet to the place of beginning.

Subscribed and sworn to before me this 15th day of May 1927.
W. C. Elliott
NOTARY PUBLIC FOR OREGON.
My Commission Expires December 10 1927

All taxes from 1926 to 1926 both inclusive are paid.
James H. Sawyer SHERIFF.
BY Edmund S. Sawyer DEPUTY.

APPROVED Aug 15 1927 1927
James Sawyer COUNTY ASSESSOR.
BY _____ COUNTY DEPUTY.

APPROVED Aug 15 1927 1927
T. S. Cornelius JUDGE
BY John Payne COUNTY COMMISSIONERS.

ATTEST: J. L. G. Lester COUNTY CLERK.
BY _____ DEPUTY.

Filed for record Report 1541937 at 11:22 A.M.
J. L. G. Lester - County Clerk
By Max H. Post, Deputy.

VACATED:
* SEE INSTRUMENT # 8904482
* SEE INSTRUMENT # 8904442
* SEE INSTRUMENT # 200400218

KNOW ALL MEN BY THESE PRESENTS that the Arch Cape Land Company, a corporation organized and existing under and by virtue of the laws of the State of Oregon, does hereby make, establish and declare the annexed map, office and correct map and plat of COVE BEACH, accompanying surveyor's certificate, all tracts being of the dimensions shown on said map, and all streets and avenues of the width herein set forth, and said Arch Cape Land Company does hereby dedicate to the public use forever all streets and avenues shown on said map.

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STATE OF OREGON
COUNTY OF MULTNOMAH SS.

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VACATED:
* SEE INSTRUMENT # 8904482
* SEE INSTRUMENT # 8904442
* SEE INSTRUMENT # 200400218

4_10_31_C_C_00100 1015

of Descriptions of Real Properties

PROPERTY ASSESSOR, CLATSOP COUNTY, OREGON

176 10-15 12-11

37-2
CODE NUMBER

100
4
TAX LOT NUMBER

SECTION 31 TOWNSHIP 4 N RANGE 10W W.M. MAP NO. 31 C 4 10 AERIAL PHOTO
 LOT NO. 1 thru 12 BLOCK NO. 2 ADDITION Cove Beach Formerly CITY 41031C-405

INDENT EACH NEW COURSE TO THIS LINE	LEGAL DESCRIPTION	DEED RECORD			ACRES REMAINING
		YEAR	VOLUME	PAGE	
Y	Arch Cape Land Co.				
	<u>'94 Less TL 101 daf:</u>				
	Lt 9 thru 12, Blk 2 Cove Beach	WD 5/6/94	843	879	4/11/94
	<u>New Description:</u>				
	Lts 1 thru 8 Blk 2 Cove Beach				
	<u>'94 Less TL 102 daf:</u>				
	Lts 5 thru 8, Blk 2 Cove Beach	WD 6/9/94	846	361	5/20/94
	<u>New Description:</u>				
	Lts 1 thru 4 Blk 2 Cove Beach				
	Arch Cape Land Co % LeBer, Deborah (C)	Memo/Cont 01-31-95	862	164	11-15-94
		Easement 5-23-96	899	902	5-2-96
	LeBer, Deborah	WD 10-5-98	983	594	6-30-97

Property History

Account ID:53780

Legal Description:

<u>Legal Type</u>	<u>Subdivision</u>	<u>Lot</u>	<u>Block</u>	<u>Tract</u>
Lot Block	Cove Beach	1, 2, 3 & 4	2	

Additional Information:

'04 Incl por vac 3rd ave daf: That por of Third Ave laying Sly from the NE cor of Lot 8, Blk 15 and the NW cor of Lot 8, Blk 2, to the N li of Richmond St in said plat of Cove Beach.

'04 Incl TL 207. New legal daf: Lots 1, 2, 3 & 4, Blk 2, Lots 1 & 24, Blk 15, Cove Beach, CCO (wftlpo)

Account History:

<u>From Account Id</u>	<u>From TaxMapKey</u>	<u>To Account Id</u>	<u>To TaxMapKey</u>	<u>Year of Change</u>
3264	41031CC00202	53775	41031CC00202	2004
53775	41031CC00202	53778	41031CC00207	2004
53778	41031CC00207	53780	41031CC00100	2004
3259	41031CC00100	53780	41031CC00100	2004

Owner(s):

Current Ownership:

<u>Owner Name</u>	<u>Ownrshp %</u>	<u>Type</u>
Ramirez Valeria I		Owner

Voucher History:

Voucher 1	Source: Misc	Effective Date: 05/15/2003	Map Key: 41031CC00207
Document Type Code: Cancel & Combi	Operation: New Account	Date Created: 06/07/2004	Instrument Id: AC2004-033
Operation Type: Cancel	Completed Date: 06/07/2004	Voucher Type: Assessment	Book:
Completeness Status: Completed	Partition Flag: No	Consideration:	Page:
User Id: MPINCOMBE	Remarks: incl TL 207		Status: Active

4_10_31_C_C_00202 1015

10-15

OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
COUNTY ASSESSOR'S OFFICE

MAP NUMBER	FARCEL NUMBER	REAL PROP.	CODE AREA NUMBER
TAX LOT NUMBER			

FORMERLY PART OF 200

Indent each new course to this point	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record		Acres Remaining
			Vol.	PG.	
	Isolated Parcel				
	Lts 1 thru 5 and 20 thru 24, Blk 15 Cove Beach	WD 6/9/94	846	361	5/20/94
	Arch Cape Land Co.				
	'94 Less TL 203 daf:				
	Lts 4 & 5, 20 & 21, Blk 15 Cove Beach	WD 6/9/94	846	363	5/20/94
	<u>New Description:</u>				
	Lts 1 thru 3 & 22 thru 24, Blk 15 Cove Beach				
	Arch Cape Land Co				
	% LeBar., Deborah (C)	Memo/Cont 01-31-95	862	164	11-15-94
		Easement 5-23-96	899	902	5-2-96
	LeBer, Deborah	WD 10-5-98	983	594	6-30-97