



SUPPLEMENTAL MATERIAL

W. / 16. e.

AGENDA COVER MEMO
SUPPLEMENT

MEMO DATE: January 17, 2006

AGENDA DATE: January 18, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: BILL VANVACTOR, COUNTY ADMINISTRATOR
KENT HOWE, PLANNING DIRECTOR

RE: In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA 05-6100, Bedortha)

On January 12, 2005, additional material was submitted for PA 05-6100. There is a letter from Rosalie Lake and a letter and deeds from Norm Waterbury. The submittal from Mr. Waterbury was submitted in order to identify the date when Milton Bedortha acquired the property.

There are two tax parcels involved in this claim. It appears both parcels were purchased on separate land sale contracts on different dates. However, there is not sufficient information to show a clear chain of title from the original land owner to Milton Bedortha. Specifically, the evidence does not identify how the claimant, Milton Bedortha, acquired the property, who sold the property to him, and who the original land owner was.

Summary of evidence for Parcel 20-03-34 #2300

Instrument #42143 Dated: January 20, 1964. Recorded: unknown.

A Warranty Deed that shows Duane and Jean Coop conveyed the property to Milton Bedortha. This deed may have conveyed ownership of the property once the land sale contract was completed, but without a recording date, it is impossible to verify.

Instrument #50693 Dated: January 10, 1969. Recorded: unknown.

An Assignment of Contract that shows WL and Kathryn McNair assigned the remainder of the contract to Milton, Chester and Gladys Bedortha.

Instrument #50692 Dated: January 10, 1969. Recorded: January 13, 1969

Bargain and Sale Deed that shows WL and Kathryn McNair conveyed the parcel to Milton, Chester and Gladys Bedortha.

Instrument #7606614 Dated: January 31, 1976.

Quit Claim Deed from Chester and Gladys Bedortha to Milton Bedortha. Subject to a contract of sale dated July 11, 1967 and recorded on January 10, 1969, where Jessie Post was selling the property to WL and Kathryn McNair.

Norman Waterbury
Land Use Planning Consultant
28788 Gimpl Hill Rd.
Eugene, OR 97402

1-6-06

William Van Vactor
Lane County Administrator
Public Service Building/ 125 East 8th. Avenue
Eugene, OR 97401

Re: Ballot Measure 37 Claim (PA05-6100, Bedortha)

Also Re: your letter dated 12-28-05.

In response,


The Bedortha family has owned the subject property far in excess of the time periods that are required for Measure 37 claims. This is a fact that can be substantiated by the official records and descriptions of real properties in Lane County Deeds And Records .

Evidence of ownership is specifically described in Lane County Records as in 7908763 and 7906615 which date back to 1974.

It must be assumed that Chester and Gladys Bedortha were in fact the parents of Milton Bidortha, (family photos available upon request).

Also see:

7606614 Quit Claim Deeds (1976)
50693 Assignment of Contract (1969)
50692 Bargain & Sale Deeds
42143 Warranty Deed Individual (transferred to Milton Bedortha 1964)
50692 Bargain & Sale Deeds (1969)
50693 Assignment of contract

Norm 
510-3501

42143

WARRANTY DEED (INDIVIDUAL)

DUANE L. COOP and JEAN COOP, Husband and Wife
(show marital status), hereinafter called grantor,
convey(s) to MILTON BEDORTHA, a single man

all that real property situated in Lane County, State of Oregon, described as:
Beginning at a point 1575.92 feet North and 690.88 feet East of the Southwest corner SW
of Section 30, Township 20 South, Range 3 West of the Willamette Meridian, said point
being on the southerly right-of-way line of County Road No. 532: Running thence South
to 24' West 406.61 feet to the Northerly right-of-way line of the old Chambers Railroad;
thence along said right-of-way line North 29° 46' 45" West 65.67 feet; thence North 1°
24' East 363.66 feet to the southerly right-of-way line of County Road No. 532; thence
along said right-of-way line South 67° 18' 30" East 36.49 feet to the point of beginning,
in Lane County, Oregon.

Reserving unto the Grantor the right to the joint use of said roadway.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances
except

and will warrant and defend the same against all persons who may lawfully claim the same, except as
shown above.

Dated this 20th day of January, 19 64

X Duane L. Coop
X Jean Coop

STATE OF OREGON,

County of Lane

January 20, 19 64

Personally appeared the above-named DUANE L. COOP and JEAN COOP, Husband
and Wife

and acknowledged the foregoing instrument to be their voluntary act. Before me:



Maynard Wilson
Notary Public for Oregon.
My commission expires 2-28-66

WARRANTY DEED (INDIVIDUAL)

42143

702 - Coop

TO
3 - Bedortha
AFTER RECORDING RETURN TO

Oregon,
of Lane—ss.
Ina Randolph, Director of the
ent of Records and Elections,
r the said County, do hereby
at the within instrument was
for record at

JAN 31 AM 10 49 9

235D

by OFFICIAL Records,
DOLPH, Director of the
at of Records & Elections.
by J. P. Bennett
Deputy

2
10
150

QUIT CLAIM DEED
76-06614
Chester W. Bedortha et ux

Grantors,

TO:

MILTON W. BEDORTHA,

Grantee.

Unless otherwise notified, SEND TAX

STATEMENTS to:

Milton W. Bedortha
78184 Pitcher Lane
Cottage Grove, Oregon 97424

WHEN RECORDED RETURN TO:

Milton W. Bedortha
78184 Pitcher Lane
Cottage Grove, Oregon 97424

6.00

9 11 76 9 2 8 0 6 7 0 1 8 6 2 0 0 6

KNOW ALL MEN BY THESE PRESENTS, That on the 1st day of Feb 1974,
CLIFFORD A. BUSH and BERTA MAE BUSH, husband and wife

as VENDORS and MELTON W. BEDORTHA and CHESTER W. BEDORTHA, not as tenants in
common but with the right of survivorship

as VENDEES, made and entered into a certain Land Sale Contract;

WHEREAS, VENDOR agreed to sell and VENDEES agreed to purchase the following described
real property to-wit:

The Northwest 1/4 of the Northeast 1/4 of Section 3, Township 21
South, Range 3 West of the Willamette Meridian, in Lane County, Oregon,
together with appurtenant easement of record
Subject to power line easement of record

Consideration: \$20,000.00

The terms and conditions of said transfer being fully set forth in said Land Sale Contract

IN WITNESS WHEREOF the parties have hereunto set their hands this 1st day of Feb

1974

Melton W. Bedortha * *Clifford A. Bush*
Berta Mae Bush * *Berta Mae Bush*

STATE OF OREGON, County of Lane, ss.

Personally appeared the within named CLIFFORD A. BUSH and BERTA MAE BUSH,
husband and wife
and acknowledged the foregoing instrument to be their voluntary act and deed, before me

Buyers' address:
Box 582
Hortage Grove, Ore. 97424

Betty J. Watkins
Notary Public for Oregon
My Commission Expires 9-10-76

Notary, Director of the
Records and Elections,
Lane County, do hereby
certify that this instrument was
recorded at

AM 8 59

R

LOCAL RECORDS

Director of the
Records & Elections

Edmund
Deputy

Ed Wilson
City Street

7600615

QUIT CLAIM DEED

CHESTER W. BEDORTHA, GRANTOR, premises, releases and forever
quitclaims unto MILTON W. BEDORTHA, GRANTEE, his heirs and assigns
all of GRANTOR'S RIGHT, TITLE and INTEREST in and to the following
real property situated in the County of Lane, State of Oregon, to-wit:

The Northwest 1/4 of the Northeast 1/4 of Section 3,
Township 21 South, Range 3 West of the Willamette
Meridian, in Lane County, Oregon.

SUBJECT TO: That certain Contract of Sale, includ-
ing the terms and provisions thereof, dated 2-1-74, wherein
CLIFFORD A. BUSH and BERTA MAE BUSH, husband and
wife, are SELLERS, and GRANTEE and GRANTOR above
named are Buyers. GRANTEE above named covenants
and agrees to and with GRANTOR above named that
GRANTEE will and shall keep and perform the terms
and provisions of said Contract of Sale on the part
of Buyers named therein to be kept and performed and
that GRANTEE will and shall save and keep GRANTOR
harmless from all liability or responsibility of any
kind or nature whatsoever in connection therewith.

GRANTOR states that GRANTOR has not invested any moneys or prop-
erty of any kind in the premises above described nor in the Contract
of Sale above referred to and that the consideration for this Quit
Claim Deed is GRANTOR'S love and affection for GRANTEE, GRANTEE being
the son of GRANTOR and that the purpose of this Quit Claim Deed is to
clear the title to the premises above described from any right, title
or interest of GRANTOR, if any there be.

Dated January 31, 1976.

Chester W. Bedortha
Chester W. Bedortha

STATE OF OREGON)
) ss
County of Lane)

BEFORE ME, on this 31st day of January, 1976, personally appeared
CHESTER W. BEDORTHA who stated to me that he executed the foregoing
instrument freely and voluntarily for the purposes therein set forth.

Lucy Hays Pickens
Notary Public for Oregon
My Commission Expires: 10-16-79

50693

The Assignors do covenant that taxes on said property have been paid to date and that all obligations required to be fulfilled by said contract have been completed.


The Assignors do hereby covenant to and with the said Assignees that they have good title to the property and the same is free and clear of all encumbrances, and that they have good right to assign the contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 1st day of May 1954.

W. L. Belotta
Robert W. Belotta
Black H. Belotta
Assignees

The above named H. L. MC NAIR and KATHRYN MC NAIR, have acknowledged the foregoing instrument to be their voluntary

John H. ...
Notary Public for Oregon
My Commission expires: *10/15/54*



REC'D JAN 13 2006

Jan. 11, 2006

Attn.: Steve Hopkins

Re: File # PA05-6100

Contiguous Ownership of Property Involved
by: 20-03-34 #2300

Location: 78190 Pitcher Lane, Cottage Grove, OR 97424

Zoning: F2

Owner: Milton Bedortha

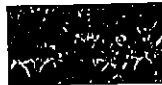
My concerns of building on this hillside would be when heavy rains occur, as has happened recently, the land would slide down the hill, damaging all buildings + landscape.

Also another concern is the water supply for the wells below this proposed subdivision.

On Lea-Jac Rd. between Walker and Laginaw, we know a resident on the top of the ridge who had a good well. Then another piece of property was sold down below, lower on the hill, and they have a well. Now the party up the hill has very diminished water supply - they mainly get water at night only.

Thank you for considering my concerns.

Rosalie A. Lake



Rosalie Lake
78432 Mosby Creek Rd
Cottage Grove OR 97424-9401

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