

SUPPLEMENTAL MATERIAL

AGENDA COVER MEMO
(Supplemental)

W. 4. d.

DATE: September 13, 2005

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 (PA05-5537, James and Carol Silke)

Since the staff report was distributed, the only information that has been received addresses ownership. Attached is the warranty deed conveying the subject property to James and Carol Silke.

No additional information has been received addressing the alleged reduction in property value as a result of the current land use regulations.

The complexity of the Unzoned Area Development Permit and Lane Code Chapter 13 land division requirements applicable when James and Carol Silke acquired the property make it difficult to reach a conclusion that the current zoning regulations reduce the value of the property.

ATTACHMENT:

1. Warranty deed conveying the subject property to James and Carol Silke.

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

REC'D SEP 08 2005

576 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@LANDUSEOREGON.COM

September 7, 2005

Mr. William A. Van Vactor
Lane County Administrator
Courthouse and Public Service Building
125 E. 8th Ave.
Eugene, OR.97401

Re: Bailot Measure 37 Claim by Jim and Carol Silke
Assessor's Map 19-12-25-22, TL 1800


Dear Mr. Van Vactor:

The Staff Report on this matter noted that the application did not include a deed for the subject property putting the real property in the name of the applicant. It contained only a Memorandum of Land Sale Contract. Enclosed is the relevant warranty deed, Lane County Instrument 8800937, conveying the property to the applicants, James and Carol Silke.

Please add this to the supporting materials in this matter.

The Staff Report also noted that more information was needed to support diminished value. I understand from my client that he is obtaining a comparative market analysis. That will be forwarded as soon as it is in hand.

Sincerely,


Bill Kloos

C: Jim Silke
Kent Howe

Encl. Warranty Deed, Instrument No. 8800937

8800937

WARRANTY DEED

46544

2017-3

WPT 77150-C

MILDRED E. MILTONBERGER, as to an undivided one-half interest, E J Petersen & Zelpha Petersen, as tenants by the entirety as to an undivided one-half interest Grantor,

conveys and warrants to JAMES SILKE AND CAROL L. SILKE, husband and wife

the following described real property free of encumbrances except as specifically set forth herein situated in Lane County, Oregon, to-wit:

Lot 1, Block 2, Lots 1, 2, 3, 4, and 5, Block 3; Lots 1, 2, and 4, Block 4; all of Blocks 5 and 6; Lots 2 and 7, Block 7; Lots 71, 72, 77, 78, 101, 102, 103, 104, 105, 106, 107, 108, 109, and 110, Block 9; and all of Block 10, ERHART ACRES, as platted and recorded in Book 7, Page 24, Lane County Oregon Plat Records, in Lane County, Oregon.

WESTERN PIONEER TITLE CO., of Lane County

8800937

State of Oregon, County of Lane--ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

8 JAN 88 10: 32 Reel 1495R

Lane County OFFICIAL Records. Lane County Clerk

By: John E. Fawcett County Clerk

5627A001 01/08/88WP10 **0003**

5 00

5627A001 01/08/88PFND **0003**

10 00

The said property is free from encumbrances except covenants, conditions, restrictions and easements of record

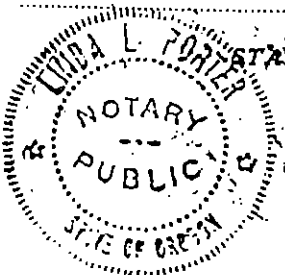
The true consideration for this conveyance is \$ 67,000.00 (Here comply with the requirements of ORS)

Dated this 4th day of November, 1977

Mildred E. Miltonberger

E. J. Petersen

Zelpha Petersen



STATE OF OREGON, County of Lane Personally appeared the above named Mildred E. Miltonberger, E J Petersen and Zelpha Petersen and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Linda L. Porter Notary Public for Oregon—My commission expires: 4/24/81

Grantees Address 600 Tyler, Eugene, Oregon 97402

PO BOX 2869 Eugene OR 97402