



**Taken By:** ML

**BP#** \_\_\_\_\_

SP# \_\_\_\_\_

SI# \_\_\_\_\_

**OTHER:**

Barry D. Smith

June 5, 2007

REC'D JUN 06 2007

1011 HARLOW ROAD, SUITE 300  
SPRINGFIELD, OREGON 97477  
PHONE: (541) 747-3354  
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bsmith@thorp-purdy.com

MARVIN O. SANDERS (1912-1977)  
JACK B. LIVELY (1923-1979)  
JILL E. GOLDEN (1951-1991)

Sent via E-mail to: matt.laird@co.lane.or.us  
and First Class Mail

Matt Laird  
Lane County Planning Department  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

Re: **Steven Green Measure 37 Application**  
Lane County File No. PA 06-6896  
Our File No. 13954-1

Dear Mr. Laird:

As you know my firm represents Steve Green and Eddy Chernecki regarding their Measure 37 Application. I previously submitted a letter and supporting documentation on May 1, 2007. Please add these comments and the documents I have enclosed to the packet of materials that go before the Board of County Commissioners later this month.

As I discussed at the BOCC meeting on May 22<sup>nd</sup>, Staff should address the Measure 37 criteria for Tax Lots 1403, 1407, and 1408 for the reasons explained below. In addition, Eddy Chernecki has maintained an ownership interest in Tax Lot 1400 since 1975, sufficient for Measure 37 purposes.

**Application Includes All Land Currently Identified as 1403, 1407, and 1408.**

When Eddy Chernecki first acquired the land, Tax Lots 1403, 1407, 1408, and 1400 were all part of Tax Lot 1400. In the following years, a series of deeds and partitions split up Tax Lot 1400. In a letter dated August 28, 2002, D.G. Nickell indicated that some of these transfers and partitions created illegal lots. Mr. Nickell indicated that the illegally created lots must be joined together. To the extent these lots are illegal and must be put back together, they should all still be considered, by definition, part of Tax Lot 1400. As such, it would be unnecessary and redundant to identify Tax Lots 1403, 1407, and 1408 in our application when the applicant identified 1400. The applicant assumed, based on what Mr. Nickell told him, that 1400 included all of these parcels. As such, the application previously filed properly identified all property included in Tax Lot 1400, 1403, 1407, and 1408. That was certainly the applicant's intent in filing this Measure 37 Application.

**Application References Tax Lots 1403, 1407, and 1408.**

In any event, the Application, together with all supplemental materials submitted by the applicant, included sufficient references to Tax Lots 1403, 1407, and 1408. The applicant included a tax map which shows these other tax lots and which is included in the application materials.<sup>1</sup> Moreover, reference is made to the letter from D.G. Nickell to the property owner dated August 28, 2002, in which he explains the legal status of the various tax lots. This letter was included with the Application materials. Moreover, Steve Green was told that, as a prerequisite to filing for Measure 37 relief, he needed to make a formal Research Request and pay a fee for doing so. Steve did so, and on his Research Request he identified Tax Lots 1400, 1403, 1407, and 1408. A copy of his Research Request is enclosed herewith. As such, even though the Application form itself only identifies 1400, there are enough other references to 1403, 1407, and 1408 for the County to address those other lots in its Measure 37 analysis. Moreover, his Research Request makes it clear that Staff was aware of his interest in filing for Measure 37 relief.

**Eddy Chernecki Maintained an Ownership Interest in Tax Lot 1400 since 1975.**

For the reasons explained in my May 1, 2007 letter Eddy Chernecki has maintained an ownership interest in the property since he acquired it in 1975. Although he may have technically fallen off the title of the property, he is prepared to testify that he never intended to relinquish his full interest in Tax Lot 1400. As such, Staff should use his original 1975 acquisition date as the measuring date for the Measure 37 purposes as to Tax Lot 1400.

**Supplemental Materials.**

Enclosed with this letter, I have attached several supplemental documents which should be of assistance to County Staff. First, I have included an Addendum to the Appraisal previously submitted and prepared by Sara Fraser. The Addendum clarifies that her appraisal carries with equal weight to Tax Lots 1400, 1403, 1407, and 1408. In addition, I am submitting a copy of the deed by which Eddy Chernecki acquired all of the property in 1975. A copy of this deed may already be in the file, but I am submitting a copy for ease of reference. This is the deed by which Mr. Chernecki acquired Tax Lots 1400, 1403, 1407, and 1408. Finally, I am enclosing a copy of the Request for Research of Public Records completed by Steve Green and given to County Staff. The Research Request specifically identifies Tax Lots 1400, 1403, 1407, and 1408.

In short, County Staff should address the Measure 37 criteria for Tax Lots 1403, 1407, and 1408, which have been held continuously by Eddy Chernecki since 1975. In addition, as we previously explained, County staff should use 1975 as the acquisition date for Mr. Chernecki's property at Tax Lot 1400. We have submitted the necessary documentation to show that he has

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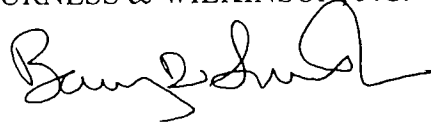
<sup>1</sup> There is apparently no pagination for the application materials.

Matt Laird  
June 5, 2007  
Page 3

maintained an interest in Tax Lot 1400 since 1975. If you have any questions or if there is further information you would like, please do not hesitate to ask.

Very truly yours,

THORP, PURDY, JEWETT,  
URNESS & WILKINSON, P.C.

A handwritten signature in black ink, appearing to read "Barry D. Smith", written over the printed name.

Barry D. Smith

BDS:pdp  
cc: Steve Green  
Eddy Chernecki  
(144883)

## REQUEST FOR RESEARCH OF PUBLIC RECORDS

This Official Request Form documents the request for research of public records and information from the Lane County Land Management Division.

Pursuant to Lane Manual 2.170, requests which require research, evaluation, documentation, discussion, collation of materials from various sources, disruption of normal work or significant staff time shall be submitted in writing.



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

Please provide the following information:

Name: Steve and Vickie Green

Address: 2833 West 11th Eugene

Phone: \_\_\_\_\_ Date: Nov 7, 2007

Assessor's Map & Taxlot of each specific property to be researched:

Map: 1400 taxlot: 1400, 1403, 1407, 1408

Clearly specify, in detail below, public records to research and the information requested.

as needed for  
verification

Pursuant to Lane Manual 60.850(1) a charge of 2.42 times the hourly rate of the Land Management staff assigned to provide the requested research shall be collected. Most research will range from \$31 to \$65 per hour. A minimum charge of \$31 will be charged for staff time involved in preparing the response. If the initial hour of research does not produce the requested information, staff will contact you with an estimate of the additional number of hours necessary to complete the research and provide the requested information.

Upon receipt of payment for the estimate of the additional number of hours necessary to complete the research, staff will complete the research and provide the requested information.

Responses to request for research of public records and requests for information should receive timely attention; however, delays in responding are expected depending on the nature of the request, workload and staffing of the office.

This form is consistent with the provisions of Lane Manual 2.170.

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**Supplemental Addendum**

File No. Scenario 1:23.02 ac

Borrower/Client No Borrower: Measure 37			
Property Address 28331 West 11th Avenue			
City Eugene	County Lane	State OR	Zip Code 97402-9212
Lender Steven R. Green			

This Addendum, composed on June 4, 2007, is meant to clarify the appraisals dated March 18, 2007, which are of the same property with three different acreage scenarios.

The appraisals dated March 18, 2007, were limited to Tax Map 17-04-30-00 Tax Lot 01400. However, the analyses and value reduction carry equally to Tax Lots 1403, 1407, and 1408.

105  
106

12-374

2-20-96-2143

WESTERN OAKS CO., a partnership composed of Al Reddig, E. G. Gardner, K. P. Clark, T. H. Brandt, N. E. Wildish and Mildred Dart.

9611059

convey and warrants to Eddy O. Chernecki and Carol A. Chernecki, husband and wife.

Grantor,

Grantee,

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

7432 FEB. 20 '96 HD6 REC 5.00  
7493 FEB. 20 '96 HD6 PFUND 10.00  
7492 FEB. 20 '96 HD6 A&T FUND 20.00

PARCEL 5

Beginning at the one-quarter corner on the South line of Section 30, Township 17 South, Range 4 West of the Willamette Meridian according to County Survey No. 5315, thence North 579.72 feet to a point; thence West 1811.00 feet to the true point of beginning; thence North 502.27 feet to a point; thence East 177.00 feet to a point; thence North 783.69 feet, more or less, to a point on a line parallel with and 800.00 feet Southerly from the one-quarter Section line running East and West through said Section 30; thence Easterly 682.96 feet, more or less, along said line to a point which bears North 0° 41' West 1827.2 feet and North 87° 51' West 929.9 feet (according to said County Survey) from the South one-quarter corner of said Section 30; thence South 12° 21' West 006.6 feet; thence South 87° 40' West 363.5 feet; thence South 7° 55' West 212.0 feet; thence South 43° 50' West 331.0 feet; thence South 64° 57' West 72.63 feet to the true point of beginning, in Lane County, Oregon.

The said property is free from encumbrances except

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

20 FEB 96 11:05

Reel 2143R  
Lane County OFFICIAL Records  
Lane County Clerk

Dated this 31<sup>st</sup> day of October, 1975.

By: *David S. Schuch*  
County Clerk

The true consideration for this conveyance is \$ 18,720.00  
(Here comply with the requirements of ORS 93.030)

STATE OF OREGON, County of Lane ss., 1975.

Personally appeared the above named WESTERN OAKS CO., a partnership composed of Al Reddig, E. G. Gardner, K. P. Clark, T. H. Brandt, N. E. Wildish and Mildred Dart.

They acknowledged the foregoing instrument to be THEIR voluntary act and deed.

Notary Public for Oregon—My commission expires: June 17, 1978

7025 W. 11th Eugene, Oregon 97402

After Recording Return To:  
Western Pioneer Title Co.  
P.O. Box 10148  
Eugene, OR 97440