Exhibit II

GENERAL LAND USE APPLICATION

City of Junction City
680 Greenwood Ave/PO Box 250
Junction City, OR 97448
Phone: 541-998-2153
Fax: 541-998-3140

Type of Application: (May require a supplemental application to be attached and/or additional documentation)

☐ **Annexation**	**Other:**	☐ **Temporary Use Permit**
☐ **Comprehensive Plan Amendment** ☐ **Map** ☐ **Text**	☒ **Partition** ☐ **Preliminary** ☐ **Final**	☐ **Vacation**
☐ **Development Review**	☐ **Subdivision** ☐ **Preliminary** ☐ **Final**	☒ **Variance** ☐ **Major** ☒ **Minor**

LOCATION OF PROPERTY OR ADDRESS: 1285 Juniper St.

SIZE OF PROPERTY(S): 2493.25	**ASSESSOR'S MAP AND TAX LOT #:** 15-04-32-23-TL 4101
PRESENT USE: vacant	**PROPOSED USE:**

BRIEF SUMMARY OF ACTION REQUESTED

Preliminary Partition & Minor Variance.

PROPERTY OWNER: John T. Moody ET	
ADDRESS: 1002 yew st J.C. OR 97448	
APPLICANT'S NAME: John T Moody ET	
ADDRESS: SAME	
PHONE:	**E-MAIL:** .com

CONTACT: Same as above	
ADDRESS:	
APPLICANT'S NAME:	
ADDRESS:	
PHONE:	**E-MAIL:**

ATTACHMENT(S):

☒ Copy of Deed ☐ Other: _____

I have the following legal interest in the property (Please check one):

☒ Owner of Record ☐ Lessee ☐ Holder of an exclusive Option to Purchase ☐ Contract Purchase

Per Resolution 862: All direct costs for contracted city staff shall be charged monthly to the applicant in the amount billed to City. Contracted staff includes, but are not limited to, city engineer, city attorney, building inspector, traffic consultant, wetlands specialist. Direct costs 30 days past due shall be charged 9% interest in addition to the amount billed to the City.

I hereby certify that the foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief. I also agree to pay all direct costs associated with processing this land use application.

Owner's Signature: _____ **Date:** 2/2/13

September 2nd 2013

CONSTRUCTION UNLIMITED INC.
1002 YEW ST. J.C. OR.

CELL (541) [redacted]
FAX (541) [redacted]
e-mail [redacted]

Attachment to the application for 17.20.120 Townhome (single-family attached/rowhouses) supplemental standards.

(1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of the lot size, topography or other circumstances over which the applicant has no control

I am applying for a variance to partition an existing lot at 12th and Juniper that was zoned by the city of Junction City as a commercial lot that allows for a townhouse to be built. When I had the lot surveyed the surveyor discovered that all of the lots in that block between 11th and 12th are 6 inches less in width (49ft 6in) and 3inches less in length (99ft 9inches. The lot we are talking about is lot 2 of the original plat of J.C. Platted in 1872. The city requires 25x100 or 2500 sq ft our lot would be 24.6 x 99.9 which is 2487.51. which is less than 10%.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

This variance is being treated as a major variance and yet the single lot is 2487.51 which is less than the 10% for a minor variance and combined the total sq footage is 4975.02 sq ft which is still less than 10% for a minor variance. When I bought the said property it was advertised as a 50 x 100 ft lot, I did not find out that it was not until I had it surveyed this is the reason I am requesting the variance. I believe that the proposal complies with 17.140.030 authorization to grant a variance.

(3) The authorization of the variance shall not be materially detrimental to the purpose of this municipal code, be injurious to the property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

The lot is zoned for townhouse use, I have had a set of plans drawn that I am enclosing that I believe fits the design and criteria to the design of the homes in the area, I tried to make it look as though it were an older building. I know I will need to feel out a development review application for approval per municipal code 17.160.050 and at that time will deal with any changes that need to be made. The plans I have submitted meet the required setbacks and the extra parking that is required. I will comply with 17.20.120 townhome (single-family attached)

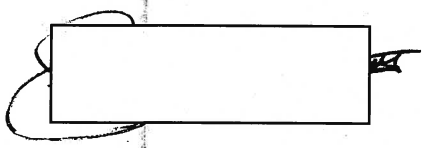
supplemental standards.

(4) It is impractical to maintain the zoning ordinance requirements and , at the same time, build, erect or use the structure as desired.

I believe that this proposal for a variance complies with 17.140.030 authorization to grant a variance, The lot sizes are established by the original plat of Junction City subdivisions in 1872 and I am unable to change these lot dimensions. Without this variance I would be unable to build the town houses.

I have also included a letter explaining my misunderstanding of the original approval of this variance. If you need anything else please let me no. Thank you for your understanding.

John Moody
1002 Yew st.
Junction City Or. 97448

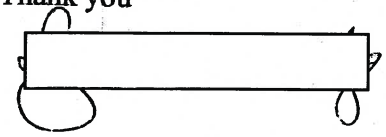


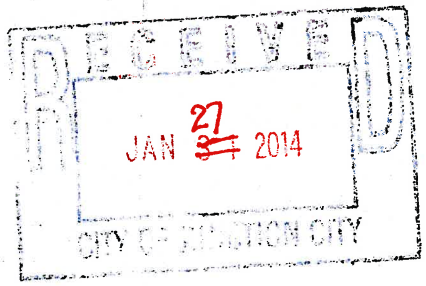
CONSTRUCTION UNLIMITED INC.
1002 YEW ST. J.C. OR.

CELL (541) [redacted]

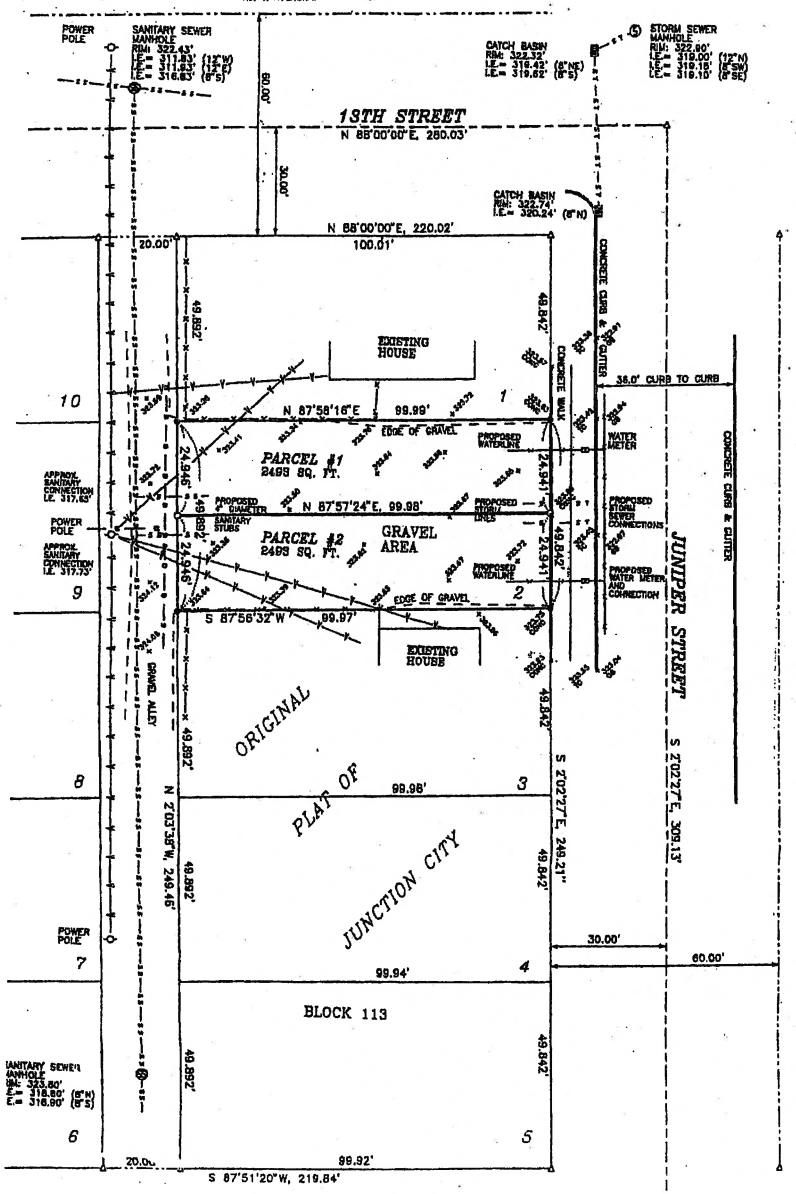
e-mail [redacted]

To the city of Junction City,
This letter is in response to the letter I received from the planning department file #MP-13-03/VAR-13-04
(item) #3 on proposed public improvements: PP@L will bring power to the site under ground across the alley to the garages, water meter will be located in the front of the site on Juniper st. I have talked to Jason from public works, his letter is inclosed, on asphalting the alley, Jason said public works plans on replacing the sewer line in the alley and they would asphalt at that time and I would pay the city back for my part. Power and water would be installed after the foundation is poured, which would be the first thing we do after getting the permit.
(item) #6 a. there is no home owners association because of the age of the sub-division, as far as maintenance my wife and I plan on owning the proposed townhouse and renting it out ourselves for retirement income. I will do all repairs and maintenance myself.
Thank you





Rec'd 1.27.14



SCALE: 1" = 20'
FEBRUARY 23, 2010

LEGEND

- ● MONUMENTS FOUND AS NOTED
- △ COMPUTED POINT
- —S S— SANITARY SEWER LINE
- —S T— STORM SEWER LINE
- —W— WATER LINE
- —V— OVERHEAD UTILITY LINE
- —x—x— FENCE

"PRELIMINARY PARTITION
TAX LOT 4101
MAP 15-04-32-23
CITY OF JUNCTION CITY
LANE COUNTY, OREGON

OWNER
JOHN MOODY
1002 YEW STREET
JUNCTION CITY, OREGON 97448
PHONE (541) 998-1672

PREPARED BY
ROBERTS SURVEYING INC.
P.O. BOX 7155
EUGENE, OREGON 97401
PHONE (541) 345-1112

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 29, 1983
TED C. BAKER
2488
EXPIRES 12-31-09

ELEVATION DATUM
ELEVATIONS FOR THIS SURVEY ARE BASED UPON JUNCTION CITY FLOODPLAIN MANAGEMENT SURVEY BY RICHARD SKINNER DATED FEBRUARY, 1979. BENCH MARK USED WAS TBM 15-04-32-2-2, A CHISELED SQUARE IN THE SOUTHWEST CURB OF 10TH AND DEAL STREETS ELEVATION = 321.85 FEET (NGVD - 1929)

PROPERTY DESCRIPTION
LOT 2, BLOCK 113, ORIGINAL PLAT OF JUNCTION CITY, AS PLATTED AND RECORDED IN BOOK H, PAGE 749, LANE COUNTY DEED RECORDS, IN LANE COUNTY, OREGON.

VICINITY MAP NOT TO SCALE

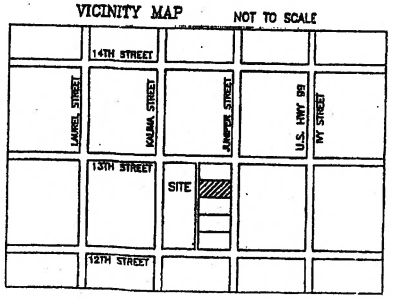
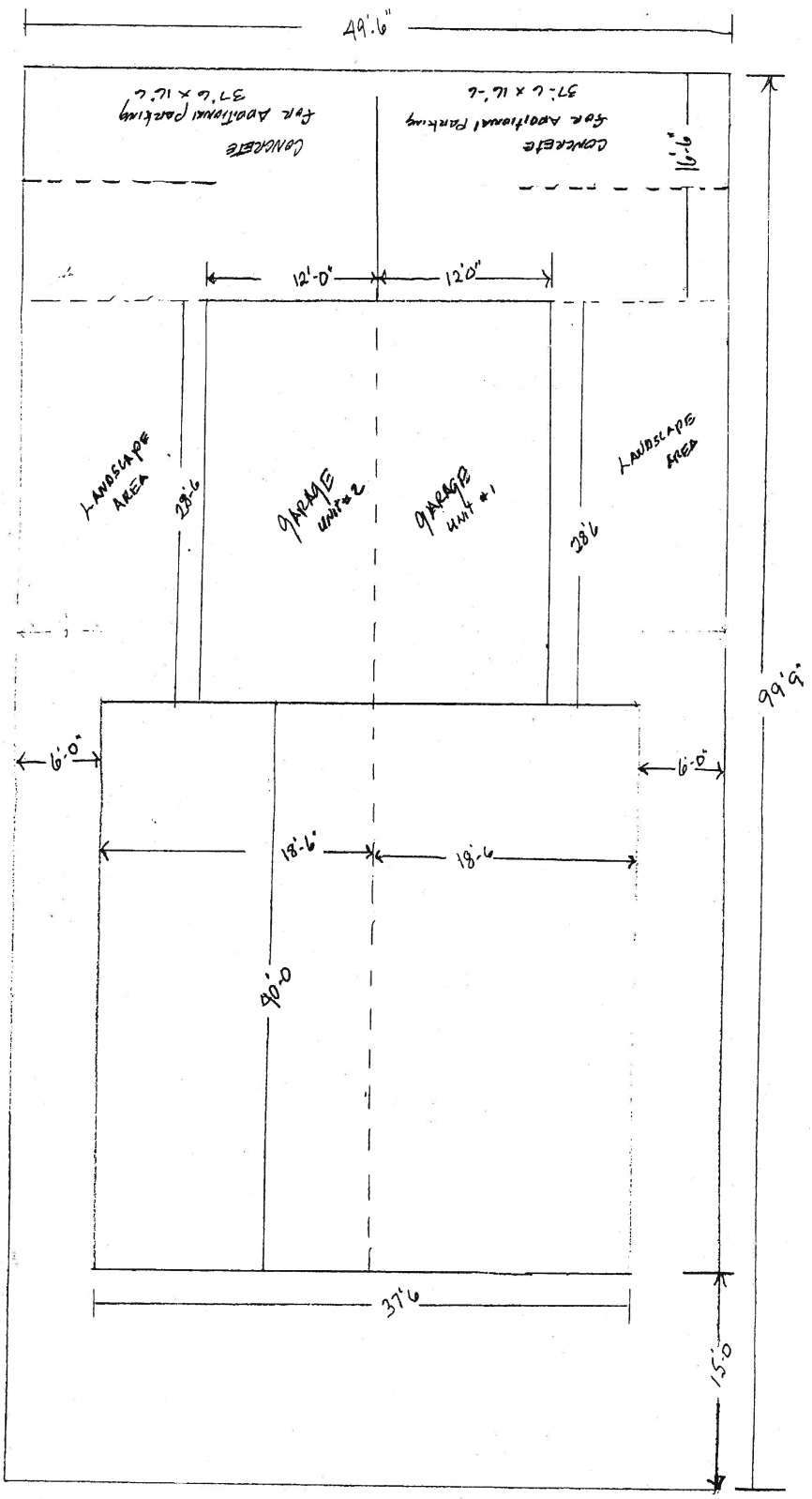


Exhibit II

ALLEY



scale - 1/8 = 1'-0"

JUNIPER

Division of Chief Deputy Clerk
Lane County Deeds and Records

2005-071422

$26.00

00734858200500714220010012

09/12/2005 10:17:48 AM

RPR-DEED Cnt=1 Stn=5 CASHIER 04
$5.00 $11.00 $10.00

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Tony Cross and Gail Cross

GRANTEE'S NAME
John T. Moody

SEND TAX STATEMENTS TO:
John T. Moody
1002 Yew Street
Junction City, OR 97448

AFTER RECORDING RETURN TO:
John T. Moody
1002 Yew Street
Junction City, OR 97448

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Tony Cross and Gail Cross, Grantor, conveys and warrants to

John T. Moody, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon,

Lot 2, Block 113, ORIGINAL PLAT OF JUNCTION CITY, as platted and recorded in Book H, Page 749, Lane County Deed Records, in Lane County, Oregon.

Subject to and excepting:

2005-2006 Property Taxes a lien not yet due or payable.
Covenants, conditions, restrictions and easements of record.

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 OR 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.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS **$45,000.00** (See ORS 93.030)

DATED: September 7, 2005

Tony Cross

Gail Cross

AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF OREGON
800 WILLAMETTE ST., #500
EUGENE, OR 97401

OFFICIAL SEAL
DONNA M SAKS
NOTARY PUBLIC - OREGON
COMMISSION NO. A384560
MY COMMISSION EXPIRES OCT. 19, 2008

STATE OF OREGON
COUNTY OF Lane

This instrument was acknowledged before me on

September 9 2005

STATUS OF RECORD TITLE REPORT

JOHN T. MOODY
1002 YEW STREET
JUNCTION CITY, OR 97448
EMAIL: CUJOHNMOODY@GMAIL.COM

Our No: CT-0284124
Date: JANUARY 16, 2014
Charge: $300.00

As requested, Cascade Title Co. has searched our tract indices as to the following described real property:

Lot 2, Block 113, ORIGINAL PLAT OF JUNCTION CITY, as platted and recorded in Book H, Page 749, Lane County Oregon Deed Records, in Lane County, Oregon.

and as of: JANUARY 14, 2014 at 8:00 A.M., we find the following:

Vestee:

JOHN T. MOODY III AND CHRISTINE L. MOODY
as tenants by the entirety

Said property is subject to the following on record matters:

1. City liens, if any, as levied by the City of Junction City for which no search was made.

2. Deed of Trust, including the terms and provisions thereof, executed by John T. Moody III, Grantor, to Fidelity National Title Company of Oregon, Trustee, for the benefit of Tony Cross and Gail Cross, Beneficiary, dated September 7, 2005, recorded September 12, 2005, Reception No. 2005-071423, Lane County Deeds and Records, to secure payment of a note in the amount of $42,000.00.

NOTE: Taxes, Account No. 1765724, Assessor's Map No. 15 04 32 2 3, #4101, Code 69-00, 2013-2014, in the amount of $520.30, PAID IN FULL.

This report is to be utilized for information only. This report is not to be used as a basis for transferring, encumbering or foreclosing the real property described.

The liability of Cascade Title Co. is limited to the addressee and shall not exceed the premium paid hereunder.

CASCADE TITLE CO., by:

ab/Title Officer: SUSIE LOVELL

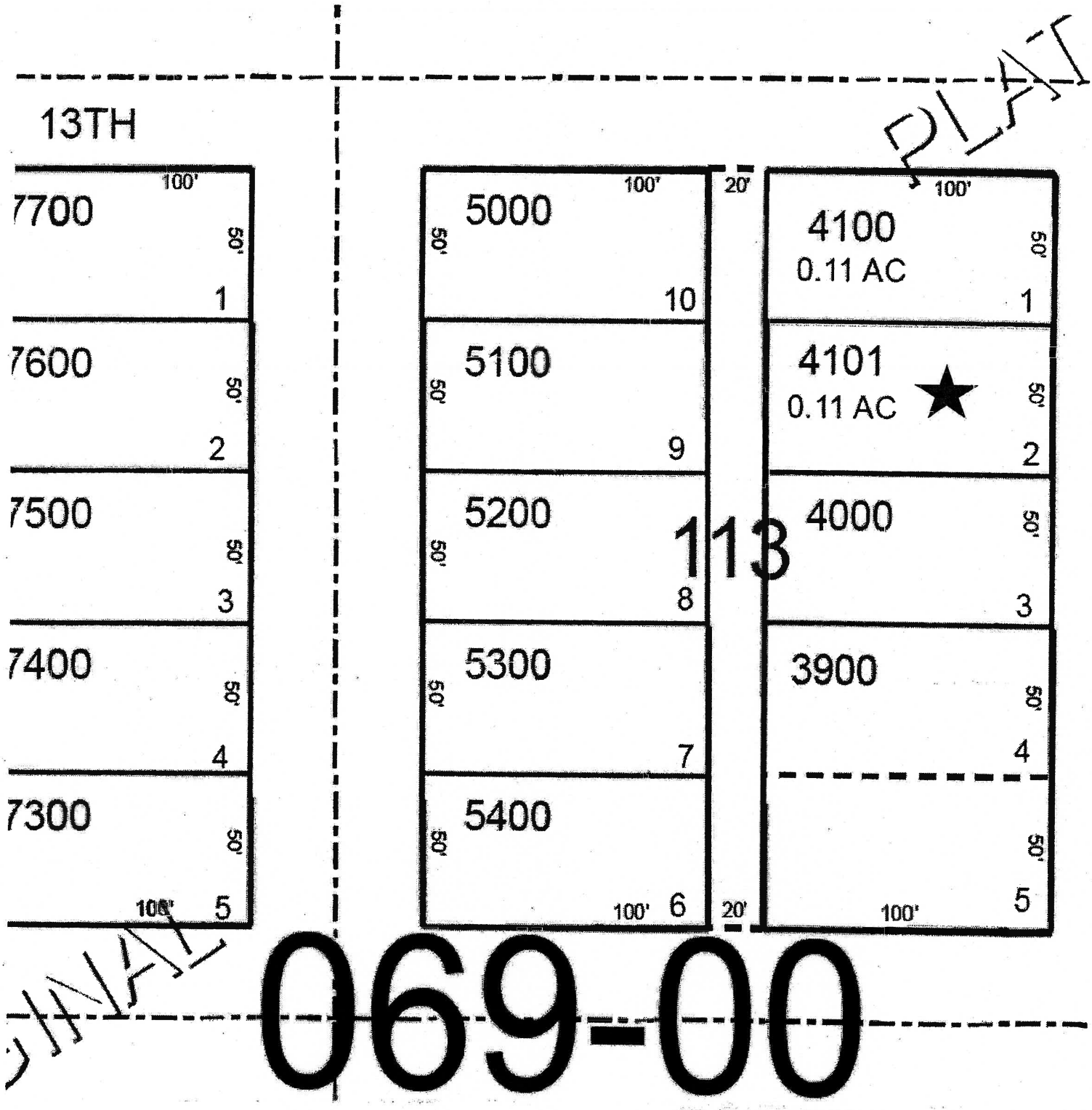
MAIN OFFICE
811 WILLAMETTE ST. * EUGENE, OREGON 97401
PH: (541) 687-2233 * FAX: (541)485-0307
E-MAIL: INFO@CASCADETITLE.COM

FLORENCE OFFICE
1901 HWY 101 - S. 2 * FLORENCE, OREGON 97439
PH: (541) 997-8417 * FAX: (541)997-8246
E-MAIL: FLORENCE@CASCADETITLE.COM

Exhibit II

CASCADE TITLE CO.

MAP NO.
15-04-32-23



THIS MAP IS TO ASSIST LOCATING PROPERTY.
CASCADE TITLE CO. ASSUMES NO LIABILITY FOR INACCURACIES.

Roberts Surveying, Inc.
P.O. Box 7155
Springfield, OR. 97475
Phone: (541)-345-1112)

January 14, 2014

To: City of Junction City

I, Ted C. Baker, Registered Land Surveyor in the State of Oregon, do certify that I surveyed the property for John Moody known as Lot 2 of the Original Plat of Junction City and have found said property to have 4,986 square feet.

[redacted] 1-14-14

Ted C. Baker PLS2488 Date

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[redacted]

OREGON
JULY 25, 1991
TED C. BAKER
#2488

EXPIRES 12-31-15

Exhibit II

Gmail

alley paving

John Moody <c[illegible]il.com> Thu, Nov 29, 2012 at 9:07 PM
To: Jason Knope <jknope@ci.junction-city.or.us>

Jason,
Did you ever get a letter to Sandy, at the city, I want to go forward and need your information, or a letter stating that you would like to wait on the paving of the alley until this spring, if you could forward the letter to me I would appreciate it.
Thank you
John

Jason Knope <jknope@ci.junction-city.or.us> Thu, Nov 29, 2012 at 10:36 PM
To: John Moody <[illegible]n>, JC Planning <JCPlanning@ci.junction-city.or.us>

Hi Stacy,

I just wanted to let you know that I had a conversation with Mr. Moody about his proposed project. I realize that paving a part of the alley would be a requirement of his project. With the current sewer projects that are planned for this summer, we will be replacing the sewer line in that alley.

With that said, if you are ok with it, I would like to use an approach that we have used in the past where the City will pave the alley and Mr. Moody would reimburse the City for his portion of the project.

Hopefully this makes sense. If you have any questions, please do not hesitate to ask.

Thanks

Jason Knope
Public Works Director
City of Junction City

(541)998-3125
(541)228-0271

www.jcpwd.com
www.junctioncityoregon.gov
[Quoted text hidden]

CLAUSON Stacy A <SCLAUSON@lcog.org> Fri, Nov 30, 2012 at 8:11 AM
To: KNOPE Jason <JKnope@ci.junction-city.or.us>, John Moody [illegible]>, JC Planning <JCPlanning@ci.junction-city.or.us>

HI Jason,

Thanks - I think that makes a lot of sense. When the application comes in again (unfortunately the partition approval expired) I will figure out a way to write that in and have you look at the language to make sure you are comfortable. Thanks again,

Gmail

FW: Moody lot 13/Juniper

Carl Perry <carl@jcfire.org> Thu, Nov 1, 2012 at 10:05 AM
To: CLAUSON Stacy A <SCLAUSON@lcog.org>, JC Planning <JCPlanning@ci.junction-city.or.us>

Stacy,

This is the email I sent to Kay Bork concerning John Moody's lot at 13th and Juniper.

Carl

From: Carl Perry [mailto:carl@jcfire.org]
Sent: Thursday, September 23, 2010 3:29 PM
To: 'Kay Bork'
Subject: Moody lot 13/Juniper

Kay,

As per our conversation I looked at the site at 13 and Juniper where John Moody is proposing to build a "Town House". Due to the location of two (2) nearby hydrants I don't feel it is necessary to require the builder to provide a new hydrant. In addition I also do not think it is necessary to require the building(s) to be sprinkled.

Thank you,

Carl Perry

Chief, Junction City Fire Department

PP&L. Work # for Lot 5720398