

**CITY OF JOHN DAY  
APPLICATION FOR LAND PARTITION**

**RECEIVED**  
**SEP 03 2019**  
**CITY OF JOHN DAY**

Applicant Sandie Gilson Phone (509) 531-4839

Address 145 NE Dayton Street City John Day State OR Zip 97845

Property Owner The Benevolent & Protective Order of  
Elks of the U.S. John Day Lodge #1824 Phone (541) 575-1824

Address 140 NE Dayton Street City John Day State OR Zip 97845

Property Location Address 140 NE Dayton Street Tax Lot 13S31E26BA 1100 & 602  
Downtown 1.68 AC +/-

Zoning Commercial Present Parcel Size 72,980 sqft. Number of Proposed Parcels 2

Proposed Parcel Size: Parcel 1 67,980 sqft. Parcel 2 5,000 sqft. Parcel 3 17,500 sqft.

Present Use T.L. 602: John Day Senior Center; T.L. 1100: Elks Lodge and Parking

Proposed Use Parcel 1: Elks Lodge and Parking; Parcel 2: John Day Senior Center;  
Parcel 3: Parking & Possible Future Development.

**NOTE: There are currently 2 tax lots, but they are described as a single tract by deed. The reason for two tax lots is most likely for taxation purposes.**

**As part of your land use request, you must submit the following information:**

The Property Deed.

Names and addresses of adjoining landowners.

A map showing the following information.

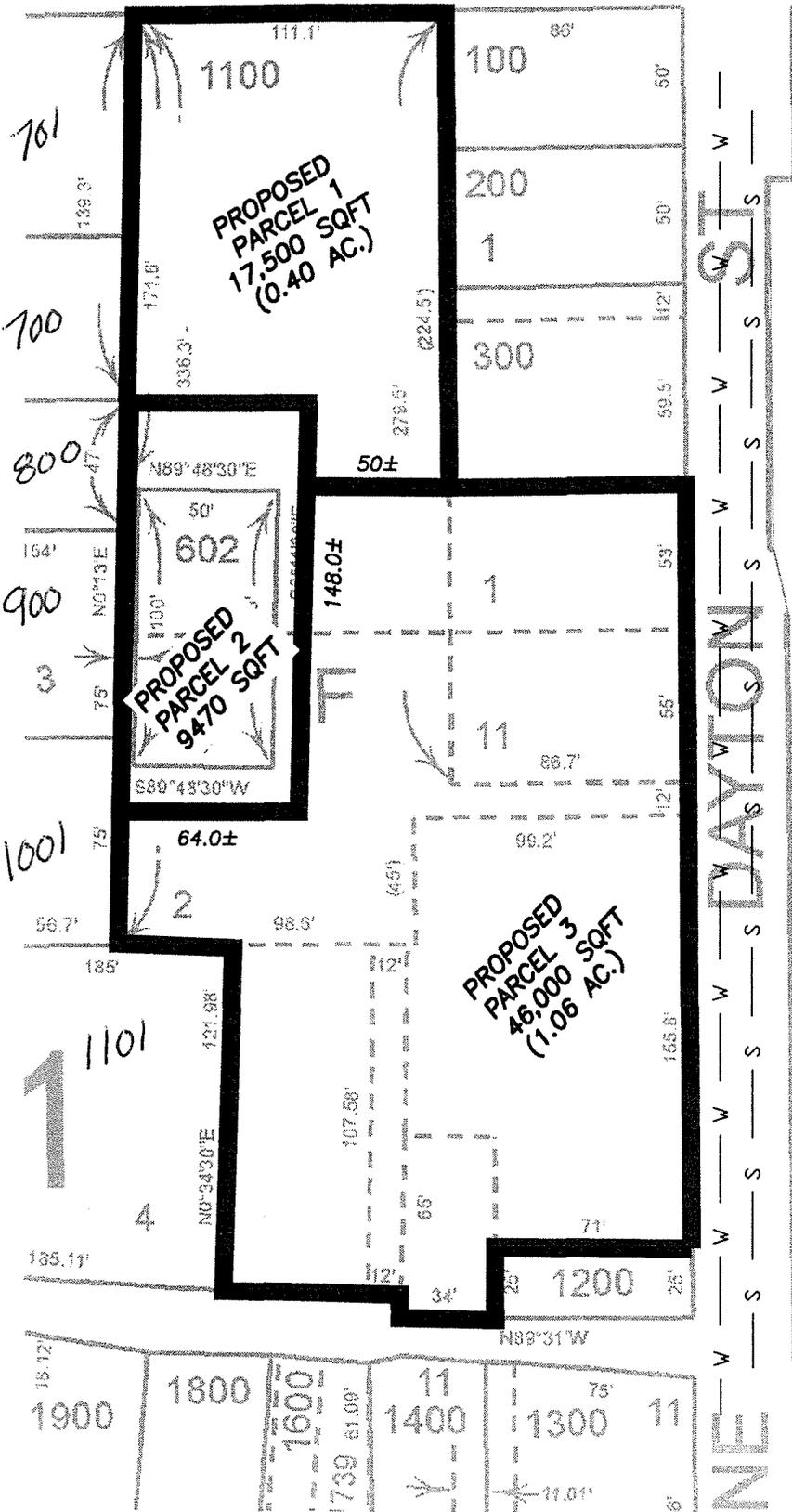
- 1) Applicants name;
- 2) Legal description of property, and tax lot number;
- 3) North arrow and scale;
- 4) Proposed division line(s) and proposed area of each parcel;
- 5) Location of adjacent streets, and any proposed access indicating if it is proposed to be private or public access;
- 6) Location of existing domestic water and sewer lines;
- 7) Location of creeks, streams, ponds, springs or other drainage ways;

**Note: A private access easement to the benefit of Parcel 2 will be created on the Land Partition Plat. A parking agreement between Parcels 2 and 3 will be executed as part of the conveyance from the Elks Lodge the future owners of Parcel 2.**

FIRST AVE

**APPLICATION MAP**

FOR A PROPOSED LAND PARTITION  
 BEING A PORTION OF BLOCK F OF JOHN DAY  
 SITUATED IN THE NE1/4NW1/4 SECTION 26,  
 T.13S., R.31E., W.M.,  
 CITY OF JOHN DAY, OREGON  
 (TAX MAP 13S31E26BA)



SCALE: 1" = 60'

PREPARED FOR: THE CITY OF JOHN DAY  
 FOR THE JOHN DAY ELKS LODGE #1824

PREPARED BY: BENCHMARK LAND SURVEYING, INC.  
 217 N. CANYON BLVD.  
 JOHN DAY, OR 97845  
 (541) 575-1251  
 AUGUST 19, 2019

NOTE: CITY WATER AND SEWER LINES  
 ARE LOCATED IN NE NE DAYTON STREET

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 9, 2002  
 MICHAEL C. SPRINGER  
 #70918

EXPIRES: 6/30/2020

*I agree to abide by the requirements of the ordinances adopted by the City of John Day as they apply to this request. I agree to provide any supplemental materials or information that may be necessary or requested by the City Planning Department, which may be required to process this application*

Applicant's Signature Sandie Gilson Trustee Date 8/28/2019

Owner's Signature (if different) \_\_\_\_\_ Date \_\_\_\_\_

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FOR OFFICIAL USE ONLY

Application received by \_\_\_\_\_ Date \_\_\_\_\_

Application fee of \_\_\_\_\_ received Date \_\_\_\_\_

**THIS APPLICATION IS**

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Requires Additional Information \_\_\_\_\_

\_\_\_\_\_  
City of John Day Planning Director

\_\_\_\_\_  
Date

## EXHIBIT "A" LEGAL DESCRIPTION

A tract of land in Block F of the City of John Day, Grant County, Oregon, according to the plat thereof on file and of record in the office of the clerk of said county and state in Book 1 of Town Plats, at page 11, described as follows:

Commencing at the Southwest corner of the John Day Hardware Warehouse lot which point is 180.7 feet West and 493.6 feet South from the 1/4 section corner common to Sections 23 and 26, T. 13 South, R. 31 E., W.M., thence North 89° 31' West 34 feet, more or less, to the Sliffe Alley; thence North 0° 29' East 65 feet along the East Boundary line of the Sliffe Alley; thence South 89° 31' East 34 feet; thence South 0° 29' West 65 feet to the point of beginning, and being a portion of Lot 11 of Block "F" of the City of John Day, according to the last official plat thereof on file in the Office of the County Clerk of Grant County, Oregon.

A parcel of land being a portion of what is known as Sliffe Alley and more particularly described as follows:

Commencing at a point on the Northerly Boundary line of the Alley running between North Canyon Street and Church Street in the Town of John Day, Grant County, Oregon; said point being 488.5 feet south and 228.0 feet west of the North Quarter Corner of Section 26, Twp. 13 S., Rge. 31 E., W.M.; thence N 0° 29' E., a distance of 101.1 feet; thence S 89° 31' E., a distance of 12.0 feet; thence S 0° 29' W., a distance of 101.1 feet to the Northerly Boundary line of said Alley; thence N 89° 31' W., along said Northerly Boundary line, a distance of 12.0 feet to the point of beginning.

The Carl E. Davis residence lot formerly known as the Libby Davis residence lot located in Lot 8 of Block F of the City of John Day, Oregon, and described as follows: All that portion of Lot 8 of Block F of the City of John Day according to the Official Plat thereof filed in the office of the County Clerk of Grant County, Oregon, on March 3, 1914, and recorded in Book 1 of Town Plats in said office at Page 11 thereof, described as follows: Beginning at the SW corner of Lot 2 of said Block F; thence south 123 feet; thence east 32 feet; thence north 15'5"; thence east 50 feet; thence north 107'7"; thence west to the place of beginning, and being those particular premises described in that certain deed from J. J. Sliffe, et ux. to Otis Stubblefield dated August 1, 1921, and recorded in Book 34 of the Deed Records, Grant County, Oregon, on Page 192 thereof, SAVE AND EXCEPT, any alley allowances heretofore conveyed.

Beginning 118 ft N of the SE corner of Lot 11 of Block "F" of the City of John Day, Grant County, Oregon, according to the last official plat thereof filed in the office of the County Clerk of Grant County, Oregon, and recorded in Book 1 of Town Plats in said office at page 11 thereof on the 5th day of March, 1914, which point of beginning is on Canyon St. and on the East property line of said lot 11;

Thence Westerly along the N side of the alley 104 ft. to the Sliffe Alley; thence Northerly along the E side of the Sliffe Alley and on the E side of Lot 2 of said Block "F" a distance of 247. 8 ft. to the SW corner of Lot 1 of said Block "F"; thence Easterly along the S boundary line of Lot 1 of said Block "F" a distance of 86 ft. to the SE corner of said Lot 1 and Canyon St.; thence Southerly along the E property line of said Block "F" and the W side of Canyon St. a distance of 247. 8 ft. to the point of beginning, and conveying all of said Lot 11 N of the Alley hereinbefore mentioned.

LESS the following tracts:

(a) that particular piece of property known as the John Day Hardware Warehouse Lot conveyed by Frank Oliver, et al, to Herman Oliver, et ux, by deed dated March 26, 1940, and recorded May 14, 1940, in Book 44 of the Deed Records of Grant County, Oregon, on page 21 thereof and further described as follows: Commencing at a point on the W boundary of N Canyon St., 109.5 ft. W and 469.2 ft. S from the quarter corner common to Secs. 23 and 26, Tp. 13S., R. 31 E., W.M.; thence N 89° 31' W. 71.0 ft.; S 0° 29' W 25.0 ft.; S 89° 31' E 71.0 ft. to N. Canyon St.; N 0° 29' E 25.0 ft. along W boundary of N Canyon St. to the

point of beginning.

(b) Also less that particular piece of property known as the Jim Lyon's residence property sold to Jim Lyons under contract dated the 27th day of February, 1940, between Herman Oliver, et al, and Jim Lyons and Viola Lyons and further described as follows:

Beginning at the NE corner of Lot 11 of Block "F" of the City of John Day, according to the last official plat thereof filed in the office of the County Clerk of Grant County, Oregon, and recorded in Book 1 of Town Plats in said office at Page 11 thereof on the 6th day of March, 1914, thence Westerly along the N side of said Lot 11 86 ft.; thence Southerly along the West Boundary Line of Lot 2 of said Block "F" 55 ft.; thence Easterly parallel with the North side of said Lot 11 86 ft. to N Canyon St.; thence Northerly along the N property line of Canyon St. 55 ft. to place of beginning, and being a part of the north portion of said Lot 11 aforesaid.

(c) Also a strip of land described as follows to-wit:

Commencing at the NE corner of Lot 11 of Block "F" of the City of John Day according to the last official plat thereof filed in the office of the County Clerk of Grant County, Oregon, and recorded in Book 1 of Town Plats in said office at Page 11 thereof on the 6th day of March, 1914; thence Southerly along the West line of Canyon St. 55 ft to the point of beginning; thence Westerly parallel with the North line of said Lot 11 a distance of 86 ft.; thence Southerly parallel with the West line of Canyon St. 12 ft.; thence Easterly parallel with the North line of said Lot 11 a distance of 86 ft.; thence Northerly along the West line of Canyon St. 12 ft. to the point of beginning.

A tract of land in Block F of the City of John Day, Grant County, Oregon, according to the plat thereof on file and of record in the office of the clerk of said county and state in Book 1 of Town Plats, at page 11, described as follows:

Beginning at a point on the Westerly Boundary line of North Canyon St. in the City of John Day, Grant County, Oregon; said point being 304.5 ft. S. and 110.1 ft. W. of the N1/4 corner of Sec. 26, Tp. 13 S., R. 31 E., W.M.;

thence W. 99.2 ft.;

thence S. 0° 29' W., 83.0 ft.;

thence N. 89° 31' W., 97.11 ft.;

thence N. 0° 55' E., 25.40 ft.;

thence N. 89° 28' W. 155.0 ft. to the Easterly line of Church St. in said City;

thence S. 0° 55' W., along said Easterly line of Church St., 114.6 ft., more or less, to the Northerly line of the alley;

thence Southeasterly, along the Northerly line of said alley, to the Southwest corner of the John Day Hardware Warehouse Lot, which point is 180.7 ft. W. and 493.6 ft. S. from the quarter corner common to Secs. 23 and 26, Tp. 13 S., R. 31 E., W.M.;

thence N. 0° 29' E., 25 ft.;

thence S. 89° 31' E., 71 ft. to the Westerly boundary line of N. Canyon St.;

thence N. 0° 29' E., along said Westerly boundary line, 164.5 ft., more or less, to the point of beginning,

SAVE AND EXCEPTING THEREFROM Beginning at a point on the Westerly Boundary line of N. Canyon St. in the City of John Day, Grant County, Oregon; said point being 304.5 ft. S. and 110.1 ft. W. of the N1/4 corner of Sec. 26, Tp. 13 S., R. 31 E., W.M.;

thence W., 99.2 ft.;

thence S. 0° 29' W., 12.0 ft.;

thence E., 99.2 ft. to the Westerly boundary line of N. Canyon St. aforesaid;

thence N. 0° 29' E., along said Westerly boundary line, 12.0 ft. to the point of beginning.

ALSO SAVE AND EXCEPTING THEREFROM that portion conveyed to the UNITED STATES NATIONAL BANK OF OREGON, a National Banking Association, by deed recorded January 26, 1971, in Book 105, Page 66.

A tract of land in Block F of the City of John Day, Grant County, Oregon, according to the plat thereof on file and of record in the office of the clerk of said county and state in Book 1 of Town Plats, at page 11, described as follows:

Beginning at a point on the West side of N. E. Dayton Street; said point being 249.5 feet South and 109.6

feet West of the North quarter corner of Sec. 26, Twp. 13 S., R. 31 E., W.M.; said point also being the Southeast corner of Lot 1 in Block "F";  
thence West 86.7 feet;  
thence N. 0 deg. 43' E. 53.0 feet;  
thence East 86.6 feet to the West line of N. E. Dayton Street;  
thence S. 0 deg. 29' W. 53.0 feet to the place of beginning.

A tract of land in Block F of the City of John Day, Grant County, Oregon, according to the plat thereof on file and of record in the office of the clerk of said county and state in Book 1 of Town Plats, at page 11, described as follows:

Commencing at the Northeast corner of Lot 2 in Block "F" of the City of John Day, Grant County, Oregon, according to the plat thereof filed in the office of the County Clerk of said County March 5, 1914 in Book 1, Page 11 of the Records of Town Plats at a point on the South boundary of NE First Avenue, formerly known as North First Street which point is 25.0 feet South and 193.3 feet West from the quarter corner common to Sections 23 and 26, Township 13 South, Range 31 E., W.M.;  
thence South 0 deg. 43' West a distance of 279.52 feet;  
thence due West a distance of 12.5 feet;  
thence South 0 deg. 29' West a distance of 83.0 feet;  
thence North 89 deg. 31' West a distance of 97.11 feet;  
thence North 0 deg. 55' East a distance of 100.40 feet;  
thence North 0 deg. 13' East a distance of 261.3 feet; to the South boundary of North First Street;  
thence due East along said South boundary a distance of 111.2 feet to the point of beginning.  
SAVE & EXCEPT that portion conveyed to the United States National Bank of Oregon, by Deed recorded January 26, 1971, in Book 105, Page 66, Grant County Deed Records.

A tract of land in Block F of the City of John Day, Grant County, Oregon, according to the plat thereof on file and of record in the office of the clerk of said county and state in Book 1 of Town Plats, at page 11, described as follows:

A strip of land extending from the West boundary line of NE Dayton Street, formerly known as North Canyon Street in the City of John Day, Grant County, Oregon, to Lot 2 of Block F of the City of John Day according to the plat thereof, recorded in Book 1, page 11, Record of Town Plats and being more particularly described as follows:

Commencing at a point on the Westerly boundary line of NE Dayton Street, formerly known as North Canyon Street in the City of John Day, Grant County, Oregon, said point being 304.5 feet South and 110.1 feet West of the North Quarter corner of Section 26, Township 13 South of Range 31 E., W.M.; said point also being the Southeast corner of the Jim Lyon Lot; thence West along the South line of said Lyon lot, a distance of 99.2 feet;  
thence S. 0 deg. 29' W., a distance of 12.0 feet;  
thence East a distance of 99.2 feet to the Westerly boundary line of said NE Dayton Street, formerly known as North Canyon Street;  
thence N. 0 deg. 29' E. along said Westerly boundary line, a distance of 12.0 feet to the point of beginning.

A tract of land in Block F of the City of John Day, Grant County, Oregon, according to the plat thereof on file and of record in the office of the clerk of said county and state in Book 1 of Town Plats, at page 11, described as follows:

Beginning at the Northeast corner of Lot 11 in said Block "F", according to the Plat thereof filed in the Office of the County Clerk of Grant County, Oregon, on March 5, 1914 in Book 1, Page 11, Record of Town Plats; said point being 249.5 feet South and 109.6 feet West of the North quarter corner of Sec. 26, Twp. 13 S., R. 31 E., W.M.; said point also being on the West line of NE Dayton Street (formerly North Canyon);  
thence West, along the North line of said Lot 11, 86.7 feet to the East line of Lot 2 in said Block "F";  
thence S. 0 deg. 29' W., along said East line and the extension thereof, 55.0 feet;  
thence East 86.7 feet to the West line of said NE Dayton Street;  
thence N. 0 deg. 29' E., along said West line, 55.0 feet to the place of beginning.  
(Tax Acct. 3-1 13-31-26BA TL1100; Ref. 8797)

## JOHN DAY TITLE 5 & MEASURE 37 FEE SCHEDULE

The following fee categories and fees apply to land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance No. 04-112-2. These fees are deposits only. All persons required to file applications under Title 5 for land use and development permit applications and approvals, or file appeals under Title 5 or claims under Measure 37 under Ordinance 04-112-2 shall pay the actual cost to the City for processing said applications, appeals and claims. If the cost to the City is less than the required deposit the City will refund the difference and if the cost to the City is more than the deposit the City shall bill for the difference as authorized. Costs to the City shall include but are not limited to payment of City employee wages who are involved in processing an application or appeal at their current hourly rate, City attorney fees, City engineer fees, City surveyor fees, newspaper publication fees, postage, map creation and duplication fees, copying fees, long distance telephone call fees, facsimile fess and mileage as authorized.

<b>FEE CATEGORY</b>	<b>FEE</b>
1. Land Use District Map Change Includes but is not limited to:	
1.1 Petitions for Annexation (Type IV Review)	\$500
1.2 District Map (Zone) Changes	\$500
2. Comprehensive Plan Amendments	\$500
3. Conditional Use Permit	\$500
4. Land Use Review	\$100
5. Variance:	
5.1 Class A	\$100
5.2 Class B	\$250
5.3 Cass C	\$250
6. Code	
6.1 Interpretation	\$100
6.2 Amendment	\$500
7. Flood Plain Development or Flood Plain Permit	\$200
8. Appeals:	
8.1 To the Planning Commission	\$100
8.2 To the City Council	\$300
9. Nonconforming Use or Development Confirmation	\$250
10. Historic Building Permit, Demolition or Remodel/Alteration:	
10.1 If handled by Staff and no public hearing is held	\$250
10.2 If a Public Hearing is required	\$400
11. Property Line Adjustment and/or Lot Consolidations	\$100
12. Master Planned Development	\$1,500 plus \$25 per lot
13. Partition	\$300
14. Site Plan Review	\$300
15. Subdivision	\$1,200 plus \$25 per lot
16. Measure 37 Claim	\$ 50
17. Lot of Record Determination	\$ 50
18. Access Permit (public street)	\$ 50
19. Home Occupation exceeding the criteria in Section 5-2.2.200	\$100
20. Modification to Approval:	
20.1 Minor (Type II)	\$ 50
20.2 Major (Type III)	\$150
21. Sign Permit:	\$ 50
22. Temporary Use Permit:	
22.1 Type II	\$ 50
22.2 Type III	\$150

**ACKNOWLEDGEMENT OF FEE SCHEDULE AND COSTS**

By signing my name below, I acknowledge that I received a copy of the Fee Schedule effective as of November 22, 2005 and I have read it and agree to pay the fees in said Fee Schedule and costs as stated herein.

I also acknowledge that I understand that I am responsible for all costs incurred by the City related to my land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance 04-112-2.

City costs include but are not limited to:

- 2.1 City Manager at \$47.51 per hour;
- 2.2 City Planner at \$115.00 per hour;
- 2.3 City Secretary/Cashier at \$26.27 per hour;
- 2.4 Public Works Director at \$30.06 per hour;
- 2.5 Police Chief at \$43.84 per hour;
- 2.6 Fire Chief at \$36.39 per hour;
- 2.7 City Engineer at \$100.00 per hour
- 2.8 City Attorney at \$150.00 per hour;
- 2.9 Facsimile transmittal at \$2.00 per fax and \$ .50 per page;
- 2.10 Copy fee of \$ .25 per page;
- 2.11 Mileage at current Internal Revenue Service rate; and
- 2.12 City surveyor fee.

Dated this 28<sup>th</sup> day of Aug, 2019

Sandi Gilson, Trustee  
Print Applicant's Name

John Day Elk Lodge  
Applicant's Signature

CRB 119-3

City of John Day  
450 East Main Street  
John Day, Oregon 97845  
541-575-0028

**CASH RECEIPT**

Date 9-3-2019 023782

Received From BPOE 1824 Lodge

Address Elk's Lodge

three hundred 00/100 Dollars \$ 300.00

For Land Partition Fee

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>300.00</u>	CHECK # <u>4869</u>	
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By J. Larson

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND SECURE DOCUMENT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW.

**BPOE 1824 LODGE ACCOUNT**

541-575-1824  
140 NE DAYTON ST.  
JOHN DAY, OR 97845

**OLD WEST FEDERAL CREDIT UNION**

650 W MAIN ST  
JOHN DAY, OR 97845

96-7460/3232

**4869**

DATE 8/26/2019

PAY TO THE ORDER OF City of John Day \$ \*\*300.00

Three Hundred and 00/100\*\*\*\*\*

DOLLARS

City of John Day  
450 East Main ST  
John Day OR 97845

Seiler  
Mark Womer

MEMO Flat Ap

⑈004869⑈ ⑆323274607⑆00000015008741⑈