

CITY OF MAUPIN

RESOLUTION NO. 10262022

A RESOLUTION TO ADOPT A POLICY REGARDING THE BUILDING OF STRUCTURES ACROSS INTERIOR LOT LINES IN THE CITY OF MAUPIN

WHEREAS, the City Council of the City of Maupin has determined that the City development code is unclear whether a structure may be built across interior lot lines of contiguous parcels under common ownership; and

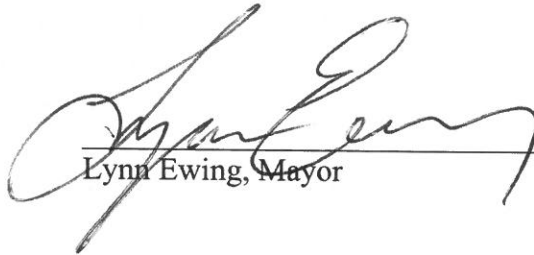
WHEREAS, the City Council desires to clarify the code in this regard and allow building across lot lines so long as the building is done in strict compliance with the policy as adopted by this Resolution.

Now, therefore, the Common Council for the City of Maupin, Oregon, resolves as follows:

The City of Maupin adopts the Lot Line Policy as shown on Exhibit "A" attached hereto and thereby incorporated herein as though set forth in full.

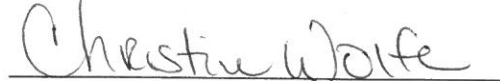
This Resolution shall take effect immediately upon passage.

IT IS SO RESOLVED by the Common Council for the City of Maupin and signed by the Mayor this 26 day of October, 2022.



Lynn Ewing, Mayor

ATTEST:



Christine Wolfe, City Recorder

EXHIBIT "A"

**CITY OF MAUPIN
CITY COUNCIL
LOT LINE POLICY**

Section 1.

- (1) This policy allows an owner of contiguous lots the ability to build a permanent structure across platted lot lines so long as such action is in complete conformance with this policy and all other City rules and regulations.

Section 2.

- (1) The City of Maupin (the City) shall permit development of properties under a covenant not to sell separately contiguous lots as defined in Section 4 (1) as a single lot or parcel, without regard to any interior property lines for land use planning purposes.
- (2) The consideration of multiple properties as a single lot or parcel under subsection (1) of this section allows for:
 - (a) Combining the properties for the purpose of meeting square footage requirements.
 - (b) Requiring building setbacks, including setbacks as described in ORS 227.290.
 - (c) A building or permanent structure to cross interior property lines.

Section 3.

- (1) The City may terminate a covenant not to sell separately as described in Section 4 of this document upon an application by an owner for termination that is accompanied by a survey map prepared by a registered professional land surveyor and includes the location and dimensions of any encroachment that crosses an interior property line.
- (2) An application for termination under this section may not be approved unless the property lines between the lots or parcels subject to a covenant described in subsection (1) of this section are not crossed by encroachments, except if authorized by the City based on former or concurrent property line adjustment or easement acknowledging the encroachment.

Section 4.

- (1) As used in this section, "contiguous properties" means two or more lots or parcels that have a common property line, as defined in ORS 92.010, other than a common property line formed by:
 - (a) A body of water;
 - (b) A public right-of-way, including a road or alley; or
 - (c) A zoning or political boundary, including a county boundary, a city boundary or an urban growth boundary, or a change in allowable uses in zoning.
- (2) An owner of two or more contiguous properties may cause to be recorded a covenant not to sell separately in the real property records of the county in which any part of the property is located.

EXHIBIT "A"

- (3) A covenant not to sell separately under this section must contain:
 - (a) A covenant, binding on the successors of the property, that the owner of the contiguous properties may only use and convey the encumbered properties together;
 - (b) A declaration that each property encumbered by the covenant may not be conveyed or encumbered separately;
 - (c) A legal description of each property encumbered by the covenant; and
 - (d) The acknowledged signature of the owner of the properties.
- (4) A county clerk may not record an instrument from an owner or the owner's successor that attempts to voluntarily convey or encumber less than all of the properties affected by a covenant not to sell separately, unless recorded after, or together with, an order of the City Council terminating the covenant under Section 3.