

LAND PARTITION PLAT NO. 2000-9

SITUATED IN THE NE1/4 AND SW1/4 AND NW1/4
OF SECTION 35, T13S, R31E, W.M.
CITY OF CANYON CITY
GRANT COUNTY, OREGON

MAY 10, 2000

APPROVALS

Approved this 26th day of MAY, 2000

Robert D. Bayne
Grant County Surveyor

Approved this 1 day of June, 2000

Maxwell R. Baffner
Chairman of the City Planning Commission

All ad valorem and special assessments due pursuant to law have been assessed and collected.

Shane S. Burton
Grant County Assessor and Tax Collector

Date: 05-26-2000

I do hereby certify that this plat was received on the 2nd day of June, 2000 at 8:27 o'clock A.M., and recorded as Land Partition Plat No. 2000-9 Grant County Records.

Lacey McInnis
Grant County Clerk

Barbara Graves, has consented to the declaration of this Partition by an Affidavit of Consent recorded as Instrument No. 201234, deeds of Grant County.

I do hereby certify that this is a true and exact copy of Land Partition No. 2000-9

Jack L. Watson
Jack L. Watson

NOTES:

- 1) The area for this partition is taken from the Grant County Assessor's records, and may vary when the lines of these parcels are determined by survey.
- 2) Canyon Creek was not located and is shown for informational purposes only.

RECEIVED AND
FILED

JUNE 23, 2000
OFFICE OF COUNTY SURVEYOR
Robert D. Bayne

DECLARATION

Know all people by these present that we, Garry N. Allen and Carol J. Allen, husband and wife, do hereby declare we are the owners of the lands described in the Surveyor's Certificate, and that we have caused the same to be partitioned into two parcels in accordance with the provisions of ORS Chapter 92 as shown hereon.

SAID PARCELS ARE SUBJECT TO THE FOLLOWING:

1. Rights of the public in streets, roads and highways.

2. The provisions and reservations contained in that certain patent from the United States of America dated April 2, 1882, recorded March 27, 1886 in the Deed Book G, page 58, for the Humbolt Placer Mine, to-wit:

THIRD: That the premises hereby conveyed may be entered by the proprietor of any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead tin, copper, or other valuable deposits, for the purpose of extracting and removing the ore from such vein or lode, should the same, or any part thereof, be found to penetrate, intersect, pass through or dip into the mining ground or premises hereby granted."

FOURTH: That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

FIFTH: That in the absence of necessary legislation by Congress, the legislature of Oregon may provide rules for working in the mining claim or premises hereby granted, involving easements, drainage and other necessary means to the complete development thereof.

3. The provisions and reservations contained in patent from the United States of America, dated April 3, 1905, recorded Aug. 16, 1911 in Deed book 29, page 335, as to the Consolidated Mining Claim No. 2 Placer.

NOTE: These are the same as paragraphs THIRD, FOURTH and FIFTH shown in Exception No. 7 above.

4. Unpatented tunnel claims, water rights, claims or title to water.

5. Agreement, including the terms and provisions thereof, between the State of Oregon, acting by and through its Game Commission (1st party) and the owners of lands on which there are water rights of diversion of water from Canyon Creek, a tributary of the John Day River in Grant County, Oregon, dated May 22, 1961, recorded May 25, 1961 in Book 1, page 281, Lease & Agreement Records, in regard to the impoundment of water at the site commonly known as the Canyon Creek Meadows Dam on the headwaters of Canyon Creek; and Amendment to Agreement between the same parties, dated June 25, 1962, recorded July 3, 1962 in Book 1, page 364, said Lease & Agreement Records.

6. Rights of the public and governmental bodies in and to any portion of the premises herein described, now or at any time lying below high water mark of Canyon Creek, including any ownership rights which may be claimed by the State of Oregon, as to any portion now or at any time below the high water mark.

7. Any adverse claim based upon the assertion that:

(a) Said land or any part thereof is now or at any time has been below the ordinary highwater mark of Canyon Creek.

(b) Some portion of said land has been created by artificial means or has accreted to such portion so created.

(c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Canyon Creek, or has been formed by accretion to any such portion.

8. Such rights and easements for navigation and fishing as may exist over that portion of the property lying now or at any time beneath the waters of Canyon Creek.

9. A private easement, including the terms and provisions thereof, to California Pacific Utilities Company, a corp., dated February 28, 1968, recorded April 22, 1968, in Deed Book 99, page 57, Records of Grant County, Oregon. Right of way easement for utility and incidental purposes, 10 feet wide. This easement is not shown due to a lack of information given in the deed.

Garry N. Allen
Garry N. Allen

Carol J. Allen
Carol J. Allen

SURVEYOR'S CERTIFICATE

I, Jack L. Watson, Professional Land Surveyor, registered in the State of Oregon, hereby certify that I have correctly mapped the land shown on this partition and that these parcels were not surveyed during this partition process. This partition is situated in Section 35, T13S, R31E, W.M., City of Canyon City, Grant County, Oregon, described as follows:

In T13S, R31E, W.M., Grant County, Oregon:

Section 35:

Beginning at the Initial Point of this land partition, said point being the N1/4 corner of Section 35; thence S89°28'45"E, along the north line of said Section 35, 376.00 feet; thence S13°15'E, 614.8 feet, more or less, to the north line of Highway Addition to the Town of Canyon City; thence West, 20 feet, more or less, to the NW corner of said Highway Addition; thence along the westerly boundary of said Highway Addition as follows, S8°35'E, 120.0 feet; thence S23°47'E, 75.0 feet; thence S58°05'E, 213.0 feet, to the north right of way line of Inland Street; thence East, along the north right of way line of Inland Street, 20.0 feet; thence S12°34'E, 262.2 feet, to the SW corner of said Highway Addition; thence S89°29'W, leaving said Highway Addition, 25 feet, more or less, to the center line of Canyon Creek; thence northerly and downstream along the center line of Canyon Creek, 210 feet, more or less, to the south right of way line of Inland Street; thence West, 42 feet, more or less, to the NE corner of Lot 7, Block B, Prophet Addition to the Town of Canyon City; thence along the boundary lines of said Prophet Addition as follows, N1°16'00"E, 45.02 feet; thence N55°09'00"W, 227.50 feet; thence N28°02'00"W, 139.30 feet; thence West, 399.00 feet; thence South, 330.80 feet; thence S3°00'00"W, 197.10 feet; thence S5°06'14"W, 402.77 feet; thence S6°03'46"E, 532.38 feet; thence S1°02'46"E, 199.14 feet; thence S3°59'00"E, 132.40 feet; thence S4°00'00"W, 249.30 feet; thence S2°08'00"W, 297.50 feet to the SW corner of said Prophet Addition; thence leaving the boundaries of Prophet Addition, S12°00'E, 3.22 feet; thence N86°15'00"W, 249.29 feet; thence S12°27'30"W, 512.05 feet, thence N56°13'30"E, 149.71 feet; thence N37°11'30"E, 433.93 feet to the westerly side line of N. Scenic Drive; thence S35°25'30"E, along the westerly side line of N. Scenic Drive, 41.92 feet; thence S37°11'30"W, 428.08 feet; thence S56°13'30"W, 156.46 feet; thence S18°10'30"W, 151.10 feet; thence S7°50'30"E, 405.18 feet; thence East, 76.60 feet; thence South 16.58 feet, more or less, to the north line of the SE1/4SW1/4 of said Section 35; thence S89°17'43"W, 30.03 feet, more or less, to the NE corner of the W1/2E1/2SE1/4SW1/4 of said Section 35; thence S1°02'24"E, 1332.34 feet to the SE corner of said W1/2E1/2SE1/4SW1/4; thence S89°35'37"W, 331.01 feet to the SW corner of said W1/2E1/2SE1/4SW1/4; thence N00°55'43"W, 2661.22 feet to the NW corner of the E1/2NE1/4SW1/4 of said Section 35; thence N00°56'04"W, 2683.80 feet to the NW corner of said E1/2E1/2NW1/4; thence N87°43'49"E, 641.59 feet to the point of beginning.

This partition contains 64.18 acres, more or less.

CORNERSTONE SURVEYING, Inc.
233 S. Canyon Blvd.
John Day, Oregon 97845

(541)575-1813

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack L. Watson
OREGON
SEPT 19, 1995
JACK L. WATSON
2734

Renewal Date 6/30/2000

ACKNOWLEDGEMENT

STATE OF OREGON }
COUNTY OF GRANT } SS

This instrument was acknowledged before me on this 30th day of May, 2000, by Garry N. Allen and Carol J. Allen, husband and wife.

Karon S. Steinmetz
Notary Public of Oregon

My commission expires: Jan. 20, 2002

OFFICIAL SEAL
KARON S. STEINMETZ
NOTARY PUBLIC - OREGON
COMMISSION NO. 308579
MY COMMISSION EXPIRES JAN. 20, 2002