

LAND PARTITION PLAT NO. 2009-01

SITUATED IN SECTIONS 30 AND 31, T.13S., R.30E., WM. AND IN
SECTIONS 4, 5, 6, 7 AND 8, T.14S., R.30E., WM.,
GRANT COUNTY, OREGON

SURVEYED FEBRUARY 4, 2009

SURVEYOR'S CERTIFICATE

I, MICHAEL C. SPRINGER, PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF OREGON, HEREBY CERTIFY THAT HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE DIVISION LINE BETWEEN PARCELS 2 AND 3 AND THAT I DID NOT SURVEY THE EXTERIOR BOUNDARY OF THIS LAND PARTITION. SAID PARTITION BEING SITUATED IN GRANT COUNTY, OREGON, SAID PARTITION BEING DESCRIBED AS FOLLOWS:

TWP. 13S., R.30E., WM.:
SECTION 30: SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, SE1/4, AND ALL THAT PORTION OF THE NE1/4NW1/4 LYING SOUTH OF THE JOHN DAY HIGHWAY AS SAID HIGHWAY RIGHT OF WAY IS DESCRIBED IN DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, DATED JUNE 23, 1953, RECORDED JUNE 26, 1953, IN BOOK 68, PAGE 115, DEED RECORDS OF GRANT COUNTY, OREGON, AND BOOK 68, PAGE 119, SAID DEED RECORDS. ALSO, THAT PORTION OF THE NW1/4NE1/4 DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE NW1/4NE1/4;
THENCE NORTH 825.0 FEET;
THENCE NORTH 52.0 FEET TO THE SOUTH LINE OF THE BLUE MOUNTAIN DITCH, OWNED BY THE BLUE MOUNTAIN DITCH CO.;
THENCE NORTHWESTERLY, ALONG SAID SOUTH LINE, TO THE WEST LINE OF THE SAID NW1/4NE1/4;
THENCE SOUTH, ALONG SAID WEST LINE, 312.5 FEET TO THE PLACE OF BEGINNING.

ALSO, THAT PORTION OF THE SE1/4NW1/4NE1/4 LYING SOUTHERLY OF THE BLUE MOUNTAIN DITCH.

ALSO, TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:
BEGINNING AT THE SOUTHWEST CORNER OF THE SE1/4NE1/4 OF SAID SEC. 30;
THENCE IN A NORTHEASTERLY DIRECTION ALONG THE BOUNDARY OF AN EXISTING FENCE TO A POINT ON THE SOUTHERLY BOUNDARY OF THE BLUE MOUNTAIN DITCH, SAID POINT BEING 45 FEET, MORE OR LESS, EAST OF THE EASTERLY BOUNDARY OF THE SW1/4NE1/4 OF SAID SEC. 30;
THENCE ALONG THE SOUTHERLY BOUNDARY OF THE BLUE MOUNTAIN DITCH TO THE EASTERLY BOUNDARY OF THE SW1/4NE1/4, SAID SEC. 30;
THENCE ALONG SAID EASTERLY BOUNDARY OF THE SW1/4NE1/4, TO THE POINT OF BEGINNING.

SAVE & EXCEPT THE FOLLOWING:
(A) BEGINNING AT A POINT ON THE WEST LINE OF THE SE1/4NW1/4 OF SAID SEC. 30; SAID POINT BEING 320.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SE1/4NW1/4;
THENCE SOUTH 559.0 FEET;

THENCE N. 02°00' E. 183.5 FEET TO AN IRON PEG WHICH BEARS SOUTH 42.7 FEET FROM THE SOUTHEAST CORNER OF THE BYRON LEMONS STONE HOUSE;

THENCE EAST, ALONG FENCE LINE, 115.5 FEET;

THENCE N. 02°00' W. ALONG FENCE LINE, 79.0 FEET;

THENCE EAST 62.0 FEET TO THE WEST BANK OF RILEY CREEK;

THENCE N. 02°30' W. 427.0 FEET TO THE NORTH BANK OF THE BLUE MOUNTAIN DITCH;

THENCE EAST, ALONG RILEY CREEK AND THE BLUE MOUNTAIN DITCH DAM, 42.0 FEET;
THENCE N. 18°00' E., ALONG THE EAST BANK OF RILEY CREEK, 233.5 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY AT A POINT 15 FEET SOUTH OF THE SOUTHEAST CORNER OF THE PRESENT HIGHWAY BRIDGE OVER RILEY CREEK;

THENCE SOUTHWESTERLY, ALONG SAID HIGHWAY RIGHT OF WAY LINE, TO THE WEST LINE OF THE NE1/4NW1/4 OF SAID SEC. 30;

THENCE SOUTH, ALONG SAID WEST LINE, TO THE PLACE OF BEGINNING.

(B) BEGINNING AT A POINT 1610.30 FEET SOUTH AND 1943.30 FEET EAST OF THE NORTHWEST CORNER OF SAID SEC. 30; SAID POINT ALSO BEING 320.0 FEET SOUTH AND 559.0 FEET EAST OF THE NORTHWEST CORNER OF THE SE1/4NW1/4 OF SAID SEC. 30;

THENCE N. 02°00' E. 183.5 FEET;

THENCE N. 02°00' W. ALONG FENCE LINE, 79.0 FEET;

THENCE EAST 62.0 FEET TO THE WEST BANK OF RILEY CREEK;

THENCE S. 00°43'31" W. 383.11 FEET;

THENCE N. 78°25'12" W. 69.78 FEET;

THENCE S. 08°50'19" W. 252.45 FEET;

THENCE N. 19°19'11" W. 765.01 FEET;

THENCE WEST TO THE WEST LINE OF THE NE1/4SW1/4 OF SAID SEC. 30;

THENCE NORTH, ALONG SAID WEST LINE AND THE WEST LINE OF THE SE1/4NW1/4 OF SAID SEC. 30, 1083.0 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE PLACE OF BEGINNING;
THENCE EAST 559.0 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

(C) THAT PORTION OF THE NE1/4SW1/4NE1/4 LYING NORTHERLY OF THE BLUE MOUNTAIN DITCH.

(D) BEGINNING AT A ROCK CRIB ON THE NORTH LINE OF THE NE1/4SE1/4; SAID ROCK CRIB BEING 114.0 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4SE1/4;
THENCE SOUTHEASTERLY A DISTANCE OF 81.0 FEET TO A POINT WHICH IS 14.0 FEET SOUTH OF THE NORTH LINE OF SAID NE1/4SE1/4;

THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID NE1/4SE1/4 A DISTANCE OF 18.0 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 68.0 FEET TO A POINT ON THE NORTH LINE OF SAID NE1/4SE1/4; SAID POINT BEING 165.0 FEET EAST OF THE POINT OF BEGINNING;

THENCE WEST, ALONG THE NORTH LINE OF SAID NE1/4SE1/4, A DISTANCE OF 165.0 FEET TO THE POINT OF BEGINNING.

SECTION 31: E1/2 AND THE E1/2W1/2.

TWP. 14S., R.30E., WM.:

SECTION 4: LOT 4 AND THE W1/2SW1/4;

SECTION 5: LOTS 1, 2, 3 AND 4 AND THE S1/2;

SECTION 6: LOTS 1 AND 2 AND THE E1/2SE1/4;

SECTION 7: E1/2W1/2E1/2, E1/2SE1/4 AND THE E1/2NE1/4;

SECTION 8: N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4, NE1/4SW1/4, W1/2SW1/4 AND THE NW1/4.

I DO HEREBY DESIGNATE THE CLOSING CORNER BETWEEN SECTIONS 4 AND 5, T.14S., R.30E., WM. AS THE INITIAL POINT OF THIS LAND PARTITION.

CONTAINING 2,225 ACRES, MORE OR LESS.

BENCHMARK LAND SURVEYING
217 N. CANYON BLVD.
JOHN DAY, OREGON 97845
541-575-1251

APPROVALS

APPROVED THIS 13 DAY OF February, 2009
John K. Kibeling
WALHEUR COUNTY SURVEYOR

APPROVED THIS 10th DAY OF February, 2009
William McHenry
GRANT COUNTY PLANNING DIRECTOR

ALL AD VALOREM AND SPECIAL ASSESSMENTS DUE
PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.
Shane P. Sutton
GRANT COUNTY ASSESSOR & TAX COLLECTOR
DATE: 02/19/2009

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED
ON THE 19 DAY OF Feb, 2009 AT 10:00 O'CLOCK
P.M., AND RECORDED AS LAND PARTITION PLAT
(NO. 2009-01) GRANT COUNTY RECORDS.

RECEIVED AND
FILED
Feb 19, 2009
OFFICE OF COUNTY SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Michael C. Springer
OREGON
JULY 9, 2002
MICHAEL C. SPRINGER
#70918

EXPIRES: 6/30/2010

ATTEST: James L. Hefner

I DO HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT
COPY OF LAND PARTITION PLAT NO. 2009-01

BENCHMARK LAND SURVEYING

SUBJECT TO THE FOLLOWING:

- RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF THE HEREIN DESCRIBED PREMISES LYING WITHIN THE BOUNDARIES OF STREETS, ROADS OR HIGHWAYS
- ANY AND ALL MATTERS, INCLUDING EASEMENTS AND ASSESSMENTS, IF ANY, PERTAINING TO IRRIGATION DITCHES THAT MAY TRAVERSE THE HEREIN DESCRIBED PROPERTY OR THE BLUE MOUNTAIN DITCH.
- RESERVATION, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN DEED, FOR A PRIVATE 20 FOOT WIDE RIGHT OF WAY FOR ROAD PURPOSES ON THE NORTH SIDE OF THE SE1/4NW1/4, SEC. 30, T.13S., R.30E., WM. GRANTOR GEORGE W. REYNOLDS AND MARY E. REYNOLDS, HIS WIFE, RECORDED APRIL 10, 1915, BOOK 31, PAGE 81. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR A 20 FOOT WIDE PRIVATE RIGHT OF WAY EASEMENT BETWEEN GEORGE W. REYNOLDS AND MARY E. REYNOLDS, HIS WIFE AND BYRON L. LEMONS AND GRACE J. LEMONS, RECORDED JANUARY 16, 1929, BOOK 38, PAGE 35. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO WEST COAST POWER CO., A CORP. RECORDED AUGUST 11, 1936, BOOK 41, PAGE 312. NO SPECIFIED WIDTH. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO WEST COAST POWER CO., A CORP. RECORDED AUGUST 11, 1936, BOOK 41, PAGE 313. NO SPECIFIED WIDTH. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO WEST COAST POWER CO., A CORP. RECORDED NOVEMBER 30, 1936, BOOK 41, PAGE 422. NO SPECIFIED WIDTH. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR A 20 FOOT WIDE RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO WEST COAST POWER CO., A CORP. RECORDED APRIL 28, 1940, BOOK 44, PAGE 7. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR RIGHT OF WAY FOLLOWING THE COURSE OF THE PRESENT ROAD KNOWN AS THE RILEY CREEK ROAD, GRANTED TO LEONARD CAVERHILL AND IRENE CAVERHILL, HUSBAND AND WIFE, RECORDED MAY 9, 1955, BOOK 72, PAGE 248. NO SPECIFIED WIDTH. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- BARGAIN AND SALE DEED, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR PRIVATE RIGHT OF WAY AND EASEMENT, 10 FEET IN WIDTH, FOR THE CONSTRUCTION AND MAINTENANCE OF AN IRRIGATION DITCH, GRANTED TO R. E. SPROUL AND VIOLET SPROUL, HUSBAND AND WIFE, RECORDED MAY 20, 1964, BOOK 91, PAGE 37. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR PRIVATE 15 FOOT WIDE RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO CALIFORNIA-PACIFIC UTILITIES COMPANY, A CORP. RECORDED SEPTEMBER 6, 1973, BOOK 110, PAGE 378. APPROXIMATE LOCATION SHOWN HEREON.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO OREGON TELEPHONE CORPORATION, A CORP. RECORDED APRIL 12, 1974, BOOK 111, PAGE 327. NO SPECIFIED WIDTH. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS RESERVED IN DEED, FOR RIGHTS OF ACCESS IN COMMON ON THE RILEY CREEK ROAD AND OTHER EXISTING POINTS OF ACCESS FROM THE HIGHWAY OVER THE LANDS DESCRIBED IN DEED RECORDED JULY 22, 1966 IN DEED BOOK 95, PAGE 168, GRANTOR IVAN PORFELY AND MARJORIE PORFELY, HUSBAND AND WIFE, RECORDED AUGUST 3, 1977, BOOK 117, PAGE 272. NO SPECIFIED WIDTH. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR 30 FOOT RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO CALIFORNIA-PACIFIC UTILITIES COMPANY, A CORP. RECORDED APRIL 17, 1978, BOOK 120, PAGE 883. APPROXIMATE LOCATION SHOWN HEREON.
- PRIVATE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FOR 30 FOOT RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, GRANTED TO C. P. NATIONAL, RECORDED APRIL 23, 1980 BOOK 122, PAGE 901. APPROXIMATE LOCATION SHOWN HEREON.
- EASEMENTS, RIGHTS OF WAY OR RESERVATIONS AS THE SAME MAY EXIST OR APPEAR OF RECORD.

NARRATIVE

THIS LAND PARTITION WAS PERFORMED AT THE REQUEST OF MARY MARCEL. THE PURPOSE OF THIS PARTITION WAS TO CREATE THREE PARCELS AND TO SURVEY THE DIVISION LINE BETWEEN PARCEL 2 AND PARCEL 3, AS SHOWN HEREON. I ALSO LOCATED THE CENTERLINE OF THE NEW PRIVATE ACCESS EASEMENT SHOWN HEREON.

THE OFFSET MONUMENT NEAR THE NORTHWEST CORNER OF PARCEL 3 IS SET S.130°08'E., A DISTANCE OF 25 FEET, MORE OR LESS, FROM A FENCE CORNER WITH FENCES RUNNING NORTH, EAST AND WEST. THE FENCING MATERIAL IS VERY OLD AND APPEARS TO HAVE BEEN REBUILT SEVERAL TIMES IN THE SAME LOCATION. ITS POSITION ALSO FITS VERY CLOSELY TO THE SE CORNER OF SECTION 31.

BEARINGS ARE BASED ON GEODETIC NORTH FROM A GPS OBSERVATION TAKEN NEAR THE NORTHWEST CORNER OF PARCEL 3.

NEW MONUMENTS WERE SET IN ACCORDANCE WITH THE EVIDENCE FOUND AND AT LOCATIONS APPROVED BY JOHN MARCEL, AS SHOWN HEREON.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT FRANCIS L. MARCEL AND MARY Y. MARCEL, TRUSTEES OF THE MARCEL FAMILY TRUST U/A/D APRIL 24, 2002 DO HEREBY DECLARE THAT TRUST IS THE OWNER OF THE LANDS DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND THAT SAID TRUST HAS CAUSED THE SAME TO BE PARTITIONED INTO PARCELS IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS SHOWN ON THE ANNEXED PLAT.

SAID TRUST DOES HEREBY CREATE A PRIVATE ACCESS EASEMENT, OVER AND ACROSS PARCEL 3, TO THE BENEFIT OF PARCEL 2. SAID EASEMENT HAVING A NOMINAL WIDTH OF 40 FEET, 20 FEET ON EACH SIDE OF THE CENTERLINE, WITH ADDITIONAL WIDTHS AS NECESSARY TO ACCOMMODATE CUTS AND FILLS, AS SHOWN HEREON.

Francis L. Marcel
FRANCIS L. MARCEL, TRUSTEE
OF THE MARCEL FAMILY TRUST
U/A/D APRIL 24, 2002.

Mary Y. Marcel
MARY Y. MARCEL, TRUSTEE
OF THE MARCEL FAMILY TRUST
U/A/D APRIL 24, 2002.

ACKNOWLEDGMENT

STATE OF OREGON, SS
COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 21 19, 2009, BY
FRANCIS L. MARCEL AND MARY Y. MARCEL, TRUSTEES OF THE MARCEL FAMILY TRUST
U/A/D APRIL 24, 2002.

Robert J. Hefner
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 10-13-2011