

# LAND PARTITION PLAT NO. 2014-02

A PARTITION OF A PORTION OF PARCEL 1, PARTITION NO. 2007-27  
SITUATED IN THE NE1/4 AND NW1/4 OF SECTION 35

T13S, R31E, W.M.  
CITY OF CANYON CITY  
GRANT COUNTY, OREGON

March 10, 2014

Sheet 2 of 3

## DECLARATION

Know all people by these presents that we, Garry N. Allen and Carol J. Allen, husband and wife, and Garry J. Allen 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. We hereby grant a private 30 foot wide access and utility easement, over and across parcel 1, for ingress and egress and utilities to parcel 2 as shown hereon.

*Garry N. Allen*  
Garry N. Allen

*Carol J. Allen*  
Carol J. Allen

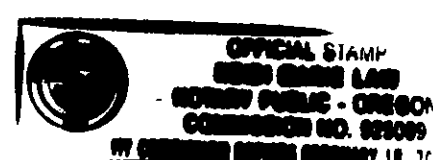
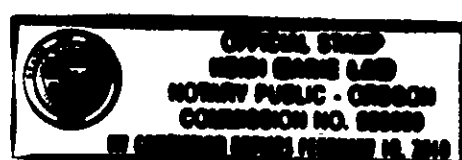
*Garry J. Allen*  
Garry J. Allen

## ACKNOWLEDGEMENT

STATE OF OREGON } SS  
COUNTY OF GRANT }

This instrument was acknowledged before me on this 10<sup>th</sup> day of March, 2014, by Garry N. Allen and Carol J. Allen and Garry J. Allen.

*Heidi M. Luce*  
Notary Public of Oregon  
My commission expires: 2-18-2018



I do hereby certify that this is a true and exact copy of the original land partition plat.

*Jack L. Watson*  
Jack L. Watson, PLS

RECEIVED AND FILED  
GRANT COUNTY SURVEYOR

APR 2 2014

BY: *[Signature]*

SAID PARCELS ARE SUBJECT TO THE FOLLOWING:

- 1) Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or 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.
- 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.
- 4) Unpatented tunnel claims, water rights, claims or title to water.
- 5) The reservations, exceptions, easements, restrictions, regulations and rights to which said mining claims are subject under the terms and provisions of the mining laws of the United States of America and under the terms and provisions of the state, local and district mining laws, rules and regulations.
- 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 below the high water mark.
- 7) 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.
- 8) 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 high water 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.
- 9) Any and all matters pertaining to the mining ditch from Mill Creek, known as the Tracy Ditch as disclosed in Book 41, Page 623, deeds of Grant County, Oregon.
- 10) The private easements disclosed in Book 79, Page 149, deeds of Grant County, Oregon. No width is given for the easements and no specific location is given therefore the easement is not shown.
- 11) Agreement, including the terms and provisions thereof, between the State of Oregon, acting by and through its Game Commission 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 I, 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 I, Page 364, said Lease & Agreement Records.
- 12) 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.
- 13) Terms and conditions shown in the deed from Barbara P. Graves to Garry N. Allen and Carol J. Allen, husband and wife, deed Instrument No. 202936, deeds of Grant County, Oregon, dated August 1, 1997.
- 14) The provisions and reservations contained in that certain patent from the United States of America recorded September 17, 2001, Instrument No. 212394 deeds of Grant County, Oregon.
- 14) A private power line right of way modification agreement, including the terms and provisions thereof, to Oregon Trail Electric Consumers Cooperative, Inc., recorded Sept. 24, 2001, in Instrument No. 212449, deed records of Grant County, Oregon, no width is given. This easement is not shown due to a lack of information given in the deed.
- 15) A private easement, including the terms and provisions thereof, to Oregon Trail Electric Consumers Cooperative, Inc., recorded July 30, 2003, in Instrument No. 032288, re-recorded December 20, 2013 in Instrument No. 20132511 deed records of Grant County, Oregon. The right of way easement is 15 ft. in width. This easement is not shown, the easement location is "All as staked on the ground."
- 16) A private access easement, 30 feet wide, as shown on Land Partition No. 2004-2 recorded in the office of the Grant County Clerk.
- 17) A private access easement, 30 feet wide, as shown on Land Partition No. 2006-11 recorded in the office of the Grant County Clerk.
- 18) Two private access easements, 20 feet wide, as shown on Land Partition No. 2007-27 recorded in the office of the Grant County Clerk.

## SURVEYOR'S CERTIFICATE

I, Jack L. Watson, Professional Land Surveyor, registered in the State of Oregon, hereby certify that I have correctly surveyed and marked with proper monuments Parcel 2 and that Parcel 1 was not surveyed for this partition process. This partition is situated in the NE1/4 and in the NW1/4 of Section 35, T13S, R31E, W.M., City of Canyon City, Grant County, Oregon, described as follows:

A portion of Parcel 1 of Partition No. 2007-27, recorded in the office of the Grant County Clerk, described as follows:  
Parcel 1 of Partition No. 2007-27.

SAVE AND EXCEPT that portion described in that certain deed to Grant County School District No. 3, dated December 1, 2006, recorded December 4, 2006 in Instrument No. 20063085, deeds of grant County, Oregon, described as follows: All that portion of Parcel 1 of Land Partition Plat No. 2006-11, recorded June 29, 2006 in the office of the Grant County Clerk, lying east of the center line of Canyon Creek and north of the westerly extension of the south line of Lot 3 of Highway Addition to the Town of Canyon City.

SAVE AND EXCEPT that portion described in that certain deed to Catherine Ann Gibbs, dated May 21, 2009, recorded May 21, 2009 in Instrument No. 20091022, deeds of grant County, Oregon, described as follows: Beginning at a 5/8" iron pin on the south right of way line of Inland Street which is N89°56'31"W 230.04 feet from the NE corner of Lot 7, Highway Addition to Canyon City; Thence N89°56'31"W 40.66 feet to the center line of Canyon Creek; Thence upstream along the center line of Canyon Creek as follows: S20°00'00"E, 70.0 feet; S08°00'00"E, 80.0 feet; S03°30'00"W, 62.58 feet more or less to a point on the westerly extension of the south boundary of Lot 10 of Highway Addition; Thence N88°24'29"E leaving said center line of Canyon Creek, along the westerly extension of the south boundary of Lot 10 of Highway Addition, 54.6 feet to the SW corner of Highway Addition; Thence N12°30'31"W, along the west boundary of Highway Addition, 210.94 feet to the point of beginning.

SAVE AND EXCEPT that portion described in that certain deed to J. Mark Moulton and Jenelle A. Moulton, dated December 8, 2011, recorded March 15, 2012 in Instrument No. 20120521, deeds of grant County, Oregon, described as follows: Beginning at a 5/8" iron pin at the SE corner of Parcel 2 of Land Partition No. 2004-07, which is recorded in the office of the Grant County Clerk; Thence South, 40.00 feet; Thence S87°00'00"W, 328.79 feet; Thence N19°00'00"E, 60.50 feet to the SW corner of said Parcel 2; Thence East, 308.64 feet to the point of beginning.

SAVE AND EXCEPT that portion described in that certain deed to Trent Wright, dated January 14, 2014, recorded January 15, 2014 in Instrument No. 20140092, deeds of Grant County, Oregon, described as follows: See Survey No. 1993, A portion of Parcel 1 of Land Partition Plat No. 2007-27, which is recorded in the office of the Grant County Clerk described as follows: Beginning at the SE corner of Parcel 3 of Land Partition Plat No. 2006-11, which is recorded in the office of the Grant County Clerk; Thence N15°00'00"E, along the east boundary of said Parcel 3, 63.37 feet; Thence N03°00'00"E, along the east boundary of said Parcel 3, 122.28 feet to a point on the south boundary of Parcel 2 of Land Partition Plat No. 2005-22, which is recorded in the office of the Grant County Clerk; Thence N76°34'39"E, along the southerly boundary of said Parcel 2, 45.65 feet; Thence N41°43'27"E, along the southerly boundary of said Parcel 2, 129.91 feet more or less, to the center of Canyon Creek; Thence Southerly along the center of Canyon Creek 398.10 feet more or less, to a point which is N89°56'31"W of the SE corner of Lot 3 of Highway Addition to the City of Canyon City, as shown on Grant County Map of Survey No. 1782; Thence S89°56'31"E, 22.38 feet more or less, to the West boundary of Lot 11 of Highway Addition to the City of Canyon City; Thence S23°43'28"E along the West boundary of said Lot 11, 40.82 feet; Thence S58°01'31"E, 213.00 feet, to the north side line of Inland Street; Thence S89°56'31"E, 20.00 feet; Thence S12°27'05"E, 51.17 feet to the South side line of Inland Street; Thence N89°56'31"W, 40.66 feet to the Center of Canyon Creek; Thence S20°00'00"E, 1.14 feet along the center of Canyon Creek; Thence West, 28.92 feet to the NE corner of Lot 7, Block B, Prophet Addition to the City of Canyon City; Thence N01°16'00"E, 45.02 feet to the SE corner of Lot 4, Block D, Prophet Addition to the City of Canyon City; Thence N55°09'00"W, along the East line of said Lot 4, 227.50 feet; Thence N27°56'06"W, along the East line of said Lot 4, 139.24 feet to the NE corner of said Lot 4; Thence S89°58'34"W, 150.04 feet to the point of beginning.

I designate the Grant County Surveyor brass cap monument at the N1/4 corner of Section 35 to be the initial point of this land partition.

This partition contains 37.15 acres, more or less.

Cornerstone Surveying, Inc.  
233 S. Canyon Blvd.  
John Day, Oregon 97845

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

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

Renewal Date 6/30/2014