

LAND PARTITION PLAT NO. 96-12

SITUATED IN THE N1/2 AND THE SW1/4 OF SECTION 23, AND IN THE NW1/4 OF SECTION 26, T13S, R30E, W.M.
GRANT COUNTY, OREGON
APRIL 30, 1996

SHEET 1 OF 2

NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF JESS FITZHUGH AND JIM DAMON. THE PURPOSE OF THIS SURVEY WAS TO CREATE PARCELS 1 AND 2 OF THIS LAND PARTITION AND TO SET MONUMENTS ON THE DIVISION LINE BETWEEN SAID PARCELS.

A SEARCH WAS MADE OF THE AVAILABLE RECORDS PERTAINING TO THIS SURVEY. FIELD MEASUREMENTS WERE MADE TO LOCATE THE NE CORNER OF SAID SECTION 23, THE EXISTING ACCESS ROAD, THE PANAMA DITCH AND OTHER SELECTED FEATURES.

THE NEW MONUMENTS WERE SET AT POSITIONS APPROVED BY MR. FITZHUGH AND MR. DAMON, AS SHOWN HEREON.

THE WEST LINE OF SECTION 23 WAS NOT ESTABLISHED IN THIS SURVEY OR IN ANY SURVEY OF RECORD SUBSEQUENT TO THE ORIGINAL GLO SURVEY. I THEREFORE SET OFFSET MONUMENTS ON THE NORTH AND SOUTH BOUNDARY LINES OF PARCEL 1, NEAR THE NORTHWEST AND SOUTHWEST CORNERS OF PARCEL 1.

I DID NOT SURVEY THE EXTERIOR BOUNDARY OF THIS LAND PARTITION.

NOTES

1) THE SECTION AND SECTION SUBDIVISIONAL LINES SHOWN ARE PROTRACTED FOR GENERAL INFORMATION ONLY.

2) ALL DIMENSIONS ALONG THE EXTERIOR BOUNDARY ARE BASED ON GLO RECORD OR THE DEED RECORD.

3) THE LOCATION OF THE HIGHWAY IS APPROXIMATE.

4) WE ARE UNABLE TO PLOT THE FOLLOWING EASEMENTS LISTED IN THE DECLARATION DUE TO INSUFFICIENT DATA IN THE RECORDED DESCRIPTIONS AS FOLLOWS: RECORDED EASEMENTS IN DEEDS: BOOK 41, PAGE 302; BOOK 41, PAGE 314; BOOK 101, PAGE 258. WE LOCATED THE 40 FOOT WIDE POWER LINE EASEMENT DESCRIBED IN BOOK 63, PAGE 463 CROSSING PARCEL 1, AS SHOWN HEREON. THE REMAINING PORTION OF THIS EASEMENT CROSSING PARCEL 2 IS SHOWN AS DESCRIBED, WE DID NOT LOCATE IT BY SURVEY.

5) I FIND NO RECORD OR EXISTENCE OF AN APPURTENANT GEODETIC CONTROL MONUMENT WITHIN 1/2 MILE OF THE SURVEYED DIVISION LINE BETWEEN PARCELS 1 AND 2 OF THIS LAND PARTITION.

APPROVALS

APPROVED THIS 2 DAY OF MAY, 1996.

Jesse W. Fitzhugh
JESSE W. FITZHUGH, A PARTNER

APPROVED THIS 2nd DAY OF May, 1996.

BA Carpenter
GRANT COUNTY PLANNING COMMISSION

ALL AD VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.

Gene L. Dutton
GRANT COUNTY ASSESSOR AND TAX COLLECTOR
DATE: 05-02-96

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED ON THE 23 DAY OF May, 1996 AT 2:30 O'CLOCK P.M., AND RECORDED AS PARTITION PLAT NO. 96-12 GRANT COUNTY RECORDS.

Leahy McInnis
GRANT COUNTY CLERK

I DO HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF LAND PARTITION PLAT NO. 96-12, AS FILED WITH THIS OFFICE.

Leahy McInnis
GRANT COUNTY CLERK

I DO HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF LAND PARTITION PLAT NO. 96-12.

Robert D. Baggett
BAGETT-GRIFFITH AND BLACKMAN

DECLARATION

EAGLE CAP RENTALS, A PARTNERSHIP CONSISTING OF JESS W. FITZHUGH, STEVEN D. SALISBURY AND J. DAVID BALDWIN HAVE CAUSED THE LANDS DESCRIBED IN THE SURVEYOR'S CERTIFICATE TO BE PARTITIONED INTO PARCELS IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS SHOWN ON THE ANNEXED MAP AND THAT WE DO HEREBY GRANT THE PRIVATE ACCESS EASEMENT, 30 FEET IN WIDTH, 15 FEET ON EACH SIDE OF THE CENTERLINE OF THE EXISTING ROAD RUNNING THROUGH PARCEL 1 AND A PORTION OF PARCEL 2 FOR THE PURPOSE OF INGRESS AND EGRESS TO THE JOHN DAY-MT. VERNON HIGHWAY, AS SHOWN ON THE ANNEXED MAP.

SAID PARCELS SUBJECT TO THE FOLLOWING:

(1) RIGHTS OF THE PUBLIC IN STREETS, ROADS, AND HIGHWAYS.

(2) ANY AND ALL MATTERS, INCLUDING EASEMENTS AND ASSESSMENTS, IF ANY, PERTAINING TO IRRIGATION DITCHES.

(3) RIGHTS OF THE PUBLIC AND GOVERNMENTAL BODIES IN AND TO ANY PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW HIGH WATER MARK OF THE JOHN DAY RIVER, INCLUDING ANY OWNERSHIP RIGHTS WHICH MAY BE CLAIMED BY THE STATE OF OREGON, BELOW THE HIGH WATER MARK.

(4) ANY ADVERSE CLAIM BASED ON 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 THE JOHN DAY RIVER. (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 THE JOHN DAY RIVER, OR HAS BEEN FORMED BY ACCRETION TO ANY SUCH PORTION.

(5) SUCH RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHING AS MAY EXIST OVER THAT PORTION OF THE PROPERTY LYING BENEATH THE WATER OF THE JOHN DAY RIVER.

(6) RESERVATION, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN DEED FROM EASTERN OREGON LAND COMPANY, A CORP., DATED OCT. 23, 1922, RECORDED NOV. 5, 1922, IN DEED BOOK 34, PAGE 539, TO WIT: "RESERVING AND EXCEPTING, HOWEVER, TO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, THE USE OF ALL THE SURFACE GROUND NECESSARY TO ACCESS AND FOR THE PURPOSE OF EXPLORING, DEVELOPING OR WORKING OF MINES OR VALUABLE UNDERGROUND DEPOSITS OF MINERALS, OR OILS OF WHATSOEVER NAME OR NATURE; ALSO ALL THE GOLD, SILVER, COPPER, IRON OR MINERALS OF WHATSOEVER NAME OR NATURE; AND ALL THE COAL, MINERAL OILS OR VEGETABLE OILS, OR OILS OF ANY NAME OR NATURE, EXCEPTING WATER, WHICH ARE NOW KNOWN TO EXIST OR MAY HEREAFTER BE DISCOVERED IN OR UPON SUCH LAND, SUBJECT, HOWEVER, TO THE CONDITION THAT THE GRANTOR HEREIN SHALL PAY TO THE GRANTEE, OR SUCCESSOR, A PROPORTIONATE REBATE OF THE SALE PRICE FOR ANY LANDS RECALLED FOR MINERAL ETC, UPON DEMAND FOR RECALL". (AFFECTS THE W1/2 AND THE NE1/4 OF SEC. 23).

(7) AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO WEST COAST POWER CO., A CORP., DATED AUGUST 8, 1936, RECORDED AUGUST 11, 1936, IN DEED BOOK 41, PAGE 302, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES.

(8) AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO WEST COAST POWER CO., A CORP., DATED AUGUST 8, 1936, RECORDED AUGUST 11, 1936, IN DEED BOOK 41, PAGE 314, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES.

(9) AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO CALIFORNIA-PACIFIC UTILITIES COMPANY, A CORP., DATED AUGUST 7, 1951, RECORDED AUGUST 28, 1951, IN DEED BOOK 63, PAGE 463, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES.

(10) COVENANTS, BURDENS, AND RESTRICTIONS, WITH CERTAIN LIMITED ACCESS GRANTED, AS DISCLOSED IN DEED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, DATED JUNE 29, 1953, RECORDED JULY 7, 1953, IN DEED BOOK 68, PAGE 176, TOGETHER WITH, THAT CERTAIN RELEASE OF USE RESTRICTIONS, INCLUDING THE TERMS AND PROVISIONS THEREOF, DATED JAN. 29, 1974, RECORDED FEB. 8, 1974 IN DEED BOOK 111, PAGE 20.

(11) EASEMENT DEED, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO THE COUNTY OF GRANT, DATED MAY 25, 1965, RECORDED JULY 1, 1969 IN DEED BOOK 101, PAGE 258, FOR A PERPETUAL EASEMENT AND RIGHT OF WAY TO BUILD, CONSTRUCT, RECONSTRUCT, AND REPAIR LEVEES, EMBANKMENTS, REVETMENTS, CANALS, AND ANY INCIDENTAL WORKS APPURTENANT THERETO, FOR FLOOD CONTROL PROJECT.

Jesse W. Fitzhugh
JESS W. FITZHUGH, A PARTNER

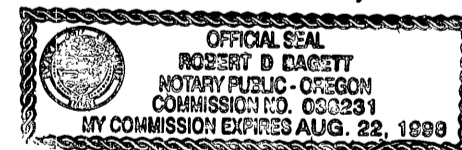
ACKNOWLEDGEMENTS

STATE OF OREGON SS
COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON May 16th, 1996.
BY JESS W. FITZHUGH.

Robert D. Baggett
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES Aug 22, 1998



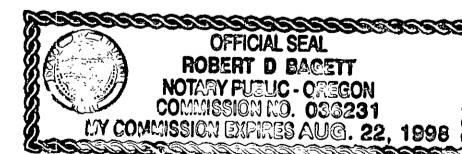
J. David Baldwin
J. DAVID BALDWIN, A PARTNER

STATE OF OREGON SS
COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON May 20th, 1996.
BY J. DAVID BALDWIN.

Robert D. Baggett
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES Aug 22, 1998



SURVEYOR'S CERTIFICATE

I, ROBERT D. BAGETT, PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE DIVISION LINE BETWEEN PARCELS 1 AND 2 OF THIS LAND PARTITION, SAID PARTITION BEING DESCRIBED AS FOLLOWS:

IN TWP. 13 S., R. 30 E., W. M., GRANT COUNTY, OREGON:

SECTION 23: NE1/4; W1/2.

SECTION 26: NW1/4NW1/4 AND THAT PORTION OF THE SW1/4NW1/4 LYING NORTH OF THE JOHN DAY HIGHWAY AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE WEST LINE OF THE SW1/4NW1/4 OF SAID SEC. 26 INTERSECTS THE NORTH RIGHT OF WAY LINE OF THE JOHN DAY HIGHWAY, SAID POINT BEING 1047.0 FEET NORTH AND 5.4 FEET WEST OF THE W1/4 CORNER OF SAID SECTION 26; THENCE N.0° 18'W., ALONG SAID WEST LINE, A DISTANCE OF 285.6 FEET TO THE NW CORNER OF SAID SW1/4NW1/4; THENCE EAST ALONG THE NORTH LINE OF SAID SW1/4NW1/4 A DISTANCE OF 1320.0 FEET TO THE NORTHEAST CORNER OF SAID SW1/4NW1/4; THENCE S.0°18'E., ALONG THE EAST LINE OF SAID SW1/4NW1/4 A DISTANCE OF 179.1 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY; THENCE ALONG SAID NORTH RIGHT OF WAY LINE AS FOLLOWS: N.85° 44'W., A DISTANCE OF 123.1 FEET; ON A 1940 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS S.87°33'W., 453.2 FEET) A DISTANCE OF 454.2 FEET; S.80°51'W., A DISTANCE OF 606.3 FEET; ON A 543 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS S.88°33'W., 145.5 FEET) A DISTANCE OF 145.9 FEET TO THE POINT OF BEGINNING. SAVE AND EXCEPT THEREFROM THE FOLLOWING DESCRIBED PREMISES: COMMENCING AT THE NORTHEAST CORNER OF THE SW1/4NW1/4 OF SAID SEC. 26, T.13S., R.30E., W.M.; THENCE S.0°18'E., ALONG THE EAST LINE OF SAID SW1/4NW1/4 A DISTANCE OF 179.1 FEET TO THE NORTH RIGHT OF WAY LINE OF THE JOHN DAY HIGHWAY; THENCE ALONG SAID NORTH RIGHT OF WAY LINE AS FOLLOWS: N.85°44'W., A DISTANCE OF 123.1 FEET; ON A 1940 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS N.88°42'W., 133.3 FEET) A DISTANCE OF 133.3 FEET; THENCE N.10°00'E., A DISTANCE OF 132.5 FEET TO THE SOUTH BANK OF THE JOHN DAY RIVER; THENCE N.57°20'E., ALONG SAID SOUTH BANK, A DISTANCE OF 67.4 FEET TO THE NORTH LINE OF SAID SW1/4NW1/4; THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF 175.5 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 523.7 ACRES, MORE OR LESS.

BAGETT-GRIFFITH AND BLACKMAN
217 NORTH CANYON BLVD.
JOHN DAY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert D. Baggett
OREGON
JULY 12, 1983
ROBERT D. BAGETT
598

Renewal Date 12/31/97