

LAND PARTITION PLAT NO. 97-07

SITUATED IN THE NE1/4 OF SECTION 35, AND IN THE
NW1/4 OF SECTION 36, T14S, R31E, W.M.
GRANT COUNTY, OREGON

FEBRUARY 26, 1997

NOTES

- (1) I FIND NO RECORD OR EXISTENCE OF AN APPURTENANT GEODETIC CONTROL MONUMENT WITHIN 1/2 MILE OF THIS LAND PARTITION.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT ROBERT HOLLAND AND PAULINE HOLLAND, TRUSTEES OF THE HOLLAND FAMILY TRUST UNDER AGREEMENT DATED JUNE 29, 1989, DO HEREBY DECLARE THAT SAID TRUST IS THE OWNER OF THE LANDS DESCRIBED IN THE SURVEYORS CERTIFICATE AND THAT WE HAVE CAUSED SAID LANDS 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 TO THE FUTURE OWNERS OF PARCELS 1 AND 2, A PRIVATE ACCESS EASEMENT, OVER AND ACROSS PARCELS 1 AND 2, FOR THE PURPOSE OF INGRESS AND EGRESS TO SAID PARCELS 1 AND 2, AS SHOWN HEREON.

SAID PARCELS SUBJECT TO THE FOLLOWING:

- (1) RIGHTS OF THE PUBLIC IN STREETS, ROADS AND HIGHWAYS.
- (2) UNPATENTED MINING CLAIMS. RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF.
- (3) WATER RIGHTS, CLAIMS OR TITLE TO WATER.
- (4) ANY AND ALL MATTERS, INCLUDING EASEMENTS AND ASSESSMENTS, IF ANY, PERTAINING TO IRRIGATION DITCHES.
- (5) PRIVATE RIGHT OF WAY AND TREE TRIMMING PERMIT TO WEST COAST POWER COMPANY, A DELAWARE CORP., DATED (UNDATED), RECORDED APRIL 18, 1937 IN BOOK 41, PAGE 585, DEEDS, FOR THE RIGHT TO CONSTRUCT AND PERMANENTLY MAINTAIN A TRANSMISSION LINE, FOR FURNISHING ELECTRICITY FOR LIGHT AND POWER, OVER, ALONG AND ACROSS THE NW1/4 OF SEC. 36 AND THE E1/2NE1/4 OF SEC. 35, TWP. 14 S., R. 31 E., W.M. (AND OTHER LAND).
- (6) EASEMENT AND RIGHT OF WAY TO CALIFORNIA-PACIFIC UTILITIES COMPANY, A CORP., DATED JULY 7, 1947, RECORDED JULY 22, 1947 IN BOOK 51, PAGE 73, DEEDS, FOR A PERMANENT EASEMENT AND RIGHT OF WAY FOR ELECTRIC TRANSMISSION AND DISTRIBUTION POLE LINE, INCLUDING ANCHORS, GUY WIRES, TELEPHONE AND TELEGRAPH WIRES, AND THE PERPETUAL RIGHT TO TRANSMIT ELECTRIC CURRENT OVER AND ACROSS THE NW1/4 OF SEC. 36, TWP. 14 S., R. 31 E., W.M. (AND OTHER LAND), BEING 15 FEET ON EACH SIDE OF A CENTER LINE THAT BEGINS AT A POINT APPROXIMATELY 150 FEET WEST OF THE SOUTHEAST CORNER OF THE SE1/4 OF SEC. 35, TWP. 14 S., R. 31 E., W.M.; THENCE N. 18° 30' E. APPROXIMATELY 4300 FEET; THENCE N. 5°00' E. APPROXIMATELY 3700 FEET TO A POINT APPROXIMATELY 1050 FEET EAST OF THE NORTHWEST CORNER OF THE SW1/4 OF SEC. 25; ALL AS LOCATED ON THE GROUND; TOGETHER WITH RIGHTS OF INGRESS, EGRESS AND TREE TRIMMING.
- (7) AGREEMENT 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, AND WHO HAVE HEREUNTO SUBSCRIBED THEIR NAMES (2ND PARTIES), DATED MAY 22, 1961, RECORDED MAY 25, 1961 IN BOOK "I", PAGE 281, LEASES & 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 SAME PARTIES, DATED JUNE 25, 1962, RECORDED JULY 3, 1962 IN BOOK "I", PAGE 364, LEASES & AGREEMENT RECORDS.
- (8) ACCESS RESTRICTIONS AND BURDENS IMPOSED, WITH CERTAIN LIMITED ACCESS GRANTED, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN DEED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, DATED SEPT. 7, 1961, RECORDED SEPT. 12, 1961 IN BOOK 85, PAGE 527, DEEDS.

INFORMATION:

PLACE OF ACCESS OF A WIDTH OF 25 FEET ON WEST SIDE OF THE HIGHWAY, PURPOSE UNRESTRICTED, AT HIGHWAY ENGINEER'S STATION 272+34.

INFORMATION:

INCLUDED IN THE DEED TO THE HOLLAND'S IS THE FOLLOWING:

"TOGETHER WITH A RIGHT OF WAY FOR THAT CERTAIN IRRIGATION DITCH AS THE SAME IS NOW LOCATED ON THE PREMISES AS DESCRIBED IN DEED OF RECORD IN BOOK 102, PAGE 585, FOR THE PURPOSE OF FURNISHING IRRIGATION WATER TO THE PROPERTY FIRST DESCRIBED ABOVE."

ROBERT HOLLAND AND PAULINE HOLLAND, TRUSTEES OF THE HOLLAND FAMILY TRUST UNDER AGREEMENT DATED JUNE 29, 1989,

Robert Holland
ROBERT HOLLAND, TRUSTEE

Pauline Holland
PAULINE HOLLAND, TRUSTEE

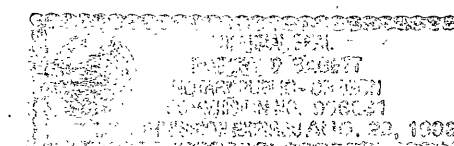
ACKNOWLEDGEMENT

STATE OF OREGON SS
COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON MARCH 6TH, 1997,
BY ROBERT HOLLAND AND PAULINE HOLLAND, TRUSTEES.

Robert D. Baggett
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES Aug 22, 1998



NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF BOB HOLLAND. THE PURPOSE OF THIS SURVEY WAS TO CREATE PARCELS 1 AND 2 OF THIS LAND PARTITION AND TO MONUMENT THE BOUNDARY AND THE PARCEL DIVISION LINE AS SHOWN HEREON.

A SEARCH WAS MADE OF THE AVAILABLE RECORDS PERTAINING TO THIS SURVEY. FIELD MEASUREMENTS WERE MADE TO LOCATE EXISTING CONTROLLING MONUMENTS, THE HIGHWAY CENTERLINE AND THE EXISTING PRIVATE ACCESS ROAD, AS SHOWN HEREON. WE RETRACED THE E1/2E1/2 OF THE NORTH BOUNDARY OF SECTION 35 AND FOUND THE E1/16 CORNER ON THE NORTH BOUNDARY IN GOOD CONDITION. I SET THIS 1/16 CORNER IN SEPT. 1977 DURING RECORD SURVEY NO. 467. DURING RECORD SURVEY NO. 763, WHICH I COMPLETED IN MARCH 1983, I RETRACED THE NORTH BOUNDARY OF SECTION 36, AT THAT TIME WE FOUND AND TIED THE BLM BRASS CAP AT THE NORTH 1/4 CORNER OF SECTION 36. THE SAME BASIS OF BEARINGS AND COMMON POINT OF CONTROL IS USED ON THIS PARTITION AS WAS USED DURING SURVEY NO. 763 TO TIE THE NORTH 1/4 CORNER OF SECTION 36. I SET THE NORTHEAST CORNER OF PARCEL 1 ON THIS LINE.

WE LOCATED THE EXISTING CENTERLINE PAINT STRIPE OF HIGHWAY 395. THIS LOCATION CLOSELY AGREED WITH THE HIGHWAY STRIP MAP DATA AND THE DEED TO THE STATE OF OREGON FOR RIGHT OF WAY AS DESCRIBED IN BOOK 85 PAGE 527-529, GRANT COUNTY DEED RECORDS. I ACCEPT THIS AS THE BEST AVAILABLE EVIDENCE OF THE LOCATION OF THE HIGHWAY. THE HIGHWAY STATIONING AND POSITION OF THE RIGHT OF WAY IS BASED ON THIS LOCATION. NO RIGHT OF WAY MONUMENTS WERE FOUND. WE SEARCHED FOR BUT DID NOT FIND THE 5/8X30 INCH IRON PIN SET BY DOUGLAS FERGUSON, PLS 848, ON THE NORTH LINE OF SECTION 36 NEAR THE EASTERLY RIGHT OF WAY LINE OF THE HIGHWAY, AS SHOWN ON RECORD MAP OF SURVEY NO. 609. THIS POSITION NOW FALLS IN CANYON CREEK.

I SET THE NORTHWEST CORNER AT DEED RECORD DISTANCE FROM THE SECTION CORNER ON THE NORTH LINE OF SECTION 35. FROM THIS POINT, I HELD THE DEED RECORD BEARING AND DISTANCE TO SET THE SOUTHWEST CORNER. I THEN RAN N.88° 28'31"E., PARALLEL WITH THE NORTH LINE OF SECTION 35 ALONG THE SOUTH BOUNDARY OF PARCEL 2 AND INTERSECTED THE WESTERLY LINE OF THE HIGHWAY TO SET THE SOUTHEAST CORNER OF PARCEL 2. I SET PINS ALONG THE WESTERLY HIGHWAY RIGHT OF WAY LINE AS SHOWN HEREON.

THE HIGHWAY ACQUIRED ADDITIONAL RIGHT OF WAY ALONG THE EASTERLY SIDE OF THIS PARTITION SUBSEQUENT TO THE ORIGINAL DESCRIPTION OF THIS TRACT. THIS IS REFLECTED IN THIS SURVEY.

NEW MONUMENTS WERE SET ON THE DIVISION LINE OF THE PARCELS AT POSITIONS APPROVED BY MR. HOLLAND.

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 LAND REPRESENTED AS SHOWN ON THIS PARTITION PLAT, SAID PARTITION BEING SITUATED IN THE NE1/4NE1/4 OF SECTION 35, AND IN THE NW1/4NW1/4 OF SECTION 36, T.14S., R.31E., W.M., GRANT COUNTY, OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE CORNER COMMON TO SECTIONS 25, 26, 35 AND 36, SAID POINT BEING MONUMENTED WITH A 1 1/2 x 30 INCH IRON PIPE WITH ATTACHED GRANT COUNTY SURVEYOR BRASS CAP, WHICH I DESIGNATE TO BE THE INITIAL POINT OF THIS LAND PARTITION, THENCE S.88°28'31"W., 700.00 FEET; THENCE SOUTH, 939.80 FEET; THENCE N.88°28'31"E., 750.79 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE JOHN DAY-BURNS HIGHWAY; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID HIGHWAY, AS FOLLOWS: N.09°28'57"W., 50.99 FEET; N.07°13'00"E., 100.00 FEET; N.23°54'57"E., 64.55 FEET TO THE SOUTHEAST CORNER OF PARCEL 1; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE AS FOLLOWS: N.23°54'57"E., 39.85 FEET; N.07°13'00"E., 90.80 FEET; 184.71 FEET ALONG A 50.00 FOOT OFFSET TO A 180.00 FOOT SPIRAL CURVE RIGHT, (A=3-1/3), (THE LONG CHORD OF WHICH BEARS N.09°02'23"E., 184.64 FEET); 469.47 FEET ALONG THE ARC OF A 1004.93 FOOT RADIUS CURVE RIGHT, (THE LONG CHORD OF WHICH BEARS N.26°00'00"E., 465.21 FEET); 3.32 FEET ALONG A 50.00 FOOT OFFSET TO A 180.00 FOOT SPIRAL CURVE RIGHT, (A=3-1/3), (THE LONG CHORD OF WHICH BEARS N.39°27'02"E., 3.32 FEET) TO A POINT ON THE NORTH LINE OF SAID SECTION 36; THENCE N.89°56'00"W., ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 343.71 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 18.28 ACRES, MORE OR LESS.

BAGETT-GRIFFITH AND BLACKMAN
217 N. 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