

LAND PARTITION PLAT NO. 97-33
SITUATED IN THE E1/2SW1/4 AND SW1/4SE1/4
SEC. 2, T15S, R31E, W.M.
GRANT COUNTY, OREGON

DECEMBER 17, 1997

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT I, JERRY L. JOHNSON, DO HEREBY DECLARE THAT I AM THE PARTITIONER AND VENDEE UNDER A CONTRACT OF SALE, AS DISCLOSED BY A MEMORANDUM OF CONTRACT OF SALE DATED MAY 14, 1997, RECORDED MAY 14, 1997 AS INSTRUMENT NO. 970873, RECORDS OF GRANT COUNTY, OREGON, OF THE LANDS DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO PARCELS IN ACCORDANCE WITH ORS CHAPTER 92, AS SHOWN ON THE ANNEXED PLAT, AND THAT I DO HEREBY GRANT TO THE FUTURE OWNERS OF PARCELS 1, 2, AND 3, A PRIVATE ACCESS EASEMENT, FOR THE PURPOSE OF INGRESS AND EGRESS FROM SAID PARCELS TO THE JOHN DAY-BURNS HIGHWAY, SAID EASEMENT BEING 30.00 FEET IN WIDTH, AS SHOWN ON THE ANNEXED PLAT, AND THAT I DO HEREBY GRANT TO THE FUTURE OWNERS OF SAID PARCELS 1, 2 AND 3 A PRIVATE ACCESS EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS TO SAID PARCELS, SAID EASEMENT BEING 60.00 FEET IN WIDTH THROUGH PARCELS 2 AND 3 AND OF VARIABLE WIDTH THROUGH PARCEL 1, AS SHOWN ON THE ANNEXED PLAT, AND THAT I DO HEREBY GRANT TO SAID FUTURE OWNERS A PRIVATE ACCESS EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS FROM PARCELS 1 AND 2 TO PUBLIC LANDS LYING WEST OF THIS PARTITION, SAID EASEMENT BEING 30.00 FEET IN WIDTH, AS SHOWN OVER AND ACROSS SAID PARCEL 3, AND THAT I DO HEREBY GRANT TO SAID FUTURE OWNERS OF PARCEL 1, 2 AND 3, A PRIVATE ACCESS EASEMENT, FOR THE PURPOSE OF INGRESS AND EGRESS TO PUBLIC LANDS LYING WEST OF THIS PARTITION, SAID EASEMENT BEING 15.00 FEET IN WIDTH AND BEING SITUATED OVER AND ACROSS THE NORTH 15.00 FEET OF THE WEST 926.90 FEET OF PARCEL 2, AND THAT I DO HEREBY GRANT TO THE FUTURE OWNERS OF SAID PARCELS 1, 2 AND 3, THE PUBLIC UTILITIES EASEMENTS FOR CONSTRUCTION AND MAINTENANCE OF UTILITIES AND APPURTENANCES NECESSARY AND CONVENIENT THERETO, ALL AS SHOWN ON THE ANNEXED PLAT.

SAID PARCELS SUBJECT TO THE FOLLOWING:

- A. EASEMENTS, LIENS, ENCUMBRANCES, INTERESTS OR CLAIMS THEREOF WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
- ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF.

- A. UNPATENTED MINING CLAIMS.
- RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF.
- WATER RIGHTS, CLAIMS OR TITLE TO WATER.

WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS.

- COVENANTS, BURDENS AND RESTRICTIONS, WITH CERTAIN LIMITED ACCESS GRANTED, AS SHOWN IN DEED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, DATED JANUARY 15, 1963, RECORDED JANUARY 21, 1963 IN DEED BOOK 88, PAGE 148.
- INDENTURE OF ACCESS, BY THE STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION, INCLUDING THE TERMS AND PROVISIONS THEREOF, DATED SEPTEMBER 19, 1966, RECORDED OCTOBER 25, 1966, IN DEED BOOK 95, PAGE 432.

- THE AFFECTS OF THOSE CERTAIN DEEDS FROM DENNIS L. CAWRSE AND JOANNE CAWRSE, HUSBAND AND WIFE, ET ALS TO JAMES A. HENNING AND MAE JEANETT HENNING, DATED DECEMBER 31, 1986, RECORDED DECEMBER 31, 1986 IN DEED BOOK 134, PAGE 678, AND FROM JAMES A. HENNING AND MAE JEANETT HENNING, HUSBAND AND WIFE, TO RICHARD A. CHASE AND NANCY J. CHASE, DATED DECEMBER 31, 1986, RECORDED DECEMBER 31, 1986 IN DEED BOOK 134, PAGE 677, TO ESTABLISH MAP OF SURVEY NO. 956.

- EASEMENT APPURTENANT, INCLUDING THE TERMS AND PROVISIONS THEREOF, FROM DENNIS L. CAWRSE AND JOANNE CAWRSE, HUSBAND AND WIFE, TO JAMES A. HENNING AND MAE JEANETT HENNING, HUSBAND AND WIFE, DATED DECEMBER 31, 1986, RECORDED DECEMBER 31, 1986 IN DEED BOOK 134, PAGE 679.

- EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS SHOWN IN DEED TO JAMES S. LUNSFORD AND MARY THERESA LUNSFORD, HUSBAND AND WIFE, DATED JANUARY 17, 1990, RECORDED SEPTEMBER 27, 1991 IN THE RECORDS OF GRANT COUNTY, OREGON, AS INSTRUMENT NO. 911689.

DECLARATION CONT.

- CONTRACT OF SALE, INCLUDING THE TERMS AND PROVISIONS THEREOF, BETWEEN MAE JEANETT HENNING AND JAMES A. HENNING, HUSBAND AND WIFE, VENDOR, AND JERRY L. JOHNSON, VENDEE, AS DISCLOSED BY A MEMORANDUM OF CONTRACT OF SALE DATED MAY 14, 1997, RECORDED MAY 14, 1997, AS INSTRUMENT NO. 970873, RECORDS OF GRANT COUNTY, OREGON.

- THE PUBLIC UTILITIES EASEMENTS, AS SHOWN, TO PROVIDE INGRESS AND EGRESS TO AND FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES.

Jerry L. Johnson
JERRY L. JOHNSON

STATE OF Oregon SS
COUNTY OF Grant

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 12-22, 1997
BY JERRY L. JOHNSON.

Linda M. Sharr
NOTARY PUBLIC FOR Oregon
MY COMMISSION EXPIRES 9-30-2000



APPROVALS

APPROVED THIS 19th DAY OF DEC., 1997.

Jack W. Burns
WALLOWA COUNTY SURVEYOR

APPROVED THIS 11th DAY OF Dec, 1997.

BA Carpenter
GRANT COUNTY PLANNING COMMISSION

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

Karen R. Officer, Deputy
GRANT COUNTY ASSESSOR AND TAX COLLECTOR
DATE: 12-22-97

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED ON THE 22nd DAY OF December, 1997 AT 10:00 O'CLOCK P.M., AND RECORDED AS PARTITION PLAT NO. 97-33 GRANT COUNTY RECORDS.

Kathy McKinnon
GRANT COUNTY CLERK

AFFIDAVIT OF CONSENT TO DECLARATION OF PROPERTY BEING PARTITIONED RECORDED AS INSTRUMENT NO. 972514, DEED RECORDS.

NARRATIVE

THIS SURVEY WAS REQUESTED BY JERRY JOHNSON, PARTITIONER. THE PURPOSE OF THIS SURVEY WAS TO PARTITION THIS TRACT OF LAND INTO 3 PARCELS AND TO SET IRON PINS AT THE PARCEL CORNERS AS SHOWN ON THE ACCOMPANYING PLAT.

THE EXTERIOR BOUNDARY OF THIS LAND PARTITION WAS DETERMINED IN RECORD SURVEY NO. S 956 AND 1061, WHICH I SURVEYED IN AUG. - SEPT. 1986 AND IN NOV. 1988, RESPECTIVELY; WE RETRACED THE APPURTENANT PORTIONS OF SURVEY NO. S 956 AND 1061 TO LOCATE THE MONUMENTS WHICH CONTROL THE BOUNDARY OF THIS PARTITION. OUR MEASUREMENTS AGREED WITH THE ABOVE REFERENCED SURVEYS AND I ACCEPT THE MONUMENTS FOUND, AS SHOWN. WE FOUND NO UNUSUAL CONDITIONS WITH THIS SURVEY.

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 E1/2SW1/4 AND IN THE SW1/4SE1/4 OF SECTION 2, TWP.15S., R.31E., W.M., GRANT COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 2, SAID CORNER BEING MONUMENTED WITH A 2-1/2"X 30" ALUMINUM PIPE WITH ATTACHED 3 INCH ALUMINUM CAP, WHICH MONUMENT I DESIGNATE TO BE THE INITIAL POINT FOR THIS PARTITION, THENCE S.88°50'39"W., ALONG THE SOUTH LINE OF THE SE1/4SW1/4 OF SAID SECTION 2, A DISTANCE OF 1314.39 FEET TO THE SOUTHWEST CORNER OF SAID SE1/4SW1/4; THENCE N.00°04'00"W., ALONG THE WEST LINE OF THE E1/2SW1/4 SAID SECTION 2 A DISTANCE OF 1644.78 FEET; THENCE S.71°20'22"E., 1045.82 FEET; THENCE S.87°01'33"E., 840.00 FEET; THENCE S.22°30'00"W., 344.70 FEET; THENCE S.27°07'10"W., 744.34 FEET; THENCE S.53°12'52"E., 83.82 FEET; THENCE S.33°02'26"E., 47.43 FEET; THENCE S.18°27'35"E., 78.60 FEET; THENCE S.10°38'53"E., 92.62 FEET TO A POINT ON THE SOUTH LINE OF THE SW1/4SE1/4 OF SAID SECTION 2; THENCE S.88°50'39"W., ALONG THE SOUTH LINE OF SAID SW1/4SE1/4 A DISTANCE OF 177.47 FEET TO THE POINT OF BEGINNING, CONTAINING 50.36 ACRES, MORE OR LESS,

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

Renewal Date 12/31/97

NOTES:

- I FIND NO RECORD OR EXISTENCE OF AN APPURTENANT GEODETIC CONTROL MONUMENT WITHIN 1/2 MILE OF THIS LAND PARTITION.
- THE CREEK IN CORRAL GULCH RUNS WATER INTERMITTENTLY, IT IS APPROXIMATELY 1 TO 3 FEET WIDE AND HAS NO APPEARANCE OF RUNNING OUT OF ITS CHANNEL.

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF LAND PARTITION PLAT NO. 97-33

Robert D. Bagett
BAGETT, GRIFFITH & BLACKMAN

RECEIVED AND
FILED

DEC. 22, 1997
OFFICE OF COUNTY SURVEYOR

Robert D. Bagett
ATTEST: *Kathy McKinnon*