

LAND PARTITION PLAT NO. 97-38

BEING A PORTION OF PARCEL NO. 2 OF LAND PARTITION NO. 94-07
SITUATED IN THE E1/2NE1/4 OF SECTION 13, T.13S., R.26E.
AND IN THE W1/2NE1/4, AND THE E1/2SW1/4, AND THE NW1/4
OF SECTION 18, T.13S., R.27E., W.M.
GRANT COUNTY, OREGON
DECEMBER 18, 1997

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, EDDIE SMITH AND JANICE SMITH, HUSBAND AND WIFE, 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 PLAT, AND THAT WE DO HEREBY GRANT TO THE FUTURE OWNERS OF PARCELS 2 AND 3, A PRIVATE ACCESS EASEMENT, OVER AND ACROSS PARCEL 1, FOR THE PURPOSE OF INGRESS AND EGRESS FROM SAID PARCELS 2 AND 3 TO COUNTY ROAD NO. 42, AS SHOWN ON THE ANNEXED PLAT.

SAID PARCELS SUBJECT TO THE FOLLOWING:

- (1) RIGHTS OF THE PUBLIC IN STREETS AND ROADS.
- (2) ANY AND ALL MATTERS, INCLUDING EASEMENTS AND ASSESSMENTS, IF ANY, PERTAINING TO IRRIGATION DITCHES.
- (3) ANY AND ALL MATTERS, INCLUDING EASEMENTS AND ASSESSMENTS, IF ANY, PERTAINING TO THE CUMMINGS WATER DITCH SERVING CORPORATION.
- (4) DEED, CONVEYING A RIGHT IN THE CUMMINGS DITCH OF RECORD IN BOOK 35, PAGE 500, DEED RECORDS.
- (5) THE RIGHT OF WAY OF COUNTY ROAD NO. 42, INCLUDING RECORDED DEEDS: BOOK 40, PAGE 394, 60 FEET WIDE.
- (6) AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO CALIFORNIA-PACIFIC UTILITIES COMPANY, A CORP., DATED JANUARY 30, 1947, RECORDED JANUARY 30, 1947, IN BOOK 49 PAGE 331, DEED RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES. NO SPECIFIED WIDTH. (NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)
- (7) AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO CALIFORNIA-PACIFIC UTILITIES COMPANY, A CORP., DATED MAY 10, 1955, RECORDED MAY 10, 1955, IN BOOK 72, PAGE 252, DEED RECORDS OF GRANT COUNTY, OREGON, 16 FEET WIDE. (NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)
- (8) RESERVATION, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN DEED FROM RONALD J. SUTPHIN, DATED SEPTEMBER 24, 1981, RECORDED SEPTEMBER 24, 1981, IN DEED BOOK 125, PAGE 355, TO WIT: "RESERVING UNTO THE GRANTOR ONE-HALF (1/2) OF ALL MINERAL RIGHTS".
- (9) U.S. GOVERNMENT PATENT MINERAL RESERVATIONS OF RECORD.
- (10) ANY EASEMENTS, RIGHTS OF WAY, AND RESERVATIONS, AS THE SAME MAY EXIST OR APPEAR OF RECORD.

Eddie Smith
EDDIE SMITH

Janice Smith
JANICE SMITH

ACKNOWLEDGEMENT

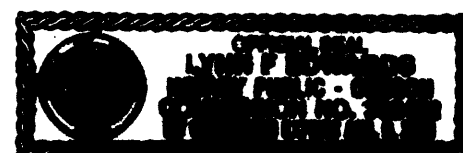
STATE OF OREGON

SS

COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON Dec. 22, 1997
BY EDDIE SMITH AND JANICE SMITH, HUSBAND AND WIFE.

Stephen J. Edwards
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 8-6-2001



NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF ED SMITH. THE PURPOSE OF THIS SURVEY WAS TO CREATE 3 PARCELS WITH THIS LAND PARTITION AND TO SET MONUMENTS ON THE DIVISION LINE BETWEEN PARCELS 1 AND 2 AND BETWEEN PARCELS 1 AND 3 AS SHOWN HEREON.

A SEARCH WAS MADE OF THE AVAILABLE RECORDS PERTAINING TO THIS SURVEY. FIELD MEASUREMENTS WERE MADE TO LOCATE THE N1/4 CORNER OF SECTION 18 AND THE EXISTING ACCESS ROAD EASEMENT. NEW MONUMENTS WERE SET ON THE PARCEL DIVISION LINES AT POSITIONS APPROVED BY MR. SMITH AS SHOWN HEREON.

APPROVALS

APPROVED THIS 19th DAY OF DEC., 1997.

Jack W. Burri
WALLOWA COUNTY SURVEYOR

APPROVED THIS 22nd DAY OF Dec, 1997.

BA Carpuits
GRANT COUNTY PLANNING COMMISSION

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

Lane S. Burton
GRANT COUNTY ASSESSOR AND TAX COLLECTOR
DATE: 12-31-97

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED
ON THE 25th DAY OF December, 1997 AT 3:00 O'CLOCK
PM., AND RECORDED AS PARTITION PLAT NO. 97-38
GRANT COUNTY RECORDS.

Kathy McWhinnon
GRANT COUNTY CLERK

AFFIDAVIT OF CONSENT TO DECLARATION OF PROPERTY
BEING PARTITIONED RECORDED AS INSTRUMENT NO.
972562 & 972563, DEED RECORDS.

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY
OF LAND PARTITION PLAT NO. 97-38

Robert D. Bagett
BAGETT, GRIFFITH & BLACKMAN

RECEIVED AND
FILED

DEC. 31, 1997
OFFICE OF COUNTY SURVEYOR

Robert D. Bagett
ATTEST: Kathy McWhinnon

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 LINES BETWEEN PARCELS 1 AND 2 AND BETWEEN PARCELS 1 AND 3 AS SHOWN ON THIS PARTITION PLAT, AND THAT I DID NOT SURVEY THE EXTERIOR BOUNDARY OF THIS LAND PARTITION, SAID PARCELS BEING SITUATED IN THE E1/2 NE1/4 OF SECTION 13, T.13S., R.26E., AND IN THE W1/2NE1/4, AND THE E1/2SW1/4, AND THE NW1/4 OF SECTION 18, T.13S., R.27E., W.M., GRANT COUNTY, OREGON, AND BEING A PORTION OF PARCEL 2 OF LAND PARTITION NO. 94-07, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 18, SAID POINT BEING MONUMENTED WITH A 1 INCH GALVANIZED IRON PIPE WITH ATTACHED BRASS CAP, WHICH POINT I DESIGNATE TO BE THE INITIAL POINT OF THIS LAND PARTITION; THENCE WEST, ALONG THE NORTH LINE OF THE NE1/4NW1/4 OF SAID SECTION 18, 631 FEET, MORE OR LESS, TO THE CENTER OF THE SOUTH FORK JOHN DAY RIVER; THENCE SOUTHEASTERLY, SOUTHERLY, SOUTHWESTERLY, AND NORTHWESTERLY, ALONG THE CENTER OF SAID RIVER, 3700 FEET, MORE OR LESS, TO THE EAST LINE OF GOVERNMENT LOT 1; THENCE NORTH, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1, 150 FEET, MORE OR LESS, TO A POINT WHICH IS 300 FEET SOUTH OF THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE WEST, 160 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 42; THENCE SOUTHWESTERLY, ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD, 1800 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SE1/4NE1/4 OF SAID SECTION 13; THENCE WEST, ALONG THE NORTH LINE OF SAID SE1/4NE1/4, 60 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD; THENCE SOUTHWESTERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, 1470 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE SE1/4NE1/4 OF SAID SECTION 13; THENCE EAST, ALONG THE SOUTH LINE OF SAID SE1/4NE1/4, 140 FEET, MORE OR LESS, TO A POINT WHICH IS 779.6 FEET WEST OF THE SOUTHEAST CORNER OF SAID SE1/4NE1/4; THENCE N.12°22'W., 145.0 FEET; THENCE N.56°31'E., 150.0 FEET; THENCE S.88°32'E., 280.0 FEET; THENCE S.82°00'E., 182.0 FEET; THENCE S.27°48'E., 44.0 FEET; THENCE S.64°18'E., 66.0 FEET; THENCE S.05°55'E., 133.8 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE SE1/4NE1/4 OF SAID SECTION 13; THENCE EAST, ALONG THE SOUTH LINE OF SAID SE1/4NE1/4, 149.6 FEET, TO THE SOUTHEAST CORNER OF THE SE1/4NE1/4 OF SAID SECTION 13 AND THE SOUTHWEST CORNER OF GOVERNMENT LOT 2 OF SAID SECTION 18; THENCE EAST, ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 2, 1373 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE E1/2SW1/4 OF SAID SECTION 18; THENCE SOUTH, ALONG THE WEST LINE OF SAID E1/2SW1/4, 2640 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE E1/2SW1/4 OF SAID SECTION 18; THENCE EAST, ALONG THE SOUTH LINE OF SAID E1/2SW1/4, 1320 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE E1/2SW1/4 OF SAID SECTION 18; THENCE NORTH, ALONG THE EAST LINE OF SAID E1/2SW1/4, 2640 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID E1/2SW1/4; THENCE EAST, ALONG THE SOUTH LINE OF THE SW1/4NE1/4 OF SAID SECTION 18, 1320 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SW1/4NE1/4; THENCE NORTH, ALONG THE EAST LINE OF THE SW1/4NE1/4 AND THE NW1/4NE1/4, 2640 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE NW1/4NE1/4 OF SAID SECTION 18; THENCE WEST, ALONG THE NORTH LINE OF THE NW1/4NE1/4, 1320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 286 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