

LAND PARTITION PLAT NO. 98-15

APPROVALS

APPROVED THIS 26TH DAY OF MAR, 1998.

Jack W. Burris
WALLOWA COUNTY SURVEYOR

APPROVED THIS 1ST DAY OF April, 1998.

15th Carpenter
GRANT COUNTY PLANNING COMMISSION

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

Steve L. Burton
GRANT COUNTY ASSESSOR AND TAX COLLECTOR
DATE: 04-01-98

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED ON THE 1ST DAY OF April, 1998 AT 4:45 O'CLOCK P.M., AND RECORDED AS PARTITION PLAT NO. 98-15 GRANT COUNTY RECORDS.

Kathy McKinnon
GRANT COUNTY CLERK

NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF RAY MITCHIMOTO, ACTING IN BEHALF OF THE OREGON DEPARTMENT OF FISH AND WILDLIFE AND PEGGY ADAMS, MAYOR, ACTING IN BEHALF OF THE CITY OF DAYVILLE. THE PURPOSE OF THIS SURVEY WAS TO CREATE 2 PARCELS FROM THE ODFW LANDS LYING NORTH OF STATE HIGHWAY 26. ALSO, TO CREATE PARCEL 3 LYING SOUTH OF THE HIGHWAY WHICH IS NOW OWNED BY THE CITY OF DAYVILLE. THE ODFW SOLD TO THE CITY OF DAYVILLE THE TRACT OF LAND SHOWN ON THE ANNEXED PLAT DESIGNATED PARCEL 3. THE DEED IS DATED DECEMBER 30, 1996, RECORDED JANUARY 24, 1997 AS INSTRUMENT NO. 970138. NO PARTITION PLAT WAS PREPARED AT THAT TIME.

A SEARCH WAS MADE OF THE AVAILABLE RECORDS PERTAINING TO THIS SURVEY. FIELD MEASUREMENTS WERE MADE TO LOCATE THE CORNER COMMON TO SECTIONS 5, 6, 7 AND 8, THE EXISTING HIGHWAY, AND THE FISHING ACCESS EASEMENTS SHOWN HEREON. NEW MONUMENTS WERE SET ON THE PARCEL DIVISION LINES BETWEEN PARCELS 1 AND 2 AT POSITIONS APPROVED BY STEVE ALLEN OF THE ODFW, AS SHOWN HEREON.

WE FOUND NO HIGHWAY RIGHT OF WAY MONUMENTS ALONG THE PORTION OF HIGHWAY OF 80 FOOT R.O.W. WIDTH. I THEREFORE SET THE SOUTHWEST AND THE SOUTHEAST CORNERS OF PARCEL 2 AND THE SOUTHWEST AND SOUTHEAST CORNERS OF FISHING ACCESS EASEMENT "B" AT POINTS 40 FEET NORTHERLY OF THE EXISTING CENTERLINE OF THE HIGHWAY.

NOTES:

(1) THE SECTION AND SECTION SUBDIVISIONAL LINES SHOWN ARE PROTRACTED FOR GENERAL INFORMATION ONLY. DIMENSIONS ALONG THE SECTION AND SECTION SUBDIVISIONAL LINES ARE APPROXIMATE.

(2) THE STATE HIGHWAY IS SHOWN IN ITS EXISTING LOCATION.

(3) I FIND NO RECORD OR EXISTENCE OF AN APPURTENANT GEODETIC CONTROL MONUMENT WITHIN 1/2 MILE OF THE SURVEYED PARCEL OF THIS LAND PARTITION. U.S.C. & G.S. TRIANGULATION STATION "RIM" IS NEAR THE NORTH BOUNDARY OF THIS PARTITION AND IS SHOWN ON THE ANNEXED MAP FOR INFORMATIONAL PURPOSES. WE DID NOT MAKE A FIELD TIE.

SITUATED IN THE
W1/2 SEC. 5 AND IN THE E1/2 AND SW1/4 SEC. 6
T. 13 S., R. 27 E., W.M.
GRANT COUNTY, OREGON

MARCH 18, 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 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 W1/2 OF SECTION 5, AND IN THE E1/2 AND THE NE1/4SW1/4 OF SECTION 6, T.13 S., R.27 E., W.M., GRANT COUNTY, OREGON, DESCRIBED AS FOLLOWS:

TOWNSHIP 13 SOUTH, RANGE 27 EAST, W.M. GRANT COUNTY, OREGON:

SECTION 5: W1/2, SAVE AND EXCEPT THEREFROM THE FOLLOWING TRACTS: (A) BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4NW1/4; THENCE WEST 330.0 FEET; THENCE NORTH 660.0 FEET; THENCE EAST 330.0 FEET; THENCE SOUTH 660.0 FEET TO THE PLACE OF BEGINNING.

(B) BEGINNING AT THE NORTHWEST CORNER OF THE NW1/4; THENCE EAST 160 RODS; THENCE SOUTH 10 RODS; THENCE WEST 180 RODS; THENCE NORTH 10 RODS TO THE PLACE OF BEGINNING.

(C) THAT PORTION CONVEYED TO GRANT COUNTY, OREGON, BY DEED DATED APRIL 12, 1922, RECORDED FEB. 2, 1925 IN DEED BOOK 35, PAGE 574, FOR RIGHT OF WAY.

(D) THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, BY DEED DATED SEPTEMBER 13, 1935, RECORDED SEPTEMBER 27, 1935 IN DEED BOOK 40, PAGE 574, FOR RIGHT OF WAY.

SECTION 6: E1/2; NE1/4SW1/4; SAVE AND EXCEPT THEREFROM THE FOLLOWING TRACTS:

(A) THAT PORTION CONVEYED TO GRANT COUNTY, OREGON, BY DEED DATED APRIL 12, 1922, RECORDED FEB. 2, 1925 IN DEED BOOK 35, PAGE 576, FOR RIGHT OF WAY.

(B) THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, BY DEED DATED SEPTEMBER 13, 1935, RECORDED SEPTEMBER 27, 1935 IN DEED BOOK 40, PAGE 574, FOR RIGHT OF WAY.

(C) THAT PORTION CONDEMNED AND APPROPRIATED BY THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, BY FINAL JUDGMENT IN THE CIRCUIT COURT FOR THE STATE OF OREGON, COUNTY OF GRANT, CASE NO. 4130, FILE NO. JR4358, ENTERED FEB. 27, 1967 IN BOOK 35, PAGE 303, CIRCUIT COURT JOURNAL, FOR ADDITIONAL RIGHT OF WAY.

(D) THAT PORTION CONVEYED TO GRANT COUNTY, OREGON, BY DEED DATED DECEMBER 17, 1981, AND RECORDED DECEMBER 21, 1981, IN BOOK 125 PAGE 750, DEED OF RECORDS OF GRANT COUNTY, OREGON FOR A LANDFILL.

I DESIGNATE THE CORNER COMMON TO SECTIONS 5, 6, 7 AND 8 TO BE THE INITIAL POINT OF THIS LAND PARTITION, SAID POINT BEING MONUMENTED WITH A 1 INCH GALVANIZED IRON PIPE WITH ATTACHED BRASS CAP.

SAID TRACT CONTAINING APPROXIMATELY 645 ACRES.

BAGETT-GRIFFITH AND BLACKMAN
217 N. CANYON BLVD.
JOHN DAY, OREGON 97845
PHONE 541-575-1251

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert D. Bagett
OREGON
JULY 12, 1963
ROBERT D. BAGETT
598

Renewal Date 12/31/99

RECEIVED AND
FILED

April 1, 1998
OFFICE OF COUNTY SURVEYOR

Robert D. Bagett
ATTEST: Kathy McKinnon

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF LAND PARTITION PLAT NO. 98-15.

Robert D. Bagett
BAGETT, GRIFFITH & BLACKMAN

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF FISH AND WILDLIFE AND THE CITY OF DAYVILLE, A MUNICIPAL CORPORATION, DO HEREBY ACKNOWLEDGE THAT SAID DEPARTMENT OF FISH AND WILDLIFE AND SAID CITY 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 SAID DEPARTMENT OF FISH AND WILDLIFE DOES HEREBY CREATE THE FOLLOWING EASEMENTS ACROSS PARCEL 1: FISHING ACCESS EASEMENT "A", TOGETHER WITH THE 15 FOOT WIDE ROAD ACCESS EASEMENT SERVING SAID FISHING ACCESS EASEMENT "A"; FISHING ACCESS EASEMENT "B", AS SHOWN HEREON.

SAID PARCELS SUBJECT TO THE FOLLOWING:

1. A. EASEMENTS, LIENS, ENCUMBRANCES, INTERESTS OR CLAIMS THEREOF WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
B. 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.

2. A. UNPATENTED MINING CLAIMS.
B. RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF.
C. WATER RIGHTS, CLAIMS OR TITLE TO WATER; WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS.

3. RIGHTS OF THE PUBLIC IN STREETS, ROADS AND HIGHWAYS.

4. ANY AND ALL MATTERS, INCLUDING EASEMENTS OR ASSESSMENTS, IF ANY, PERTAINING TO IRRIGATION DITCHES.

5. 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 THE JOHN DAY RIVER, INCLUDING ANY OWNERSHIP RIGHTS WHICH MAY BE CLAIMED BY THE STATE OF OREGON, AS TO ANY PORTION NOW OR AT ANY TIME BELOW THE HIGH WATER MARK.

6. 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 HIGHWATER 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.

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 THE JOHN DAY RIVER.

8. RIGHT OF WAY DEED, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO THE COUNTY OF GRANT, STATE OF OREGON, DATED APRIL 12, 1922, RECORDED FEB. 2, 1925 IN DEED BOOK 35, PAGE 574, FOR HIGHWAY RIGHT OF WAY.

9. RIGHT OF WAY DEED, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO THE COUNTY OF GRANT, STATE OF OREGON, DATED APRIL 12, 1922, RECORDED FEB. 2, 1925 IN DEED BOOK 35, PAGE 576, FOR HIGHWAY RIGHT OF WAY.

10. WARRANTY DEED, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, DATED SEPT. 13, 1935, RECORDED SEPT. 27, 1935 IN DEED BOOK 40, PAGE 574, FOR HIGHWAY RIGHT OF WAY.

11. EXCEPTIONS AND RESERVATIONS, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN DEED FROM EASTERN OREGON LAND COMPANY, A CORP., DATED NOV. 1, 1934, RECORDED DEC. 7, 1934, IN DEED BOOK 40, PAGE 358, 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 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, OR SALT OR SALINE SPRINGS, OR SPRINGS OF ANY NAME OR NATURE, EXCEPTING WATER WHICH ARE NOW KNOWN TO EXIST OR MAY HEREAFTER BE DISCOVERED IN OR UPON THE SAID LAND, SUBJECT, HOWEVER, TO THE CONDITION THAT THE GRANTOR HEREIN SHALL PAY TO THE GRANTEE, OR SUCCESSORS, A PROPORTIONATE REBATE OF THE SALE PRICE FOR ANY LANDS RECALLED FOR MINERAL ETC. VALUE UPON DEMAND FOR RECALL".

THE INTEREST OF EASTERN OREGON LAND COMPANY WAS CONVEYED OF RECORD TO EOM, LIMITED, A CALIFORNIA LIMITED PARTNERSHIP, BY DEED DATED JULY 24, 1984, RECORDED JULY 31, 1984 IN DEED BOOK 130, PAGE 479. NOTE: STATEMENT OF CLAIM REGARDING MINERAL INTEREST IN PROPERTY LOCATED IN GRANT COUNTY, OREGON, RECORDED OCT. 9, 1985, IN BOOK 1, PAGE 9, RECORD OF MINERAL INTEREST, IN THE OFFICE OF THE GRANT COUNTY CLERK.

DECLARATION CONT.

12. RESERVATION, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN DEED FROM STEWART LIVESTOCK COMPANY, AN OREGON CORPORATION, DATED JUNE 10, 1959, RECORDED JUNE 15, 1959, IN DEED BOOK 81, PAGE 218, TO-WIT: "FURTHER RESERVING UNTO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, AN UNDIVIDED ONE HALF INTEREST IN ALL MINERALS ON, UNDER, AND TO BE PRODUCED FROM THE LAND HEREIN CONVEYED AND TO THE EXTENT NOT HERETOFORE RESERVED, TOGETHER WITH THE RIGHT TO USE THE SURFACE TO PROSPECT FOR, MINE OR PRODUCE THE SAME, AND TOGETHER WITH REASONABLE RIGHTS OF WAY FOR INGRESS AND EGRESS; PROVIDED THAT IN THE USE OF THE SURFACE THE SAID GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL NOT UNREASONABLY INTERFERE WITH THE USE THEREOF FOR AGRICULTURAL OR RANCHING PURPOSES BY THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, AND SHALL AVOID USING OR TRAVERSING IRRIGATED CROP LANDS WHENEVER POSSIBLE. RESERVING TO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO SHARE EQUALLY ANY RENTAL PAID UNDER ANY LEASE OR OTHER ARRANGEMENT CREATING THE RIGHT IN ANY PERSON OR PERSONS TO PROSPECT FOR, EXPLORE FOR, MINE, OR PRODUCE METALS, WHETHER OR NOT SUCH RENTAL IS PAID FOR THE PRIVILEGE OF DELAYING PROSPECTING, MINING OR PRODUCTION OF MINERALS FROM THE LAND, AND WHETHER OR NOT THE GRANTOR, ITS SUCCESSORS OR ASSIGNS, IS A PARTY TO THE TRANSACTION."

13. FINAL JUDGEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, ENTERED AS CASE NO. 4130, FILE NO. JR4358 IN THE CIRCUIT COURT FOR THE STATE OF OREGON, COUNTY OF GRANT, ON FEB. 27, 1967, IN BOOK 35, PAGE 303, CIRCUIT COURT JOURNAL, ENTITLED "STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, ET AL, PLAINTIFF, VS. PINE TREE LUMBER CO., ET AL, DEFENDANTS", APPROPRIATING ADDITIONAL HIGHWAY RIGHT OF WAY AND PURPOSES INCIDENTAL THERETO.

14. AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO OREGON TELEPHONE CORPORATION, AN OREGON CORPORATION, DATED JULY 25, 1973, RECORDED JULY 30, 1973, IN DEED BOOK 110, PAGE 246, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES. (NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)

15. AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO CP NATIONAL CORPORATION, A CORPORATION, DATED AUGUST 11, 1988, RECORDED SEPTEMBER 8, 1988, IN DEED BOOK 137, PAGE 391, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES. 20 FEET WIDE. (NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)

16. AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO CP NATIONAL CORPORATION, A CORPORATION, DATED AUGUST 11, 1988, RECORDED MAY 16, 1989, IN DEED BOOK 138, PAGE 823, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES. 20 FEET WIDE. (NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)

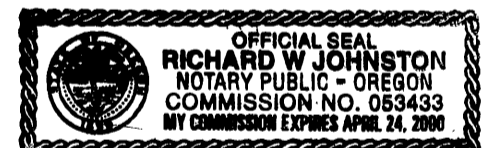
17. RESERVATION, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN DEED FROM THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF FISH AND WILDLIFE, DATED DECEMBER 30, 1996, RECORDED JANUARY 24, 1997, IN THE RECORDS OF GRANT COUNTY, OREGON, AS INSTRUMENT NO. 970138, TO-WIT: "RIGHT OF FIRST REFUSAL. SHOULD THE GRANTEE DECIDE NOT TO USE SAID LAND FOR A SEWAGE TREATMENT FACILITY, GRANTEE AGREES NOT TO SELL, TRANSFER, EXCHANGE, GRANT AN OPTION TO PURCHASE, LEASE OR OTHERWISE DISPOSE OF THE PROPERTY OR ANY PART OF, OR INTEREST IN, THE PROPERTY WITHOUT FIRST OFFERING THE PROPERTY TO GRANTOR FOR THE ACTUAL AMOUNT PAID BY GRANTEE."

Craig L. Foster
CRAIG L. FOSTER
DISTRICT WILDLIFE BIOLOGIST
OREGON DEPT. OF FISH & WILDLIFE

Peggy J. Adams
PEGGY J. ADAMS
MAYOR, CITY OF DAYVILLE

ACKNOWLEDGEMENT

STATE OF OREGON SS
COUNTY OF GRANT



THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON March 30, 1998 BY CRAIG L. FOSTER, DISTRICT WILDLIFE BIOLOGIST, OREGON DEPARTMENT OF FISH AND WILDLIFE.

Robert D. Bagett
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 4-24-2000

STATE OF OREGON SS
COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 3/31, 1998 BY PEGGY J. ADAMS, MAYOR OF THE CITY OF DAYVILLE, OREGON, A MUNICIPAL CORPORATION.

Mary Mac Arthur
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 9-7-00



REFERENCES

RECORD MAP OF SURVEY NO.'S 76 AND 640
OREGON STATE HWY. DEPT. DRAWING NO. 4B-26-9
DEED RECORD INSTRUMENT NO. 970138
CIRCUIT COURT JOURNAL BOOK NO. 35 PG. 303-308
DEED RECORD BOOK 35 PAGE 574
" 35 " 576
" 40 " 574-575
" 108 " 970-980
" 110 " 246
" 125 " 750
" 137 " 391
" 138 " 823