

LAND PARTITION PLAT NO. 1999-12

A PARTITION OF PARCEL 1 OF LAND PARTITION NO. 99-01
SITUATED IN THE E1/2SW1/4 SEC. 5 AND THE
NE1/4NW1/4 SEC. 8, T.9S., R.27E., W.M.,
GRANT COUNTY, OREGON
APRIL 2, 1999

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, DAVID L. LUNDY, JR. AND DOROTHY D. LUNDY, HUSBAND AND WIFE, DO HEREBY DECLARE THAT WE 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 TO THE FUTURE OWNERS OF PARCEL 2 A 30 FOOT WIDE PRIVATE ACCESS EASEMENT ALONG AN EXISTING ROAD, OVER AND ACROSS PARCELS 1 AND 2, FOR THE PURPOSE OF INGRESS AND EGRESS TO COUNTY ROAD NO. 2 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 AND ASSESSMENTS, IF ANY, PERTAINING TO IRRIGATION DITCHES.
5. AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, BETWEEN THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, AND GRANT COUNTY, OREGON, DATED OCT. 29, 1946, RECORDED NOV. 12, 1946 IN BOOK F, PAGE 273, LEASES & AGREEMENT RECORDS, REGARDING THE ABANDONMENT BY THE STATE OF CERTAIN PORTIONS OF THE OLD KIMBERLY-LONG CREEK SECONDARY HIGHWAY.
6. PROVISIONS IN DEED FROM PERCY A. CUPPER AND MABEL CUPPER, HUSBAND AND WIFE, F.A. CUPPER AND LAURA M. CUPPER, HUSBAND AND WIFE, TO MORTON C. CUPPER, DATED AUG. 13, 1924, RECORDED AUG. 29, 1924, IN DEED BOOK 35, PAGE 436, REGARDING IRRIGATION RIGHTS.
7. AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO TELEPHONE UTILITIES OF EASTERN OREGON, INC., AN OREGON CORP., DATED APRIL 18, 1986, RECORDED MAY 5, 1986, IN DEED BOOK 133, PAGE 338, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, NO WIDTH SPECIFIED.
(NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)
8. AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO TELEPHONE UTILITIES OF EASTERN OREGON, INC., AN OREGON CORP., DATED APRIL 28, 1986, RECORDED MAY 5, 1986, IN DEED BOOK 133, PAGE 339, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, NO WIDTH SPECIFIED.
(NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)
9. AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO TELEPHONE UTILITIES OF EASTERN OREGON, INC., AN OREGON CORP., DATED APRIL 18, 1986, RECORDED MAY 5, 1986, IN DEED BOOK 133, PAGE 340, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, NO WIDTH SPECIFIED.
(NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)
10. AN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO TELEPHONE UTILITIES OF EASTERN OREGON, INC., AN OREGON CORP., DATED APRIL 28, 1986, RECORDED MAY 5, 1986, IN DEED BOOK 133, PAGE 341, RECORDS OF GRANT COUNTY, OREGON. RIGHT OF WAY EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES, NO WIDTH SPECIFIED.
(NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)
11. RIGHT OF WAY DEED, INCLUDING THE TERMS AND PROVISIONS THEREOF, TO GRANT COUNTY, OREGON, A MUNICIPAL CORPORATION, DATED DEC. 14, 1992, RECORDED DEC. 22, 1992, IN THE RECORDS OF GRANT COUNTY, OREGON, AS INSTRUMENT NO. 922563, FOR RIGHT OF WAY AND INCIDENTAL PURPOSES, VARIABLE WIDTH, FOR COUNTY ROAD NO. 2, AS SHOWN.
12. WATER LINE EASEMENT FOR THE PURPOSE OF MAINTAINING A DOMESTIC WATER LINE SERVING PARCEL 1 OF LAND PARTITION NO. 93-03, AS SHOWN IN THE DECLARATION OF SAID LAND PARTITION NO. 93-03, 10 FEET WIDE.
13. MATTERS DISCLOSED IN DECLARATION AND PLAT ON LAND PARTITION NO. 93-03 FILED IN THE OFFICE OF THE GRANT COUNTY CLERK ON FEBRUARY 12, 1993.
14. MATTERS DISCLOSED IN DECLARATION AND PLAT FOR LAND PARTITION NO. 94-04 FILED IN THE OFFICE OF THE GRANT COUNTY CLERK ON JULY 26, 1994.
15. RESERVATION, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS SHOWN IN DEED FROM MANUEL N. SILVA AND MARY CALMEIRINDA SILVA, HUSBAND AND WIFE, AND FRANK SILVA, JR., DATED MARCH 16, 1995, RECORDED DEC. 18, 1997, IN THE RECORDS OF GRANT COUNTY, OREGON, AS INSTRUMENT NO. 972480, TO-WIT: "RESERVING UNTO FRANK SILVA, JR. AND HIS SPOUSE, THEO SILVA, AND FOR THE LIFE OF THE SURVIVOR OF THEM, A LIFE ESTATE IN SAID PROPERTY."
16. IRRIGATION PUMP AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, BETWEEN DAVID L. LUNDY, JR., AND DOROTHY D. LUNDY, HUSBAND AND WIFE, AND BRAD A. SMITH AND JULIE M. SMITH, HUSBAND AND WIFE, DATED DECEMBER 17, 1997, RECORDED DECEMBER 18, 1997 IN THE RECORDS OF GRANT COUNTY, OREGON, AS INSTRUMENT NO. 972484.
(NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)

DECLARATION CONT'D

17. WELL AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, BETWEEN DAVID L. LUNDY, JR., AND DOROTHY D. LUNDY, HUSBAND AND WIFE, AND BRAD A. SMITH AND JULIE M. SMITH, HUSBAND AND WIFE, DATED DECEMBER 17, 1997, RECORDED DECEMBER 18, 1997 IN THE RECORDS OF GRANT COUNTY, OREGON, AS INSTRUMENT NO. 972485.
(NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.)
18. RIGHT OF WAY FOR PORTION OF THE RELOCATED KIMBERLY-LONG CREEK HIGHWAY, VARIABLE WIDTH, RECORDED IN BOOK 49, PAGE 353, DEED RECORDS.

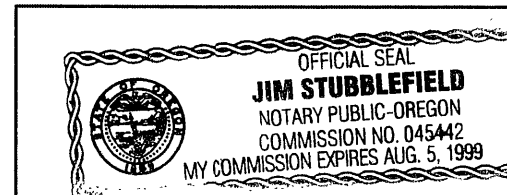
David L. Lundy, Jr.
DAVID L. LUNDY, JR.

Dorothy D. Lundy
DOROTHY D. LUNDY

ACKNOWLEDGEMENT
STATE OF OREGON SS
COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON April 13, 1999
BY DAVID L. LUNDY, JR. AND DOROTHY D. LUNDY, HUSBAND AND WIFE.

Jim Stubblefield
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 2/5/99



REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

Renewal Date 12/31/99

APPROVALS

APPROVED THIS 7th DAY OF APRIL, 1999.

Jack W. Currie
WALLOWA COUNTY SURVEYOR

APPROVED THIS 13th DAY OF April, 1999.

Bill Carpenter
GRANT COUNTY PLANNING COMMISSION

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

Karen A. Officer, Deputy
GRANT COUNTY ASSESSOR AND TAX COLLECTOR
DATE: 04-13-99

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED
ON THE 13 DAY OF April, 1999 AT 1:50 O'CLOCK
P.M. AND RECORDED AS PARTITION PLAT NO. 1999-12
GRANT COUNTY RECORDS.

Kathy McKinnon
GRANT COUNTY CLERK

I DO HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT
COPY OF LAND PARTITION PLAT NO. 1999-12
Robert D. Baggett
BAGETT-GRIFFITH AND BLACKMAN

RECEIVED AND
FILED

APRIL 13, 1999
OFFICE OF COUNTY SURVEYOR

Robert D. Baggett
ATTEST: *Buddy Perry*

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 PARCEL 2, AS SHOWN ON THIS PARTITION PLAT, AND THAT I SURVEYED THE WEST BOUNDARY OF THIS PARTITION ONLY TO THE EXTENT NECESSARY TO DETERMINE THE WEST LINE OF THE E1/2SW1/4 OF SECTION 5, AS SHOWN, AND THAT I DID NOT SURVEY THE REMAINING EXTERIOR BOUNDARY OF THIS LAND PARTITION, SAID PARTITION BEING SITUATED IN THE E1/2SW1/4 OF SECTION 5 AND IN THE NE1/4NW1/4 OF SECTION 8, TWP. 9 S., R.27 E., W.M., GRANT COUNTY, OREGON, AND BEING A PARTITION OF PARCEL 1 OF LAND PARTITION NO. 99-01, DESCRIBED AS FOLLOWS: BEGINNING AT THE 1/4 CORNER COMMON TO SAID SECTIONS 5 AND 8, SAID POINT BEING MARKED WITH A 1-1/2 X 30 INCH GALVANIZED IRON PIPE WITH ATTACHED GRANT COUNTY SURVEYOR BRASS CAP, WHICH POINT I DESIGNATE TO BE THE INITIAL POINT FOR THIS LAND PARTITION, THENCE SOUTH, ALONG THE EAST LINE OF THE NE1/4NW1/4 OF SAID SECTION 8, A DISTANCE OF 690 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE KIMBERLY-LONG CREEK HIGHWAY; THENCE S.58°09'20"W., ALONG SAID RIGHT OF WAY LINE, 505 FEET, MORE OR LESS, TO A POINT WHICH IS S.25°14'58"E., OF A POINT WHICH IS 487.07 FEET SOUTH AND 628.59 FEET WEST OF THE 1/4 CORNER COMMON TO SAID SECTIONS 5 AND 8; THENCE N.25°14'56"W., 507.30 FEET TO SAID POINT; SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 2; THENCE S.43°22'00"W., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 219 FEET, MORE OR LESS; THENCE CROSSING SAID COUNTY ROAD, NORTHWESTERLY, 730 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION 8; THENCE S.89°32'52"W., ALONG SAID NORTH LINE SECTION 8, A DISTANCE OF 180 FEET, MORE OR LESS, TO THE NW CORNER OF THE NE1/4NW1/4 OF SAID SECTION 8; THENCE N.01°15'20"W., ALONG THE WEST LINE OF THE E1/2SW1/4 OF SECTION 5, A DISTANCE OF 2659.04 FEET, TO THE NW CORNER OF SAID E1/2SW1/4; THENCE N.89°27'14"E., ALONG THE NORTH LINE OF SAID E1/2SW1/4, A DISTANCE OF 760 FEET, MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO.2; THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2440 FEET, MORE OR LESS, TO THE EAST LINE OF THE E1/2SW1/4 OF SAID SECTION 5; THENCE SOUTH, ALONG THE EAST LINE OF SAID E1/2SW1/4, A DISTANCE OF 110 FEET, MORE OR LESS, TO A POINT WHICH IS N.01°19'14"W., 250.00 FEET FROM THE SOUTH 1/4 CORNER OF SAID SECTION 5; THENCE S.01°19'14"E., 250.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT TRACT OF LAND SITUATED IN THE E1/2SW1/4 OF SAID SECTION 5 AS SHOWN ON LAND PARTITION PLAT NO. 94-04 AND MORE PARTICULARLY DESCRIBED IN DEED BOOK 125, PAGES 529-531, RECORDS OF GRANT COUNTY, OREGON.

SAID TRACT CONTAINING 93 ACRES, MORE OR LESS.

BAGETT-GRIFFITH AND BLACKMAN
217 NORTH CANYON BLVD.
JOHN DAY, OREGON
(541)575-1251

NARRATIVE

THIS SURVEY WAS PERFORMED AT THE REQUEST OF DAVID LUNDY, JR. THE PURPOSE OF THIS SURVEY WAS TO PARTITION PARCEL 1 OF LAND PARTITION 99-01 INTO 2 PARCELS AND TO SET MONUMENTS ON THE DIVISION LINE BETWEEN PARCELS 1 AND 2 AS SHOWN HEREON.

A SEARCH WAS MADE OF THE AVAILABLE RECORDS PERTAINING TO THIS SURVEY. FIELD MEASUREMENTS WERE MADE TO LOCATE THE CONTROLLING CORNERS OF THIS SURVEY. I PREVIOUSLY SUBDIVIDED SECTION 5 IN JAN. 1971 DURING RECORD SURVEY NO. 213. WE FOUND MONUMENTS AT THE S1/4 CORNER, THE SW CORNER, AND THE W1/4 CORNER OF SECTION 5, AS PER SURVEY NO. 213. THE IRON PIN MONUMENT THAT I SET AT THE C1/4 CORNER DURING SURVEY 213 HAS BEEN REMOVED BY PERSONS UNKNOWN. I DETERMINE ITS ORIGINAL POSITION BY RECOVERING OUR CONTROL POINT FROM WHICH THE PIN WAS SET. I SET A 5/8 X 30 INCH IRON PIN WITH ATTACHED ALUMINUM CAP AT THAT POSITION. WE ALSO FOUND THE TWO ORIGINAL BEARING TREES REFERENCING THIS CORNER.

A PORTION OF THE WEST BOUNDARY OF THIS PARTITION IS ALONG THE WEST LINE OF THE E1/2SW1/4 OF SECTION 5. WE DETERMINED THE LOCATION OF THIS LINE BY MAKING FIELD MEASUREMENTS TO THE S1/4 CORNER, SW CORNER, W1/4 CORNER AND THE CENTER 1/4 CORNER. THE POSITION OF THE NW AND SW CORNERS OF THE E1/2SW1/4 WERE THEN DETERMINED AT MID POINT BETWEEN THE S1/4 CORNER AND THE SW CORNER AND THE W1/4 AND THE CENTER 1/4 CORNERS, RESPECTIVELY.

WE SET THE CORNERS OF PARCEL 2 AT LOCATIONS APPROVED BY MR. LUNDY.

WE ALSO LOCATED THE EXISTING ROAD FOR THE PRIVATE ACCESS EASEMENT AS SHOWN HEREON.

I DID NOT SURVEY THE REMAINING BOUNDARY LINES OF THIS PARTITION.