

LAND PARTITION PLAT NO. 2009-01

SITUATED IN SECTIONS 30 AND 31, T.13S., R.30E., WM. AND IN SECTIONS 4, 5, 6, 7 AND 8, T.14S., R.30E., WM., GRANT COUNTY, OREGON

SURVEYOR'S CERTIFICATE

SURVEYED FEBRUARY 4, 2009

I, MICHAEL C. SPRINGER, 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 PARCEL 2 AND PARCEL 3 AND THAT I DID NOT SURVEY THE EXTERIOR BOUNDARY OF THIS LAND PARTITION. SAID PARTITION BEING SITUATED IN GRANT COUNTY, OREGON, SAID PARTITION BEING DESCRIBED AS FOLLOWS:

TWP. 13S., R.30E., W.M.:
SECTION 30: SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, SE1/4, AND ALL THAT PORTION OF THE NE1/4NW1/4 LYING SOUTH OF THE JOHN DAY HIGHWAY AS SAID HIGHWAY RIGHT OF WAY IS DESCRIBED IN DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, DATED JUNE 23, 1953, RECORDED JUNE 26, 1953, IN BOOK 68, PAGE 115, DEED RECORDS OF GRANT COUNTY, OREGON, AND BOOK 68, PAGE 119, SAID DEED RECORDS. ALSO, THAT PORTION OF THE NW1/4NE1/4 DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE NW1/4NE1/4;
THENCE EAST 825.0 FEET;
THENCE NORTH 52.0 FEET TO THE SOUTH LINE OF THE BLUE MOUNTAIN DITCH, OWNED BY THE BLUE MOUNTAIN DITCH CO.;
THENCE NORTHWESTERLY, ALONG SAID SOUTH LINE, TO THE WEST LINE OF THE SAID NW1/4NE1/4;
THENCE SOUTH, ALONG SAID WEST LINE, 312.5 FEET TO THE PLACE OF BEGINNING.

ALSO, THAT PORTION OF THE SE1/4NW1/4NE1/4 LYING SOUTHERLY OF THE BLUE MOUNTAIN DITCH.

ALSO, TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:
BEGINNING AT THE SOUTHWEST CORNER OF THE SE1/4NE1/4 OF SAID SEC. 30;
THENCE IN A NORTHEASTERLY DIRECTION ALONG THE BOUNDARY OF AN EXISTING FENCE TO A POINT ON THE SOUTHERLY BOUNDARY OF THE BLUE MOUNTAIN DITCH, SAID POINT BEING 45 FEET, MORE OR LESS, EAST OF THE EASTERLY BOUNDARY OF THE SW1/4NE1/4 OF SAID SEC. 30;
THENCE ALONG THE SOUTHERLY BOUNDARY OF THE BLUE MOUNTAIN DITCH TO THE EASTERLY BOUNDARY OF THE SW1/4NE1/4, SAID SEC. 30;
THENCE ALONG SAID EASTERLY BOUNDARY OF THE SW1/4NE1/4, TO THE POINT OF BEGINNING.

SAVE & EXCEPT THE FOLLOWING:

(A) BEGINNING AT A POINT ON THE WEST LINE OF THE SE1/4NW1/4 OF SAID SEC. 30; SAID POINT BEING 320.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SE1/4NW1/4;
THENCE EAST 559.0 FEET;
THENCE N. 02°00' E. 183.5 FEET TO AN IRON PEG WHICH BEARS SOUTH 42.7 FEET FROM THE SOUTHEAST CORNER OF THE BYRON LEMONS STONE HOUSE;
THENCE EAST, ALONG FENCE LINE, 115.5 FEET;
THENCE N. 02°00' W., ALONG FENCE LINE, 79.0 FEET;
THENCE EAST 82.0 FEET TO THE WEST BANK OF RILEY CREEK;
THENCE N. 02°30' W. 427.0 FEET TO THE NORTH BANK OF THE BLUE MOUNTAIN DITCH;
THENCE EAST, ALONG RILEY CREEK AND THE BLUE MOUNTAIN DITCH DAM, 42.0 FEET;
THENCE N. 18°00' E., ALONG THE EAST BANK OF RILEY CREEK, 253.5 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY AT A POINT 15 FEET SOUTH OF THE SOUTHEAST CORNER OF THE PRESENT HIGHWAY BRIDGE OVER RILEY CREEK;
THENCE SOUTHWESTERLY, ALONG SAID HIGHWAY RIGHT OF WAY LINE, TO THE WEST LINE OF THE NE1/4NW1/4 OF SAID SEC. 30;
THENCE SOUTH, ALONG SAID WEST LINE, TO THE PLACE OF BEGINNING.

(B) BEGINNING AT A POINT 1610.30 FEET SOUTH AND 1943.30 FEET EAST OF THE NORTHWEST CORNER OF SAID SEC. 30; SAID POINT ALSO BEING 320.0 FEET SOUTH AND 559.0 FEET EAST OF THE NORTHWEST CORNER OF THE SE1/4NW1/4 OF SAID SEC. 30;
THENCE N. 02°00' E. 183.5 FEET;
THENCE EAST, ALONG FENCE LINE, 115.5 FEET;
THENCE N. 02°00' W., ALONG FENCE LINE, 79.0 FEET;
THENCE EAST 82.0 FEET TO THE WEST BANK OF RILEY CREEK;
THENCE S. 00°43'31" W. 383.11 FEET;
THENCE N. 76°25'12" W. 69.76 FEET;
THENCE S. 06°50'19" W. 252.45 FEET;
THENCE S. 15°19'11" W. 765.01 FEET;
THENCE WEST TO THE WEST LINE OF THE NE1/4SW1/4 OF SAID SEC. 30;
THENCE NORTH, ALONG SAID WEST LINE AND THE WEST LINE OF THE SE1/4NW1/4 OF SAID SEC. 30, 1093.0 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE PLACE OF BEGINNING;
THENCE EAST 559.0 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

(C) THAT PORTION OF THE NE1/4SW1/4NE1/4 LYING NORTHERLY OF THE BLUE MOUNTAIN DITCH.

(D) BEGINNING AT A ROCK CRIB ON THE NORTH LINE OF THE NE1/4SE1/4; SAID ROCK CRIB BEING 114.0 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4SE1/4;
THENCE SOUTHEASTERLY A DISTANCE OF 81.0 FEET TO A POINT WHICH IS 14.0 FEET SOUTH OF THE NORTH LINE OF SAID NE1/4SE1/4;
THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID NE1/4SE1/4 A DISTANCE OF 18.0 FEET;
THENCE NORTHEASTERLY A DISTANCE OF 66.0 FEET TO A POINT ON THE NORTH LINE OF SAID NE1/4SE1/4; SAID POINT BEING 165.0 FEET EAST OF THE POINT OF BEGINNING;
THENCE WEST, ALONG THE NORTH LINE OF SAID NE1/4SE1/4, A DISTANCE OF 165.0 FEET TO THE POINT OF BEGINNING.

SECTION 31: E1/2 AND THE E1/2W1/2.

TWP. 14S., R.30E., W.M.:
SECTION 4: LOT 4 AND THE W1/2SW1/4;
SECTION 5: LOTS 1, 2, 3 AND 4 AND THE S1/2;
SECTION 6: LOTS 1 AND 2 AND THE E1/2SE1/4;
SECTION 7: E1/2W1/2E1/2, E1/2SE1/4 AND THE E1/2NE1/4;
SECTION 8: N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4, NE1/4SW1/4, W1/2SW1/4 AND THE NW1/4.

I DO HEREBY DESIGNATE THE CLOSING CORNER BETWEEN SECTIONS 4 AND 5, T.14S., R.30E., W.M. AS THE INITIAL POINT OF THIS LAND PARTITION.

CONTAINING ~~2.225~~ ^{2.185} ACRES, MORE OR LESS.

BENCHMARK LAND SURVEYING
217 N. CANYON BLVD.
JOHN DAY, OREGON 97845
541-575-1251

CORRECTIONS MADE SEPTEMBER 16, 2009 AS PER

AFFIDAVIT OF CORRECTIONS FILED AS INSTRUMENT

No. 092009, DEED RECORDS.

MCS
GRANT COUNTY SURVEYOR

REFERENCES

DEED RECORD INSTRUMENT NO. 221542
PRELIMINARY TITLE REPORT ORDER NO. 21247
DEED RECORD BOOK NO. 88, PAGE NO. 115
DEED RECORD BOOK NO. 68, PAGE NO. 119

APPROVALS

APPROVED THIS 13 DAY OF February, 2009

Jim Kumbuling
MALHEUR COUNTY SURVEYOR

APPROVED THIS 14th DAY OF February, 2009

William McNamara
GRANT COUNTY PLANNING DIRECTOR

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

Gene S. Butler
GRANT COUNTY ASSESSOR & TAX COLLECTOR
DATE: 02/19/2009

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED ON THE 19 DAY OF Feb, 2009 AT 2:00 O'CLOCK P.M., AND RECORDED AS LAND PARTITION PLAT (NO. 2009-01) GRANT COUNTY RECORDS.

Deputy
GRANT COUNTY CLERK

I DO HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF LAND PARTITION PLAT NO. 2009-01

MCS
BENCHMARK LAND SURVEYING

NARRATIVE

THIS LAND PARTITION WAS PERFORMED AT THE REQUEST OF MARY MARCIEL. THE PURPOSE OF THIS PARTITION WAS TO CREATE THREE PARCELS AND TO SURVEY THE DIVISION LINE BETWEEN PARCEL 2 AND PARCEL 3, AS SHOWN HEREON. I ALSO LOCATED THE CENTERLINE OF THE NEW PRIVATE ACCESS EASEMENT SHOWN HEREON.

THE OFFSET MONUMENT NEAR THE NORTHWEST CORNER OF PARCEL 3 IS SET S.13°07'08"E., A DISTANCE OF 25 FEET, MORE OR LESS, FROM A FENCE CORNER WITH FENCES RUNNING NORTH, EAST AND WEST. THE FENCING MATERIAL IS VERY OLD AND APPEARS TO HAVE BEEN REBUILT SEVERAL TIMES IN THE SAME LOCATION. ITS POSITION ALSO FITS VERY CLOSELY TO THE SE CORNER OF SECTION 31.

BEARINGS ARE BASED ON GEODETIC NORTH FROM A GPS OBSERVATION TAKEN NEAR THE NORTHWEST CORNER OF PARCEL 3.

NEW MONUMENTS WERE SET IN ACCORDANCE WITH THE EVIDENCE FOUND AND AT LOCATIONS APPROVED BY JOHN MARCIEL, AS SHOWN HEREON.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT FRANCIS L. MARCIEL AND MARY Y. MARCIEL, TRUSTEES OF THE MARCIEL FAMILY TRUST U/A/D APRIL 24, 2002 DO HEREBY DECLARE THAT SAID TRUST IS THE OWNER OF THE LANDS DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND THAT SAID TRUST HAS CAUSED THE SAME TO BE PARTITIONED INTO PARCELS IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS SHOWN ON THE ANNEXED PLAT.

SAID TRUST DOES HEREBY CREATE A PRIVATE ACCESS EASEMENT, OVER AND ACROSS PARCEL 3, TO THE BENEFIT OF PARCEL 2. SAID EASEMENT HAVING A NOMINAL WIDTH OF 40 FEET, 20 FEET ON EACH SIDE OF THE CENTERLINE, WITH ADDITIONAL WIDTHS AS NECESSARY TO ACCOMMODATE CUTS AND FILLS, AS SHOWN HEREON.

Francis L. Marciel
FRANCIS L. MARCIEL, TRUSTEE
OF THE MARCIEL FAMILY TRUST
U/A/D APRIL 24, 2002.

Mary Y. Marciel
MARY Y. MARCIEL, TRUSTEE
OF THE MARCIEL FAMILY TRUST
U/A/D APRIL 24, 2002.

ACKNOWLEDGMENT

STATE OF OREGON SS
COUNTY OF GRANT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON 2/19, 2009, BY FRANCIS L. MARCIEL AND MARY Y. MARCIEL, TRUSTEES OF THE MARCIEL FAMILY TRUST U/A/D APRIL 24, 2002.

Notary Public
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 10-13-2011

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
MICHAEL C. SPRINGER
#70918
EXPIRES: 6/30/2010

RECEIVED AND
FILED

Feb 19, 2009
OFFICE OF COUNTY SURVEYOR

ATTEST: *James L. Blufford*