

PARTITION PLAT No. P 1999-007

IN BLOCKS 7 & 10, SALLY'S ADDITION, CITY OF BAKER CITY, BAKER COUNTY, OREGON, SE1/4NE1/4 SECTION 19, T9S, R40E, WM

APPROVALS

I have reviewed this plat under authority of ORS 92.100 and find it complies with ORS Chapter 92 and ORS 209.250.

Gary Van Patten PLS 2162 5/20/99
City of Baker City Surveyor Date

I have reviewed this plat and find it complies with the regulations of the City of Baker City, Oregon.

Jim Collins 5/20/99
City of Baker City Planning Director Date

All ad valorem taxes and other special assessments due pursuant to law have been assessed and collected.

Robin Moon for Alice Dumlager 5-21-99
Baker County Treasurer Date

Approved for Filing
[Signature] 5-20-99
City Manager Date

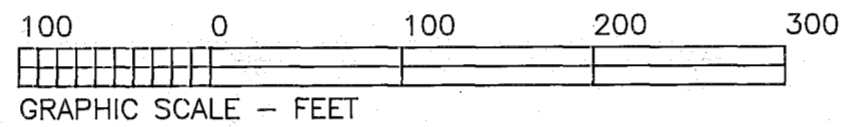
STATE OF OREGON
COUNTY OF BAKER

I do hereby certify that the attached partition plat was received for recording on the 21st day of May, 1999, at 3:05 o'clock P.M. and recorded as Partition Plat No. P 1999-007, Baker County Records.

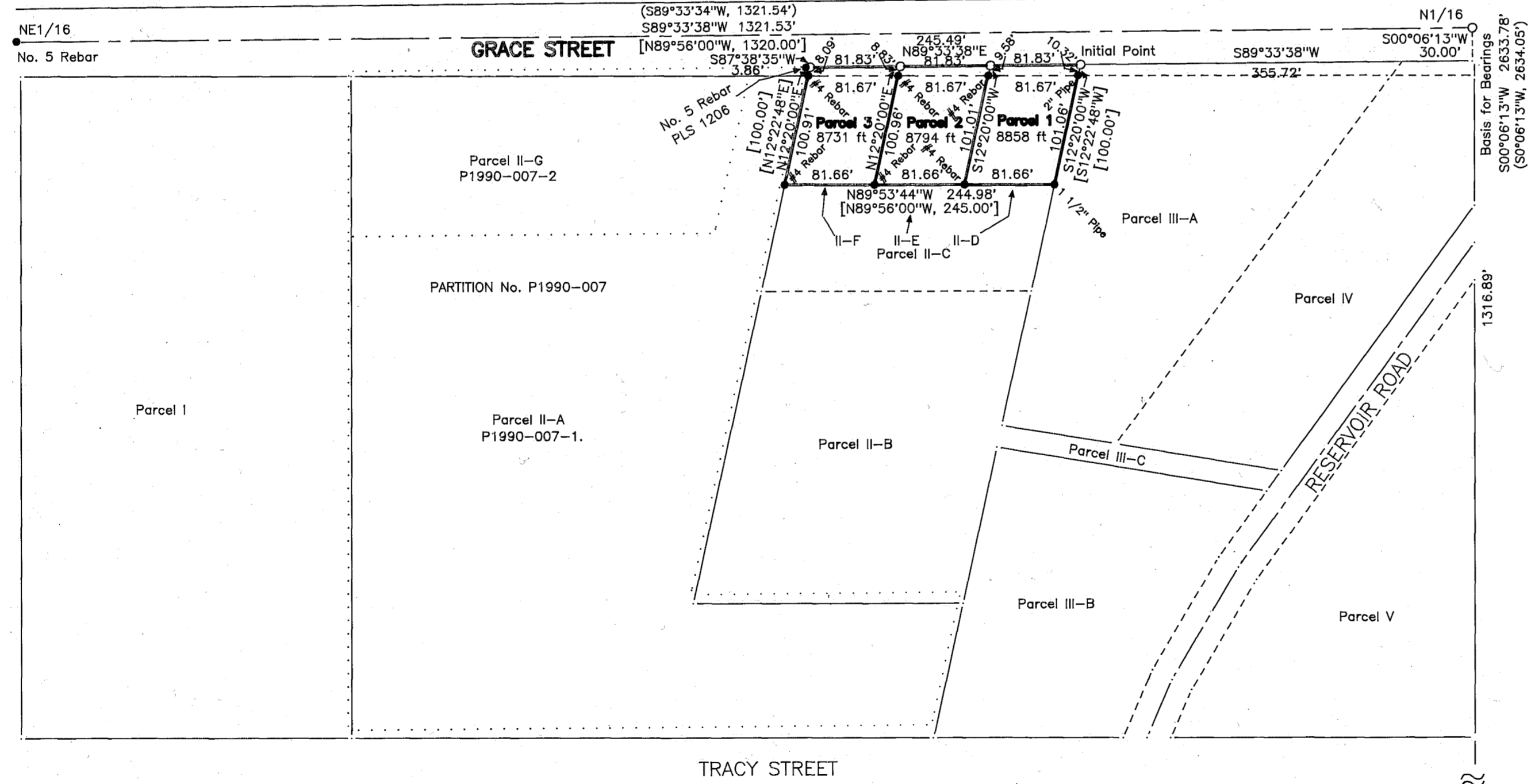
[Signature]
Baker County Clerk

LEGEND

- Boundary of Partition No. P1990-007
- Property Lines
- Partition Boundaries
- Miscellaneous Parcel Lines
- Found Monuments
- Set 30"x No. 5 Rebar with Plastic Cap PLS 699
- Record from MOS 9-40-24 (S89°33'34"W, 1321.54')
- Record from MOS 9-40-47BC & 198 [N89°56'00"W, 1320.00']



BASIS FOR BEARINGS
Map of Survey No. 9-40-24



NARRATIVE

The purpose of this map is to record a partition of 3 parcels within Sally's Addition of the City of Baker in the SE1/4NE1/4 of Section 19, T9S, R40E, WM, Baker County, Oregon, which was surveyed and monuments set in 1983 by James Hambleton as shown on Baker County Map of Survey No. 9-40-198 and adjusted by me with additional monuments set on April 17, 1999, at the request of Dick Haynes.

In this locale of Baker City there are a number of metes and bounds described properties that overlay Sally's Addition. The primary reason seems to be that shape of the land does not conform well to a square grid subdivision. Many of the streets have been vacated because the land is too steep. The City of Baker City should vacate a portion of Sally's Addition as an undevelopable subdivision to eliminate underlying lines of the plat to the actual property lines. They are confusing and have no meaning.

The original plat of Sally's Addition was another early subdivision that lacked a great deal of data which is needed to establish property lines. More than likely the subdivision was not even surveyed and was strictly a paper plat using 1320-foot square forties. Jim Hanley came to this same conclusion as written in his narrative on Map of Survey No. 9-40-237. The only dimensions shown on the Sally's Addition plat are the lot sizes with no bearings.

In 1954, James Hanley surveyed a dividing line through Block 7 which eventually was to represent the division between Parcels II(A-G) & III(A-C) as shown on this plat. Mr. Hanley did not show any bearings on Map of Survey No. 9-40-10 BC. It appears he assumed a theoretical 1320' quarter mile and made Grace and Tracy Streets perpendicular to the section line with Grace Street centered on the sixteenth line. Later surveys indicate most of these to be incorrect assumptions.

In 1973, the entire unit of land (which includes Blocks 2, 7, 10, 15 and 18, and the vacated streets and alleys through these blocks between Grace and Tracy Streets) shown on this plat was owned by Ralph Draeger and he had a survey done by James Hambleton which created 5 parcels of one to eight acres (Map of Survey No. 9-40-47BC). I have listed the parcel numbers as shown on the Hambleton plat in roman numerals with alphabetic suffixes to indicate additional breakdowns. There is a notation on this map of survey that Harry Swan did a survey of Parcel IV for Mr. Draeger in 1961, but there is no public record of such. Hambleton states on his plat that he could not find either of the Hanley monuments set in 1954. It is apparent that Hambleton also used the theoretical 1320' forty distance, but did not make the streets perpendicular to the section line.

The north-half of Section 19 was subdivided by Jim Hanley in 1977 and is recorded as Map of Survey No. 9-40-24. During the survey the NE one-sixteenth corner was set, but not the north one-sixteenth corner between Sections 19 & 20. Of the numerous surveys in this vicinity, I do not find any indication that the north sixteenth has ever been set even though it is a vital control to the adjacent lands and the location of Grace Street.

In 1983, Hambleton did another survey for James Day making Parcels II-B & II-C (Map of Survey No. 9-40-198). Parcel II-C was further monumented in such a way as to create Parcels II-D, E & F in the future. Parcel III-A and Parcel IV are in single ownership at this time. Parcels II-B (with Sections II-G & II-C) are in single ownership as well. Monuments were set delineating the various parcels and land was sold based on these "original" monuments. On both of these surveys, Hambleton shows Grace Street not centered on the sixteenth line, but 20 feet to the north and 40 feet to the south. I could not find any documentation to support this action and apparently it is a reflection of the Harry Swan work. It is not apparent as to how Parcel III-C was created because Survey No. 9-40-198 show the monuments marking it as found, but this plat makes them of record. Hambleton did not make any changes to his earlier survey to reflect the subdivision of Section 19. In a 1987 Map of Survey No. 9-40-244, Hambleton does show Grace Street centered on the sixteenth line in Lachner's Addition at the NE one-sixteenth corner.

Another problem I found was the apparent ignoring of the legal principal that existing monuments control later surveys. In 1990, James Hanley did a partition survey for Parcels II-A and II-G (Partition No. P1990-007). During the Hanley survey, he shows as found many of the monuments set by Hambleton, but he did not use them to control the location of the east and west boundaries of the partition. I believe the north and south boundaries of the Hambleton parcels are questionable because of the location of Grace and Tracy Streets. I have shown the Hanley partition as dotted lines to show its relationship to the original Hambleton surveys.

I have found all the monuments on Parcels II-D, E & F owned by Dick Haynes Trading LLC and are the subject of this partition plat. On the original plat of Sally's Addition, it appears that the addition was intended to be within the E1/2 of the NE1/4 of Section 19 and the streets were intended to be equally spaced. This would cause the centerline of east-west streets to be located on the section's subdivisional lines. Therefore, I made a decision that the center of Grace Street should be the north sixteenth line through Section 19, which is consistent with Jim Hanley's findings and Baker City Surveyor Gary Van Patten's opinion. I set the N1/16th at the midpoint between the section and quarter corners with a hope this will stabilize the Grace Street location. I further set new monuments on the north side of the three parcels 30 feet south of the center of Grace Street. The original parcel has been described in Baker County Deeds No. 93-50-145.

CERTIFICATION

I, Leland Lee Myers, a Professional Land Surveyor registered in the State of Oregon, 587 E Auburn Street, PO Box 99, Sumpter, Oregon 97877, do hereby certify that I did correctly survey this partition and set the monuments on April 17, 1999, at the request of Dick Haynes.

The Initial Point of this partition is a No. 5 Rebar with a yellow plastic cap marked PLS 699 which is S0°06'13"W, 30.00 feet and S89°33'38"W, 355.71 feet from the North sixteenth corner between Sections 19 & 20, T9S, R40E, WM. The partitioned parcel is more fully described as follows:
Commencing at said Initial Point; thence S12°20'00"W, 111.38 feet to a found 1 1/2" pipe; thence N89°53'44"W, 244.98 feet to a found No. 4 Rebar; thence N12°20'00"E, 109.00 feet to a No. 5 Rebar with a yellow plastic cap marked PLS 699; thence S89°33'38"E, 245.49 feet to the Initial Point.

a parcel of land containing 26,383 square feet.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JULY 9, 1985
LELAND LEE MYERS
699

Renewal Date 1/1/01

DECLARATION

I, Richard G. Haynes, President of Dick Haynes Trading LLC, do hereby declare that I have caused this partition to be prepared in accordance with Oregon Revised Statutes Chapter 92.

Richard G. Haynes

(STATE OF OREGON)
COUNTY OF BAKER

Signed and sworn to before me on MAY 20, 1999, by Richard G. Haynes, President of Dick Haynes Trading LLC.

Barbara Ackerman
My Commission Expires 4-9-2002

OFFICIAL SEAL

BARBARA ACKERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 311420
MY COMMISSION EXPIRES APRIL 9, 2002

Brass Cap on Pipe 1/4 COR
1976 PE 2808 S19 S20