

NARRATIVE OF SURVEY

This survey was performed at the request of Becky Davis. The purpose of the survey was to locate the boundaries of the land shown in preparation for a land partition. The current deed for this property has several inaccuracies which are discussed below. All deed references given are those as recorded in the Baker County deed records.

Control for the survey was established from the corners recognized in Baker County survey No. 9-45-37. The railroad spike for the East 1/4 corner was not found and its location was identified from the monuments set under survey No. 9-45-40. The Northeast corner of the section was held to be the intersection of fence corners in survey No. 9-45-37. In survey No. 9-45-47 a nail was found near this point and held as the corner monument. There is no record of this nail being set as the corner monument and it is 0.87 feet south of the record position. Measurements between found monuments from survey No. 9-45-37 indicate that 0.2 ft. was the maximum deviation from that record to be expected. As the 9-45-37 position fits the fences better I rejected the nail as representing the corner location.

The patent for this land was issued to Benjamin Fewel and the patent for the land immediately to the north was issued to Charles Craig both on February 1, 1882. The descriptions were by aliquot parts and the boundary between them was the 1/16th line. There were several transactions between the two owners which moved this line and created some color of title. These issues were eliminated when Mr. Orson Moody purchased the Craig lands as recorded in Book 51 at Page 134 and subsequently purchased a portion of the Fewel tract from Josiah Knox as recorded in Book 53 at page 512. This latter deed conveyed a strip of land 2.08 chains wide southerly of and parallel with the 16th line to Mr. Moody. In this deed the point of beginning is described as being 19.42 chains south of the 1/4 corner and also being the S.W. corner of Orson Moody's land which would have been the center north 1/16th corner of Section 23. As the distance from the 1/4 corner as called will not reach the 1/16th corner and the deed is clear that the 16th line was the controlling element the distance call must be rejected.

The lands being partitioned by this plat were separated from the remaining Fewel tract by the deed from Ella Knox, et. vir., to Patrick Long as recorded in Book 55 at page 109 in 1903 and will be hereafter referred to as the Long tract for purposes of clarity.

The Long deed has several important calls which have been omitted from subsequent deeds but there have been no conveyances of record which relocated the boundary. In the Long deed the point of beginning is identified using the erroneous distance from the 1/4 corner and by calling for the S.W. corner of Moody's land. The East line of the Long tract is said to have a length of 1180 feet from the S.E. corner of the 2.08 chain strip bought by Orson Moody and the center section line. The distance along the center section line is exact to the center of the county road "as presently traveled". The north line of the land is described as exactly 946 feet from the center of the "presently traveled road" to the point of beginning. 2.08 chains south of and parallel with the 1/16th line.

In the deed from C.H. Elliott to Jennie B. Jones recorded in Book 93 at page 231 the calls for "Orson Moody's S.W. corner", 1180 feet from the P.O. B. to the center section line, and "the center of the present traveled county road" are dropped.

Jones sold a portion of the Long tract to the School District as recorded in Book 100 at Page 469. The School description has a different point of beginning which leaves a portion of the Long tract between the School's west boundary and the west line of the original tract which is approximately 36 feet wide.

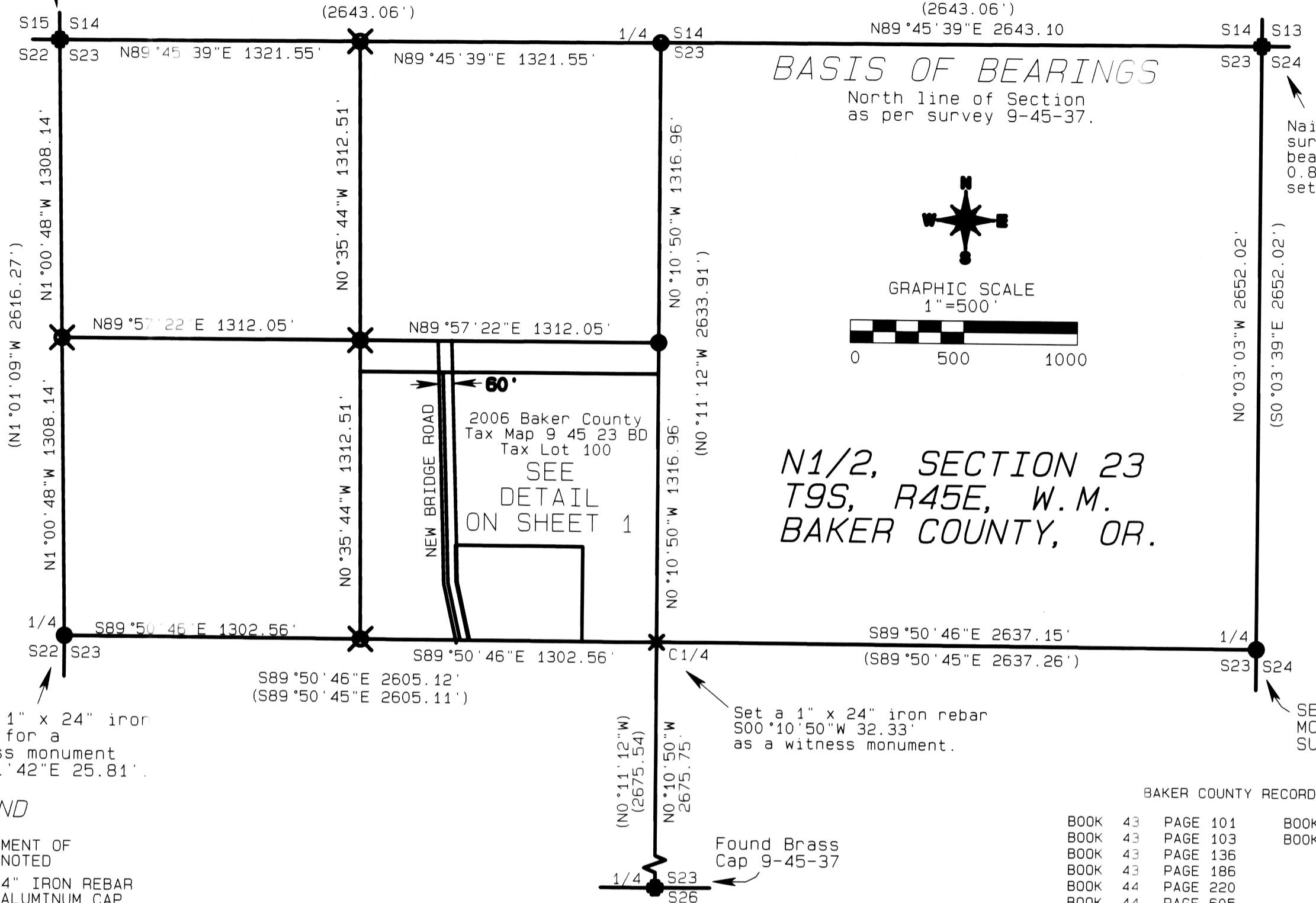
Jones then sold the Long tract, excepting the School tract, back to Elliott who sold it to A.E. Evans by the deed recorded in Book 133 at Page 487. In this deed the calls for distances along the north and south lines are changed from exact to "more or less".

In the deed from Evans to Waddell in film 78-18-074 the call for "to the North right of way line of Highway 86" is added. This Highway is a "resolved" highway and the State has only the interest that the County had prior to that resolution. There are no deeds transferring title to the State and all previous deeds of the Long property call for "to the center section line". Adding this call severs the strip of land inside the right of way from the Long tract but does not transfer title to the State. The dimension along the south line is changed from 864 feet more or less to "437 feet more or less, thence North 400 more or less; thence West 559.68 feet to the center of the County road". This was apparently an attempt to follow the school's boundary. The portion of the Long tract lying west of the school land is severed by this description. Both this strip and the portion in the Highway right of way did not transfer with this deed. This deed also dropped the call for the north line of the Long tract to be "parallel with" the 1/16th line. The call for "parallel with" the 1/16th line has also been dropped from the description of the land to the north.

In the deed from Waddell to Beckley in film 94-24-086 the call for "437 feet, more or less, to the East line" of the school land is added.

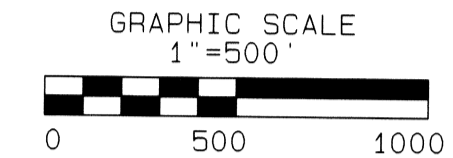
To establish the boundaries of the Long tract I held the following deed calls. I established the point of beginning on the north-south center section line 2.08 chains southerly from the center north 1/16th corner of section 23 which is the south west corner of Orson Moody's land from the deed recorded in Book 51 at Page 134. This point is also 1179.68 feet northerly of the east-west center section line. I held the lengths of 864 and 946 feet exactly for the south and north lines respectively as the Knox deed conveyed to the center of the county road as "presently traveled" which would have been to the road structure not the center of right of way. As the Knox tract was continuous across the county road they had the right to convey to any location and the best description of that location is in the distances given. That road has since been reconstructed and made into a Federal Aid Secondary highway and the location "as traveled" in 1903 is not discernible. I identified the shape of the centerline "as traveled" from the description given in Book 100 at Page 469 of the School tract. I also held the north line of the Long tract as being parallel with the east-west 1/16th line through the NW quarter of the section. This position is close to the existing fence whereas eliminating this call and holding the current deed call of 21.50 chains south of the 1/4 corner moves the line 35.24 feet north of the fence. The call for "the north Highway right of way line" does not have a precise location defined by either a State or County record. The State adopted the County's right of way as it existed by resolution when ODOT was created. It is unlikely that the 60 foot county road right of way and the 60 foot platted as Main street in the town plats were not coincident. The street location has angles in it through town as does the physical highway structure but the centerline is shown as straight on the highway maps. This means that the distance from centerline to the right of way varies on each side of the line. Therefore, the best evidence of the original right of way location is the existing fence which matches the position shown on ODOT map 78-34-15. The survey was performed using a Geodimeter System 600, 3 Second Electronic Total Station and a Leica System 300, RTK GPS. Corner certificates were filed with the County Surveyor concerning the Public Land Corners.

Found 1" iron pin.



BASIS OF BEARINGS

North line of Section as per survey 9-45-37.



N1/2, SECTION 23 T9S, R45E, W.M. BAKER COUNTY, OR.

Set a 1" x 24" iron rebar for a witness monument N12°31'42"E 25.81'

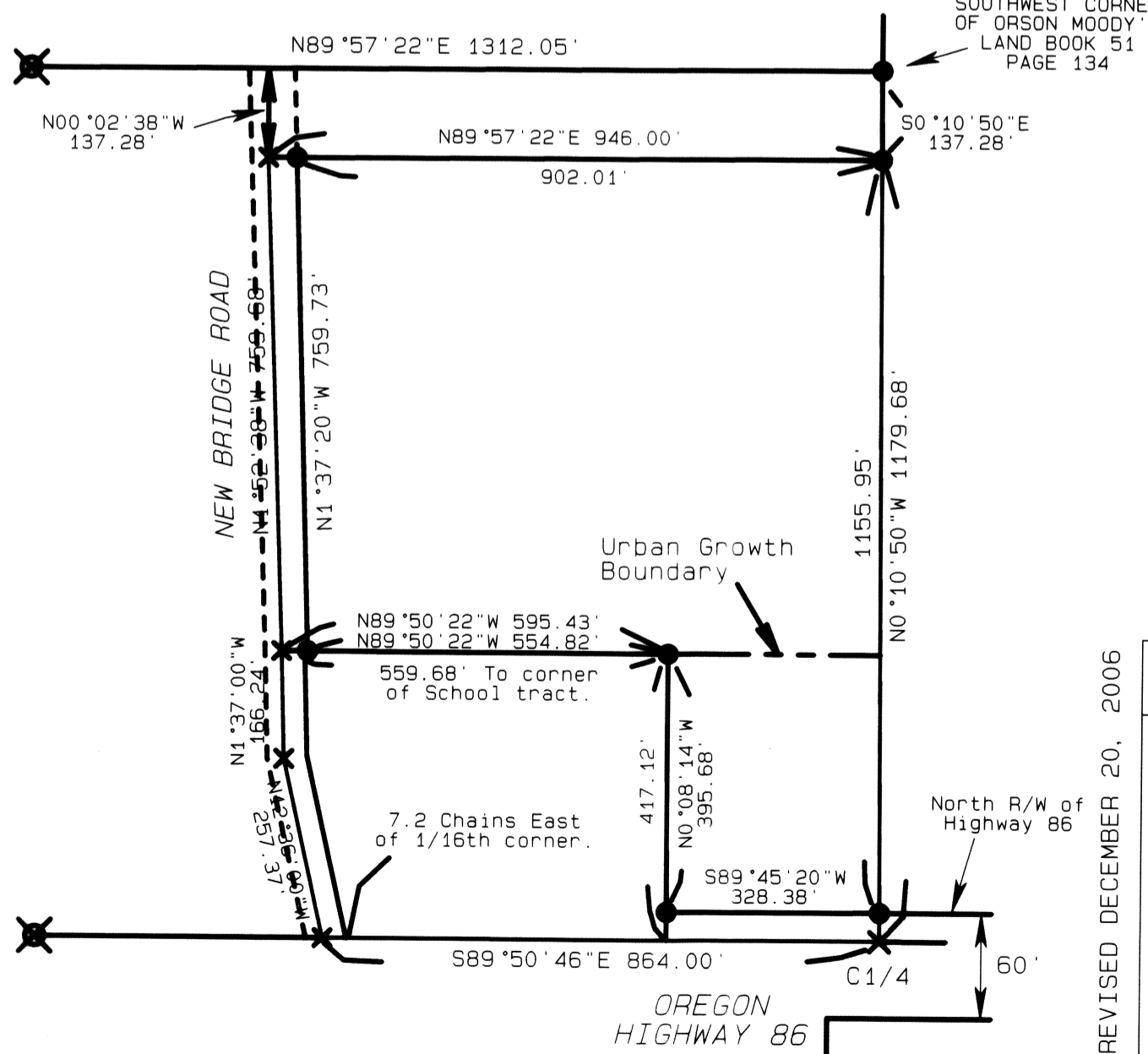
Set a 1" x 24" iron rebar S00°10'50"W 32.33' as a witness monument.

Nail accepted in survey 9-45-47 bears S0°03'03"E 0.87'. No monument set.

LEGEND

- FOUND MONUMENT OF RECORD AS NOTED
SET 1" x 24" IRON REBAR WITH A 2" ALUMINUM CAP STAMPED ORLS 852
SET A 5/8" x 24" IRON REBAR W/ A 1 1/8" RED PLASTIC CAP STAMPED ORLS 852 AND WALLS 13922
1/16TH CORNER NOT MONUMENTED
COMPUTED POINT
RECORD MEASUREMENT BAKER COUNTY SURVEY 9-45-37

DETAIL



BAKER COUNTY RECORD DEEDS

Table with columns for Book, Page, and Record Number. Includes entries like BOOK 43 PAGE 101, BOOK 133 PAGE 487, etc.

PROJECT No. 01-07

SURVEY FOR

BECKY DAVIS
P.O. BOX 347
RICHLAND, OR. 97870

MONUMENTS SET: August 30, 2001

David L. Haddock, Surveyor and Engineer
P.O. Box 1574
Pendleton, Oregon 97801
(541) 276-2174

HADDOCK SURVEYING

GPS AND TOTAL STATION

REGISTERED PROFESSIONAL LAND SURVEYOR

David L. Haddock

OREGON JULY 12, 1968 DAVID L. HADDOCK 852

RENEWS 6-30-07

REVISED DECEMBER 20, 2006