

LAND PARTITION PLAT NO. P2017-002

A PARTITION OF A TRACT OF LAND SITUATED IN THE SE1/4NE1/4 SECTION 17, T.13S., R.37E., W.M., CITY OF UNITY, BAKER COUNTY, OREGON SURVEY COMPLETED DECEMBER 16, 2016

NARRATIVE

THIS PARTITION WAS PERFORMED AT THE REQUEST OF DARYL ELDRON ON BEHALF OF WHIPPLE SPRING, LLC, WITH THE PURPOSE OF DIVIDING THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED NO. B12-52-0041 INTO TWO PARCELS.

A SEARCH WAS MADE OF THE AVAILABLE DEED AND SURVEY RECORDS. THE PROPERTY WAS ORIGINALLY ACQUIRED BY THE U.S. FOREST SERVICE BY MEANS OF CONDEMNATION, AS EVIDENCED BY DEED NO. S 75-05-066 AND 75-05-073. DEED NO. 75-05-066 CONTAINS A MAP TITLED "PLAT - FEE SIMPLE INTEREST - UNITY ADMINISTRATIVE SITE ADDITION", WHICH SHOWS, AMONG OTHER THINGS, THE BOUNDARIES OF THE PROPERTY, TOPOGRAPHY, OVERHEAD POWER LINES, POWER POLES AND FENCES.

FIELD MEASUREMENTS WERE MADE TO LOCATE APPURTENANT MONUMENTS FROM RECORD SURVEY NO. S 13-37-1, 13-37-2, 13-37-5, 13-37-18, 13-37-25, 13-37-27, 13-37-28MP AND 13-37-29.

DURING THE COURSE OF THE SURVEY, I FOUND THAT THE LEGAL DESCRIPTION, AS WRITTEN, DOES NOT CONFORM WELL TO THE EXISTING CONDITIONS AND IMPROVEMENTS ON THE GROUND. I SUSPECT THAT VERY FEW FIELD TIES WERE MADE FOR THE CONSTRUCTION OF THE DESCRIPTION, AND IT IS QUITE POSSIBLE THAT THE BEARINGS AND DISTANCES WERE DERIVED USING PHOTOGRAMMETRY OR SOME OTHER INDIRECT MEANS.

I HELD THE EXISTING FENCE LINE ALONG THE WEST BOUNDARY WHICH WAS THE BEST AVAILABLE EVIDENCE OF THE WEST PROPERTY LINE. I FOUND EVIDENCE IN THE FIELD SUGGESTING THIS FENCE HAD BEEN CONSTRUCTED BY THE U.S. FOREST SERVICE WHO AUTHORED THE ORIGINAL LEGAL DESCRIPTION. FURTHERMORE, THE LOCATION OF THIS FENCE MATCHES THE LOCATION OF THE WEST PROPERTY LINE AS DEPICTED BY THE MAP IN DEED NO. 75-05-066 RELATIVE TO A NEARBY POWER POLE THAT STILL EXISTS. I ROTATED THE DEED RECORD BEARINGS FOR THE WEST AND NORTH LINES OF THE SUBJECT PROPERTY 00°31'45" CLOCKWISE TO CONFORM TO THE FENCE LINE.

TO DETERMINE THE LOCATION OF THE HIGHWAY RIGHT OF WAY, A SEARCH WAS MADE FOR MONUMENTS ALONG THE EASTERLY RIGHT OF WAY LINE FROM SURVEY NO. S 13-37-1 AND 13-37-25. I FOUND NO TRACE OF THE PIPES FROM SURVEY NO. 13-37-1, BUT I DID FIND TWO PINS SET IN SURVEY NO. 13-37-25 THAT WERE INTENDED TO BE ON THE EAST RIGHT OF WAY TANGENT, HOWEVER THEY DO NOT FIT THE EXISTING HIGHWAY OR RIGHT OF WAY FENCES. I LOCATED THE EXISTING HIGHWAY CENTERLINE FOR OVER 1000 FEET ALONG THIS SAME TANGENT, AND FOUND THE ANGULAR DIFFERENCE TO BE 01°14'29". AS A RESULT, I DID NOT USE THESE PINS, BUT INSTEAD DETERMINED THE WEST RIGHT OF WAY LINE BY MEASURING 30 FEET PERPENDICULAR FROM SAID HIGHWAY CENTERLINE. I HELD THE DEED DISTANCE OF 1079 FEET MEASURED FROM THE NORTHEAST CORNER OF THE PROPERTY ALONG THE EXTENDED WEST RIGHT OF WAY TANGENT TO LOCATE THE ANGLE POINT ON THE EAST PROPERTY LINE.

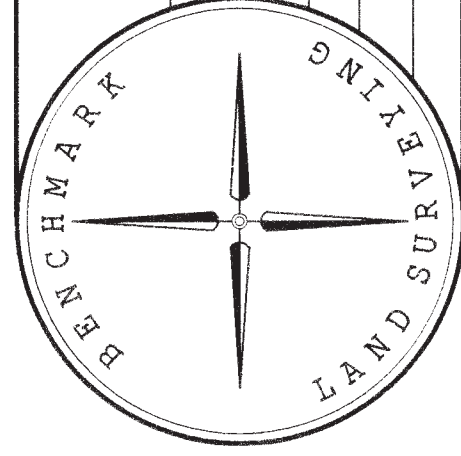
OREGON STATE HIGHWAY DIVISION DRAWING NO. S TR-2-680 AND 2B-23-19 SHOW THE WEST RIGHT OF WAY LINE OF THE HIGHWAY BEING PARALLEL TO THE CENTERLINE CURVE. HOWEVER, COUNTY SURVEY NO. S 13-37-1 AND 13-37-2 DEPICT THE WEST RIGHT OF WAY LINE FOLLOWING THE TANGENT, EXTENDED SOUTHERLY TO THE COUNTY ROAD. ALTHOUGH I FOUND NO RIGHT OF WAY DEEDS THAT SUPPORT THIS, IT APPEARS THIS AREA IS BEING UTILIZED AS RIGHT OF WAY ON THE GROUND.

NEW MONUMENTS WERE SET AT POSITIONS ACCORDING TO THE EVIDENCE FOUND, AND THE PROCEDURES OUTLINED HEREIN. THE PARCEL DIVISION LINE WAS LOCATED AT THE DIRECTION OF THE LANDOWNER.

THE LOCATION OF THE NORTH LINE OF THE SE1/4NE1/4 IS BASED ON THE RECORD DISTANCE OF 2653.28 FEET BETWEEN THE E1/4 CORNER AND THE NE CORNER OF SECTION 17, AS SHOWN ON SURVEY NO. 13-37-20.

LEGEND

- FOUND 5/8" IRON PIN WITH SMASHED YELLOW PLASTIC CAP
SEE SURVEY NO. S 13-37-18 AND 13-37-27
- FOUND 5/8" IRON PIN WITH SMASHED YELLOW PLASTIC CAP
8" BELOW ASPHALT SURFACE FROM SURVEY NO. 13-37-5
- ⊙ FOUND 5/8" IRON PIN WITH ORANGE PLASTIC CAP MARKED
"CJ STOUT PLS 2632" FROM SURVEY NO. 13-37-25
- SET 5/8"x30" IRON PIN WITH ATTACHED YELLOW PLASTIC CAP
MARKED "BENCHMARK SURVEYING"
- () DEED RECORD BEARING AND DISTANCE
- [] RECORD BEARING AND DISTANCE FROM SURVEY NO. 13-37-5
- 1[] RECORD BEARING AND DISTANCE FROM SURVEY NO. 13-37-25
- 2[] RECORD BEARING AND DISTANCE FROM SURVEY NO. 13-37-20
- 3[] RECORD BEARING AND DISTANCE FROM SURVEY NO. 13-37-29
- X-X-X FENCE LINE



BENCHMARK LAND SURVEYING
 217 N. CANYON BLVD. JOHN DAY, OREGON
 2101 MAIN STREET, STE 222 BAKER CITY, OREGON
 541-575-1251 ~ 800-699-0516

LAND PARTITION
 SITUATED IN THE SE1/4NE1/4 SECTION 17, T.13S., R.37E., W.M.,
 CITY OF UNITY, BAKER COUNTY, OREGON

SURVEYED FOR	WHIPPLE SPRING, LLC	12/16/2016
SURVEYED BY	JLH & MRT	SHEET 1 OF 2
SCALE:	1"=100'	DRAWN BY: JLH



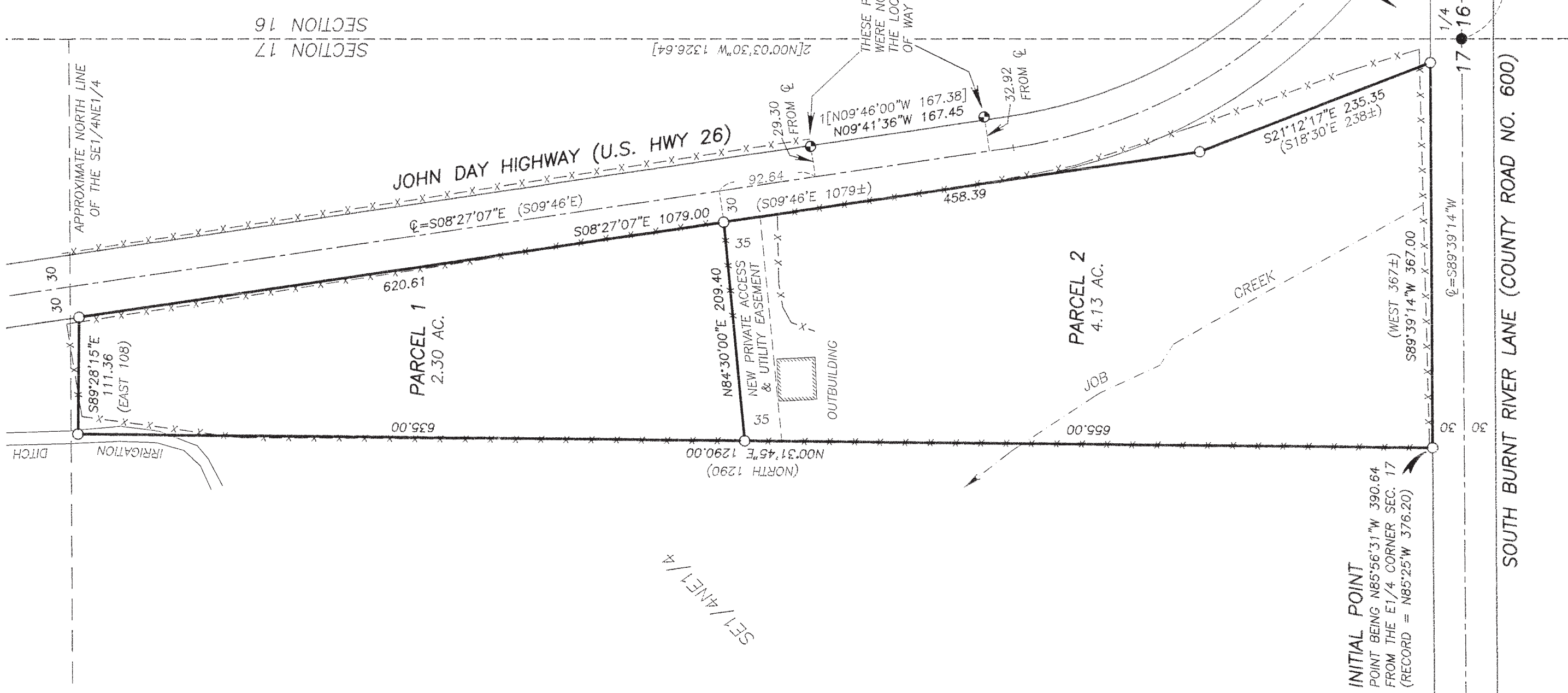
BASIS OF BEARINGS

RECORD SURVEY NO. 13-37-29
 THE SOUTH LINE OF THE NW1/4 SECTION 16
 BEARS N.89°56'00"E., AS SHOWN



NOTE:
 IT APPEARS THIS AREA IS BEING
 UTILIZED AS RIGHT OF WAY ON THE
 GROUND, ALTHOUGH NO STATE
 HIGHWAY OR COUNTY ROAD RIGHT
 OF WAY DEEDS WERE FOUND.

THESE PINS WERE RECOVERED BUT
 WERE NOT UTILIZED TO DETERMINE
 THE LOCATION OF THE WEST RIGHT
 OF WAY LINE. SEE NARRATIVE



N89°56'00"E 2625.81
 3[N89°56'00"E 2625.81]
 [N89°56'00"E 2625.70]
BASIS OF BEARINGS

INITIAL POINT
 POINT BEING N85°56'31"W 390.64
 FROM THE E1/4 CORNER, SEC. 17
 (RECORD = N85°25'W 376.20)

C1/4
 CORNER
 SEC. 16

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A PARTITION OF A TRACT OF LAND SITUATED IN THE SE1/4NE1/4 SECTION 17, T.13S., R.37E., W.M., CITY OF UNITY, BAKER COUNTY, OREGON SURVEY COMPLETED DECEMBER 16, 2016

SURVEYOR'S CERTIFICATE

I, JASON L. HAIFIELD, PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED PARCELS 1 AND 2 OF THIS LAND PARTITION BEING SITUATED IN THE SE1/4NE1/4 SECTION 17, T.13S., R.37E., W.M., CITY OF UNITY, BAKER COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH BOUNDARY OF THE RIGHT OF WAY FOR COUNTY ROAD NO. 600, SAID POINT BEING N.85°56'31"W., 390.64 FEET (RECORD: N.85°25'W., 376.20 FEET) FROM THE EAST QUARTER CORNER OF SAID SECTION 17; THENCE N.00°31'45"E., 1290.00 FEET (RECORD: NORTH, 1290 FEET); THENCE S.89°28'15"E., 111.36 FEET (RECORD: EAST, 108 FEET) TO A POINT ON THE WEST BOUNDARY OF THE RIGHT OF WAY FOR U.S. HIGHWAY 26; THENCE ALONG SAID RIGHT OF WAY, S.08°27'07"E., 1079.00 FEET (RECORD: S.09°46'E., APPROXIMATELY 1079 FEET); THENCE CONTINUING ALONG SAID RIGHT OF WAY, S.21°12'17"E., 235.35 FEET (RECORD: S.18°30'E., APPROXIMATELY 238 FEET) TO A POINT ON THE NORTH BOUNDARY OF COUNTY ROAD NO. 600; THENCE ALONG SAID RIGHT OF WAY, S.89°39'14"W., 367.00 FEET (RECORD: WEST, APPROXIMATELY 367 FEET) TO THE POINT OF BEGINNING. CONTAINING 6.43 ACRES.

I DO HEREBY DESIGNATE THE SOUTHWEST CORNER OF PARCEL 2 AS THE INITIAL POINT OF THIS PARTITION, SAID POINT BEING N.85°56'31"W., 390.64 FEET FROM THE EAST QUARTER CORNER OF SECTION 17.

SUBJECT TO THE FOLLOWING:

- RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF THE HEREIN DESCRIBED PREMISES LYING WITHIN THE BOUNDARIES OF ROADS OR HIGHWAYS.
- ANY AND ALL MATTERS, INCLUDING EASEMENTS AND ASSESSMENTS, IF ANY, PERTAINING TO DITCHES CROSSING SAID PROPERTY.
- TERMS AND PROVISIONS OF WATER USERS CONTRACT BETWEEN BURNT RIVER IRRIGATION DISTRICT AND HERBERT MORFITT ET UX, RECORDED MARCH 30, 1938, IN LEASE & AGREEMENTS BOOK "N," PAGE 388, AS APPLIED TO THE HEREIN DESCRIBED PROPERTY BY INSTRUMENT RECORDED APRIL 23, 1965, IN DEEDS 65 17 002.
- TERMS AND PROVISIONS OF RIGHT OF WAY DEEDS GRANTED TO THE COUNTY OF BAKER BY THE FOLLOWING INSTRUMENTS:
 - DEED BOOK 107, PAGE 177, RECORDED JANUARY 18, 1927
 - DEED BOOK 112, PAGE 265, RECORDED MAY 4, 1929
 THESE DOCUMENTS DESCRIBE A STRIP OF LAND 60 FEET IN WIDTH, SHOWN ON THE ANNEXED PLAT AS THE JOHN DAY HIGHWAY.
- DITCH RIGHT OF WAY CONVEYED TO CAMP CREEK WATER COMPANY BY INSTRUMENT RECORDED SEPTEMBER 6, 1930, IN DEED BOOK 114, PAGE 414, OVER A STRIP OF LAND TWO RODS (33 FEET) IN WIDTH BEING ONE ROD (16.5 FEET) IN WIDTH ON EACH SIDE OF THE CENTER LINE OF PROPOSED DITCH OR CANAL. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- EASEMENT GRANTED TO OREGON TELEPHONE CORPORATION BY INSTRUMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED FEBRUARY 4, 1975, IN DEEDS 75 06 062 OVER THAT PORTION WEST OF U.S. HIGHWAY 26 LYING IN THE NE1/4 OF SEC. 17, T.13S., R.37E., W.M. THE SAME ALSO BEING A PORTION OF THAT DEED RECORDED IN DEED BOOK 168, PAGES 402, 403, 404, AND 405. NO EASEMENT WIDTH IS SPECIFIED IN THE DOCUMENT. NOT PLOTTED DUE TO INSUFFICIENT DATA IN THE DEED DESCRIPTION.
- RESERVATIONS AND EASEMENTS RESERVED IN DEED FROM THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE TO CATHY A. ELDRID, INCLUDING THE TERMS AND PROVISIONS THEREOF RECORDED FEBRUARY 17, 2011, IN BOOK 11 08 0078. NO SPECIFIED WIDTH OR LOCATION GIVEN.

APPROVALS

APPROVED THIS 15TH DAY OF Jan, 2017.
JL Haifield
BAKER COUNTY SURVEYOR

APPROVED THIS 1ST DAY OF February, 2017.
Jason L. Haifield
BAKER COUNTY PLANNING DIRECTOR, acting
on behalf of the City of Unity.

ALL AD VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.
Mrs. K. Phillips
BAKER COUNTY TAX COLLECTOR
DATE: 2/16/17

I DO HEREBY CERTIFY THAT THIS PLAT WAS RECEIVED ON THE 30TH DAY OF February, 2017 AT 1:29 O'CLOCK P.M., AND RECORDED AS LAND PARTITION PLAT NO. P2017-002, BAKER COUNTY RECORDS.
Cindy Carpenter
BAKER COUNTY CLERK by Karen Phillips, Deputy

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WHIPPLE SPRING, LLC, AN OREGON LIMITED LIABILITY COMPANY, DOES HEREBY DECLARE THAT SAID COMPANY IS THE OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND DOES HEREBY CAUSE THE SAME TO BE PARTITIONED INTO PARCELS IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS SHOWN HEREON.

SAID COMPANY DOES ALSO HEREBY CREATE A PRIVATE ACCESS AND UTILITY EASEMENT, TO THE BENEFIT OF PARCEL 1, BEING OVER, ACROSS AND UNDER THE NORTH 35 FEET OF PARCEL 2, AS SHOWN HEREON.

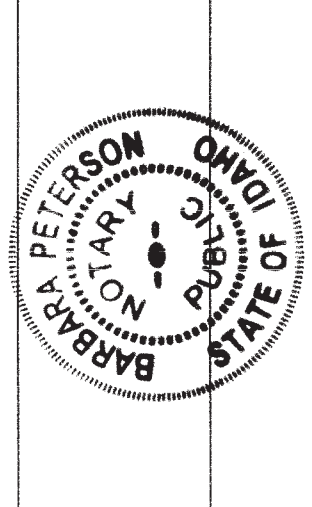
Cathy A. Eldred
CATHY A. ELDRID, MEMBER
WHIPPLE SPRING, LLC

ACKNOWLEDGMENT

STATE OF Oregho } SS
COUNTY OF Unity

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON January 14, 2017, BY CATHY A. ELDRID.

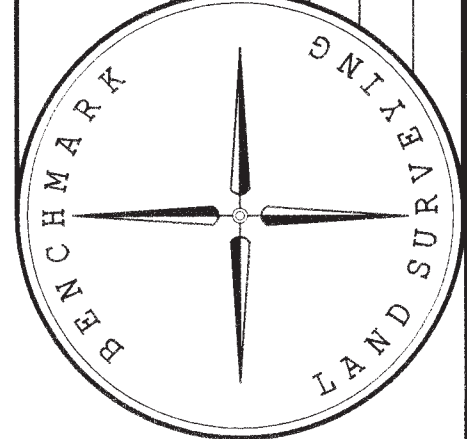
Barbara Peterson
NOTARY PUBLIC FOR Oregho
MY COMMISSION EXPIRES 12-5-22



REFERENCES

- RECORD MAP OF SURVEY NO.'S 13-37-1, 13-37-2, 13-37-5, 13-37-18, 13-37-25, 13-37-27, 13-37-28MP & 13-37-29
- DEED RECORD INSTRUMENT NO.'S 70-44-013, 75-05-066, 75-05-073, B11-08-0078 & B12-52-0041

- DEED RECORD BOOK 168 PAGE 1402
- ELKHORN TITLE ORDER NO. 16-21299
- BAKER COUNTY PLANNING DEPARTMENT ADMINISTRATIVE REPORT MNP-16-005



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SITUATED IN THE SE1/4NE1/4 SECTION 17, T.13S., R.37E., W.M., CITY OF UNITY, BAKER COUNTY, OREGON

SURVEYED FOR	WHIPPLE SPRING, LLC
SURVEYED BY	JLH & MRT
SCALE: 1"=100'	
DRAWN BY: JLH	12/16/2016
	SHEET 2 OF 2