

Partition Plat No. P-1995-017

in the NE1/4NE1/4 of Section 23, T8S
R40E, WM, Baker County, Oregon

NARRATIVE

The purpose of this plat is to partition a parcel of land in the NE1/4NE1/4 of Section 23, T8S, R40E, WM into two parcels at the request of Marguerette D. Hall.

The original parcel is recorded in the Baker County deed records as Deed No. 70-10-034. This deed shows the north and south property lines to be parallel with Baker-Medical Springs Highway, however it does not seem that the deed writers were aware of a curve with spirals in the highway which fronts this property. All indications are that there was an assumption that the highway right-of-way was 40 feet on each side of the line between Sections 14 and 23, but there is a deed in Book 148, Page 252 with a description of the highway right-of-way with the curve and spirals.

There are four additional 10 acre tracts to the south of this parcel that are all described using cardinal bearings, including the one which is adjacent to the south line of this parcel being partitioned. A little less than half of the north line of the adjacent property is intended to be common with the partitioning parcel. I interpret the deeds for these other parcels to mean that the parcels were intended to be rectangular, with the north and south property lines being perpendicular to Baker County/Sunnyslope Road No. 751. My reasoning is that the original bearing in the GLO records of the east section line was North and the deeds for the adjacent parcels show all four bearings as cardinal. Otherwise for every basis of bearings, there would be a different direction for east-west lines though each one is the same bearing of West or East.

On Map of Survey 8-40-8 Jim Hanley chose to use east-west cardinal directions for the most southerly of the 10 acre parcels, with a bearing of N0°29'40"E for Sunnyslope Road based on a solar observation. This places the back corners nearly 9 feet south of where a perpendicular line to the right-of-way would place them. If the state highway were used for the basis of bearing, the county road would have a bearing of N0°04'30"W, and thus cardinal bearings applied to the north and south property lines place the back corners less than 1.5 feet north from the perpendicular. I see that Jim's decision may have been influenced by the existing fence that nearly parallels his survey lines. But as can be seen by these examples, different bases can have a variety of results. For constant results, I believe the lines should be either perpendicular to the east section line or parallel to the north section line, but not parallel to the highway right-of-way. This would include the southerly property line of this partitioning parcel to avoid gaps between or overlaps with the neighboring properties.

Several surveys have used the northeast corner of Section 23, but I do not find any evidence of the corner being set and referenced or a corner record being made. As the control for setting this section corner, I used pins set by Jim Hanley as shown on Baker County Map of Survey No. 8-40-7 and shown on this plat as found. After setting the corner I found an apparent reference rebar monument, which is not of record, about 40 feet south of the corner on the section line in the center of Sunnyslope Road. It appears that the pin has been hooked by a road grader and is bent to the south. The yellow plastic cap which had been set on this rebar was badly damaged and not legible.

I found a rebar monument not of record about 8" below the surface of Sunnyslope Road at the correct position for the east quarter corner of Section 23, again with a badly damaged plastic cap that was not legible. I placed an aluminum cap on the rebar and accepted it as the quarter corner. I found an 1 1/2" pipe about 16" below the surface of the Medical Springs Highway at the proper location for the north quarter corner of Section 23. To improve the corner, I drove a rebar down through the center of the pipe and placed an aluminum cap on the rebar nearly flush with the road surface.

Due to the reliance of this survey on the Oregon State Highway data, I decided to use the Highway for my basis for bearings rather than Jim Hanley's solar observation as used on his surveys.

There are no water rights of record on this property.

