

Partition Plat No. _____
 A Replat of Parcel No. 2 of Partition Plat No. 1995-003

A PARCEL OF LAND LOCATED IN THE
 NE 1/4 NW 1/4 OF SEC. 21, T9S, R40E
 WM, BAKER CITY, BAKER COUNTY, OREGON

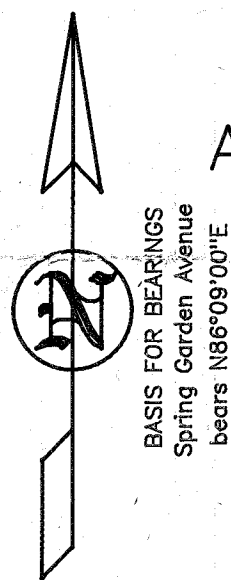
LEGEND

- Set No. 5 x 30" Rebar with Yellow Plastic Cap Marked "PLS 699" ○
- Found Monuments as Described ● □
- Record Data per Swan (.....)
- Record Data per Hanley [.....]

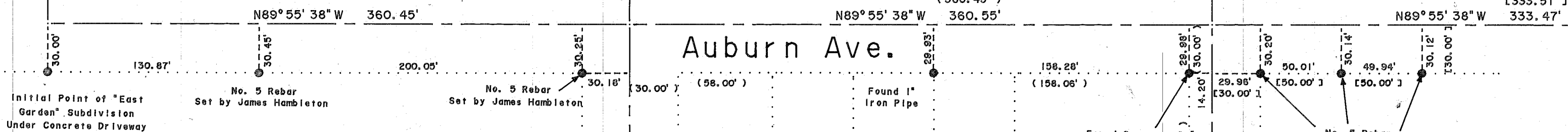
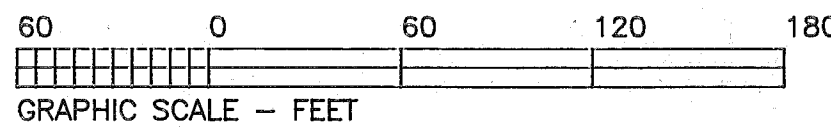
Found 1/2" Iron Rod in Monument Box in Center of Intersection of Oak and Auburn Streets

Found 1/2" Iron Rod in Monument Box in Center of Intersection of East and Valley Streets

East St.
 340.48'
 100° 02' 48" E



BASIS FOR BEARINGS
 Spring Garden Avenue
 bears N86°09'00\"/>



NARRATIVE

The purpose of this plat is to replat Parcel 2 of Partition No. 1995-003 in the NE 1/4 NW 1/4 of Section 21, T9S, R40E, WM, within the City of Baker City, Oregon, into two parcels at the request of Patricia S. Ballew. The original narrative is shown hereon with only minor editing.

The original parcel is recorded as Deed No. 92 51 014, but the record indicates that this parcel is a remnant from a larger holding. I was not able to find the record for the patent or actual ownership pattern before these lands were divided, but I did find a number of early deeds for the parcels as they exist at this time. This parcel to be partitioned lies in an area of from 3 to 6 blocks of property which has never been subdivided or formally partitioned. It is a series of metes and bounds descriptions that generally do not contain any serious overlaps or gaps. This parcel lies in an area surrounded by Ash and Clark Streets, and Spring Garden and Auburn Avenues, none of which seem to be dedicated streets.

The earliest subdivisions adjacent to this area were Atwood's 2nd and 4th Additions which are on the north side of Auburn Street. Auburn Street was not originally shown on these plats and has since been acquired by the City through some replats and fee simple titles. Pacific Addition which is east of the subject area does have a platted Auburn Avenue and Oak (Willow) Street. But Spring Garden Avenue was not originally shown and again has apparently been acquired by fee simple title to the City through Block 44 of Pacific Addition.

The plat of Vista Heights Addition shows Spring Garden Avenue in a very strange configuration then specifically states "Not Dedicated, Private Property." I did not find any record that corrected this street not being dedicated for public usage. I did find in Deed Volume 98, Page 283 a deed that sells to the City a narrow strip of land along the north side of Spring Garden Avenue that varies in width from 9.35 feet on the west end to 6 feet more or less on the east end. I do not find any reflection of this taper on any map of any kind or on any deed. All more recent maps show the north half of Spring Garden Avenue to be 27 feet wide on the north side along its entire length. I did find deeds that made Spring Garden this width further to the west. The Vista Heights plat does show a Clark Street, but not Ash Street.

I did not research the deeds for Clark Street. I did find a 1936 deed in Volume 122, Page 587 which deeded Ash Street to the City between Auburn and Spring Garden Avenues. The deed stipulates that the width of the property is 47.4 feet, but a survey done in 1948 by Harry Swan and Philo Anderson show only 44.39 feet. Other surveys and Baker City have interpreted that the east line of this parcel is in line with the east line of Ash Street as it exists in Atwood's 4th Addition and the street centerline is 30 feet west of this east line.

The 1948 survey mentioned above is an unrecorded survey that is essentially a subdivision plat of six parcels of land in the north half of the overall parcel surrounded by Spring Garden, Ash, Auburn and Clark. I did find three pins out of about 14 that appear to have been set during the survey. I did find the SE corner pin set by Harry Swan lying just under the surface of the ground in a horizontal position about 3 feet away from the corner location. Mr. Swan used galvanized bolts about 24" long to mark many of his surveys. I used the distances on the Harry Swan-Philo Anderson survey map to establish the north line of the property being partitioned by this plat.

Jim Hanley has performed a couple of surveys on the east side of Ash Street and I have made ties to some of his monuments as shown. Unfortunately I do not have the map of survey numbers at the time I prepared this plat. While we were working on gathering control we were shown two pins that were set by James Hambleton so I made ties to them as well.

I found intersection monuments of unknown origin(a) at Clark & Spring Garden, Ash & Spring Garden, Oak & Auburn, and East & Washington. I detected with pin finder what I believe to be the Initial Point of the East Garden subdivision under a concrete driveway. I used these points as the primary control for this survey. I found a nail with an aluminum shiner in the intersection of Clark & Washington which I used as a line control for Clark Street. I found two P-K nails in Ash Street that a land owner told me had been set in an unrecorded survey on the street centerline, which I also used as line control. The center of many of the street intersections on Auburn Street in this area have a manhole and it is impractical to have meaningful monuments at these points.

I made ties to a number of fence corners along Spring Garden Avenue and the south line of the Swan-Anderson survey. I found all the fence corners to be generally within 2 or 3 tenths of a foot of my computed corner locations, which are within acceptable limits.

I have used the 27 foot width for the north half of Spring Garden Avenue, but I do not warrant this to be accurate width of said street. I am satisfied that marking the property at this point will keep the monuments at least within the surveyed property. I have used the deed distance of 17.4 feet from the centerline of Ash Street to establish the east property line, but some of the City staff has indicated a possible interest in allowing land owners a chance to reduce this to the 14.4 foot width as surveyed by Swan.

The Basis for Bearings on this plat was an assumed bearing of N86°09'00"E for Spring Garden Avenue. Nearby Partition Plat No. 1993-018 has used this bearing and some of the deeds also. Most bearings were called to be cardinal within a number of the deeds, and this basis tends to favorably reflect those calls.

There are no water rights of record for this parcel.

CERTIFICATION

I, Leland Lee Myers, a Professional Land Surveyor registered in the State of Oregon, 587 E Auburn Street, PO Box 98, Sumpter, Oregon 97877, completed the original survey of this partition on January 24 and the survey for the replat on April 19, 1995, by setting proper monuments and do hereby certify that the information shown on this plat is correct to the best of my knowledge.

The Initial Point for this partition is a No. 5 Rebar thirty inches long with a yellow plastic cap marked PLS 699 which is N0°00'20"W, 25.89 feet and S89°59'40"W, 17.40 feet from the street monument located at Spring Garden Avenue and Ash Streets, in the City of Baker City, Oregon, NE 1/4 NW 1/4 of Section 21, T9S, R40E, WM, and is more fully described as follows:

- Thence, N0°00'20"W, 177.69 feet to a No. 5 rebar with a yellow plastic cap marked PLS 699;
- Thence, N89°04'48"W, 142.81 feet to a No. 5 rebar with a yellow plastic cap marked PLS 699;
- Thence, S0°04'00"E, 189.58 feet to a No. 5 rebar with a yellow plastic cap marked PLS 699;
- Thence, N86°09'00"E, 142.91 feet to the Initial Point.

a parcel of containing 0.60 acres of land.

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JULY 9, 1995
 LELAND LEE MYERS
 699

Renewal Date 12/1/97

(STATE OF OREGON)
 COUNTY OF BAKER

I do hereby certify that the attached partition plat was received for recording on the _____ day of _____, 1995, at _____ o'clock _____ M and recorded as Partition Plat No. 1995-_____, Baker County Records.

Baker County Clerk

Found 1/2" Iron Pipe in Monument Box at Intersection of Line of Monuments and Centerline of Clark Street

DECLARATION

I, Patricia S. Ballew, do hereby declare that I have caused this replat of Parcel 2, Partition Plat No. 1995-003 to be prepared in accordance with Oregon Revised Statutes Chapter 92.

Patricia S. Ballew

(STATE OF OREGON)
 COUNTY OF BAKER

Signed and sworn to before me on May 15, 1995, by Patricia S. Ballew.

Julia Woods
 My Commission Expires 6/19/97

OFFICIAL SEAL
 JULIA WOODS
 NOTARY PUBLIC - OREGON
 COMMISSION NO. 023168
 MY COMMISSION EXPIRES JUNE 19, 1997

APPROVALS

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

Jim Collins 5/8/95
 City of Baker City Planning Director Date

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

Lynne Taylor 5/8/95
 Baker County Treasurer Date

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

Dary Van Ratta PLS 2162 5/8/95
 City of Baker City Surveyor Date

Approved for Filing

Loren J. Woolard 5/8/95
 City Manager Date

I, Leland Myers, hereby certify that this is an exact duplicate copy of the partition plat as submitted to the Baker County Clerk for recording. *L.L.M.*