

B04 51 0572

B04 51 0573

B04 51 0574

MALLERY ESTATES SUBDIVISION PHASE II SD2004-003

NARRATIVE

The purpose of this Mallery Estates Subdivision Phase II for Darrell V. Mallery and Sandra C. Mallery, trustees of the Mallery Living Trust, is to mark the exterior boundary and establish interior monumentation for 28 lots and "G" Street Right of Way. Monumentation from Baker County Survey No. 9-40-25BC controlling the aliquot parts of Section 16 was recovered and held as the Basis of Bearing as shown hereon. Per Baker County Survey No. 9-40-66BC and Faull's Revised Subdivision Plat, the centerline of Cedar Street as monumented by the Oregon State Highway Department is not parallel to the West line of the Northwest quarter of the Northeast quarter of Section 16. The North quarter corner of Section 16 is 0.94' West of the East Right of Way of Cedar Street. The West line of the Northwest quarter of the Northeast quarter bears S. 1° 22' 34" E., 1320.32 feet. Reference is made to Mallery Estates Subdivision Phase I Plat that created Lots 1 - 28.

HISTORICAL SIGNIFICANCE

Faull's Addition to Baker City, filed June 1, 1890, occupied the NW¼ NE¼ of Section 16. Streets lying within the boundaries of Mallery Estates Subdivision were vacated by Ordinance No. 1772, approved by the City of Baker on April 21, 1919. This subject subdivision is effectively a REPLAT over a portion of the original Faull's Addition.

REFERENCES

Mallery Estates Subdivision Phase I Plat.
 Faull's Revised Subdivision Plat.
 Baker County Survey No. 9-40-25BC.
 Baker County Survey No. 9-40-66BC.

UTILITY EASEMENTS

Two (2), seven (7) feet wide utility easements are hereby created by this plat. The easements shall consist of two strips of land, seven (7) feet in width, described as follows:
 Land located in the Northwest quarter of the Northeast quarter, Section 16, Township 9 South, Range 40 East, Willamette Meridian, Baker City, Oregon, more particularly described as follows:
 The North seven (7) feet of Lots 29 through 42 and the South seven (7) feet of Lots 43 through 56 as shown hereon.
 Easements shall be to construct, operate and maintain electric, gas, telephone, and television transmission and/or distribution lines or systems on or under the above described lands; to inspect and make such repairs, changes, alterations, improvements, removal from, substitutions and additions to the facilities described above, including, by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, handholes, manholes, connection boxes, transformers and transformer enclosures; to cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery located within the easements as described above, or that may interfere with or threaten to endanger the operation and maintenance of said lines or systems (including any control of the growth of other vegetation in the easements which may incidentally and necessarily result from the means of control employed); to keep the easements clear of all buildings, structures or other obstructions; and to license, permit or otherwise agree to the joint use or occupancy of the lines, systems, or if any of said systems is placed underground, of the trench and related underground facilities, by any other person, association or corporation.

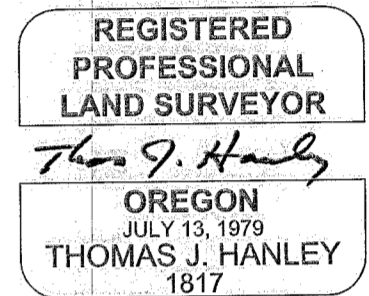
HANLEY ENGINEERING, INC.
 P.O. BOX 701, 2043 MAIN STREET, BAKER CITY, OREGON 97814 (541) 523-3803

SURVEYOR'S CERTIFICATE

I, Thomas J. Hanley, certify that I have correctly surveyed, monumented and subdivided the land represented on the annexed Mallery Estates Subdivision Phase II plat in accordance with O.R.S. Chapter 92. The boundary of Mallery Estates Subdivision Phase II is described as follows:

Land located in the Northwest quarter of the Northeast quarter of Section 16, Township 9 South, Range 40 East, Willamette Meridian, Baker City, Oregon, more particularly described as follows:
 Commencing at the Southeast corner of the Northwest quarter of the Northeast quarter of said Section 16; thence along the East line of the said Northwest quarter of the Northeast quarter, N. 1° 32' 00" W., 741.57 feet; thence S. 88° 36' 25" W., 60.00 feet, to the Northeast corner of Mallery Estates Subdivision Phase I, and the TRUE POINT OF BEGINNING; thence along the North line of said Mallery Estates Subdivision Phase I, S. 88° 36' 25" W., 1235.13 feet, to intersect the East Right of Way of Cedar Street; thence along said East Right of Way, N. 1° 42' 00" W., 324.61 feet, to a point that bears N. 88° 24' 39" E., 0.94 feet and S. 1° 42' 00" E., 255.67 feet from the North quarter corner of said Section 16; thence 255.67 feet South of and parallel to the North line of the said Northwest quarter of the Northeast quarter, N. 88° 24' 39" E., 1236.07 feet, to intersect the West Right of Way of Birch Street; thence along said West Right of Way, S. 1° 32' 00" E., 328.83 feet, to the TRUE POINT OF BEGINNING.

Land containing 9.27 acres.



Renews June 30, 2005

DEDICATION

Know all people by these presents that Darrell V. Mallery and Sandra C. Mallery, trustees of the Mallery Living Trust, are the owners/subdividers of the land represented on the annexed map, and more particularly described in the accompanying Surveyor's Certificate and they caused the same to be subdivided as shown, in accordance with O.R.S. Chapter 92 and do hereby create the 7 feet wide utility easements as shown hereon and dedicate to the public that portion of "G" Street as shown hereon, and create Lots 29 - 56 as Mallery Estates Subdivision Phase II.

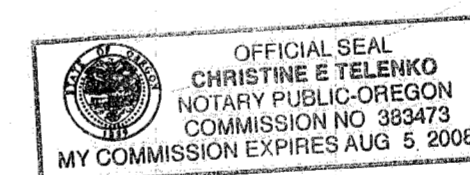
Darrell V. Mallery trustee
 Darrell V. Mallery, Trustee

Sandra C. Mallery trustee
 Sandra C. Mallery, Trustee

ACKNOWLEDGMENT

State of Oregon }
 County of Deschutes } S.S.

On 12/14, 2004 before me did personally appear the within named Darrell V. Mallery and Sandra C. Mallery, trustees of the Mallery Living Trust, who acknowledged to me that they executed the same freely and voluntarily.



Christine E. Telenko
 NOTARY PUBLIC
 My Commission Expires Aug 5, 2008

APPROVALS

We the undersigned officers in and for Baker City and Baker County, Oregon do hereby approve this plat of Mallery Estates Subdivision Phase II.

Chairman Baker City Planning Commission by: *John T. Blum* Date 12-9 2004.
 Baker City Manager by: *Steph M. Rapp* Date 12-9 2004.
 Baker City Surveyor by: *Sally Van Vatter PLS 2162* Date 12/9 2004.
 Baker County Assessor by: *Allen Phillips* Date 12/23 2004.

I hereby certify that all taxes for the subject property have been paid as required.
 Baker County Tax Collector by: *Alice Durlinger by Traci Thamer* Date 12/23 2004.

State of Oregon }
 County of Baker } S.S.

I do hereby certify that the annexed Mallery Estates Subdivision Phase II plat was received for recording on the 23rd day of December, 2004 at 8:50 o'clock A. M., and recorded in Baker County records and is hereby approved.

Baker County Clerk by: *Tamara Johnson*

FILED DECEMBER 23, 2004
 BAKER COUNTY SURVEYOR
 SURVEY NO. 9-40-599SD

I, Thomas J. Hanley, hereby certify that this is an exact duplicate copy of the Mallery Estates Subdivision Phase II plat as submitted to the Baker County Clerk for recording.

Thomas J. Hanley
 Thomas J. Hanley