

# **APPROVALS**

## CITY OF PENDLETON

### CITY OF PENDLETON PLANNING COMMISSION

THE ACCOMPANYING PARTITION PLAT IS HEREBY APPROVED, AND THE ADDITIONAL RIGHT-OF-WAY DEDICATED ON THIS PLAT FOR S.W. 28TH DRIVE IS HEREBY ACCEPTED THIS

THE ACCOMPANYING PARTITION PLAT IS HEREBY APPROVED THIS

27 DAY OF \_\_April

CITY OF PENDLETON SURVEYOR

#### **UMATILLA COUNTY**

## UMATILLA COUNTY SURVEYOR

I CERTIFY I HAVE EXAMINED THE ACCOMPANYING PLAT, THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND I THEREFORE APPROVE SAID PLAT FOR SIGNATURE BY THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON.

DATED THIS 28 DAY OF \_ /TUril UMATILLA COUNTY SURVEYOR

## **UMATILLA COUNTY COMMISSIONERS**

THE ADDITIONAL RIGHT-OF-WAY DEDICATED ON THIS PARTITION PLAT FOR S.W. 28TH DRIVE IS HEREBY ACCEPTED BY UMATILLA COUNTY BY THE UNDERSIGNED, BY IT'S ORDER. DATED THIS 29 DAY OF April

## ASSESSOR AND TAX COLLECTOR

WE. THE ASSESSOR AND THE TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE ACCOMPANYING PARTITION PLAT AND THAT ALL AD/VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.

DATED THIS 28 DAY OF \_ ADVI 1

COUNTY ASSESSOR Bitting School COUNTY TAX COLLECTOR

# OWNERS DECLARATION

WE DANIEL M. BURTON AND ELIZABETH C. BURTON, OWNERS OF THE LANDS CONTAINED IN THIS LAND PARTITION, DO HEREBY ACKNOWLEDGE THIS PARTITION PLAT WAS PREPARED WITH OUR KNOWLEDGE AND CONSENT IN ACCORDANCE WITH ORS CHAPTER 92, AS REVISED, AND APPLICABLE PORTIONS OF CITY OF PENDLETON AND UMATILLA COUNTY DEVELOPMENT ORDINANCES. FURTHERMORE, WE DEDICATE THE ADDITIONAL RIGHT—OF—WAY FOR S.W. 28TH DRIVE, AND DESIGNATE THE NEW 20' WIDE PRIVATE INGRESS-EGRESS, SEWER LINE, & WATER LINE EASEMENT, & THE NEW 60' WIDE PUBLIC INGRESS-EGRESS AND PUBLIC UTILITY EASEMENT FOR PUBLIC USF

**ACKNOWLEDGMENT** STATE OF OREGON) COUNTY OF UMATILLA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

22 DAY OF April

BY DANIEL M. BURTON

July James

MY COMMISSION EXPIRES: 6/23/17 MY COMMISSION NUMBER: 479302

**ACKNOWLEDGMENT** 

STATE OF OREGON) COUNTY OF UMATILLA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

22 DAY OF APRIL

BY ELIZABETH C. BURTON NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: 6/23/17 MY COMMISSION NUMBER: 479302

# **EXISTING EASEMENT NOTES:**

EASEMENTS THAT PERTAIN TO THE PROPERTY IN THIS PARTITION PLAT AS DISCLOSED BY PRELIMINARY TITLE REPORT BY PIONEER TITLE COMPANY, ORDER NO. 93524, DATED FEB. 5, 2014.

SEE SHEET 1 OF 2 FOR SPECIFIC LOCATIONS.

- (A) EASEMENT TO PACIFIC TELEPHONE & TELEGRAPH CO. RECORDED MAY 16, 1942, IN BOOK 160, PAGE 428, DEED RECORDS. BLANKET TYPE EASEMENT. UNABLE TO SHOW EXACT LOCATION.
- RIGHT OF WAY EASEMENT TO PACIFIC POWER & LIGHT CO. RECORDED SEPT. 1, 1948, IN BOOK 185, PAGE 506, DEED RECORDS. LOCATION OF EASEMENT PERTAINS TO UNSURVEYED TRACT I. NOT PLOTTED.
- EASEMENT FOR SEWER PIPE LINE TO THE CITY OF PENDLETON RECORDED DEC. 27, 1950, IN BOOK 195, PAGE 57, DEED RECORDS AND AMENDED MARCH 10, 1969 IN BOOK 298, PAGE 586, DEED RECORDS. LOCATION OF EASEMENT PERTAINS TO UNSURVEYED TRACT I. NOT PLOTTED.
- RIGHT OF WAY EASEMENT TO PACIFIC POWER & LIGHT CO. RECORDED MARCH 31, 1952, IN BOOK 203, PAGE 203, DEED RECORDS. LOCATION OF EASEMENT PERTAINS TO UNSURVEYED TRACT I. NOT PLOTTED.
- EASEMENT DEED TO UMATILLA RIVER WATER CONTROL DISTRICT NO. 1 RECORDED FEB. 16, 1960, IN BOOK 257, PAGE 417, DEED RECORDS. BLANKET TYPE EASEMENT PERTAINING TO UNSURVEYED TRACT I. UNABLE TO SHOW EXACT LOCATION.
- RIGHT OF WAY EASEMENT TO PACIFIC POWER & LIGHT CO. RECORDED JAN. 30, 1961, IN BOOK 262, PAGE, 91(a). DEED RECORDS. BLANKET TYPE EASEMENT PERTAINING TO UNSURVEYED TRACT I. UNABLE TO SHOW EXACT LOCATION.
- RIGHT OF WAY EASEMENT TO PACIFIC POWER & LIGHT CO. RECORDED JAN. 30, 1961, IN BOOK 262, PAGE, 91(b). DEED RECORDS. BLANKET TYPE EASEMENT PERTAINING TO TRACT II. UNABLE TO SHOW EXACT LOCATION.
- RIGHT OF WAY EASEMENT TO PACIFIC POWER & LIGHT CO. RECORDED AUG. 30, 1961, IN BOOK 264, PAGE 473, DEED RECORDS. BLANKET TYPE EASEMENT PERTAINING TO TRACT II. UNABLE TO SHOW EXACT LOCATION.
- EASEMENT FOR UTILITIES TO THE CITY OF PENDLETON RECORDED DEC. 9, 2008, IN INSTRUMENT NO. 2008-5450296, DEED RECORDS. LOCATION OF EASEMENT PERTAINS TO UNSURVEYED TRACT I. NOT PLOTTED.

## NARRATIVE:

DRIVE RIGHT OF WAY (NOTE TABLE NO. 2).

THIS PARTITION PLAT WAS PERFORMED AT THE REQUEST OF DAN AND ELIZABETH BURTON, TO PARTITION THAT TRACT OF LAND DESCRIBED AS TRACT II, IN BARGAIN AND SALE DEED RECORDED IN REEL 60, PAGE 298, UMATILLA COUNTY DEED RECORDS. SAID TRACT II IS A PORTION OF THE WILLIAM MCKAY DONATION LAND CLAIM NO. 38. THE MCKAY DLC, OR PORTIONS OF IT, HAVE BEEN SURVEYED SEVERAL TIMES BEGINNING WITH THE ORIGINAL CLAIM SURVEY IN 1864 BY DANIEL CHAPLIN. IN 1871, Z. F. MOODY SURVEYED ALONG A PORTION OF THE SOUTHERLY BOUNDARY OF THE CLAIM WHILE SURVEYING THE EXTERIOR BOUNDARY OF THE OF THE UMATILLA INDIAN RESERVATION. IN HIS NOTES HE CALLS THE SOUTHWEST CORNER AND THE SOUTHEAST CORNER OF THE McKAY DLC AT RECORD CHAPLIN DISTANCES, ALTHOUGH HE DOES NOT STATE FINDING THE WOOD POSTS SET BY CHAPLIN IN 1864 MARKING THE CORNERS. CURRIN AND NOLAND ALSO SURVEYED THE EXTERIOR BOUNDARY OF THE RESERVATION IN 1887 AND 1890. IN MAY-AUGUST OF 1883, PETER ZAHNER IN HIS SURVEY FOR THE RESERVE (RESERVATION) ADDITION TO PENDLETON STATES HE PROLONGED A LINE FROM THE MONUMENT AT THE INTERSECTION OF WEBB STREET AND MAIN STREET, THROUGH R.B. STONE #2 AND EXTENDED IT 4410', THEN TURNED A 90' ANGLE AND RAN NORTH 23' 36' WEST A DISTANCE OF 341' TO THE SOUTHEAST CORNER OF THE MCKAY DLC. AT THE CORNER POINT HE FOUND A SMALL MOUND AND A STAKE WITH SURVEYOR'S MARKS BADLY DECAYED AND A FENCE CAME TO THE CORNER FROM THE NORTH AND THE WEST. IN 1894, JOHN KIMBRELL IN SURVEY NO. 65, PAGES 280-283, RECORD OF PRIVATE SURVEYS BOOK FOR PAT KINES, SURVEYED ALONG THE SOUTH LINE OF SECTION 9, AND INTERSECTED WHAT HE THOUGHT WAS THE CORNER TO SECTIONS 8, 9, 16, AND 17, (IT WAS A WITNESS CORNER AS EXPLAINED LATER). HE STATED HE SET A STONE FOR THE SOUTHEAST CORNER OF THE MCKAY DLC, WITH NO MENTION OF THE CURRIN AND NOLAND DLC CORNER MONUMENT OR THE MOODY DLC CORNER MONUMENT, (THERE ARE TWO CORNERS AS EXPLAINED LATER), OR ANY MENTION OF THE CORNER WITH FENCES FROM THE NORTH AND WEST AS FOUND BY ZEHNER. IN 1895, KIMBRELL PERFORMED A SURVEY FOR CLOPTON & BOYD, RECORDED AS SURVEY NO. 71, PAGES 293-295, RECORD OF PRIVATE SURVEYS BOOK. IN DOING THIS SURVEY HE REALIZED AFTER THE SURVEY WAS DONE THAT HE MISTAKENLY CLOSED ON THE WITNESS CORNER TO SECTIONS 8, 9, 16, AND 17, THINKING IT WAS THE TRUE CORNER. AS STATED BY CURRIN AND NOLAND THEY SET A WITNESS CORNER FOR THIS CORNER, AS THE TRUE CORNER WAS LOCATED IN THE BED OF MCKAY CREEK.
THIS BEING KNOWN, IT ALSO AFFECTED HIS SURVEY NO. 65, PREVIOUSLY DONE IN 1894, AS HE ASSUMED THE WITNESS CORNER WAS THE TRUE CORNER. IN THE MARGIN OF SAID SURVEY NO. 71,

# PARTITION PLAT NO. 2015-08

SHEET 2 OF 2

A PARTITION OF TRACT II AS DESCRIBED IN BARGAIN & SALE DEED, RECORDED IN REEL 60, PAGES 298-302, UMATILLA COUNTY, DEED RECORDS.

# SURVEYORS CERTIFICATE

I. JASON M. WELLS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, IN ACCORDANCE WITH ORS CHAPTER 92, AS REVISED, AND THE CITY OF PENDLETON AND UMATILLA COUNTY DEVELOPMENT ORDINANCES, PARCELS 1, 2, AND 3 AS SHOWN ON THIS PARTITION PLAT. TRACT II IS SURVEYED AND TRACT I IS "UNSURVEYED."

ALL MONUMENTS FOUND AND HELD FOR THIS PARTITION PLAT SURVEY ARE NOTED. THE SURVEY WAS MADE BY A 2 PERSON CREW WITH A TRIMBLE R8 GPS RECEIVER OPERATED OVER THE ORGN REALTIME GPS NETWORK. MONUMENT TIES AND SETS WERE VERIFIED BY SEPARATE OBSERVATIONS.

#### **REAL PROPERTY DESCRIPTION:**

TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M., CITY OF PENDLETON, UMATILLA COUNTY, OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 9; THENCE NORTH 87'20'15" WEST A DISTANCE OF 1594.90 FEET TO A POINT; SAID POINT BEING A POINT AT THE INTERSECTION OF THE SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF RESERVE ADDITION TO THE CITY OF PENDLETON WITH A LINE 66 FEET NORTH AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9: SAID LINE 66 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 9 ALSO BEING AN EXTENSION OF THE SOUTHERLY LINE OF THE MCKAY DONATION LAND CLAIM NO. 38; THENCE NORTH 89'38'46" WEST ALONG SAID EXTENSION LINE 66 FEET NORTH OF AND PARALLEL TO SAID SOUTHWEST QUARTER A DISTANCE OF 36.11 FEET TO THE SOUTHEAST CORNER OF SAID MCKAY DONATION LAND CLAIM NO. 38; THENCE NORTH 0011'54" EAST ALONG THE EASTERLY LINE OF SAID MCKAY DONATION LAND CLAIM A DISTANCE OF 863.20 FEET TO THE "INITIAL POINT" FOR THIS DESCRIPTION: SAID INITIAL POINT ALSO BEING THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO JANE CHENEY BY DEED RECORDED IN BOOK 189, PAGE 318, DEED RECORDS, ALSO BEING THE SOUTHEAST CORNER OF THAT TRACT OF LAND RECORDED AS TRACT II RECORDED IN REEL 60, PAGE 298, DEED RECORDS; THENCE NORTH 00"1'54" EAST ALONG EASTERLY LINE OF SAID MCKAY DONATION LAND CLAIM A DISTANCE OF 805.74 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF S.W. 28TH DRIVE; THENCE NORTH 57"38'16" WEST A ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 297.24 FEET TO A POINT; THENCE SOUTH 33"01'54" WEST ALONG THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED AS TRACT II RECORDED IN REEL 60, PAGE 298, DEED RECORDS, A DISTANCE OF 921.29 FEET TO THE SOUTHWESTERLY CORNER THEREOF; SAID SOUTHWESTERLY CORNER ALSO BEING A POINT ON THE NORTHERLY LINE OF THAT TRACT OF LAND RECORDED IN BOOK 189, PAGE 318, DEED RECORDS; THENCE SOUTH 75° 37'02" EAST ALONG THE SOUTHERLY LINE OF SAID TRACT II AND THE NORTHERLY LINE OF SAID TRACT RECORDED IN BOOK 189, PAGE 318, DEED RECORDS, A DISTANCE OF 774.76 FEET TO THE "INITIAL POINT".



HE EXPLAINS HIS MISTAKE, AND THAT HE FINDS THE CURRIN AND NOLAND NORTHWEST CORNER OF THE INDIAN RESERVATION NOT IN AGREEMENT WITH MOODY'S NORTHWEST CORNER, AND THAT THE CORNERS HE SET BASED UPON CLOSING INTO THE WITNESS CORNER HE WOULD LEAVE FOR THE "FUTURE" TO DECIDE HOW THEY SEE FIT. THE NOTE IN THE MARGIN IS IN REFERENCE TO A CORRECTION SURVEY WHICH HE DID FOR CLOPTON & BOYD IN SEPTEMBER OF 1895, RECORDED ON PAGE 327, RECORD OF PRIVATE SURVEYS BOOK. IN THIS SURVEY HE SHOWS THAT THE SOUTHEAST CORNER OF THE MCKAY DLC HAS TWO DIFFERENT POSITIONS. CURRIN AND NOLANDS CORNER IS 0.44 CHAINS WEST OF MOODY'S CORNER. IN THIS SURVEY KIMBRELL STATED THAT C.O. FANING HAD CLAIMED THAT HE BUILT HIS FENCE AROUND THE MOODY CORNER. SO OBVIOUSLY THERE WAS A FENCE BUILT AT THAT TIME. KIMBRELL DOES NOT MENTION THE STONE HE SET FOR THE CORNER A YEAR BEFORE, OR THE FACT THAT THE MOODY CORNER MAY BE THE CORNER THAT ZAHNER FOUND WITH THE FENCES NORTH AND WEST. HAYES IN HIS SURVEYS FOR CHENEY IN THE 1940'S (SURVEY NO. 12-052-AX, & Q-1596-AX) SURVEYED PORTIONS OF THE McKAY DLC, NOT ONCE MENTIONING THE FENCE ALONG THE EASTERLY LINE OF THE CLAIM, ALTHOUGH I BELIEVE IT WAS THERE. AERIAL PHOTOS OF THE AREA FROM 1956 CLEARLY SHOW A FENCE ALONG THE EASTERLY BOUNDARY. WALLULIS & STAEBLER SURVEY D-27-C CIRCA 1967, SHOW A FENCE NORTH AND SOUTH OF THE POINT HE SET ON SW 28TH

WELLS SURVEYING

P.O. BOX 1696

**DATE**: 3/15

CK. BY: DMT

920 SW FRAZER SUITE 102

DR. BY:

NO:

JMW

15-1539

PENDLETON, OR 97801

PHONE: (541) 276-6362

LAND SURVEYOR OREGON NOVEMBER 29, 2010 JASON M. WELLS 54657PLS RENEWS 6/30/16

REGISTERED

**PROFESSIONAL** 

RECORDING INFORMATION, UMATILLA COUNTY OFFICE OF RECORDS:

> STATE OF OREGON, COUNTY OF UMATILLA I certify that this instrument was received and recorded

ON April 29, 2015 at 3:32 o'clock pm., in the record of PLATS of said County. NUMBER YEAR Slide 2015 08

## OFFICE OF COUNTY RECORDS

By: ...Dave Stuvland...Records Officer

Fees \$ 78.00

No. 2015-6290026

\DBURTONRO1

PROJECT:

PARTITION PLAT FOR:

BURTON

LOCATED IN THE SE1/4 OF SECTION 8. AND THE SW1/4 OF SECTION 9. T2N., R32E., W.M., CITY OF PENDLETON, UMATILLA COUNTY, OREGON.

IT APPEARS EVIDENT THAT THE LOCATION OF THE SOUTHEAST CORNER OF THE MCKAY DLC HAS BEEN UNCERTAIN FOR SOME TIME. THE ONE THING THAT STANDS OUT IS THAT BOTH ZAHNER AND KIMBRELL NOTE A FENCE AT THE CORNER. 1956 AERIAL PHOTOS SHOW A FENCE, AS DOES THE 1967 WALLULIS & STAEBLER SURVEY. I THEREFORE HOLD THE INTERSECTION OF THE EXISTING FENCE WITH A LINE 66' NORTH OF THE SECTION LINE AS SHOWN ON SURVEY NO. 13-135-C, AS THE BEST REMAINING EVIDENCE OF THE SOUTHEAST CORNER OF THE McKAY DLC. I HOLD THIS INTERSECTION AND THE MONUMENT SET ON THE NORTHERLY RIGHT-OF-WAY OF S.W. 28TH DRIVE BY WALLULIS & STAEBLER IN 1967, AS THE EAST LINE OF THE McKAY DLC. I ALSO HOLD THE 1/2" REBARS ALONG THE WESTERLY BOUNDARY THOUGHT TO BE SET BY THOMPSON. WHEN CHENEYS HAD THE SURVEY DONE IN THE EARLY 1970'S THE INTENT WAS TO SELL A PORTION OF THE PROPERTY WESTERLY OF THE 1/2" REBARS. THE DEED DIMENSIONS EASTERLY FROM THE 1/2" REBARS ARE 25' TO 30' +/- SHORTER THAN WHAT IS MEASURED ON THIS SURVEY. THE DEED DIMENSIONS OBVIOUSLY FALL SHORT OF THE LONG STANDING FENCE LINE HELD FOR THE EAST BOUNDARY ON THIS SURVEY. IF THE DEED DIMENSIONS WERE HELD IT WOULD PUT A LARGE ANGLE POINT IN THE EAST LINE OF THE MCKAY DLC (WHICH IS A STRAIGHT LINE) AND REJECT THE WALLULIS & STAEBLER MONUMENT, AS WELL AS THE MONUMENTS SET ALONG THE WEST LINE OF OVERLOOK TERRACE SUBDIVISION, WHICH IS THE EAST LINE OF THE MCKAY DLC.

IT SHOULD ALSO BE NOTED THAT HAYES 1948 SURVEY NO. Q-1596-AX, SHOWS A RECORD DISTANCE ALONG S.W. 28TH DRIVE FROM A "INTERMEDIATE CORNER" TO THE INTERSECTION OF THE EAST LINE OF THE MCKAY DLC WITH THE SOUTHERLY R-O-W OF S.W. 28TH DRIVE AS 1067.2'. BASED ON THE APPARENT MONUMENTS FOUND FROM SAID SURVEY THE MEASUREMENT HOLDING THE FENCE FOR THE EAST LINE OF THE MCKAY DLC AS I DID ON THIS SURVEY RESULTS IN A DISTANCE OF 1149' +/- ALONG THE R-O-W. TO MATCH HAYES DISTANCE THE EAST LINE OF McKAY DLC WOULD HAVE TO BE 82'+/- WESTERLY OF THE EXISTING FENCE LINE HELD ON THIS SURVEY. HAYES SURVEY ALSO STATES A DISTANCE OF 906.3' ALONG THE EAST LINE OF TRACT II, (AREA B IN SAID SURVEY), I BELIEVE THIS IS A 100' TYPO AND HE ACTUALLY MEANT 806.3', WHICH IS CLOSE TO WHAT I MEASURE TODAY. IF 906.3 WERE THE CASE THAT WOULD PUSH THE PROPERTIES OF HIS SURVEYS 100' SOUTH OF THE SECTION LINE AS LOCATED TODAY. EVIDENCE DOES NOT SUPPORT THAT THE SECTION LINE HAS MOVED 100' SINCE HIS SURVEY IN 1948. NO OTHER HAYES MONUMENTS WERE FOUND TO VERIFY THIS DIMENSION CALL WHICH I BELIEVE IS A TYPOGRAPHICAL ERROR.

THIS SURVEY WAS MADE WITH A TWO PERSON CREW USING A TRIMBLE R8 GPS RECEIVER OPERATED OVER THE OREGON REAL TIME GPS NETWORK. ALL CONTROL TIES AND MONUMENT SETS WERE VERIFIED BY SEPERATE OBSERVATIONS.

I CERTIFY THIS IS AN EXACT COPY OF SHEET 2 OF 2 OF

UMATILLA COUNTY PARTITION PLAT NO. 2015-\_\_\_\_

RECEIVED BY **Umatilla County Surveyor** 

Date: 5/11/2015 Rec'd By: (THEOSley)

**PROFESSIONAL** LAND SURVEYOR OREGON NOVEMBER 29, 2010 JASON M. WELLS 54657PLS RENEWS 6/30/16

REGISTERED