

95-04

LD-94-15

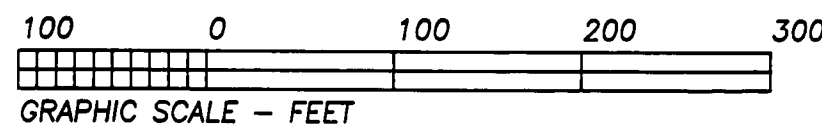
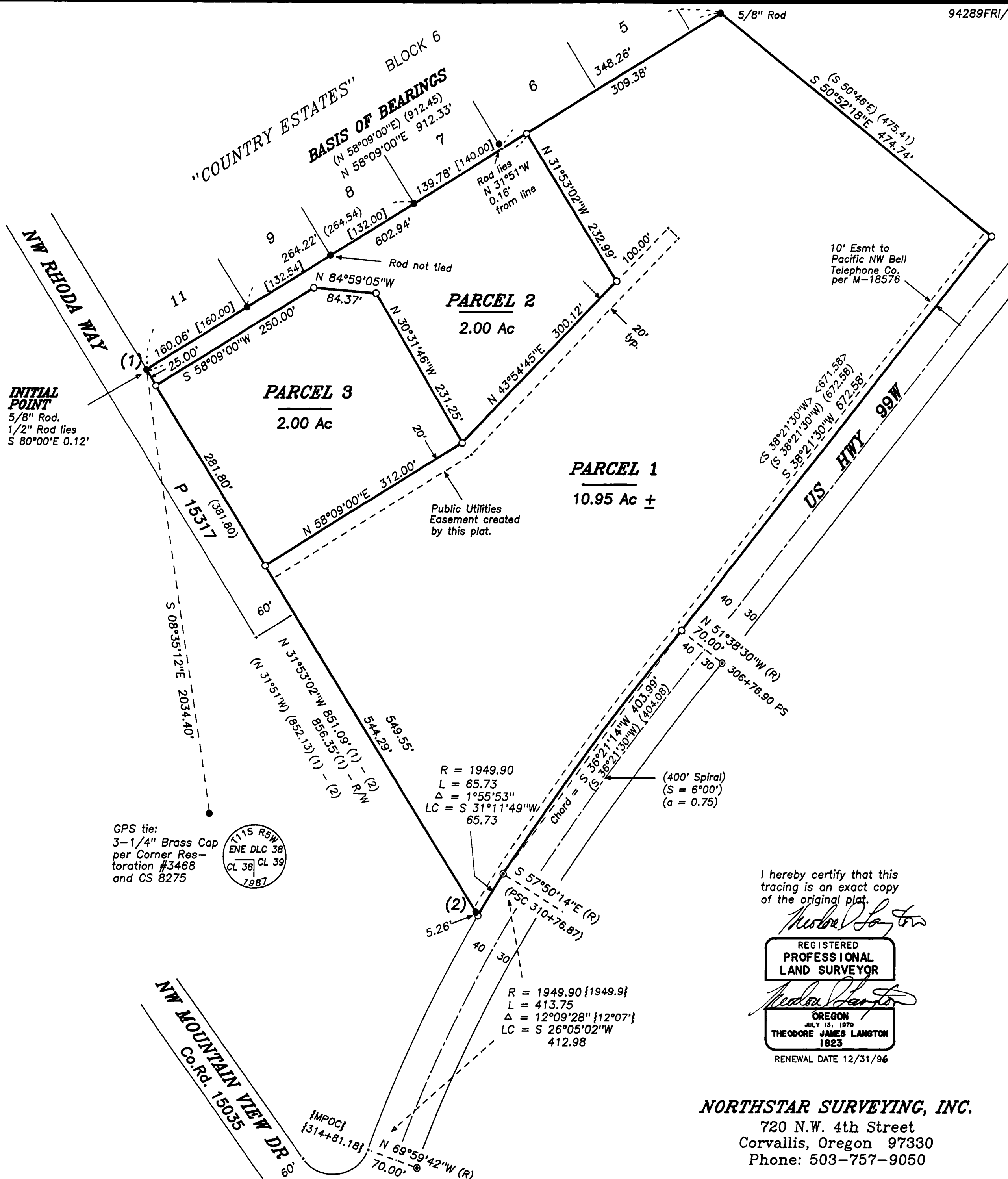
**LEGEND**

- .....Found monument: 1/2" iron rod unless otherwise noted.
- ⊙.....Found monument: 1/2" iron rod in concrete.
- .....Set monument: 5/8"x 30" rebar with red plastic cap stamped "NORTHSTAR PLS 1823".
- ( ).....Record data from CS 4869.
- [ ]....." " " " Plat of COUNTRY ESTATES.
- <>....." " " " M-134751-91, Benton County Deed Records.
- { }....." " " " CS 2524.
- (R).....Radial Bearing.

**NARRATIVE**

The parent tract was surveyed by B. Osburn Shaw per CS 4869, dated February 2, 1970. A warranty deed for the tract (M-17199) was recorded just 1 week later. The data from the deed matches the survey map except along the tangent section of the highway: the deed calls 671.58 feet while the survey map shows 672.58 feet. The mathematical closure of the map is good. I am convinced that there was a transcription error on the original deed. That error has been perpetuated; it appears in my client's deed. I feel that the deed description was written to represent the tract surveyed and thus the transcription error should be thrown out in favor of the distance shown on the map.

The monument set by Mr. Shaw at the northeasterly corner of the parent tract as well as the northwesterly R/W monuments he found at Stations 295+00.62 and 306+76.90 have been destroyed (apparently when a ditch was excavated). I did find the monument on the SE'ly R/W at Station 306+76.90. I held Mr. Shaw's record bearing and distance from that monument then went 70.00 feet at 90° to that SE'ly R/W line to recreate the NE'ly property corner (I use Mr. Shaw's map for my Basis of Bearings). I found the NW'ly R/W monument at Station 310+76.90 (shown on CS 4869) and the SE'ly R/W monument at Station 314+81.18 (shown on CS 2524). I computed the curve by distance-distance intersection, holding record radius. I then intersected the R/W with a projection of the line between monuments (1) and (2) to compute the true most southerly property corner.



PARTITION PLAT No. 95-04  
for  
**PETER J. and RAMONA D. FRICKE**  
in  
SE 1/4 SECTION 1, T11S, R5W, W.M.  
BENTON COUNTY, OREGON

NOVEMBER 30, 1994  
SHEET 1 OF 2

I hereby certify that this tracing is an exact copy of the original plat.

*Theodore Langton*  
REGISTERED PROFESSIONAL LAND SURVEYOR  
*Theodore Langton*  
OREGON  
JULY 15, 1979  
THEODORE JAMES LANGTON  
1823  
RENEWAL DATE 12/31/96

**NORTHSTAR SURVEYING, INC.**  
720 N.W. 4th Street  
Corvallis, Oregon 97330  
Phone: 503-757-9050

95-04

LD-94-15

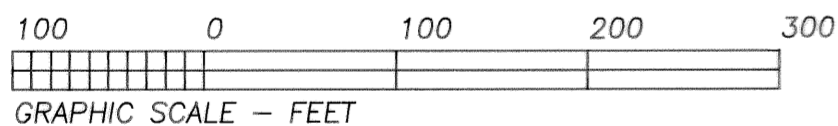
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- (R).....Radial Bearing.

**NARRATIVE**

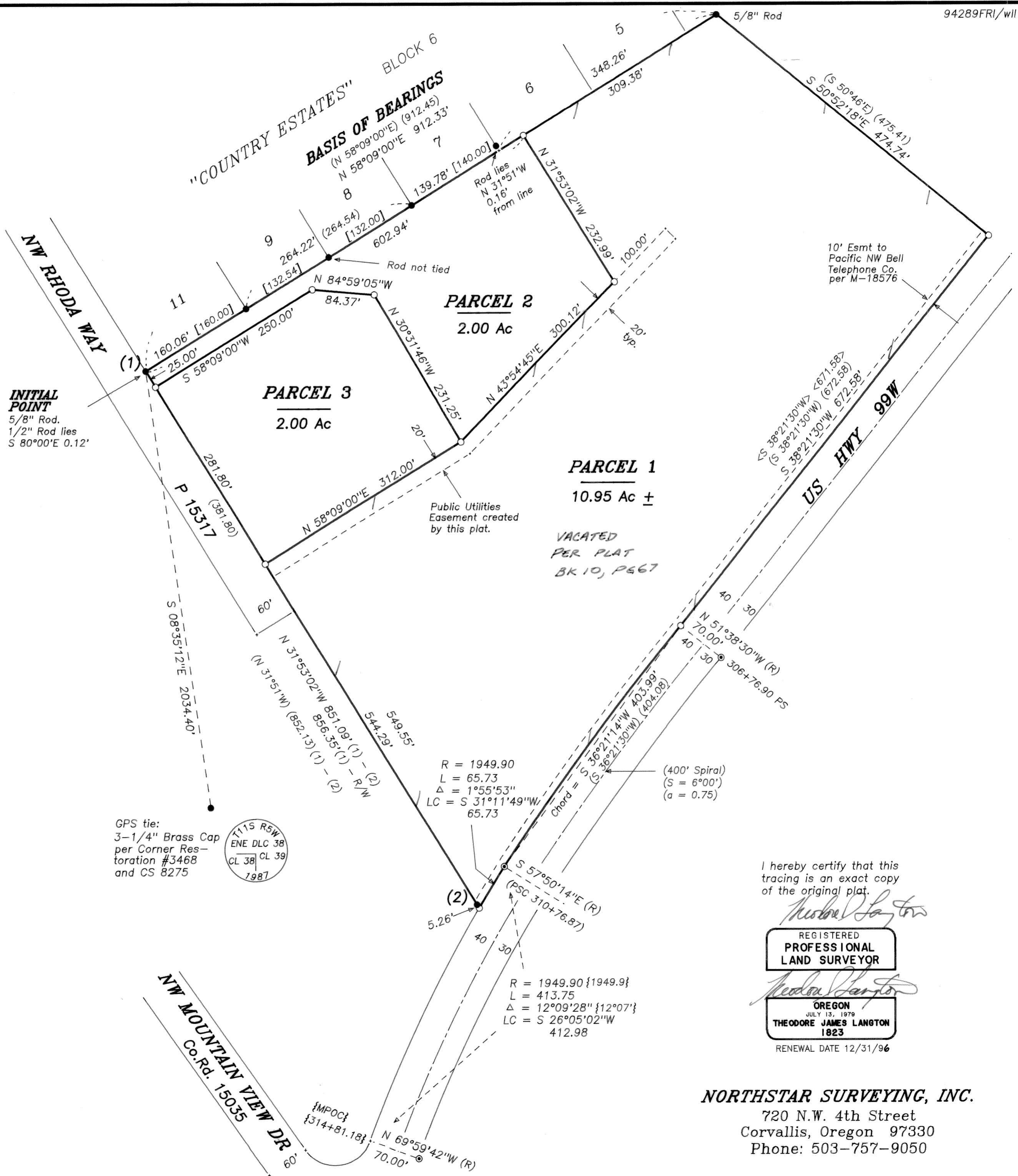
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for  
**PETER J. and RAMONA D. FRICKE**  
in  
SE 1/4 SECTION 1, T11S, R5W, W.M.  
BENTON COUNTY, OREGON

NOVEMBER 30, 1994  
SHEET 1 OF 2



I hereby certify that this tracing is an exact copy of the original plat.  
*Theodore James Langton*  
REGISTERED PROFESSIONAL LAND SURVEYOR  
*Theodore James Langton*  
OREGON  
JULY 13, 1979  
THEODORE JAMES LANGTON  
1823  
RENEWAL DATE 12/31/96

**NORTHSTAR SURVEYING, INC.**  
720 N.W. 4th Street  
Corvallis, Oregon 97330  
Phone: 503-757-9050

95-04

**SURVEYOR'S CERTIFICATE**

I, Theodore J. Langton, a Registered Professional Land Surveyor in the State of Oregon, hereby depose and say that I have correctly surveyed and marked with proper monuments the land represented on this partition plat, the boundary of which is described as follows:

All that tract of land conveyed to Peter J. Fricke and Ramona D. Fricke per M-134751-91, Benton County Deed Records, lying in Section 1, T11S, R5W, W.M., Benton County, Oregon, and being more specifically described as follows:

Beginning at a 5/8" iron rod at the most southerly corner of Lot 11, Block 6, COUNTRY ESTATES, a legal subdivision in the State of Oregon, said rod being on the northeasterly right-of-way line of NW Rhoda Way and also being the Northwest corner of said Fricke tract; thence along the northwest line of said Fricke tract N 58°09'00"E 912.33 feet to a 5/8" iron rod at the Northeast corner thereof; thence along the northeasterly line of said Fricke tract S 50°52'18"E 474.74 feet to a 5/8" iron rod on the northwesterly right-of-way line of U.S. Highway 99W; thence along said right-of-way line S 38°21'30"W 672.58 feet to a 5/8" iron rod at Engineer's Station 306+76.90; thence along the arc of a spiral curve which parallels a 400 foot spiral curve left on said highway centerline (Right-of-Way Chord = S 36°21'14"W 403.99 feet) 404.19 feet, more or less, to a 5/8" iron rod at Engineer's Station 310+76.87; thence along the arc of a 1949.90 foot radius simple curve left (Chord = S 31°11'49"W 65.73 feet) 65.73 feet to a 5/8" iron rod at the most southerly corner of said Fricke tract; thence along the southwesterly line of said Fricke tract N 31°53'02"W 856.35 feet to the point of beginning.

**DECLARATION**

Know all people by these presents that Peter J. Fricke and Ramona D. Fricke are the recorded owners of the lands represented on this partition plat and more particularly described in the accompanying Surveyor's Certificate, and have caused same to be surveyed and partitioned into parcels as shown on the attached map.

We hereby create the Public Utility Easement as shown on the attached map.

There are no water rights appurtenant to this property.

Peter J. Fricke      Ramona D. Fricke

Peter J. Fricke

Ramona D. Fricke

**ACKNOWLEDGEMENT**

STATE OF OREGON )  
                          ) S.S.  
COUNTY OF BENTON )

Signed or attested before me on this 18<sup>th</sup> day of January, 1995, by Peter J. Fricke and Ramona D. Fricke.

N. J. Elliott  
Notary Public



**PARTITION PLAT CONSENT**

A partition plat consent affidavit from Philip L. Tedder and Helen A. Tedder, the recorded fee owners of that certain tract of land described in M-134751-91, Microfilm Records of Benton County, Oregon, has been recorded in M-195524-95, said County Records.

**EASEMENTS**

Easements of record, non-specific as to location, which may impact the land described hereon are listed below:

Electric Power line, Telephone or Aerial cable line easement to Mountain States Power Company per Book 114, Page 716, Benton County Deed Records.

Electric Power line, Telephone or Aerial cable line easement to Mountain States Power Company per Book 115, Page 664, Benton County Deed Records.

**APPROVALS**

APPROVED R. L. M. Air 2-10-95  
Benton County Planning Official      date

APPROVED Ray Wilson 2-10-95  
for Benton County Surveyor      date

I hereby certify that pursuant to O.R.S. 92.095 all ad valorem taxes, fees and other charges required by law to be placed on the 1994-1995 tax roll, which became a lien or will become a lien during this tax year on this partition, but not yet certified to the tax collector for collection have been paid to me this 30<sup>th</sup> day of January, 1995.

by Smile S. Grant  
Benton County Assessor

I hereby certify that all ad valorem taxes and other charges required by law to be placed upon the tax roll which have become a lien on this partition that are now due and payable have been paid to me this 31<sup>st</sup> day of January, 1995.

by Chad Kuyler  
Benton County Tax Collector

STATE OF OREGON )  
                          ) S.S.  
COUNTY OF BENTON )

I hereby certify that the attached partition plat was received and duly recorded by me in the Benton County Records Book of Partition Plats as Plat No. 95-04, on this 10<sup>th</sup> day of February, 1995, at 3:36 o'clock pm.

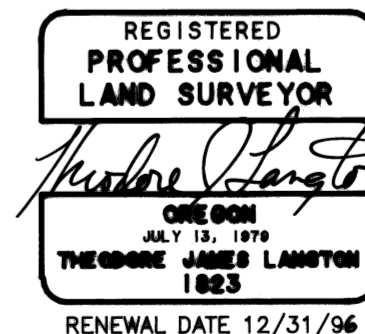
by Neil A. Bunk  
Benton County Clerk

I hereby certify that this tracing is an exact copy of the original plat.  
Theodore J. Langton

PARTITION PLAT No. 95-04  
for  
**PETER J. and RAMONA D. FRICKE**  
in  
SE 1/4 SECTION 1, T11S, R5W, W.M.  
BENTON COUNTY, OREGON

NOVEMBER 30, 1994

SHEET 2 OF 2



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