

75-05

95-05

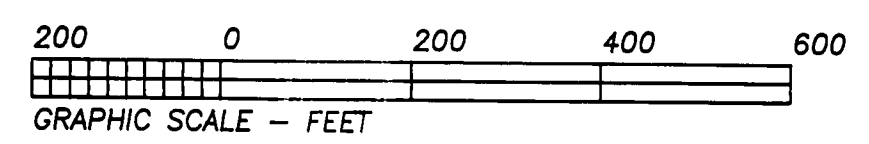
PARTITION PLAT NO. 95-05

for ELMER C. WILLIAMS

in SW 1/4 SEC 1 and SE 1/4 SEC 2, T11S, R5W, W.M. BENTON COUNTY, OREGON

JANUARY 25, 1995

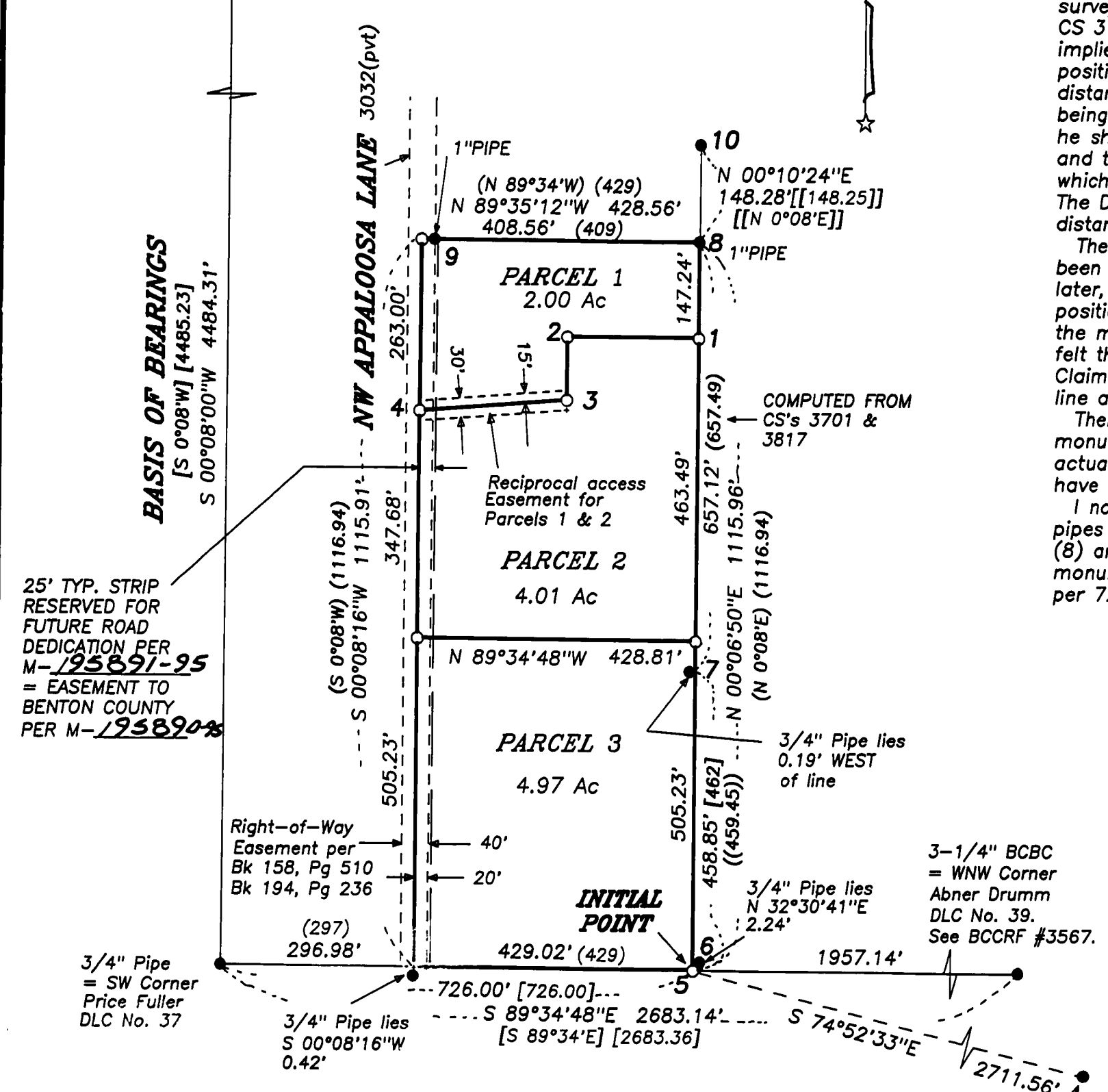
LD - 94 - 41



NOTE: EASEMENT to Consumers Power per Bk 202, Pg 260 - not specifically located

COURSE	BEARING	DISTANCE
1-2	N 89°35'12"W	202.94'
2-3	S 00°06'50"W	97.06'
3-4	S 85°40'32"W	226.40'

3-1/4" BCBC = NNE Corner Arnold Fuller DLC No. 38 BCCRF #3556



I HEREBY CERTIFY THAT THIS DRAWING IS AN EXACT COPY OF THE ORIGINAL PLAT.

THEODORE J. LANGTON

GPS tie: 3-1/4" BCBC = ENE Corner Arnold Fuller DLC No. 38 See BCCRF #3468.

LEGEND

-Found monument: 3/4" Pipe unless otherwise noted.
-Set monument: 5/8"x 30" rebar with red plastic cap stamped "NORTHSTAR PLS 1823".
- ().....Record data from CS 3817 ().....Record data from CS 3757
- []..... " " " CS 1936 []..... " " " CS 3973
- < >..... " " " Book 158, Page 510, Benton County Deed Records.
- BCBC.....Benton County Brass Cap.
- BCCRF.....Benton County Corner Restoration Form.

NOTE: Pipe dimension is inside diameter.

NARRATIVE

Mr. Williams owns TL 100, Map 11-5-1CC. This partition essentially combines the two then divides the resultant tract into 3 parcels. The line between Parcels 1 and 2 was designed around existing buildings and wells. The most southerly line of Parcel 1 is the centerline of a reciprocal access easement (created by this plat) along the centerline of an existing gravel drive.

This property is a portion of a larger tract conveyed by George Armstrong to William Armstrong in 1922 per Book 72/Page 51, Benton County Deed Records. The south line of this conveyance was the south line of the Price Fuller DLC. The east line was 11 chains east of, and parallel to, the west line of said Claim. Subsequent conveyances, including those to my client (158/510 and 194/236), call to the claim line and to Armstrong's east line. In 1947 Otto Meyer surveyed both the Claim line and Armstrong's east line per CS 1936. Meyer set 3/4" pipes on the DLC line as well as along the east property line (probably (6) and (7) on this map). The Armstrong property has since been broken into smaller tracts by deeds and other surveys. In July, 1962 Fred Lemke surveyed property for Mr. Armstrong per CS 3701, tying Meyer's 3/4" pipes along the Claim line and at (7). He implies that the pipe at (6) was on the Claim line but 0.07'W of the deed position, and (7) was on the east property line 2.55 feet south of the deed distance from the Claim line. In April, 1963 Fred surveyed what ended up being my clients property for the Downing family per CS 3817. On this map he shows Meyer's monument (6) to be 0.07'W and 0.45'S of the Claim line, and the deed corner. He also shows other monuments set by Meyer to be off, which tells me he had probably been doing many other surveys in the area. The Downing family conveyed several tracts all using consistent courses and distances, some calling monuments, and others not.

The neighbor to the south of my client told me that the pipe at (6) had been disturbed, pulled out, at one time. He remembered that, a short time later, he found it back in what he remembers as being the "original position", though he didn't move to the area until 1975. I suspect that the monument was moved between 1963 and 1975. Because of this suspicion I felt that I should remonument the deed position. The deeds call to the Claim line so I tied the claim corner to the east and placed (5) on the DLC line at the deed call of 726 feet from the SW Claim corner.

There may be adverse rights to slivers of property resulting from monuments that were intended to be set along the Claim line but don't actually fall on that line. I feel that the deed calls to the Claim line have to hold for the computation of the deed corner position (5).

I note that there is a one foot discrepancy from the Claim line to the pipes at (8) and (9). When I compare record from (7) and (10) I know that (8) and (9) are very close to where Lemke set them. The deed calls to the monuments should hold. The east line is still legally Armstrong's east line per 72/51.

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 of Tracts A and B, Exhibit B, as conveyed to Elmer C. Williams per M-130540-90, Benton County Deed Records, lying in the Southwest 1/4 of Section 1 and the Southeast 1/4 of Section 2, T11S, R5W, W.M., Benton County, Oregon, being more specifically described as follows:

Beginning at a 5/8" iron rod on the south line of the Price Fuller DLC No. 37, lying S 89°34'48"E 726.00 feet from the Southwest corner thereof, said rod being also the southeast corner of that tract conveyed to William Armstrong per Book 72, Page 51, said Deed Records; thence along the Armstrong east line N 0°06'50"E 1115.96 feet to a 1" iron rod at the northeast corner of said Tract A; thence along the Tract A north line N 89°35'12"W 428.56 feet to a 5/8" iron rod at the northwest corner thereof; thence along the west lines of said Tracts A and B, S 0°08'16"W 1115.91 feet to the southwest corner of said Tract B, lying on the south line of said DLC, from which a 3/4" pipe lies S 0°08'16"W 0.42 feet; thence along the Claim line S 89°34'48"E 429.02 feet to the point of beginning.

DECLARATION

Know all people by these presents that Elmer C. Williams is the recorded owner of the lands represented on this partition plat, and more particularly described in the accompanying Surveyor's Certificate, and has caused same to be surveyed and partitioned into parcels as shown on the attached map. There are no water rights appurtenant to this property.

I hereby create the easements and reservations as described and shown hereon, for the uses as indicated, and to the benefit of the parcels as shown.

Elmer C. Williams

ACKNOWLEDGEMENT

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

Signed or attested before me on this 7 day of February, 1995, by Elmer C. Williams.

Notary Public

APPROVALS

APPROVED [Signature] 2-21-95 Benton County Planning Official date

APPROVED [Signature] 2-23-95 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 8th day of FEBRUARY, 1995.

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 9th day of February, 1995, through June 30, 1996

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. 95-05, on this 23 day of February, 1995, at 10:42 o'clock A.M.

Benton County Clerk



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