

PARTITION PLAT No. 2009 - 24

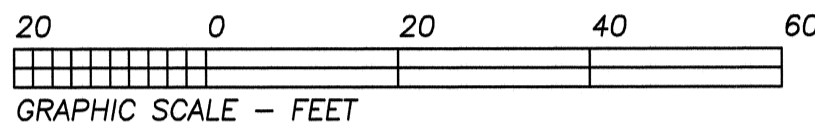
for  
**BRENDA UPTON, JOHNNY SMITH,  
 DON AND ADLOMA ELLIS**

in the

SE 1/4 OF SECTION 12  
 T 12 S, R 6 W, W.M.  
 LOT 5, BROWN'S ADDN. TO PHILOMATH  
 CITY OF PHILOMATH  
 BENTON COUNTY, OREGON

AUGUST 25, 2008

FILE NUMBER P08-07



**NARRATIVE**

The purpose of this survey was to divide my clients' property into the 2 parcels shown. The parent tract was surveyed and monumented per CS 7470 in 1982. The description fits this survey perfectly and even calls the survey number in the description. It does not call to any monuments. Unfortunately, this survey did not consider the age and strength of the "2" steel shaft" at the SW property corner; neither did it find the 3/4" pipe on the East line of Lot 5.  
 On Hardcopy Survey 12-6-00015, Galloway set this shaft and the 3/4" pipe to the east as the first dividing line of this Lot 5. Galloway also shows many monuments and measurements around this Lot 5. CS 7470 holds a record distance from a monument to the north that lies outside of this Lot, and shows no monuments to the south. Also the 3/4" pipe on the East line of the lot was not found.  
 In 1991, PP 91-1, a partition of property to the south, holds these Galloway monuments and calls the rods per CS 7470 along this south line, to be out of position. I agree with this conclusion. I believe the Galloway monuments should have been held on CS 7470 and that subsequent sales of properties north of this line may have been describing portions of property that they did not own.

THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

*Robert Alan Cook*  
 ROBERT ALAN COOK PLS 2336

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Robert Alan Cook*  
 OREGON  
 JULY 26, 1988  
 ROBERT ALAN COOK  
 2336  
 RENEWS: 12/31/2009

**NORTHSTAR SURVEYING, INC.**  
 720 N.W. 4th Street  
 Corvallis, Oregon 97330  
 Phone: 541-757-9050

**SURVEYOR'S CERTIFICATE**

I, Robert A. Cook, a registered professional land surveyor in the State of Oregon, 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:

A portion of that tract of land as conveyed to Don C. Ellis, Adloma Ellis, Brenda Kay Upton, and Johnny Dean Smith per M-240244-98, Benton County Deed Records in the Southeast Quarter of Section 12, Township 12 South, Range 6 West, Willamette Meridian, in the City of Philomath, Benton County, Oregon, being further described as follows:

Beginning at a 2" iron shaft on the East right-of-way line of South 19TH Street at the northwest corner of Parcel 2, Partition Plat No. 91-1, said County and State; thence along said East right-of-way line of South 19TH Street, N 1°24'59"E 58.91 feet to a 5/8" iron rod at the northwest corner of said Ellis, et.al. tract; thence leaving said right-of-way line, along the Ellis, et.al. north line, S 88°29'15"E 239.80 feet to the Ellis, et.al., northeast corner, lying N 40°18'12"E 0.17 feet from a 5/8" iron rod; thence along the Ellis, et.al., east line, S 1°24'07"W 59.13 feet to a 5/8" iron rod on the north line of Parcel 1, said Partition Plat, thence along said north lines of Parcels 1 and 2, N 88°26'05"W 239.82 feet to the point of beginning; the total area being therefore, 14,155 square feet, more or less.

**LEGEND**

- .....Found Monument: 5/8" rod per CS 7470 with AC or as noted.
- .....Set Monument: N\*MON = 5/8" x 30" rebar with a red plastic cap stamped "NORTHSTAR SURVEYING".
- + .....Computed Position, nothing found or set.

Data of, or computed from, the following:  
 ( )..CS 7470 < >..Partition Plat 91-1

Pipe dimensions are inside diameter.

HC = Galloway Hardcopy Survey No.  
 PP = Partition Plat No.  
 AC = 1-1/2" Aluminum Cap stamped "DEVCO LS 1486"  
 SQ. FT. = Square Feet.

**DECLARATION**

Know all men by these presents that Brenda Kay Upton, Johnny Dean Smith, Donald C. Ellis, and Adloma Ellis are the recorded owners of the lands represented on this map, and more particularly described in the accompanying surveyor's certificate, and have caused same to be partitioned and surveyed into parcels as shown hereon.

We hereby grant the Emergency Vehicle Turnaround Easement as shown hereon to the City of Philomath.

*Brenda Kay Upton*  
 Brenda Kay Upton

*Johnny Dean Smith*  
 Johnny Dean Smith

*Donald C. Ellis*  
 Donald C. Ellis

*Adloma Ellis*  
 Adloma Ellis

**ACKNOWLEDGEMENTS**

State of Oregon )

County of Benton ) s.s.

Signed or attested before me on this 11<sup>th</sup> day of September, 2009, by Brenda Kay Upton, Johnny Dean Smith, Donald C. Ellis, and Adloma Ellis.

*Leonore Sherris*  
 Notary public for Oregon

*Leonore Sherris*  
 Printed Name

My commission expires March 27, 2011 Commission No. 414197

**APPROVALS**

APPROVED *Randy Kugler* 9-23-09  
 Randy Kugler, City Planning Official date  
 City of Philomath

For *Jim Ward* 12-21-09  
 Benton County Surveyor date

All taxes, fees assessments and other charges as provided by ORS 92.095 have been paid through June 30, 2010.

by *Jami Woodworth* 12-17-09  
 Director, Benton County Department of Assessment date

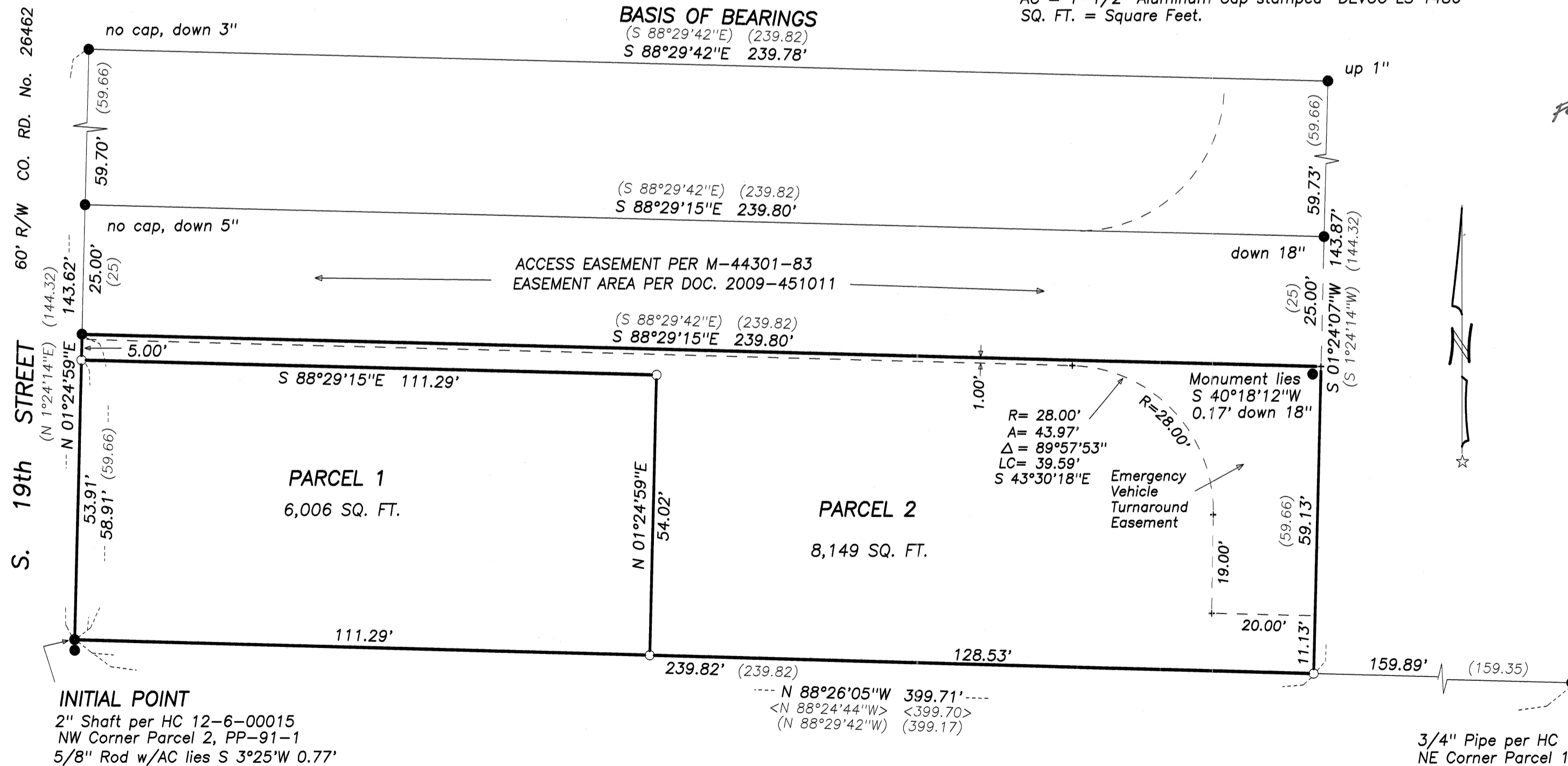
by *T. K. Kidd* 12-17-09  
 Director, Benton County Dept. of Finance, Auditing & Tax Collection date

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

I hereby certify that this partition plat was received and duly recorded by me as Partition Plat 2009-24 in Benton County Deed Records as Document No 2009-460247 on this 21<sup>st</sup> day of December, 2009, at 1:53 o'clock p.M.

by: *u p t*  
 Benton County Clerk

*Semi Deputy*



3/4" Pipe per HC 12-6-00015  
 NE Corner Parcel 1, PP-91-1  
 flush, fence cor. SE 0.4'