



LEGEND

- Found 1 1/2" Aluminum cap marked Oregon Department of Transportation
- Found 1" iron pin set by Plat of North Powder, as shown on Survey Number 043-1993
- ◆ Found monument as described, set by Survey Number 9-84
- ▲ Found 5/8" iron pin with 1 1/2" aluminum cap, set by ODOT strip map 9B-3-19
- ⊙ Found 3" brass cap set by ODOT strip map 9B-3-19
- Found 3" brass cap, set by ODOT strip map 5B-11-24
- Found 2 1/2" aluminum pipe with aluminum cap, marked as per Union County Monumentation Records
- Found 2 1/2" aluminum pipe with aluminum cap, set by Survey 012-2001, marked as per Union County Monumentation Records
- Set 5/8" x 30" iron pin, with plastic cap marked BGB SURVEY MARKER
- () Record measurements as per deed (see deed reference table)
- [] Record measurement as per Survey Number 9-84
- { } Record measurement as per Field Notes of GLO Contract No. 103
-] [Record measurement as per Old Book Survey Number 11
-] [Record measurement as per Survey 033-2005
-] [Record measurement as per Plat of Lun's First Addition
-] [Record measurement as per Survey Number 012-2001
-] [Record measurement as per ODOT strip map 9B-3-19
-] [Record measurement as per Survey Number 023-1995
-] [Record measurement as per Field Notes of Survey of County Road 393
- Centerline
- Existing fence/line
- ++++ Railroad Track
- ===== Billboard Sign

BASIS OF BEARING

Solar observation taken at a point 3550 feet South and 3360 feet West of the Northeast corner of Section 22, Township 6 South, Range 39 East of the Willamette Meridian

SCALE: 1"=200'

REFERENCE MATERIAL

- DEED REFERENCES**
- Book 42, Page 358
 - Book 49, Page 101
 - Book 53, Page 407
 - Book 60, Page 584
 - Book 64, Page 156
 - Book 66, Page 529
 - Book 71, Page 614
 - Book 75, Page 629-635
 - Book 76, Page 234
 - Book 104, Page 448
 - Book 111, Page 547
 - Book 122, Page 25
 - Book 124, Page 132
 - Book 141, Page 393
 - Book 141, Page 422
 - Book 145, Page 471
 - Book 153, Page 649
- Union County Monumentation Records**
- Field Notes for GLO Contract Number 103, dated Sept. 1863, executed by David P. Thomson
 - Old Book Survey No. 11
 - Old Book Survey No. 145
 - Survey Number 9-84
 - Survey Number 023-1995
 - Survey Number 012-2001
 - Survey Number 035-2002
 - Survey Number 033-2005
- Plat of Townsite of North Powder**
- Plat of North Powder
 - Plat of Lun's First Addition to North Powder
- Survey and Field Notes for County Road No. 393**
- ODOT Strip Map No. 9B-3-19
 - ODOT Strip Map No. 5B-11-24
- Microfilm Document Numbers**
- 31289
 - 38778
 - 39024
 - 47352
 - 47353
 - 110672
 - 115464
 - 119858
 - 120251
 - 20064911
- Commissioner's Journal Book E, Page 613**

DEED REFERENCE TABLE

- (a) Book 64, Page 156
- (b) Book 60, Page 584
- (c) Book 124, Page 132
- (d) Book 153, Page 649
- (e) Book 82, Page 375

NARRATIVE

This survey was done at the request of Rich Daniels, owner of the land within. Mr. Daniels wanted the exterior of his ownership monumented. The original dedication for the railroad was done by deeds recorded in Book K, Page 3, Book F, Page 533 and Book 49, Page 101. I hold the centerline of the North railroad track as the centerline of the 100 foot wide railroad ownership. The remainder of the lands Southeast of the railroad track was owned in entirety by Andrew D. Lun (Book 49, Page 568, Page 46, Page 329). The first tract to be conveyed from the Lun ownership was recorded in Book 53, Page 407 from Lun to Pacific Fruit Express Company in 1911 (labeled Tract 'A'). This tract was later corrected by deed recorded in Book 64, Page 156, dated March 1915. The second tract out was just West of the original tract, also from Lun to Pacific Fruit Express, (labeled on map hereon as Mascall tract, Tract 'B'), and was created by deed recorded in Book 60, Page 584, dated 1915. Both of these deeds commence at the North quarter corner of Section 27, and follow metes and bounds descriptions. In the legal description for these deeds, calls are to stakes, bearings are to the minute and distances are to the tenth of a foot, indicating that the tracts were surveyed at the time of conveyance. These descriptions are harmonious with each other with the exception of a 0.1 foot discrepancy along a course of a common line between the tracts. Both descriptions mathematically close within the tolerance of the day. Together these constitute what is referred to in latter deeds as the Pacific Fruit Express tract, and is labeled on this map hereon as such. These tracts were later conveyed in entirety to Stellina White by Book 104, Page 477, with the course with the discrepancy between the tracts altered by 0.1 feet to maintain harmony between the descriptions.

The tract, referred to in various deeds, and shown hereon as the "Lun Residence Tract" (labeled hereon as Tract 'E'), was created by omission from deed from Zilla Lun to Wm. F. Hutchinson, recorded in Deed Book 71, Page 206. The Lun Residence tract was later conveyed from Zilla Lun to Una Taylor by deed recorded in Book 82, Page 375. This point of beginning of the conveyance was based on a distance along the Southwest line of the county road from the railroad track and specified a 285'x345' wide tract.

The remainder of the original Lun ownership (and all parts adjacent to the Daniels ownership currently owned by Lewis and Hill), through subsequent owners, ends up in 1946 in the ownership of Alma Lee (Book 111, Page 548). The Northeast tract of the Daniels ownership (Tract 'C') was originally created by conveyance from Alma Lee to J.A. and Addie Scott by deed recorded in Book 124, Page 132. This was a metes and bounds description based on a tie off to a fence corner accepted as the Southwest corner of Section 22. This corner was later monumented as the Section corner by Survey Number 023-1995. The legal description follows courses (bearings to the half minute and distances to the hundredth of a foot), but makes no calls to adjoining courses on the East side, the intent of the description appears to follow the exterior of the Lun Residence tract. The Southeast Daniels tract (Tract 'D') was originally created by conveyance from Alma Lee to North Powder Pine, Inc. recorded in Book 153, Page 649, dated October 1966. The basis of bearing is the same as the Tract 'C', and also makes no calls to adjoining lands. The "Lun Residence Tract" (Tract 'E') was conveyed by Book 141, Page 393 to North Powder Pine, Inc. All three tracts that comprise the East Daniels tract were in common ownership of North Powder Pine by 1966. The quarter section corner common to Sections 22 and 27 was originally set by David P. Thomson in GLO Contract No. 103, dated September 1863. Mr. Thomson runs a West line from the Southeast section corner, and at 39.68 chains sets a post, eventually hitting the North Powder River at 46.00 chains from the Southeast corner of Section 22. In Old Book Survey Number 142, dated March 8, 1889, Kimball subdivides Section 22. Instead of using the quarter corner to place the West 1/16th between Section 22 and 27, he runs a line from the Southeast corner of Section 22, indicating that the quarter corner was lost sometime between 1887 and 1889. He places the river at 44.00 chains West of the Southeast corner of Section 22. In 1995, Jeffrey Petersen uses a proportionate position for the subdivision of Section 22. This was monumented later by Greg Blackman in Survey Number 012-2001.

I begin this survey by placing the original Pacific Fruit Express tracts (Tract A and B). By using the monuments of the South quarter corner of Section 22 as the point of beginning and rotating the course along the railroad to match the tracks, I find there to be a 19 foot discrepancy in the courses that call to the South right of way line of the railroad. As the current quarter corner monument was placed by proportionate method, I make a diligent search for available evidence from which I can ascertain the point of beginning of the original conveyance. The portion of the tract that comprised the Pacific Fruit Express tract that falls on the West side of the highway has been used historically for pasture and appears to have suffered less disturbance than the East portion of the tract, which has a long history of industrial use. I tie the fences on the West side of the highway and find the relative angle between the deed courses to be harmonious with the railroad right of way. Being the legal description of the Northwest corner of the Mascall tract (Tract B) and rotating bearings to the railroad right of way, I find the position of the Point of Beginning of the description to match the record distance of the Old Book Survey 11 from the Southeast corner of Section 22 by 2.4 feet. The descriptions for Tract 'C' and 'D' use a ray tie from the Southwest corner of Section 22. This is depicted on an unrecorded survey done by Jim Hanley, which according to the annotation on tax assessment maps, was done in 1962. The legal description for Tract 'D' contains an angle point, the intent of which appears to follow the angle point in the Pacific Fruit Express tract, and is shown as such on said Hanley survey. Hinging on this angle point and rotating to the common line between the Pacific Fruit Express tract and Tract 'D' (Book 153, Page 649), the Point of Beginning of the description matches the distance of the ray tie in the deed call to the SW corner of Section 22 by 0.4 feet. The South line of this tract I place by record angle and distance from the Point of Beginning. I find this to be the most harmonious fit between the written records of conveyance and the evidence found on the ground.

The deeds that convey Tract 'D' except "Ice Plant Road". This road is depicted on the unrecorded Hanley survey, however, I have talked to the Union County Road Department, who have informed me that this is not a dedicated road. I too have made a diligent search within the County Road records and have found no dedication for this road. I believe that its has its origins as an easement to the Pacific Fruit Express tract when Tract 'A' and the remainder of the Daniels tract (Tracts C, D and E) were in separate ownerships. The deed for Tract 'C' also leaves a gap between the Pacific Fruit Express tract along the North half, the omission of which I believe was intended to be a portion of the Ice Plant Road. It is shown as such on the Hanley survey as well. I therefore consider all the portions of Ice Plant Road to be an easement, however, since all surrounding tracts are currently held in one ownership and no longer access a discrete ownership, I consider this easement to revert to the fee ownership of Mr. Daniels.

Because the deeds that created Tracts 'C' and 'D' did not call to adjoining tracts, there were gaps left between the North and East lines of the ownership and the railroad and county road rights of way. Microfilm Document No. 115465 attempts to try to clean up title to these tracts. The deed calls extends the North line of the ownership to the railroad right of way and the East line to the Old State Highway 237. This does not account for the portion of River Street, originally dedicated by the plat of Lun's First Addition to North Powder, originally created in 1908. To place River Street I use the Plat of Lun's Addition. I place the centerline of Front Street 30 feet off the South right of way of the railroad. I place the intersection of Front and E Street by driving a line between the monuments at First and E and Second and E. I run record distance as per Plat of Lun's First Addition and place River Street perpendicular to the railroad. Since this portion was dedicated to the public and there is no vacation on this road, this portion was not in the Lewis's ownership to grant. The platted Front and River Streets, on the plat of Lun's First Addition, appear to have been over an existing county road, petitioned by Andrew Lun as County Road No. 393, and opened in Commissioner's Journal E, Page 613 in 1891. The bearings of the road survey for said county road and the roads dedicated by Lun's Addition appear to be harmonious. The existence of a county road along the extension of platted River Street appear to be reflected in the original deed that conveyed the Lun Residence Tract (Book 82, Page 375) with a call of 300 feet South of the railroad track along the Southwest line of the county road. Extending the line that represents the North boundary of the "Lun Residence Tract" (Tract E), as placed by the courses in Book 153 Page 649 and Book 124 Page 132, it appears to hit the road at a distance of 306.9 feet South of the railroad track as measured along the West line of River Street. I therefore place the County Road No. 393 at the extension of River Street. A gravel road in this area falls partially on the Daniels ownership. This road appears to be the only access to the ownerships within Lun's Addition. The City of North Powder has maintained that this is indeed a public usage road. I have indeed found a prescriptive right and easement most likely exists for the ownerships in Lun's Addition.

The Interstate right of way was granted to the State by deeds recorded in Book 122, Page 25, Microfilm Document Numbers 28596 and 38778. I base my location of the highway from the monuments set by ODOT Strip Map 9B-3-19. The location of Highway 237, now called Blawie Road by the Union County Road Department I base on the monuments found in the North berths of the bridge over the North Powder River and the brass cap set at the PI of the curve, as per ODOT Strip Map 5B-11-24, dated 1937. The original dedication of this road comes from deeds to Union County in Book 75, Page 634, dated 1922. The descriptions in those deeds is relatively harmonious with said strip map with the exception of the portion of the Daniels tract (Book 75, Page 634). As placed by the description, it follows a course through the middle of the Daniels ownership and does not seem to follow any existing physical road. I therefore revert to the strip map for placement of the highway. As it relates to the ownership, however, it is evident that the county road along the East boundary and the highway were created by separate instruments and are not therefore, one in the same.

Prior to this survey, there have been two surveys of this property. One was done by Barry Barbour and filed as Survey Number 9-84 and the other was an unrecorded survey done in 1962 by James Hanley. At the time of survey, only an incomplete copy of the Hanley survey was found. The Survey Number 9-84 used a fence corner at the Northeast corner of the East portion of the Daniels tract and rotated it to the railroad right of way. I find this method did not consider junior/senior rights between the tract and it's adjoining and therefore differ in my corner position. I call them out of position as shown hereon. The Hanley survey shows setting monuments along the South line of Tract 'D', and finding monuments around Tracts 'C' and 'E'. I make a diligent search for these monuments. The only possible remaining evidence of this survey that I find is a 5/8" smooth iron rod on the West right of way line of Highway 237. Hinging on this monument as the Southeast corner of the property and rotating to Section corner it appears to match the record distance within limits, however, the pins that lay along the railroad would be moved into the railroad right of way by about 20 feet. I consider this to be too large a discrepancy to accept the pin as an original Hanley monument. Other attempts to resolve the courses between the monument and the railroad right of way cause a discrepancy in the tie to the section corner. I have talked to Tom Hanley at Hanley Engineering, and although he was not practicing at the time, did inform me that he did not know how to set smooth iron pins as survey monuments.

There appears strong evidence that the course of the North Powder River has not remained stagnant throughout the history of these tracts. The distances between the quarter corner and the section corners to the East and West are relatively harmonious with the GLO record and the Old Book Surveys, through said surveys place the river West of the original corner. I find no deed calls pertinent to this tract that utilize the North Powder River as the property boundary. However, the county line between Union and Baker counties is the North Powder River. The original conveyance that granted the tracts to Pacific Fruit Express as well as subsequent deed from to Stellina White refer to the tract as being in both Union and Baker Counties. The deed from Stellina White to Randall Bluff (MF 39024) limits the ownership to Union County, as have all subsequent deeds. As the heading in the description has constrained the Daniels ownership to Union County, I place the Southeast boundary along the county boundary as the North Powder River. Any portion of the tract that would be below the river would belong to the heirs of Stellina White. I have inquired about this with the title company that insured title on Mr. Daniels and they concur that his ownership is limited to lands within Union County.

UNION COUNTY SURVEYOR

Date Received 5/24/11

Date Filed 5/24/11

By R. Robinson Deputy

File No. 013-2011

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON

JUNE 3, 2010

JEFFREY S. HSU

63571

Renewal Date: June 30, 2011

DETAIL 'A'
SCALE: 1"=100'

$\Delta=1'46.54"$
 $R=11289.17'$
 $L=351.03'$
 $T=175.53'$
 $L.C.=351.01'$
 $S24'37'03"E$

DETAIL 'B'
SCALE: 1"=100'

$\Delta=16'30'00"$
 $R=11459.17'$
 $L=3300.00'$
 $T=1661.50'$
 $L.C.=3288.61'$
 $S28'40'14"E$

DETAIL 'C'
SCALE: 1"=50'

Unrecorded 5/8" smooth iron pin bears N30'30'21"W, 29.51 ft. from SE corner pin.

5/8" iron pin set by Survey 9-84 bears S49'36'52"W, 509.93 feet from the NE cor.

3" Brass cap in West bridge bent bears N31'34'00"E, 15.70 feet and 4.28 feet West of corner pin.

NARRATIVE (Ctd)

I believe that the change in the river also affects the status of the current quarter corner as a controlling monument. Due to the aforementioned history of the Old Book Surveys, I do not believe that the original GLO corner was in existence at the time of the original conveyance of the Pacific Fruit Express tract. Most likely it began at a corner that had been locally accepted as the quarter corner. There appears to be no other recorded history of use of this corner until the modern era where the proportionate position was used to break Section 22 in Survey Number 023-1995. I therefore hold the existing monument at the proportionate position as the quarter corner for sectional subdivision purposes.

A fence line along the South end of the property encroaches onto the Daniels tract as shown. Fences shown were tied May 03, 2011. Because the description of the Daniels tract is by metes and bounds, and makes no call to the Powder River, there appears to be ambiguity in the area of land between Tract 'A' and the North Powder River. At the time of survey these are still in the ownership of the Lewis' by MF 47353, though the client has been advised that he may want to pursue a quitclaim deed from the Lewis' for this tract. See Detail 'A'.

The North Powder River was tied at the existing water level. Fieldwork for this was performed on May 12, 2011. The North bank of the river as shown is from field ties. The South bank of the river was not tied except for that portion where it was necessary to determine the thread of the river. The bank as it flows in this area along the South side is gently sloping. The water as it was flowing at the time of fieldwork was not the same as the high water mark. For purposes of determining the county boundaries, I use the apparent ordinary high water line, as evidenced by vegetation on the ground. The deed corner falls between the water line as it existed at the time of fieldwork and the high water line and would most likely be eradicated during high water conditions. The remainder of the South bank as depicted hereon is approximate.

I find no other unusual conditions with this survey.

(CONTINUED)

BAGETT, GRIFFITH & BLACKMAN
2006 Adams Avenue, LaGrande, Oregon

Map of Survey

A tract of land situate in the South half of Section 22 and the Northwest quarter of Section 27, Township 6 South, Range 39 East of the Willamette Meridian

UNION COUNTY, OREGON

SURVEYED FOR	Rich Daniels
SURVEYED BY	J. S. H.
Scale: 1" = 200'	Drawn by: J. S. H. April/May 2011