

PARTITION PLAT NUMBER 2021-0022

Situated in the Southwest quarter of Section 13, the Southeast quarter of Section 14, the Northeast quarter of Section 23, and the Northwest quarter of Section 24, Township 4 South, Range 39 East of the Willamette Meridian, Union County, Oregon

Microfilm Number 20214412
Plat Cabinet Number E 555-556

SCALE: 1"=300'

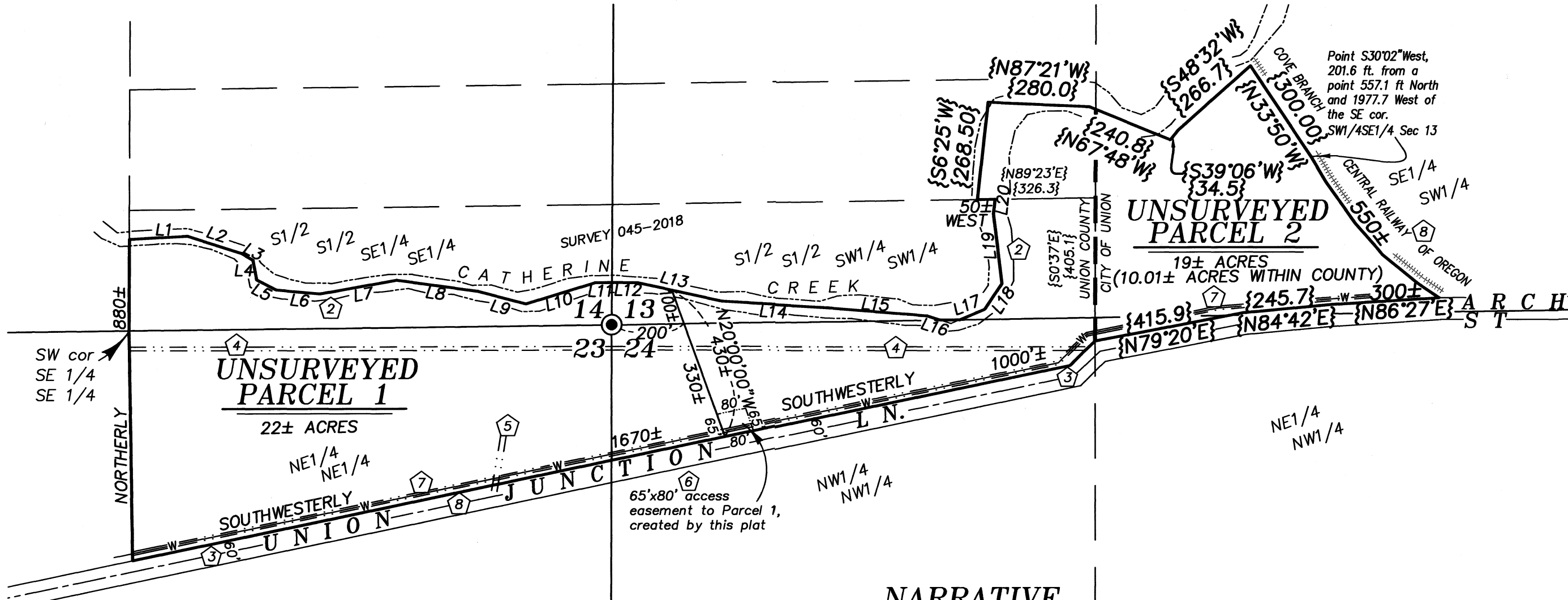
LEGEND

- Monument of record, marked as per Union County Monumentation records
- Bank of Catherine Creek
- Centerline
- Aliquot Line
- Easement Line
- w- Approximate location of buried pipeline
- [] Record measurement as per Survey Number 045-2018
- { } Record measurement as per stated title report

REFERENCE MATERIAL

- | | |
|--|---|
| Union County Monumentation Records
Survey Number 045-2018 | DEED REFERENCES
Book 49, Page 534
Book 132, Page 307 |
| Road Petition #404 | Microfilm Document Number 125647
Microfilm Document Number 995740
Commissioner's Journal Book F, Page 128 |
| DEED REFERENCES
Book S, Page 509
Book S, Page 577
Book Y, Page 415
Book 29, Page 473
Book 42, Page 638
Book 44, Page 333
Book 44, Page 344
Book 44, Page 597 | Interstate Commerce Commission Docket
No. AB-411 (60 FR 45493)

Preliminary Title Report 21-35182, dated
October 19, 2021, prepared by Eastern
Oregon Title Inc. |



NARRATIVE

This plat was done at the request of Ace Clark, potential purchaser of Parcel 2. This plat is UNSURVEYED. Bearing and distances shown are based on record measurements where they exist. Otherwise they are approximate and based on scaling from aerial photo. The dividing line between the parcels is intended to be 200 feet due East from the SW corner of Section 13 and run as per the bearing shown, with the basis of bearing at true geodetic North on said Section corner.

The deed for the Western Portion of this property calls to railway along the Southern boundary. This is problematic in the sense that there does not appear to have been a document or deed properly abandoning this railway.

In Road Petition 404, which realigned Union Junction Ln to its current configuration, the surveyor's report states that the portion of the road, starting approximately at the East line of the Northwest quarter of the Northwest quarter of Section 24, headed West and crossed the railroad track, where it paralleled the railroad right of way on the South side. The Surveyor's Report for said petition mentions that West of the crossing, "the centre of the proposed County Road is located 20 ft from the centre of the Union Railway Right of way". At this distance it would appear that there would therefore be an overlap in right between the railroad right of way and the county road, however, in the Commissioner's Journal Book F, Page 128 (1892), the conditional opening of this road mentions that there "appears no record of any right of way for said railway in the records of Union County". A field inspection of current conditions appears to uphold the assertion that the railway likely falls within the county road right of way as the tracks fall within 20 feet of the existing constructed road. Right of way fences fall just to the North of the railroad tracks on the North side and fall very close to the constructed road on the South side. There is approximately 60 feet between the right of way fences.

The deed for this portion of the railroad was ultimately granted from J.W. Shelton in deed recorded in Book S, Page 509 and Book S, Page 577 (1893). In this deed, there is no proper legal description, per se, but rather it lists "right of way, road bed, rolling stock, railroad track, engine house and the land upon which the same is situated". There is no width specified for the right of way. Subsequent Sheriff's Deed recorded in Book 29, page 473 (1905) conveyed this property from Union Railway to Hutchinson using the same description. When Hutchinson conveys the property to Union-Cove and Valley Railway by deed recorded in Book 44, Page 333 (1906), he gives a slightly more descriptive legal description as "the line of railroad running from Union Station on the Oregon Railroad & Navigation's line, near the NW corner of Section 23, T4S, R39E WM; thence, extending eastwardly through section 23 and 24....into the corporate limits of the City of Union." There is no specific width, nor does it mention 'the land upon which the same is situated' as in previous deeds. Subsequent deeds to Oregon Construction Company (Book 44, page 344) and Central Railway of Oregon (Book 44, page 597) use the same description.

The relevance of this history is mostly that, under no situation, was there any width of right of way specified to this railway. In addition, in deeds following the conveyance from Hutchinson, it is unclear whether the title to the land underneath the tracks was conveyed in fee title, as the descriptions of the real estate of the property are ambiguous.

The idea that the railway was an easement may be reflected in the deed to Oregon Railroad and Navigation Company, recorded in Book Y, Page 415, which acquired additional lands to the East side of the railroad depot in the NW1/4 of Section 23. It describes a portion of land, 25 feet either side of this railway track being transferred in fee title, which may have clouded title if the title to the tracks were vested in the Union Railway.

On assessor tax maps from 1980, the railway is clearly labeled as an easement, with a note that the railway runs within the county road right of way. Though not definitive evidence, it does seem to corroborate the assertions above. For purposes of this partition, I also contend that the railway, and any associated legal right of way that may exist for this railway, runs within the county road right of way, and that there is no potential gap in title between this property and the Union Junction Road right of way.

The metes and bounds description of the Eastern portion of this land makes no calls to creeks, roads or aliquot lines, although the measurements indicate that the intent may be to follow these features. I have drawn the South line of this contiguous with the county road and aliquot lines thereby leaving no gaps or gores. No boundary resolution along Catherine Creek can be done without benefit of survey and lines shown hereon are as per bearings and distances of the legal description.

I find no other unusual conditions with this partition.

Line Table		
Line #	Direction	Length
L1	[N86°59'03"E]	[161.33]
L2	[S72°12'47"E]	[156.64]
L3	[S59°18'32"E]	[36.31]
L4	[S10°55'03"E]	[54.53]
L5	[S62°25'01"E]	[60.71]
L6	[S84°41'49"E]	[122.05]
L7	[N79°50'13"E]	[214.87]
L8	[S82°02'36"E]	[226.62]
L9	[S75°26'20"E]	[137.81]
L10	[N73°05'22"E]	[199.17]
L11	[S89°59'03"E]	[46.89]
L12	[S89°59'03"E]	[71.77]
L13	[S77°39'41"E]	[238.04]
L14	[S86°31'52"E]	[292.67]
L15	[S85°20'53"E]	[273.56]
L16	[S72°38'35"E]	[69.16]
L17	[N67°31'04"E]	[101.63]
L18	[N33°46'27"E]	[84.82]
L19	[N06°53'43"W]	[192.11]
L20	[N05°30'00"E]	[41.34]

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 2, 2010
JEFFREY S. HSU
83571

Renewal Date: June 30, 2023.

SURVEYOR'S EXACT COPY STATEMENT

I, Jeffrey S. Hsu, registered Oregon Surveyor No. 83571, do hereby certify that I am the Surveyor who prepared the Partition Plat No. 2021-0022 and that the annexed tracing is an exact copy of said Partition Plat as the same is on file in UNION COUNTY Cabinet Number E 555-556 of the Plat Records of UNION COUNTY, and said exact copy is submitted as per O.R.S. 92.120.

Jeffrey S. Hsu, OPLS 83571

NOTES AND EASEMENTS

- ① Right-of-way for ditches and/or rights of the public and of governmental bodies in and to that portion of this land lying below the high-water mark of creeks as they cross this land. Not shown.
- ② Right-of-way for ditches and/or rights of the public and of governmental bodies in and to that portion of this land lying below the high-water mark of Catherine Creek as it crosses this land.
- ③ Right-of-way for Union County Road No. 12 (Arch Street) and Union Junction Lane, across the South side of this land.
- ④ Right-of-way easement, 10 feet in width, granted to California-Pacific utilities Company by deed recorded in Book 132, Page 307, for right to construct, reconstruct operate and maintain electric power lines and/or gas or water mains, and all necessary poles, towers and appurtenances. Shown as per legal description.
- ⑤ Right-of-way easement, 15 feet in width, granted to CP National by deed recorded as Microfilm Document No. 125647 for rith to construct reconstruct, operate and maintain electric power lines and/or gas or water mains, and all necessary poles, towers and appurtenances. Shown as per legal description.
- ⑥ 65 ft. x 80 ft. access easement, over Parcel 2 for benefit of Parcel 1, created by this plat
- ⑦ Easement for irrigation pipeline, 10 ft. in width, as it crosses the South side of this property, the centerline along the existing pipeline as constructed, for benefit of downstream users with a valid water right to said pipeline, created by this plat. Shown in location described by landowner.
- ⑧ Right-of-way, if any, of the Central Railroad of Oregon, as it may cross this land.

PARTITION PLAT NUMBER 2021-0022

Situated in the Southwest quarter of Section 13, the Southeast quarter of Section 14, the Northeast quarter of Section 23, and the Northwest quarter of Section 24, Township 4 South, Range 39 East of the Willamette Meridian, Union County, Oregon

SURVEYOR'S CERTIFICATE

I, Jeffrey S. Hsu, Registered Professional Land Surveyor, hereby certify that I have platted the land within this UNSURVEYED partition, being situated in the Southwest quarter of Section 13, the Southeast quarter of Section 14, the Northeast quarter of Section 23, and the Northwest quarter of Section 24, Township 4 South, Range 39 East of the Willamette Meridian, Union County, Oregon, more particularly described as follows:

That part of the South half of the South half of the Southeast quarter of the Southeast quarter of Section 14, and that part of the South half of the Southwest quarter of the Southwest quarter of Section 13, lying Southerly and Easterly of the centerline of Catherine Creek,

ALSO, the tract beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 13, and running thence due South to the North line of the right-of-way of Central Railroad of Oregon;

Thence: In a Westerly direction along the North line of said right-of-way one-half mile, more or less, to a point due South of the Southwest corner of the Southeast quarter of the Southeast quarter of Section 14,

Thence: North to said Southwest corner of the Southeast quarter of the Southeast quarter of said Section 14,

Thence: East along section lines, to the Place of Beginning.

EXCEPTING any portion of the Northwest quarter of the Northwest quarter of Section 24, lying North of Catherine Creek,

ALSO, beginning at a point which bears South 30° and 2" West 201.6 feet from a point 557.1 feet North and 1977.7 West of the Southeast corner of the Southwest quarter of the Southeast quarter of Section 13, Township 4 South, Range 39 East of the Willamette Meridian, being a point on the West line of the right-of-way of the Cove Branch of the Central Railway of Oregon as the same was originally established,

Thence: North 33°50' West, along said right-of-way line, 300 feet,

Thence: South 48°32' West, 266.7 feet,

Thence: South 39°6' West, 34.5 feet,

Thence: North 67°48' West, 240.8 feet,

Thence: North 87°21' West, 280.0 feet,

Thence: South 6°25' West, 268.5 feet,

Thence: North 89°23' East, 326.3 feet,

Thence: South 0°37' East, 405.1 feet,

Thence: North 79°20' East, 415.9 feet,

Thence: North 84°42' East, 245.7 feet,

Thence: North 86°27' East, to the intersection with the West line of the right-of-way of the Cove Branch of the Central Railway of Oregon, if extended Southerly into the County Road,

Thence: Northwesterly along said right-of-way line to the Place of Beginning

Subject to the rights of the public within Union Junction Lane and Arch St.

Containing 41 acres, more or less.

I further certify that I made this plat by order of and under the direction of the owner thereof, in accordance with O.R.S. 92.050 and 92.060.

JH
Jeffrey S. Hsu, OPLS 83571
Bogert, Griffith and Blackman
2006 Adams Avenue
LaGrande, OR 97850



Renewal Date: June 30, 2023

DECLARATION

Know all People by these presents that MARK E. SHELDEN and LOUISE SHELDEN are the owners of the land within this Partition, being more particularly described in the accompanying Surveyor's Certificate, and do hereby create the access easement over Parcel 2, for benefit of Parcel 1, and the 10 ft wide irrigation pipeline easement, for benefit of downstream users with a valid water right, and have caused the same to be platted as shown on the annexed map in accordance with O.R.S. Chapter 92.

Mark Shelden
MARK E. SHELDEN

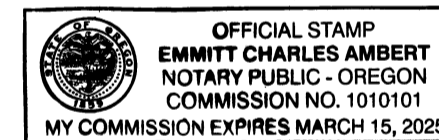
Louise Shelden
LOUISE SHELDEN

ACKNOWLEDGMENT

State of Oregon SS
County of Union

Know all people by these presents, on this 16th day of November, 2021, before me a Notary Public in and for said State and County, personally appeared MARK E. SHELDEN and LOUISE SHELDEN, who are known to me to be the identical persons named in the foregoing instrument, and who being duly sworn, did say that they executed the same freely and voluntarily.

Emmitt Charles Ambert
Notary Public for
the State of Oregon



Notarial seal

SURVEYOR'S EXACT COPY STATEMENT

I, Jeffrey S. Hsu, registered Oregon Surveyor No. 83571, do hereby certify that I am the Surveyor who prepared the Partition Plat No. 2021-0022 and that the annexed tracing is an exact copy of said Partition Plat as the same is on file in UNION COUNTY Cabinet Number E 555-556 of the Plat Records of UNION COUNTY, and said exact copy is submitted as per O.R.S. 92.120.

JH
Jeffrey S. Hsu, OPLS 83571

APPROVALS

Union County Surveyor

Approved this 16th day of November, 2021.

By Wallowa County Surveyor *Richard A. Shaver*
Richard A. Shaver
Wallowa County Surveyor

Union County Planning Commission

Approved this 16th day of November, 2021.

Scott Hartell
for Scott Hartell
Union County Planning Director

Union County Assessor / Tax Collector

I hereby certify that pursuant to O.R.S. 92.095, all ad valorem taxes and all special assessments, fees and other charges required by law to be placed upon the 2021-2022 tax roll which became a lien on the land within this partition, or will become a lien during the tax year but not certified to the tax collector for collection have been paid.

by *Cody Vavra* Date: 11/16/21
Cody Vavra, Union County Assessor/Tax Collector

FILING STATEMENT

Union County Clerk

State of Oregon SS
County of Union

I do hereby certify that the attached partition plat was received for record on this 16th day of November, 2021, at 4:25 o'clock P.M., and recorded in Plat Cabinet No. E 555-556 Union County records. Microfilm Number 20214412

Robin A. Church
Union County Clerk *Robin A. Church*
Robin A. Church, Chief Deputy Clerk