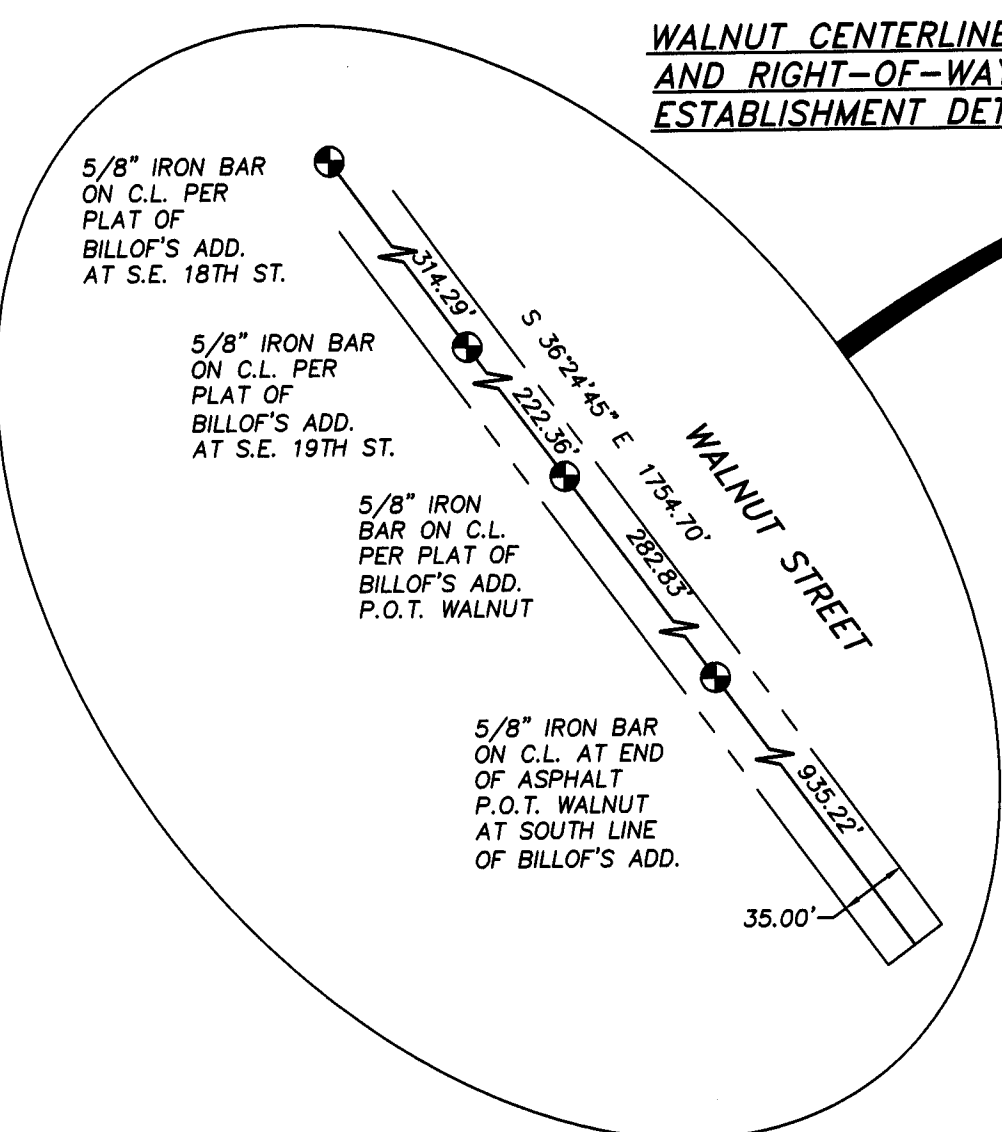


# RECORD OF SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 35 EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON

## WALNUT CENTERLINE AND RIGHT-OF-WAY ESTABLISHMENT DETAIL



NE CORNER SECTION 13. FOUND A 2" BRASS CAP ON A GALVANIZED IRON PIPE ON THE WEST SIDE OF THE LEVEE ON THE EAST SIDE OF THE WALLA WALLA RIVER, AS SHOWN SURVEY 91-065-B AND 01-163-B. SET BY PLS 933 IN 1980.

### NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF DENNIS ENGLISH TO IDENTIFY THE BOUNDARIES OF THE PROPERTY DESCRIBED IN AMERITITLE PRELIMINARY TITLE REPORT FILE NO. 75965AM DATED NOVEMBER 13, 2015, AND LOCATE THE IMPROVEMENTS INCLUDING THE IRRIGATION PUMP WITHDRAWING WATER FROM THE WALLA WALLA RIVER. THE SURVEY WAS PERFORMED AS A RADIAL FIELD SURVEY IN AUGUST AND SEPTEMBER 2016, USING TRIMBLE R8 DUAL FREQUENCY GNSS RECEIVERS HAVING STANDARD ACCURACIES OF 8MM + 1PPM.

THE PROPERTY WAS PREVIOUSLY SURVEYED FOR TOM SALEE BY KRUMBEIN ENGINEERING IN SEPTEMBER 1984 AS SHOWN ON COUNTY SURVEY NUMBER 84-116-B. IN 2001 I RE-SURVEYED A PORTION OF THE EASTERLY BOUNDARY FOR GREG RHODES AS SHOWN ON COUNTY SURVEY NUMBER 01-163-B. IN THE COURSE OF THE RHODES SURVEY I DISCOVERED DEED DISCREPANCIES BETWEEN RHODES AND SALEE (ENGLISH). THE PORTION OF THE BOUNDARY COMMON WITH RHODES WAS RESOLVED BY COMPASS RULE ADJUSTMENT BASED ON JUNIOR SENIOR DEEDS. FOR THIS SURVEY I HAVE HELD THE LOCATION AS SHOWN ON THE RHODES SURVEY (SURVEY 01-163-B) AND ESTABLISHED THE REMAINING BOUNDARY BASED ON THE DEED DESCRIPTION WITH THE EXCEPTION OF THE PORTION ADJACENT TO BLOCK 8 OF NICHOL'S 2ND ADDITION WHICH WAS ESTABLISHED BASED ON THE PLAT OF NICHOL'S 2ND ADDITION AS SHOWN ON THE OFFICIAL PLAT THEREOF RECORDED IN BOOK 2 OF PLATS AT PAGE 23 AND 24. THE NORTHERN MOST CORNER OF SAID BLOCK 8 WAS ESTABLISHED AT THE INTERSECTION OF THE NORTHERLY LINE OF WALNUT STREET (FORMERLY CHERRY STREET) AS ESTABLISHED BY THE FOUND CENTERLINE MONUMENTS WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 13 AS DEFINED BY THE FOUND BRASS CAP MONUMENTS MARKING THE NORTHEAST CORNER AND EAST 1/4 CORNER OF SECTION 13.

DURING THE COURSE OF THE SURVEY I FOUND 5/8" IRON PINS WITH 1" ALUMINUM CAPS PER SURVEY 84-116-B AT THE NORTHERLY MOST PROPERTY CORNER AND AT THE ANGLE POINT ON THE WESTERLY LINE JUST NORTHWESTERLY OF THE SOUTHERLY MOST PROPERTY CORNER. THE FOUND SOUTHERLY IRON PIN IS N57°16'W 6.7' FROM MY SURVEYED POSITION AND THE FOUND NORTHERLY IRON PIN IS N31°17'W 5.1' FROM MY SURVEYED POSITION. IT ALSO APPEARS THAT THE OLD MILTON DITCH IRRIGATION CANAL IS IN A SIGNIFICANTLY DIFFERENT LOCATION THAN THAT INDICATED ON SURVEY 84-116-B. HOWEVER, IT IS IN THE SAME LOCATION THAT I FOUND IT AT THE TIME OF THE SURVEY FOR RHODES IN 2001 AND FOR THE CITY OF MILTON-FREEWATER IN 1999 (SEE SURVEY 99-12-C). SURVEY 84-116-B DID NOT SET ANY OF THE CORNERS DEFINING BLOCK 8 OF NICHOL'S 2ND ADDITION AND INDICATES THAT THE BOUNDARY FELL IN OR NEAR THE CHANNEL OF THE WALLA WALLA RIVER. THE PLAT OF NICHOL'S 2ND ADDITION DATED DECEMBER 1893 INDICATES THAT THE NORTHERLY, WESTERLY AND SOUTHERLY BOUNDARIES OF BLOCKS 8 AND 9 FELL WITHIN THE CHANNEL OF THE WALLA WALLA RIVER. IN THE LATE 1940'S AND EARLY 1950'S THE US ARMY CORPS OF ENGINEERS CONSTRUCTED A FLOOD CONTROL LEVEE ALONG BOTH SIDES OF THE WALLA WALLA RIVER COMMENCING UPSTREAM FROM THE COUSE CREEK BRIDGE WHICH IS APPROXIMATELY 3/4 MILE UPSTREAM FROM THE ENGLISH PROPERTY. INFORMATION SHOWN ON THE CORPS OF ENGINEERS MAPS DO NOT INDICATE THAT THERE WERE ANY SIGNIFICANT CHANNEL ALIGNMENT CHANGES MADE WHEN THE LEVEE WERE CONSTRUCTED IN 1950 OR WHEN THEY WERE REFURBISHED IN 1964. I FOUND THE WESTERLY EDGE OF THE RIVER TO BE SIGNIFICANTLY EASTERLY OF THE WESTERLY LINE OF SAID BLOCK 8 ACCORDING TO THE RECORD DIMENSIONS.

THE ENGLISH LEGAL DESCRIPTIONS CALLS FOR THE EASTERLY BOUNDARY TO FOLLOW THE WESTERLY AND SOUTHERLY LINE OF BLOCK 8 OF NICHOL'S 2ND ADDITION. THE DEED RECORDED IN REEL 264 AT PAGES 13 AND 14 (INSTRUMENT NUMBER 1994-201422) DESCRIBES TRACT I AS: "THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING EAST OF THE WEST LINE OF MILTON-FREEWATER CONTROL DISTRICT LEVEE:

BLOCK 8, NICHOL'S SECOND ADDITION, TO MILTON, NOW CITY OF MILTON-FREEWATER, UMATILLA COUNTY, OREGON."

HOWEVER, IT IS NOT CLEAR IF THE INTENT IS THAT PORTION EAST OF THE WEST LINE OF THE LEVEE ON THE EAST SIDE OF THE WALLA WALLA RIVER OR THAT PORTION EAST OF THE WEST LINE OF THE LEVEE ON THE WEST SIDE OF THE WALLA WALLA RIVER.

THE ONLY LEGAL PHYSICAL ACCESS TO THE PORTION OF BLOCK 8 LYING WESTERLY OF THE RIVER WOULD BE TO NAVIGATE DOWN THE SIDE OF THE EAST LEVEE AND CROSS THE RIVER. THERE ARE NO VEHICULAR ACCESS ROUTES TO THE PORTION OF BLOCK 8 LYING WESTERLY OF THE WALLA WALLA RIVER OTHER THAN ACROSS THE ENGLISH PROPERTY. HOWEVER, THERE IS AN EASEMENT TO ACCESS THE PORTION OF BLOCK 8 LYING EASTERLY OF THE WALLA WALLA RIVER FROM THE COUNTY ROAD DESCRIBED AS A NON-EXCLUSIVE RIGHT OF WAY IN AND OVER A STRIP OF LAND 14 FEET WIDE EXTENDING FROM THE NORTH LINE OF BLOCK 9, NICHOL'S SECOND ADDITION, EAST A DISTANCE OF 40 RODS, MORE OR LESS, TO THE COUNTY ROAD.

THE OWNERSHIP STATUS OF THAT PORTION OF BLOCK 8 LYING WEST OF THE WEST LINE OF THE LEVEE WAS NOT DETERMINED AS PART OF THIS SURVEY.

### NOTE #1:

THE DEED RECORDED IN REEL 264 AT PAGES 13 AND 14 (INSTRUMENT NUMBER 1994-201422) DESCRIBES TRACT I AS "THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING EAST OF THE WEST LINE OF MILTON-FREEWATER CONTROL DISTRICT LEVEE:

BLOCK 8, NICHOL'S SECOND ADDITION, TO MILTON, NOW CITY OF MILTON-FREEWATER, UMATILLA COUNTY, OREGON."

HOWEVER, IT IS NOT CLEAR IF THE INTENT IS THAT PORTION EAST OF THE WEST LINE OF THE LEVEE ON THE EAST SIDE OF THE WALLA WALLA RIVER OR THAT PORTION EAST OF THE WEST LINE OF THE LEVEE ON THE WEST SIDE OF THE WALLA WALLA RIVER.

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THE OWNERSHIP STATUS OF THAT PORTION OF BLOCK 8 LYING WEST OF THE WEST LINE OF THE LEVEE WAS NOT DETERMINED AS PART OF THIS SURVEY.

### REFERENCE DOCUMENTS

- PLAT OF NICHOL'S 2ND ADDITION MILTON CITY BOOK 2 OF PLATS, PAGE 23 (DEC. 1893)
- UMATILLA COUNTY SURVEY 83-015-A (KRUMBEIN)
- UMATILLA COUNTY SURVEY 84-116-B (KRUMBEIN)
- UMATILLA COUNTY SURVEY 01-163-B (FLOWERS)
- UMATILLA COUNTY SURVEY 99-12-C (FLOWERS) WATER LINE EASEMENT SURVEY DEED REEL 264, PAGE 13 & 14 (INSTRUMENT NUMBER 1994-201422)
- DEED INSTRUMENT NUMBER 2014-6030066
- PRELIMINARY TITLE REPORT BY AMERITITLE DATED NOVEMBER 13, 2015, FILE NO. 75965AM
- EASEMENT DEED BOOK "V", PAGE 127
- EASEMENT DEED BOOK 162, PAGE 13
- EASEMENT DEED BOOK 135, PAGE 74
- EASEMENT DEED BOOK 260, PAGE 176
- US ARMY CORPS OF ENGINEERS CHANNEL AND LEVEE CONSTRUCTION, AS-BUILT AND RIGHT-OF-WAY MAPS DATED 1950 THROUGH 1954
- US ARMY CORPS OF ENGINEERS LEVEE REHABILITATION AS-BUILT MAPS DATED 1968

REGISTERED PROFESSIONAL LAND SURVEYOR

*Greg E. Flowers*

OREGON  
JUNE 30, 1987  
GREG E. FLOWERS  
02820LS

RENEWS 12/31/17  
1/3/2016

### RECEIVED BY

Umatilla County Surveyor  
Date: 10-12-2016  
Rec'd By: *Jan Koffel*  
No.: 16-094-C



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CLIENT: DENNIS ENGLISH	PROJECT NO.: 4463
SURVEYOR: GREG E. FLOWERS	DATE: 10/03/2016
CALC BY: GEF	DRAWN BY: GEF
SECTION: 13	TOWNSHIP: 5 NORTH
CITY: MILTON-FREEWATER	COUNTY: UMATILLA
SHEET 1 OF 1	

### BASIS OF BEARINGS

S00°55'54"E ALONG THE EAST LINE OF THE NE 1/4 OF SECTION 13, T5N, R35E, W.M. BETWEEN THE 2" BRASS CAP MONUMENT MARKING THE NE CORNER OF SECTION 13 AND THE 2" BRASS CAP MONUMENT MARKING THE EAST 1/4 CORNER OF SECTION 13. AS SHOWN ON SURVEY 01-163-B.



### LEGEND

- PROPERTY LINE
- APPROXIMATE TAX PARCEL LINE
- EASEMENT
- CENTERLINE
- RIGHT-OF-WAY
- FENCE
- TOP OF DIKE OR FIELD LINE
- DITCH
- EDGE OF RIVER
- EDGE OF TRAVELED WAY
- OVER HEAD POWER LINE
- TELEPHONE PEDESTAL
- WELL
- IRRIGATION RISER CONTIGUOUS WITH PROPERTY LINE EXCEPT AS NOTED
- FOUND SURVEY MONUMENT AS NOTED
- FOUND 5/8" IRON PIN PER SURVEY 84-116-B AS NOTED
- FOUND 5/8" IRON PIN PER SURVEY 01-163-B
- SET A 5/8" X 30" IRON REBAR WITH A YELLOW PLASTIC CAP STAMPED "HDJ 02820"
- COMPUTED POSITION NOTHING FOUND OR SET

WATERLINE EASEMENT TO BENEFIT THE CITY OF MILTON-FREEWATER PER BOOK "V", PAGE 127, BOOK 82, PAGE 13, BOOK 135, PAGE 74 AND BOOK 260, PAGE 176, AS SHOWN ON SURVEY 99-12-C

FOUND A 1 1/2" ALUMINUM CAP ON A 5/8" IRON PIN PER SURVEY 84-116-B N57°16'W 6.7' FROM CORNER

1/4 CORNER S.18, S.13. FOUND A 2" BRASS CAP ON A GALVANIZED IRON PIPE AS SHOWN ON SURVEY 91-065-B & 01-163-B

S 00°55'54" E 2647.35'  
S 00°55'54" E 2647.35' BASIS OF BEARINGS