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Reply To

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Reply To

November 7, 2018

KIM CUTSFORTH
HOWARD AND BETH BRYANT FOUNDATION
PO BOX 570
HEPPNER OR 97836

KEVIN GRAY
GENERAL MANAGER
MORROW COUNTY GRAIN GROWERS
PO BOX 367
LEXINGTON OR 97839

RE: MINOR PARTITION – SOFTBALL BATTING BUILDING
OUR FILE: 20012-116

Dear Kim and Kevin,

On Monday, November 5, 2018, the Heppner Planning Commission granted the Morrow County Grain Growers Application for a Minor Partition for the placement of a batting practice building next to the Heppner High School Girls' Softball Field. To complete the minor partition, process the following needs to be accomplished:

1. The recording of the partition plat with Morrow County. The City will sign off on the partition plat where the City must indicate its approval;
2. A deed transferring the property from the Morrow County Grain Growers to Morrow County School District; and
3. Recording of a written easement delineating the metes and bounds of the access easement from Riverside Street to the batting practice building. It is possible to include the easement description in the deed to the School District.

The deed with the easement is needed to carefully delineate everyone's future rights for use of the property and so that the School District can properly insure the building for loss and liability. The City needs a copy of the recorded plat and deed for its files. If you have any questions on this, please let me know.

Kim Cutsforth & Kevin Gray Letter
RE: MINOR PARTITION-SOFTBALL BATTING BUILDING
OUR FILE: 20012-116
November 7, 2018
Pg. 2

Thank you.

Sincerely,

KUHN LAW OFFICES



William J. Kuhn,
OSB No. 762075
Heppner City Attorney

WJK/wjk/bw

Cc: Edie Ball

HEPPNER, CITY/BATTING ARENA/LTR/CUTSFORTH.LTR (11/06/18)

NORROW COUNTY PARTITION PLAT NO. _____
 SITUATED IN THE N1/2 S81/4 OF SECTION 27,
 T.2S. R.26E. W.M. IN THE CITY OF HEPNER,
 NORROW COUNTY, OREGON.
 October 19, 2018
 SHEET 1 OF 2

NARRATIVE

This partition plat was requested by Kim Gustafson, Director of the Howard and Beth Bryant Foundation, on behalf of the Heppner High School, to partition the land as described in Morrow County Deed M-46192.

We re-locate survey monuments as shown to on Morrow County Map of Survey D-1205-E by Douglas Ferguson in 1998.

As shown on Map D-1205-E, the South line of Birch Street (located), is located at the record distance of 313.27 feet from a recovered record monument set by Dave Krumpal in 1985, as shown on Map D71-1(K)(9A3) for the Morrow County Grain Growers. Based on the longstanding and historical acceptance of the monuments found, I hold the location of the southeast corner of new located Birch Street, as monumented on Map D-1205-E, as the best record location for this line. I also correct the location of the monument from Map D-1205-E on the northerly right of way of Riverside Avenue at the northwest corner of Parcel 1 of this plat, as the best record location for the City Limits line as shown herein.

We also recover some of the record monuments from Morrow County Partition Plat D-1205-1 by Stephen Hodson in 2015. We find that the northerly line of the exterior boundary of this partition and the southerly line of Parcel 3 from Partition D-1205-1 are not coincidental. Map of Survey D-1205-E, performed in 1998, as well as other record surveys, located record lines and have been dependent on for a long period of time by the agents who requested and paid for those surveys. For this partition, we hold the longstanding and accepted line.

The land is then partitioned in the direction of Ms. Gustafson as shown herein.

SURVEYOR'S CERTIFICATE

I, Kenneth H. DeLano Jr., Professional Land Surveyor registered in the State of Oregon, hereby certify that I have surveyed and monumented the parcels as shown herein, in accordance with O.R.S. 97., as described in Morrow County Deed Instrument M-46192, Tract 2, being more particularly described as follows:

All that portion of the "Heppner Branch" right of way of the Union Pacific Railroad Company, successor in interest to the Oregon Railway & Navigation Company and the Searoad-Manning Railroad and Navigation Company, in the North half of the Southeast Quarter of Section 27, T.2S., R.26E., W.M., City of Heppner, Morrow County, Oregon, said tract being bounded on the west by the easterly right of way line of Riverside Avenue; bounded on the South by the center line of Birch Street; bounded on the East by the Westerly line of Blocks 2 and 3 of Mt. Vernon Addition to the City of Heppner; and bounded on the North by the North line of the Heppner City Limits as such extends between Riverside Avenue and Block 3 of the said Mt. Vernon Addition.

Containing 4.82 acres, more or less.

I hereby designate the iron pin located at the SW corner of Parcel 1 as the Initial Point for this Partition.

KENNETH H. DELANO JR., PLS
 STAFF SURVEYOR

OWNER'S DECLARATION

Know all men by these presents, that I, Kevin Gray, Manager, as representative of the Morrow County Grain Growers Inc., Owner of the lands as described in the Surveyor's Certificate, have caused said lands to be partitioned as shown herein, in accordance with O.R.S. Chapter 92, and hereby grant a non-exclusive easement and parking easement over and across Parcel 1 for the benefit of Parcel 2, 30 feet in width, as shown herein. This partition is subject to the following:

- 1) Re-creation, subject to the terms and conditions thereof, as defined in Deed Instrument M-46192, recorded October 5, 1995 in Morrow County Deed Records.
- 2) A non-exclusive, perpetual easement, 25 feet in width, subject to the terms and conditions thereof, between Morrow County Grain Growers, Inc., Grantor, and Union Pacific Railroad Company, Grantee, as described in the Easement Deed and Agreement, filed on Instrument M-46193, recorded October 5, 1995 in the Morrow County Records. The location of which is not shown due to lack of information.
- 3) A non-exclusive, perpetual easement, 25 feet in width, subject to the terms and conditions thereof, between Union Pacific Railroad Company, Grantor, and Morrow County, Grantee, as described in the Easement Deed and Agreement, filed as Instrument M-46401, recorded November 6, 1995 in the Morrow County Records. The location of which is not shown due to lack of information.

Kevin Gray, Manager
 Morrow County Grain Growers Inc.

ACKNOWLEDGMENT

STATE OF OREGON)
 COUNTY OF MORROW)

This instrument was personally acknowledged before me on _____ 2018, by Kevin Gray, Manager, Morrow County Grain Growers.

NOTARY SIGNATURE _____ (Print Name)
 NOTARY PUBLIC - OREGON

COMMISSION # _____ MY COMMISSION EXPIRES _____

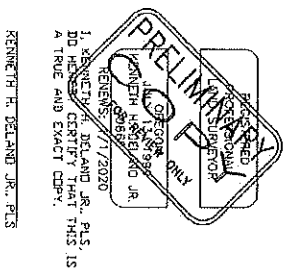
APPROVALS

City of Heppner _____ Date _____ 2018
 Morrow County Surveyor _____ Date _____ 2018

I hereby certify that all taxes against the property partitioned herein have been paid in full.
 Morrow County Tax Collector _____ Date _____ 2018

RECORDATION

RECORDED IN THE PUBLIC RECORDS OF MORROW COUNTY CLERK



Ferguson Surveying
 Engineering
 P.O. BOX 518, 210 S. MAIN
 MT. VERNON, OR 97085
 PHONE (541) 525-4420
 FAX (541) 525-4420
 EMAIL: info@fergusonsurvey.com

I, KENNETH H. DELANO JR., PLS
 DO HEREBY CERTIFY THAT THIS IS
 A TRUE AND EXACT COPY.
 KENNETH H. DELANO JR., PLS

32-430
oretel.co.net

LOT 1

THORN
Vacat

parking
Parcel 2
S40°34'09"W

30'

50.00
S40°34'09"W
PARCEL 2
0.13 Acres
S40°34'09"W
50.00

found 5/8" E
Survey D-1158-1 (1980)
W 40' 54" 09" E 0.87
the easterly line of Block 2
from Mt. Vernon Addition Rec
Survey D-1205-E is
N49°25'11"W 5.71'
N 5' 12"

N
42'