

RECORD OF SURVEY

FOR TAX LOT 1700
IN A PORTION OF GOV. LOT 4
SEC. 35, T.3N., R.10E., W.M.
HOOD RIVER COUNTY, OREGON

LEGAL DESCRIPTION

3N 10 35DC
TAX LOT 1700 (WARRANTY DEED 20042387)

SURVEY NARRATIVE

The purpose of this survey is to locate tax parcel 1700, 3N 10 35DC. Previous survey control from Ref.10 as well as a field traverse tying to found shown monuments was used for control. The immediate neighborhood of TL 1700 is well established with homes, fences and drives. Until July of 2005 (Ref.9) no surveys had been recorded east of the Sheridan Heights Subdivision, north of Indian Creek Heights Subdivision, west of Avalon Way and South of Avalon Drive. This property was owned by George Smith in 1904. The said George Smith property, as well as the subsequent deeds call out 453.75' between the east line of the Sheridan Heights property and West line of Avalon Way, however, this survey found only 435.62' to exist on the ground. A survey in 1908 (Ref.1) shows an overlap of deeds in this area. In 1904 George Smith sold two deeds which divided his property into two parcels. The two deeds were recorded on April 12th, 1904 at 2:00 PM. Incidentally, the two deeds were also notarized by C.W. Wolford on April 7th, 1904. The deeds were to D.E. Robinson (Book 37 and Page 426 of Wasco County records) and Alice J. Dicken (Book 37 and Page 427 of Wasco County Records). The Robins Deed calls for 227.04' and the Dicken deed calls for 226.71, this adds up to 453.75', which agrees with said Smith deed. It is my conclusion that in a situation where no ambiguity exists within the deeds themselves and no apparent notice was given to the owners as to senior rights that these deeds were simultaneously conveyed and thus are subject to apportionment of the east and west distances. This conclusion is supported in "Evidence and Procedures for Boundary Locations" by Brown, 3rd Add., section 6-16 number 5 of Simultaneous Conveyances by Metes and Bounds. When the proportioned distances are compared with existing north-south lines of occupation, the case for apportionment becomes even stronger. The south line of the Dicken and Robins deeds call out 192' North from the DLC line to the North line of the Miller tract. Ref.8 survey recreated this line as being parallel to the DLC line as per the Miller legal description, this survey accepted the monumentation as the North line of said Miller tract. Tax Lots 1800-1900 have senior rights over Tax Lots 1700-1702. This allows only 94.63' on the south line of TL 1701, and not the deed distance of 103.71'. The monuments found for the East line of Sheridan Heights Subdivision were held for the bearing of the West line of Tax Lots 1700-1702, however the east line was held parallel to the calculated DLC line as per the deed call. The location of Tax lot 1700 is as shown on this plat.

LEGEND

- FOUND SURVEY MARKER
- SET YELLOW PLASTIC CAP ON 5/8" REBAR OR AS NOTED
- CALCULATED CORNER NOT SET OR FOUND
- * FENCE
- () DEED DIMENSION

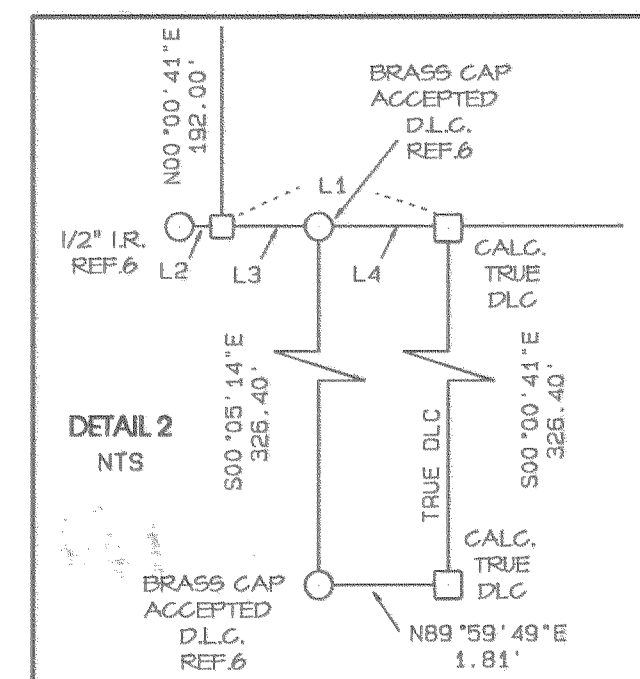
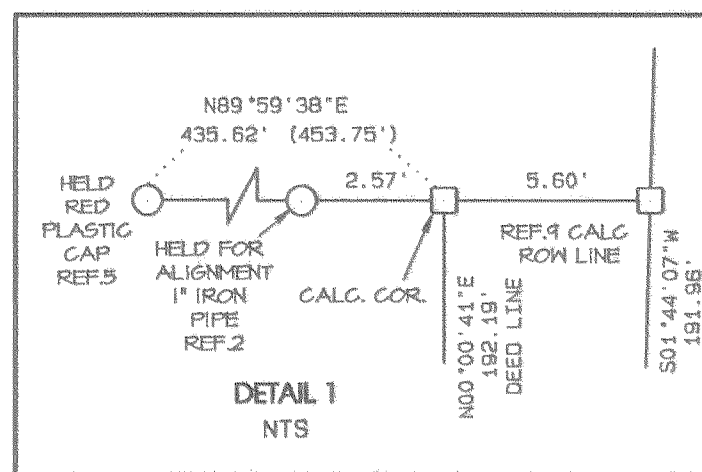
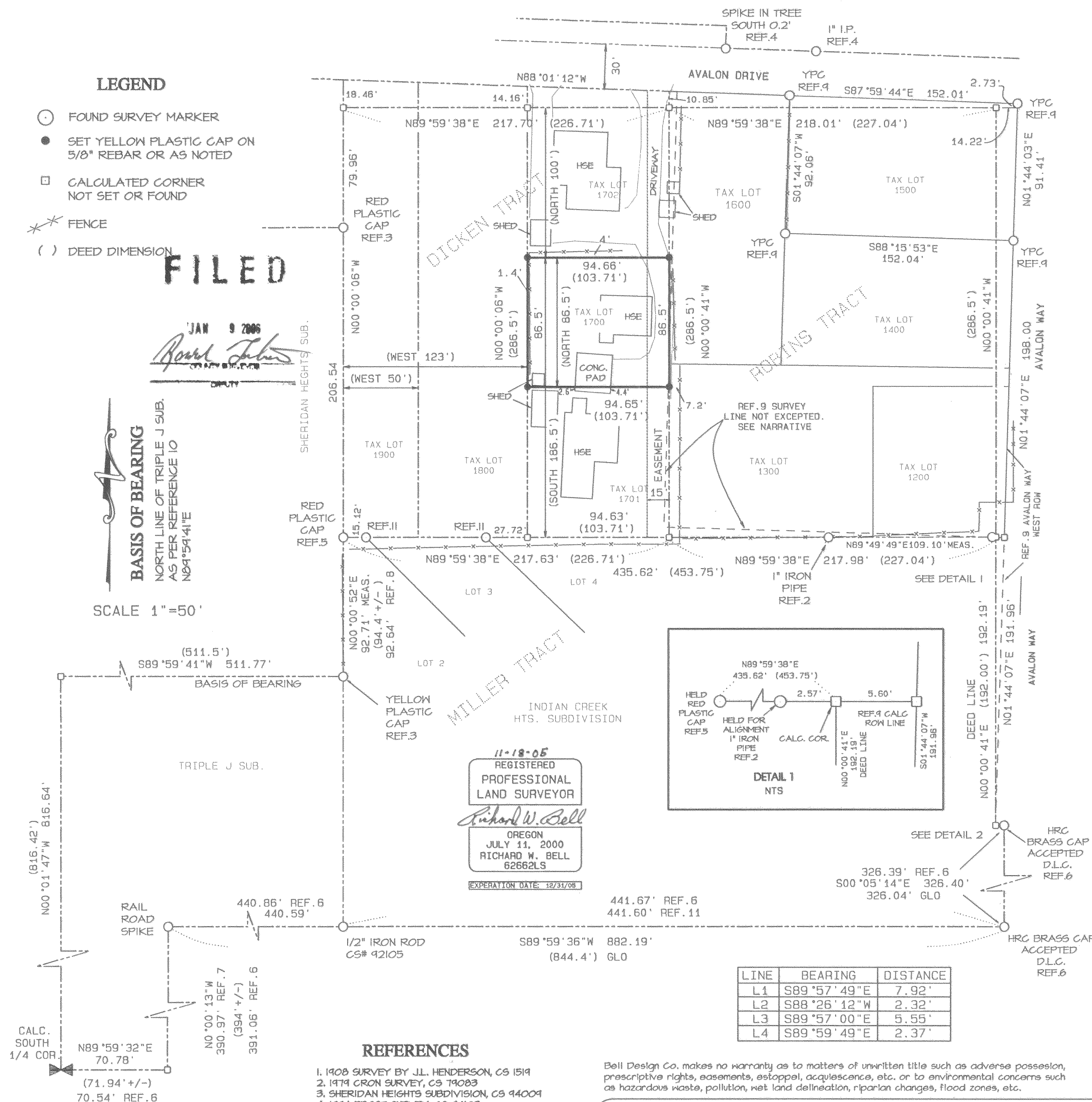
FILED

JAN 9 2006

Richard W. Bell

BASIS OF BEARING
NORTH LINE OF TRIPLE J SUB.
AS PER REFERENCE 10
N04°54'41"E

SCALE 1"=50'



LINE	BEARING	DISTANCE
L1	S89°57'49\"/>	

REFERENCES

1. 1908 SURVEY BY J.L. HENDERSON, CS 1519
2. 1974 CRON SURVEY, CS 79083
3. SHERIDAN HEIGHTS SUBDIVISION, CS 94009
4. 1994 FROST SURVEY, CS 94103
5. AVALON TERRACE SUBDIVISION, CS 95074
6. 2003 WYEAST SURVEY, CS 2003006
7. 2003 KLEIN SURVEY, CS 2003040
8. 2004 TERRA SURVEY, CS 2004045
9. 2005 TENNESON SURVEY, CS 2005037
10. TRIPLE J SUBDIVISION, CS 2005037
11. INDIAN CREEK HEIGHTS SUBDIVISION, CS 2005

Bell Design Co. makes no warranty as to matters of unwritten title such as adverse possession, prescriptive rights, easements, estoppel, acquiescence, etc. or to environmental concerns such as hazardous waste, pollution, wet land delineation, riparian changes, flood zones, etc.



DATE	DESCRIPTION	BY
11/05	DRAFT	ARB
11/05	CHECK	RWB

RECORD OF SURVEY

FOR PAT JENKINS
HOOD RIVER COUNTY, OREGON

SHEET: 1 OF 1
PROJECT: 05B123
DATE: Nov 2005

July 14, 2005 12:00pm