

2019-0029C

LAND PARTITION FOR LIBERTALIA, LLC LOCATED IN THE SW 1/4 OF SEC. 3 TOWNSHIP 22S., RANGE 05W., W.M. DOUGLAS COUNTY, OREGON

FILED THIS 16th DAY OF October 2019. 10:49 AM

Douglas County Clerk
DOUGLAS COUNTY CLERK
By Heidi Johnston, Deputy



DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS: THAT SEAN KEENE, PRESIDENT OF LIBERTALIA LLC, AN OREGON LIMITED LIABILITY COMPANY, AND ELI LANEY, OWNERS OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION PLAT OF SAID PROPERTY AND THAT THEY HAVE CAUSED THIS PARTITION PLAT AND ASSOCIATED EASEMENT TO BE PREPARED AND THE PROPERTY TO BE PARTITIONED INTO PARCELS WITH EASEMENTS AS SHOWN HEREON.

Sean Keene
SEAN KEENE,
PRESIDENT OF LIBERTALIA LLC
AN OREGON LIMITED LIABILITY COMPANY

Eli Laney
ELI LANEY

ACKNOWLEDGMENT:

STATE OF OREGON)
) SS
COUNTY OF LANE)

KNOW ALL PEOPLE BY THESE PRESENT: THAT ON THIS 25th DAY OF Sept 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, DID PERSONALLY APPEAR SEAN KEENE, PRESIDENT OF LIBERTALIA LLC, AN OREGON LIMITED LIABILITY COMPANY, WHO BEING DULY SWORN, DID SAY THAT THEY ARE THE IDENTICAL PERSON NAMED IN THE FOREGOING INSTRUMENT AND THAT THEY EXECUTED SAID INSTRUMENT FREELY AND VOLUNTARILY.

Jacquelyn Sutor
NOTARY PUBLIC, STATE OF OREGON

COMMISSION NUMBER: 948326
MY COMMISSION EXPIRES ON: 3/10/2020

ACKNOWLEDGMENT:

STATE OF OREGON)
) SS
COUNTY OF LANE)

KNOW ALL PEOPLE BY THESE PRESENT: THAT ON THIS 26th DAY OF Sept 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, DID PERSONALLY APPEAR ELI LANEY, WHO BEING DULY SWORN, DID SAY THAT THEY ARE THE IDENTICAL PERSON NAMED IN THE FOREGOING INSTRUMENT AND THAT THEY EXECUTED SAID INSTRUMENT FREELY AND VOLUNTARILY.

Jacquelyn Sutor
NOTARY PUBLIC, STATE OF OREGON

COMMISSION NUMBER: 948326
MY COMMISSION EXPIRES ON: 3/10/2020

APPROVALS:

MPD 10/1/19
DOUGLAS COUNTY PLANNING DIRECTOR DATE

Kristin O. de Groot 10/1/2019
DOUGLAS COUNTY SURVEYOR DATE

I HEREBY CERTIFY THAT ALL TAXES AND SPECIAL ASSESSMENTS, OR OTHER CHARGES REQUIRED BY LAW, HAVE BEEN PAID.
Michelle Nelson Chief Deputy 10/16/19
DOUGLAS COUNTY TAX COLLECTOR DATE

SURVEYOR'S CERTIFICATE:

I, MICHAEL P. SCHULZE, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I CORRECTLY PERFORMED THE SURVEY OF AND MARKED WITH PROPER MONUMENTS THE HEREIN DESCRIBED PARCEL OF LAND AND HAVE PLATTED SAME AS SHOWN HEREON PURSUANT TO ORS CHAPTER 92 AND 209 AS AMENDED:

DESCRIPTION: BEGINNING AT A 5/8" IRON ROD WITH A RED PLASTIC CAP MARKED "GEOMAX, INC. (INITIAL POINT) FROM WHICH THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 22 SOUTH, RANGE 05 WEST, WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON BEARS N89°16'53"W, 640.20 FEET, SAID POINT BEING ON THE SOUTH LINE OF SAID SECTION 3; THENCE LEAVING SAID SOUTH LINE, N30°00'00"W, 957.00 FEET TO A POINT; THENCE NORTH 172.94 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAUREL HILL ROAD, COUNTY ROAD #68; THENCE FOLLOWING SAID SOUTH RIGHT-OF-WAY LINE S51°24'35"E, 100.82 FEET TO A POINT; THENCE N86°46'25"E, 318.15 FEET TO A POINT; THENCE N35°54'25"E, 201.87 FEET TO A POINT; THENCE N62°00'25"E, 81.13 FEET TO A POINT; THENCE S87°34'35"E, 92.35 FEET TO A POINT; THENCE S67°06'35"E, 202.83 FEET TO A POINT; THENCE S82°08'35"E, 335.96 FEET TO A POINT; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S01°03'14"E, 1039.05 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3; THENCE FOLLOWING THE SAID SOUTH LINE OF SECTION 3, N89°16'53"W, 739.08 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: BEGINNING AT THE SOUTH 1/16 CORNER OF SAID SECTION 3; THENCE FOLLOWING THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER, S89°03'13"E, 860.57 FEET; THENCE LEAVING SAID NORTH LINE, ALONG A 132.13 FOOT RADIUS CURVE TO THE LEFT (THE LONG CHORD OF WHICH BEARS S22°44'30"W, 127.30 FEET) A DISTANCE OF 132.82 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LAUREL HILL ROAD, COUNTY ROAD #68; THENCE FOLLOWING SAID NORTH RIGHT-OF-WAY LINE, N87°34'35"W, 63.08 FEET TO A POINT; THENCE S62°00'25"W, 101.27 FEET TO A POINT; THENCE S35°54'25"W, 192.12 FEET TO A POINT; THENCE S86°46'25"W, 283.85 FEET TO A POINT; THENCE N51°24'35"W, 258.81 FEET TO A POINT; THENCE N68°46'35"W, 63.58 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE FOLLOWING SAID WEST LINE, N00°24'07"W, 163.62 FEET TO THE POINT OF BEGINNING.

Michael P. Schulze
MICHAEL P. SCHULZE

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE SUBJECT PROPERTIES AS SHOWN. THERE ARE TWO SEPARATE OWNERSHIPS INVOLVED ON THIS PARTITION. THE TRACT OF LAND SOUTH OF THE COUNTY ROAD IS OWNED BY LIBERTALIA LLC (SEAN KEENE). THE TRACT OF LAND NORTH OF THE COUNTY ROAD IS OWNED BY ELI LANEY.

WHEN MR. KEENE APPLIED FOR A BUILDING PERMIT TO REPLACE AN EXISTING STRUCTURE, DOUGLAS COUNTY PLANNING REQUIRED THAT THE LANEY TRACT BE ENLARGED TO OVER 5 ACRES TO CONFORM WITH ZONING LAWS, EVEN THOUGH THE 2 TRACTS OF LAND HAVE BEEN SEPARATE PARCELS, BY DEED, SINCE 1967. THE DOUGLAS COUNTY PLANNING DEPARTMENT CONSIDERED THESE TWO TRACTS AS BEING LINKED BECAUSE BOTH TRACTS WERE UNDER THE SAME OWNERSHIP AT THE TIME THE LANEY TRACT WAS ILLEGALLY CREATED AROUND 2017.

LAUREL HILLS ROAD: THE LAUREL HILLS RIGHT-OF-WAY WAS CREATED BY FEE TITLE IN 1935 PER DEEDS VOLUME 96, PAGE 476-480 AND PLATTED PER KREWSON ROAD 68 DATED JUNE 1935. THIS ALIGNMENT OF THE ROAD APPEARS TO BE A POINT-OF-INTERSECTION (PI) ALIGNMENT AND CONTAINS NO CURVE INFORMATION. THE FEE TITLE ALIGNMENT WAS LOCATED ON A "BEST FIT" METHOD, STARTING AT THE EXISTING CENTERLINE INTERSECTION WITH THE WEST SECTION LINE OF SECTION 3 AND ROTATED TO CONFORM TO THE EXISTING CENTERLINE AT THE NORTHWEST CORNER OF PARCEL 1. BECAUSE OF THE NATURE OF THE PI ALIGNMENT OF THE FEE TITLE VERSUS THE CONSTRUCTED ROAD CENTERLINE WITH CURVATURE, THERE WERE MANY PLACES WHERE THE AS-CONSTRUCTED ROAD FELL OUTSIDE OF THE FEE TITLE ALIGNMENT. THIS ISSUE WAS HEAVILY DISCUSSED WITH JOSH HEACOCK, DOUGLAS COUNTY PUBLIC WORKS AND KRIS DEGROOT, DOUGLAS COUNTY SURVEYOR. IT WAS DECIDED THAT THE FEE TITLE ALIGNMENT MUST BE RESPECTED UNTIL SUCH A TIME THAT THE COUNTY RENEGOTIATES THE DISCREPANCY WITH THE FEE TITLE ALIGNMENT VERSUS THE AS-CONSTRUCTED ROADWAY WITH NEIGHBORING PROPERTIES OR WHEN A COURT JUDGEMENT IS MADE ESTABLISHING THE LEGAL RIGHTS OF THE COUNTY IN REGARDS TO THE AS-CONSTRUCTED LOCATION. IN ORDER TO PREVENT CONFUSION AND FURTHER COMPLICATIONS, THE DOUGLAS COUNTY SURVEYOR WAS WILLING TO WAIVE THE REQUIREMENT OF SETTING MONUMENTS ALONG THE LINES OF PARCEL 3 WHERE IT ABUTTED THE FEE TITLE RIGHT-OF-WAY. ONLY THE OUTSIDE MONUMENTS OF THE PARCEL ALONG THE FEE TITLE ALIGNMENT WERE REQUIRED TO BE SET. THIS WAS TO ALLOW ASSISTANCE IN ESTABLISHING THE FEE TITLE ALIGNMENT ON FUTURE SURVEYS IN THE AREA SINCE THERE WERE NO RIGHT-OF-WAY MONUMENTATION DISCOVERED DURING OUR SURVEY. PARCEL 1 DID NOT HAVE THIS REQUIREMENT TO SET MONUMENTS ALONG THE FEE TITLE ALIGNMENT AS THE PARCEL IS OVER 10 ACRES.

EAST LINE PARCEL 3, NORTH OF LAUREL HILL ROAD THE EAST LINE OF THE PORTION OF PARCEL 3 THAT LAYS NORTH OF LAUREL HILL ROAD QUALIFIES TO THE EAST LINE OF AN 100-FOOT WIDE EASEMENT GRANTED TO THE UNITED STATES OF AMERICA (BUREAU OF LAND MANAGEMENT), AS DESCRIBED IN INSTRUMENT #65-12984. THIS EASEMENT DESCRIBES THE BEGINNING POINT BEING CERTAIN DISTANCES NORTH AND EAST OF THE SOUTHEAST SECTION CORNER OF SECTION 3. THE ENDING POINT OF THIS EASEMENT IS DESCRIBED AS BEING CERTAIN DISTANCES SOUTH AND EAST OF THE WEST QUARTER CORNER OF SECTION 3. THIS EASEMENT APPEARS TO HAVE NEVER BEEN MONUMENTED AND NO MONUMENTS WERE FOUND IN THE FIELD.

THIS EASEMENT DOCUMENT INCLUDES AN EXHIBIT "A" WHICH IS A GRAPHICAL REPRESENTATION OF THE ALIGNMENT IN RELATIONSHIP TO LAUREL HILLS ROAD AND WHAT CAN BE ASSUMED TO BE THE EAST-WEST CENTERLINE OF THE SOUTHWEST QUARTER OF SECTION 3. ANY ATTEMPTS TO RESOLVE THIS EASEMENT, TO ESTABLISH THE EXACT LOCATION PER DEED, DID NOT RESULT IN CONFIDENCE THAT ANY OF THE OPTIONS WERE THE ABSOLUTE TRUE AND EXACT LOCATION. HOLDING THE TIE TO THE SECTION CORNER RESULTED IN A PORTION OF THE EASEMENT ROAD BEING OUTSIDE OF THE EASEMENT AND DID NOT MATCH EXHIBIT "A" IN RELATIONSHIP TO LAUREL HILL ROAD. HOLDING THE ENDING TIE TO THE QUARTER CORNER RESULTED IN BETTER RESULTS, BUT THERE WERE STILL ISSUES WITH EXHIBIT "A" AND THE EASEMENT'S BEGINNING LOCATION IN RELATIONSHIP TO LAUREL HILL ROAD. I FINALLY OPTED TO HOLD THE CENTERLINE OF THE AS-CONSTRUCTED EASEMENT ROAD AS THE CENTERLINE OF THE EASEMENT AND FITTING THE EASEMENT DESCRIPTION AS BEST AS POSSIBLE. THIS OPTION CREATED SIMILAR RESULTS AS HOLDING THE ENDING TIE TO THE QUARTER CORNER, PLACING THE EAST LINE OF THE EASEMENT BEING SLIGHTLY WEST (± 10 FEET) OF THE CALCULATED EAST LINE WHEN HOLDING THE ENDING TIE TO THE QUARTER CORNER. I FELT THAT THE OPTION OF HOLDING THE CENTERLINE OF THE AS-CONSTRUCTED ROAD WAS MORE PRUDENT THAN ATTEMPTING TO LOCATION AN UNMONUMENTED DEEDED DESCRIPTION WITH CONFLICTING RESOLUTION RESULTS. THE FACT THAT THIS CAUSED THE EAST LINE OF THE EASEMENT TO FALL WESTERLY OF THE BEST DEED OPTION AND DID NOT CAUSE AN UNNEEDED BURDEN ON THE PROPERTY TO THE EAST OF PARCEL 3 WAS A FACTOR IN MY DECISION.

WEST BOUNDARY THE WEST BOUNDARY OF THE LIBERTALIA TRACT WAS ESTABLISHED BY HOLDING RECORD BEARINGS AND DISTANCES PER DEED.

SOUTH BOUNDARY THE SOUTH BOUNDARY WAS ESTABLISHED BY HOLDING THE FOUND GOVERNMENT CORNERS.

EAST BOUNDARY OF PARCEL 1 THE DESCRIPTION DESCRIBING THE LIBERTALIA TRACT (DEED 2018-003699) EXCLUDES THAT PORTION AS DESCRIBED IN THE DEED FOR THE TWILLY PROPERTY (DEED 89-03803). THE TWILLY DEED DESCRIBES A BEGINNING POINT (SOUTHWEST CORNER) AS BEING 21.39 CHAINS FROM THE SOUTHWEST CORNER OF SECTION 3. THIS WAS NOT CONSISTENT WITH THE EXISTING FENCE/OCCUPATION LINE BETWEEN THE TWO PROPERTIES. THIS ALSO WAS NOT CONSISTENT WITH THE MINOR LAND PARTITION SURVEY COMPLETED IN 1976 ON THE TWILLY PROPERTY (M62-10). UPON REVIEWING M62-10, I OBSERVED THAT THE SURVEYOR DID NOT TIE OR INCLUDE THE SECTION CORNER IN HIS SURVEY. THE SURVEYOR APPEARS TO HAVE ELECTED TO HOLD THE EXISTING MONUMENTS OF UNKNOWN ORIGIN AND FOUND SCRIBED STAKES, ALSO OF UNKNOWN ORIGIN. THERE IS ONE CALL TO A SCRIBED STAKE WITHIN THE TWILLY DEED. ONLY THE SOUTHEAST CORNER OF THE TWILLY DEED HAS SUCH A CALL. MINOR LAND PARTITION M62-10 DID SHOW AN EXISTING FENCE ALONG THE WEST LINE OF THE TWILLY PROPERTY.

BASED ON THE AGE OF THE MINOR LAND PARTITION, THE FACT THAT A FENCE HAS BEEN IN PLACE SINCE 1976 THAT WAS CONSISTENT WITH THE FENCE THAT EXISTS TODAY, AND THE DISCOVERY OF THE 1-INCH IRON PIPE AT THE SOUTHWEST CORNER OF THE TWILLY PROPERTY (WHICH I ASSUME WAS THE SAME HISTORICAL MONUMENT FOUND BY THE SURVEY FOR THE MINOR LAND PARTITION), I FELT IT WOULD NOT BE PRUDENT TO IGNORE THE HISTORICAL MONUMENTATION/FENCE AND CREATE A POTENTIAL OVERLAP BETWEEN THE LIBERTALIA PROPERTY AND THE TWILLY PROPERTY WHEN HOLDING THE TIE TO THE SECTION CORNER. THEREFORE, I HELD THE EXISTING OCCUPATION LINE (FENCE) AS THE EAST BOUNDARY OF PARCEL 1.

OWNERS: LIBERTALIA, LLC
SEAN KEENE, PRESIDENT
1183 LAUREL HILL DRIVE
DRAIN, OREGON 97435

SITUS: 1183 LAUREL HILL DRIVE
DRAIN, OREGON 97435

TAX LOT: 22-05-03; 02100

OWNERS: ELI W. LANEY (PARCEL 3)
3352 ADMIRAL STREET
EUGENE, OREGON 97404

SITUS: 0 LAUREL HILL DRIVE
DRAIN, OREGON 97435

TAX LOT: 22-05-03; 02200

OF PARCELS: 3
SEWER: SEPTIC
WATER: P1 & P2 - WELL,
P3 - SPRING
ZONING: (SR) RURAL RESIDENTIAL
COMP. PLAN: (RC5) COMMITTED RESIDENTIAL
PROPERTY ID: R29927, R29903, & R29887
ASSESSOR MAP: 220503
TAX LOTS: 02100 & 02200

PLANNING DEPT. 18-036
FILE NO. S102_plat.dwg



SHEET 3 OF 3



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| JOB NO.: S102 | DRAWN: MPS | CHECKED: MPS |
| DATE: 3/14/19 | REV: | |

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