

CG 12119

# RECORD OF SURVEY FOR THE CITY OF NEWBERG IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF NEWBERG, YAMHILL COUNTY, OREGON

NOVEMBER 17, 2005

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AMBIGUITIES IN THE CENTERLINE ALIGNMENT OF THE RIGHT-OF-WAY OF SPRINGBROOK RD. (MARKET RD. 5) FROM AQUIARIUS BLVD. NORTHERLY TO CRESTVIEW DR.

THE ODOT RIGHT-OF-WAY MAP, 10C-51-5, MAKES AN ATTEMPT TO RESOLVE PROBLEMS WITH THE ORIGINAL ODOT RIGHT-OF-WAY MAP, 5B-18-6, BY LENGTHENING THE TANGENT BETWEEN THE TWO 954.93-FOOT RADIUS CURVES BY 23.06 FEET. HOWEVER, BOTH MAPS USE A LINE FROM THE NORTHWEST CORNER OF THE BRUTSCHER DLC NO. 51 SOUTHERLY FOR THE EAST LINE OF THE EVEREST DLC NO. 52 WITHOUT REGARD TO THE NORTHEAST CORNER OF THE EVEREST DLC NO. 52 ITSELF.

THE TANGENT SOUTHERLY OF THE CURVE AT AQUIARIUS BLVD. WAS DETERMINED BY ESTABLISHING THE EAST LINE OF THE EVEREST DLC NO. 52 AND OFFSETTING THIS LINE 10.00 FEET EASTERLY. THE EAST LINE OF THE EVEREST DLC NO. 52 WAS ESTABLISHED BY HOLDING MONUMENT (C) AND A POINT 30.00 FEET WESTERLY OF MONUMENT (A) AS SHOWN.

THE TANGENT BETWEEN THE TWO CURVES WAS ESTABLISHED BY HOLDING MONUMENT (F) AND MONUMENT (P) AND OFFSETTING THIS LINE 40.00 FEET NORTHWESTERLY.

THE TANGENT NORTHERLY OF THE CURVE AT THE NORTHWEST CORNER OF "CHEHALEM TOWNHOUSE HOMES" WAS DETERMINED BY ESTABLISHING THE EAST LINE OF THE WEST HALF OF THE SOLOMAN HEATER DLC NO. 48 AND OFFSETTING THIS LINE 10.00 FEET EASTERLY. THE EAST LINE OF THE WEST HALF OF THE SOLOMAN HEATER DLC NO. 48 WAS ESTABLISHED BY HOLDING MONUMENT (M) AND A POINT 20.00 FEET WESTERLY OF MONUMENT (N) AS SHOWN.

WITH THE THREE TANGENTS ESTABLISHED, BOTH CURVES WERE FIT TO THE TANGENTS HOLDING THE RECORD RADIUS OF 954.93 FEET.

**BASIS OF BEARINGS**

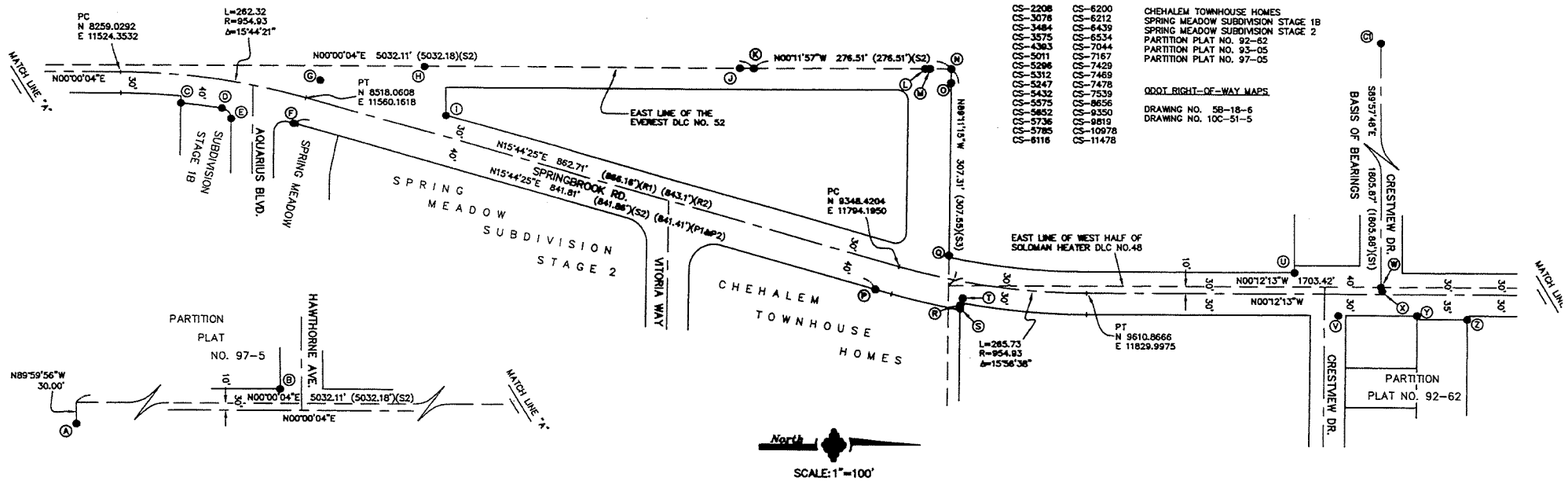
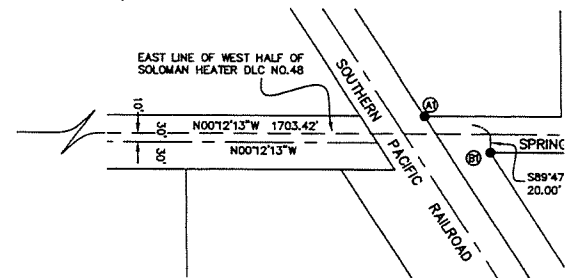
THE BASIS OF BEARINGS FOR THIS SURVEY IS S89°57'48"E ALONG THE CENTERLINE OF CRESTVIEW DR. PER CS-5432.

**LEGEND**

- - DENOTES FOUND MONUMENT AS NOTED
- FD - DENOTES "FOUND"
- IR - DENOTES "IRON ROD"
- IP - DENOTES "IRON PIPE"
- WYPC - DENOTES "WITH YELLOW PLASTIC CAP"
- (S1) - RECORD DATA PER CS-11478
- (S2) - RECORD DATA PER CS-10978
- (S3) - RECORD DATA PER CS-3484
- (P1) - RECORD DATA PER "SPRING MEADOW SUBDIVISION STAGE 1B"
- (P2) - RECORD DATA PER "SPRING MEADOW SUBDIVISION STAGE 2"
- (R1) - RECORD DATA PER ODOT RIGHT-OF-WAY MAP 10C-51-5
- (R2) - RECORD DATA PER ODOT RIGHT-OF-WAY MAP 5B-18-6

**REFERENCES**

- SURVEYS**
- CS-2208
  - CS-3078
  - CS-3484
  - CS-3575
  - CS-4383
  - CS-5011
  - CS-5298
  - CS-5312
  - CS-5247
  - CS-5432
  - CS-5575
  - CS-5652
  - CS-5736
  - CS-5785
  - CS-6116
  - CS-6200
  - CS-6212
  - CS-6439
  - CS-6534
  - CS-7044
  - CS-7187
  - CS-7429
  - CS-7469
  - CS-7478
  - CS-7539
  - CS-8656
  - CS-9350
  - CS-9819
  - CS-10978
  - CS-11478
- PLATS**
- CHEHALEM TOWNHOUSE HOMES
  - SPRING MEADOW SUBDIVISION STAGE 1B
  - SPRING MEADOW SUBDIVISION STAGE 2
  - PARTITION PLAT NO. 92-62
  - PARTITION PLAT NO. 92-05
  - PARTITION PLAT NO. 97-05
- ODOT RIGHT-OF-WAY MAPS**
- DRAWING NO. 5B-18-6
  - DRAWING NO. 10C-51-5



| ID  | DESCRIPTION  | NORTHING   | EASTING     |
|-----|--|------------|-------------|
| (A) | FD BRASS DISK 30' OFFSET NE CORNER LUKE MCKERN DLC NO. 56 HELD | 4,113.2129 | 11,544.2719 |
| (B) | FD 5/8" IR WYPC "SUMMERS P.L.S. 1042" PARTITION PLAT 97-5      | 7,365.6107 | 11,494.2345 |
| (C) | FD 5/8" IR SPRING MEADOW 1B                                    | 8,343.2738 | 11,568.1682 |
| (D) | FD 5/8" IR WYPC "WS STUCKEY PE6427" SPRING MEADOW 1B           | 8,400.8601 | 11,575.2466 |
| (E) | FD 5/8" IR WYPC "WS STUCKEY PE6427" SPRING MEADOW 1B           | 8,413.7516 | 11,590.4048 |
| (F) | FD 5/8" IR WYPC "WS STUCKEY PE6427" SPRING MEADOW 1B HELD      | 8,504.8197 | 11,597.9882 |
| (G) | FD 5/8" IR WYPC "RAINER1 PLS 2054" CS-10978                    | 8,538.2100 | 11,534.9699 |
| (H) | FD 5/8" IR WITH ALUMINUM CAP IN MONUMENT BOX (ILLEGIBLE)       | 8,684.1678 | 11,514.8886 |
| (I) | FD 5/8" IR BENT CS-10978                                       | 8,714.4985 | 11,584.4371 |
| (J) | FD 5/8" IR IN MONUMENT BOX                                     | 9,125.6156 | 11,514.0305 |
| (K) | FD 2-1/2" BRASS DISK NE CORNER EVEREST DLC NO. 52 HELD         | 9,145.3221 | 11,514.3708 |

| ID  | DESCRIPTION                                    | NORTHING    | EASTING     |
|-----|--|-------------|-------------|
| (P) | FD 5/8" IR BENT (TIED SPIN HOLE) CS-7488 HELD  | 8,315.0612  | 11,828.3512 |
| (Q) | FD 5/8" IR WYPC "RAINER1 PLS 2054" CS-10978    | 9,418.1217  | 11,777.8099 |
| (R) | FD 1" BOLT ORIGIN UNKNOWN                      | 9,433.7164  | 11,848.3089 |
| (S) | FD 2" IP "CHEHALEM TOWNHOUSE HOMES"            | 9,433.5614  | 11,852.4732 |
| (T) | FD 5/8" IR WYPC "RAINER1 PLS 2054" CS-10978    | 9,437.4760  | 11,838.1062 |
| (U) | FD 5/8" IR CS-5247                             | 9,902.7975  | 11,799.1740 |
| (V) | FD 1" IP ORIGIN UNKNOWN                        | 9,984.3564  | 11,859.1420 |
| (W) | FD RAILROAD SPIKE CS-6116 HELD                 | 10,024.2944 | 11,818.5272 |
| (X) | FD RAILROAD SPIKE ORIGIN UNKNOWN               | 10,025.9369 | 11,824.1916 |
| (Y) | FD 5/8" IR CS-7187                             | 10,074.9701 | 11,858.2241 |
| (Z) | FD 5/8" IR WYPC ILLEGIBLE PARTITION PLAT 92-62 | 10,145.5946 | 11,863.1241 |

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kevin Williams*

OREGON  
JAN. 18, 1984  
KEVIN WILLIAMS  
2850

RENEWAL DATE 6-30-06

|     |   |            |             |
|-----|---|------------|-------------|
| (L) | FD 2" BRASS DISK "RLD-1978"                         | 9,385.2292 | 11,513.3036 |
| (M) | FD 2" BRASS DISK "RLD-1978"                         | 9,391.8207 | 11,513.4753 |
| (N) | FD 2" "RLD-1978" NW CORNER S. BRUSTOCHER DLC NO. 51 | 9,421.8351 | 11,513.4097 |
| (O) | FD 5/8" IR WYPC "RAINER1 PLS 2054" CS-10978         | 9,421.5226 | 11,533.4201 |

|     |  |             |             |
|-----|--|-------------|-------------|
| (P) | FD 5/8" IR CS-3783                     | 11,120.9832 | 11,834.8275 |
| (B) | FD 5/8" IR WYPC ILLEGIBLE CS-9350 HELD | 11,120.9832 | 11,834.8275 |
| (C) | FD 5/8" IR IN MONUMENT BOX CS-5432     | 10,025.3655 | 10,012.6616 |



LAND SURVEY

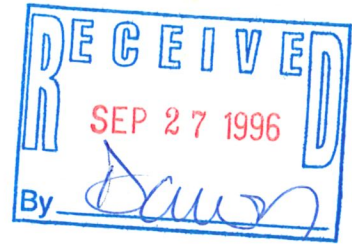
9900 S.W. WILSHI

PORTLAND,

503.517.0682 Fx

\\BUD\PROJECTS3\NEW1153\DWG\1153\_SPRIN

300040148J



# interoffice

MEMORANDUM

**to:** Terry Mahr, City Attorney  
**cc:** Larry Anderson, Engineering Manager  
**from:** John J. Raineri *JJR*  
**re:** Street dedication descriptions  
**date:** September 26, 1996

A number of months ago the City acquired some surplus land from Yamhill County that is located Northwest of the "Fire Department" lot on Springbrook Road.

When we acquired the property we acquired it as a physical piece of property, not for street purposes as the County had acquired it in 1925. Adjacent to this property, on Middlebrook Drive, a resident accesses his property through our property. The house was situated to face Middlebrook Street after the street was built over county property without benefit of our requesting the right to do so.

Whether or not we dedicate the property for street purposes is not an issue at this point, I am only trying to make you aware of the situation before it becomes an issue.

Attached are copies of a map and descriptions of land proposed to be dedicated for street purposes.

*Please contact me if you have any question*

from the desk of...

**John J. Raineri**  
Engineering Technician II  
City of Newberg  
414 East First Street  
Newberg, Oregon 97132

Fire Station Lot at Springbrook Rd., Springbrook Way and Middlebrook Dr..

Description for the dedication of a portion of public land for street purposes.

**Dedication of Middlebrook Dr. from Springbrook Way to Springbrook St.**

A tract of land in the Northwest quarter of Section 16, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; beginning at a point at the Northwest corner of the Sebastian Brutscher Donation Land Claim No. 51; thence East along the North line of said Donation Land Claim to the West line of Springbrook Road; thence Southwesterly along the West line of Springbrook Road to a point 61.64 feet South of the North line of said claim; thence West, parallel with the North line of said claim, to the West line of said claim; thence North, along the West line of said claim 61.64 feet to the point of beginning.

Excepting therefrom the West 20 feet.

**Dedication of a 10 foot strip of land along the East side of Springbrook Way**

A tract of land in the Northwest quarter of Section 16, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; beginning at a point 61.64 feet South and 20 feet East of the Northwest corner of the Sebastian Brutscher Donation Land Claim No. 51; thence South, parallel to the West line of said Donation Land Claim, 645.75 feet to the Easterly projection of the North line of Cedar Street, thence East 10 feet; thence North, parallel with the West line of the Donation land Claim, 645.75 feet.; thence West 10 feet to the point of beginning.

**Dedication of the South end of the property**

A tract of land in the Northwest quarter of Section 16, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; beginning at a point at the intersection of the West line of the Sebastian Brutscher Donation Land Claim and the Easterly extension of the North line of Cedar Street; thence East to the West line of Springbrook Street; thence Southwesterly, along the West line of Springbrook Street, to its intersection with the East line of Springbrook Way; thence North, parallel to the West line of the Donation Land Claim to the point of beginning.





**EXHIBIT "A"**  
**County Deed to Municipal Corporation**

Grantor: Yamhill County, Oregon  
Grantee: City of Newberg, Oregon  
Tax Lot: 3216BC - 01300  
Authority: B.O. 96-043

Property description:

All of the following property lying within Yamhill County, Oregon:

Being a part of the Sebastian Brutcher D.L.C. Not. No. 1470 Claim No. 51 in Section 16, T. 3 S. R. 2 W., Willamette Meridian, Ore., Beginning on the North line of and S. 89 deg. 5' E. 20 ft. from the N.W. cor. of said claim. Thence S. 0 deg. 17' W. along East margin of present Co. road 277.1 ft; Thence South 7.1 ft; Thence following a curve to the right having a radius of 184.6 ft. from tangent of North a distance of 242.2 ft; thence North 75.06 Min. East 5.4 ft.; thence following the curve to left having a radius of 224.6 ft. a distance of 172.2 ft. to the North line of said D.L.C.; thence north 89 deg. 05' West along North line of claim 274.5 ft. to the place of beginning. Containing .68 of an acre more or less.

(end of legal description)

CHARLES STERN, COUNTY CLERK  
YAMHILL COUNTY  
5th & Evans  
MCMINNVILLE, OREGON 97128

DATE April 17, 1996

TO City of Newberg  
414 E. First Street  
Newberg, OR 97132

ATTN: PEGGY

|  |         |
|--|---------|
| Recording of Deed<br>Tax Lot 3216BC-01300<br>B. O. 96-43 | \$20.00 |
| TOTAL DUE  | \$20.00 |

# interoffice

## MEMORANDUM

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**to:** John Gray, Yamhill County Counsel

VIA FAX 434-7520

**cc:** John Raineri, Engineer

**from:** Terrence D. Mahr

**re:** Springbrook Road Property

**date:** April 11, 1996

Attached is a copy of a legal description concerning a portion of Tax Lot No. 3216BC-1300 which we received from John Raineri, Engineering Department, City of Newberg. You indicated that your office would prepare the appropriate transferring deed. Please call me if you have any questions. Thanks for your help.

F:\LEGAL\WP5FILES\COMMDEV\SPRINBRO.JG

from the desk of...

**Terrence D. Mahr**

City Attorney  
City of Newberg  
414 E. First Street  
Newberg, OR 97132

(503) 537-1248  
Fax: (503) 537-1277

# interoffice

MEMORANDUM

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RECEIVED  
1/29/96

**to:** Terry Mahr, City Attorney

**cc:**

**from:** John J. Raineri

**re:** Springbrook Road property

**date:** January 24, 1996

This is the description of the property that tranfered ownership to the County in 1925.

The body of the description (as highlighted) is what should be used to transfer the property from the County to the City of Newberg.

Please call if you have any questions.

from the desk of...

**John J. Raineri**  
Engineering Technician II  
City of Newberg  
414 East First Street  
Newberg, Oregon 97132

537-1237  
Fax: 537-1272



RECEIVED  
1/26/96

# interoffice

## MEMORANDUM

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**to:** Terry Mahr, City Attorney  
**cc:**  
**from:** John J. Raineri  
**re:** Springbrook Road property  
**date:** January 26, 1996

As the City acquires the property from Yamhill County, at the intersection of Middlebrook Drive and Springbrook Way, the property at the Northeast corner of this intersection will not have access to a dedicated street as has been the case for the past 19 years.

I would like to suggest that after the City acquires the land that they consider dedicating the property dedicating the street right of way at Middlebrook Street and at Cedar Street.

As these problems are discovered I feel it would best be taken care at the time of discovery rather than waiting until the problem surfaces at a later date.



from the desk of...

**John J. Raineri**  
Engineering Technician II  
City of Newberg  
414 East First Street  
Newberg, Oregon 97132

537-1237  
Fax: 537-1272



30007-1481

**TELEPHONE MESSAGE**


Thursday, January 11, 1996

1:52 PM

John Gray

Hi, Terry. This is John Gray. How ya doing? Long time no see. Yesterday the Board of Commissioners took action to grant a request to the City of Newberg as far as that potential Fire Station property goes. Specifically, the City had asked back in November, I guess, that the County convey some property that apparently is a part of a tax lot 1516BC1300 to the City. I am now ready to do the deed preparation and what I'd like you to do, if possible, is to get from your engineering staff a legal description of what is it that you want us to convey to you, and then we will do so. And if that works, just go ahead and do it, and I'll go ahead and wait until I get the legal to attach to the deed, and if that doesn't work, or if you want to talk about it, give me a buzz. Thanks, Terry. Bye.

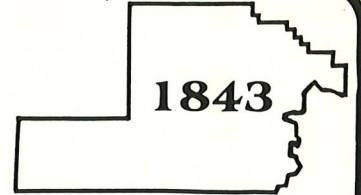
Transcribed by Cheryl Gartman, 1/16/96.



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RECEIVED  
11/29/95

# Yamhill County



COURTHOUSE • 535 EAST FIFTH STREET • McMinnville, Oregon 97128-4523 • (503) 434-7502

## OFFICE OF COUNTY COUNSEL

November 28, 1995

Mayor Donna Proctor  
City of Newberg  
414 East First Street  
Newberg, Oregon 97132

**JOHN M. GRAY, JR.**  
COUNTY COUNSEL  
**JOHN C. PINKSTAFF**  
ASSISTANT COUNTY COUNSEL

RE: Transfer of Tax Lot 3216BC-1300  
(Proposed fire station location)

Dear Mayor Proctor:

Enclosed please find a copy of the notice of public hearing which will be published in the Newberg Graphic. As detailed in the notice, the Board of Commissioners will hold a public hearing at 10:00 a.m. on Wednesday, January 10, 1996 to consider the transfer of Tax Lot 3216BC-1300 to the City. At the public hearing, the Board will consider any objections to the proposed transfer.

Although it is not a requirement that someone from the city attend the public hearing, you may wish to consider sending a representative if you believe the representative could assist the Board in reaching a decision.

Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "John M. Gray, Jr."

John M. Gray, Jr.  
Yamhill County Counsel

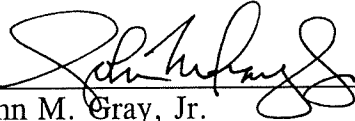
JMG:cw

cc: Board of Commissioners  
✓ Terrence D. Mahr, Newberg City Attorney

**NOTICE OF PUBLIC HEARING**  
**Transfer of County Property to City of Newberg**

NOTICE IS HEREBY GIVEN that the Yamhill County Board of Commissioners ("the Board") will hold a public hearing on Wednesday, January 10, 1996 at 10:00 a.m. in Room 32, County Courthouse, 535 East 5th, McMinnville, Oregon 97128 to consider the proposed transfer of Tax Lot 3216BC-1300 to the City of Newberg, Oregon. The property is located off Springbrook Road north of its intersection with Highway 99W. The proposed transfer is authorized under ORS 271.330(1) which allows the county to transfer surplus county real property to a city so long as the property is no longer needed for county purposes and will be used for public purposes by the city. The city proposes to use the property for a fire station to be constructed in the future.

Persons are invited to attend the public hearing to support or oppose the proposed transfer. Oral and written testimony will be received by the Board at the hearing. Written testimony may also be submitted in advance. Following the public hearing the Board may proceed with the proposed transfer without further notice. For additional information, contact John M. Gray, Jr., County Counsel, 434-7502. DATED: November 28, 1995.

  
\_\_\_\_\_  
John M. Gray, Jr.  
Yamhill County Legal Counsel

[Newberg Graphic publication dates: December 6, December 13, 1995]

# interoffice

## MEMORANDUM

**to:** Greg Scoles, Community Development Director

**cc:**

**from:** John J. Raineri

**re:** City Property - Tax Lot 3216 BC 1300

**date:** October 2, 1995

*file*

*271-330*

*Dennis + Copy to you*

The above referenced property is property that the City purchased in August of 1969 with the proposed use to be for the construction of a new fire station in the future. The property is entirely surrounded by city streets, but the deed description of the property differs geometrically from the intent of the deed that transferred ownership to the City. See attached drawing "A".

What brought about the difference is the that the City, in 1977, required that Middlebrook Drive be extended from the East boundary of Springbrook Way to the West line of Springbrook Street. Although this replaced the road that was there no formal acquisition of property was made from Yamhill County. It could have been interpreted that the roadway was dedicated and the street was constructed

In researching records I have found that the County purchased the property in fee title rather than for a particular purpose such as a road.

After contacting the County Surveyor on the status of the property he felt that it was in the best interest in the County to discard the property but suggested that the request should come from the City of Newberg.

from the desk of...

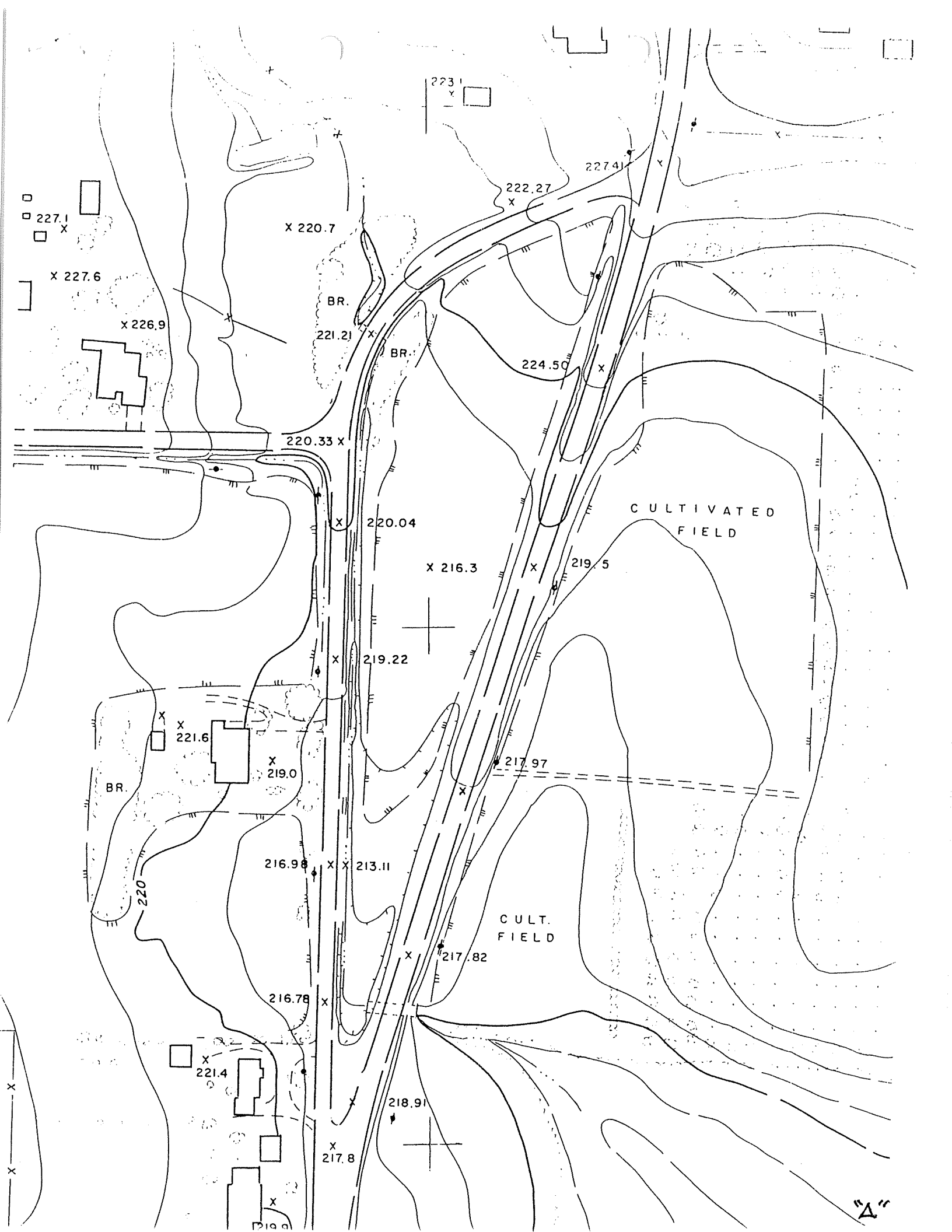
John J. Raineri  
Engineering Technician II  
City of Newberg  
414 East First Street  
Newberg, Oregon 97132

537-1237  
Fax: 537-1272

44

As the situation currently exists the property at the Northeast corner of Springbrook Way and Middlebrook Drive access their property over the County property not over a city street. If further development was done to the property to the East of that lot, without taking some action, they too will be exiting onto county property.

To rectify the problem I would suggest that the City pursue having the County sell or quitclaim to the City that property mentioned



"A"

