

COUNTY ROAD # 428

Section 31, T5S, R6W, W. M., 40' Wide
Section 1, T6S, R6W, W. M.,
Sec. 6 T6S, R5W

Book 66, Page 446, ~~XXXXXX~~ 6 January 1914

Accepted Commissioners Journal 15, Page 161, February 5, 1914

C.S. 2001

C. S. P. 6500

Partial Vacation Sec. 31 T5S, R5W & Sec. 6 T6S, R5W Ord. # 82-524

S. 00° 54' W. 19.59 chains from the N. W. corner of said Claim; Thence N. 89° 30' E. along line between Lots #2, 3 and 4 of County survey #2001, 39.59 chains to an iron pipe at the N. E. corner of Lot #4 of said survey (said pipe being S. 00° 16' W. 19.77 chains from the N. E. corner of the James M. Graves D. L. C. Thence N. 89° 30' E. 1.23 chains to angle #1 of road survey; Thence S. 56° 34' E. 5.11 chains to angle #2 of road survey; Thence S. 76° 36' E. 23.436 chains to angle #3 of road survey on the East line of the Paris McCain D. L. C. as now fenced; Thence S. 80° 12' E. 16.665 chains to angle #4 on line between W. A. and Roy Graves, 13.485 chains N. 00° 35' W. from Roy Graves S. W. corner; Thence N. 89° 25' E. 16.48 chains to angle #5 of road survey on line between Roy Graves and Lincoln Bennett as now fenced at a point S. 00° 03' W. 12.83 chains from a point 22½ links West of iron pipe at the N. E. corner of the James McCain D. L. C. from which angle #5 an ash 10" in diam. bear N. 31° W. 36 links; Thence S. 00° 03' W. along the East line of County Survey #2002, 62.17 chains to iron pipe set at the N. E. corner of that certain 35.00 acre tract formerly surveyed by H. S. Maloney and being on the East line of the James McCain D. L. C. where the line between Yamhill and Polk Counties cross said Claim line, (the last call of S. 00° 03' W. is identical with the line as called for in County Survey #2002, the difference in courses being from different azimuths taken in the different surveys but the line is one and the same.)

Also, Beginning at an iron pipe at the N. E. corner of Lot #4 of County Survey #2001 said iron pipe being S. 00° 16' W. 19.77 chains from the N. E. corner of the James M. Graves D. L. C. Lot #5240, Claim #75, in Tp. 5. S. R. 5. W. of the Will. Mer. Oregon; Thence S. 00° 16' W. along the East line of said Claim 15.00 chains to angle #1 of road survey; Thence S. 21° 47' W. 2.60 chains to angle #2 of road survey; Thence S. 6° 28' E. 2.64½ chains to angle #3 of road survey; Thence S. 21° 22' E. 2.60 chains to East line of said Graves Claim; Thence S. 00° 16' W. along East line of said Graves Claim 47.39½ chains to the S. E. corner of the said James M. Graves D. L. C. and the center of the Sheridan and Ballston County road in Yamhill County, Oregon. This deed conveys a strip of land 40 feet wide being 20 feet on each side of the above described line.

TO HAVE AND TO HOLD the above granted premises with all the rights, easements and appurtenances thereto belonging unto the said County of Yamhill, as long as the said land is used for Road purposes (to revert to Grantors or assigns at such time as it ceases to be used as such.) And the said grantors do covenant to and with the said grantee that they are lawfully seized in fee of the above granted premises;

In Witness whereof, the grantors above named, hereunto set their hands and seals this 6th day of January 1914.

Witness to execution hereof. B. W. Jones, Mrs Wm. Spratt,
B. W. Jones (No) Nos. 1, 4, 5, 6, 7, 8, 9, 10
E. L. Knickerbocker (9 & 10) 17-11-12 13-14,

1. Ellen Graves, (Seal)
2. A. H. Tillery, (Seal)
3. Nancy Tillery, (Seal)
4. Roy Graves, (Seal)
5. Grace M. Graves, (Seal)
6. A. B. Chandler, (Seal)
7. Core B. Chandler, (Seal)
8. Lucy E. Graves, (Seal)
9. E. L. Knickerbocker, (Seal)

Co. 2d. #428
40' w/1

111.50

3127.74

Received 11-24 1982

County Surveyor

FILED
YAMHILL COUNTY, OREGON

NOV 22 11 53 AM '82

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK
DEPUTY

ORDER NO. 82-524

In the Matter of the Vacation of)
Certain Unopened Portions of)
County Road #428, applicant Kadel1.)

THE BOARD OF COMMISSIONERS of Yamhill County, Oregon, (the Board) on the 10th day of November, 1982, sat for the transaction of County buisness, Commissioners Ted Lopuszynski, Robin J. Hamblet and Colin Armstrong being present.

IT APPEARING TO THE BOARD that Myron and Maxine Kadel1 have made applica- tion in the Yamhill County Department of Planning and Development pursuant to Yamhill County Ordinance #110, 1976, and ORS 271.010 requesting the vacation of portions of County Road #428, as described hereinbelow, and

IT APPEARING TO THE BOARD AND THE BOARD FINDS as follows, to wit:

- (1) That the property in question and as described in the application is outside the corporation limits of any city.
- (2) That Myron and Maxine Kadel1 are the owners of the property surrounding the property proposed to be vacated.
- (3) That Randy Campbell is the owner of the property adjacent to the property proposed to be vacated.
- (4) That notice of the pendency of this hearing was given by posting at three of the most public places in the area of the road proposed to be vacated.
- (5) That no property in the vicinity of this road will be denied access to a County or public road by this proposed vaction.
- (6) That the property described in the petition is presently not open to or used by the public and has not been for a period of 20 years immediately proceeding the filing of the said application for vacation.
- (7) That Yamhill County Ordinance #110 has been complied with as to procedure.
- (8) To open the said county road or to maintain it would be an unnecessary burden to the public.
- (9) And that the citizens of Yamhill County would be benefitted by the proposed road vacation.

IT IS, THEREFORE, HEREBY ORDERED BY THE BOARD that the following described upopened portion of County Road #428 be and is hereby vacated, to wit:

Portions of County Road No. 428 lying in Section 6, Township 6 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and being portions of that 40 foot roadway described in the second roadway parcel of that certain Warrantee Deed to Yamhill County by Ellen Graves, et al, recorded on February 10, 1914 in Book 66, Page 466 of the Deed Records of Yamhill County, said portions being more particularly described as follows:

Road Vacation - Co. Rd. #428 - Sec 31 T5S R5W 4 Sec. 6 + 6S R5W

No. 1 - A strip of land 40 feet wide, lying 20 feet on each side of the following described road centerline:

Beginning at an iron pipe at the Northeast corner of Lot No. 4 of County Road Survey No. 2001, said iron pipe being South 00° 16' West 19.77 chains from the Northeast corner of the James M. Graves Donation Land Claim Notification No. 5240, Claim No. 75, in Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon; thence South 00° 16' West along the East line of said claim 15.00 chains to Angle No. 1 of Road Survey; thence South 21° 47' West 2.60 chains to Angle No. 2 of Road Survey; thence South 6° 28' East 2.64½ chains to Angle No. 3 of Road Survey; thence South 21° 22' East 2.60 chains to a point on the East line of said Graves Claim, said point being the terminus of the centerline herein described.

No. 2 - A strip of land 20 feet wide, immediately adjoining and lying Westerly of the following described centerline:

Beginning at the iron pipe set at the North end of said second roadway parcel, also being the Northeast corner of Lot No. 4 of County Road Survey No. 2001; thence South 00° 16' West 990.00 feet to Angle No. 1; thence South 21° 47' West 171.60 feet to Angle No. 2; thence South 6° 28' East 174.57 feet to Angle No. 3; thence South 21° 22' East 171.60 feet to the East line of the James M. Graves Donation Land Claim Notification No. 5240, Claim No. 75; said point being the True Place of Beginning; thence South 0° 16' West along the East line of said Graves Claim 1544.07 feet to the point of ending, lying North 0° 16' East 1584.00 feet to the point of ending, lying North 0° 16' East 1584.00 feet of the Southeast corner of said Graves Claim, (said Graves Claim corner lying in the center of Market Road No. 24) said point of ending being the terminus of the portion of County Road No. 428 described herein.

IT IS FURTHER ORDERED that a copy of this order be recorded in the Deed Records of Yamhill County, Oregon, and a copy thereof be filed with the Yamhill County Assessor and Yamhill County Surveyor as by law required.

DONE this 10th day of November, 1982, at McMinnville, Oregon.

ATTEST:

CHUCK STERN
County Clerk

Elaine Pearcey
ELAINE PEARCEY
Deputy

APPROVED AS TO FORM:

By *N. Robert Shields*
N. Robert Shields, Assistant
County Counsel

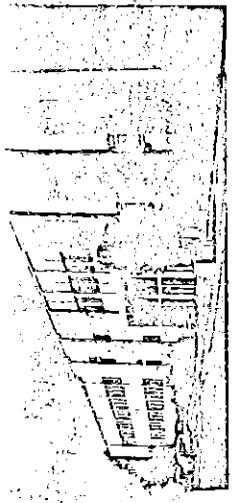
YAMHILL COUNTY BOARD OF COMMISSIONERS

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McMinnville
SUPERVISOR
YAMHILL COUNTY
Oregon



COUNTY COUNSEL
May 6, 1980

M E M O R A N D U M

TO: Bill Gille, Office Engineer
FROM: Daryl S. Garrettson, County Counsel
RE: County Road 428
Please refer to our file #45

Attached please find a copy of the Consent Decree in the Campbell matter. I apologize for not sending one to you earlier. If you have any questions or comments regarding this, please be sure to contact me.

DSG:enc

FILED FEB. 2, 1938 AT 12:15 P.M.
E. F. PERKINS, COUNTY CLERK
BY EVA H. DEBOLT, DEPUTY

RECORDED BY Eva H. Debolt DEPUTY

Vol. 113 - 5-87

Co. Road #3203
(P 66-A)
70W

(41566)

WILLIAM BRANDT ET. UX. TO OTTO P. & HARRIET H. BRANDT

WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT WILLIAM BRANDT AND MINNIE BRANDT, HIS WIFE, FOR THE CONSIDERATION OF THE SUM OF TEN AND 00/100 DOLLARS TO THEM PAID, HAVE BARGAINED AND SOLD BY THESE PRESENTS DO BARGAIN, SELL AND CONVEY UNTO OTTO P. BRANDT AND HARRIET H. BRANDT, HIS WIFE, THE FOLLOWING DESCRIBED PREMISES TO-WIT:

LOT No. 4, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE SET SOUTH 18° WEST 19.77 CHAINS FROM THE NORTHEAST CORNER OF THE JAMES M. GRAVES D. L. C. NOTIFICATION No. 5240, CLAIM No. 87 IN YAMHILL COUNTY, OREGON. THENCE SOUTH 16° WEST 34.807 CHAINS TO STAKE SET AT SOUTHEAST CORNER OF LOT 4 AND NORTHEAST CORNER OF LOT No. 5. THENCE SOUTH 89 DEGREES 30° WEST 18.20 CHAINS TO CORNER OF LOTS 1, 2, 4 AND 5. THENCE NORTH 35° EAST 34.807 CHAINS TO STAKE AT NORTHEAST CORNER OF LOT No. 2. THENCE NORTH 89 DEG. 30° EAST 17.996 CHAINS TO PLACE OF BEGINNING, CONTAINING 62.996 ACRES. EXCEPTING THEREFROM FOR A ROADWAY 1.06 ACRES, OR A STRIP OF LAND 20 FEET WIDE ON THE WEST SIDE OF THE ABOVE DESCRIBED PREMISES.

LOT No. 3 (B), WHICH IS DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING AT THE N. E. CORNER OF THE JAMES M. GRAVES D. L. C. NOT. #5240, CLAIM #87 IN YAMHILL COUNTY, STATE OF OREGON; THENCE S. 16° W. ON THE EAST BOUNDARY LINE OF SAID D. L. C.; 19.77 CHAINS TO THE S. E. CORNER OF LOT #3; THENCE S. 89 DEGREES 30° W. 17.07 CHAINS TO THE S. E. CORNER OF LOT No. 3 (A). THENCE N. 35° E. 19.72 CHAINS TO STAKE; THENCE N. 89 DEGREES 12° E. 16.96 CHAINS TO THE PLACE OF BEGINNING, CONTAINING 33.66 ACRES

SAVE AND EXCEPT 11.30 ACRES HERETOFORE DEEDED AND AS DESCRIBED IN A CERTAIN WARRANTY DEED FROM ELLEN GRAVES, WIDOW, AND LUCY E. GRAVES GRANTOR, TO OSCAR GRAVES AND HILDA GRAVES, HIS WIFE, GRANTEEES, WHICH DEED IS DATED FEBRUARY 27, 1915 AND RECORDED MARCH 1, 1915 IN BOOK 69, PAGE 247, RECORD OF DEEDS FOR YAMHILL COUNTY, OREGON

NO INTERNAL REVENUE STAMPS REQUIRED HEREON,

TO HAVE AND TO HOLD THE ABOVE DESCRIBED AND GRANTED PREMISES WITH THE TENEMENTS, APPURTENANCES AND HEREDITAMENTS THEREUNTO BELONGING OR IN ANYWISE APPERTAINING, UNTO THE SAID OTTO P. BRANDT AND HARRIET H. BRANDT, HIS WIFE, THEIR HEIRS AND ASSIGNS FOREVER. AND THE SAID WILLIAM BRANDT AND MINNIE BRANDT, HIS WIFE, DO HEREBY CONVENANT TO AND WITH THE SAID OTTO P. BRANDT AND HARRIET H. BRANDT, HIS WIFE, THEIR HEIRS AND ASSIGNS, THAT THEY ARE THE OWNERS IN FEE SIMPLE OF SAID PREMISES; THAT THEY ARE FREE OF ALL INCUMBRANCES, SUBJECT TO TAXES OR OTHER LIENS CREATED OR PERMITTED BY THE GRANTEEES HEREIN, AND THAT THEY WILL WARRANT AND DEFEND THE SAME FROM ALL LAWFUL CLAIMS WHATSOEVER, EXCEPT AS NOTED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 28TH DAY OF DEC. A. D. 1937.

MRS. MINNA BRANDT
WILLIAM BRANDT, SR.



ACKNOWLEDGEMENT

STATE OF OREGON,)
COUNTY OF YAMHILL) ss.

ON THIS 28TH DAY OF DEC. A. D. 1937 PERSONALLY CAME BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, THE WITHIN NAMED WILLIAM BRANDT AND MINNIE BRANDT, HIS WIFE, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE WITHIN