

**PARTITION PLAT NO. P-11-2009**  
**LAND PARTITION**  
 LOCATED IN:  
 THE N.W. 1/4 OF SECTION 24, T. 37S., R. 2W, W.M.  
 IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

FOR:  
**BLACK SILVER LLC**  
 P.O. BOX 970  
 MEDFORD, OR. 97501

**DECLARATION:**

KNOW ALL MEN BY THESE PRESENTS, THAT, BLACK SILVER LLC, AN OREGON LIMITED LIABILITY COMPANY IS THE OWNER IN FEE SIMPLE OF THE PARCEL OF REAL PROPERTY SITUATED IN JACKSON COUNTY, OREGON, AND HAS CAUSED THE SAME TO BE SURVEYED, MAPPED AND PLATTED AS SHOWN HEREON AND DOES HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE AREA LABELED HEREON AS PUBLIC UTILITY EASEMENT (PUE) AND DOES HEREBY CREATE AN EASEMENT FOR SHARED INGRESS AND EGRESS OVER PARCEL NO. 1 AND PARCEL NO. 2 AS SHOWN HEREON FOR THE BENEFIT OF THE OWNERS, HEIRS AND ASSIGNEES OF PARCEL NO. 1, PARCEL NO. 2 AND OF OTHER PARCELS CREATED IN THE FUTURE WITHIN PARCEL NO. 1 AND PARCEL NO. 2, AND DOES ALSO HEREBY CREATE A PRIVATE EASEMENT FOR STORMDRAINAGE PURPOSES, FOR ACCESS, CONSTRUCTION AND MAINTENANCE OF A DETENTION POND AND RELATED STORM DRAIN FACILITIES WITHIN PARCEL NO. 2, SHOWN AS HATCHED ON SHEET 2 OF THIS PLAT, FOR THE BENEFIT OF THE OWNERS, HEIRS AND ASSIGNEES OF PARCEL NO. 1 AND OF OTHER PARCELS CREATED IN THE FUTURE WITHIN PARCEL NO. 1 AND PARCEL NO. 2.

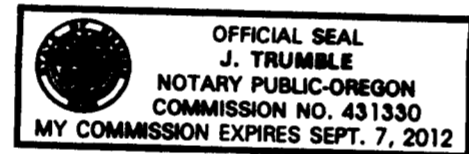
**BLACKSILVER, LLC**

STATE OF OREGON )  
 COUNTY OF JACKSON ) SS

BY: [Signature]  
 JOHN BATZER, MEMBER

ON THIS THE 24<sup>th</sup> DAY OF FEBRUARY, 2009, PERSONALLY APPEARED JOHN BATZER AND ACKNOWLEDGED THE FOREGOING INSTRUMENT AS A MEMBER ON BEHALF OF BLACK SILVER, LLC, AN OREGON LIMITED LIABILITY COMPANY.

BEFORE ME: [Signature]  
 NOTARY



**SURVEYOR'S CERTIFICATE:**

I, DOUGLAS C. MCMAHAN, A DULY REGISTERED SURVEYOR OF THE STATE OF OREGON, DO HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND COMPLIES WITH THE REGULATIONS FOR LAND PARTITIONS AND THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE PARENT TRACT OF LAND AS SET FORTH HEREON:

COMMENCING AT THE SOUTHWEST CORNER OF DONATION LAND CLAIM NO. 60 IN TOWNSHIP 37 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE EAST 1272.55 FEET (RECORD 1272.47 FEET); THENCE SOUTH 2433.62 FEET (RECORD 2433.58 FEET) TO A POINT FOR THE MOST-SOUTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 99-21525, DEED RECORDS OF SAID JACKSON COUNTY, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE CENTRAL OREGON AND PACIFIC RAILROAD RIGHT-OF-WAY, FOR THE INITIAL POINT OF BEGINNING; THENCE NORTH 35°08'29" WEST ALONG SAID RIGHT-OF-WAY LINE 1425.36 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THAT TRACT OF LAND ACQUIRED BY THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, BY CIRCUIT COURT FINAL JUDGMENT, CASE NO. 994180E2; THENCE ALONG SAID ACQUIRED RIGHT OF WAY LINE, THE FOLLOWING COURSES: NORTH 57°56'23" EAST 126.35 FEET (RECORD NORTH 57°57'31" EAST 126.19 FEET); THENCE NORTH 73°11'28" EAST 213.98 FEET (RECORD NORTH 73°10'25" EAST 213.92 FEET); THENCE NORTH 85°22'13" EAST 191.14 FEET (RECORD 191.36 FEET); THENCE SOUTH 55°03'45" EAST 28.79 FEET; (RECORD 28.60 FEET); THENCE SOUTH 01°39'32" EAST 349.71 FEET (RECORD SOUTH 01°40'10" EAST 349.75 FEET); THENCE SOUTH 21°39'30" EAST 215.27 FEET (RECORD SOUTH 22°00'28" EAST 215.29 FEET); THENCE SOUTH 30°07'42" EAST 154.02 FEET (RECORD SOUTH 30°03'59" EAST 154.10 FEET); THENCE SOUTH 35°08'50" EAST 572.28 FEET (RECORD SOUTH 35°09'47" EAST 572.15 FEET) TO A POINT ON THE NORTHWESTERLY BOUNDARY OF TRACT DESCRIBED PER INSTRUMENT NO. 93-38893 SAID DEED RECORDS; THENCE ALONG SAID NORTHWESTERLY BOUNDARY SOUTH 54°49'31" WEST 248.46 FEET (RECORD 248.45 FEET) TO THE INITIAL POINT OF BEGINNING.

[Signature]  
 SURVEYOR

**APPROVALS:**

**MEDFORD CITY PLANNING: (LDP-08-025)**

[Signature] Director 16 MAR 2009 Date  
 Examined and approved this 4 day of MARCH, 2009.  
[Signature] City Surveyor

FILED IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR AS NO. 20345.

UMPQUA BANK, THE UNDERSIGNED BENEFICIARY OF A CERTAIN TRUST DEED RECORDED MAY 17, 2007 DOCUMENT NO. 2007-023629, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, AFFECTING THE LAND DESCRIBED HEREIN, HEREBY RELEASE FROM THE LIEN OF SAID TRUST DEED ALL PROPERTY SHOWN HEREON AS DEDICATED TO THE PUBLIC FOR PUBLIC USE.

IN WITNESS WHEREOF, SIGNED THIS 25<sup>th</sup> DAY OF February, 2009.

[Signature]  
 AUTHORIZED REPRESENTATIVE OF UMPQUA BANK  
SVP  
 TITLE

STATE OF OREGON )  
 COUNTY OF JACKSON ) SS.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 25 DAY OF February, 2009, BY Jeff Benhan, KNOWN TO ME AS THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF UMPQUA BANK.

BEFORE ME: [Signature]  
 NOTARY



All taxes, fees, assessments or other charges as required by O.R.S. 92.095 have been paid. As of 3-18-2009.

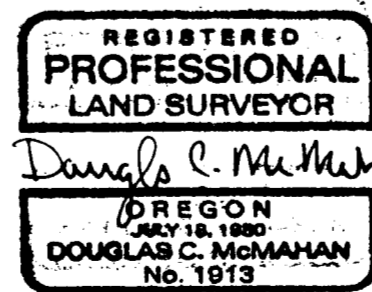
[Signature] Assessor 3-18-2009 Date  
[Signature] Tax Collector 3-18-09 Date

**RECORDER'S CERTIFICATE:**

FILED FOR RECORD THIS 18<sup>th</sup> DAY OF MARCH, 2009, AT 1:13 O'CLOCK, P.M. AND RECORDED AS PARTITION PLAT NO. P-11-2009 OF "RECORD OF PARTITION PLATS" IN JACKSON COUNTY, OREGON. (INDEX VOLUME 20 PAGE 11.) INSTRUMENT # 2009-009491

CHRISTINE WALKER  
 County Clerk

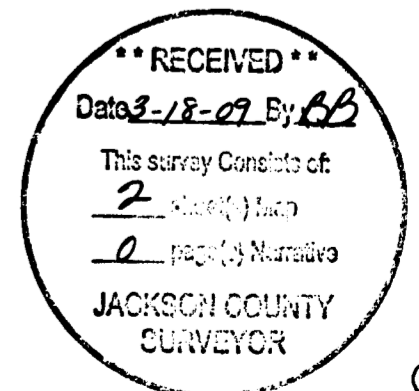
KAREN ALONZO  
 Deputy



[Signature]  
 SURVEYOR

I CERTIFY THIS PLAT TO BE AN EXACT PHOTOCOPY OF THE ORIGINAL.

[Signature]  
 SURVEYOR



# PARTITION PLAT NO. P-11-2009

LAND PARTITION  
LOCATED IN:

THE N.W. 1/4 OF SECTION 24, T. 37S., R. 2W, W.M.  
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

FOR:  
**BLACK SILVER, LLC**

P.O. BOX 970  
MEDFORD, OR. 97501

**RECEIVED**  
Date 3-18-09 By AB  
This survey consists of:  
2 sheet(s) Map  
1 page(s) Narrative  
JACKSON COUNTY  
SURVEYOR

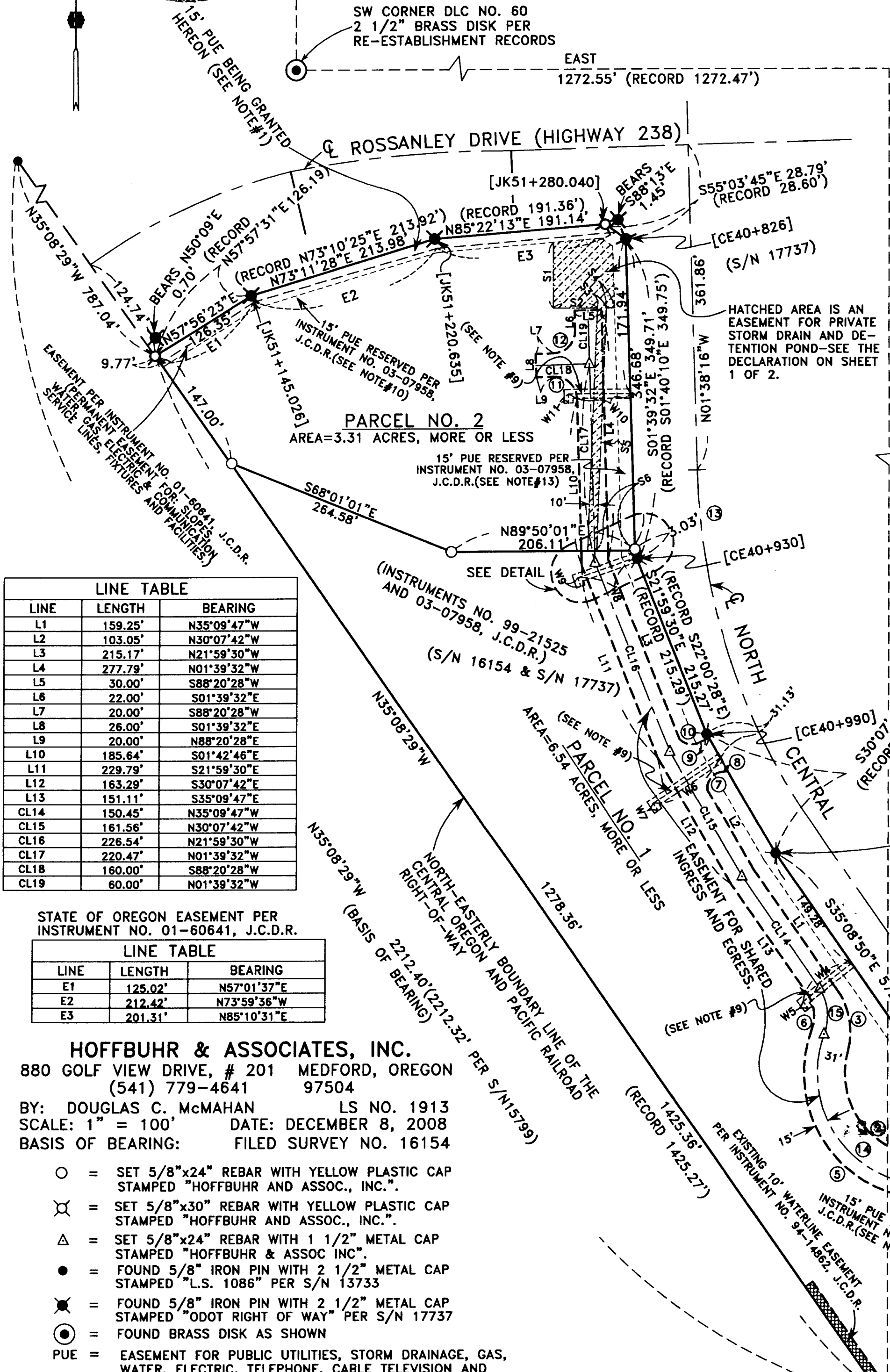
**SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250 OF THE OREGON REVISED STATUTES.**

**PURPOSE:** TO SURVEY, MONUMENT, AND PREPARE FINAL PLAT FOR A LAND PARTITION, PER THE CITY OF MEDFORD FILE NO. LDS-08-025 AND PER CLIENTS REQUEST.

**PROCEDURE:** UTILIZING FOUND MONUMENTATION PER FILED SURVEYS NO. 13733, 15799, 16154 AND 17737 FOR CONTROL, 1 SET MONUMENTS AS SHOWN HEREON. AN ELECTRONIC TOTAL STATION WAS USED TO MAKE ALL MEASUREMENTS. INSTRUMENT NO. 03-07958 J.C.D.R. WAS USED FOR SUBJECT PROPERTY.

| CURVE TABLE |            |          |         |         |               |
|-------------|------------|----------|---------|---------|---------------|
| CURVE       | DELTA      | RADIUS   | LENGTH  | CHORD   | CHORD BEARING |
| 1           | 27°59'17"  | 32.00'   | 15.63'  | 15.48'  | N50°25'50"E   |
| 2           | 130°46'29" | 93.00'   | 212.27' | 169.10' | S50°11'17"E   |
| 3           | 53°03'54"  | 81.00'   | 75.02'  | 72.37'  | N11°20'00"W   |
| 4           | 13°19'20"  | 32.00'   | 7.44'   | 7.42'   | S64°32'57"W   |
| 5           | 142°28'54" | 139.00'  | 345.66' | 263.23' | S50°52'16"E   |
| 6           | 51°49'23"  | 43.00'   | 38.89'  | 37.58'  | N05°32'30"W   |
| 7           | 97°18'05"  | 18.50'   | 31.42'  | 27.78'  | S41°49'41"W   |
| 8           | 5°04'01"   | 48.50'   | 4.29'   | 4.29'   | N86°59'16"W   |
| 9           | 17°55'37"  | 33.50'   | 10.48'  | 10.44'  | N60°42'21"E   |
| 10          | 77°10'14"  | 18.50'   | 24.92'  | 23.08'  | S83°21'24"E   |
| 11          | 90°00'00"  | 25.00'   | 39.27'  | 35.36'  | N46°39'32"W   |
| 12          | 90°00'00"  | 25.00'   | 39.27'  | 35.36'  | N43°20'28"E   |
| 13          | 33°31'34"  | 721.738' | 422.35' | 416.35' | N18°24'03"W   |
| 14          | 145°31'58" | 124.00'  | 314.96' | 236.87' | N52°23'48"W   |
| 15          | 51°49'23"  | 58.00'   | 52.46'  | 50.69'  | N05°32'30"W   |

- NOTES:**
- REGULATIONS, LEVIES, LIENS ASSESSMENTS, RIGHTS OF WAY AND EASEMENTS FOR DITCHES AND CANALS OF THE ROGUE RIVER VALLEY IRRIGATION DISTRICT IRRIGATION DISTRICT MAY AFFECT THIS PROPERTY.
  - THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE LIMITS OF PACIFIC AND EASTERN RAILROAD MAY AFFECT THIS PROPERTY.
  - AN EASEMENT FOR ELECTRICAL LINES CREATED BY INSTRUMENT RECORDED AUGUST 23, 1904 AS VOLUME 50, PAGE 282 J.C.D.R. IN FAVOR OF CONDOR WATER AND POWER COMPANY MAY AFFECT THIS PROPERTY. NOT LOCATABLE.
  - AN EASEMENT FOR RIGHT-OF-WAY RECORDED FEBRUARY 1, 1962 AS VOLUME 66, PAGE 92 OF MISCELLANEOUS DEED RECORDS OF JACKSON COUNTY, IN FAVOR OF TIMBER PRODUCTS, MAY AFFECT THIS PROPERTY. NOT LOCATABLE.
  - AN EASEMENT FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND OTHER PURPOSES RECORDED APRIL 14, 1948 AS VOLUME 295, PAGE 397 J.C.D.R. IN FAVOR OF PACIFICORP MAY AFFECT THIS PROPERTY. NOT LOCATABLE.
  - LICENSE TO CONSTRUCT, RECONSTRUCT MAINTAIN AND USE A SEWER LINE RECORDED JANUARY 10, 1949 AS VOLUME 311, PAGE 440 MAY AFFECT THIS PROPERTY. NOT LOCATABLE.
  - AN EASEMENT FOR WATER PIPELINE RECORDED FEBRUARY 27, 1997 AS INSTRUMENT NO. 97-06312, J.C.D.R., IN FAVOR OF SIERRAPINE, DOES NOT AFFECT THIS PROPERTY.
  - LIMITED ACCESS RESTRICTIONS IMPOSED IN DEED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, WHICH PROVIDES THAT NO RIGHT OR EASEMENT OF RIGHT OF ACCESS TO FROM OR ACROSS THE STATE HIGHWAY DEPARTMENT OTHER THAN AS EXPRESSLY PROVIDED THEREIN SHALL ATTACH TO THE ABUTTING PROPERTY FILED NOVEMBER 27, 2007 AS CASE NO. 99-4180-E2 IN THE JACKSON COUNTY CIRCUIT COURT FOR THE STATE OF OREGON AND RECORDED DECEMBER 18, 2001 AS DOCUMENT NO. 01-60641, J.C.D.R. AFFECTS THIS PROPERTY.



| LINE TABLE |         |             |
|------------|---------|-------------|
| LINE       | LENGTH  | BEARING     |
| L1         | 159.25' | N35°09'47"W |
| L2         | 103.05' | N30°07'42"W |
| L3         | 215.17' | N21°59'30"W |
| L4         | 277.79' | N01°39'32"W |
| L5         | 30.00'  | S88°20'28"W |
| L6         | 22.00'  | S01°39'32"E |
| L7         | 20.00'  | S88°20'28"W |
| L8         | 26.00'  | S01°39'32"E |
| L9         | 20.00'  | N88°20'28"E |
| L10        | 185.64' | S01°42'46"E |
| L11        | 229.79' | S21°59'30"E |
| L12        | 163.29' | S30°07'42"E |
| L13        | 151.11' | S35°09'47"E |
| CL14       | 150.45' | N35°09'47"W |
| CL15       | 161.56' | N30°07'42"W |
| CL16       | 226.54' | N21°59'30"W |
| CL17       | 220.47' | N01°39'32"W |
| CL18       | 160.00' | S88°20'28"W |
| CL19       | 60.00'  | N01°39'32"W |

STATE OF OREGON EASEMENT PER INSTRUMENT NO. 01-60641, J.C.D.R.

| LINE TABLE |         |             |
|------------|---------|-------------|
| LINE       | LENGTH  | BEARING     |
| E1         | 125.02' | N57°01'37"E |
| E2         | 212.42' | N73°59'36"W |
| E3         | 201.31' | N85°10'31"E |

**HOFFBUHR & ASSOCIATES, INC.**  
880 GOLF VIEW DRIVE, # 201 MEDFORD, OREGON  
(541) 779-4641 97504  
BY: DOUGLAS C. McMAHAN LS NO. 1913  
SCALE: 1" = 100' DATE: DECEMBER 8, 2008  
BASIS OF BEARING: FILED SURVEY NO. 16154

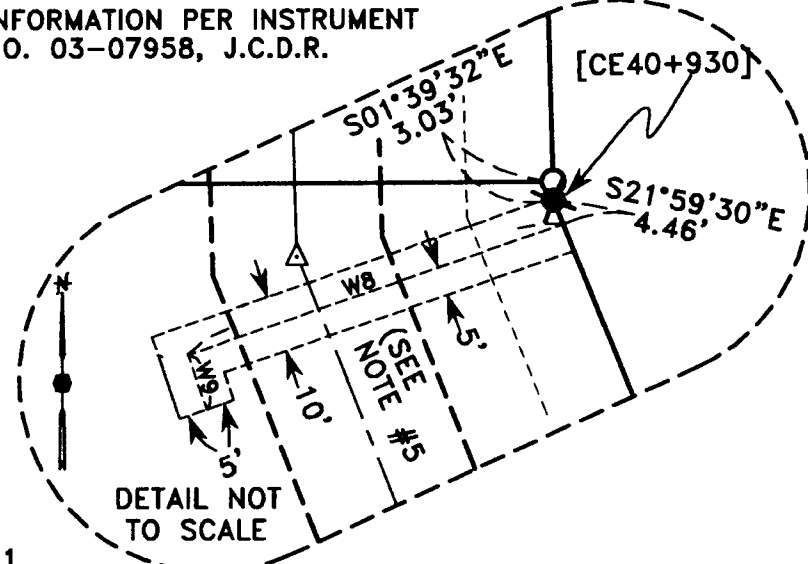
- = SET 5/8"x24" REBAR WITH YELLOW PLASTIC CAP STAMPED "HOFFBUHR AND ASSOC., INC."
- ⊗ = SET 5/8"x30" REBAR WITH YELLOW PLASTIC CAP STAMPED "HOFFBUHR AND ASSOC., INC."
- △ = SET 5/8"x24" REBAR WITH 1 1/2" METAL CAP STAMPED "HOFFBUHR & ASSOC INC."
- = FOUND 5/8" IRON PIN WITH 2 1/2" METAL CAP STAMPED "L.S. 1086" PER S/N 13733
- ⊙ = FOUND 5/8" IRON PIN WITH 2 1/2" METAL CAP STAMPED "ODOT RIGHT OF WAY" PER S/N 17737
- ⊙ = FOUND BRASS DISK AS SHOWN
- PUE = EASEMENT FOR PUBLIC UTILITIES, STORM DRAINAGE, GAS, WATER, ELECTRIC, TELEPHONE, CABLE TELEVISION AND SANITARY SEWER CONSTRUCTION AND MAINTENANCE.
- S/N = FILED SURVEY NUMBER
- J.C.D.R. = JACKSON COUNTY DEED RECORDS OR OFFICIAL RECORDS
- DLC = DONATION LAND CLAIM
- [ ] = STATION PER S/N 17737
- CE = STATION ALIGNMENT IDENTIFICATION FOR CENTRAL AVENUE PER FILED SURVEY NO. 17737.
- JK = STATION ALIGNMENT IDENTIFICATION FOR HIGHWAY 238 PER FILED SURVEY NO. 17737.
- RECORD = INFORMATION PER INSTRUMENT NO. 03-07958, J.C.D.R.

PRIVATE STORM DRAIN AND DETENTION POND EASEMENT BEING CREATED HEREON

| LINE TABLE |         |             |
|------------|---------|-------------|
| LINE       | LENGTH  | BEARING     |
| S1         | 72.96'  | SOUTH       |
| S2         | 49.09'  | EAST        |
| S3         | 10.01'  | EAST        |
| S4         | 9.40'   | EAST        |
| S5         | 270.52' | S02°15'46"W |
| S6         | 42.97'  | N89°50'01"E |

CENTERLINE OF A 10' WIDE CITY OF MEDFORD WATERTLINE EASEMENT PER INSTRUMENT NO. 2007-020194, J.C.D.R.

| LINE TABLE (SEE NOTE #9) |        |             |
|--------------------------|--------|-------------|
| LINE                     | LENGTH | BEARING     |
| W1                       | 68.05' | S54°51'09"W |
| W2                       | 24.95' | S54°51'09"W |
| W3                       | 15.00' | S35°08'51"E |
| W4                       | 68.00' | S52°02'25"W |
| W5                       | 10.00' | S37°57'35"E |
| W6                       | 88.63' | S56°10'08"W |
| W7                       | 10.00' | S33°49'52"E |
| W8                       | 68.00' | S70°55'23"W |
| W9                       | 10.00' | S19°04'37"E |
| W10                      | 68.00' | S89°51'00"W |
| W11                      | 10.00' | S00°09'00"E |



- NOTES (CONTINUED):**
- A 10' WIDE EASEMENT DISCLOSED BY INSTRUMENT RECORDED APRIL 27, 2007 AS INSTRUMENT NO. 2007-020194 IN FAVOR OF THE CITY OF MEDFORD, BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS FOR MUNICIPAL WATER SYSTEM AFFECTS THIS PROPERTY.
  - A 15' PUBLIC UTILITY EASEMENT RESERVED PER INSTRUMENT NO. 03-07958, J.C.D.R. WITHIN EXHIBIT "B" STATES "PROVIDED HOWEVER, THAT THIS EASEMENT SHALL TERMINATE UPON THE DEDICATION OF A 15-FOOT PUBLIC UTILITY EASEMENT TO THE CITY OF MEDFORD OVER THE SAME PROPERTY IF REQUIRED IN CONJUNCTION WITH THE SUBSEQUENT DEVELOPMENT OF THE PROPERTY."

**UTILITY STATEMENT**

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE.

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
*Douglas C. McMahan*  
OREGON  
JULY 18, 1980  
DOUGLAS C. McMAHAN  
No. 1913  
RENEWS 12/31/2010