

APPROVAL

ASHLAND PLANNING COMMISSION  
PA 84-073

# MINOR LAND PARTITION

LOCATED IN  
NW1/4 of SEC. 16 & the NE 1/4 of SEC. 17, T.39S. R.1E. W.B. & M.  
JACKSON COUNTY OREGON

for  
**JOHN SCHWEIGER**  
435 GRANITE STREET  
ASHLAND, OREGON 97520

FILED FOR RECORD THIS THE 31 DAY OF October 1984  
AT 1:33 O'CLOCK P. M. AND RECORDED IN VOLUME 5 PAGE 196  
OF "MINOR LAND PARTITIONS" IN JACKSON COUNTY, OREGON  
Rathleen S. Beckett Martha Baker  
County Clerk Deputy

## SURVEYOR'S CERTIFICATE

I, EVERETT L. SWAIN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON No. 759, HEREBY CERTIFY THAT THIS MAP IS CONFORMABLE TO THE FIELD NOTES AND THE SURVEY HAS BEEN CORRECTLY EXECUTED WITHIN THE REQUIREMENTS AND REGULATIONS OF THE STATE OF OREGON.

Everett L. Swain  
Surveyor

## SURVEYOR

SWAIN SURVEYING, INC.  
27 1/2 N. MAIN STREET  
ASHLAND, OREGON 97520

OCTOBER 10, 1984

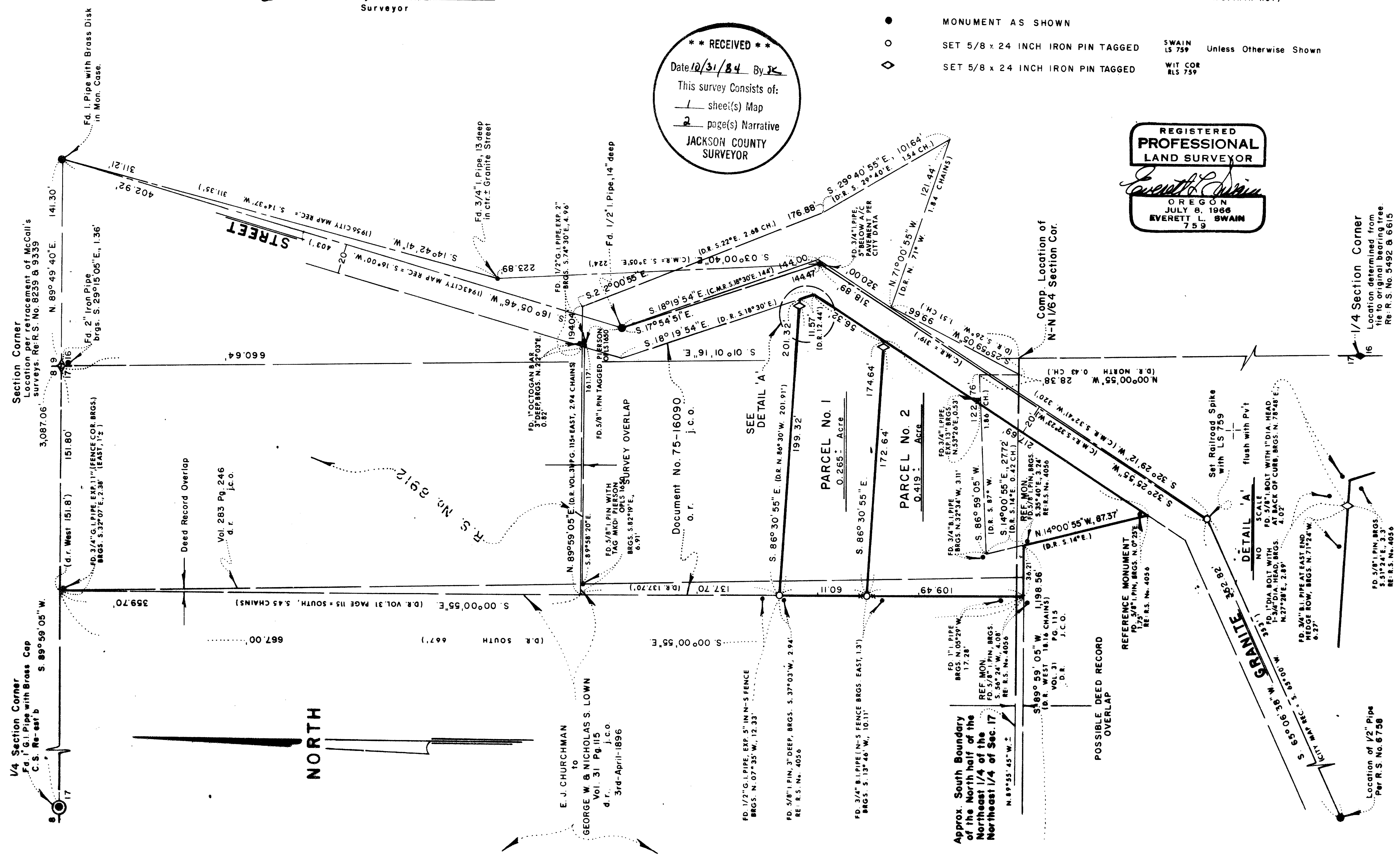
SCALE: 1" = 50'  
BASIS OF BEARING:

TRUE MERIDIAN AT N-S & SEC. 17  
(derived from N.O.A.A. net)

- MONUMENT AS SHOWN
- SET 5/8 x 24 INCH IRON PIN TAGGED SWAIN LS 759 Unless Otherwise Shown
- ◇ SET 5/8 x 24 INCH IRON PIN TAGGED WIT COR RLS 759

**\*\* RECEIVED \*\***  
Date 10/31/84 By JK  
This survey consists of:  
1 sheet(s) Map  
2 page(s) Narrative  
JACKSON COUNTY  
SURVEYOR

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
Everett L. Swain  
OREGON  
JULY 8, 1966  
EVERETT L. SWAIN  
759



John Schweiger  
page 2

Deed record Volume 283, Page 246, calls for the beginning course to be parallel to the section line on the East side of Section 17. It is my opinion that a paper survey was made and therefore a scrivener's error was committed due to the fact that no other documents reviewed by me, ever shows an intent to be parallel with the East line of Section 17. The existing improvements will not support a theory of parallelism with the East line of Section 17 either.

The exact location of Granite Street is somewhat clouded. It would behoove the land owners, as well as the City of Ashland to define one centerline which is compatible with the improvements and enter into a written agreement. For this survey the 1943 alignment was retraced as closely as possible and then witness corners were set adjacent to the right of way line.

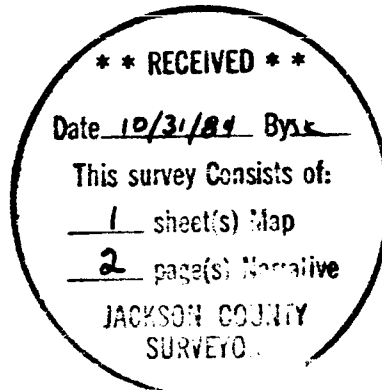
The remainder of the survey is as shown on the accompanying map.

**BASIS OF BEARING:**

True Meridian at the N-S centerline of Section 17, as derived from the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey) survey net established in 1968 and filed in the office of the Jackson County Surveyor.

October 10, 1984

Swain Surveying, Inc.  
27 1/2 N. Main Street  
Ashland, Oregon 97520



SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250  
OREGON REVISED STATUTES

SURVEY FOR: John Schweiger  
435 Granite Street  
Ashland, Oregon 97520

LOCATION: Situated in the Northwest quarter of Section 16 and the Northeast quarter of Section 17, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE: This is a boundary line adjustment of two tax lots owned by the client. Legal descriptions were prepared for the new configurations as shown on the accompanying map.

PROCEDURE: First of all, a legal subdivision of Section 17 is needed in order to define the boundaries called for in some of the deeds of record. It is interesting to note that the Northeast quarter of the Northeast quarter of Section 17 was a protraction by the government. In reviewing the records there is no question that the West quarter corner of Section 17 was not in existence at the time of the protraction. However, at this point in time it is not a known fact as to which came first, the protraction or the South quarter corner of Section 17. We did not need to know this for this survey as the client elected to let the boundary lines float in the area where the possibility of a legal subdivision of said section would have been needed. However, it is interesting to note that all research made by me in regards to the subdividing of Section 17, would indicate a procedure whereby the West quarter corner of Section 17 could not be utilized to establish the East-West centerline of said Section 17. Further research would be necessary to determine, if in fact the South quarter corner of Section 17 could be utilized to establish the North-South centerline of Section 17. As far as I am concerned at this point, unless information to the contrary can be produced, when private land ownership is present within a Section, the government has an obligation to follow the law of retracement as set forth by the Manual of Surveying Instructions and unless there is an agreement by the owners for a resurvey under a different set of rules, there would need to be an adherence to the rules as set forth at the time of the protraction in order to protect the bona fide rights of that first patentee. The subdivision of Section 17, as conducted by Pierson, L.S. No. 1650 and the information given to him by the Bureau of Land Management is in my opinion incorrect. However, this survey has not made an attempt to draw a conclusion to the correct and proper procedure, in its entirety, to subdivide Section 17.

The retracement of the deed from E.J. Churchman to George W. and Nicholas S. Lown, as set forth in Volume 31, Page 115 of the deed records of Jackson County, Oregon was the key document in my retracement. Although Churchman's deed does not call for the south line of the North half of the Northeast quarter of the Northeast quarter of Section 17, I don't know that he owned any land below that line at the time of the conveyance. Previous deeds conveyed by the calling for the North half and the South half of the Northeast quarter of the Northeast quarter of said section. Therefore, if Churchman did not own land in the South half of the Northeast quarter of the Northeast quarter of Section 17, there may be a deed record overlap as so indicated on the accompanying map.