

APPROVAL: Steve Jannusch 6-2-86
ASHLAND PLANNING COMMISSION DATE
PABO-089

MAJOR LAND PARTITION

LOCATED IN D.L.C. No. 40 IN SW 1/4 OF SEC. 4 & SE 1/4 OF SEC. 5, TWP. 39S., R. 1 E. W. M. COUNTY JACKSON OREGON

FILED FOR RECORD THIS THE 19 DAY OF June 1986
AT 3:02 O'CLOCK P.M. AND RECORDED IN VOLUME 8 PAGE 28
OF "MAJOR LAND PARTITIONS" IN JACKSON COUNTY, OREGON.
Kathleen J Beckett County Clerk
Joy A Ramites Deputy

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE

S. VICTOR LIVELY AND CLAUDIA LIVELY, HUSBAND AND WIFE, ARE THE OWNERS IN FEE SIMPLE OF THE LANDS AS SHOWN HEREON AND DESIGNATED AS PARCELS No. 1 AND 2 AND MICHAEL P. RARITY AND JANICE E. RARITY, HUSBAND AND WIFE, ARE CONTRACT PURCHASERS AND WE HAVE CAUSED THE PARTITIONING AS SHOWN HEREON. WE DO HEREBY DEDICATE AND CONVEY TO THE CITY OF ASHLAND, A PUBLIC UTILITY EASEMENT, OVER, ACROSS, AND THROUGH PARCEL No. 1 AS SHOWN HEREON. THAT PORTION OF PARCEL No. 1 SHOWN HEREON AS 'PRIVATE ACCESS' SHALL BE UTILIZED FOR MUTUAL INGRESS AND EGRESS BY BOTH PARCELS No. 1 AND 2, THEIR HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST. PUBLIC AND PRIVATE EMERGENCY VEHICLES SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS SAID 'PRIVATE ACCESS'.

for **MICHAEL P. RARITY**

1147 BESWICK WAY
ASHLAND, OREGON 97520

EXAMINED AND APPROVED THIS 22nd DAY OF May 1986.

WE CERTIFY THAT PURSUANT TO AUTHORITY GRANTED TO US BY THE ASHLAND PLANNING COMMISSION IN OPEN MEETING OF NOVEMBER 12 1980 THIS MAP IS HEREBY APPROVED, DATED THIS 4th DAY OF June 1986
Carol J. Stouff President
Richard J. Wandersland Secretary

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS AND SEALS THIS 5-21 DAY OF 1986.

S. Victor Lively S. Victor Lively
Michael P. Rarity Michael P. Rarity
Claudia Lively Claudia Lively
Janice E. Rarity Janice E. Rarity

Winona G. Swain
WINONA G. SWAIN
NOTARY PUBLIC - OREGON
My Commission Expires 6-20-86

SURVEYOR

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

MAY 12, 1986

SCALE: 1" = 60'
BASIS OF BEARING:

TRUE MERIDIAN AT N-S Q. OF SEC. 4
(derived from N.O.A.A. net)

STATE OF OREGON

COUNTY OF JACKSON SS

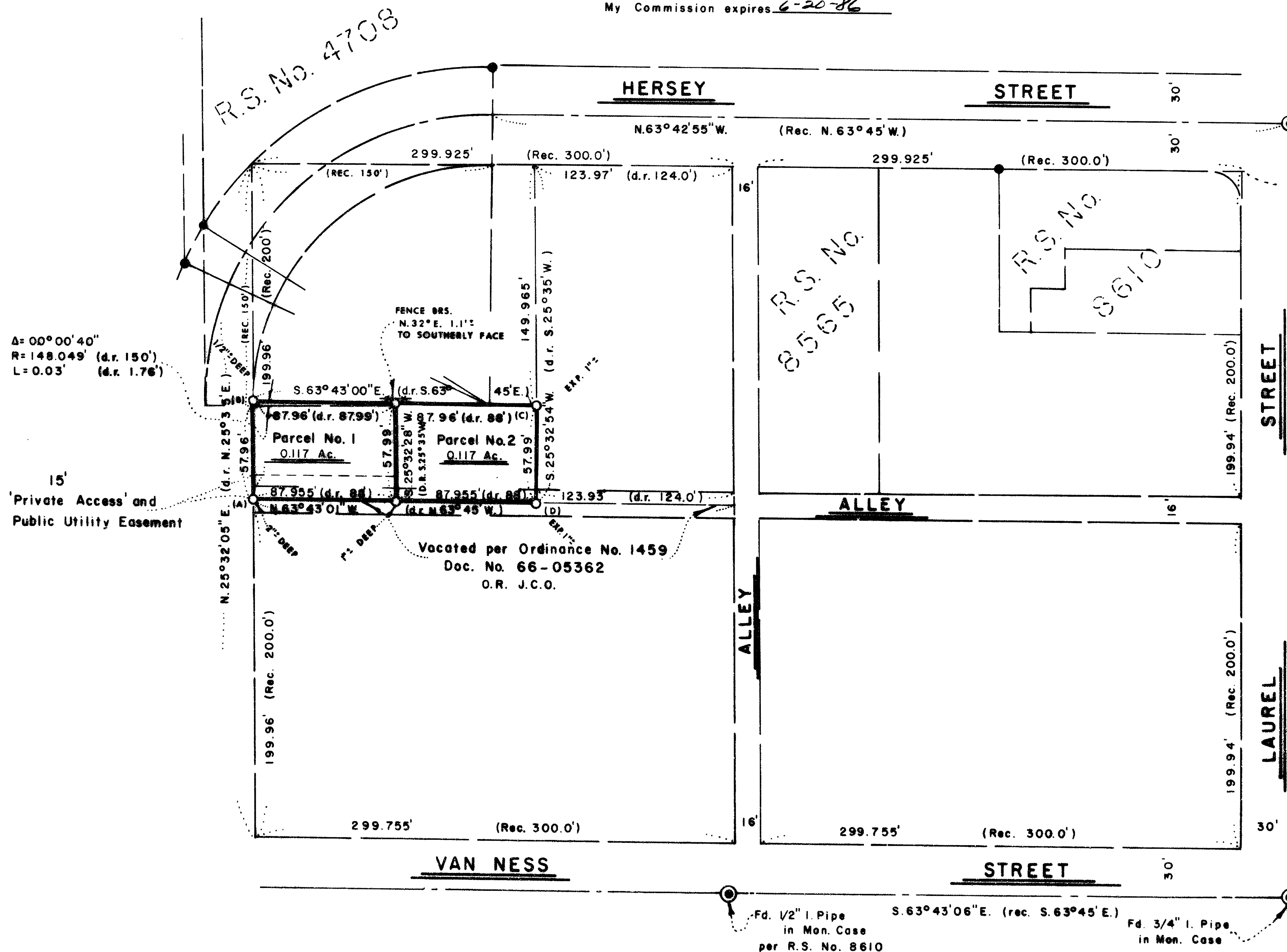
May 21 A.D. 1986

PERSONALLY APPEARED THE ABOVE NAMED S. VICTOR LIVELY AND CLAUDIA LIVELY, HUSBAND AND WIFE, AND MICHAEL P. RARITY AND JANICE E. RARITY, HUSBAND AND WIFE, AND ACKNOWLEDGE THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

BEFORE ME:

Winona G. Swain
NOTARY PUBLIC FOR OREGON
My Commission expires 6-20-86

- ⊙ MONUMENT AS SHOWN
- FOUND 5/8 INCH IRON ROD PER R.S. No. 4708 & 8610
- SET 1/2 x 24 INCH GALVANIZED IRON PIPE WITH PLASTIC PLUG, mkd. SWAIN RLS 759, & BR. NAIL



N.63°42'55"W. 672.63'
THIS POINT BEARS NORTH, 423.44' (dr. North 422.5') WEST, 674.36' (dr. West 675.0') FROM NORTHWEST CORNER OF D.L.C. No. 42, A 6'x6'x? SANDSTONE

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

LEGEND

- (A) Fd. Axle Hub or Shaft, 1-3/8" dia. w/2" Hex Nut below, 9" deep, brs. N. 25°19'E., 8.57'
- Fd. 40 Penny Spike, 4" deep, brs. N. 56°48'E., 9.47'
- (B) Fd. 1/2" Black Iron Pipe, 1" deep, brs. N. 48°37'W., 1.84'
- (C) Corner Fence Post, 4"x4", brs. N. 55°27'W., 2.2'
- (D) Fd. 3/4" Iron Pipe, exp. 8" deep, disturbed, brs. N. 25°15'E., 8.74'
- 4" Round Wood Post brs. N. 40°W., 4.1'
- Fence c SE brs. N. 32°E., 0.4'

REGISTERED PROFESSIONAL LAND SURVEYOR
Everett L. Swain
OREGON
JULY 8, 1968
EVERETT L. SWAIN
759

** RECEIVED **
Date: 6/19/86 By SK
This survey consists of:
- 1 sheet(s) Map
- 1 page(s) Narrative
JACKSON COUNTY SURVEYOR

SWAIN SURVEYING, INC.

27 1/2 North Main Street, Suite 9
ASHLAND, OREGON 97520

Survey No. 10588

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

SURVEY FOR: Michael P. Rarity
1147 Beswick Way
Ashland, OR 97520

LOCATION: Situated in Donation Land Claim No. 40 in the Southwest quarter of Section 4 and the Southeast quarter of Section 5, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE: Parcel No. 1 and 2, less that portion of the vacated alley, exist as separate tax lots. Upon the City of Ashland vacating the alley, that portion of Parcel No. 2 which was an existing tax lot became landlocked. Therefore, the primary purpose was to establish legal access to Parcel No. 2. Parcels No. 1 and 2 were surveyed, monumented and legal descriptions prepared for both parcels.

PROCEDURE: Recorded Survey No. 8565 was the first retracement survey within the block as shown on the accompanying map. Because this area is shown on the Official City of Ashland Map, dated November 5, 1888, as lots within a block, apparently the surveyor felt that rather than adhering to a strict retracement by metes and bounds, he would utilize proportional measurements after establishing the exterior boundaries of said block. The measurement deficiency in relation to record is very small and for the most part the monumented lines by proportion fit rather well with the lines of occupation. At the time I conducted Recorded Survey No. 8610 I was very reluctant to accept this type of retracement but decided to go along with the previous surveyor. In reviewing this type of procedure once again, it appears to be the best solution in respect to all things considered. As far as the curve on Hersey Street is concerned, when said portion of Hersey Street right of way was conveyed from T.R. and Hilda L. Kinney to the City of Ashland and set forth in Volume 444 page 302 of the Deed Records of Jackson County, Oregon, a semi-tangent distance and a radius were called for in the deed; Also, controlling was both the right of ways of Willow Street and Oberlin (now Hersey) Street but no definite bearings were called for. Therefore, after retracing Willow and Hersey Street, the angle of intersection between the two streets turned out to be something other than a 90 degree angle. Now a choice had to be made between three elements of which only two can control. It was a fact that the street alignments had to stay where retraced and it was, in my opinion, the semi-tangent distance that controlled the remaining element. Therefore, the radius would have to change and is as shown on the accompanying map. This problem stems from some previous sloppy deed preparation. For further information see Recorded Survey No. 4704. The remainder of the survey is as shown on the accompanying map.

BASIS OF BEARING:

True Meridian at the N-S centerline of Section 4 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.

**** RECEIVED ****
May 12, 1986
Date 6/19/86 By SK
This survey consists of:
1 sheet(s) Map
1 page(s) Narrative
JACKSON COUNTY
SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Everett L. Swain
OREGON
JULY 8, 1966
EVERETT L. SWAIN
759

Swain Surveying, Inc.
27 1/2 N. Main St.
Ashland, OR 97520

Tax Lots 400 & 500 39 1E 5DA