

Declaration of Restrictions, Easements & Agreements - see Document No. 88-18896

LOGAN DRIVE

A PLANNED UNIT DEVELOPMENT TO THE CITY OF ASHLAND

LOCATED IN
NE 1/4 OF SECTION 8, TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY OREGON

PHASE 1

DEDICATION

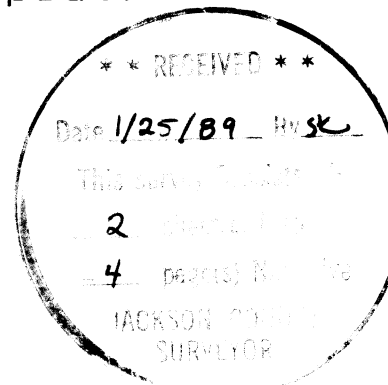
SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS That we, Edward L. and JoAnn W. Houghton, husband and wife, are the owners in fee simple of the land herein described. Let it be known that we have divided the same into lots as shown hereon; that the number of lots and the length and course are plainly set forth and this plat is a correct representation of the said subdivision. We do hereby dedicate to the public for public use all rights of way and easements shown hereon including slope and utility as necessary for the construction and maintenance of utilities. Cooke Cablevision or its successor is hereby granted the right to use the public utility easements for the installation and maintenance of TV Cable. We hereby designate said subdivision as Logan Drive, Phase 1, a Planned Unit Development.

This subdivision is subject to common private driveway and utility easements as more fully provided in Article IV Easements, Declaration of Restrictions, Easements and Agreements for Logan Drive Subdivision. Said Article IV is hereby incorporated and made a part of this plat.

Edward L. Houghton
EDWARD L. HOUGHTON

JoAnn W. Houghton
JOANN W. HOUGHTON



STATE OF OREGON)
ss
County of Jackson)

August 11 A.D. 1988

Personally appeared the aboved named Edward L. and JoAnn W. Houghton, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

George J. Roberts
GEORGE J. ROBERTS
NOTARY PUBLIC - OREGON
My Commission Expires 1-17-89

George J. Roberts
Notary Public for Oregon
My Commission Expires 1-17-89

APPROVALS

Examined and approved this 7th day of September, 1988.

Jan H. Ols
CITY SURVEYOR

Demetrius

4-20-92

We certify that, pursuant to authority granted to us by the Ashland Planning Commission in open meetings of May 25 and June 8, 1988, this plat is hereby approved by the Ashland Planning Commission. Dated this 7th day of September, 1988.

Robert A. Windge
PRESIDENT

Brian D. Almgren
SECRETARY

Examined and approved as required by O.R.S. 92.100 as of 1-10, 1988.

Ann E. Caska Deputy
ASSESSOR, Department of Assessment

All taxes, fees, assessments, or other charges as required by O.R.S. 94.036 have been paid as of January 10, 1988.

Dorothy E. Weide
TAX COLLECTOR

STATE OF OREGON)
ss
County of Jackson)

I, Roger Kauble, duly Registered Surveyor of the State of Oregon, being duly sworn, do hereby certify that I have correctly surveyed and marked with the proper monuments as provided by law the tract of land hereon shown and this plat is a correct representation of the same, and the following is an accurate description of the boundary lines:

That portion of the Northeast Quarter of Section 8, Township 39 South, Range 1 East, Willamette Meridian, City of Ashland, County of Jackson, State of Oregon, described as follows:

Commencing at a 2 inch iron pipe monumenting the Northwest corner of Government Lot 1 of said Section 8; thence South 448.80 feet (Deed Record South 6.80 chains) to a 5/8 inch iron pin; thence South 46.20 feet to a 5/8 inch iron pin; thence North 89° 43' 17" West 18.53 feet to a 5/8 inch iron pin situated on the West line of said Government Lot 1; thence South 02° 08' 13" West, along said West line of said Government Lot 1, 424.89 feet to a 5/8 inch iron pin situated on the northerly boundary of property described in Volume 292, Page 192, Deed Records of Jackson County, Oregon; thence North 88° 45' 00" East, along said northerly boundary, 454.11 feet to a 3 inch brass cap on a 2 inch iron pipe, 6 inches below the ground surface, for the Initial Point; thence North 88° 45' 00" East, along said northerly line, 112.00 feet, to a 5/8 inch iron pin situated on the westerly line of Scenic Drive; thence North 01° 25' 21" West, along said line, 255.00 feet to a 5/8 inch iron pin; thence North 34° 55' 21" West, continuing along said line, 75.50 feet to a 5/8 inch iron pin; thence North 41° 30' 26" West, continuing along said line, 192.37 feet to a 5/8 inch iron pin; thence, leaving said line, South 48° 38' 09" West 50.00 feet to a 5/8 inch iron pin; thence, southerly 103.30 feet, along a non tangent curve, Radius = 168.00 feet, Long Chord bears South 04° 10' 23" East 101.68 feet to a 5/8 inch iron pin; thence South 41° 21' 51" East 105.18 feet to a 5/8 inch iron pin; thence South 34° 57' 00" East 35.06 feet to a 5/8 inch iron pin; thence South 01° 27' 00" East 221.27 feet to the Initial Point.

Roger Kauble
ROGER KAUBLE, R.L.S. 1822

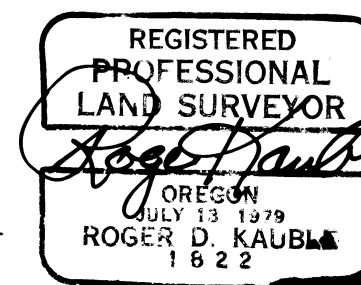
Subscribed and sworn to before me this 10 day of AUGUST, 1988.

FILED FOR RECORD THIS THE 25 DAY OF January, 1988
AT 3:13 O'CLOCK, P. M. AND RECORDED IN VOLUME 16
OF PLATS AT PAGE 17 OF RECORDS OF JACKSON COUNTY, OREGON.

Kathleen S. Beckett
COUNTY CLERK

Subarna Chak
DEPUTY

WATER RIGHTS DOCUMENT NO. 89-01808 "OFFICIAL RECORDS"



I CERTIFY THAT THIS COPY IS AN EXACT DUPLICATE OF THE ORIGINAL
Roger Kauble

ROGER KAUBLE AND ASSOCIATES
P. O. BOX 1252
ASHLAND, OREGON 97520
391E08AA TL6900
PAGE 1 OF 2

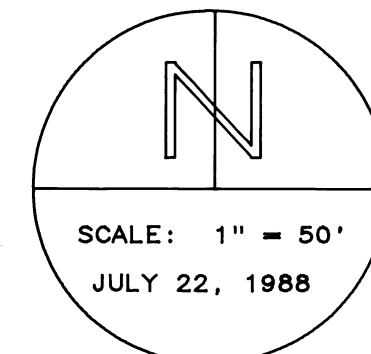
NW COR of Gov't Lot 1
FD. 2" IP

LOGAN DRIVE

A PLANNED UNIT DEVELOPMENT TO THE CITY OF ASHLAND

LOCATED IN
NE 1/4 OF SECTION 8, TOWNSHIP 39 SOUTH, RANGE 1 EAST, W.M.
JACKSON COUNTY OREGON

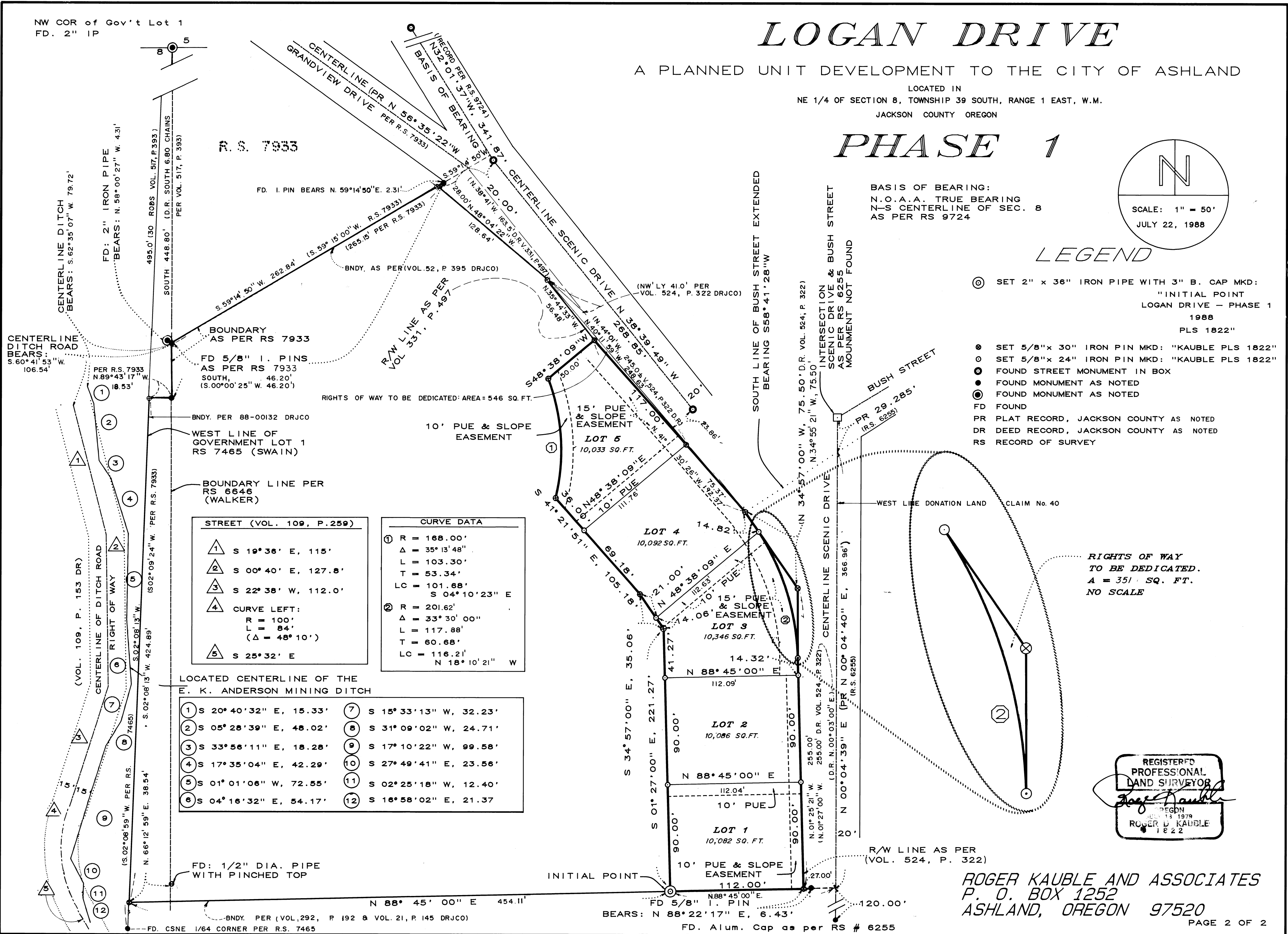
PHASE 1



BASIS OF BEARING:
N.O.A.A. TRUE BEARING
N-S CENTERLINE OF SEC. 8
AS PER RS 9724

LEGEND

- ⊙ SET 2" x 36" IRON PIPE WITH 3" B. CAP MKD:
"INITIAL POINT
LOGAN DRIVE - PHASE 1
1988
PLS 1822"
- ⊙ SET 5/8"x 30" IRON PIN MKD: "KAUBLE PLS 1822"
- SET 5/8"x 24" IRON PIN MKD: "KAUBLE PLS 1822"
- FOUND STREET MONUMENT IN BOX
- FOUND MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- FD FOUND
- PR PLAT RECORD, JACKSON COUNTY AS NOTED
- DR DEED RECORD, JACKSON COUNTY AS NOTED
- RS RECORD OF SURVEY



STREET (VOL. 109, P. 259)	
1	S 19° 36' E, 115'
2	S 00° 40' E, 127.8'
3	S 22° 38' W, 112.0'
4	CURVE LEFT: R = 100' L = 84' (Δ = 48° 10')
5	S 25° 32' E

CURVE DATA	
1	R = 168.00' Δ = 35° 13' 48" L = 103.30' T = 53.34' LC = 101.68' S 04° 10' 23" E
2	R = 201.62' Δ = 33° 30' 00" L = 117.88' T = 60.68' LC = 116.21' N 18° 10' 21" W

LOCATED CENTERLINE OF THE E. K. ANDERSON MINING DITCH			
1	S 20° 40' 32" E, 15.33'	7	S 15° 33' 13" W, 32.23'
2	S 05° 28' 39" E, 48.02'	8	S 31° 09' 02" W, 24.71'
3	S 33° 56' 11" E, 18.28'	9	S 17° 10' 22" W, 99.58'
4	S 17° 35' 04" E, 42.29'	10	S 27° 49' 41" E, 23.56'
5	S 01° 01' 06" W, 72.55'	11	S 02° 25' 18" W, 12.40'
6	S 04° 16' 32" E, 54.17'	12	S 16° 58' 02" E, 21.37'

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Roger Kauble
OREGON
JULY 13 1979
ROGER D. KAUBLE
1822

ROGER KAUBLE AND ASSOCIATES
P. O. BOX 1252
ASHLAND, OREGON 97520

11483
9/2/36

Survey No. 11483Survey Narrative to comply with Paragraph 209.250
Oregon Revised Statutes

Survey For:

Edward and JoAnn Houghton
585 Weller Lane
Ashland, Oregon 97520

Location:

NE 1/4 of Section 8, Township 39 South, Range 1
East, Willamette Meridian, Jackson County, Oregon.

Purpose:

To monument a tract of land per deed record
creating a Planned Unit Development to the City of
Ashland as per clients request.

Procedure:

The boundaries of this property are a result of several conveyances of metes and bounds descriptions. Volume 8, Page 614, Jackson County Deed Records describes a 11.5 acre parcel conveyed from O. A. Davis to Thomas Smith on November 27, 1874. This description was a result of a survey and bearing trees are referenced. These trees were searched, but the results were inconclusive. The calls to the West line of Donation Land Claim 40 (now the centerline of Scenic Drive) were clear and form a basis for the easterly property line and the southeasterly corner of the subject property. A previous survey (Record of Survey No. 6255 and Deed Record Volume 29, Page 490) provided ties to the location of the West line of Donation Land Claim 40 and to the location of the easterly line of the subject property.

The current deed record for this property references the course of the southerly boundary as South 88° 45' West rather than West, as indicated in said Volume 8, Page 614. This record bearing first appears in Volume 95, page 592, dated April 8, 1913. Also, current deed record, calls the southerly boundary of subject property as the northerly line as described in Volume 292, Page 192, Deed Record, Jackson County, Oregon, dated January 8, 1945. For this Southerly line of subject property however, Volume 21, Page 145 Deed Record Jackson County, Oregon, dated July 12, 1890, (same property as Volume 292, Page 192, Deed Record, Jackson County, Oregon; a Quit Claim Deed, Bryant to the City of Ashland, provides calls to the northerly corner of the O. A. Davis property (subject property).

The current deed clearly calls the "West" line said Government Lot 1 for the westerly boundary; also the description for the adjacent westerly property 88-00132 Deed Records, Jackson County, Oregon calls for the easterly line: "Northeast quarter of the Northwest quarter of the Northeast quarter of Section 8; thence South 825 feet to the Northeast corner of the Southwest quarter of the Northeast quarter of said Section..." which obviously (in this case) is the same line as the west line of said Government Lot 1.

There seems to be some confusion as to whether or not this is the same westerly line as described in Volume 8, Page 614. It most likely is not; however, the call to this westerly line of government lot 1 appears in the record for the conveyance from heirs of Alice Gibson to John R. Gibson, Volume 95, Page 592 Deed Record Jackson County, Oregon, dated April 6, 1913. To increase the confusion, "Walker" projected a due North-South line for this West Line of Government Lot 1. Everett Swain later properly subdivided Section 8 as shown by Record of Surveys 6646 and 7465. Two unrecorded monuments were found more or less (see plat) on a due North-South line from the accepted Northwest corner of said Government Lot 1, but there is no other physical evidence that there has been any clear definition of use or understanding as to the location of this line by the adjacent property owners. As the call to this westerly line in both the adjacent properties has been of record since 1913, and the only found physical evidence are unrecorded monuments probable set after 1913 by improper methods which are not in obvious use by the adjacent owners; then this line is established on the proper "West Line of Donation Land Claim 40" (Swain) as per current deed record. Bob Bennett, Supervisor, Title Department, Jackson County Title Company, seems to agree (see enclosed letter dated: July 13, 1988).

A different situation occurs on the Northerly (Northwesterly) line: Volume 8, Page 614, establishes a direction for this northerly line as North 58° 15' East; subsequent deeds (Volume 52, Page 395, Volume 95, Page 592, Volume 158, Page 619, etc.) call this direction as North 59° 15' East. Suspect this may be a copy error at some early point in transcribing deeds; however the relative distances (North-South) to the westerly beginning of this line vary by deed and reference. Further Swain surveyed this boundary in 1979 (Record of Survey 7933) referencing Volume 52, Page 395 as North 59° 15' 00" East. Swain's monuments have been accepted by my client and apparently by the owner in common; therefore, I will accept this line as the Northerly (Northwesterly) boundary of subject property.

The northerly corner of subject property is established by a deed record call from a rights of way description (Volume 331, Page 497, Official Records Jackson County, Oregon) to the Westerly right of way line of Woolen (now Scenic Drive) Street: South 60° 58' West 28.00 feet along the northerly line of the John R. Gibson tract. This deed call then sets the northerly corner of subject property and the westerly rights of way of Scenic Drive. Deed record (Volume 331, Page 497) describes a triangular shaped dedication for rights of way which closes along the westerly line of Scenic Drive North 38° 41' West 163.5 feet. This bearing compares favorably with the current measured bearing of North 38° 39' 49" West between existing street monuments. The Westerly rights of way line of Scenic Drive is further defined by a dedication to the City of Ashland (Volume 524, Page 322, Official Record Jackson

County, Oregon). This record defines the bearing of the West Line of Donation Land Claim Number 40 as South 00° 03' West as compared to the measured bearing South 00° 04' 49" West therefore the courses compare within this description calls the southerly line of Bush Street extended (see plat) which agree very well, with the lengths and courses as stated. A further call within this deed record calls ((A)"41.0 feet in a northwesterly direction the westerly rights of way of Scenic Drive"). When comparing the calculated beginning of this course (which must be on the Westerly rights of way line of Scenic Drive by call) with calculated end point of the previously discussed deed record (Volume 331, Page 497) which must also be on said westerly rights of way line by call). The length of the previous course is very close (113.0 feet Deed) versus 112.76 feet calculated. Also, the author of Volume 524, Page 322, using only record data to prepare the description, called all of the meets and bounds of records (beginning at the southwesterly corner of subject property and proceeding northerly) until reaching this point (A) then as there was no bearing of record other than the "northwesterly" call became "northwesterly 41.0 feet along the rights of way of Scenic Drive." I believe this is more than a coincidence and that the intent of Volume 524, Page 322 (although not called) is that these two points be the same point); therefore, I hold this point and move northwesterly along the Westerly rights of way line of Scenic Drive 41.00 feet as called in Volume 524, Page 322 (calculated: North 48° 04' 22" West 41.00 feet) to establish the second end point on said rights of way line. From this point inverse to a point established on an extension of the Southerly rights of way line of Bush Street as called and previously discussed (Deed Record: "South 44° 01' East 245.0 feet, more or less "; calculated: South 40° 11' 59" East 248.63 feet). Then complete the exterior boundary as per record.

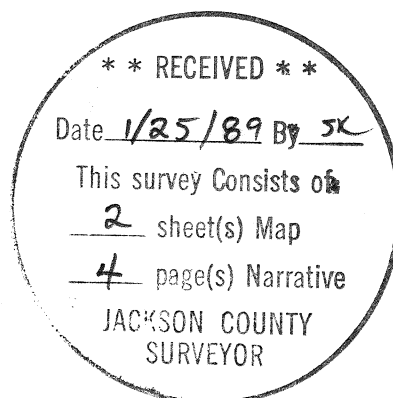
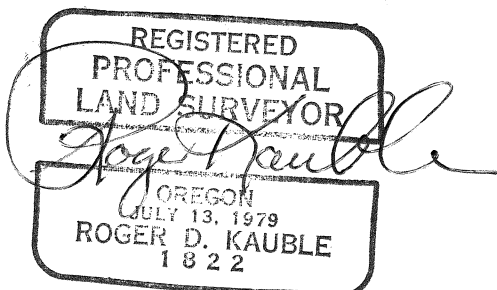
Small dedications (see Plat) were required to better fit the Scenic Drive Improvements.

Basis of Bearing:

N.O.A.A. True Bearing at the North-South centerline of Section 8, as per R.S. No. 7933. (Centerline of Scenic Drive)

Roger Kauble & Associates
Post Office Box 1252
Ashland, Oregon 97520

December 15, 1988





Jackson County Title

Division of Continental Land Title Co.

"Insuring the American Dream"

July 13, 1988

Mr. Edward L. Houghton
585 Weller Lane
Ashland, OR 97520

Re: Our Number LA-32310

Dear Mr. Houghton:

In response to your inquiry as to the correctness of the legal description to your property on Scenic Drive in Ashland, Map No. 391E8AA, Tax Lot 6900, I find no errors or boundary discrepancies being disclosed by any instrument of record. The property to the West of your property ties into the west line of Government Lot 1, which is common with the sixteenth line which forms the westerly boundary of your property.

Enclosed is a copy of a recently recorded deed containing a description of the property to the West of your property. As you can see, by reading the description contained therein, the easterly boundary is tied into a straight line drawn between the northeast corner of the Northwest Quarter of the Northeast Quarter, and the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 8 in Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon. This straight line is common to the westerly line of Government Lot 1 and the sixteenth line which forms the westerly boundary of your property. Since your property's westerly boundary is tied into this sixteenth line, of record your westerly boundary is wherever that line is found to lie on the ground. Where that line actually lies controls the location of your property's northwesterly boundary.

I understand that there is a difference in the findings of two different surveyors as to the physical location of the sixteenth line which is the westerly boundary of your property. Strictly speaking, your property extends Westerly from Scenic Drive to that line, wherever it may actually exist. I would suggest that you physically inspect your westerly and northwesterly property lines for any evidence of occupation or adverse possession by adjacent land owners, due to the confusion in the physical location of your westerly boundary. I hope this letter helps clarify this situation for you.

Sincerely,

cc: Roger Kauble
P. O. Box 1252
Ashland, OR 97520

Bob Bennett
Supervisor, Title Department
Enclosure

BB/jg

SUBSIDIARY OF Lawyers Title Insurance Corporation

502 WEST MAIN STREET • P.O. BOX 218 • MEDFORD, OREGON 97501 • (503) 779-2811

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