

APPROVAL:

John M. [Signature]
ASHLAND PLANNING COMMISSION DATE 8-15-89
PA #89-074

MINOR LAND PARTITION

Donation Land Claims No. 40 & 41 ^{located in} in the Northwest Quarter of Section 4,
Township 39 South, Range 1 East of the Willamette Base and Meridian,
JACKSON COUNTY OREGON

JEFFERY S. & CATHERINE M. GOLDEN
886 Oak Street
Ashland, Oregon 97520

FILED FOR RECORD THIS THE 17 DAY OF August, 1989
AT 2:58 O'CLOCK P.M. AND RECORDED IN VOLUME 9 PAGE 74
OF "MINOR LAND PARTITIONS" IN JACKSON COUNTY, OREGON.

Kathleen S. Beckett County Clerk
Amanda E. Bartlett Deputy

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that we

Jeffery S. Golden and Catherine M. Golden, husband and wife, are the owners in fee simple of the land designated hereon as Parcels No. 1, 2 and 3 and we have caused the same to be partitioned, surveyed and mapped as shown hereon. We do hereby dedicate to the City of Ashland a 'PEDESTRIAN ACCESS EASEMENT' over and across Parcels No. 1, 2 and 3 as shown hereon with the following conditions: 1) The public shall not be allowed to utilize said 'Pedestrian Access Easement' until the City, at city expense, improves said Access to adequately provide for foot and bicycle traffic. 2) The City of Ashland hereby assumes all liability for damages or injury the public may acquire or be subjected to because of the utilization of said 'Pedestrian Access Easement'. We further dedicate to the City of Ashland a drainage way easement over and across Parcels No. 1, 2 and 3 as shown hereon reserving unto the dedicators herein, their heirs, assigns and successors in interest, the right to utilize any portion of the drainage way, EXCEPT the 'Pedestrian Access Easement', for any and/or all types of agricultural purposes that is felt suitable by the dedicators herein, their heirs, assigns and successors in interest. This shall not include the construction of any buildings without prior City approval. We further dedicate to the City of Ashland a RIPARIAN EASEMENT as set forth hereon and per Chapter 18.62 of the City of Ashland Land Use Ordinance, now in effect.

SURVEYOR

SWAIN SURVEYING, INC. MAY 10, 1989
27 1/2 North Main Street
Ashland, Oregon 97520

SCALE: 1" = 50'

BASIS OF BEARING:

TRUE MERIDIAN at the
N-S Centerline Section 4
(derived from N.O.A.A. net)

- Found 5/8 Inch Iron rod with tag marked: PIERSON OPLS 1650, unless otherwise shown.
- ⊙ Found monuments of record and as shown hereon
- Set 1/2 x 24 Inch galvanized Iron pipe with tag marked: SWAIN LS 759
- ⊗ Set 5/8 x 24 Inch Iron rod with tag marked: WIT.COR. RLS 759
- ⊙ Set 1 x 36 Inch galvanized Iron pipe with 2-1/2 Inch diameter bronze cap marked: SWAIN SURVEYING T.39 S. R.1 E. ELL COR DLC 41 LS 759 1989

IN WITNESS WHEREOF,

we have set our hands and seals this 5th day of June, 1989

Jeffery S. Golden JEFFERY S. GOLDEN
Catherine M. Golden CATHERINE M. GOLDEN

STATE OF OREGON

County of Jackson) ss

June 5 A.D. 1989

Personally appeared the above named JEFFERY S. GOLDEN AND CATHERINE M. GOLDEN, husband and wife, and acknowledge the foregoing instrument to be their voluntary act and deed.
Before me:

Robbin Peace Small
NOTARY PUBLIC
My Comm. Expires 11/1/91

We certify that pursuant to authority granted to us by the Ashland Planning Commission in open meeting June 14, 1989 this map is hereby approved.
Dated this 14 day of August, 1989.

Neil Benson President
John Ferguson Secretary

Examined and Approved this 2nd day of June, 1989

John H. Olson
City Surveyor

** RECEIVED **
Date 8-17-89 By BF
This survey consists of:
2 sheet(s) Map
3 page(s) Narrative
JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR
Robert L. Swain
JACKSON COUNTY SURVEYOR
JULY 6, 1988
SWAIN 759

Tax Lot 1300, 39-1E-4BD
Ref: CG 1334TD

Jeffery S. & Catherine M. Golden
Page 3

Page 77 of "Minor Land Partitions" in Jackson County,
Oregon.

There are physical encroachments onto my clients
property as shown in the vicinity of the Southwest
corner of Parcel No. 3 and the Northeast corner of
Parcel No. 1 on the accompanying map. There is a small
portion of a building owned by the client which
encroaches upon the neighbor to the North. With no
other apparent areas of concern the remainder of this
survey and its findings are as shown on the
accompanying map.

BASIS OF BEARING:

True Meridian at the North-South 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.

JEFFERY S. GOLDEN
CATHERINE M. GOLDEN
886 Oak Street
Ashland, Oregon 97520

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

ref: CG 1334T.NAR

Tax Lot 1300, 39-1E-048D

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

** RECEIVED **
Date 8-17-89 By SK
This survey Consists of:
2 sheet(s) Map
3 page(s) Narrative
JACKSON COUNTY
SURVEYOR

Jeffery S. & Catherine M. Golden
Page 2

being on the West line of the County Road. This is further substantiated by the fact that Vol. 11, Page 77 leaves its point of beginning stating 'thence SOUTH along the County Road 12-1/2 rods to post'. Also, in said Vol. 11, Page 77 the Southerly boundary line of the L.W. ROGERS LOT, which is as set forth in Volume 10, Page 104 of said Deed Records, was called for as a common boundary line. Therefore, it is obvious that no part of these tracts of land were intended to be in the County Road (Oak Street). Further, there wasn't an overlap of the deed records between Volume 10, Page 104 and Volume 11, Page 77. We now have an overlap as created by Recorded Survey No. 9100. In mathematically retracing Volume 10, Page 104 (which was first created on May 1st, 1880 by Bennett Million, et ux and recorded in Volume 9, Page 1 of the Deed Records of Jackson County, Oregon.) it became apparent that Volume 10, Page 104 had an imperfect closure. Therefore, as is customary, the error is to be placed in the closing course of said legal description, unless the contrary can be shown. The Surveyor of Recorded Survey No. 9100 did not follow this procedure. This may have resulted in a different analysis of the South boundary placement of Recorded Survey No. 9100 wherein it was said another problem existed.(?) When pointing out this problem to my client, it was their desire to accept the line as monumented by Recorded Survey No. 9100 rather than dispute the incorrect survey. However, all properties conveyed, Southerly of this boundary line, will be defective until Quit Claim Deeds are acquired from my client, because of the creating of the overlap by Recorded Survey 9100.

There was found to be a slight overlap of the Ashland Creek Subdivision onto my clients property. I made the survey for the Ashland Creek Subdivision many years ago. There had been a Boundary Line by Agreement previously obtain, before my surveying of said subdivision, along the average centerline of Ashland Creek but with no bearings and distances given. Therefore, the creek became a monument. It is my recollection that that portion of Ashland Creek, situated Southerly of the Northerly boundary line of Donation Land Claim No. 40, was surveyed and described for an attempt to clarify the exact boundary line between the owners of the property my client now has and Jack Williams, developer of the Ashland Creek Subdivision. I recall that the Attorney representing the owners of the property my client now has, felt the terminology 'along the average centerline' was not appropriate. I apparently never knew what transpired after that and up until now did not realize that this agreement had not been entered into. Therefore, because of the very small magnitude of the overlap, my client felt it was better to conform to the outer boundary line of the Ashland Creek Subdivision, as now recorded, than to dispute the small square footage involved. It does appear that there may be some remaining record ownership of Jack Williams or his heirs, lying between the Easterly boundary line of the Ashland Creek Subdivision and the West boundary line of my clients property. Also, similar circumstances may be inherent with Minor Land Partition filed for record in Volume 1,



SWAIN SURVEYING, INC.

27 1/2 North Main Street
Ashland, Oregon 97520

Survey No. **11698**

**SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 207.250
OREGON REVISED STATUTES**

- SURVEY FOR:** Jeffery S. & Catherine M. Golden
886 Oak Street
Ashland, Oregon 97520
- LOCATION:** Situated in Donation Land Claim Nos. 40 and 41 in the Northwest Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.
- PURPOSE:** To Partition into three parcels of land, the present ownership of Jeffery S. & Catherine M. Golden, as shown on the accompanying map, per clients request. Also, to prepare a legal descriptions for parcels created.
- PROCEDURE:** Commenced this survey in the vicinity of the monument in Oak Street identified as Survey Monument No. 128. Expanded survey control into the area of concern and tied monuments found and set on Recorded Survey No. 9100 and 10293. Combining this information with prior survey work by this office and recorded as Survey Nos. 5256, 6778, 7596 and the Ashland Creek Subdivision, as now recorded, proceeded to evaluate the Deeds of Record in relation to Junior and Senior title rights and the location of my clients South boundary line in relation to Recorded Survey No. 9100. In analyzing Recorded Survey No. 9100 it becomes apparent to me that several considerations of deed retracement were not addressed by the Surveyor of said survey. First of all said Surveyor indicates that his purpose is to retrace Document No. 78-20520 of the Official Records of Jackson County, Oregon. In reviewing said Document, an adjoiner call is inserted in said Document calling for the South boundary line of Volume 10, Page 104 of the deed records of Jackson County, Oregon. In reviewing Volume 10, Page 104 of said deed records, it is interesting to note that said Volume 10 begins with its first course from the Northeast corner of Donation Land Claim No. 40 being EAST, 6.43 CHAINS with a call to the West line of the County Road leading North from Ashland to Bear Creek West; thence SOUTH, 6.36 CHAINS along the line of said road set stake for corner etc.; I find that Document No. 78-20520 has the same lead courses and distances without the call for the County Road. Further, the first course describing the tract of land being conveyed, does not refer to any qualifying road right of way line. However, in researching back to Volume 11, Page 77 of the Deed Records of Jackson County, I find that the tract being described starts at a post which is described as being the same lead courses and distances from the Northeast corner of Donation Land Claim No. 40 as that set forth in Vol. 10, Page 104 of the Deed Records, excluding the calls for the County Road and thence along same. It was the intent of Vol. 11, Page 77 to commence at the stake or post as previously referred to in Vol. 10, Page 104 as

MINOR LAND PARTITION

Donation Land Claims No. 40 & 41 located in the Northwest Quarter of Section 4, Township 39 South, Range 1 East of the Willamette Base and Meridian, JACKSON COUNTY OREGON

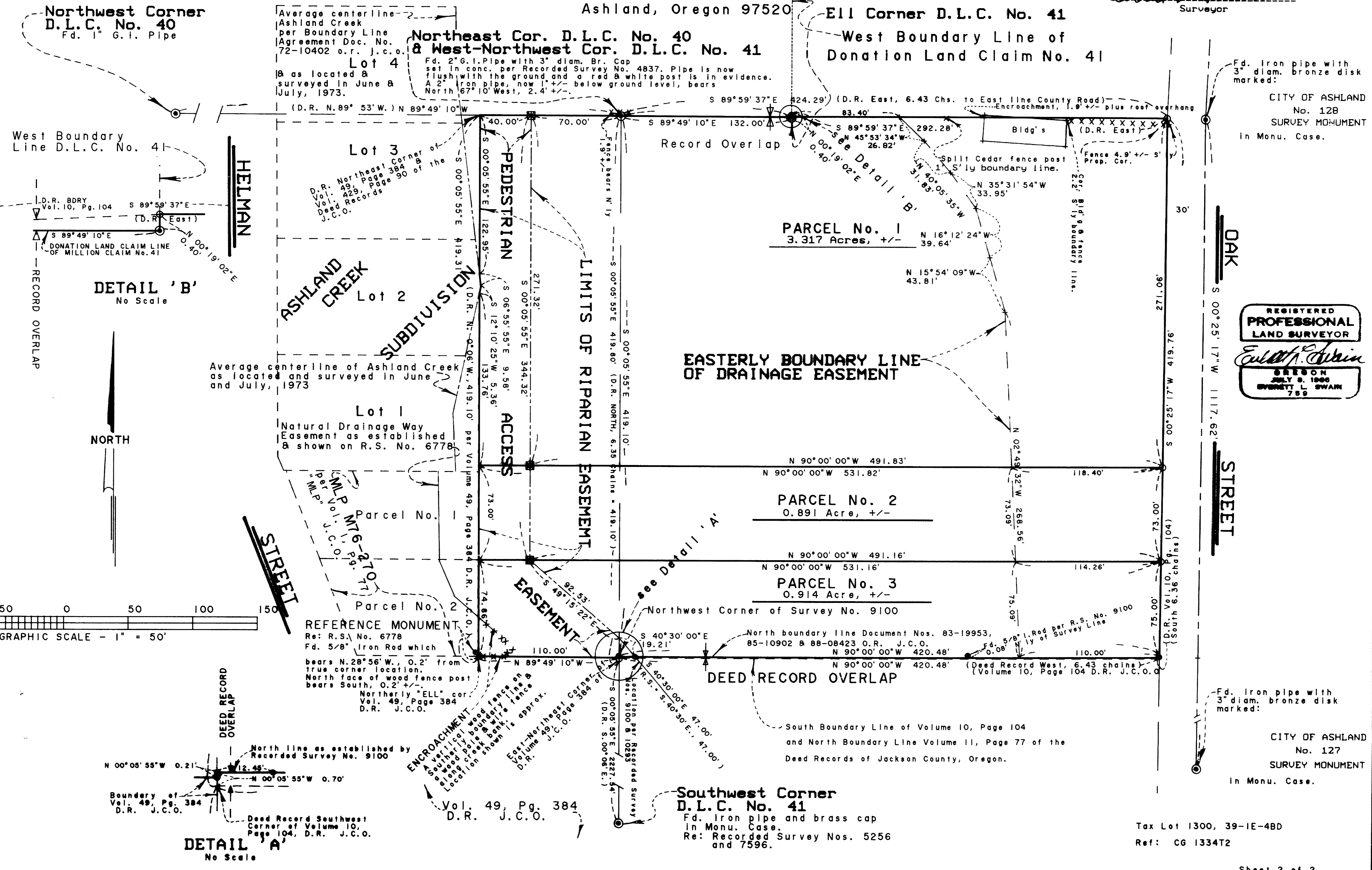
JEFFERY S. & CATHERINE M. GOLDEN

886 Oak Street
Ashland, Oregon 97520

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



Northwest Corner D.L.C. No. 40
Fd. 1" G.I. Pipe

Average center line Ashland Creek per Boundary Line Agreement Doc. No. 72-10402 O.R. J.C.O. as located & surveyed in June & July, 1973.

Northeast Cor. D.L.C. No. 40 & West-Northwest Cor. D.L.C. No. 41
Fd. 2" G.I. Pipe with 3" diam. Br. Cap set in conc. per Recorded Survey No. 4837. Pipe is now flush with the ground and a red & white post is in evidence. A 2" iron pipe, now 1" +/- below ground level, bears North 67° 10' West, 2.4' +/-

Ell Corner D.L.C. No. 41
West Boundary Line of Donation Land Claim No. 41

Fd. iron pipe with 3" diam. bronze disk marked:
CITY OF ASHLAND No. 128 SURVEY MONUMENT in Monu. Case.

West Boundary Line D.L.C. No. 41

D.R. BDRY Vol. 10, Pg. 104 S 89°59'37"E (D.R. East) S 89°49'10"E DONATION LAND CLAIM LINE OF MILLION CLAIM No. 41

DETAIL 'B' No Scale

NORTH

GRAPHIC SCALE - 1" = 50'

Average center line of Ashland Creek as located and surveyed in June and July, 1973

Natural Drainage Way Easement as established & shown on R.S. No. 6778

Parcel No. 1
Parcel No. 2
Parcel No. 3

REFERENCE MONUMENT
Re: R.S. No. 6778
Fd. 5/8" Iron Rod which bears N. 28° 56' W., 0.2' from true corner location. North face of wood fence post bears South, 0.2' +/-

North line as established by Recorded Survey No. 9100
N 00°05'55"W 0.21' N 00°05'55"W 0.70'

Boundary of Vol. 49, Pg. 384 D.R. J.C.O.
Deed Record Southwest Corner of Volume 10, Page 104, D.R. J.C.O.

DETAIL 'A' No Scale

ENCROACHMENT
Boundary line of parcel No. 1, as shown on R.S. No. 6778, is approximately 1.5' +/- from the true boundary line. Location shown is approx. East-Northeast Corner of Volume 49, Page 384 D.R. J.C.O.

Southwest Corner D.L.C. No. 41
Fd. Iron pipe and brass cap in Monu. Case. Re: Recorded Survey Nos. 5256 and 7596.

PARCEL No. 2
0.891 Acre, +/-
PARCEL No. 3
0.914 Acre, +/-

EASTERLY BOUNDARY LINE OF DRAINAGE EASEMENT

PARCEL No. 1
3.317 Acres, +/-

REGISTERED PROFESSIONAL LAND SURVEYOR
Everett L. Swain
OREGON JULY 9, 1906
EVERETT L. SWAIN 759

CITY OF ASHLAND No. 127 SURVEY MONUMENT in Monu. Case.

Tax Lot 1300, 39-1E-4B8
Ref: CG 1334T2