

MINOR LAND PARTITION  
PARTITION PLAT No. P-28-1990

RECORDING

APPROVAL:

*John M. Taylor*  
9-21-90  
ASHLAND PLANNING COMMISSION DATE  
PA #90-201  
Boundary Line Adjustment

located in  
a Portion of Lot 2 and all of Lot 3, Block 23 in the Chitwood Tract in  
the City of Ashland in Donation Land Claim No. 40 and 42 in the  
Northwest Quarter of Section 9, Township 39 South, Range 1 East of the  
Willamette Base and Meridian,  
JACKSON COUNTY OREGON

FILED FOR RECORD THIS THE 27 DAY OF September, 1990  
AT 8:20 O'CLOCK P.M. AND RECORDED AS PARTITION PLAT No.  
P-28-1990 OF THE RECORDS OF JACKSON COUNTY, OREGON.  
INDEX VOLUME 1, PAGE 98

*Kathleen D. Beckett* County Clerk  
*Joy A. Rameter* Deputy

SURVEYOR'S CERTIFICATE

I, Everett L. Swain, Registered Professional Land Surveyor of the State of Oregon No. 759, hereby certify that this plat is conformable to the field notes and the survey has been correctly executed within the requirements and regulations of the State of Oregon and the following is an accurate description of the boundary lines of the parent tract of land as set forth hereon:---

CITY of ASHLAND

20 East Main Street  
Ashland, Oregon 97520

COUNTY SURVEYOR File No. 12197

Commencing at a found nail set in concrete, situated at the intersection of the East line of Donation Land Claim No. 40 with the centerline of Main Street as set forth on the Official City of Ashland Map adopted by the common council on the 5th day of November, 1888 and being situated in a portion of Lot 2 and all of Lot 3, Block 23 in the Chitwood Tract to the City of Ashland in Donation Land Claim Nos. 40 and 42 in the Northwest Quarter of Section 9, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon; THENCE North 00 degrees 11 minutes 06 seconds East (deed record North 00 degrees 11 minutes East, 416.10 feet) along the Easterly boundary line of Donation Land Claim No. 40, as set forth on said Official Map, 416.15 feet to a point in the Northeastly right of way line of Lithia Way (formerly 'C' Street) as retraced per the survey of McCall's, dated October 26, 1904; THENCE leaving said claim line, North 65 degrees 59 minutes 24 seconds West (deed record South 65 degrees 58 minutes 30 seconds East, 17.31 feet) (McCall's survey record North 66 degrees 03 minutes West) along said Northeastly right of way line a distance of 17.28 feet to a point in the Westerly right of way line of First Street N.; THENCE leaving said Northeastly right of way line, North 05 degrees 50 minutes 24 seconds East (deed record North 5 degrees 51 minutes East, 171.6 feet) along the Westerly right of way line of First Street N. for a distance of 171.46 feet to a found 1 inch iron axle shaft as shown on Recorded Survey No. 2832 and being the TRUE POINT OF BEGINNING; THENCE continuing North 05 degrees 50 minutes 24 seconds East (deed record North 5 degrees 51 minutes East, 130.10 feet) along the Westerly right of way line of First Street N., for a distance of 130.11 feet to a found lead slug set in the top of a concrete wall with brass tag marked LS 759 and situated at the Northeastly corner of that tract of land as set forth in Volume 239, Page 403 of the Deed Records of Jackson County, Oregon; THENCE leaving said Westerly right of way line and along the Northerly boundary line of that tract of land as set forth in Volume 239, Page 403 of the Deed Records of Jackson County, Oregon the following courses: THENCE South 89 degrees 43 minutes 06 seconds West (deed record South 89 degrees 43 minutes West, 13.95 feet to a 1 x 32 inch iron pin) for a distance of 13.91 feet to a found 1-1/4 inch diameter iron rod; THENCE South 79 degrees 25 minutes 24 seconds West (deed record North 89 degrees 25 minutes West, 20.9 feet to a 1-1/2 x 14 inch iron pipe monument) for a distance of 20.89 feet to a found 1-1/2 inch diameter iron pipe; THENCE South 79 degrees 29 minutes 30 seconds West (deed record South 79 degrees 30 minutes West, 78.25 feet to a 1-1/2 x 18 inch iron pipe monument) for a distance of 78.30 feet to a found 1-1/2 inch diameter iron pipe; THENCE North 66 degrees 57 minutes 21 seconds West (deed record North 67 degrees 00 minutes West, 42.28 feet to a 1-1/2 x 32 inch iron pin monument) for a distance of 42.24 feet to a found 1-1/2 inch diameter iron axle situated at the most Northwestly corner of that tract of land as set forth in Volume 239, Page 403 of the Deed Records of Jackson County, Oregon; THENCE along the Westerly boundary line of said Volume and Page, South 34 degrees 12 minutes 34 seconds West (deed record South 34 degrees 11 minutes 30 seconds West) for a distance of 54.22 feet to a found lead slug set in the footing of a concrete block retaining wall with brass tag marked LS 759 and situated in the Northeastly boundary line of Lot 3 of the Chitwood Tract in the City of Ashland, as now recorded; THENCE leaving said Westerly boundary line, North 66 degrees 51 minutes 58 seconds West (plat record North 67 degrees West, 251.5 feet) along that boundary line common to Lots 3 and 4, Block 23 of the Chitwood Tract in the City of Ashland, as now recorded, for a distance of 251.00 feet to a found lead slug set in a concrete sidewalk with brass tag marked LS 759 and being situated in the Southeastly right of way line of North Pioneer Street; THENCE South 23 degrees 11 minutes 57 seconds West, along said Southeastly right of way line, (plat record South 23 degrees West) for a distance of 143.45 feet to a found lead slug set in a concrete sidewalk with brass tag marked LS 759 and being situated in the Northeastly right of way line of Lithia Way, as established and set forth in Volume 418, Page 39 of the Deed Records of Jackson County, Oregon; THENCE along the Northeastly right of way line of Lithia Way, along a curve to the left having a radius of 1402.39 feet and an arc length of 202.66 feet, (deed record radius= 1402.39 feet; arc= 202.07 feet; chord bearing and distance= North 58 degrees 19 minutes 38 seconds West, 201.78 feet) being subtended by a chord of South 58 degrees 50 minutes 14 seconds East for a distance of 202.48 feet to a found 1/2 inch galvanized iron pipe situated in the Northwestly boundary line of that tract of land as set forth in Volume 239, Page 403 of the Deed Records of Jackson County, Oregon; THENCE along the last heretofore referred to Northwestly boundary line, South 34 degrees 13 minutes 22 seconds West (deed record South 34 degrees 11 minutes 30 seconds West) for a distance of 1.50 feet to a found 1-7/16 inch diameter iron rod (deed record 1-1/2 x 32 inch iron pin) WITNESS CORNER; THENCE continuing South 34 degrees 13 minutes 22 seconds West (deed record South 34 degrees 11 minutes 30 seconds West) along said Northwestly boundary line for a distance of 0.11 of a foot to a point in the Northeastly right of way line of Lithia Way (formerly 'C' Street) as retraced per the survey of McCall's, dated October 26, 1904; THENCE South 65 degrees 59 minutes 24 seconds East (deed record South 65 degrees 58 minutes 30 seconds East, 119.8 feet) along said Northeastly right of way line for a distance of 119.93 feet to a point which bears North 32 degrees 56 minutes 09 seconds East, 133.10 feet to a 1-1/2 x 22 inch galvanized iron pipe monument) for a distance of 132.95 feet to a found 1-1/2 inch diameter iron pipe with a mushroom top, now 11-1/2 inches deep; THENCE South 84 degrees 05 minutes 56 seconds East (deed record South 84 degrees 05 minutes East, 101.55 feet) for a distance of 101.56 feet to the point of beginning. TOGETHER with and SUBJECT to covenants, easements, and restrictions of record and those apparent on the land.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the

CITY of ASHLAND, a Municipal Corporation of the State of Oregon, does hereby make and establish a perpetual Easement for drainage and 'ingress and egress' over across and through a strip of land, variable in width, and being situated within Parcel No. 1, as shown hereon, for the mutual use of the owners in fee simple of both Parcels No. 1 and 2 as shown hereon. This Minor Land Partition and Dedication shall be subject to the AGREEMENT FOR EXCHANGE OF REAL PROPERTY by and between the City of Ashland and Copeland Lumber Yards Inc. dated the 15th day of August, 1989.

APPROVAL

Examined and Approved this 18th day of September, 1990.

*Jan H. Olson*  
City Surveyor

We certify that pursuant to authority granted to us by the Ashland Planning Commission in open meeting May 10, 1989 this map is hereby approved.  
Dated this 25 day of September, 1990.

*President*

*Secretary*

*Everett L. Swain*  
SURVEYOR  
LS 759

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Everett L. Swain*  
OREGON  
JULY 8 1986  
EVERETT L. SWAIN  
759

*Sonja N. Akerman*  
SONJA N. AKERMAN  
NOTARY PUBLIC - OREGON  
My Commission Expires 4-6-94

IN WITNESS WHEREOF,

CATHERINE M. GOLDEN, Mayor of the City of Ashland and NAN E. FRANKLIN, City Recorder, do state that we have set our hands and seals this 26th day of September, 1990.

*Catherine M. Golden*  
CATHERINE M. GOLDEN, MAYOR

*Nan E. Franklin*  
NAN E. FRANKLIN, RECORDER

STATE OF OREGON

County of Jackson  
September 26 A.D. 1990

Personally appeared the above named CATHERINE M. GOLDEN, Mayor of the City of Ashland and NAN E. FRANKLIN, City Recorder and acknowledge the foregoing instrument to be their voluntary act and deed.  
Before me:

*Sonja N. Akerman*  
SONJA N. AKERMAN  
NOTARY PUBLIC - OREGON  
My Commission Expires 4-6-94

NOTARY

Subscribed and sworn to before me this 17th day of September, 1990.

I hereby certify that this plat is a CAD generated duplicate of the original.

WATER RIGHTS STATEMENT:

See Document No. 90-24575 of the Official Records of Jackson County, Oregon.

*Everett L. Swain*  
SURVEYOR

Job: CA 1336T

Tax Lots 10100, 11500, 11600, File: CA 1336TD and 11700, 39-1E-98A



SWAIN SURVEYING, INC.

27½ North Main Street  
Ashland, Oregon 97520

Survey No. 12197

**SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250  
OREGON REVISED STATUTES**

**SURVEY FOR:** CITY of ASHLAND  
20 East Main Street  
Ashland, Oregon 97520

**LOCATION:** Situated in a Portion of Lot 2 and all of Lot 3 in Block 23 in the Chitwood Tract in the City of Ashland in Donation Land Claim No. 40 and 42 in the Northwest Quarter of Section 9, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

**PURPOSE:** To survey and monument the boundary lines of a Boundary Line Adjustment, Minor Land Partition, per the request of a representative of the City of Ashland.

**PROCEDURE:** This survey is a Boundary Line Adjustment between property purchased by the City of Ashland, as set forth in Document No. 88-28125 of the Official Records of Jackson County, Oregon and that property purchased by J.W. Copeland Yards, a Corporation of Oregon, as set forth in Volume 239, Page 403 of the Deed Records of Jackson County, Oregon. This survey was started in 1989 and was nearly completed when for reasons unknown to me, I was unable to finish this Boundary Line Adjustment survey. My client indicated to me that I should file a Map of Survey prior to the finishing of this partition in order that I would comply with the filing requirements. The majority of this report is the same as that filed in Recorded Survey No. 11988. Additional details have been added at the bottom of this narrative.

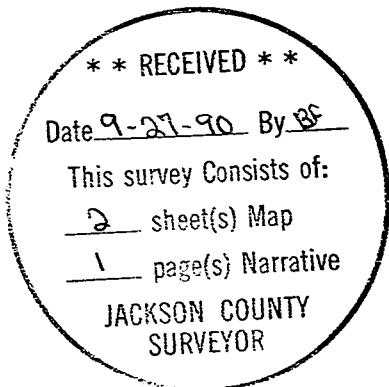
This retracement survey became a very complexed issue inasmuch as the deed of J.W. Copeland calls for monumentation that suggested that an actual survey had been conducted prior to the Copeland purchase. It was highly suspect that the late surveyor, Mr.C.Z. Boyden, Registration No. 7, had conducted several extensive surveys in the Ashland area in the 1930's. In conferring with Mark Boyden, Professional Land Surveyor and son of the late C.Z. Boyden, it was learned that in fact Mr. Boyden had surveyed the property that J.W. Copeland had purchased. Mark Boyden was very gracious in allowing me to review his fathers survey files in order that I might know better the foot steps that his father had taken in the course of his survey.

A control traverse was established along Lithia Way, First Street, North; North Pioneer Street and then tied into previous control along East Main Street, 'B' Street and First Street, Northerly of 'B' Street. These traverses were all found to be very satisfactory for closure. Monumentation per Recorded Surveys No. 2832, 9807 and that monumentation as called for in Deed Record Volume 239, Page 403, were search for and those monuments found were tied to the control traverse. Other monuments, as previously tied, and as shown on

12197

**RICHARD G. TEMPLIN**  
PROFESSIONAL LAND SURVEYOR

2042 Sandra Pl.  
Medford, Oregon 97504  
(503) 776-0991 • 474-7720



12198

SURVEY NO. \_\_\_\_\_

MAJOR LAND PARTITION

SURVEY FOR:

James Rowland  
3536 Footh Cr. Rd.  
Gold Hill, Oregon

LOCATION:

NE 1/4 of Section 15, Township 37 South, Range 4 West, Willamette Meridian, Jackson County, Oregon.

PURPOSE:

To prepare a Final Major Land Partition Plat dividing Tax Lot 100 into (2) lots, with a private road to accessing the newly created parcel.

DATE:

August 30, 1990

BASIS OF BEARING:

Based upon the East line of Section 15 per Recorded Survey No. 10131.

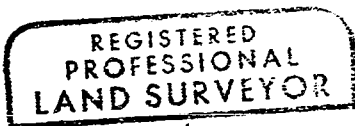
PROCEDURE:

Tied the N 1/4, E 1/4, C 1/4 and the NE Section Corner of Section 15. Computed and set the Northeast 1/16 corner, at said point set:

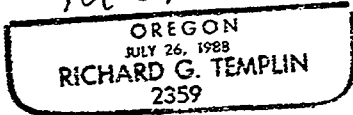
A 5/8" x 30" Rebar, with a yellow plastic cap marked "TEMPLIN 2359", from which I scribe the following bearing trees:

- A White Oak, 8" diameter bears S 66° E, 4.0 feet, scribed "NE1/16" "BT".
- A Madrone, 12" diameter bears S 33 ° W, 13.3 feet, scribed "NE1/16" "BT".

I then set partition corners as shown on accompanying plat. The center line of Fooths creek road was not tied in on this survey. Survey work commenced on June 1989 and Final Plat was completed August, 1990.



*Richard G. Templin*



claim no. 40 which is required to locate the East boundary line of the Chitwood Tracts, per recorded plat. Most all of the present day Deeds of Record, along Copeland's boundary lines, call for the J.W. Copeland deed, as set forth hereinabove. It would appear to me that there may be an ownership established by acquiescence; This particular ownership of J.W. Copeland Yards, and Oregon Corp.,

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250  
OREGON REVISED STATUTES

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Recorded Surveys No. 10436 were utilized in this survey. Inasmuch as the J.W. Copeland deed called for the Easterly boundary line of the Chitwood Tract, it was necessary to try and retrace the position of said Easterly boundary line to confirm the location of the monuments found in the field. When conducting Recorded Survey No. 10436, it came to my attention that a certain metallic object at the vicinity of the East Line of Donation Land Claim No. 40 and the centerline of 'B' Street did not fit the claim line to well. At that time it was ignored for control for said claim line but was utilized for centerline control of 'B' Street. In reviewing Mr. C.Z. Boyden's records, he shows having set a monument at that position. The position of this metallic object fits the distance back to the angle point in 'B' Street, previously established by McKissick in or around 1911, very well, in relation to the distance recorded by Mr. Boyden. However, this location does not fit the Donation Land Claim line by a little less than a foot. The control for the claim line was established between a monument found at Ash ('A') Street, being a 1 & 1/8 inch square iron bar, 16 & 1/2 inches deep and as shown on the Official City of Ashland Map, adopted by the Common Council on the 5th day of November, 1888 (surveyed by M.L. McCall) and the found monument at the intersection of the centerline of East Main Street and said East line of Donation Land Claim No. 40, as set forth on the Officially adopted City map, as hereinabove set forth. The monuments as called for in J.W. Copeland's deed and shown at the most Northerly corner of Parcel No. 2 on the accompanying map, were search for several times before all were found, except the one on the right of way line of First Street N.; This monument had been destroyed by construction of a concrete wall, lending support for an elevated yard. A 1 inch iron pipe was found some 2 & 1/2 feet Southeasterly thereof, with the origin being unknown. The deed called for this monument to be a 1 & 1/2 inch by 14 inch iron pin monument. Therefore, this property corner location was re-monumented with a lead plug and brass tag in the top of the concrete wall to mark the true corner location. Now, returning to the metallic object on the centerline of 'B' Street. After finding all the monuments called for in the J.W. Copeland deed, except for one, and correlating these monuments with the retraced centerline of 'B' Street, as shown on the accompanying map, and comparing all of this data with the records of the late Mr. C.Z. Boyden, it is my belief that the position of this metallic object is correct in relation to the monuments called for in Deed Record Volume 239, Page 403 of the Deed Records of Jackson County, Oregon; However, this metallic object is not on the East boundary line of Donation Land Claim No. 40 which is required to locate the East boundary line of the Chitwood Tracts, per recorded plat. Most all of the present day Deeds of Record, along Copeland's boundary lines, call for the J.W. Copeland deed, as set forth hereinabove. It would appear to me that there may be an ownership established by acquiescence; This particular ownership of J.W. Copeland Yards, and Oregon Corp.,

**SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250  
OREGON REVISED STATUTES**

Page 3

has been in existence since 1942 and would seem to have established an ownership to said monumented line, if nothing more, than through adverse possession. However, it was recommended to the client to utilize the found monuments, per the Copeland deed, and firm that location with a Boundary Line Agreement. As of now, I am not aware of what the client has decided to do, if anything.

The right of way line of Lithia Way was established by splitting the existing curbs. Several years ago an attempt was made to retrace the alignment of Lithia Way by utilizing the State Highway Map or the Deed Records with incredibly poor results. It was therefore, felt that the best location, for the intent of the taking by the State Highway Commission, is the present location of Lithia Way 'as constructed'. Other information is as shown on the accompanying map.

Since the filing of Recorded Survey No. 11988, parking lot construction has taken place on the City of Ashland property. This resulted in three monuments, which were set on Recorded Survey 11988, being destroyed. It was therefore necessary to re-establish these points and they are as shown on the accompanying plat.

**BASIS OF BEARING:**

True Meridian at the North-South centerline of Section 9 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.

September 14, 1990

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

ref: CA1336T3.NAR

Tax Lots 10100, 11500, 11600 &  
11700, 39-1E-9BA

\*\* RECEIVED \*\*

Date 9-27-90 By BF

This survey consists of:

2 sheet(s) Map

3 page(s) Narrative

JACKSON COUNTY  
SURVEYOR

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Everett L. Swain*

OREGON  
JULY 8, 1986  
EVERETT L. SWAIN  
759

**MINOR LAND PARTITION**  
PARTITION PLAT No. P-98-1990

located in  
a Portion of Lot 2 and all of Lot 3, Block 23 in the Chitwood Tract in  
the City of Ashland in Donation Land Claim No. 40 and 42 in the  
Northwest Quarter of Section 9, Township 39 South, Range 1 East of the  
Willamette Base and Meridian,  
JACKSON COUNTY OREGON  
for

**CITY of ASHLAND**

20 East Main Street  
Ashland, Oregon 97520

**SURVEYOR**

SWAIN SURVEYING, INC.

SEPTEMBER 14, 1990

27 1/2 North Main Street  
Ashland, Oregon 97520

SCALE: 1" = 60'

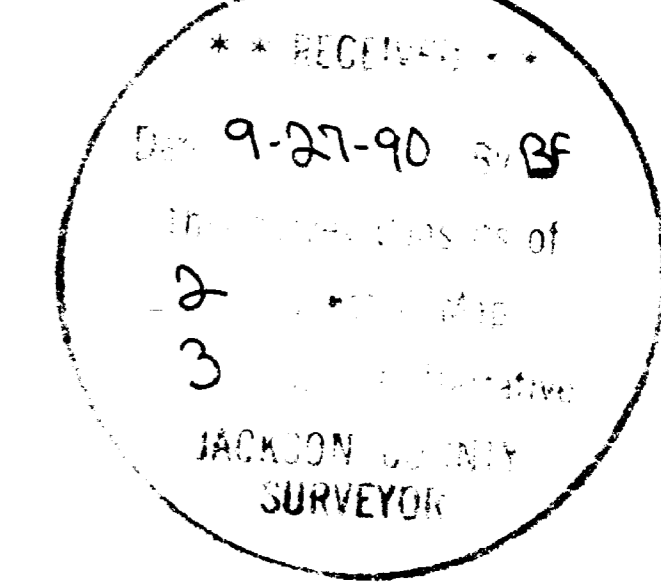
BASIS OF BEARING:

TRUE MERIDIAN at the  
N-S Centerline Sec. 9  
(derived from N.O.A.A. net)

- Found monument as shown
- Set lead plug in concrete sidewalk or concrete wall with brass tag marked LS 759
- Set 1/2 x 24 inch galvanized iron pipe with yellow plastic plug marked SWAIN LS 759
- ⊠ Corner location computed or reconstructed from other information. NO monument set at these points.
- Monument found as shown and now considered a Witness Corner, unless otherwise shown.

CURVE COURSE	RADIUS BEARING	LENGTH DISTANCE	DELTA	CHORD	CH. BEARING	(DEED RECORD)
C1	1402.39'	202.66'	8° 16' 47"	202.48'	N 58° 50' 14" W	ARC = 202.07' RAD. = 1402.39' CH. BNG. = N 58° 19' 38" W CH. DIST. = 201.78'
L1	S 89° 43' 06" W	13.91'	(D.R. S. 89° 43' W., 13.95')			
L2	N 89° 25' 24" W	20.89'	(D.R. N. 89° 25' W., 20.9')			

COURSE	BEARING	DISTANCE
L3	N 85° 59' 02" E	25.20'
L4	S 85° 59' 02" W	20.23'
L5	N 66° 51' 58" W	15.00'
L6	S 23° 11' 57" W	4.00'
L7	N 72° 19' 40" W	25.25'
L8	N 24° 37' 10" E	18.94'
L9	N 66° 57' 00" W	96.98'



I hereby certify that this plat is a CAD  
generated duplicate of the original.

*Everett L. Swain*  
SURVEYOR

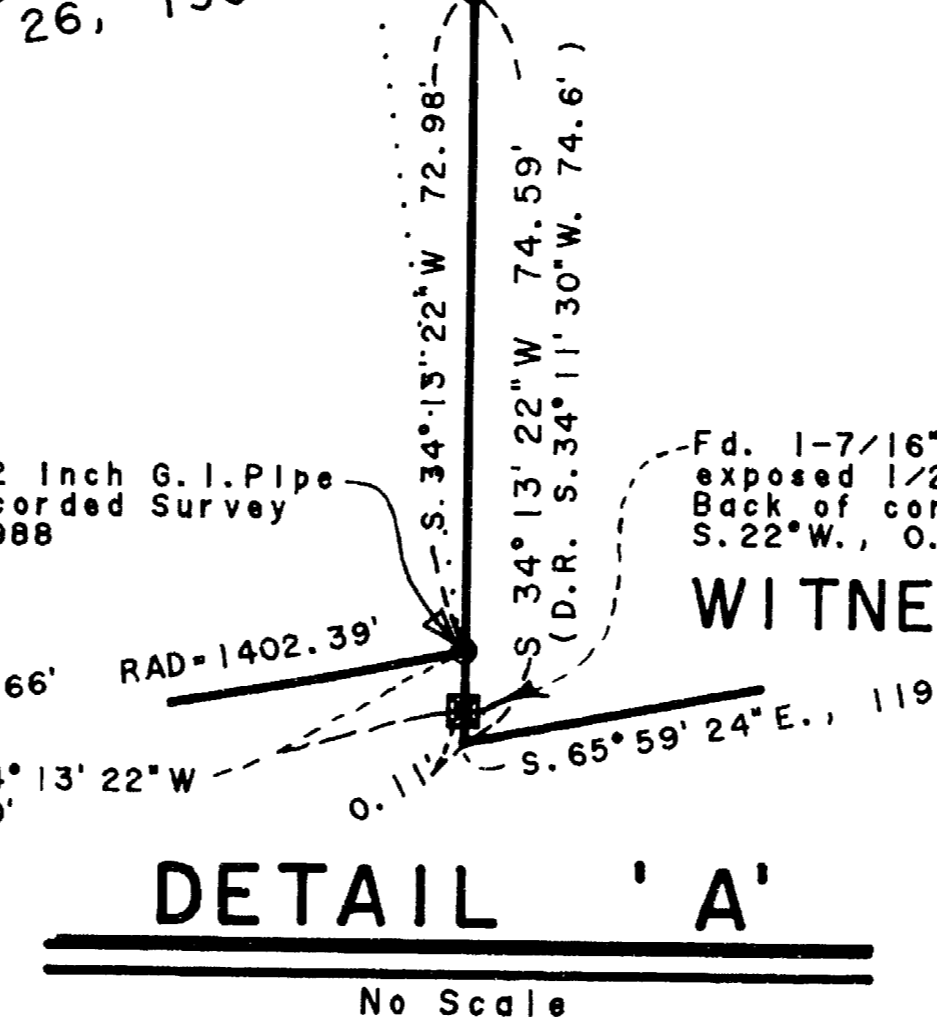
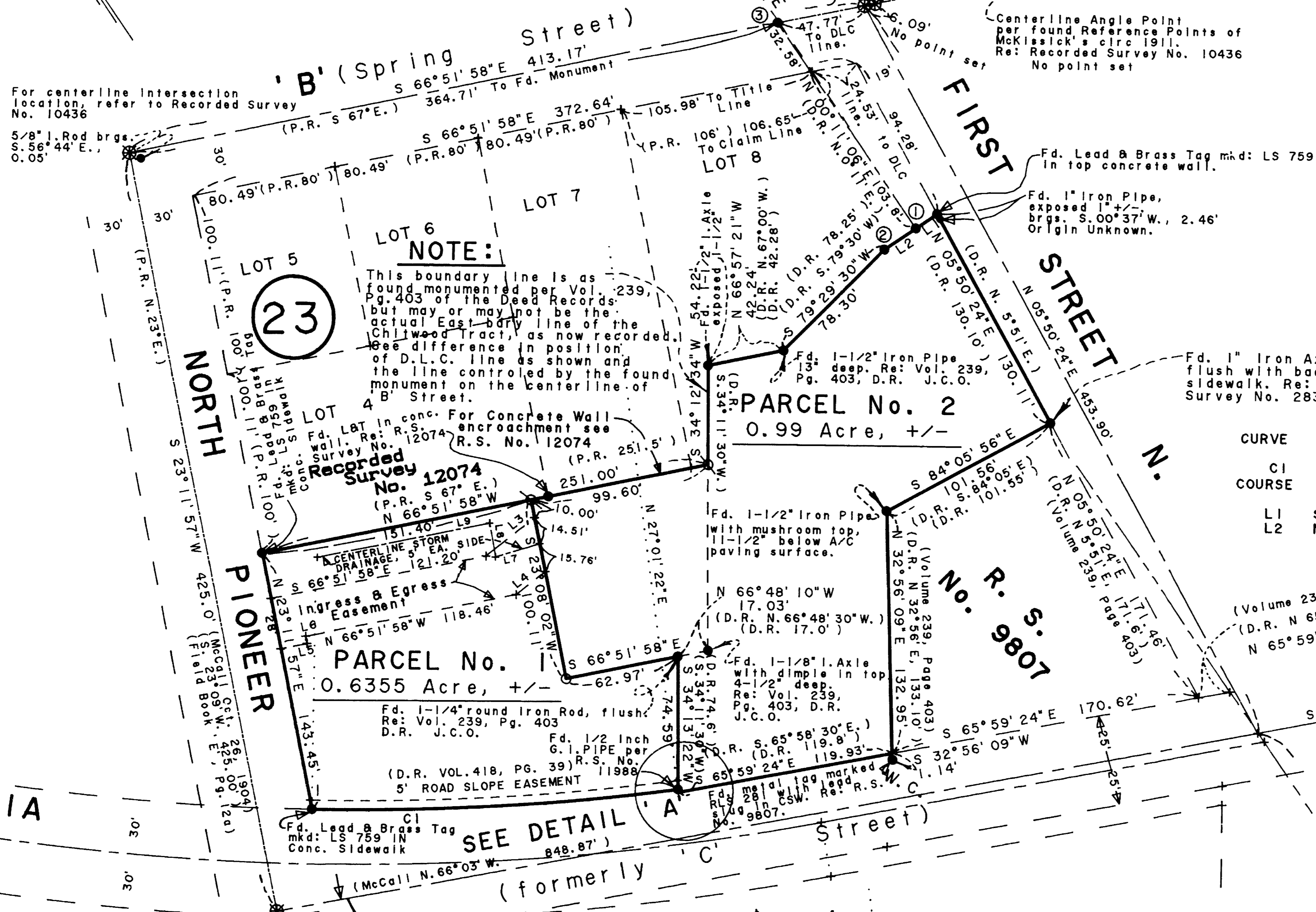
Fd. Nail in Concrete  
in Monument Case.  
Re: Recorded Survey  
No. 10436.

Tax Lots 10100, 11500, 11600 & 11700  
39-1E-9BA

Job: CA 1336T

File: CA 1336T2

Sheet 2 of 2



Fd. 1-1/8" sq. Iron Bar  
16-1/2" +/- deep per  
McCall's 1888  
Official Survey  
of the City of  
Ashland dated  
Nov. 5, 1888 and  
adopted by the common  
Council.

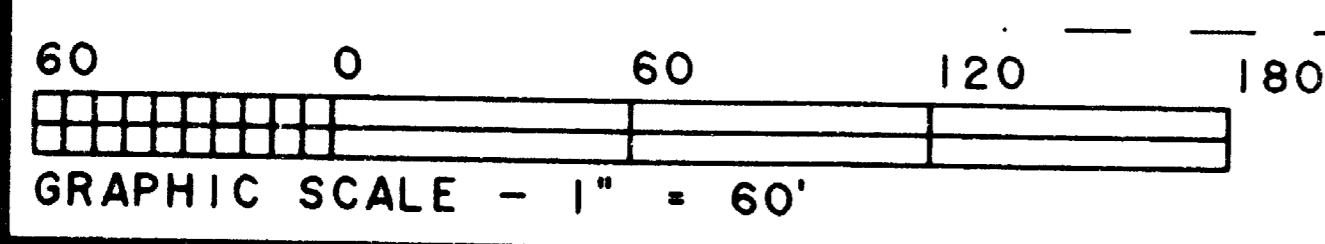
EAST BOUNDARY LINE OF D.L.C. No. 40, per  
CITY OF ASHLAND OFFICIAL MAP dated: 11/5/1888

For centerline intersection  
location refer to Recorded Survey  
No. 10436

**NOTE:**  
This boundary line is as  
found monumented per Vol. 239,  
Pg. 403 of the Deed Records,  
but may or may not be the  
actual East-Party line of the  
Chitwood Tract, as now recorded.  
See difference in position  
of D.L.C. line as shown and  
the line controlled by the found  
monument on the centerline of  
4' B' Street.

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- LEGEND:**
- ① Fd. 1-1/4" diam. Iron Rod, 13" deep.  
(D.R. 1" x 32" Iron pin)
  - ② Fd. 1-1/2" Iron Pipe, 6" deep.  
(D.R. 1-1/2" x 14" Iron pipe)
  - ③ Fd. 1-3/8" square metallic object top  
center of a 2-1/2" diam. metallic object,  
5" below Asphaltic Surface per Recorded  
Survey No. 10436.



N 55° 15' 45" W (D.R. N. 55° 18' W, Vol. 239, Pg. 403, J.C.O.)  
(1888 Official City of Ashland map dated Nov. 5, 1888 N. 55° 18' W.)