

PARTITION PLAT NO. P-26-1992

MINOR LAND PARTITION IN THE  
N.W. 1/4 OF SECTION 22, AND DONATION LAND CLAIM NO. 38, T. 38 S., R. 4 W, W. M.  
JACKSON COUNTY, OREGON

MARCH 4, 1992

JOB 92-3

SURVEYOR'S CERTIFICATE

STATE OF OREGON )  
                          ) ss  
County of Jackson)

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

Commencing at a brass cap monument marking the Northwest corner of Donation Land Claim No. 38 in Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, thence South 84°16'03" East, 176.93 feet to the Initial Point of Beginning, being a point on the westerly right of way line of Oregon State Highway No. 238; thence southwesterly along said right of way line on the arc of a 201.032 foot radius curve to the left (the radius point bears South 58°49'24" East and the chord bears South 23°20'13" West, 54.84 feet) a distance of 55.01 feet; thence continue along said right of way line, South 15°29'50" West, 247.36 feet to the southerly boundary of parcel described in Volume 122, page 429 of the Deed Records of Jackson County, Oregon; thence along said southerly boundary, North 83°37' West, 531.505 feet to a point which bears South 83°37' East, 200.00 feet from the southwesterly corner of parcel described in Volume 122, page 429, said records; thence North 0°34'05" West, a distance of a 1.01 feet to a found 5/8" iron pin; thence along the east boundary of parcel described in Instrument No. 86-17439 of the Official Records of Jackson County, Oregon, as said parcel was found to be monumented, North 0°34'05" West, 277.95 feet to the southerly right of way line of North Applegate Road; thence along said southerly right of way line, South 80°38'18" East, 184.25 feet to a 5/8" iron pin on the easterly boundary of parcel described in Volume 122, page 429, said Deed Records; thence along said boundary, South 7°06' West, 67.86 feet to an ell corner in said boundary; thence continue along the boundary of said parcel, South 83°11' East, 129.72 feet to a point on the westerly boundary of parcel described in Volume 172, page 373, said Deed Records; thence along said westerly boundary, North 0°28' East, 65.25 feet to the southerly right of way line of North Applegate Road; thence along said southerly right of way line on the arc of a 1130.00 foot radius curve to the left (the radius point bears North 5°36'56" East and the chord bears South 87°43'01" East, 131.37 feet) 131.44 feet; thence continue along said right of way line, North 88°57'03" East, 184.82 feet to the Initial Point of Beginning.

*Verlyn Thomas*  
Surveyor

DECLARATION

KNOW ALL MEN BY THESE PRESENT, that we, Roar S. Kjaer and Mary C. Kjaer, Trustees of the Kjaer Loving Trust, and John S. Pernoll, a single man, are the owners of the real property shown hereon, and more particularly described in the surveyor's certificate, and have caused the same to be surveyed and partitioned into parcels as shown on the partition plat.

IN WITNESS WHEREOF, We have set our hands and seals.

*Roar S. Kjaer*      *Mary C. Kjaer*      *John S. Pernoll*  
Roar S. Kjaer      Mary C. Kjaer      John S. Pernoll  
Trustees, Kjaer Loving Trust

STATE OF OREGON )  
                          ) ss  
County of Jackson)

Personally appeared the above named Roar S. Kjaer and Mary C. Kjaer, and acknowledge the foregoing instrument to be their voluntary act and deed. Before me this 9<sup>th</sup> day of March, 1992.



*Sharon A. Katzenbach*  
Notary Public for Oregon

Personally appeared the above named John S. Pernoll and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 6<sup>th</sup> day of March, 1992.



*Laurie Vitale*  
Notary Public for Oregon

APPROVALS

Approved by the Jackson County Planning Department.

BY: *Shirley Kuntz* Date: 3-18-92

Examined and Approved this 17 day of March, 1992

*Roger T. Rees*  
Josephine County Surveyor

RECORDER'S CERTIFICATE

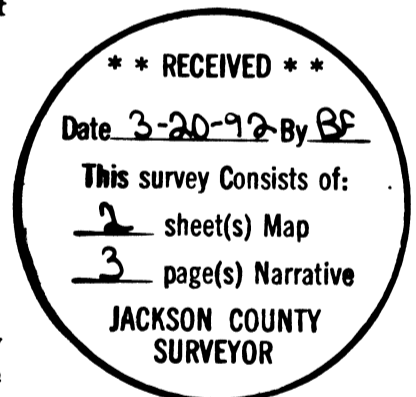
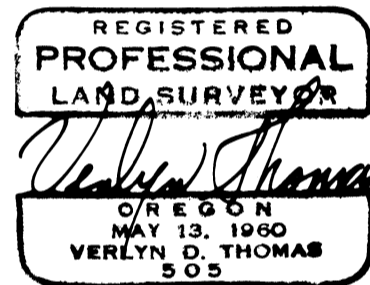
Filed for record this 20<sup>th</sup> day of March, 1992, at 11:49 O'Clock, A.M., and recorded as PARTITION PLAT NO. P-26-1992 "RECORD OF PARTITION PLATS" in Jackson County, Oregon. INDEX VOLUME 3 PAGE 26.

*Kathleen S. Beckett*      *Janet Keller*  
County Clerk      Deputy

County Surveyor File No. 12898

WATER RIGHT STATEMENT

No water rights appurtenant to T.L. 500 were found. Water right Permit No. 10382 was found for T.L. 200.



I certify that this is an exact copy of the original.

*Verlyn Thomas*  
Verlyn Thomas

FD. STND. B.L.M. BRASS CAP  
STAMPED "S16 S15"  
S21 S22  
1983

FD. 1 1/2" IRON  
PIN 15" DEEP  
PER S/N 5855

16 | 15  
21 | 22

15  
22

N 89° 27' 56" E 2653.09'  
S 89° 59' 29" E 1085.34' (DEED RECORD = EAST 1086.6')

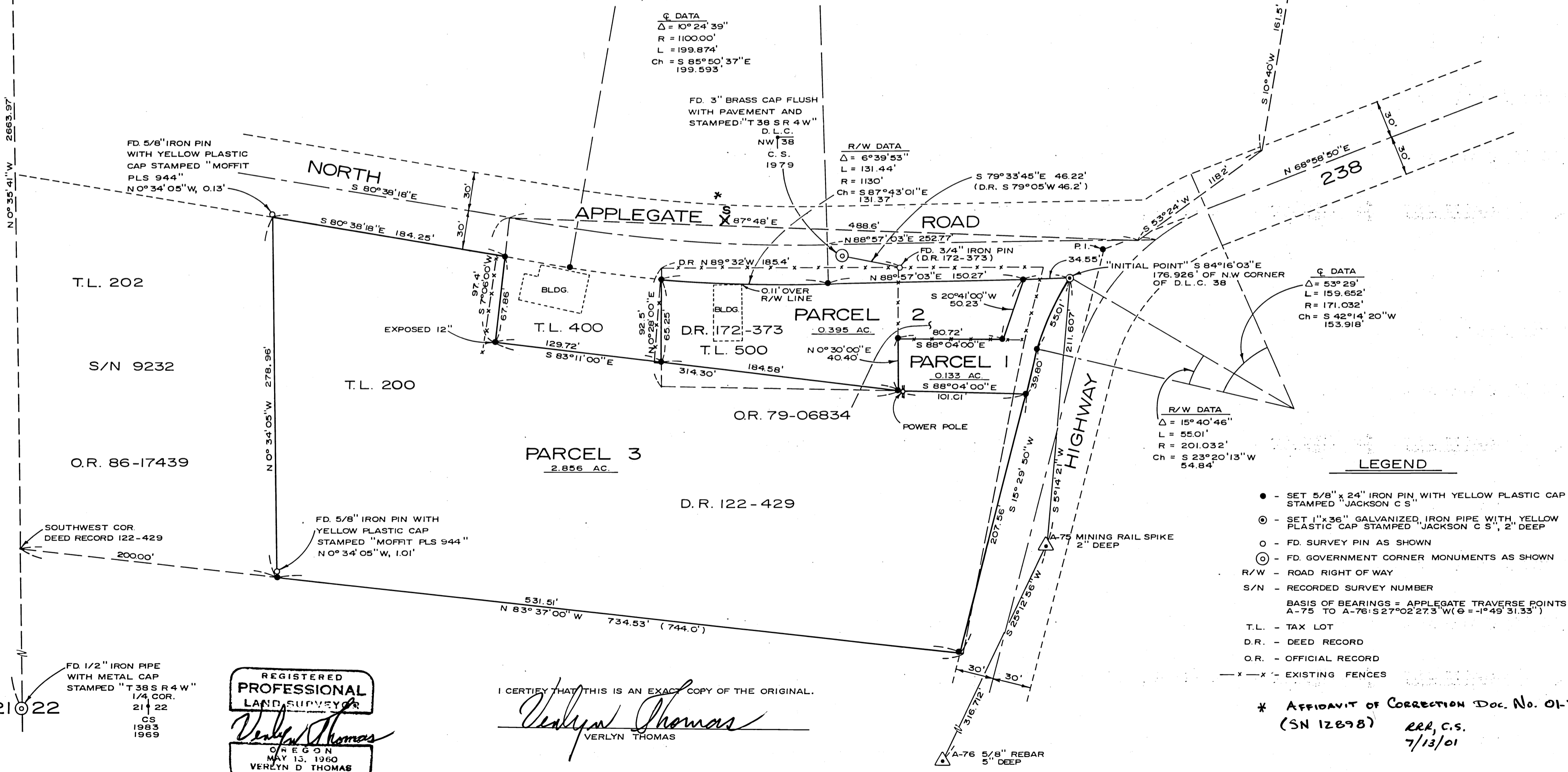
### PARTITION PLAT NO. P-26-1992

MINOR LAND PARTITION IN THE  
N.W. 1/4 OF SECTION 22, AND DONATION LAND CLAIM NO. 38, T. 38 S., R. 4 W., W.M.  
JACKSON COUNTY, OREGON  
MARCH 4, 1992  
JOB 92-3

SURVEY FOR: APPLGATE VALLEY HISTORICAL SOCIETY  
15911 NORTH APPLGATE ROAD  
GRANTS PASS, OREGON 97527

SURVEY BY: VERLYN THOMAS  
JACKSON COUNTY SURVEYOR  
COUNTY COURT HOUSE  
MEDFORD, OREGON 97501

SCALE: 1" = 60'



Q DATA  
Δ = 10° 24' 39"  
R = 1100.00'  
L = 199.874'  
Ch = S 85° 50' 37" E  
193.593'

R/W DATA  
Δ = 6° 39' 53"  
L = 131.44'  
R = 1130'  
Ch = S 87° 43' 01" E  
131.37'

Q DATA  
Δ = 53° 29'  
L = 159.652'  
R = 171.032'  
Ch = S 42° 14' 20" W  
153.918'

R/W DATA  
Δ = 15° 40' 46"  
L = 55.01'  
R = 201.032'  
Ch = S 23° 20' 13" W  
54.84'

#### LEGEND

- - SET 5/8" x 24" IRON PIN WITH YELLOW PLASTIC CAP STAMPED "JACKSON C.S."
- ⊙ - SET 1" x 36" GALVANIZED IRON PIPE WITH YELLOW PLASTIC CAP STAMPED "JACKSON C.S.", 2" DEEP
- - FD. SURVEY PIN AS SHOWN
- ⊕ - FD. GOVERNMENT CORNER MONUMENTS AS SHOWN
- R/W - ROAD RIGHT OF WAY
- S/N - RECORDED SURVEY NUMBER
- T.L. - TAX LOT
- D.R. - DEED RECORD
- O.R. - OFFICIAL RECORD
- x-x- EXISTING FENCES

\* AFFIDAVIT OF CORRECTION Doc. No. 01-32341  
(SN 12898) RRA, C.S.  
7/13/01

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Verlyn Thomas*  
VERLYN D. THOMAS  
505

I CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL.  
*Verlyn Thomas*  
VERLYN THOMAS

FD. 1/2" IRON PIPE WITH METAL CAP STAMPED "T 38 S R 4 W" 1/4 COR. 21 | 22 CS 1983 1969

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

**SURVEY FOR:** Applegate Valley Historical Society  
15911 North Applegate Road  
Grants Pass, Oregon 97527

**SURVEY BY:** Verlyn Thomas  
Jackson County Surveyor  
County Courthouse  
Medford, OR. 97501

**DATE:** March 4, 1992

**LOCATION:** Northwest Quarter of Section 22, Township 38 South, Range 4 West, Willamette Meridian, Jackson County, Oregon.

**PURPOSE:** To survey and monument a Land Partition to create a parcel on which to place the historic Pernoll store building.

**PROCEDURE:** A research for pertinent deeds affecting the subject properties revealed the following:

In 1919, Fred Benedict conveyed 14.939 acres to J.C.Grubb by deed recorded in Volume 122, page 429, of the Deed Records of Jackson County, Oregon. The description in this deed begins as follows: "Beginning at the Northwest corner of Section 22, Township 38 South, Range 4 West of the Willamette Meridian, and running East 1086.6 feet to a stake, from which a white oak 26 ins. diameter bears North 9° West, 5.1 feet, and a white oak 20 ins. diameter bears South 66° West, 3.6 feet; thence South 12°47' East 47.5 feet to a black oak, 26 ins. diameter.....". At a point South 89°59'29" East, 1085.34 feet from the Northwest corner of Section 22, we find a 26 ins. white oak bearing North 9° West, 5.1 feet, scribed RP BT. A large stump hole was found at the position for the 26 ins. black oak. No evidence of the 20 ins. white oak bearing tree was found. The scribed 26 ins. white oak was held by this surveyor to determine the location of angle points for D.R. 122-429.

The description contained in D.R. 122-429 closes mathematically. The most southerly line of this parcel reads "North 83°37' West, 744.0 feet; thence North 00°04' East, 703.6 feet along the west side of Section 22....". The actual length of this course is North 83°37' West, 734.535 feet, closing to a section line which bears North 0°35'41" West.

Monuments found set by Survey No. 9232 and described in O.R. 86-17439 were accepted as determining the intended location of the East line of said O.R. 86-17439.

A controlling deed for Tax Lot 500 was that certain deed from Fred E. Surran et al to Jno. W. Pernoll recorded July 6, 1928 in Volume 172, page 373, Deed Records. This deed was actually signed in October, 1925. The description contained therein reads as follows: "Beginning at an iron pin in Section 22, Township 38 South, Range 4 West, W.M. from which the corner of D.L.C. 38 bears North 79°05' East, 46.2 feet; thence North 89°32' West, 185.4 feet to an iron pin; thence South 0°28' West, 92.5 feet;....". This description was also found in Book "A", page 145, written for Jno. W.Pernoll, on file in the office of the county surveyor.

Surveying this description as written quickly revealed a problem, as the west line would pass through a house. Further research of county corner re-establishment notes for the Northwest corner of D.L.C. No. 38 dated September 28, 1925, by C.Z. Boyden, Deputy County Surveyor, revealed the following reference note. From the D.L.C. corner (also John W. Pernoll's named as chainman) an iron pin bears South  $79^{\circ}05'$  East, 46.2 feet. It is obvious that the above bearing was incorrectly written as North  $79^{\circ}05'$  East, rather than North  $79^{\circ}05'$  West, 46.2 feet on the original deed description.

With this new information, we recovered a  $3/4"$  iron pin bearing South  $79^{\circ}33'45"$  East, 46.22 feet from the D.L.C. corner. Using this iron pin as the northeast corner of Deed Record 172-373, the property lines fit the old fence lines fairly well, except for the south line, which overlaps the property previously described in Deed Record 122-429. The existing fence is built on the Deed Record 122-429 property line.

Additional problems were encountered in determining the right of way lines of State Highway 238, and North Applegate Road.

O.S.H.D. drawing 5B-7-8, dated 1936 was examined, along with the 1933 construction plans for relocating the bridge across the Applegate River. Both of these maps show a  $10^{\circ}$  curve at what is now the junction of North Applegate Road with Highway 238. The 1933 drawing for the bridge relocation also shows an additional sharper curve at this corner. However, no curve data is given for this second curve, though it appears to use the same P.I. Survey measurements revealed the highway as constructed did not even remotely conform to a  $10^{\circ}$  curve. Scaling a radius and the tangents of the sharper curve produced a  $33\frac{1}{2}^{\circ}$  curve, or a center line radius of 171.032 feet. This curve seems to fit the highway as constructed quite well.

The Oregon Department of Transportation was contacted for a decision as to where the right of way should be located. A letter dated August 9, 1991 signed by George F. Strawn, Roadway Descriptions Supervisor, advised us to use the existing centerline. Accordingly, we use a  $33\frac{1}{2}^{\circ}$  curve at this location.

Detailed stationing information for the bridge piers as shown on the construction plans, and the piers from the old bridge were used in determining the location for Highway 238. The only record found for locating North Applegate Road was found in Road Records Volume 1, page 139, dated 1869. Dale Petrasek of the Jackson County Department of Public Works instructed us to determine a centerline for the as-built road, and establish a right of way 30 feet either side therefrom. The resulting location is as shown on the accompanying partition plat. The existing fence along the northerly line of Deed Record 172-373 is several feet into this right of way. The residence at 18493 North Applegate Road encroaches into the right of way. These encroachments have been brought to the attention of Mr. Petrasek.

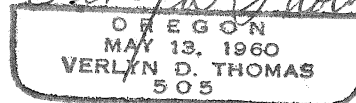
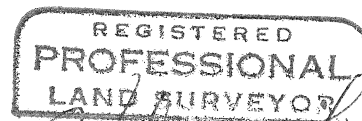
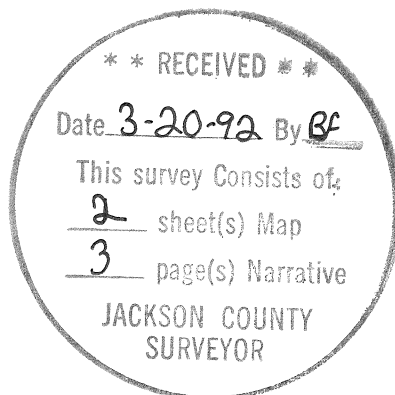
It should be noted that a portion of the east line of property described in Volume 122-429 lies westerly of the present right of way line for Highway No. 238. This legal description refers to the right of way line of the county road as it existed in 1919. Based upon O.R.S. 366.300. it would appear that the ownership now extends to the right of way of Highway No. 238.

Based upon the foregoing procedure, the parcels were monumented as shown on the accompanying plat.

**BASIS OF BEARINGS:** Applegate River traverse points A-75 to A-76.

38-4W-22BB T.L. 200, 500

Job No. 92-3



*Verlyn D. Thomas*



# JACKSON COUNTY

Oregon

www.jacksoncounty.org

### Surveyors Office

Roger Roberts  
County Surveyor

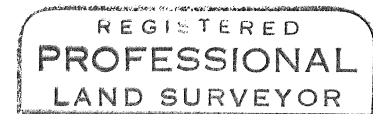
10 S. Oakdale Ave. Room 318A  
Medford, OR 97501  
Phone: 541-774-6192  
Fax: 541-774-6183  
robertrr@jacksoncounty.org

## AFFIDAVIT OF CORRECTION

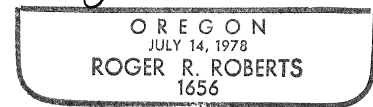
Be it hereby noted with regard to the plat of Partition P-26-1992 recorded in Jackson County, Oregon, and filed with the Office of the Jackson County Surveyor as Survey No. 12898, the following correction should be made to the map of said plat:

- From the ell corner on the north boundary of Parcel 3 (also labeled as the southwest corner of T.L. 400), the parcel boundary runs N 7°06'00 E 67.86 ft. Then the line is prolonged with a dashed line northerly to a point near the centerline of North Applegate Road, said point being a northwest corner of that property described in Deed Record Volume 122, Page 429. From this point, the deed bearing running easterly is incorrectly labeled as N 87°48' E.
- The incorrect deed record bearing is hereby corrected to read **S 87°48' E**.

Date: July 11, 2001  
Surveyor: Roger Roberts



*Roger Roberts*



Expires 12-31

STATE OF OREGON)  
County of Jackson ) SS

Personally appeared the above named Roger R. Roberts, Registered Professional Land Surveyor, who acknowledged the foregoing to be his voluntary act and deed, before me this 11 day of July, 2001

**Record Without Fee**

*Susan E. Seavey*

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

*Geraldine Cutting*  
Notary Public for the State of Oregon *EX: 4-10-04*

JUL 11 2001  
3:29 PM  
*Susan E. Seavey*  
COUNTY CLERK

