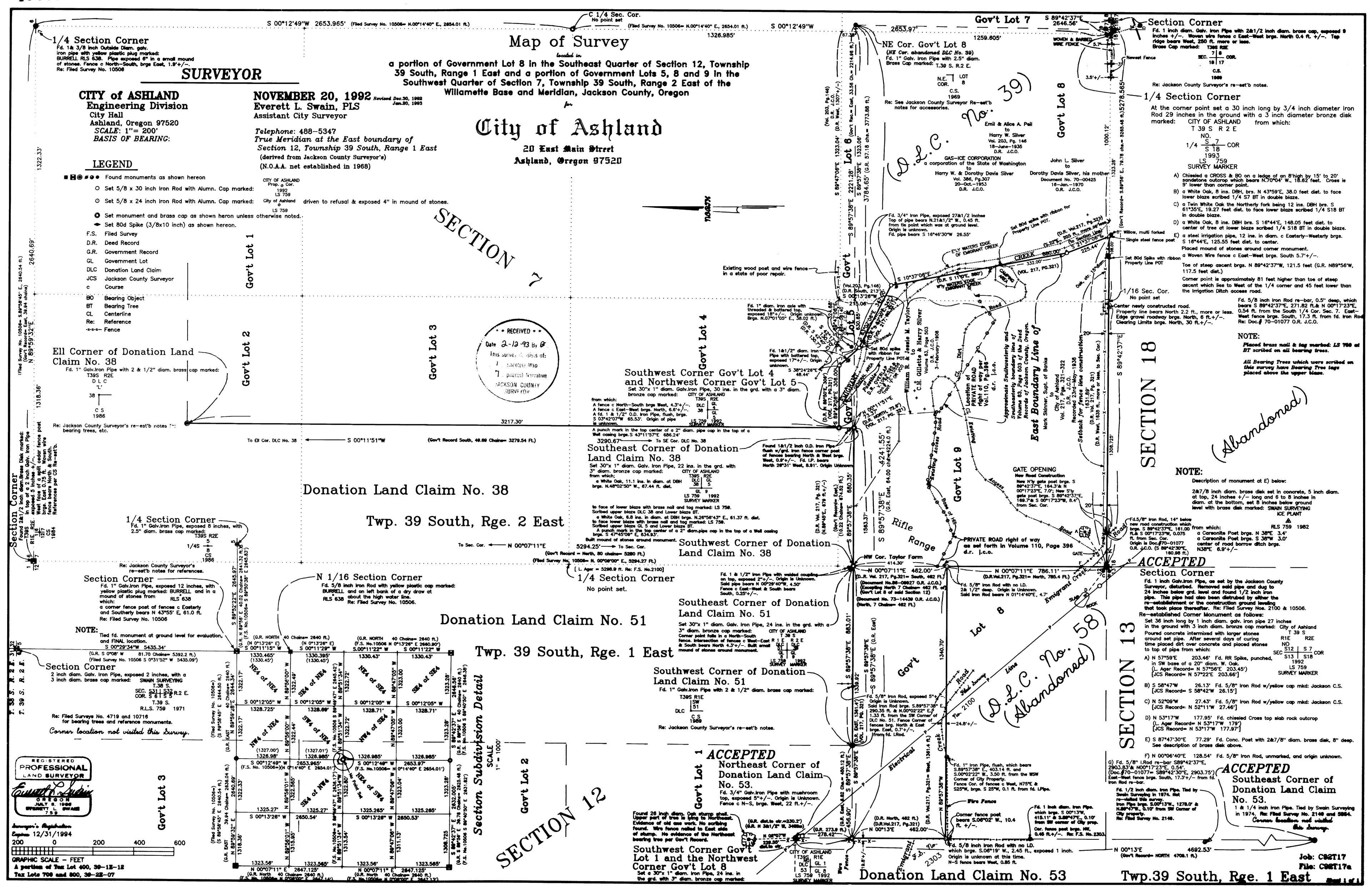
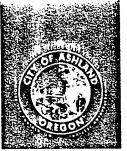
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CITY OF ASHLAND



CITY HALL

ASHLAND, OREGON 97520 telephone (code 503) 482-3211

Survey No. 13365

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250 OREGON REVISED STATUTES

SURVEY FOR:

City of Ashland

City Hall

20 East Main Street Ashland, Oregon 97520

LOCATION:

Situated in a portion of Government Lot 8 in the Southeast Quarter of Section 12, Township 39 South, Range 1 East and a portion of Government Lots 5, 8 and 9 in the Southwest Quarter of Section 7, Township 39 South, Range 2 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE:

To survey, monument and mark a few of the property lines of that Tract of land as owned by the City of Ashland and set forth in Volume 217, Pages 321 and 322 of the Deed Records of Jackson County, Oregon.

PROCEDURE:

A search was made of the City of Ashland Engineering records to see if any public or private Surveyors had conducted surveys within this general area. It was revealed that Frank Walker, City Engineer, had in fact made a survey of, or what appeared to be a survey of, the Lithia Springs property back in 1925 and also in 1935. Walker's Field Book 'M', Pages 60, 63 and 64 and copies of his maps were found in the City files. The 1925 map shows the location of Bear Creek, Section and Quarter Section Corner locations but does not call for any monumentation being set or found. The map titled Plat showing Lithia Springs Tract East of Ashland,
Ore. by F.H. Walker, City Engineer, dated Jan. 1935 is
much more detailed. It should be noted at this time,
that Jackson County Title Company has a copy of this
1935 map and land description, prepared from this survey, in their possession. Apparently this 1935 survey was required as a condition for issuing title insurance by Jackson County Title Company. It is my understanding that the vague description of record calling for -- South and West of Emigrant Creek'-- was not satisfactory to the title company for insurance purposes. The result is the present day land description description description description description description description. description describing the fee title to which the City of Ashland now has possession and title insurance. Now to continue the discussion about Walker's 1935 map, this survey shows a 3/4 inch pipe being at the S.W. Cor. of D.L.C. 51 (See Jackson County Surveyor restablishment notes). There are two other locations shown on the map indicating 'Iron Pipe'; however, at these locations no pipes were found, but, instead Iron these locations no pipes were found, but instead Iron Rod re-bars were recovered. There are notations on this plat, obviously placed there at a much later time, showing and I quote: "5/8" Iron Bar, Ager-1-24-67". I did not find a survey filed for public record by Ager.

There is a third map titled 'Lithia Springs Tract, City of Ashland, Oregon Property, Scale 1'=100' (copy)

December, 1969. - 66.8 Acres by deed- HMS'. This map appears to me to be something Merritt Schilling, City Surveyor in the 1960's, drew up to show the deed record

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location of the Lithia Springs boundaries and also to plot many of the drilled 'Well' locations thereon. There is a notation or two about monuments; however, they are not in total agreement with other maps or what was found upon the ground.

Other filed surveys, namely 2100, 2149, 2303, 4719, 4900, 10506, 10716, and 13084 were reviewed and any monumentation that was relevant to this survey was made a part of this analysis. Copies of the Public Land Survey corners, as re-established by the Jackson County Surveyor, were secured if not already in our possession. 1962 Aerial Photographs along with copies of the original government survey notes for both the Section Subdivisions and the establishment of the Donation Land Claims were utilized. With two abandoned Donation Land Claims involved, copies of the Special Government Plats were also acquired. With this information, coupled with prior survey control and monuments established and tied by Swain Surveying over the last 20 years, proceeded to extend a ground control network to the areas of concern and tied all the found monuments and physical items of concern. In reviewing the hereinabove mentioned surveys by F.H. Walker, City Engineer, no indication is given that a subdivision of Section 7 was ever undertaken. Neither is there any indication that the Northeast Corner of Government Lot 8, Section 7, Township 39 South, Range 2 East was visited and included in his survey. That is not to say that he did not visit that Northeast Corner or subdivide Section 7 but as of this date I have not found the information that would support that theory. It became apparent, after reading the City's deed, that a subdivision of Section 7 was needed along with the East boundary line of Donation Land Claim No. 53 and the North boundary line of Donation Land Claim No. 58 (abandoned), Township 39 South, Range 1 East and the East boundary line of Donation Land Claim No. 38 and the North boundary line of Donation Land Claim No. 39 (abandoned), Township 39 South, Range 2 East to properly establish the boundaries of the various Government Lots that are needed to control the City's Field investigation revealed Iron Pipes in ownership. the vicinity of the Northwest Corner of Government Lot 9 and the Southeast Corner of Donation Land Claim No. 38, Township 39 South, Range 2 East. The origin of these pipes is not known. One could theorize that they are Walker's, but proof positive is not available at this time. The mound of rock, 4 foot square, as called for in the original Government notes, at the Southeast Corner of Donation Land Claim No. 38, was not found. The ground in this general area has obviously been changed over the years by flooding and excavation. The location of Bear Creek is also in question as far as utilizing the topographic point for a proportion location for the re-establishing of the Southeast Corner of Donation Land Claim No. 38; Therefore, the Northeast Corner of Government Lot 8 (abandoned NE Cor. DLC No. 39, T.39S., R.2E.) was tied to the extended control net and then computed back to the Southwest Corner of Donation Land Claim No. 51, T.39S., R.1E. This bearing and distance looked very good. When evaluating the excess distance per 100 feet it was

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found to be 0.25 of a foot. After establishing a proportion position for the Southeast Corner of Donation Land Claim No. 38, the East line of Donation Land Claim No. 38 was evaluated and it was found that the excess distance per 100 feet was 0.34 of a foot. Experience has shown that when retracing some of the original Government Surveyors, that an excess distance of 0.3 of a foot to 0.6 of a foot per 100 feet can be expected. This evaluation looked very good and the calculated position for the Southeast Corner of Donation Land Claim No. 38, Township 39 South, Range 2 East was held. A search was made for the Northwest Corner of Government Lot 8, Township 39 South, Range 1 East with negative results. The search turned to the Northeast Corner of Donation Land Claim No. 53, said Township and Range. In the vicinity of said corner location, a 3/4 inch iron pipe was found. Again, a person could speculate that this monument could be F.H. Walker's or possibly L.E. Ager's, but there is no proof positive for either case at this time; therefore, the origin will have to be stated as unknown at this time. A shell of an Oak tree stump was found with the upper part of the tree lying on the ground to the Northeast. This tree had been cut into many years ago. We cut a section from the down part of the oak where we believed the upper part of the scribe may have been. was revealed. Sorting through all the old wood fragments revealed nothing as far as the original scribing was concerned. The Northeast bearing tree was The position would fall very close to searched for. the top of the main bank to Emigrant Creek, or possibly over the side, and into the steep Northerly side slope. I reviewed Filed Survey No. 2149 wherein L.E. Ager made At that a survey for C. Raymond Foster in July 1958. time he shows finding the Southeast Corner of Donation Land Claim No. 53 as set by Walker. Ager also shows finding the 3/4 inch iron pipe supposedly for the Northeast Corner of Claim No. 53. Ager goes on to say that he finds the apparent bearing tree to Northwest with old scar. He opened this tree but found no scribe. He further states that the distance does not fit government record. This is where I differ with Measuring to the center of the oak stump shell and adding 1/2 the diameter given in the government record field notes, I find the distance to vary by less than one link. This is normally considered to be acceptable. I find the retraced bearing, in relation to government record, to be greater than I would like. However, when considering the other monumentation found along the East boundary line of DLC No. 53 and utilized by land owners as their boundary lines for the past 30 plus years and with no more proof positive than one has for either the Southeast or the Northeast corner of this claim, I have decided to ACCEPT these two found monuments for the best known location of the Southeast and Northeast Corner of Donation Land Claim No. 53, Township 39 South, Range 1 East and not disrupt the ownership boundaries that now exist.

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Now turning to the Section Corner common to Sections 12 and 13, Township 39 South, Range 1 East and Sections 7 and 18, Township 39 South, Range 2 East of the Willamette Base and Meridian. L.E. Ager shows finding a 1/2 inch iron pipe in a mound of stones below ground level (Refer to Filed Survey No. 2100).

I had the occasion to visit this corner location in February, 1982. At that time the 1/2 inch iron pipe was found 18 inches below the ground surface. This pipe was tied to a concrete monument and brass disk which was set for the extension of Swain's control system about a month prior. This concrete monument and brass disk was found in good condition and undisturbed.

George Burrell, Surveyor, conducted a survey for Jim Miller in March, 1986. He evaluated this iron pipe monument and decided to hold it as the best known location for the Section Corner (See Filed Survey No. 10506). I am in agreement with that assessment and have therefor held the location for this Iron Pipe as I found it in 1982, as the best known location for the Section Corner common to Sections 12 and 13, Township 39 South, Range 1 East and Sections 7 and 18, Township 39 South, Range 2 East of the Willamette Base and Meridian, Jackson County, Oregon (See plat for additional details).

Now, we turned to the task of extending our control into the locations of the North Quarter corner and Northeast corner of Section 7, Township 39 South, Range 2 East. The monuments as set by George Burrell, PLS 638 were tied and then evaluated in relation to the rest of Section 7 as previously correlated. The results were not as favorable as I would have liked. decided to extend our control on to the Quarter corner common to Sections 5 and 8, said Township and Range. The Northeast corner of Section 6 was also needed in order to check the double proportion location of the Northeast corner of Section 7, as established by this survey with the found monument of Burrell's. This location for the Northeast corner of Section 6 was previously re-established by myself years ago and that information was correlated with this survey. checking our calculated position for the double proportion corner location, against the monument as set by Burrell, it was found that the position of the found galvanized iron pipe, where it entered the ground, and NOT the top of said monument, was very satisfactory for location. All monuments shown on this accompanying map, set by George Burrell and tied by this survey, were found to be satisfactory for position and were utilized to the extent shown hereon.

The South Quarter corner of Section 7 was extensively searched for. After approximately 3 days it was decided that the Northeast bearing tree was destroyed by the building of the Irrigation Canal Service Road. The Southeast bearing tree fell in an area that appears to have been and still shows signs of being very wet. Root wads of previous trees were found with many sprouts growing therefrom and even those are now dead.

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I am reasonably certain the original bearing trees are gone. For the lack of proof positive of the original corner location, I proportioned the position of said Quarter corner and set a monument and took accessories as shown on the accompanying map.

Clarification for the procedure used to subdivided Section 7 is as follows. I held the Northeast and Southeast corners of Section 7 as found and tied. The East Quarter corner of Section 7 was then calculated by single proportion. Next, the position for the North sixteenth corner common to Sections 7 and 8 was calculated and evaluated in relation to the found monument set by Burrell. The found monument fit the calculated position very well. The found monument was therefor held for position but did not influence the calculated position for the East Quarter corner of Section 7. This is the only area that I feel might be questioned as to what I may have done. I believe the rest of the section subdivision is apparent.

In retracing the Northerly and Easterly boundary lines of the City's property, a question came up in regards to the location of Emigrant Creek. We decided it would be necessary to tie the waters edge in order to know the extent of the adjacent ownership overlaps or hiatuses situated in Government Lots 5, 8 and the Northeast corner of Government Lot 9, Township 39 South, Range 2 East. The position of said Creek was extensively tied from the location of the CAMPING ARRA shown along the City's Easterly property line,
Northwesterly to the Northerly boundary line of
Government Lot 5. The Creek, Southeasterly from said
CAMPING AREA, was also tied, but less extensively. At this time I would like to point out that I believe there is a hiatus along a portion of the City's Easterly property line and the land lying Easterly thereof and last shown as owned by the 'SILVERS'. is my contention that when A. A. Schramm, Superintendent of Banks of the State of Oregon, substitute for the Citizens Bank of Ashland, acquired title to the real property now owned in part by the City, the Easterly property line, in part, was defined as -- All of the portion of Government Lots Eight (8) and Nine (9) South and West of Emigrant Creek in Section Seven (7) in Township Thirty-nine (39) South of Range Two (2) East of the W.M., excepting and reserving from the above premises that portion heretofore conveyed by William R. Taylor and Jessie M. Taylor, husband and wife, to C.H. Gillette and Harry Silver and particularly described in Vol. 63 page 503 Deed Records of Jackson County, Oregon to wit: -- Refer to Vol. 200, Page 467-469 for Sheriff's Deed and additional Refer to Volume details. When the City of Ashland took title to the real property no mention was made of Emigrant Creek as a boundary line. I believe there is still a small deed record strip of land lying between the City's Easterly boundary line, in part, and the Silver's Westerly boundary line, in part, and being still vested in the Superintendent of Banks of the State of Oregon. Now turning to the Deed Record overlaps, it is found that the City's Record Title is bounded by course and distance' and not by a call for Emigrant Creek as it

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passes through Government Lots 5, 9 and a portion of Government Lot 8. However, that portion of the Jim Miller property as set forth in Document No. 84-08140 of the Official Records of Jackson and that tract of land as set forth in Volume 106, Page 595 of the Deed Records of Jackson County, Oregon along with Document No. 75-10556, Tr. F of the Official Records of Jackson County, Oregon, overlaps the insured and record title of the City of Ashland. It is the City's contention that the City has Senior Title Rights where they are being overlapped. This is supported by a title insurance policy insuring their boundary lines, the Land Description being as set forth in the City's deed, recorded in Volume 217, Page 321-2 of the Deed Records of Jackson County, Oregon. I believe, because of all the foreclosures and numerous deeds conveying back and forth from the early nineteen hundreds through the early nineteen forties, a real nightmare, in the chain of title, was created. Only a review of the deeds of record and a discussion with the representatives of Jackson County Title Company, will confirm that belief.

In establishing the section line along the Southerly side of Section 7, Township 39 South, Range 2 East, which is the Southerly boundary line of the City's property, according to deed record, it was discovered that a new access road was being constructed, along with surface and sub-surface drainage facilities. This road and drainage facilities, in part, are on City property. The City has made contact with the person responsible for the construction activity and they are working out an agreement for an easement and road utilization along with other concerns. The fence location shown on the accompanying map, Northerly of the South line of Section 7, was field staked for alignment and is to be constructed, by the party who is responsible for the hereinabove discussed road construction.

Along the City's Easterly property line, there is an area shown as 'CAMPING AREA' with a road leading thereto from the West-Northwest (See attached map). This is not an area utilized by the City or its lessee. Correspondence was sent to John L. Silver, record land owner to the East of said camp site, advising him that no further utilization of this camp site would be permitted by the City. Mr. Silver's apparent representative, responded requesting additional information, which the City has provided. No resolution of this encroachment has taken place at the time of this writing, to my knowledge.

The remainder of the survey is as shown on the accompanying map.

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BASIS OF BEARING:

True Meridian at the East boundary of Section 12, Township 39 South, Range 2 East, 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.

City Survey Crew:

Everett L. Swain, PLS Crew Chief

Dennis Ernst, PLS Engineering Tech. II

Richie Bridenstine Surveying Tech.

November 20, 1992 Revised Jan. 20, 1993

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PROFESSIONAL LAND SURVEYOR

OREGON
JULY 8, 1966
EVERETT L SWAIN
759

Equipment used:

Wild T-2 H-P 3805A EDMI H-P 3808A EDMI Topcon DM-S1 EDMI Lietz Set 4 Wild Invar Subtense Bar

All in good adjustment.

City of Ashland Everett L. Swain, PLS Assistant City Surveyor 20 East Main Street Ashland, Oregon 97520