

16163

# MAP OF SURVEY

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 2  
T.38 S. R.04 W. W.M. JACKSON COUNTY, OREGON

SURVEY FOR:  
MICHIAL K. CROWE  
3150 HUMBUG CREEK ROAD  
APPLEGATE, OREGON 97530

PREPARED BY:  
JONATHAN C. SPERO L.S. 2309  
1002 KINCAID RD./P.O. BOX 18  
WILLIAMS, OREGON 97544  
PH. (541) 846-8845

### LEGEND:

- SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP (SPERO LS 2309)
- FOUND 5/8" IRON ROD PER ROAD SURVEY 3606 EXCEPT AS SHOWN

**\*\* RECEIVED \*\***  
Date 5-28-99 By JS  
This survey consists of:  
1 sheet(s) Map  
3 page(s) Narrative  
JACKSON COUNTY SURVEYOR

R = 174.36'  
Δ = 06°53'32"  
L = 20.97'  
LC = N12°30'32"E  
20.96'

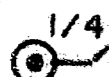
R = 174.36'  
Δ = 18°34'36"  
L = 56.53'  
LC = N00°13'33"W  
56.29'

N 09°12'17" W 38.26'

R = 388.22'  
Δ = 01°39'11"  
L = 11.20'  
LC = N08°36'24"W  
11.20'

R = 388.22'  
Δ = 43°41'34"  
L = 296.05'  
LC = N14°04'04"E  
268.92'

N 35°52'40" E  
132.93'

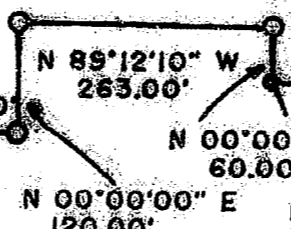
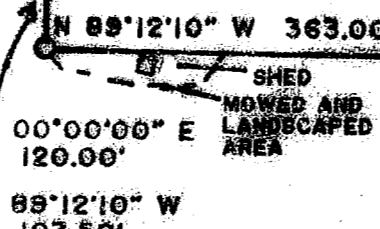


FD. IRON PIPE WITH BRASS CAP PER B.L.M. 1998



CORNER FALLS IN N14" ALDER TREE  
60.98.53 FT

N 89°12'10" W 1436.94'  
1412.94'



FD. 5/8" I. ROD PER SUR. 9039  
S78°W, 0.20'

SEE ATTACHED NARRATIVE FOR DISCUSSION OF THESE TWO LINES.

N 89°12'10" W 2726.46'  
BASIS OF BEARINGS PER SURVEYS 9039 & 10676



N 00°26'27" E (RECORD PER SURVEY 10676)



FD. IRON PIPE WITH BRASS CAP PER B.L.M. 1993

SCALE: 1 INCH = 200 FEET

DATE OF SURVEY: MAY 19, 1999

38-4W-02-00 T.L. 124

SURVEY NARRATIVE IS A SEPARATE DOCUMENT

16163

16163

Page 3 of 3

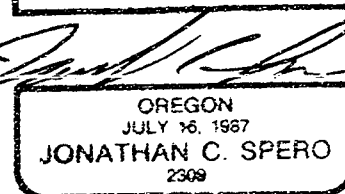
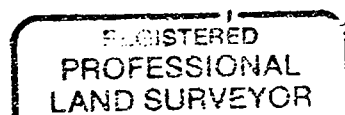
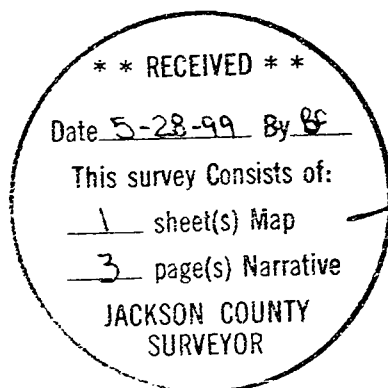
Holding the 263 foot call results in a nearly equal exchange of property. Holding the 815 foot call does not. It should also be noted that the 815 feet was to be measured from the East line of the Section, which was not monumented at the time of the exchange, whereas the 263 foot call was from the road right-of-way, which had been surveyed and monumented. A strong preponderance of evidence points to the conclusion that the 263.00 feet was intended to control this line.

The error of calling for the South 1/2, South 1/2, South 1/2 of the Southeast Quarter of Section 2 instead of the South 330 feet was perpetuated in that Property Line Adjustment (creating the current descriptions for Tax Lots 120 and 121) in Jackson County Planning File 90-21-LLA and shown on Survey No. 12390 in the Office of the Jackson County Surveyor. That survey and the accompanying descriptions also create a (South 89°18'52" East) bearing that is computed to be on the aliquot parts line that is not the boundary. This creates an overlap between the property descriptions that did not exist previously. The deed descriptions for these parcels containing this error were used in recording the transfer of title to the current owners (see Jackson County OR 92-12660). The adjoining property owners, as well as the client, have been advised that new descriptions, to clear up this error and prevent future conflict over this poorly described boundary, should be prepared and filed.

Basis of bearings is the South line of Section 2 from the Southeast corner to the South 1/4 corner thereof, which bears North 89°12'10" West per surveys 9039, and 10676.

This survey was accomplished using a Nikon DTM-430 electronic survey station.

Survey monumentation was completed on: May 19, 1999



License Renewal date 6/30/2000

The South 330.0 feet of the Southeast Quarter of the Southeast Quarter and the South 330.0 feet of the Southwest Quarter of the Southeast Quarter lying East of Humbug Creek Road are called for in Jackson County OR 76-14889, 77-04845, 80-20470, 81-09289, 91-11575 among others. The North 330.0 feet of the South 660.0 feet are called for in Jackson County OR 76-15042, 84-10391, 97-38849 among others. Both of these parcels have subsequently been partitioned further.

In 1982 it was determined that improvements were not located on the correct properties, and there was an exchange between the two parcels of land intended to correct this situation (See Jackson County OR 82-10495 and 82-10496). The descriptions contained in these documents contain significant errors. They are inconsistent with what the respective adjoiners owned, and they also include internal inconsistencies. Therefore it is necessary to review these documents with the goal of determining the intent of the parties to this exchange.

These "exchange" documents call for the North line of the South Half of the South Half of the South Half (of the Southeast Quarter of the Southeast Quarter of Section 2, and of that portion of the Southwest Quarter of the Southeast Quarter lying Easterly of Humbug Creek Road) when the common boundary was the North line of the South 330.0 feet thereof. This creates a discrepancy in distance from the South line of about 3 feet, and a discrepancy in the bearing of this line of about 6 minutes. Bearing calls (South 89°12'10" East, that is, parallel with the South Section line) within these documents are inconsistent with the aliquot parts description, and also inconsistent with the existing ownership boundaries at the time of the exchange. It appears that the common boundary was intended as the starting point and the controlling line from which the adjustments in boundary to be made. It has to be assumed that the parties to these deeds intended to transfer a portion of what they owned, and that the North line of the S 1/2, S 1/2, S 1/2 was intended to be the North line of the South 330.0'.

The descriptions in OR 82-10495 and in Parcel 1 of OR 82-10496 are, with the correction discussed above, consistent. Parcel 2 of OR 82-10496 contains a tie that is inconsistent with the remainder of this description, and also inconsistent with the idea that the parties intended to trade approximately equal acreage. This description, like the others in this exchange, begins at the Easterly line of Humbug Creek road, and makes jogs North and South as it proceeds Eastward. On the last call going Eastward it runs "... thence South 89°12'10" East, 263.00 feet to a point ... which bears North 89°12'10" West, 815.00 feet from the Easterly line of said Section 2." At that point, holding the 263 feet, the corner is about 698 feet, not 815 feet from the East Section line. Normally the 815 feet would control, as it is a call for a (paper) monument. However, the call "263.00 feet" implies a certain distance, not one that could be more than 100 feet in error.

To clear up this conflict and to determine the parties intent, I contacted Robert Martindale, former owner of the Southerly parcel and a party to the property exchange. He stated to me that the parties intended to trade, as nearly as possible, equal acreage, and also stated that this was not only the desire of the parties to the exchange, but also mandated by Jackson County, which required that the line adjustment not significantly change the acreage of either parcel.

Page 1 of 3

**16163**

**Jonathan C. Spero**  
**Oregon Registered Land Surveyor # 2309**  
**California Registered Land Surveyor # 5566**  
**Oregon Certified Water Right Examiner # 123**

**1002 Kincaid Rd. / P.O. Box 16**  
**Williams, Oregon 97544**

## **SURVEY NARRATIVE**

**LOCATION:** In the Southeast 1/4 of Section 2, Township 38 South, Range 4 West, Willamette Meridian, Jackson County, Oregon.

**SURVEY FOR: Michial K. Crowe**  
3150 Humbug Creek Road  
Jacksonville, Oregon 97530

**PURPOSE:** To establish the boundaries of that parcel of land described in Jackson County Official Records Document No. 97-38849 (being Assessor's map 38-4W-02-00 T.L. 124)

### **PROCEDURE:**

The East and South lines of Section 2 were run in surveys 9368 and 10676. Survey 10676 subdivided Section 2 and set the East 1/4 and the Center 1/4 corners of the Section. These corners were resurveyed by the B.L.M. in 1998 and the monuments have been accepted by the B.L.M. as representing the true East and Center 1/4 corners. The Section corner and South 1/4 corner for Section 2 had been previously set by the B.L.M. These monuments define the location of the Southeast 1/4 of Section 2.

The East line of the subject property is the East line of Section 2.

The West line is the Easterly right-of-way line of Humbug Creek Road. This road right-of-way was monumented in 1967 in Survey No. 3606. Monuments per that survey were found in good condition (although some were buried by more than a foot, presumably by flooding of nearby Kane Creek) and accepted for this survey.

The North line is called for as parallel with the South line of the Section and 495.00 feet northerly thereof. This call is in both the subject deed and in the adjoining deed along this line.

There have been numerous deed descriptions and discrepancies in the various parcel descriptions along the South line of the Crowe Parcel.

### **Some history:**

The first breakouts of the subject parcels occurred in the mid 1970's although there has been a "trade" along this line since then that creates the numerous jogs that now exist along this boundary. All of the deeds creating and transferring the new parcels from the 1970's define the line in the same manner.