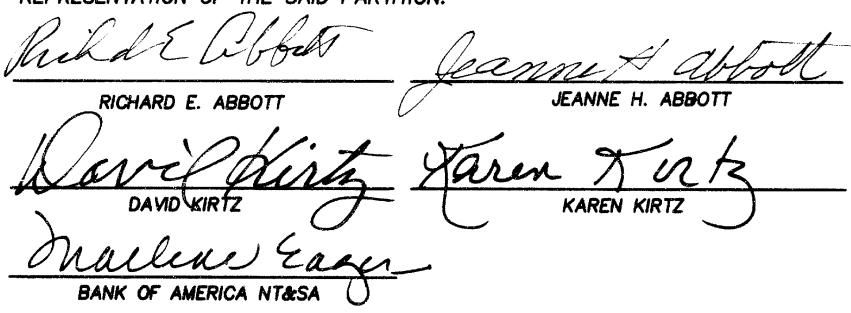
APPROVAL:    Mol 6/7/59  ASHLAND PLANNING DEPARTMENT   DATE PA # 99-025  PROPERTY LINE ADJUSTMENT
APPROVAL:  EXAMINED AND APPROVED THIS 31 DAY O

## **DECLARATION:**

KNOW ALL MEN BY THESE PRESENTS:

THAT RICHARD E. & JEANNE H. ABBOTT AS CO-TRUSTEES UNDER DECLARATION OF TRUST DATED MAY 20, 1996, DAVID & KAREN KIRTZ, HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY, AND BANK OF AMERICA NT&SA AS BENEFICIARY OF THE DEED OF TRUST DATED MARCH 20, 1998 ARE THE OWNERS IN FEE SIMPLE OR OTHER PARTIES IN INTEREST OF THE LANDS HEREON DESCRIBED. AND SAID OWNERS AND OTHER PARTIES HAVE PARTITIONED THE SAME INTO PARCELS AS SHOWN HEREON, AND THE NUMBER AND SIZE OF PARCELS AND THE LENGTH OF ALL LINES ARE PLAINLY SET FORTH, AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SAID PARTITION.

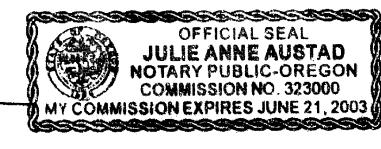


STATE OF OREGON COUNTY OF JACKSON ) S.S. ON THIS, THE X ON DAY OF XLL RICHARD E. ABBOTT & JEANNE H. ABBOTT TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY HIM/HER AND TO BE HIS/HER FREE ACT AND DEED. OFFICIAL SEAL JULIE ANNE AUSTAD NOTARY PUBLIC-OREGON COMMISSION NO. 323000

STATE OF OREGON COUNTY OF JACKSON ) S.S.

ON THIS, THE DAY OF XUM, 1999, BEFORE ME APPEARED DAVID KIRTZ & KAREN KIRTZ (TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY HIM/HER AND TO BE HIS/HER FREE ACT AND DEED.





# LAND PARTITION SURVEY

PARTITION PLAT NO. P-29-1999

A REPLAT OF PARCEL NO. 1, PARTITION PLAT P-51-1990, COUNTY SURVEYOR FILE NO. 12079

LOCATED IN:

SE 1/4 OF SECTION 5, TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE BASE AND MERIDIAN, ASHLAND, JACKSON COUNTY, OREGON

SURVEY FOR:

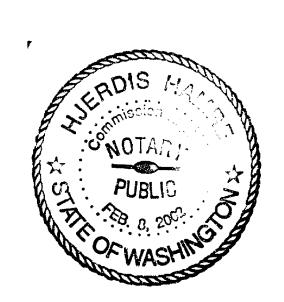
RICHARD & JEANNE ABBOTT 560 MELVILLE AVENUE PALO ALTO, CALIFORNIA 94301

# TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

611 SISKIYOU BOULEVARD, SUITE 6 ASHLAND, OREGON 97520 (541) 482-6474

terrain@mind.net



REGISTERED

**PROFESSIONAL** 

LAND SURVEYOR

No. 2653 Expires 123199

OREGON

July 19, 1994

Richard F Alspach

STATE OF OREGON ). COUNTY OF JACKSON

\_\_\_, 1999, BEFORE ME APPEARED \_\_TO ME PERSONALLY KNOWN. WHO HAVING AUTHORITY TO SIGN EOR THE BANK OF AMERICA NT&SA, WHO BEING DULY SWORN, DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY HIM/HER AND TO BE HIS/HER FREE ACT AND DEED.

BEFORE ME:

I CERTIFY THAT THIS SURVEY WAS PREPARED WITH ARCHIVAL QUALITY MATERIALS AS REQUIRED BY ORS 209.250. SPECIFIC PRODUCTS USED ARE HEWLETT PACKARD INK #51640A ON HEWLETT PACKARD MYLÄR #51642B. RICHARD F. ALSPACH, PLS 2653

THIS IS TO CERTIFY THAT THIS IS A CADD GENERATED COPY OF THE ORIGINAL DRAWING /RICHARD F. ALSPACH, PLS 2653

Date 6-9-99 By 85 This survey Consists of: 3 sheet(s) Map page(s) Narrative JACKSON COUNTY SURVEYOR

\* \* RECEIVED \* \*

DATE OF SURVEY: APRIL 23, 1999 TERRASURVEY JOB NO. 102-99

102-99 ABBOTT\ASHLAND MLP1.DWG

**RECORDING:** 

FILED FOR RECORD THIS 9th DAY OF JUNE 1999, AT 2:12 O'CLOCK, P.M. AND RECORDED AS PARTITION PLAT NO. \_ P-29-1999 OF THE RECORDS OF PARTITION PLATS IN JACKSON COUNTY, OREGON.

Kathleen S. Beckett COUNTY CLERK

COUNTY SURVEYOR FILE NO. 16168

### TAX STATEMENT:

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS REQUIRED BY O.R.S. 92.095 HAVE BEEN PAID AS OF Some 9, 1999

**ASSESSOR** 

TAX COLLECTOR

## SURVEYOR'S CERTIFICATE

, RICHARD F. ALSPACH, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, NO. 2653, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, AS PROVIDED BY LAW, THE TRACT OF LAND SHOWN HEREON AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SAME, THE FOLLOWING BEING AN ACCURATE DESCRIPTION OF THE BOUNDARY LINES:

COMMENCING AT A 1 INCH SQUARE IRON BAR AT THE ACCEPTED NORTHEAST CORNER OF GOVERNMENT LOT 4 IN SECTION 5, TOWNSHIP 39 SOUTH, RANGE 1 EAST OF THE WILLAMETTE BASE AND MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH 00°04'43" WEST ALONG THE WESTERLY BOUNDARY LINE OF DONATION LAND CLAIM NO. 40 A DISTANCE OF 1041.11 FEET TO A POINT ON THE BOUNDARY LINE COMMON TO PARCELS NO. 1 AND 2 OF THAT MINOR LAND PARTITION FILED FOR RECORD THE 24TH DAY OF OCTOBER, 1978 AND RECORDED IN VOLUME 2 AT PAGE 64 OF " MINOR LAND PARTITIONS" IN JACKSON COUNTY , OREGON, SAID BOUNDARY LINE BEING ALSO THE NORTHERLY LINE OF THE LANDS DESCRIBED IN THE DEED TO RICHARD E. AND JEANNE H. ABBOTT RECORDED IN DOCUMENT NO. 96-17479 OF OFFICIAL RECORDS, JACKSON COUNTY. OREGON: THENCE LEAVING SAID WESTERLY LINE. NORTH 57°22'35" EAST ALONG SAID LINE COMMON TO PARCELS NO. 1 AND 2, A DISTANCE OF 0.23 FEET TO A 5/8" IRON PIN. BEING THE INITIAL POINT AND TRUE POINT OF BEGINNING: THENCE NORTH 59°29'59" EAST 206.69 FEET TO A POINT ON THE WESTERLY LINE OF HIGH STREET AS DESCRIBED IN THE DEED TO THE CITY OF ASHLAND RECORDED IN VOLUME 47 AT PAGE 180 OF DEED RECORDS, JACKSON COUNTY, OREGON, FROM WHICH POINT A 3/4" IRON PIPE BEARS SOUTH 32°43'02" EAST 0.21 FEET; THENCE SOUTH 32°43'02" EAST ,ALONG SAID WESTERLY LINE 40.01 FEET TO A 5/8" IRON PIN WITH PLASTIC CAP STAMPED "ALSPACH PLS 2653"; THENCE LEAVING SAID WESTERLY LINE SOUTH 59°29'59"WEST 180.00 FEET TO A 5/8" IRON PIN WITH PLASTIC CAP STAMPED "ALSPACH PLS 2653" ON THE NORTHEASTERLY LINE OF THE LANDS DESCRIBED IN THE DEED TO E. S. AND STELLA CORTHELL RECORDED IN VOLUME 241 AT PAGE 77 OF DEED RECORDS, JACKSON COUNTY, OREGON; THENCE SOUTH 32'43'02" EAST ALONG SAID EASTERLY LINE 75.00 FEET TO A 5/8" IRON PIN WITH PLASTIC CAP STAMPED "ALSPACH PLS 2653" AT THE INTERSECTION OF SAID EASTERLY LINE WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF PARCEL NO. 1 OF THAT MINOR LAND PARTITION FILED FOR RECORD THE 21ST DAY OF JUNE, 1990 AND RECORDED AS PARTITION PLAT NO. P-51-1990 OF THE RECORDS OF JACKSON COUNTY. OREGON. IN VOLUME 1 AT PAGE 51: THENCE SOUTH 59°29'59" WEST ALONG SAID SOUTHERLY LINE AND ITS PROLONGATION 82.27 FEET TO A 1/2" IRON PIPE WITH PLASTIC CAP STAMPED "SWAIN LS 759": THENCE LEAVING SAID SOUTHERLY LINE AND PROCEEDING ALONG THE BOUNDARY LINES OF SAID PARCEL 1 THE FOLLOWING COURSES: THENCE NORTH 32'37'25 WEST 87.47 FEET TO A 5/8"IRON PIN WITH PLASTIC CAP STAMPED " ALSPACH PLS 2653"; THENCE NORTH 77"37"25" WEST 14.83 FEET TO 5/8" IRON PIN WITH PLASTIC CAP STAMPED " E. L. SWAIN LS 759"; THENCE SQUTH 57"22'35" WEST 94.40 FEET TO A 1/2" IRON PIPE WITH PLASTIC CAP STAMPED " SWAIN LS 759" ON THE NORTHEASTERLY RIGHT OF WAY LINE OF ALMOND STREET; THENCE NORTH 32'37'25" WEST ALONG SAID RIGHT OF WAY LINE, 15.00 FEET TO A 5/8" IRON PIN WITH PLASTIC CAP MARKED "E. L. SWAIN LS 759"; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 57"22"35" EAST, ALONG SAID BOUNDARY LINE COMMON TO PARCELS NO. 1 AND 2, 160.24 FEET TO THE TRUE POINT OF BEGINNING.

SHEET 1 OF 3

an original monument for determining the line common to parcels no. 1 and 2 per filed Survey no. 7459. The deed bearing and call to the D.L.C line was held over the call to the 1/2" iron pipe along the southeasterly boundary resulting, in better agreement with deed call courses and distances on this line. Additionally the 1/2" pipe monuments an exterior boundary and unlike the 5/8" iron pin is not an original monument locating a newly created line.

The centerline bearing of High Street, which agrees with Filed Survey No. 7459, was determined by found monuments and its right of way width was obtained from Volume 47 page 180 of Deed Records. The centerline bearing of Laurel Street was assumed as parallel with the southerly boundary of the Myer property (Vol. 48 Pg. 24 Deed Records) and a bearing of South 59°29'59" West as shown on Filed Survey 7459 was adopted. The record width of Laurel Street as 60 feet was taken from the reduced 400 scale copy of the 1888 M.L. McCall map of the City of Ashland on file with the Jackson County Surveyor and verified from a private copy of the 200 scale version. From the position of these two streets the intersection of the northerly line of Laurel Street with the westerly line of High Street was established and deed record differences from this point to the survey were noted on the plat.

The northeasterly line of Volume 241, Page 77, cited in Document No. 85-19556, Tract B, was established at 180.00 feet from the westerly line of High Street The east-west lines of Tract B were extended from this line at bearings parallel to Laurel Street, and they were terminated at the easterly line of Document No. 96-17479 as monumented by Filed Survey 12079. Similarly, the sidelines of Document No. 85-19556 were extended on like parallel bearings from the same monumented easterly line and terminated on the sideline of High Street. Deed record differences along High Street to the sideline intersection of High and Laurel Streets were noted.

REGISTERED PROFESSIONAL

LAND SURVEYOR

OREGON
July 19, 1994
Richard F Alspach

Expires 12-3)-99

April 21, 1999

Richard F. Alspach, PLS 2653 TERRASURVEY, INC.

611 Siskiyou Boulevard, Suite 6 Ashland, Oregon 97520

\* \* RECEIVED \* \*

Data b-9-99 By BF

This survey Consists of:

\_3\_\_ sheet(s) Map

2\_\_\_ page(s) Narrative

JACKSON COUNTY
SURVEYOR

#### SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250, OREGON REVISED STATUTES

DATE OF SURVEY: April 21, 1999

SURVEYED BY:

TERRASURVEY, INC.

611 Siskiyou Boulevard, Suite 6

Ashland, Oregon 97520

SURVEY FOR:

Richard & Jeanne Abbott 560 Melville Avenue Palo Alto, CA 94301

LOCATION:

Southeast 1/4, Section 5, Township 39 South, Range 1 East, Willamette

Base and Meridian, Ashland, Jackson County, Oregon

PURPOSE:

To prepare a Land Partition Plat for the purpose of adjusting the common lot line between the Abbott parcel (Doc. No. 96-17479) and the

Kirtz parcel (Doc. No. 85-19556)

BASIS

OF BEARINGS:

True meridian at the N-S centerline of Section 5 as derived from the N.O.A.A. net established in 1968 and on file with the Jackson County Surveyor's office. The reference line for bearing control for this survey was taken from monuments found along the west line of D.L.C. No. 40 Being South 00°04'43" West as show on filed Survey No. 7459 on file in

the office of the Jackson County Surveyor.

PROCEDURE: Retrace the exterior boundary of the two affected properties per the legal descriptions contained in Doc. No. 85-19556 and Doc. No. 96-17479.

The 1" square iron bar in the street monument casing at High and Wimer Streets was accepted as the N.E. corner of Government Lot 4 and as being on the westerly line of D.L.C. No. 40. The survey monument located near Almond and Laurel Streets placed by filed Survey No 9724 was found without the metal disc but was reestablished by using prorated distances from found lead plug and tack reference points and accepted as being on the westerly line of D.L.C. No. 40. Using these two points as the reference bearing, this survey proceeded to locate monuments as shown on Filed Survey No. 7459 and Filed Survey No. 12079 relevant to the affected properties. This survey is substantially in agreement with the location of found monuments on these surveys except for the 1/2" iron pipe and 5/8" iron pin shown on the westerly D.L.C. line. These were found to be off by amounts shown on the plat. The 5/8" iron pin was accepted as

3:49 10-5F 6

#### AFFIDAVIT OF CORRECTION Pursuant to O.R.S. 209.255

99-37580

16168

Be it hereby noted that on the Land Partition Survey for Richard and Jean Abbott recorded June 9, 1999 as Partition Plat No. P-29-1999 of the records of Partition Plats in Jackson County, Oregon, Index Volume 10, Page 29, a drafting error occurred on Sheet 2 of said plat in which the labeling of Parcels 1 and 2 is reversed. Parcel 1 as shown on Sheet 2 should read Parcel 2 and Parcel 2 as shown on Sheet 2 should read Parcel 1.

For further clarification please see "Exhibit A" attached hereto and made a part hereof.

Date: July 15, 1999

REGISTERED PROFESSIONAL

OREGON July 19, 1994 Richard F. Alspach

Expires 12-31-99

State of Oregon ) County of Jackson ) ss.

On this, the 15 Day of July, 1999, before me appeared Richard F. Alspach, a Registered Professional Land Surveyor, to me personally known, who being duly sworn, did say that the foregoing instrument was signed by him and to be his free act and deed.

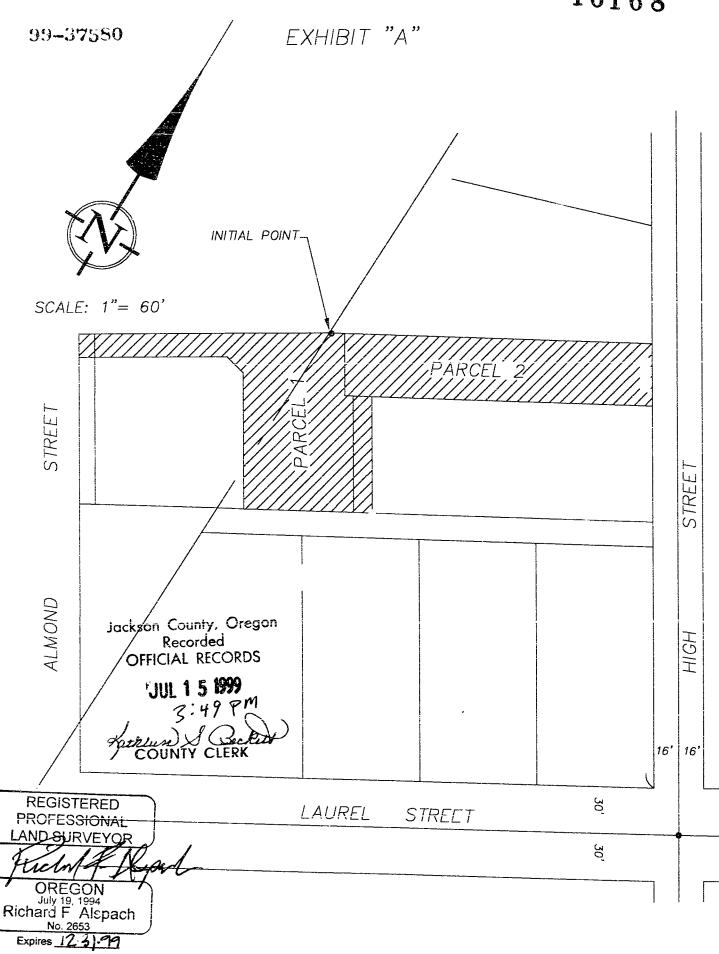
Before me

OFFICIAL SEAL
V J GIBSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 324104
MY COMMISSION EXPRES JUNE 8, 2803

I, Roger R. Roberts, Jackson County Surveyor, do hereby certify that I have examined this Affidavit of Correction and that the changes are permitted in accordance with Chapter 209, Paragraph 255, Oregon Revised Statutes.

Date 15, 1999

Roger R. Roberts, Jackson County Surveyor



#### LAND PARTITION SURVEY PARTITION PLAT NO. P. 29-1999 A REPLAT OF PARCEL NO. 1, PARTITION PLAT P-51-1990, COUNTY SURVEYOR FILE NO. 12079 INITIAL POINT FD 5/8" IRON PIN, FLUSH-CAP SPLIT, ON GROUND LOCATED IN: N57'22'35"E SE1/4 SEC 5, TOWNSHIP 39 SOUTH, RANGE 1 EAST N59"29'59"E WILLAMETTE MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY, OREGON (9.63)N57°22'35°E - 0.23 THIS IS TO CERTIFY THAT THIS IS A CADD FD 1" SQUARE IRON BAR IN STREET FD 3/4" IRON PIPE GENERATED, COPY OF THE ORIGINAL DRAWING MONUMENT CASE. RE: FS 7459, SCALE: 1"= 60' W/PLUG & TACK IN MONUMENT CASE. DATE OF SURVEY: APRIL 23, 1999 RE: FS 7459 DETAIL "A" MANZANITA NO SCALE SURVEY REFERENCES SEE SHEET 3 MAP OF THE CITY OF ASHLAND BY M.L. McCALL 1888, ACCEPTED & ADOPTED BY THE ASHLAND CITY COUNCIL NOVEMBER 5, 1888 LEGEND SR2 FILED SURVEY NO. 7459 INITIAL POINT-PROPERTY LINE LINE COMMON TO PARCEL 1 AND -SR3 FILED SURVEY NO. 12079 PARCEL 2 MLP VOL 2 PG 64 ---- EASEMENT SR4 FILED SURVEY NO. 9724 - SEE DETAIL "A" THIS SHEET ----- WOOD FENCE DEED REFERENCES SET 5/8" X 30" IRON PIN W/CAP MARKED PLS 2653 ALSPACH DR1 V.47 PG.180 DEED RECORDS UNLESS OTHERWISE NOTED PARCEL2X DR2 V.48 PG.24 DEED RECORDS FOUND MONUMENT AS NOTED (SEE SHEET 3) RECORD DATA FROM DEED RECORDS OR OFFICIAL RECORDS, JACKSON COUNTY OREGON, UNLESS OTHERWISE NOTED **NOTES** 1. FENCES LOCATED IN PROPERTY LINE ADJUSTMENT AREA ONLY. FILED SURVEY-JACKSON COUNTY, OREGON 2. NO VISIBLE SURFACE FEATURES WERE FOUND TO LOCATE THE EASEMENT AND RIGHT OF WAY FOR SEWER LINE, GRANTED TO THE S59'29'59"W OFFICIAL RECORDS, JACKSON COUNTY, OREGON CITY OF ASHLAND BY V. "C" PG. 403, MISCELLANEOUS RECORDS. SEE MLP P-51-1990, V.1 PG.51 FOR POSSIBLE SEWER CLEANOUT LOCATION. DEED RECORDS, JACKSON COUNTY, OREGON REFERENCE SEE DETAIL "B" SHEET 3 3. REGARDING RIGHT OF WAY FOR IRRIGATION DITCH PER V.5 PG.606 DEED RECORDS SEE TALENT IRRIGATION DISTRICT CERTIFICATION DATED 4/21/99 WHICH STATES THAT THE PROPERTY DOES NOT HAVE WATER ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF DELIVERY FACILITIES. 4. RECORDED EASEMENTS SHOWN ON THIS PLAT WERE TAKEN FROM THE SUBDIVISION/PARTITION REPORT SUPPLIED BY JACKSON COUNTY TITLE, ORDER NO. 87180 Note: Parcel Numbered changes HEREON VIA AFFIDAVIT OF FD LEAD & TACK IN -CORRECTION, MST. No. 99-37580 TOP OF ROCK WALL 8/21/99 RE: FS 9724 RAR, C.S. FD 1" SQUARE IRON BAR IN STREET MONUMENT CASE. RE: FS 7459 PT. "A" FOUND 1/2" IRON PIPE 11" DEEP(REF FS 9724), LAUREL STREET 2" CAP MISSING; REPLACED W/ 2 1/2" FD 1 1/2" ALUM. CAP MARKED JACKSON COUNTY, GPS 163, CS N59'29'59"E ( N 5975' E SR1 ) BRASS DISC STAMPED "PLS 2653" W/DRILL HOLE PLACED AT PRORATED DISTANCES FROM FOUND REFERENCE MARKS FOUND LEAD & TACK IN TERRASURVEY, INC. TOP OF CURB BASIS OF BEARING RE: FS 9724 REGISTERED PROFESSIONAL LAND SURVEYORS PROFESSIONAL TRUE MERIDIAN AT THE N-S CENTERLINE OF SECTION 5 AS DERIVED FROM THE N.O.A.A. NET ESTABLISHED IN 1968 AND ON FILE WITH THE 611 SISKIYOU BOULEVARD, SUITE 6 LAND SURVEYOR I CERTIFY THAT THIS SURVEY WAS PREPARED JACKSON COUNTY SURVEYOR'S OFFICE. THE REFERENCE LINE FOR ASHLAND, OREGON 97520 BEARING CONTROL FOR THIS SURVEY WAS TAKEN FROM MONUMENTS WITH ARCHIVAL QUALITY MATERIALS AS FOUND AT PT. "A" AND PT. "B" ALONG THE WEST LINE OF DLC NO. 40 REQUIRED BY ORS 209.250. SPECIFIC PRODUCTS (541) 482-6474 AS SHOWN ON FILED SURVEY NO. 7459 IN THE OFFICE OF THE JACKSON terrain•mind.net USED ARE HEWLETT PACKARD INK #51640A ON COUNTY SURVEYOR. HEWLETT PACKARD MYLAR #51642B. Richard F Alspach T 39 S, R 1 E, SEC 5DD, TL 5502, 4800 SHEET 2 OF 3

