

APPROVAL:

Bill H 8/21/2001
ASHLAND PLANNING DEPARTMENT DATE
PA # 2001-037
PROPERTY LINE ADJUSTMENT

LAND PARTITION SURVEY

PARTITION PLAT NO. P-52-2001

LOCATED IN:

NE 1/4 OF SECTION 15, TOWNSHIP 39 SOUTH, RANGE 1 EAST,
WILLAMETTE BASE AND MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY, OREGON

SURVEY FOR:

VERNON & BEVERLY HUBKA
847 HILLVIEW DRIVE
ASHLAND, OREGON 97520
DN 87-1596, DN 87-1597
& DN 77-04331

RECORDING:

FILED FOR RECORD THIS 18 DAY OF September
2001, AT 10:47 O'CLOCK, A.M. AND RECORDED AS
PARTITION PLAT NO. P-52-2001 OF THE RECORDS
OF PARTITION PLATS IN JACKSON COUNTY, OREGON.
INDEX VOLUME 12, PAGE 52

Kathleen S. Beckatt Samuel Kelley
COUNTY CLERK DEPUTY

APPROVAL:

EXAMINED AND APPROVED THIS 7th DAY OF
August, 2001
Sam Hillson
CITY SURVEYOR

COUNTY SURVEYOR FILE NO. 17070

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT VERNON E. HUBKA, JR. AND BEVERLY J. HUBKA ARE THE OWNERS IN FEE
SIMPLE OF THE LANDS HEREON DESCRIBED, AND SAID OWNERS 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.

Vernon E. Hubka Jr
VERNON E. HUBKA, JR

Beverly J. Hubka
BEVERLY J. HUBKA

PREPARED BY:
TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474
terrain@bisp.net

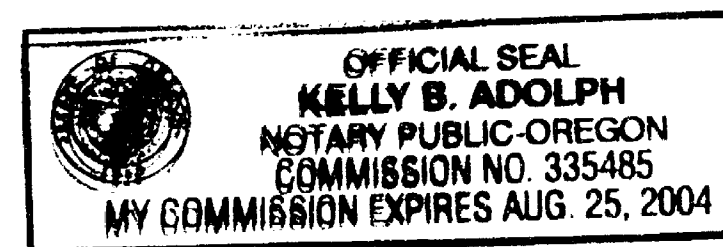
I CERTIFY THAT THIS SURVEY WAS PREPARED WITH ARCHIVAL
QUALITY MATERIALS AS REQUIRED BY ORS 209.250. SPECIFIC
PRODUCTS USED ARE HEWLETT PACKARD INK #51640A ON
CONTINENTAL MYLAR #JPC-4M2.

Richard F. Alspach
RICHARD F. ALSPACH, PLS 2653

STATE OF OREGON) S.S.
COUNTY OF JACKSON)

ON THIS, THE 6th DAY OF August, 2001, BEFORE ME APPEARED
VERNON E. HUBKA, JR., TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN,
DID SAY THAT THE SAID INSTRUMENT WAS SIGNED BY HIM AND TO BE HIS
FREE ACT AND DEED.

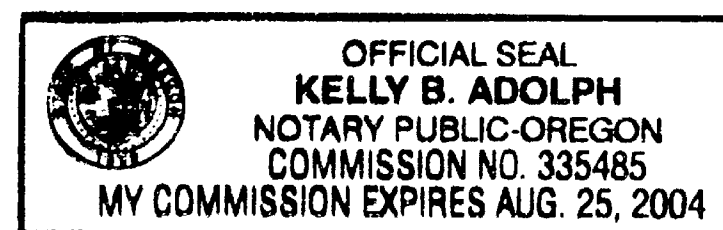
Kelly B Adolph
NOTARY



STATE OF OREGON) S.S.
COUNTY OF JACKSON)

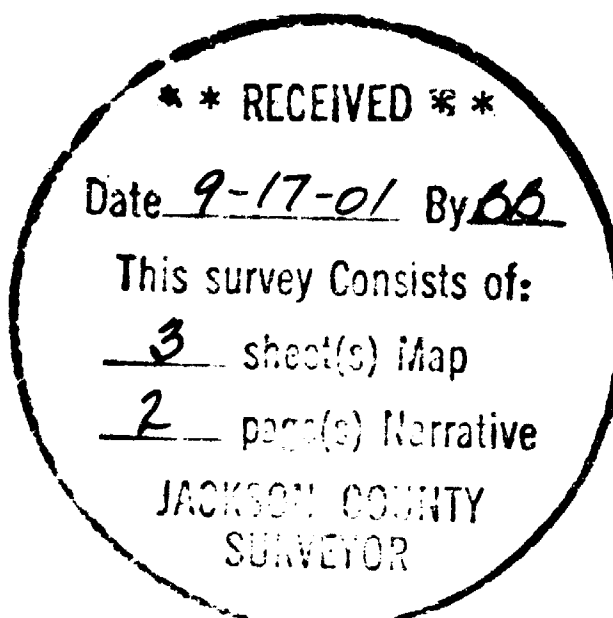
ON THIS, THE 6th DAY OF August, 2001, BEFORE ME APPEARED
BEVERLY J. HUBKA, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN, DID
SAY THAT THE SAID INSTRUMENT WAS SIGNED BY HER AND TO BE HER FREE
ACT AND DEED.

Kelly B Adolph
NOTARY

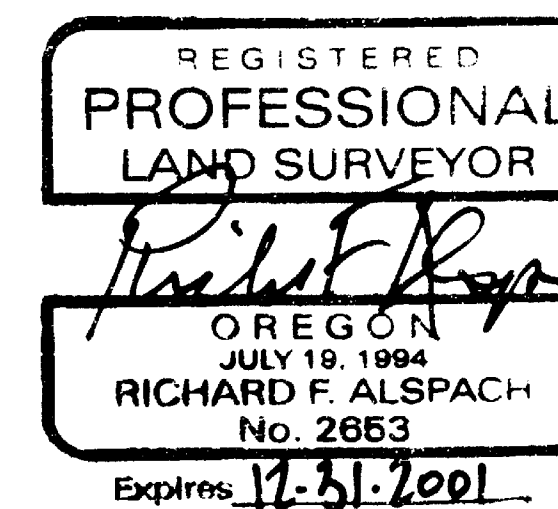


THIS IS TO CERTIFY THAT THIS IS A CADD
GENERATED COPY OF THE ORIGINAL DRAWING

Richard F. Alspach
RICHARD F. ALSPACH, PLS 2653



DATE OF SURVEY: 7-23-2001
TERRASURVEY JOB NO. 188-01
188-01 HUBKA/PLAT SHEET 1.DWG



TAX STATEMENT:

ALL TAXES, FEES, ASSESSMENTS OR OTHER
CHARGES AS REQUIRED BY O.R.S. 92.095

HAVE BEEN PAID AS OF Sept 18, 2001

ASSESSOR Tue Deputy

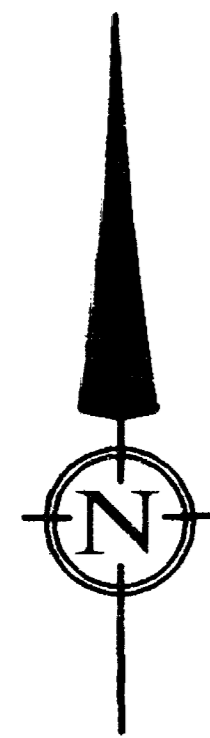
TAX COLLECTOR Barbara E. Weida

SURVEYOR'S CERTIFICATE

I, 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 THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO.
45, TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE BASE AND
MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY OREGON; THENCE NORTH
89°47'17" WEST, 196.68 FEET ALONG THE SOUTHERLY LINE OF SAID
DONATION LAND CLAIM TO THE INTERSECTION WITH THE CENTERLINE OF
HILLVIEW DRIVE (FORMERLY CALLED PEACHY LANE) AS CITED IN
COMMISSIONERS JOURNAL VOLUME 18, PAGES 565 AND 566, AND
CORRECTED IN COMMISSIONERS JOURNAL VOLUME 22, PAGES 434 AND
435; THENCE SOUTH 00°12'43" WEST, 346.24 FEET ALONG SAID
CENTERLINE; THENCE NORTH 89°47'17" WEST, 20.00 FEET TO THE
WESTERLY LINE OF SAID HILLVIEW DRIVE (FORMERLY CALLED PEACHY
LANE); THENCE SOUTH 00°12'43" WEST, 5.00 FEET ALONG SAID
WESTERLY LINE TO THE INITIAL POINT OF THIS SURVEY AND THE POINT
OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE SOUTH
00°12'43" WEST, 160.00 FEET ALONG SAID WESTERLY LINE; THENCE
NORTH 89°47'17" WEST, 200.00 FEET; THENCE NORTH 00°12'43" EAST,
165.00 FEET; THENCE SOUTH 89°47'17" EAST, 10.00 FEET; THENCE
SOUTH 00°12'43" WEST, 5.00 FEET; THENCE SOUTH 89°47'17" EAST,
190.00 FEET TO THE POINT OF BEGINNING.

Richard F. Alspach 8-6-2001
RICHARD F. ALSPACH PLS 2653 DATE



**** RECEIVED ****
 Date 9-17-01 By RB
 This survey consists of:
3 sheet(s) Map
2 page(s) Narrative
 JACKSON COUNTY
 SURVEYOR

DATE: 7-23-2001
 SCALE: 1" = 100'

LAND PARTITION SURVEY

PARTITION PLAT NO. P-52-2001

LOCATED IN:
 NE 1/4 OF SECTION 15, TOWNSHIP 39 SOUTH, RANGE 1 EAST,
 WILLAMETTE BASE AND MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY, OREGON

SURVEY FOR:
 VERNON & BEVERLY HUBKA
 847 HILLVIEW DRIVE
 ASHLAND, OREGON 97520
 DN 87-1596, DN 87-1597
 & DN 77-04331

BASIS OF BEARINGS

N 89° 47' 17" W 2646.94
 (EAST) R2 SOUTH LINE OF DLC 45

FOUND 2 1/2" BRASS DISC W/PUNCH IN STREET MONUMENT CASE
 STAMPED "CITY OF ASHLAND SURVEY MONUMENT LS 759 1992"
 REF: SET FS 13095

CENTERLINE OF PEACHY ROAD PER FS 13095
 & PER C.J. VOL. 18, PGS. 565 & 566
 CORRECTED C.J. VOL. 22, PGS. 434 & 435

PT. "B"
 FOUND 2" IRON PIPE CRIMPED AT TOP;
 ACCEPTED S.W. CORNER OF DLC NO. 45
 0.5' DEEP
 REF: FOUND FS 13095

CENTERLINE OF PEACHY ROAD PER FS 13095
 & PER C.J. VOL. 18, PGS. 565 & 566
 CORRECTED C.J. VOL. 22, PGS. 434 & 435

ENGINEER'S CENTERLINE
 PER FS 13095

DETAIL "A"
 SCALE: 1"=10'

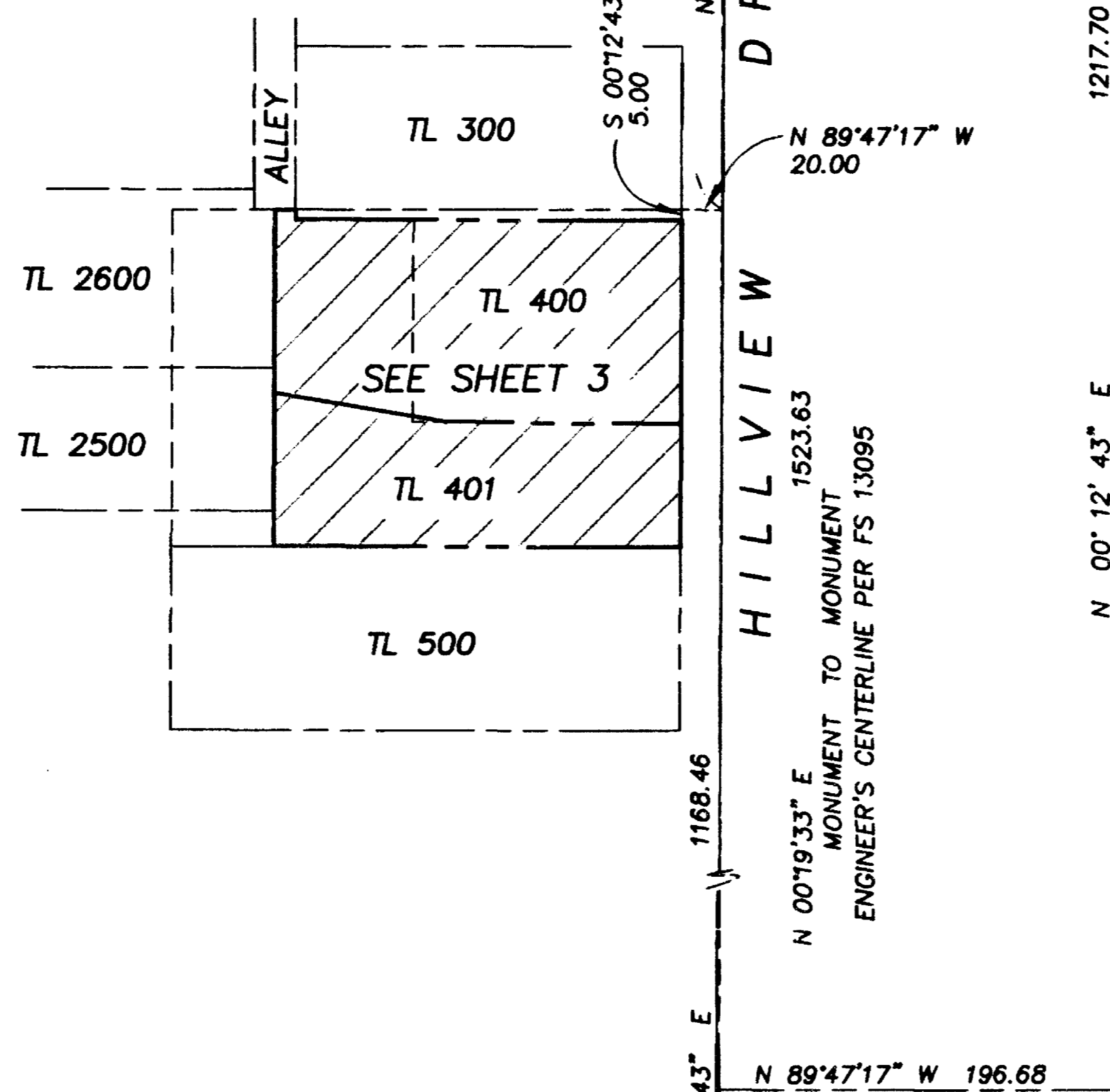
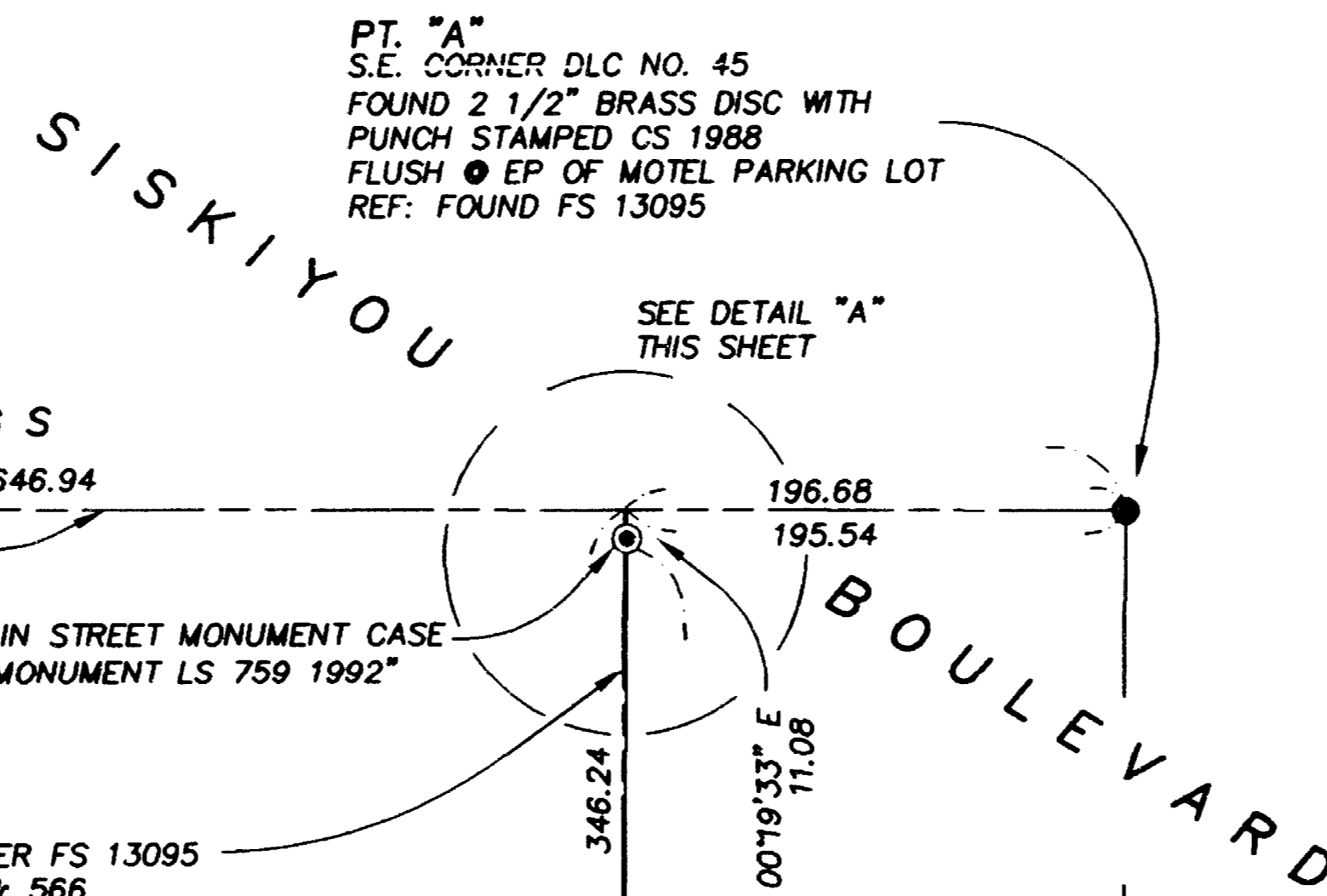
REFERENCES

- () DEED RECORD
- R1 DN 77-04331
- R2 MINOR LAND PARTITION FS 10789
- R3 GOVERNMENT RECORD

BASIS OF BEARING

TRUE MERIDIAN AT THE N-S CENTERLINE OF SECTION 15 AS DERIVED FROM
 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 AT POINT "A"
 AND POINT "B" AS N 89°47'17" W PER FILED SURVEY NO. 13095, ON FILE
 AT THE JACKSON COUNTY SURVEYOR'S OFFICE

T 39 S, R 1 E, SEC 15AC, TL 400 & TL 401



CENTERLINE OF PEACHY ROAD PER FS 13095
 & PER C.J. VOL. 18, PGS. 565 & 566
 CORRECTED C.J. VOL. 22, PGS. 434 & 435

S.E. CORNER OF PEACHY TRACT
 AND CENTERLINE OF PEACHY LANE
 PER FS 13095

FOUND 2 1/2" BRASS DISC W/PUNCH IN STREET MONUMENT CASE
 STAMPED "CITY OF ASHLAND SURVEY MONUMENT LS 759 1992"
 REF: SET FS 13095

LEGEND

- PROPERTY LINE
 - CENTERLINE
 - SET 5/8" X 30" IRON PIN W/CAP STAMPED ALSPACH PLS 2653
 - FOUND CENTERLINE STREET MONUMENT AS NOTED
 - FOUND MONUMENT AS NOTED
 - FS FILED SURVEY—JACKSON COUNTY, OREGON
 - DN DOCUMENT NUMBER ,OFFICIAL RECORDS,
JACKSON COUNTY, OREGON
 - RE: REFERENCE
- ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF

I CERTIFY THAT THIS SURVEY WAS PREPARED WITH ARCHIVAL QUALITY
 MATERIALS AS REQUIRED BY ORS 208.250. SPECIFIC PRODUCTS USED ARE
 HEWLETT PACKARD INK #51640A ON CONTINENTAL MYLAR #JPC-4M2.

Richard F. Alspatch
 RICHARD F. ALSPACH, PLS 2653

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 RICHARD F. ALSPACH
 No. 2653
 Expires 12-31-2001

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

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET
 ASHLAND, OREGON 97520
 (541) 482-6474
 terrain@bisp.net

LAND PARTITION SURVEY

PARTITION PLAT NO. P-52-2001

LOCATED IN:
NE 1/4 OF SECTION 15 TOWNSHIP 39 SOUTH, RANGE 1 EAST,
WILLAMETTE BASE AND MERIDIAN, CITY OF ASHLAND, JACKSON COUNTY, OREGON

SURVEY FOR:
VERNON & BEVERLY HUBKA
847 HILLVIEW DRIVE
ASHLAND, OREGON 97520
DN 1596, DN 1597
& DN 77-04331

**** RECEIVED ****
Date 9-17-01 By RB
This survey consists of:
3 sheet(s) Map
2 page(s) Narrative
JACKSON COUNTY
SURVEYOR

LEGEND

- PROPERTY LINE
 - CENTERLINE
 - EASEMENT
 - SET 5/8" X 30" IRON PIN W/CAP STAMPED ALSPACH PLS 2653
 - ⊙ FOUND CENTERLINE STREET MONUMENT AS NOTED
 - ✱ FOUND 5/8" IP W/CAP STAMPED "KAUBLE PLS 1822 SET PER FS 10789
 - ✱ FOUND 5/8" IP W/CAP STAMPED "D.A. EDWARDS LS 2339" SET PER FS 14735
 - FS FILED SURVEY-JACKSON COUNTY, OREGON
 - DN DOCUMENT NUMBER ,OFFICIAL RECORDS, JACKSON COUNTY, OREGON
 - DRJC DEED RECORDS OF JACKSON COUNTY OREGON
 - RE: REFERENCE
- ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF

NOTE

THE IRRIGATION EASEMENT AS DESCRIBED IN VOLUME 193, PAGE 371 DEED RECORDS OF JACKSON COUNTY OREGON AND PIPELINE CONNECTION RIGHTS AS DESCRIBED IN VOLUME 316, PAGE 226 DEED RECORDS OF JACKSON COUNTY OREGON DESCRIBE NO SPECIFIC LOCATION WHICH CAN BE LOCATED OR SHOWN ON THIS SURVEY.

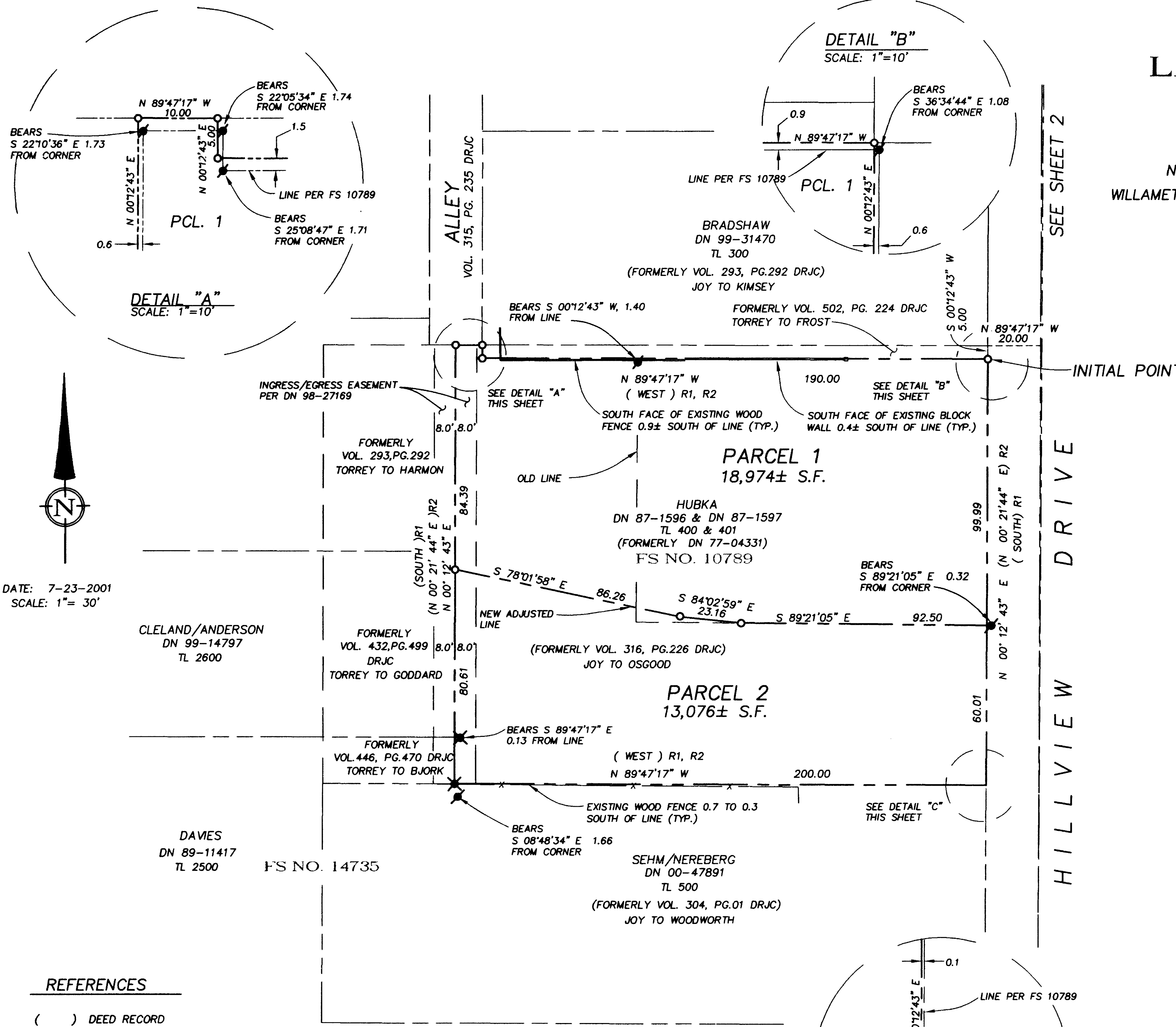
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274 FOURTH STREET
ASHLAND, OREGON 97520
(541) 482-6474
terrain@bisp.net

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 19, 1994
RICHARD F. ALSPACH
No. 2653
Expires 12-31-2001

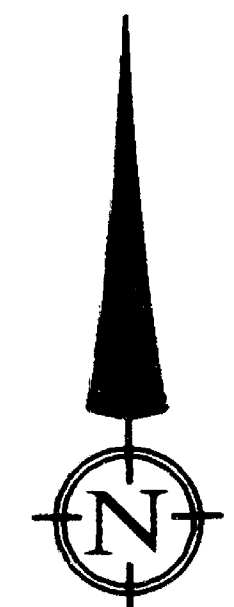


DETAIL "A"
SCALE: 1"=10'

DETAIL "B"
SCALE: 1"=10'

DETAIL "C"
SCALE: 1"=10'

DATE: 7-23-2001
SCALE: 1"= 30'



REFERENCES

- () DEED RECORD
- R1 DN 77-04331
- R2 MINOR LAND PARTITION FS 10789
- R3 GOVERNMENT RECORD

BASIS OF BEARING

TRUE MERIDIAN AT THE N-S CENTERLINE OF SECTION 15 AS DERIVED FROM 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 AT POINT "A" AND POINT "B" AS N 89°47'17" W PER FILED SURVEY NO. 13095, ON FILE AT THE JACKSON COUNTY SURVEYOR'S OFFICE

THIS IS TO CERTIFY THAT THIS IS A GADD
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RICHARD F. ALSPACH, PLS 2653

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 CONTINENTAL MYLAR #JPC-4M2.

Richard F. Alspach
RICHARD F. ALSPACH, PLS 2653

SURVEY NARRATIVE
TO COMPLY WITH PARAGRAPH 209.250, OREGON REVISED STATUTES

DATE OF SURVEY:

May 18, 2001

SURVEYED BY:

TerraSurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520

SURVEY FOR:

Vernon and Beverly Hubka
847 Hillview Drive
Ashland, Oregon 97520

LOCATION:

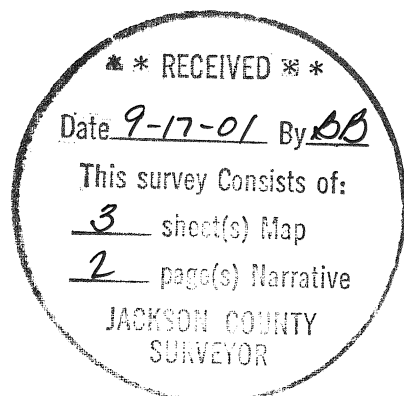
NE 1/4 of Section 15, Township 39 South, Range 1 East, Willamette Base and Meridian, City of Ashland, Jackson County, Oregon

PURPOSE:

To adjust the line between Document Number 87--1596 and Document Number 87-1597, Jackson County Official Records and shown as Parcel 1 and Parcel 2 on Filed Survey No. 10789, on file in the office of the Jackson County Surveyor.

BASIS OF BEARINGS:

True meridian at the N-S centerline of Section 15 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 at the southwest and southeast corners of Donation Land Claim No. 45, in the City of Ashland, as N 89° 47' 17" W per FS 13095 on file at the Office of Jackson County Surveyor.



PROCEDURE:

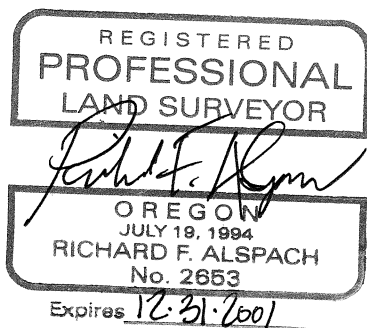
In 1977 Vernon and Beverly Hubka obtained title to their property from David and Elizabeth Baird by deed recorded as Document Number 77-04331. In 1987 they had their property partitioned into two parcels and conveyed title to themselves with Document Number 87-1596 and Document Number 87-1597. They have retained ownership of both parcels without interruption since then and are the current owners today. In retracing this survey for the Partition Plat required to adjust the property line common to the existing parcels, I found that I did not agree with the method employed by FS 10789 in determining the location of the property boundary described by Document Number 77-04331 and consequently the exterior boundary of the 1987 Land Partition. Therefore I proceeded to survey the Hubka property applying an interpretation to document Number 77-04331 which I believe is closer to the intent of legal description contained therein.

Rather than proceeding in cardinal directions from the southwest corner of DLC 45, as cited in the deed, from a basis of bearings based upon a recent survey as employed by FS 10789, this survey proceeded from the SE corner of DLC 45 northwesterly along the southerly line of DLC 45, which at the time of the writing of the legal descriptions for the original deeds in this area (circa 1944, Brantley to Joy Vol. 254, PG. 390), was thought to be the cardinal direction East. From the DLC line deed angles (90°) and distances were used to place the deed lines. This results in all lines being either parallel with or perpendicular to the southerly line of DLC 45. This I believe is the intent of the scrivener in describing these parcels of land when originally created. At that time the Southerly line of DLC 45 would most logically had been the only point of reference from which to "lay out" these descriptions and as stated, at that time this line was considered a cardinal bearing. In essence this survey *has* proceeded in cardinal directions only using cardinal directions from a basis of bearings that would have been available at the time of the original writing of the legal descriptions in the 1940's.

This reasoning and method was applied by FS 13095 in 1992 in locating the east-west location of Peachy Lane and the SE corner of the Albert Peachy Tract. These locations were accepted by this survey and along with information from Commissioner's Journals describing Peachy Lane, the centerline of Peachy Lane was established in the north-south direction to its intersection with the southerly line of DLC 45.

By applying this interpretation, this survey respectfully disagrees with the location of the Hubka property as place by FS 10789 and places the exterior boundary approximately 1 foot northerly and 0.5 feet westerly of said location. This discloses that the Minor Land Partition in 1987 and legal descriptions written from this survey referring to set monuments, included land the Hubkas did not own on the southerly and easterly lines and omitted land they did own on the northerly and westerly boundaries. Had the Hubkas sold either or both of these parcels gaps would have been created to which they would have retained title.

This survey also respectfully disagrees with FS 14735 for the adjacent properties to the South and West. While employing a similar interpretation of the legal description as this survey, FS 14735 adopts the "Engineers Centerline" of Hillview Drive presented by FS 13095 as a controlling line for the north-south lines off of the southerly line of DLC 45. I believe this to be a dubious tactic. A review of the map and accompanying narrative of FS 13095 reveals that the Engineers Centerline was established by that survey as a suggested "best fit" centerline for Right of Way dedications and was not intended to control surveys for adjacent property line locations.



September 17, 2001

Richard F. Alspach
Richard F. Alspach, PLS
TerraSurvey, Inc.
274 Fourth Street
Ashland, Or 97520