

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

FOR:

GALPIN, LLC and LTM, INC.
 PO Box 8271
 Medford, Oregon 97504

LOCATION:

The Northeast and Southeast One Quarter of Section 14, Township 39 South, Range 1 East of the Willamette Meridian, in the City of Ashland.

PURPOSE:

To monument the outer boundaries of Tax Lots No. 800, 900, 1000, 1100 and 1200-39-1E-14D and Tax Lots No. 2000, 2101, 2200, 2302 and 2303-39-1E-14A, comprising the Croman and LTM properties.

PROCEDURE:

These properties were, in part, originally owned by the City of Ashland, and subsequently conveyed to Croman Corp. and LTM, Inc. at different dates, reserving the right of way now known as Mistletoe Road. This right of way was described by the City and referenced to the center One Quarter corner of Section 14. Therefor, said right of way, also being the Westerly boundary of the clients property, was determined and monumented according to record, using the bearing of Recorded Survey No. 4847 along the North-South centerline of section 14 as the basis of bearings.

The position for the East boundary of Tax Lots No. 900 and 1000-39-1E-14D, being also, the West line of Government Lot No. 4, was calculated from the record of Recorded Surveys No. 4847 and 5661. The Westerly boundary of Tax Lot No. 2302-39-1E-14A was determined and monumented according to Instrument No.90-19048 of the Official Records of Jackson County, Oregon, along with a proposed agreement boundary beyond its Southern terminus.

The Railroad right of way was determined from the existing track centerline as follows: From the tangents shown as, South 55°11' East and South 30°50'15" East at the Northerly and Southerly ends of the project, as shown on the accompanying map. A best-fit was adopted by holding the record central angles, semi-tangents and degree of curves as shown on the Southern Pacific Company right of way map on file in the Office of the Jackson County Surveyor. This procedure is in very close accord with the angular difference between the tangents cited above.

However, there is some variation in using the above procedure in reference to the actual track centerline along the 7°30' and 10° curve, which is to be expected on sharp curves, which tend to be shifted away from the radius point after years of use. This variation is as follows: at the 7°30' curve, the variation is 0 feet at the Northerly end and approx. 1.8 feet at the Southerly end. at the 10° curve, the variation is approx. 1.8 feet at the Northerly end and approx. 1.5 feet at the Southerly C.C. and 0 feet at the Southerly B.C.

MAP OF SURVEY

Located in
The NE 1/4 & The SE 1/4 of Section 14
Twp. 39S., R.1E., W.M.

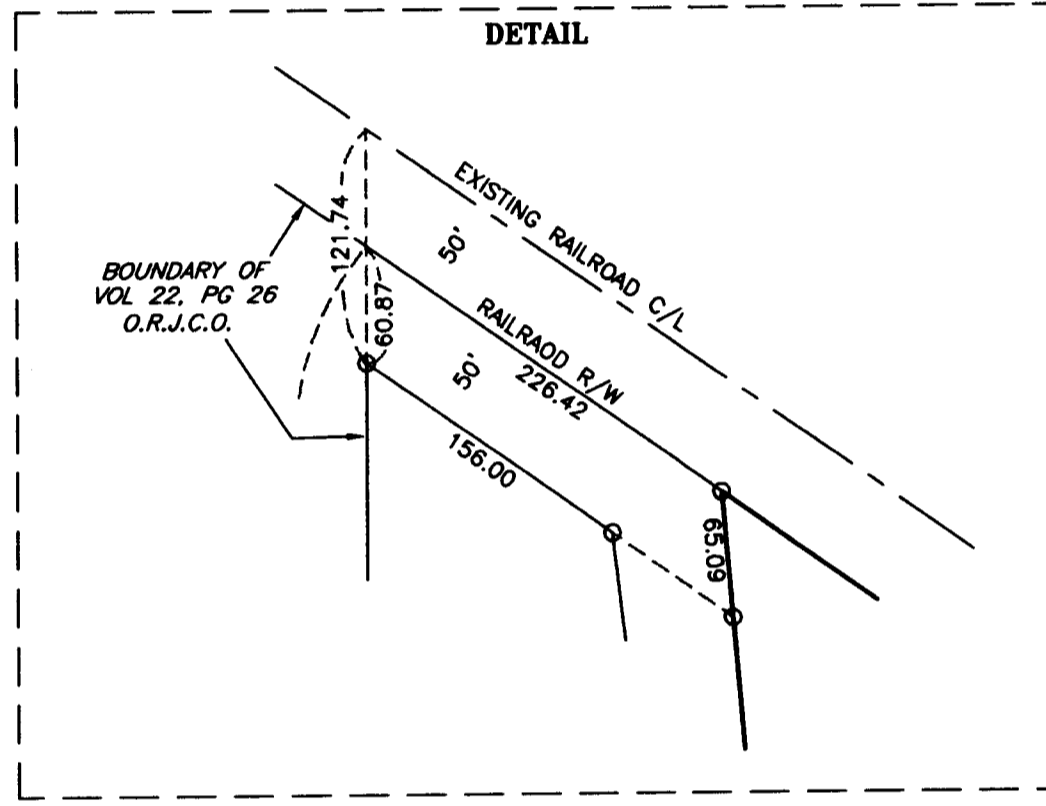
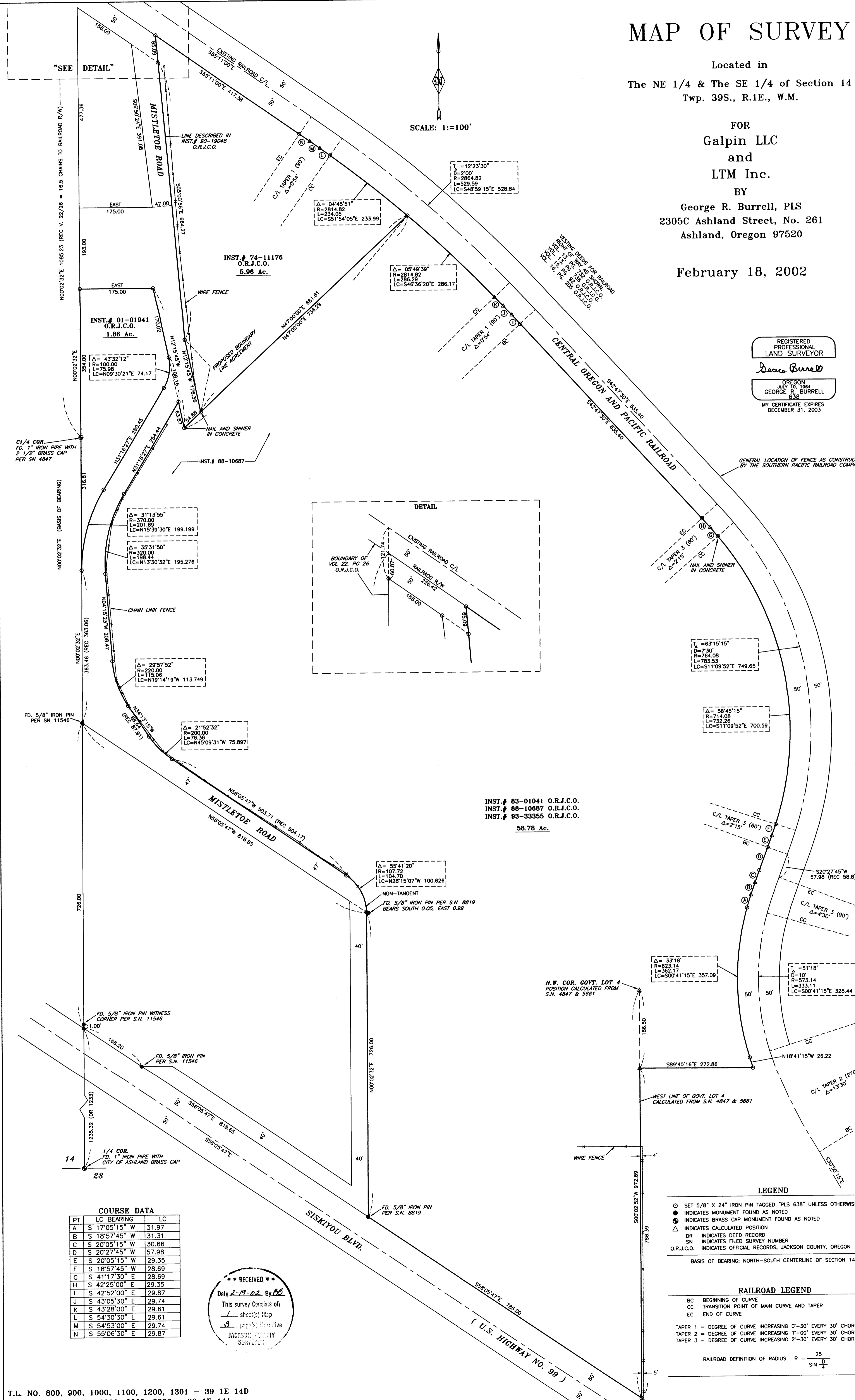
FOR
Galpin LLC
and
LTM Inc.

BY
George R. Burrell, PLS
2305C Ashland Street, No. 261
Ashland, Oregon 97520

February 18, 2002

REGISTERED
PROFESSIONAL
LAND SURVEYOR
George R. Burrell
OREGON
JULY 10, 1964
GEORGE R. BURRELL
638
MY CERTIFICATE EXPIRES
DECEMBER 31, 2003

SCALE: 1"=100'



COURSE DATA

PT	LC	BEARING	LC
A	S	17°05'15" W	31.97
B	S	18°57'45" W	31.31
C	S	20°05'15" W	30.66
D	S	20°27'45" W	57.98
E	S	20°05'15" W	29.35
F	S	18°57'45" W	28.69
G	S	41°17'30" E	28.69
H	S	42°25'00" E	29.35
I	S	42°52'00" E	29.87
J	S	43°05'30" E	29.74
K	S	43°28'00" E	29.61
L	S	54°30'30" E	29.61
M	S	54°53'00" E	29.74
N	S	55°06'30" E	29.87

RECEIVED
Date 2-19-02 By GB
This survey consists of:
1 sheet(s) Map
3 page(s) Narrative
JACKSON COUNTY
SURVEYOR

LEGEND

- SET 5/8" x 24" IRON PIN TAGGED "PLS 638" UNLESS OTHERWISE NOTED
- INDICATES MONUMENT FOUND AS NOTED
- ⊙ INDICATES BRASS CAP MONUMENT FOUND AS NOTED
- △ INDICATES CALCULATED POSITION
- DR INDICATES DEED RECORD
- SN INDICATES FILED SURVEY NUMBER
- O.R.J.C.O. INDICATES OFFICIAL RECORDS, JACKSON COUNTY, OREGON

BASIS OF BEARING: NORTH-SOUTH CENTERLINE OF SECTION 14

RAILROAD LEGEND

- BC BEGINNING OF CURVE
- CC TRANSITION POINT OF MAIN CURVE AND TAPER
- EC END OF CURVE

TAPER 1 = DEGREE OF CURVE INCREASING 0'-30" EVERY 30' CHORD AT C/L
TAPER 2 = DEGREE OF CURVE INCREASING 1'-00" EVERY 30' CHORD AT C/L
TAPER 3 = DEGREE OF CURVE INCREASING 2'-30" EVERY 30' CHORD AT C/L

RAILROAD DEFINITION OF RADIUS: $R = \frac{25}{\sin \frac{D}{4}}$

T.L. NO. 800, 900, 1000, 1100, 1200, 1301 - 39 1E 14D
T.L. NO. 2000, 2101, 2200, 2302, 2303 - 39 1E 14A

A logical analysis of the foregoing facts clearly sustains a 100 foot wide (50 feet on each side of centerline) railroad right of way through the subject lands as set forth in the deeds to the railroad company by the land owners who held title previous to the railroad location and construction.

Said railroad company by their actions have acknowledged this over the years, as evidenced in locating their fence and telegraph line (now CTC line) at 50 feet each side of the track centerline.

Moreover, A.C. Helms deed to Sarah Rogers dated Aug. 20, 1889, recorded in Volume 22. Page 26 of the deed records of Jackson County, describes a tract of land beginning at the center One Quarter corner of Section 14 and running thence North 16.5 Chains (1089 feet) to the Southerly right of way of said railroad; thence North 55° West along said right of way..... The actual distance as measured today is 1085.23 feet to a point that is 50 feet Southerly at right angles to the existing railroad track centerline, which is in close agreement with the deeded right of way.

This deed is in accord with the deeded railroad right of way. Further, A.C. Helms is the grantor who deeded the railroad company the right of way 50 feet on each side of centerline at this same location as described in Volume 15, Page 92 of said deed records.

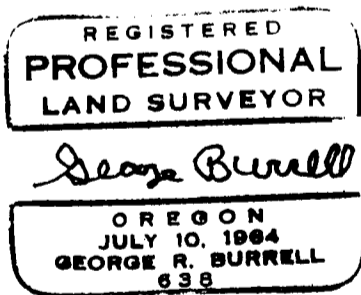
The 200 foot strip of land shown on the Southern Pacific Railroad Company right of way map as granted by the Congressional Act of 1866, I believe is a drafting error, or was shown as the basis for lieu land compensation. The narrative of recorded survey no. 5851 refers to a letter to the City of Ashland from the division engineer of the Southern Pacific Company in Portland, Oregon in 1974, stating that the right of way width is 200 feet according to the 1866 granting act.

This statement is, for want of a better phrase, *ultra vires*

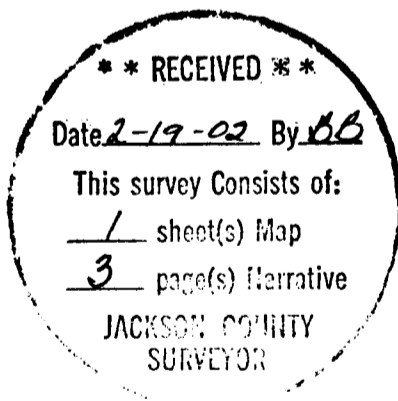
I monumented the right of way according to the width given in the deeds as referenced on the accompanying map.

BY:

George Burrell, PLS
2305-C Ashland Street #261
Ashland, Oregon 97520
Feb. 18, 2002



Exp. 12/31/03



Tax Lots No. 800,900, 1000, 1100, 1200, 1301-39-1E-14D
Tax Lots No. 2000, 2101, 2200, 2302, 2303-39-1E-14A

Many other solutions were explored, but resulted in larger variations. It was concluded that the method stated above would better approximate the original centerline, as the tangents at each end of the project are very long, and they would tend to be more stable over time.

In the matter of the correct railroad right of way width, there has been over the years, much confusion as to whether the total width is 100 or 200 feet. The facts according to record are as follows:

1. The U.S. Congressional act of July 25, 1866 (14Stat. 239), the enabling act for the granting of certain lands and a 200 foot right of way through Public Lands to aid in the construction of a railroad in Oregon and California. This act stipulated that the company receiving said grant in Oregon, be incorporated under the laws of the State and be designated to receive said grant by the Oregon legislature.
2. This act stipulated that patents to the grant lands and railroad right of way were to be conveyed after the completion and inspection by U.S. Railroad Commissioners of each twenty-mile section actually constructed, beginning at Portland and terminating at the Southern boundary of the state, on or before July 1, 1875.
3. Said act provided for the pre-emptive rights of bona fide settlers under the pre-emption laws of the United States.
4. Section 11 of said act states: "that the said companies named in this act shall obtain the consent of the Legislatures of their respective States, and be governed by the statutory regulations thereof in all matters pertaining to the right of way, wherever the said road shall not pass over or through the public lands of the United States" [emphasis added].
5. The Oregon & California Railroad Company was incorporated Mar. 16, 1870 and began constructing the railroad South from Portland, Oregon, and through considerable delays and extensions of the grant deadline, the railhead reached Ashland May 25, 1884. Here the construction lay dormant for the next three years.
6. The Oregon & California Company lacked the funds to continue the railroad South of Ashland, and because of this, the U.S. Interior Department withdrew the grant for the last twenty miles. Meanwhile, the California & Oregon Railroad Company, under the control of C.P. Huntington of the Central Pacific Railroad, was constructing their line North from Marysville, Calif. to the Oregon border. Huntington purchased the Oregon & California Company in 1885 and through his efforts had the land grant in Oregon re-instated. The Oregon & California Company, now under the ownership of Huntington, continued the construction North from the Oregon border, and by July 1887 had reached "Siskiyou Station" at the North portal of tunnel no. 13, and on December 17, 1887 the rails were finally joined in the City of Ashland.
7. The lands through which the railroad was located in the East one half of Section 14, Township 39 South, Range 1 East, were patented under authority of the Cash Entry Act of 1820 by the General Land Office to the following individuals: Giles Wells (May 1, 1869), Sarah Ball (June 1, 1882) and James C. Tolman (June 1, 1882). These patents contain no U.S. reservations, and the dates are issue dates.
8. The above named individuals conveyed to the Oregon & California Railroad Company, a 100 foot strip of land, 50 feet each side of centerline, under dates of 1887-88 and are referenced on the accompanying map.