

MAP OF SURVEY

LYING SITUATE WITHIN
 NORTHEAST QUARTER OF SECTION 16,
 TOWNSHIP 39 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 CITY OF ASHLAND, JACKSON COUNTY, OREGON

FOR
Paul Mueggler
 790 Beach Street
 Ashland, Oregon

LEGEND

- 3" CITY OF ASHLAND BRASS CAPPED IRON PIPE IN MONUMENT WELL PER S/N 20489 (RECOVERED)
- 2-1/2" BRASS CAP IN CONCRETE STAMPED "CLOER SUBDIVISION INITIAL POINT 1977 RLS 759" PER S/N 7036 (RECOVERED)
- 5/8" IRON PIN w/ YELLOW PLASTIC CAP MARKED "SWAIN RLS 759" PER S/N 7036 & 7630 (RECOVERED)
- ◆ DESTROYED IRON PIPE PER S/N 5492, 6867 & 20489 (RECORD)
- 5/8" IRON PIN - NO MARKINGS - PER PER S/N 3795 (RECOVERED)
- 3/4" IRON PIPE PER S/N 3795, 6867 & 7036 (RECOVERED)
- 5/8" x 24" IRON PIN w/ ORANGE PLASTIC CAP STAMPED "KAMPMANN PLS 2883" (ESTABLISHED)
- PROPERTY LINE
- BOUNDARY LINE
- CENTERLINE
- PREVIOUS DEED LINE
- EASEMENT LINE
- x-x-x- FENCELINE
- O.R. OFFICIAL RECORDS, JACKSON COUNTY CLERK
- D.R. DEED RECORDS, JACKSON COUNTY CLERK
- S/N SURVEY FILE NUMBER, JACKSON COUNTY SURVEYOR
- () SURVEY RECORD DATA PER S/N 3795
- () SURVEY RECORD DATA PER S/N 6867, 7036 & 7630
- [] DEED RECORD DATA PER VOLUME 591, PAGE 205 & O.R. 67-11322

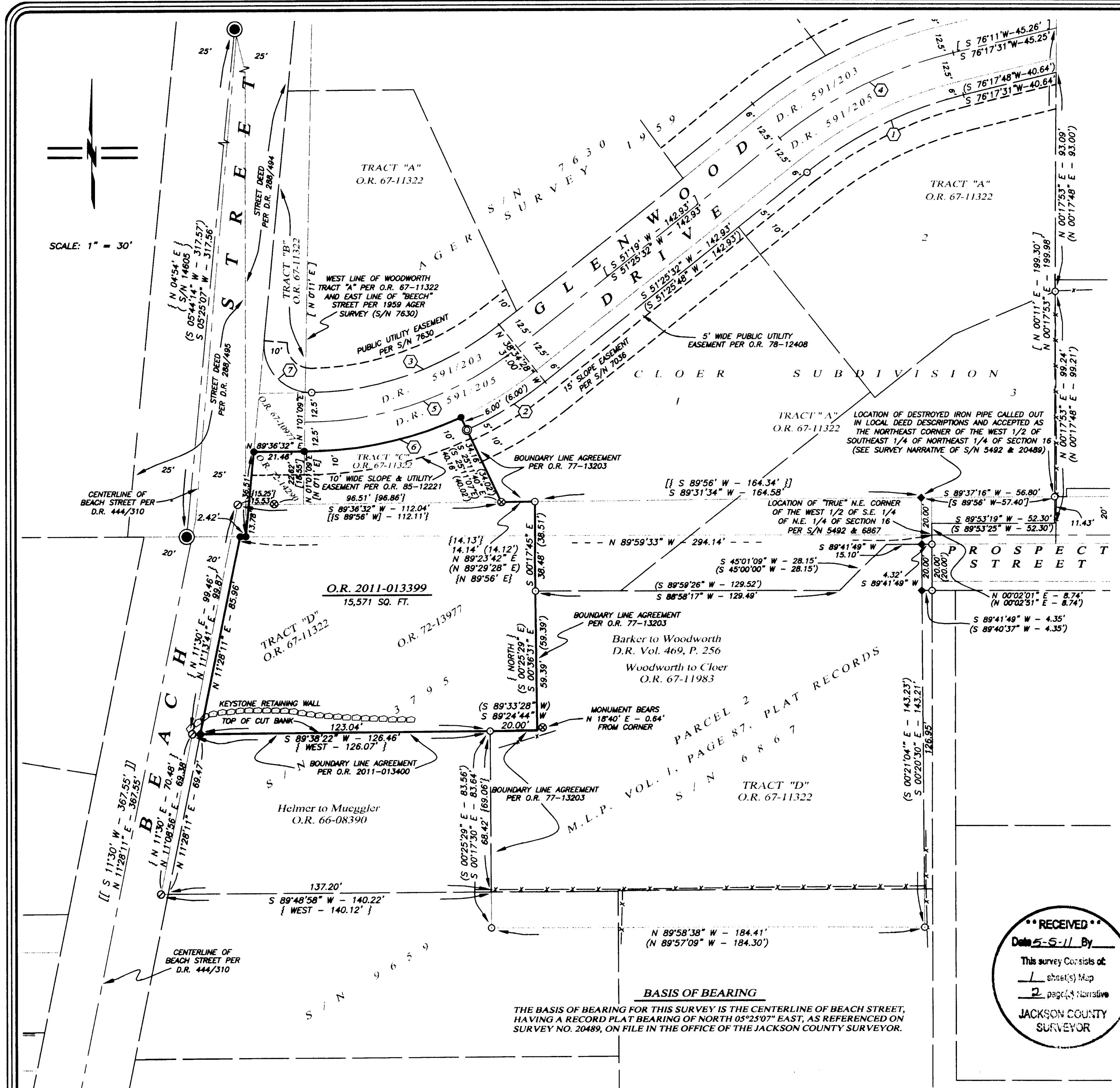
TABLE OF CURVES					
FLAG	Δ	R	A	T	CHORD
①	24°51'59"	172.49'	74.86'	38.03'	S 63°51'32" W - 74.27'
	(24°51'59")	(172.49')	(74.86')	(38.03')	(S 63°51'48" W - 74.27')
②	13°48'44"	161.74'	38.99'	19.59'	S 58°19'54" W - 38.90'
	(13°48'43")	(161.74')	(38.89')	(19.59')	(S 58°20'10" W - 38.89')
③	37°46'16"	130.74'	86.19'	44.72'	S 70°18'40" W - 84.64'
	(37°51'27")	(130.74')	(86.38')	(44.83')	(S 70°21'32" W - 84.82')
④	24°51'59"	190.99'	82.89'	42.11'	S 63°51'32" W - 82.24'
	(24°52'01")	(190.99')	(82.89')	(42.11')	(S 63°44'59" W - 82.24')
⑤	39°01'55"	143.24'	97.58'	50.77'	S 70°56'30" W - 95.70'
	(39°01'55")	(143.24')	(97.58')	(50.77')	(S 70°49'58" W - 95.70')
⑥	25°14'44"	155.74'	68.62'	34.88'	S 77°52'38" W - 68.07'
	(25°14'46")	(155.74')	(68.62')	(34.88')	(S 77°43'32" W - 68.07')
⑦	96°13'19"	20.00'	33.59'	22.30'	N 42°41'33" W - 29.78'
	(96°07'59")	(20.00')	(33.55')	(22.26')	(N 42°38'45" W - 29.76')

REGISTERED PROFESSIONAL LAND SURVEYOR
Shawn Kampmann
 OREGON
 JULY 14, 1998
 SHAWN KAMPMANN
 2883 LS
 RENEWAL DATE: 6/30/2011

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009
 DATE: MAY 4, 2011
 PROJECT NO. 627-10

RECEIVED
 Date 5-5-11 By
 This survey consists of
 1 sheet(s) Map
 2 page(s) Narrative
 JACKSON COUNTY SURVEYOR

BASIS OF BEARING
 THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF BEACH STREET, HAVING A RECORD PLAT BEARING OF NORTH 05°25'07" EAST, AS REFERENCED ON SURVEY NO. 20489, ON FILE IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.



SCALE: 1" = 30'

PROCEDURE: (cont.) subdividing public lands as set forth in the U.S. Bureau of Land Management 1973 Manual of Instructions for the Survey of Public Lands of the United States, land surveyors in Oregon are now taking notice by case law now established by Dykes v. Arnold, that despite the procedures used for establishing property boundaries, if original monuments have been relied upon by the surrounding landowners for such a length of time as in the Dykes case and in the case of this survey as well, and improvements to the land have been made to support that reliance, then we would be negligent not to honor that precedent if the facts on the ground indicate such. In the case of this survey, I believe that it does directly apply, especially in light of the fact the City Engineer surveyed and established a monument in that location believing it to be correct based on their survey performed in 1911 that subdivided Southwest Quarter of the Northeast Quarter of Section 16.

Fortunately for this survey, a boundary line agreement was surveyed and monumented along the entire easterly line of the subject property from Glenwood Drive to the south line of the tract of land conveyed from Helmer to Mueggler, and recorded as Instrument No. 77-13203 of the Official Records of said County, which resolved any potential deed ambiguities between adjacent landowners. The south line of the subject property was determined by holding monuments established by Survey No.'s 3795 & 6867 which were held for line. The westerly and northerly lines of the subject property were called out in the deeds as being on the west line of Beach Street and the south line of Glenwood Drive, from which original monuments were recovered and held along both streets in order to determine the boundaries.

As in the case of any potential deed discrepancies, I typically recommend that boundary line agreements be executed between adjoiners for the purpose of clearing any potential deed issues that may arise in the future.

BASIS OF BEARING: True Meridian at N-S centerline of Section 16 as derived from the N.O.A.A. Net established in 1968 and on file in the office of the Jackson County Surveyor. The reference bearing for this survey is the North line of the Northeast Quarter of Section 16, as denoted on Survey No. 5492.

DATE: May 4, 2011

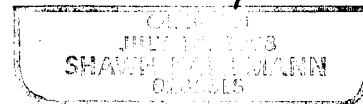
PREPARED BY: Shawn Kampmann,
Professional Land Surveyor

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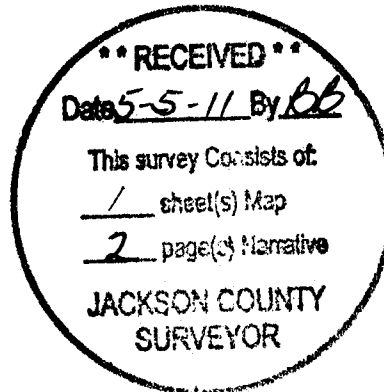
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Shawn Kampmann



RENEWAL DATE: 6/30/11



LAND SURVEYING, LLC

SURVEY NO. _____

**SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES**

- SURVEY FOR:** Paul Mueggler
790 Beach Street
Ashland, Oregon 97520
- LOCATION:** The Northeast Quarter of Section 16 in Township 39 South, Range 1 East, Willamette Meridian, City of Ashland, Jackson County, Oregon.
- PURPOSE:** To survey and monument those tracts of land described within Instrument No.'s 72-13977 & 72-14290 of the Official Records of Jackson County, Oregon.
- PROCEDURE:** Utilizing an electronic Leica TCRP 1203 robotic Total Station and ranging prisms, in conjunction with survey control previously established by this office during the performance of Survey No. 20489, I locate and tie monuments recovered from Survey No.'s 3795, 6867, 7036 & 7630 in order to determine the subject property boundaries, as well as the right of way for Glenwood Drive as described within Volume 591, Pages 203 & 205 and Instrument No. 67-10977 of the Deed Records.

This project shares some of the same deed discrepancy issues as previously detailed and expounded upon in the Survey Narratives of Survey No.'s 5492, 6867 & 20489, on file in the office of the Jackson County Surveyor, as a result of confusion regarding the location of an iron pipe being commonly accepted as the northeast corner of the West Half of the Southeast Quarter of the Northeast Quarter of Section 16 in numerous deed descriptions and surveys, resulting in monuments being established and relied upon for many years. The pipe in question was originally set as a right of way monument for Prospect Street based on a subdivision of the Southeast Quarter of the Northeast Quarter of Section 16 in 1911 by City of Ashland Engineer F. Walker which was purported to be and subsequently accepted as the northeast corner of the West Half of said Southeast Quarter of the Northeast Quarter of Section 16, and denoted on L.E. Ager's Survey No. 1025 in 1957. Field surveyed measurements taken to locate fencelines, retaining walls and structures in the proximity of the property lines revealed that the physical improvements and lines of long standing occupation, very closely matched the deed descriptions based on the City Engineer's pipe location, rather than the actual "true" computed fractional section corner.

In a recent 2004 case, the Oregon Appeals Court decision in "Dykes v. Arnold" regarding original survey monuments, affirmed as a matter of common law, that a county survey marking the center of a section that was the only recorded survey to monument the center of that section during nearly a 100-year period and that has been relied upon, determining the lines of occupation over that time and despite a flawed methodology, should be deemed an original survey that is "left in repose" and given legal effect. In lieu of that decision, where a fractional section corner is established by "stubbing out," by which the evidence in this case points to, and not by following the classical procedures for