

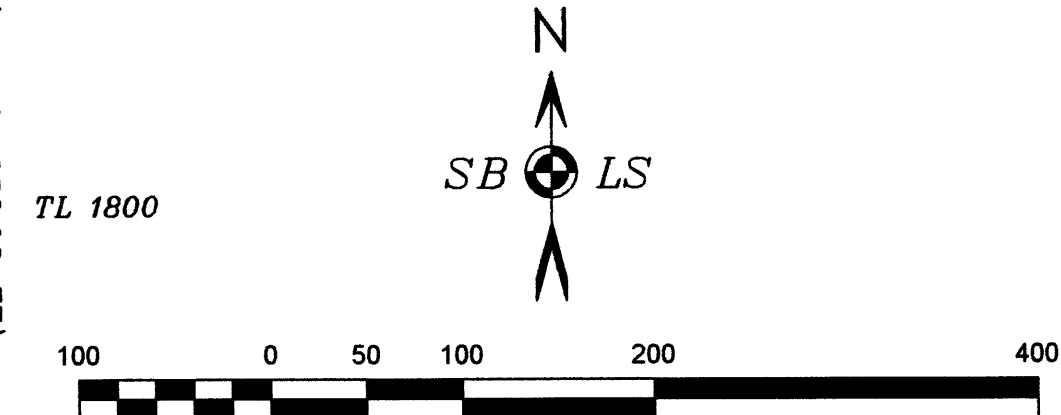
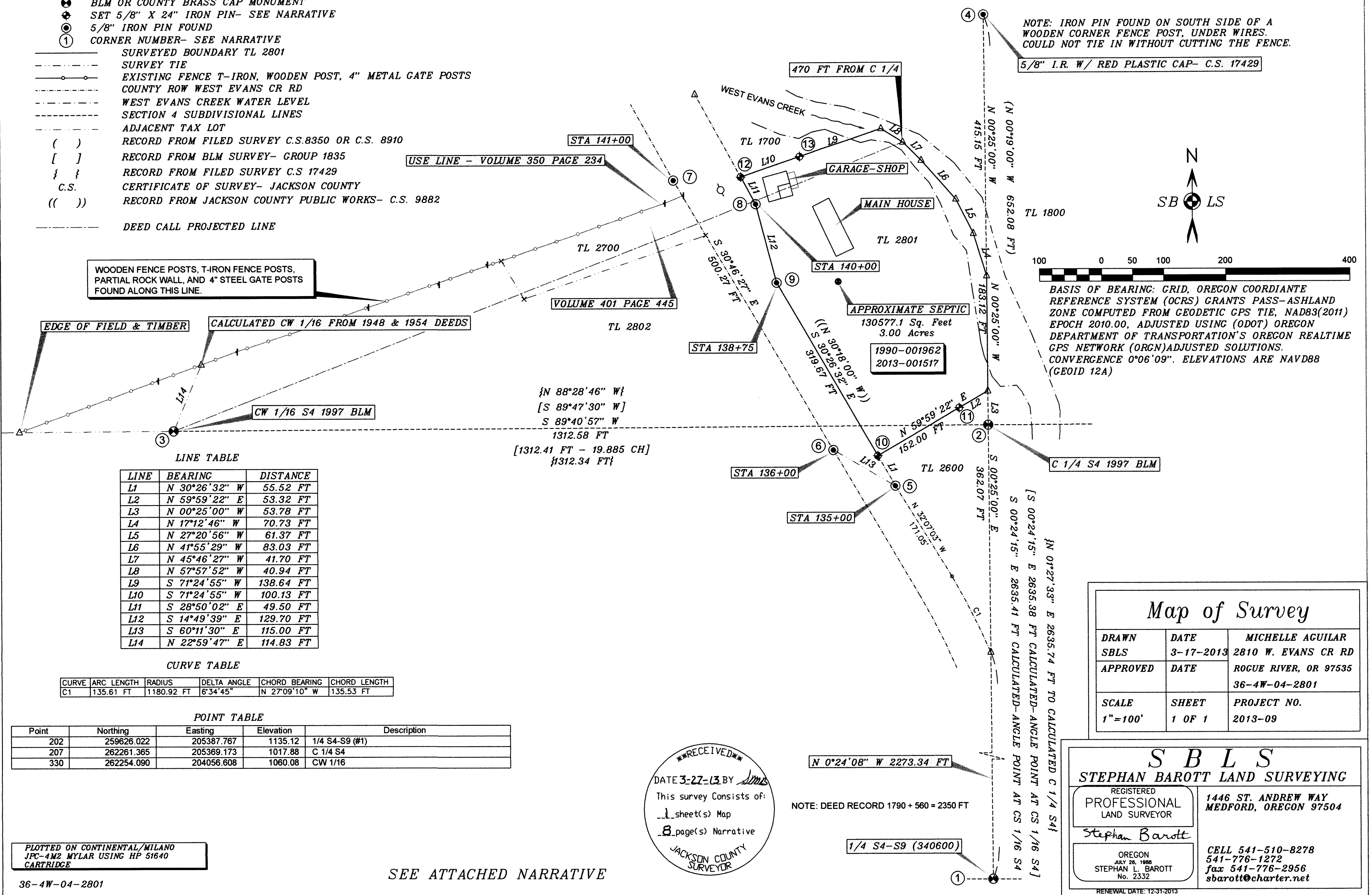
LEGEND

THESE SYMBOLS WILL BE FOUND IN THE DRAWING

- △ CALCULATED POINT- NOTHING FOUND OR SET
- ⊙ BLM OR COUNTY BRASS CAP MONUMENT
- ⊕ SET 5/8" X 24" IRON PIN- SEE NARRATIVE
- ⊙ 5/8" IRON PIN FOUND
- ① CORNER NUMBER- SEE NARRATIVE
- SURVEYED BOUNDARY TL 2801
- SURVEY TIE
- EXISTING FENCE T-IRON, WOODEN POST, 4" METAL GATE POSTS
- COUNTY ROW WEST EVANS CR RD
- WEST EVANS CREEK WATER LEVEL
- SECTION 4 SUBDIVISIONAL LINES
- ADJACENT TAX LOT
- () RECORD FROM FILED SURVEY C.S.8350 OR C.S. 8910
- [] RECORD FROM BLM SURVEY- GROUP 1835
- { } RECORD FROM FILED SURVEY C.S 17429
- C.S. CERTIFICATE OF SURVEY- JACKSON COUNTY
- (()) RECORD FROM JACKSON COUNTY PUBLIC WORKS- C.S. 9882
- DEED CALL PROJECTED LINE

LOCATED IN: TOWNSHIP 36 SOUTH RANGE 4 WEST, NW & SW 1/4 OF SECTION 4, OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON

NOTE: IRON PIN FOUND ON SOUTH SIDE OF A WOODEN CORNER FENCE POST, UNDER WIRES. COULD NOT TIE IN WITHOUT CUTTING THE FENCE.



BASIS OF BEARING: GRID, OREGON COORDIANTE REFERENCE SYSTEM (OCRS) GRANTS PASS-ASHLAND ZONE COMPUTED FROM GEODETIC GPS TIE, NAD83(2011) EPOCH 2010.00, ADJUSTED USING (ODOT) OREGON DEPARTMENT OF TRANSPORTATION'S OREGON REALTIME GPS NETWORK (ORGN)ADJUSTED SOLUTIONS. CONVERGENCE 0°06'09". ELEVATIONS ARE NAVD88 (GEOID 12A)

WOODEN FENCE POSTS, T-IRON FENCE POSTS, PARTIAL ROCK WALL, AND 4" STEEL GATE POSTS FOUND ALONG THIS LINE.

EDGE OF FIELD & TIMBER

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 30°26'32" W	55.52 FT
L2	N 59°59'22" E	53.32 FT
L3	N 00°25'00" W	53.78 FT
L4	N 17°12'46" W	70.73 FT
L5	N 27°20'56" W	61.37 FT
L6	N 41°55'29" W	83.03 FT
L7	N 45°46'27" W	41.70 FT
L8	N 57°57'52" W	40.94 FT
L9	S 71°24'55" W	138.64 FT
L10	S 71°24'55" W	100.13 FT
L11	S 28°50'02" E	49.50 FT
L12	S 14°49'39" E	129.70 FT
L13	S 60°11'30" E	115.00 FT
L14	N 22°59'47" E	114.83 FT

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	135.61 FT	1180.92 FT	6°34'45"	N 27°09'10" W	135.53 FT

POINT TABLE

Point	Northing	Easting	Elevation	Description
202	259626.022	205387.767	1135.12	1/4 S4-S9 (#1)
207	262261.365	205369.173	1017.88	C 1/4 S4
330	262254.090	204056.608	1060.08	CW 1/16

PLOTTED ON CONTINENTAL/MILANO JFC-4M2 MYLAR USING HP 51640 CARTRIDGE

****RECEIVED****
 DATE 3-27-13 BY *[Signature]*
 This survey consists of:
 - 1 sheet(s) Map
 - 8 page(s) Narrative
 JACKSON COUNTY SURVEYOR

NOTE: DEED RECORD 1790 + 560 = 2350 FT

Map of Survey		
DRAWN	DATE	MICHELLE AGUILAR
SBLS	3-17-2013	2810 W. EVANS CR RD
APPROVED	DATE	ROGUE RIVER, OR 97535
		36-4W-04-2801
SCALE	SHEET	PROJECT NO.
1"=100'	1 OF 1	2013-09

S B L S
STEPHAN BAROTT LAND SURVEYING
 REGISTERED PROFESSIONAL LAND SURVEYOR
 1446 ST. ANDREW WAY
 MEDFORD, OREGON 97504
 CELL 541-510-8278
 541-776-1272
 fax 541-776-2956
 sbarott@charter.net
 RENEWAL DATE: 12-31-2013

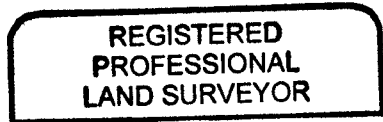
SEE ATTACHED NARRATIVE

**Survey Narrative to Comply with
Oregon Revised Statutes, Paragraph 209.250**

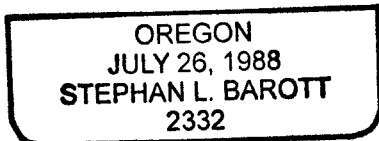
From which:

1. A ½” diameter iron pin with a plastic cap marked “SBLS CONTROL” bears South 32°21’58” East, 24.67 feet distance (GPS point).
2. A ½” diameter iron pin with a plastic cap marked “SBLS CONTROL” bears South 46°43’31” East, 71.58 feet distance.

DATE OF SURVEY: March 17, 2013



Stephan Barott



RENEWS: DECEMBER 31, 2013

**Survey Narrative to Comply with
Oregon Revised Statutes, Paragraph 209.250**

1. An old wooden fence corner post bears South 11° East, 2.9 feet distance.
2. A ½” diameter iron pin with a plastic cap marked “SBLS CONTROL” bears North 25°35’16” West, 68.55 feet distance (GPS point).
3. A ½” diameter iron pin with a plastic cap marked “SBLS CONTROL” bears North 29°28’20” West, 208.46 feet distance (GPS point).
4. Utility Pole bears South 12°42’ West, 5.9 feet distance.

C11. Witness Corner to the Southeast corner of the Aguilar parcel.

At the corner point, I set a 5/8” diameter X 24” long iron pin with 2-inch aluminum cap marked

BAROTT
SBLS
W.C.
.
2013
LS 2332

C12. Northwest corner of the Aguilar parcel.

At the corner point, I set a 5/8” X 24” long iron pin with red plastic cap marked “BAROTT LS2332”

From which:

1. Utility Pole bears South 57°34’ West, 38.2 feet distance.
2. The Northwest corner of the Aguilar garage bears South 88°00’ East, 35.1 feet distance.
3. An old wooden fence corner post bears North 71°25’ East, 2.0 feet distance.

C13. Witness Corner for the Northeast corner of the Aguilar parcel.

At the corner point, I set a 5/8” X 24” long iron pin with 2-inch diameter aluminum cap marked:

W.C.
.
2013
LS 2332

**Survey Narrative to Comply with
Oregon Revised Statutes, Paragraph 209.250**

At the corner point, I found a Bureau of Land Management 3 ½” brass cap monument, protruding 2-inches above ground surface, marked:

W 1/16
C-----C
S 4
1997

From which, trees marked by BLM in 1997 are alive
(I did not re-measure)

1. A fir, 11-inches in diameter, bears South 66°45’ East, 22.8 feet, marked with a healed blaze.
2. A fir, 9-inches in diameter, bears South 74°45’ West, 37.0 feet distance, marked with a healed blaze.
3. A ½-inch diameter iron pin with a plastic cap marked SBL CONTROL bears North 65°12’41” East, 566.52 feet distance (GPS point).

C4. Found a 5/8-inch diameter iron pin with red plastic cap marked ALLEN PLS 2757 at the south edge of a 4” x 9 foot tall fence corner post. Monument is under supporting wire for fence corner. I did not tie it in.

C5. Found a 5/8-inch diameter iron pin with yellow plastic cap marked JACKSON COUNTY PUBLIC WORKS.

C6. Found a 5/8-inch diameter iron pin.

C7. Found a 5/8-inch diameter iron pin with yellow plastic cap marked JACKSON COUNTY PUBLIC WORKS

C8. Found a 5/8-inch diameter iron pin with yellow plastic cap marked JACKSON COUNTY PUBLIC WORKS

C9. Found a 5/8-inch diameter iron pin with yellow plastic cap marked JACKSON COUNTY PUBLIC WORKS

CORNERS ESTABLISHED THIS SURVEY:

C10. The Southwest corner of the Aguilar parcel.

At the corner point, I set a 5/8” X 24” long iron pin with a red plastic cap marked BAROTT LS 2332 under a wire fence.

From which;

**Survey Narrative to Comply with
Oregon Revised Statutes, Paragraph 209.250**

T36S R4W

S4

S9
C.S.
1995

From which

1. A 24-inch diameter Pine bears North 4°13' West, 17.8 feet. (County record North 3°44' West, 17.8 feet).
2. A 17inch diameter Pine bears South22°16' East, 69.1 feet. (County record S22°26' West, 68.7 feet).
3. A ½-inch diameter iron pin with plastic cap marked SBLS CONTROL bears South 64°34'24" East, 71.37 feet (GPS Point).
4. A Mag nail set in the asphalt surface of the driveway for 2167 West Evans Creek Road, bear South 53°28'05" East, 247.17 feet (GPS Point).

C2. The center one-quarter corner for Section 4, Township 36 South, Range 4 West, of the Willamette Meridian, Jackson County, Oregon.

At the corner point, I found a Bureau of Land Management 3 ½" brass cap monument, 2" below the sandy surface of the West bank of West Evans Creek flood prone area, marked:

T36S R4W

C ¼ + S4

1987

Direct GPS observation on C ¼ monument.

From which

1. A maple, 20 inches in diameter bears South 17°27' West, 40.0 feet distance, with a healed blaze.
2. An ash, 16-inches in diameter, bears North 50°36' West, 38.9 feet distance, marked with a partially healed blaze.
3. A 6-inch diameter sprinkler head bears South 66°46'56" West, 50.58 feet distance (GPS point).

C3. The center-west one-sixteenth corner for Section 4, Township 36 South, Range 4 West, of the Willamette Meridian, Jackson County, Oregon.

**Survey Narrative to Comply with
Oregon Revised Statutes, Paragraph 209.250**

intent of where the "North line of Volume 350 Page 234" actually is on the ground. It does not match exactly what it states in the deeds. My Professional opinion is the physical location of the evidence found on the ground will hold as being the true boundary, and no doubt agrees with the original intent of the parcel owner in 1948.

I began the survey with a GPS tie to the South one-quarter corner for Section 4. The center-south one-sixteenth corner established by Edwards, and later referred to as an angle point by BLM, was not tied. It is buried in a road bed. I used the BLM tie to it since I agreed very favorably with their tie between the South one-quarter corner and Center one-quarter corner for Section 4. AT the Center one-quarter, I was able to get a direct GPS tie. The center-west one-sixteenth corner set by the BLM in 1997 was also found and tied. Right-of-way pins set by the Jackson County Public Works Department were found and tied. Having verified the true North-South centerline of Section 4 and having located and tied the right-of-way pins for West Evans Creek Road, I held, for the most part, the deed call of "...to the East line of a County Road; thence along said road line North 28°54' West, 362 feet to the point of beginning." This point is North 11° West, 2.9 feet distance from an old fence corner post. However, it is one of the few deed calls I can actually place on the ground with some certainty. The Southeast corner falls in a creek bottom which floods in high water. I set a witness corner instead. At the Northwest corner, I set a monument at the intersection of the right-of-way line and the North line of Volume 350 page 324. From said point, I found a wooden fence corner post on line, 2.0 feet away. The Northeast corner falls in West Evans Creek. I established a witness corner near the top of bank.

If you hold the deed calls as being correct and ignore physical evidence on the ground, the County GIS map is correct. However, errors were made to the 1948 deed and copied over and over, without benefit of an actual survey on the ground. New deed descriptions should have been prepared, but were not. I chose not to hold the hard call of "along Evans Creek to a point 470 feet Northwesterly from center of Section 4," and to hold the physical evidence on the ground and the implied intent of the original owner.

EQUIPMENT:

Equipment utilized throughout this survey includes a Leica TCRP-1203 Electronic Total Station and Leica SmartStation RTK GPS- coordinates adjusted utilizing Oregon Department of Transportation (ODOT) GPS network (ORGN).

CORNERS ACCEPTED FOR CONTROL:

C1. The one-quarter corner for Sections 4 and 9, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon.

At the corner point, I found a Jackson County Surveyor's Office 2 ½" brass cap monument on the north side of a 4-inch wooden fence post, marked:

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Prior to the Bureau of Land Management survey, Darrel W. Edwards, PLS 741, completed several surveys in the immediate area of the Aguilar parcel. Surveyor Edwards recorded surveys C.S. 8348, C.S. 8350, and C.S. 8910. In survey 8350, Edwards established the center-south one-sixteenth corner, among others. The BLM found this monument to be out of position, but accepted it as an angle point along the North-South centerline of Section 4. Edwards also showed locations for the Center $\frac{1}{4}$ and center-west one-sixteenth corners, but did not set permanent monuments at those locations. Jackson County Public Works surveyed and monumented the right-of-way for West Evans Creek Road-refer to C.S. 9882.

No other surveys pertinent to this current survey are of record.

PROCEDURE: I began the survey with an investigation on parcel creation, deed descriptions, and survey of record.

When the original 1948 Volume 350 page 234 deed description was prepared, Section 4 had not been officially surveyed and/or subdivided. No "monuments of record" were on the ground. I do not believe they knew where the true boundaries were.

There are surveys of record by Darrell Edwards in 1980, but Edwards did not establish permanent monuments for the portion of Section 4 that pertains to his survey. It wasn't until 1997 that physical monuments were established marking the Center $\frac{1}{4}$, center-north $\frac{1}{16}$, and center-west $\frac{1}{16}$ of Section 4. The BLM monuments are significantly different than what was thought to be the sub-divisional lines in 1948. The evidence on the ground for the North line of Volume 350 Page 234 is marked by wooden fence posts, t-iron fence posts, 4-inch steel gate posts, and a partial rock wall.

Further evidence of the "intent" for this line was shown in 1954 when they divided off a parcel adjacent to, and directly across West Evans Road from the Aguilar parcel. Refer to Volume 401 Page 445. This 71 X 310 foot parcel is fenced and has several buildings on it.

The 1975 County right-of-way plat showed an existing fence at the Northwest corner of the Parmalee parcel, indicating it marked the property boundary.

These deed descriptions have several errors, omissions, and a lot of uncertainty.

To paraphrase a bit:

The call of along the North-South centerline of Section 4 1790 feet; thence 560 feet to a point on the Easterly right-of-way line of the County Road, on the ground today is 1790 and 506 feet for a 54 foot difference.

The call to the Northeast corner of the Aguilar parcel as "to a point 470 feet Northwesterly from the Center $\frac{1}{4}$ corner of Section 4" does not fit the use lines on the ground that have existed since 1948. In addition, the "official" Center $\frac{1}{4}$ corner for Section 4 was established in 1997 by BLM. If this 470 foot distance were held from the "existing Center $\frac{1}{4}$ corner," the Aguilar garage and shop would encroach on Tax Lot 1700. However, the entire Tax Lot 2700, house, and out building would also encroach. I believe they had a different calculated location for the Center $\frac{1}{4}$ and center-west $\frac{1}{16}$ corners in 1948.

Physical evidence on the ground, in most cases, out-weigh deed calls. I believe the physical location of fence posts, rock walls, buildings, and other use-lines that have been in place since 1948 document the

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Volume 401 Page 445 has the same description, with an exception to segregate a 71 foot x 310 foot parcel (Tax Lot 2700 today).

Less and excepting : Commencing at the Southeast corner of the Southwest Quarter of Section 4, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon; thence North along the North and South centerline of said section 2271.0 feet to a point at intersection of Southerly line of County Road; thence North $26^{\circ}36'$ West, along Southwesterly line of said road 810.0 feet, more or less, to the Northerly line of Tract of land described in Volume 350 page 234, Deed Records of Jackson County, Oregon, for the true point of beginning; thence Southeasterly along said Tract, 310 feet; thence South $28^{\circ}54'$ East, 71 feet; thence Northeasterly and parallel with the Northerly line of said tract 310 feet to the Southwesterly right-of-way line of County Road; thence Northwesterly along Westerly right-of-way line of County Road to the point of beginning.

The apparent creation of the Aguilar parcel (Tax Lot 2801) was created in 1980 and recorded as Bargain and Sale Deed 1980-019386 dated September 24, 1980- Parmalee to Parmalee. The description is as follows:

Beginning at a point 1790 feet North of the Southeast Corner of the Southwest Quarter of Section 4, Township 36 South, Range 4 West, W.M., thence north along the centerline of the **section 560** feet to the Easterly line of a County Road; thence along said road line North $28^{\circ}54'$ West, 362 feet; thence running North $61^{\circ}06'$ East, 200 feet to the centerline of said Section 4; thence North along said centerline to the intersection with the centerline of Evans Creek; thence in a Northwesterly direction along said Creek to a point **470 feet Northwesterly** from the center of said Section 4; thence in a Southwesterly direction to the true point of beginning; thence North $61^{\circ}06'$ East, 200 feet to the centerline of Section 4; thence North along said centerline to the intersection with the centerline of Evans Creek; thence in a Northwesterly direction along said creek to a point 470 feet Northwesterly from the center of said Section 4, **also being a point on the North line of that tract as described in Volume 350, page 234, Jackson County, Oregon, Deed Records**; thence Southwesterly along said line to the Easterly right-of-way line of the County Road (West Evans Creek); thence Southeasterly along said road to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed to Jackson County, Oregon, by deed recorded as Document No. 76-01014, Official Records of Jackson County, Oregon.

HISTORY OF SURVEYS:

The official subdivision of Section 4 was completed by the Bureau of Land Management under Group 1835, Oregon. Aaron Graham, the Cadastral Surveyor, completed the survey under Special Instructions dated April 7, 1997. The survey was approved by Jack Bowder, acting Chief Cadastral Surveyor for Oregon on November 15, 1999.

**Survey Narrative to Comply with
Oregon Revised Statutes, Paragraph 209.250**

**SURVEYED FOR: MICHELLE AGUILAR
2810 WEST EVANS CREEK ROAD
ROGUE RIVER, OR 97535**

**SURVEYED BY: SBLs
STEPHAN BAROTT LAND SURVEYING
1446 ST. ANDREW WAY
MEDFORD, OREGON 97504**

LOCATION: Township 36 South, Range 4 West, Northwest ¼ and Southwest ¼ of Section 4, Willamette Meridian, Jackson County, Oregon. (Jackson County Tax Records 36-4W-04- TL 2801).

BASIS OF BEARING: Grid, Oregon Coordinate Reference System Zone Grants Pass-Ashland (OCRS) from Geodetic GPS Tie, NAD83 (2011) epoch 2010.00

PURPOSE: The purpose of this survey is to locate the boundaries of the Aguilar property described in Document No. 2013-001517 recorded in the Office of the Clerk of Jackson County, Oregon. The reason for this boundary survey is to identify and begin the process to resolve an “apparent encroachment” of the Aguilar garage and shop onto tax lot 1700. This “apparent encroachment” was identified on the most recent Jackson County Assessor’s GIS map found on their website.

HISTORY OF PARCELS AND LEGAL DESCRIPTIONS: The parcel in Section 4 adjacent to this portion of West Evans Creek road were created by deed, not survey as early as 1948. The metes and bounds calls in Deed recorded in Volume 350 Page 234 were carried forward in numerous deeds, including the 2013 Aguilar deed. Many errors and/or discrepancies were found while doing my research. The fact that the same descriptions were carried forward without the benefit of an actual survey has caused some concern and uncertainty as to where the deed boundaries, physical use lines, and the “intended parcel configuration” is on the ground today.

The description of Volume 350 Page 234 dated September 30, 1948 is as follows:

Beginning at a point 1790 feet North of the Southeast Corner of the Southwest Quarter of Section 4, Township 36 South, Range 4 West, W.M., thence north along the centerline of the **section 560** feet to the Easterly line of a County Road; thence along said road line North 28°54’ West, 362 feet; thence running North 61°06’ East, 200 feet to the centerline of said Section 4; thence North along said centerline to the intersection with the centerline of Evans Creek; thence in a Northwesterly direction along said Creek to a point **470 feet Northwesterly** from the center of said Section 4; thence in a Southwesterly direction to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 4; thence South **1320 feet to a stake for a corner**; thence Northeasterly 1330 feet, more or less, to the place of beginning, containing 39 acres, more or less.