

SURVEYED FOR: IGOR LIVSHITS

960 B STREET

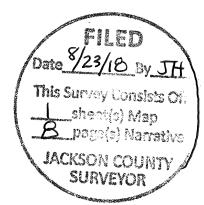
ASHLAND, OR 97520

SURVEYED BY:

STEPHAN BAROTT

STEPHAN BAROTT LAND SURVEYING

1446 ST. ANDREW WAY MEDFORD, OREGON 97504



LOCATION: A parcel of land located in the Southwest quarter of Section 09, Township 39 South, Range 1 East, in Donation Land Claim No. 43, Willamette Meridian, in the City of Ashland, Jackson County, Oregon.

BASIS OF BEARING: Grid Bearing from GPS, Oregon Coordinate Reference System (OCRS) Grants Pass-Ashland Zone. Average mapping angle 0°25'27.5" At the Southeast Corner of DLC NO. 42. Current Magnetic Declination is 14°28'34" East.

PURPOSE: The purpose of this survey is to survey exterior boundary of the Parcel known as 39-1E-09AD-02500 as described in Document No. 2017-003611 as recorded in the Office of the Clerk of Jackson County, Oregon.

HISTORY OF SURVEYS: The history of surveys of T.39 S., R. 1 E. pertaining to this survey is as follows:

The original subdivision of Township 39 South, Range 1 East, Willamette Meridian was as follows: The exterior boundary of Section 09 was surveyed IVES & HYDE under Contract No. 47 dated August 18, 1854, and surveyed July 30, 1855.

The Original Donation Land Claim Diagram (DLC) showing lots adjacent to the Claims is dated August 24, 1857. A true copy of the original is dated December 17, 1921.

Donation Land Claim (DLC) No. 42 (160.17 acres) was surveyed by Sewell Truax dated 11-22-1856. Refer to Serial Patent No. 8 issued to Robert B. Hargadine dated 8/19/1865.

Donation Land Claim (DLC) No. 43 (319.78 acres) was surveyed by Sewell Truax dated 11-22-1856. Refer to Serial Patent No.74 issued to Asa G. Fordyce and Sarah A. Fordyce dated 5/19/1866.

• Plat of Eureka Addition To The City of Ashland, Oregon dated September 1910. This subdivision consisted of three blocks bounded by Main Street, Mountain Avenue, "B" Street, and the west line of Donation Land Claim No. 43. The Northwest portion of this subdivision was incorrectly referred to as Block 4 in several Deeds. It was not platted as Block 4 but does show the dimensions of the subject of this current survey. Said Plat shows the dimension along

the North line of "C" Street (Eureka Street) as being 307.44 feet, and the distance along the West line of Emerick Avenue as being 275 feet. Refer to Volume 03 Page 16 of plats dated January 10, 1911, and Jackson County Surveyor Reference No. 02-23. These dimensions were apparently used for many of the Deed described in this narrative.

- 1968- Survey of a portion of Donation Land Claim No. 43 adjacent to Emerick and B Streets (the current Tax Lot 2400), a portion of the East and North lines of this current survey. This survey established the Northeast corner and the Center-east corner of my client's parcel, at least on paper. This survey also documented the "Senior" deed description for parcels in this immediate area. This is also senior to my client's parcel. Refer to C.S. 3832 by Verlyn Thomas, LS 505, dated August 24, 1968.
- 1980- Minor Land Partition for a portion of Donation Land Claim No. 43. Survey was for Neil W. Burrill performed by Everett L. Swain, PLS 759. Refer to C.S.8486 and Partition recorded in Volume 3 at Page 66 of Minor Land Partitions of Jackson County Oregon dated August 19, 1980.

During this survey, Swain identified those parcels of land situated between the West line of Donation Land Claim No. 43 (identical with the East line of Donation land Claim No 42 in this area), B Street, Emerick Street, and Eureka Street (formerly known as C Street). This included my client's parcel (current Tax Lot 2500). It also included those parcels along the East line of my client's parcel and as shown on C.S. 3832. Swain found two set of monuments at various place along said East line. He also found at least two different fence locations along said East line. The difference between the found sets of monuments was between 1.73 and 2.29 feet, East to West. Surveyor Swain pointed this out to his client, Neil Burrill, who instructed Swain to use the most Westerly set of monuments. Surveyor Swain advised his client, Neil Burrill, to follow up with a Boundary Line Agreement with the owner of the current Tax Lot 2500 (my Client's parcel). Swain noted all found monuments, fences, and "Proposed Boundary Line Agreement" on his Partition Plat. Many of the Swain monuments were found as shown on the Map of Survey.

Swain also noted finding the iron pin at my client's northeast corner as set during C.S. 3832. I could find no record of a Boundary Line Agreement being completed for any part of the Neil Burrill Partition Plat. He did not follow up, but just utilized the boundary he instructed surveyor Swain to survey, mark, and document. I did not find any Boundary Line Agreement for this line on the most recent Preliminary Title Report for my Client's parcel.

• 1980-81-Maple Tree Townhouse Condominium for Parcel 2 of Partition Plat as recorded as C.S. 8486. This survey documented the boundary as surveyed by Everett Swain, PLS 759. Refer to C.S. 8858 by Everett L. Swain, PLS 759 dated August 12, 1980 and filed on June 1, 1981. During this survey, Swain preformed an "as-built survey" for an existing apparent complex for a conversion to a condominium complex, for Neil and Nancy Burrill. It is clear that the apartment complex, and now the condominium complex, physically existed prior to the official survey on the ground. During this survey, Swain did note a "Proposed Boundary Line Agreement" on his survey. There is no record of this Boundary Line Agreement being completed.

- 1993- Survey of a portion of Donation Land Claims 41, 42, and 43, and a portion of North Mountain Avenue. The position for the Northeast corner of Donation Land Claim No. 42 was documented during this survey. Refer to C.S. 13679 by Everett L. Swain, PLS 759 dated September 20, 1993. This corner monument was fond and occupied by GPS during this current survey.
- 1995- Land Partition Survey. This survey documented a portion of B Street and the West line of Donation Land Claim No. 43. Refer to C.S. 14389 by Jim Hibbs L.S. 2234 dated February 9, 1995.
- 1997- Land Partition Survey. This survey documented a portion the East line of Donation Land Claim No. 42. Refer to C.S. 15245 by Darrell Huck L.S. 2023 dated January 13, 1997.
- 2000- Land Partition Survey. This survey documented a portion the East line of Donation Land Claim No. 42. Refer to C.S. 16528 by Darrell Huck L.S. 2023 dated February 2, 2000.
- 2001- Map of Survey for a portion of the West line of Donation Land Claim No. 43 from East Main Street to C street. Reference C.S. 16977 by Richard Alspach PLS 2653 dated June 11, 2001.
- 2003- Survey of a portion of the East Line of Donation Land Claim No. 42 from C Street to B Street. This shows a portion of my client's West boundary. Refer to C.S. 17680 by Shawn Kampmann LS 2883 dated January 6, 2003.
- 2004- Survey of a portion of the East Line of Donation Land Claim No. 42 from C Street to Eureka Street. This survey established the Southwest corner of my client's property and documented the centerline of Eureka Street. It must be noted that a reference to "a 20' wide shared access easement is by deed, actually 24-feet wide, plus an additional 4-foot wide pedestrian way, at the Initial Point as shown on this survey. These easements were recorded after this Partition Plat- Property Line Adjustment. Refer to C.S. 18305 by Shawn Kampmann LS 2883 dated June 18, 2004.
- 2005- Survey of a portion of the East Line of Donation Land Claim No. 42 from C Street to Eureka Street. This survey documented the Southwest corner of my client's property and documented the centerline of Eureka Street. It must be noted that a reference to "a 20" wide shared access easement is actually 24-feet wide, plus an additional 4-foot wide pedestrian way, at the Initial Point as shown on this survey. Refer to C.S. 18910 by Shawn Kampmann LS 2883 dated February 16, 2005. Also Refer to C.S. 20247 for Post-Monumentation, dated July 17, 2006.
- 2007- Preconstruction Record of Survey for a portion of C Street and Eureka Streets. This survey documented a portion of the centerline of Eureka Street, Emerick Street, B Street, and a portion of Donation Land Claim No. 42 and 43. Several of the monuments described on this

survey were recovered. Refer to C.S. 19584 by Robert Jackson PLS 47721 for the City of Ashland and Oregon Department of Transportation, dated March 5, 2007.

No other surveys of record that are directly connected to this Property are noted.

PROCEDURE:

Deed descriptions for the parcel involved in this survey are as follows:

Igor Livshits parcel 1 (39-1E-09AD-TL02500) Document No. 2017-003611

Parcel 1:

Commencing at the Southwest corner of Donation Land Claim No. 43, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence North along the West line of said claim 355.0 feet to the North line of Eureka Street, formerly "C" Street, for the point of beginning; thence East along the North line of Eureka Street, formerly "C" Street, 137.4 feet; thence North, parallel with the West line of Emerick Avenue, 275.0 feet, to the South line of "B" Street; thence West, along said south line of "B" Street, 137.4 feet, more or less, to the West line of said Donation Land Claim N0.43; thence South on said claim line, 275.0 feet to the true point of beginning.

Parcel 2: (Access Easement)- An easement for ingress and egress as set out in the Easement Agreement recorded August 10, 2004 as No. 2004-046329.

This description does not fit the existing ground conditions.

Shared Access Easements over and across this parcel include: 2004-046329 and 2004-051821. Refer to Map of Survey of for location. It must be noted that a small portion of the existing sidewalk falls outside of these easements.

Adjacent property descriptions- Refer to Volume 488 Page 135 and Volume 545 Page 129-132.

Volume 488 Page 135 Recorded April 13, 1960:

Commencing at the Southwest corner of Donation Land Claim No. 43, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence North along the West line of said claim 355.0 feet to the North line of Eureka Street, formerly "C" Street, for the point of beginning; thence East along the North line of Eureka Street, formerly "C" Street, 137.4 feet to the TRUE POINT OF BEGINNING; thence continuing East along the North line of "C" Street 170.0 feet to the West line of Emerick Avenue; thence North along the West line of Emerick Avenue 100.0 feet; thence South parallel with the West line of Emerick Avenue 100.0 feet to the true point of beginning.

Volume 545 Page 130-131. Signed on May 1, 1961 and recorded May 3, 1963:

Commencing at the Southwest corner of Donation Land Claim No. 43, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence North along the West line of said claim 355.0 feet to the North line of Eureka Street, formerly "C" Street, for the point of beginning; thence East along the North line of Eureka Street, formerly "C" Street, 307.4 feet, more or less to the West line of Emerick Avenue; thence North along said west line of Emerick Avenue 275.0 feet to the south line of "B" Street; thence west along said south line of "B" Street 307.4 feet, more or less, to the west line o said Donation Land Claim No. 43; thence South on said Claim line 275.0 feet to the true point of beginning.

LESS: Commencing at the Southwest corner of Donation Land Claim No. 43, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence North along the West line of said claim 355.0 feet to the North line of Eureka Street, formerly "C" Street, for the point of beginning; thence East along the North line of Eureka Street, formerly "C" Street, 137.4 feet to the TRUE POINT OF BEGINNING; thence continuing East along the North line of "C" Street 170.0 feet to the West line of Emerick Avenue; thence North along the West line of Emerick Avenue 100.0 feet; thence West parallel with the North line of "C" Street 170.0 feet; thence South parallel with the West line of Emerick Avenue 100.0 feet to the true point of beginning.

ALSO LESS: Commencing at the Southwest corner of Donation Land Claim No. 43, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence North along the West line of said claim 355.0 feet to the North line of Eureka Street, formerly "C" Street; thence East along the North line of Eureka Street, formerly "C" Street, 307.4 feet, more or less to the West line of Emerick Avenue; thence North along said west line of Emerick Avenue 100.0 feet to thee true point of beginning, being the northeast corner of tract described in Volume 488 Page 135 if the Deed Records of Jackson County, Oregon; thence continue North along the west line of Emerick Avenue 175.0 feet to the south line of "B" Street; thence West along said south line of "B" Street 170.0 feet; thence South parallel with the west line of Emerick Avenue 175.0 feet to the northwest corner of said tract described in Volume 488 page 135 said Deed Records; thence East along the north line of said tract 170.0 feet to the true point of beginning.

For the purpose of documenting the deed descriptions, I will refer to this survey as "BLOCK 4," or the Northwest portion of "un-lotted" Eureka Addition subdivision Plat 02-23. The current Tax Lots are 391E09AD-2300, 2400, 2500, and 80000-80006.

BLOCK 4 DEED AMBIGUITIES FOUND:

NORTH LINE OF "C" STREET, NOW KNOWN AS EUREKA STREET (FROM THE WEST LINE OF DLC 43 TO WEST LINE OR EMERICK AVENUE)

- DEED RECORD: EAST 307.4 FEET
- MEASURED DISTANCE: N.89°32'40" E., 304.78 FEET SOUTH LINE OF "B" STREET (EMERICK AVENUE TO WEST LINE OF DLC 43)
- DEED RECORD: WEST 307.4 FEET

- MEASURED DISTANCE: S.89°36'42" W., 305.36 FEET. WEST LINE OF EMERICK AVENUE (EUREKA STREET TO "B" STREET)
- DEED RECORD: NORTH, 275.0 FT
- MEASURED DISTANCE: N.00°12'07" W., 275.12 FEET
- 1. These discrepancies were noted during Survey C.S. 8486 in 1980. Surveyor Swain advised his client to "clean up" this issue of two sets of monuments by completing a Boundary Line Agreement. While there is still some uncertainty, a strong argument can be made that Survey No. C.S. 8486 correctly identifies the "Senior Parcel" for the south 100 feet of the east 170 feet of "Block 4." Deed description found in Volume 488 page 135 should hold as the senior description. Also refer to C.S. 3832.
- 2. The descriptions as prepared for Volume 545 page 130-131 should also hold as being more senior to Document 2017-003611 (my client's parcel). The northerly 175 feet of the easterly 170 feet (current Tax Lot 2400) is documented in the deed description. One additional issue is, existing fences do not follow this deed description. At the Northwest corner of the Current Tax Lot 2400 (identical with the Northeast corner of Tax Lot 2500), I found an iron pin near a chain link fence corner North 65°21'15" West, 6.18 feet from the calculated corner position. Said calculated corner position fall in a tree root. This found iron pin was at first believed to be one set during C.S. 3832, but it has apparently has moved over time.
- 3. Existing fences have been in place for many years. They were noted on survey 8486 for the South 100 feet of the easterly 170 feet. Fences were not documented for the northerly 175 feet of the east 170 feet until this current survey.
- 4. Access easements along the westerly portion of Tax Lot 2500 (my client's parcel) also have a few ambiguities. The easement "descriptions" seem to be a good and match the current "as built conditions," with one exception. A portion of the existing sidewalk was built outside of the recorded easement description. In addition, dimensions as shown on C.S. 18910 and 18305 should show a width of 24 feet, PLUS and an additional 4 feet for pedestrian access near it's intersection with Eureka Street.

Monuments Established: None

Corner Descriptions as noted on the Map of Survey as Corner Reference No. :

1. Southeast Corner-calculated point

- a. Witness Corner- a 2-inch diameter brass cap in concrete bears N.00°37'18" W., 0.38 feet distance. (C.S. 8486 record N.00°06'56" W., 0.38 feet)
- b. A 5/8-inch iron pin S.88°53'05"E., 1.76 feet (C.S. 8486 record N.89°58'07" E., 1.73 (NOTE: From the BC WC to the found 5/8-inch iron pin: S.76°42'58" E, 1.81 feet)
- c. Chain link fence corner bears N.66°37'W., 0.67 feet.

2. Approximate Center-East calculated corner point in fence line

- a. Witness Corner- a 5/8-inch diameter iron pin with plastic cap marked RLS 759 bears S.89°51'21" E., 2.52 feet.
- b. A 1/2-inch diameter x 15-inch long iron pin with plastic cap marked "SBLS CONTROL" bears S.29°41'22" W., 5.58 feet.

3. Northeast Corner-calculated point falls in a tree root

- See. .
 Affidavit of correction
 2019-012627
- a. A 5/8-inch diameter iron pin bears N.65°21'15" W., 6.18 feet. This was initially assumed to be from C.S. 3832. However, it does not fit the reported position. From this found iron pin, a chain link fence corner bears S.5° W., 1.0 feet.
- b. A 2 ½-inch diameter Brass Cap in a monument case near the center of "B" Street bears N.70°27'59" W., 87.74 feet. Refer to STA 3+77.58 as noted in C.S. 19584.
- c. A ½-inch diameter x 15-inch long iron pin with plastic cap marked "SBLS CONTROL" bears S.83°38'13" W., 55.19 feet. Point bears South 5.0 feet from an existing chain link fence.

4. Northwest Corner-calculated point

- a. A 5/8-inch diameter iron pin with an orange plastic cap marked "KAMPMANN LS2883" bears S.00°40'39" E., 6.39 feet. Refer to C.S. 18910 and S.S. 20247.
- b. A 3-inch diameter Brass Cap in a monument case near the center of "B" Street bears N.10°00'42" E., 30.50 feet. Refer to STA 4+25.02 as noted in C.S. 19584.

5. Southwest corner-calculated point

- a. A 5/8-inch diameter iron pin with 1 1/2-inch diameter aluminum cap found 15-inches down, marked "INITIAL POINT PLS 2883" bears S.00°18'30" E., 0.38 feet. Refer to C.S. 18910 and 18305.
- b. An "X" in the center of a storm drain manhole cover bears S.55°38'01" E., 5.76 feet.

6. West line of Emerick Street- Northeast corner of Tax Lot 2300.

- a. A 5/8-inch iron pin with a red plastic cap marked "RLS 759" bears S.89°39'24" W., 0.28 feet. This is a Witness Corners established on C.S. 8486.
- b. A 1-inch diameter "mushroomed top" iron pin bears S.54°18'19" E., 0.87 feet. (found 8-inches deep and adjacent to a drainage PVC pipe).

GPS control was established utilizing a Leica GS14 GNSS duel frequency Real Time Kinematic (RTK) GPS adjusted utilizing Oregon Department of Transportation's (ODOT) GPS network-corrected solutions. Coordinates as shown, with additional information on file with this office are Oregon Coordinate Reference System (OCRS), Grants Pass-Ashland Zone, in International Feet. The current adjustment from ODOT is NAD83 (2011) epoch 2010.00, and vertical is NAVD88 using Geoid 12A.

EQUIPMENT:

Equipment utilized throughout this survey includes a Leica TCRP-1203 Robotic Total Station and Leica GS14 GNSS RTK GPS receiver.

REGISTERED PROFESSIONAL LAND SURVEYOR

Stephan Barott

OREGON
JULY 26, 1988
STEPHAN L. BAROTT
2332

RENEWS: DECEMBER 31, 2019

DATE OF SURVEY: August 23, 2018.

This Survey Consist Of: 🕭 sheet(s) Map 2 page(s) Narrative JACKSON COUNTY SURVEYOR

Jackson County Official Records 2019-012627 R-ACO 05/10/2019 02:09:04 PM Cnt=1 HELMANCD Total:\$128.00

\$10.00 \$10.00 \$5.00 \$8.00 \$11.00 \$60.00 \$4.00 \$20.00



l, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk Christine Walker - County Clerk

22622

AFFIDAVIT OF CORRECTION pursuant to ORS 209.170

I, Stephan L. Barott, Registered Professional Land Surveyor, of the State of Oregon, No. 2332, do hereby state that I have discovered drafting errors on my "Map of Survey" filed for record in the Jackson County Surveyor's office as filed survey number 22622. FOR IGOR LIVSHITS

Stephan Barott L.S. 2332

STATE OF OREGON) COUNTY OF JACKSON) SS.

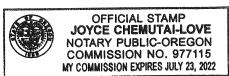
A.D. 2019

Personally appeared the above named Stephan L. Barott, a Registered Professional Land Surveyor, and acknowledged the foregoing instrument to be his voluntary act and deed before

Notary Public for the

State of Oregon

My Commission Expires 07/23/2022



The corrections are as follows:

At the Northeast corner of the subject parcel identified as Corner No. 3, said survey indicates the calculated corner point falls in a tree root. Said survey also indicates a found iron pin bears South 65°21'15" WEST East, 6.18 feet distance. The Map of Survey and attached narrative also indicates the Northeast corner of a chain link fence was found South 5° West, 1.0 feet from found iron pin.

An error was found in my calculations. A new survey tie to found iron pin verifies it is in the correct position and matches the description as set during C.S. 3832.

In addition, the existing chain link fence generally follows the property boundary within 0.5-1.0 feet for this portion of the East line.

The Witness Corner as noted does not exist. The chain link fence as noted is being replaced.

Change to: Narrative Corner No.3 at Page 7

- 3. Northeast Corner Found a 5/8-inch diameter iron pin established during C.S. 3832.
 - a. A 2 $\frac{1}{2}$ -inch diameter Brass Cap in a monument case near the center of B Street bears N.70°27'59' W., 87.74 feet.
 - b. A $\frac{1}{2}$ -inch x 15-inch long iron pin with plastic cap marked "SBLS CONTROL" bears S.83°35'12" W., 55.22 feet.
 - c. A ½-inch x 15-inch long iron pin with plastic cap marked "SBLS CONTROL" bears S.21°06'53" W., 65.61 feet.

The Jackson County Surveyor hereby certifies that this Affidavit of Correction has been examined and approved for recording.

JACKSON COUNTY SURVEYOR

2-