

INSTRUMENT NO. 67-00532

FOUND 1 1/2\"/>

D.E. VOL. 281, PG. 502

FOUND 1 1/2\"/>

D.E. VOL. 409 PG. 239

FOUND 2\"/>

5.31 ACRES

EAST 250.00

0.40 ACRES

250.00

626.50 (10 CH.)

D.E. VOL. 430 PG. 398

FOUND 1\"/>

**MAP OF SURVEY**  
 LOCATED IN  
 NE 1/4 OF NW 1/4 OF SECTION 14, T. 39 S. R. 1 E. W.B.M.  
 JACKSON COUNTY OREGON  
 FOR

**W. E. KERR**

REGISTERED  
**OREGON**  
 LAND SURVEYOR

*Everett L. Swain*  
 JULY 8, 1968  
**EVERETT L. SWAIN**  
 798

FOUND INITIAL POINT TO  
 EDMONDS SUB. 2\"/>

EVERETT L. SWAIN, E.L.S. ASHLAND, OREGON  
 SCALE: 1\"/>



4247

Street). See Volume 231, page 502, Deed Records of Jackson County, Oregon. Now, if we consider the original call of East 20 chains in Mr. Kerr's deed versus the monuments or improvements found upon the ground, we would find the pipe at Clay Street to be 3.5 feet East of the 660 foot point. Then the fence at the Westerly side of Mr. Kerr's property is 7.6 feet East of the 1320 foot point.

This shows a fairly consistant excess of distance in relation to the monument set by a surveyor in 1910, to the present location of the North-South fence line in question. However, to establish the West boundary of Mr. Kerr's property, I have held what I believe is the intent of the deed, recorded in Volume 14, Page 285 of the Deed Records of Jackson County, Oregon which is the North-South sixteenth line running through the Northwest quarter of Section 14, said Township and Range. Also, I have held the distance of 19 chains Southerly from the section line, due to the fact that this fits the existing improvements on the South boundary of Mr. Kerr's property.

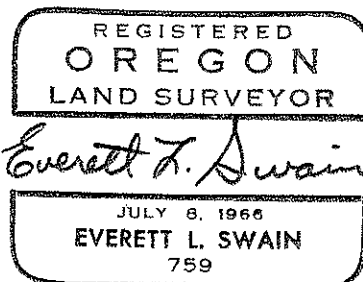
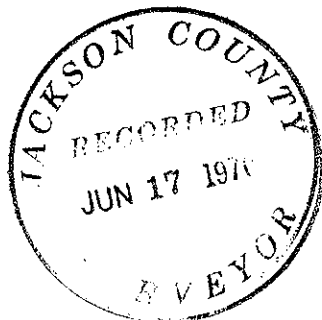
If the intersection of the sixteenth line and the Southwesterly right of way of the Southern Pacific Railroad were held as the point of beginning and then proceed Southerly 9.44 chains, the present improvements would not fit well. If the call of East 20 chains and South 9.56 chains to a point on the Southwesterly right of way of said railroad, which fits the established right of way quite well, and then South 9.44 chains were held, the position of the South line of Mr. Kerr's property would be very close to the position as shown on the accompanying map. Volume 430, Page 393 of the Deed Records Jackson County, Oregon also calls for a point of beginning of 19 chains Southerly.

In conclusion I feel that at some unknown time someone has measured out the position of the existing fence location along the West boundary of Mr. Kerr's property. Due to economics it is not feasible to further study this situation, but to follow the intent of the original deeds as heretofor described. Mr. Kerr was advised of the situation as it now exists and indicates that he is satisfied with the location as shown on the accompanying map.

Also, Volume 391, Page 396-397 of the Deed Records of Jackson County, Oregon, has a point of beginning which is very close to the existing fenced right of way of the Southern Pacific Railroad. In a brief conversation with officials of the City of Ashland, it was noted that a permit was obtained from said railroad, to construct a water line 99 feet, more or less, from the centerline of the main railroad tracks. Upon further research it was not quite clear whether Southern Pacific Railroad has a 100 foot right of way on each side or not. Therefore, I notified Mr. Kerr of said problem and suggested that he contact his attorney in relation to this problem. Mr. Kerr asked that I monument the tract as shown on the accompanying map.

May 11, 1970

Everett L. Swain  
Professional Land Surveyor  
Ashland, Oregon



Survey Narrative to Comply with Paragraph 209.250  
Oregon Revised Statutes

**SURVEY FOR:** W. E. Kerr  
655 Tolman Creek Road  
Ashland, Oregon

**LOCATION:** Situated in the Northeast quarter of the Northwest quarter of Section 14, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

**PURPOSE:** To survey and prepare a legal description for the tracts as shown on the accompanying map per clients request.

**PROCEDURE:** This survey was commenced in the vicinity of Tolman Creek Road and the Southern Pacific Railroad right of way. Tolman Creek Road was established per recorded survey No. 3840. I traversed along the Southerly and Westerly boundary of Mr. Kerr's tract, tying fence corners and two (2) iron bars which are not of record. However, Volume 231, Page 502 of the Deed Records of Jackson County, Oregon calls for a stake. However, they failed to further identify this stake by indicating whether it was of wood or metal. Further, investigation into the deeds of record for the properties Westerly of this tract, shows that the common beginning point is the Southeast corner of the Northwest quarter of the Northwest quarter of Section 14, said Township and Range. Mr. Kerr's tract commences at the Section corner common to Sections 10, 11, 14 and 15 and proceeds East 20 chains. In tracing the chain of title back to October 28, 1887 the tract of land now owned by Mr. Kerr was included in a conveyance calling for the East one-half of the Northwest quarter of Section 14, said Township and Range. Therefore, I believe the intent was to convey to the sixteenth line. Upon further search for information to clarify the lines of present occupation, it was noted in Field Book "M" in the City of Ashland Engineering Department records, that in the late 1920's the quarter corner common to Sections 11 and 14, was noted as follows: " $\frac{1}{4}$  cor by occupation", therefore the quarter section corner as now established and the position of the quarter section corner in the late 1920's have a very good chance of not being in the same location. To further clarify this point, on page 47 of Book "M" a distance is shown as 674 feet from the above mentioned Re-established quarter section corner to the intersection of the centerline of a Road running in a North-South direction (Tolman Creek Road). Recorded survey No. 3840 shows information which will reveal a distance of 677.4 feet. Now, returning to the section corner common to Sections 10, 11, 14 and 15, we find a  $\frac{1}{2}$  inch pipe 663.5 feet Easterly of said section corner as set for the control of Clay Street in the 1910 Road Survey. In the deeds of record, it appears as though Clay Street was intended to be on a  $\frac{1}{64}$  line inasmuch as they have called for West 660 feet to the center of a road or street (Clay