

JACKSON COUNTY
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Gordon H. Long
GORDON H. LONG
1917

Divide Administrative Site

The Divide Administrative Site was purchased by the United States of America on March 17 1936. Subsequent to the purchase, the Forest Service (USDA) has occupied and improved the site. Site plans approved 3/5/39 & as-built plans-10/23/41 show the improvements made and their relationship to State Highway 227. Location of the site according to the deed is not compatible to the lines of occupancy and improvement. The site held, occupied and improved lies South-110.08 ft and West-16.87 ft of Corner 1 as per deed 3/17/36. Sufficient evidence remains on the ground to locate the property lines as shown on the site plans. These lines have been restored and marked to show the tract as occupied.

Bearings based on E-W of S 19 Mag Decl 20°E

Scale = 1" = 50'

- Set monument as noted
- Wood fence post

I, Gordon H. Long, a registered professional land surveyor in the State of Oregon, certify that this plat & notes hereon are a correct representation of a survey performed June 1977 for the U.S. Forest Service in accordance with the statutes of the State of Oregon.

Gordon H. Long, RPLS 1017



(7-1-1700)

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL
1734 Federal Building
1220 S. W. Third Avenue
Portland, Oregon 97204

May 2, 1980

SUBJECT: 5450 Title Claims, Sales & Grants
Trail Divide Guard Station, Umpqua NF

TO: Carlin B. Jackson
Assistant Director
Lands and Minerals

Reference is made to our recent discussions of this case and your request for our comments concerning the disposition of the United States' interest in that tract which has been described by you for convenience as Parcel A, which is the site which was actually occupied by the Trail Divide Guard Station.

Until our recent discussions, it had been our understanding that the Forest Service had occupied Parcel A by mistake. That was the basis for our conclusion stated in our November 21, 1979, memorandum to you, that the Forest Service had authority to convey this parcel under PL 120 (57 Stat. 388). It now appears that that understanding may have been in error and that in fact the Forest Service location of the site was not in error, but rather the 1936 deed contained an erroneous bearing call. This interpretation is supported by the Forest Service licensed land surveyor, Gordon Long, and is reflected in the recent narrative prepared by him, which we have reviewed.

Under the circumstances, we no longer conclude that the Forest Service title in Parcel A was acquired through mistake. Accordingly, a quitclaim conveyance by the Forest Service pursuant to PL 120 would not be appropriate. Under the circumstances, we concur with your recommendation that the Forest Service interest in Parcel A be excessed to the General Services Administration for disposal.

Please let us know if we may be of further assistance.

ARNO REIFENBERG
Regional Attorney



Jim Kauble
Attorney

References

- Practical Location § 320, 321, 322, Skelton on Boundaries and Adjacent Properties
- Primary Purpose § 280 Page 300. Clark on Surveying and Boundaries, 3rd Ed.
Moore v Campbell
- Best Evidence § 285 Page 307 ibid
- Documents § 286 Page 307 ibid
- Certainty of Evidence § 287 Page 307 ibid
- Ancient Fences § 294 Page 314 ibid
- Retain Description § 414 Page 431 ibid
- Reject Part of Description § 432 Page 438 ibid
- Establishment of Boundarylines in Oregon § 730 Page 883 ibid
 Mc Cully v. Heaverne 82 Ore 650, 160 P 1166, 162 P 863 (1916)
 Ogilvie v. Stackland 92 Ore 352, 179 P 669 (1919)
- Improvements as Monuments Page 165 Boundary Control and Legal Principles by Brown 2nd Ed.
- 1/ Survey by Umpqua National Forest crew on June 29, 1977 under my direction. Party Chief and Instrumentman - R. Crutcher, H.C. - G. Stockhoff, R.C. - K. Godard. Zeiss 1' Theodolite, 300 foot chain, H.P. 3800A EDM. The Survey traverse was from C W 1/16 S. 19 to Corner 1 TDAS to W 1/4 S 19. Notes of survey on file with Regional Cadastral Surveyor.

the improvements as witnessing the original lines as surveyed. I accept the North and West lines as being the most reliable. I monument the corners of the administrative site as follows:

Commencing at

Corner # 1 - 6 inch spike set in paved roadway, point of beginning, thence S 26° E-150.0 feet on roadway (Highway 227)

to Corner # 2 - 6 inch spike set in paved roadway thence N 64° W-217.5 feet

to Corner # 3 - Set T fence post at corner position thence N 26° E-50.0 feet

to Corner # 4 - Set T fence post at corner position thence N 64° W-217.5 feet

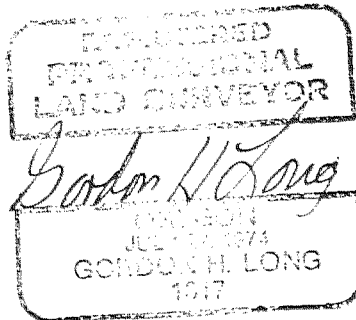
to Corner # 5 - Set T fence post at corner position thence N 26° E-100.0 feet

to Corner # 6 - Set T fence post at corner position thence S 64°-435.0 feet to point of beginning.

I hold the exterior courses of the administrative site to be the same as in the recorded deed. The tie as recorded in the deed is incorrect, the true tie as surveyed 1/on the ground is N. 54° 47' 58" W. - 1399.71 feet to the West 1/4 corner of Section 19 (N 59° 00' W - 1353 feet record).

The plat of this survey is on record in Jackson County. The filing number is #6876 8/2/77

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action of the Jackson County Court 9/21/34. On the Highway (16-G) plats the r-o-w point of beginning is Station 569+80. The plats describe this station as the Douglas-Jackson County line in actuality it is the boundary line common to the Umpqua-Rogue River National Forest.

Highway Right-of-Way Plats for Tiller-Trail (16-F2) shows 66 feet on each side of the centerline. This segment terminates at 569+76 (a difference of 4 feet from the beginning of the r-o-w of 16 G). These plats were approved by F.E. Anderson 7/11/33.

The computed bearing of the r-o-w tie to the W 1/4 of Section 19 according the r-o-w plats is N. $52^{\circ} 31' 06''$ W - 1405.08 feet.

Positioning the administrative site according to the recorded deed would place the site at a location where the deeded right of way width is 66 feet. Corner No. 1 would fall 158 feet North and 44 feet East of station 569+80.

Examination of the site plans show that the forest boundary to be located 32.5 feet within the site (Sta 569+80). This indicates that the corner No. 1 of the site would be 28.5 feet North and 15.5 feet East of Sta 569+80.

The location of the site according to the improvements places it on the right-of-way width of 40 feet. Corner No. 1 would be only 48.15 feet North and 28.76 East of Station 569+80.

This fit is within 19.65 feet North and 13.26 feet East of the position as developed from the site plan.

On June 28 and 29, 1977. James Simleness and I went to the administrative site.

The improvements consisting of fences, rockwalls, foundations of constructed buildings and sidewalks were identified in the field. The property lines shown on the administrative site plans were temporarily marked on the ground. In tracing these lines out, the extension of the north property line had bearing of N. 64° W along a fallen wire fence (posts and wire recoverable). At 435 feet, the fence cornered at a row of posts bearing S. 26° W. Follow the posts on bearing S. 26° W. and descend a gentle slope to their termination of 100 feet. At this point follow a row of posts, course of S 64° E. 200 feet, intersect a fallen fence (course S 26° W approximately 40 feet). continue to 217.5 feet (record). Thence S 26° W (paralleling fence previously described) 40 feet, cross fallen fence (approximate course S 64° E) continue to 50 feet. Thence S 64° E (parallel to a fallen fence), at 120 feet, join property line as developed from garage foundation. Since the courses developed correspond to the lines as described in the administrative site deed, I accept

Map 6876 - Jackson County
8/2/77

6876

TILLER DIVIDE ADMINISTRATION SITE

Tiller Divide Administrative Site was purchased from Joe C. Roe et ux on March 17, 1936. Title was accepted by the United States on May 12, 1936. Prior to this time the site was occupied by lease.

Subsequently the administrative site was occupied and improved. Improvements consisted of a residence with concrete basement, a garage with a concrete foundation, sidewalks, driveway, a water line, flagpole and a stone retaining wall.

During 1968 the use of the administrative site was discontinued and the buildings removed.

In 1976, the Umpqua NF engaged C & G Engineering to survey the outboundaries and subdivide Section 19, T. 32 S., R. 1 W., W. M. While the survey of Section 19 was being conducted, Change Order No. 1 was issued and approved 9/27/76. Change Order No. 1 requested the contractor to establish the location of the Tiller Divide Administrative Site.

On February 3, 1977, Glenn Baughman of C & G Engineering requested to be relieved of the responsibility of establishing the corners of the administrative site. The firm had made a preliminary location of the site based only on the warranty deed. C & G's request was to be granted after a sketch for informational purposes was prepared for the Forest. C & G Engineering marked the limits of the site (warranty deed) with temporary markers prior to being relieved of responsibility. The sketch was delivered to the Forest in June 1977.

When the Forest was notified by C & G about the problem, I was contacted to determine a means to resolve the situation.

Search of the records maintained by the Regional Office Recreation Unit provided two drawings of the Tiller Divide Administrative Site.

Drawing No. 1 is the landscape plan of the site dated February 4, 1939, approved 3/8/39. Drawing No. 2 is the site plan showing the buildings to be constructed, dated January 30, 1939, approved 3/8/39. The drawing has been revised to show built structures and features as of 10/23/41.

The Umpqua NF in the search of their records recovered an original print of the site plan which showed misc. detail such as post spacing, drain tile to be installed etc.

Examination of the site plans showed a right-of-way width of forty feet on the west side of the Tiller-Trail Highway. The right-of-way files held by the Oregon State Highway Department show that a forty foot right-of-way west of the highway centerline was acquired through

6876

7150 Surveying
(E)

February 21, 1984

Trail Divide

Mr. Edward A. McGinty, L.S.
Jackson County Surveyor
P.O. Box 5131
Medford, OR 97501

I am enclosing a supplement to the narrative of the Trail Divide Administration Site Survey. When the plat was recorded, a very brief narrative was part of the plat. In April 1980, I prepared a supplement at the request of Lands and Minerals, USDA Forest Service. While reviewing some old records, I found that a copy was not sent to your office. I am correcting that oversight.

You will find a copy of the supplemental narrative and an opinion of the Office of the General Council. USDA. enclosed.

Gordon H. Long
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PLS 1017

cc:
E - Long

