

MAP OF SURVEY

LOCATED IN
N 1/2 of Sec. 31, Twp. 38S., R. 1 E.W.M.
Jackson County Oregon
for

MR. & MRS. HERBERT LEWIS

EVERETT L. SWAIN, R.L.S.

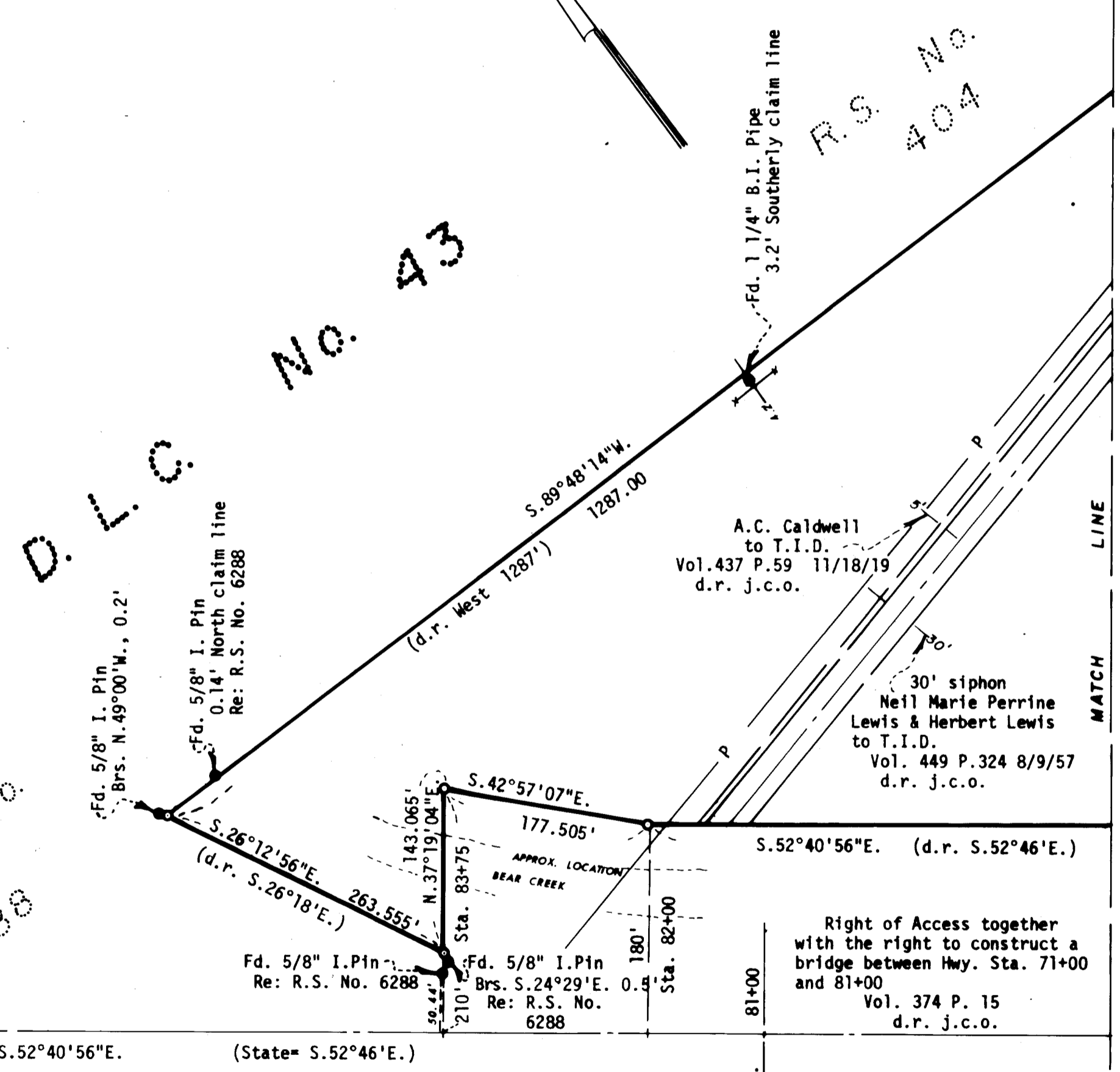
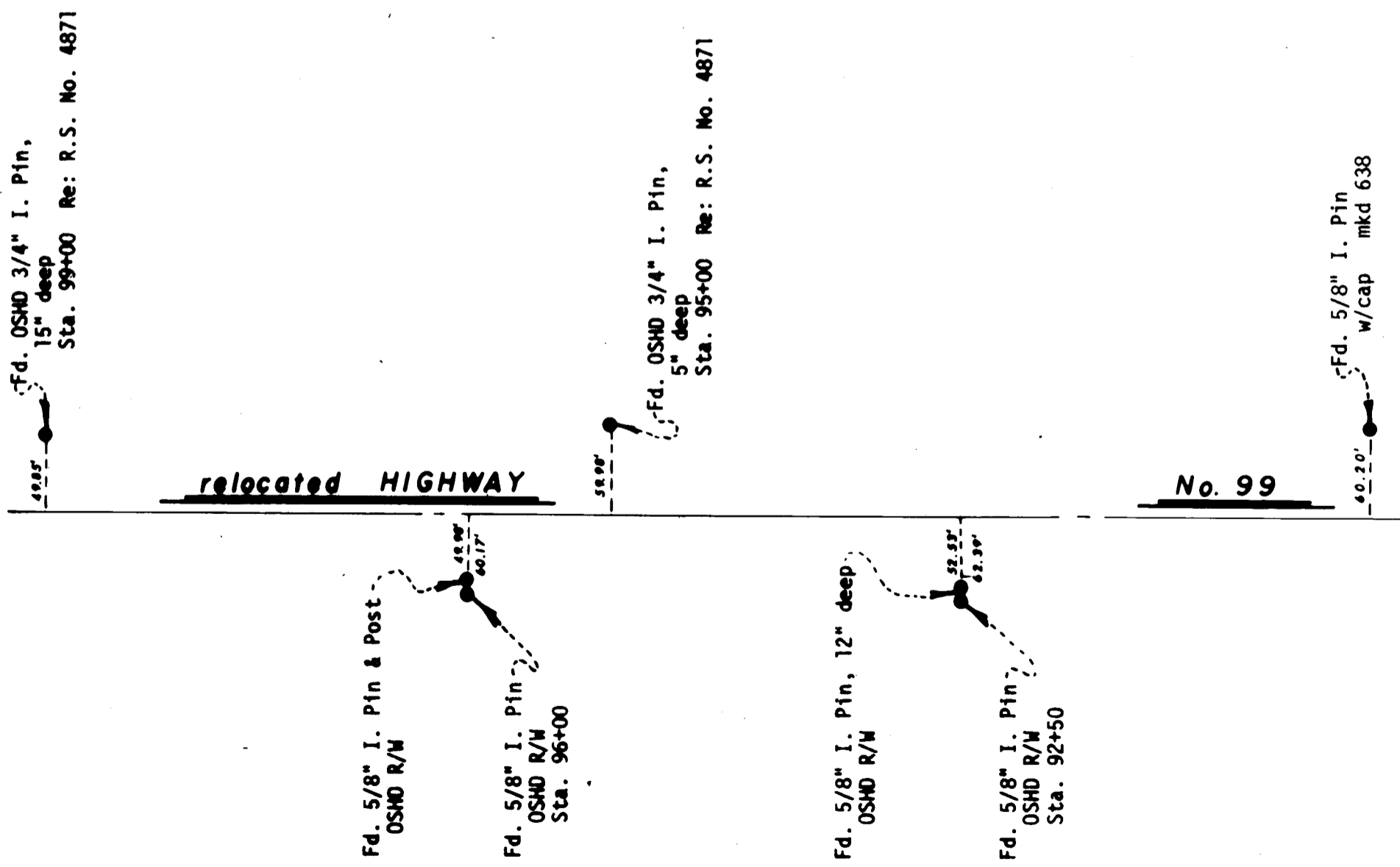
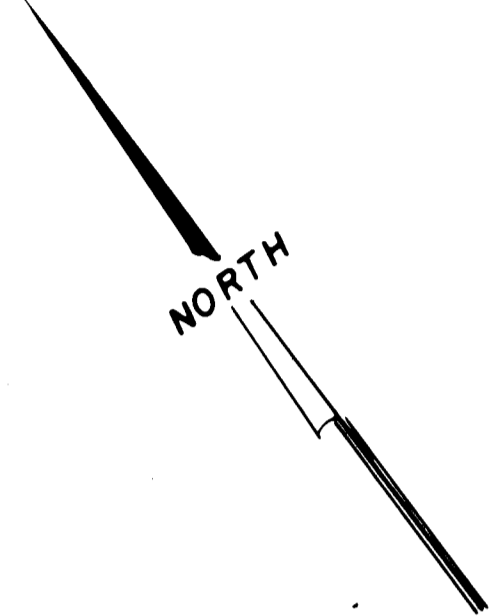
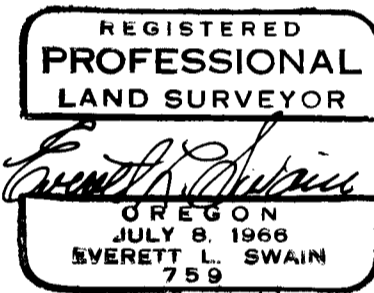
ASHLAND, OREGON

Scale: 1"=100'
Basis of Bearing:

October 15, 1977
N.O.A.A. True Bearing N-S Q Sec. 31

- Found monument as shown
- Set 5/8 x 30 inch Iron Pin tagged RLS 759
- ⊗ Set 5/8 x 30 inch Iron Pin with Alum. Cap mkd.

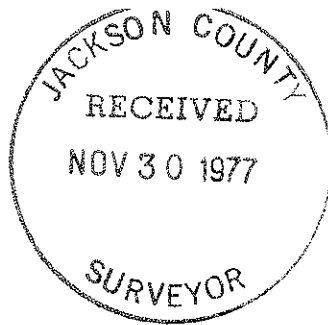
Swain Surveying
Wit Cor
1977



D.L.C. No. 43

R.S. No. 404

R.S. No. 6288

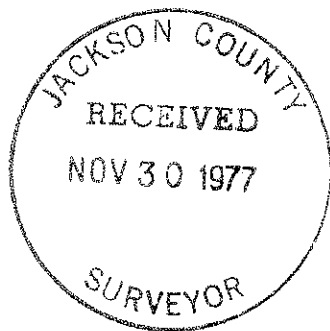


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the location on the ground does not fit the record location; therefore, a map titled "TALENT LATERAL ENLARGEMENT" First Section - R.O.W. Map and dated the 19th of Jan. 1960 was evaluated to try and solve the problem. It was decided to begin at the Northwest corner of Donation Land Claim No. 48 and reverse the direction of the canal centerline, tying into the physical center of said canal at the West right of way of Valley View Road, which point was established from the center of the concrete box culvert crossing Valley View Road as shown on said map. When using a "compass rule" closure into said point, it was found that the retracement values were not that unreasonable and that the location of said canal fit more reasonable in relation to the actual constructed location. It should be noted that item No. 13 in said contract, between the Bureau of Reclamation and the Lewis', states that: "Fence along the lower bank of the canal will be moved to the new right-of-way line" The existing fence was tied and shown on the accompanying survey. It is obvious that the fence, in no way, resembles the location of the right of way as described in said contract. The final location of said canal is as shown on the accompanying survey map.

Now, turning to the North boundary line of the Lewis property, it was found that a survey has been made adjoining the South boundary line of Claim No. 43 and states that a possible overlap of the Rogue River Valley Orchard Co. Tracts, as retraced by Recorded Survey No. 6288, and the South boundary line of Claim No. 43, which is common to Lewis' North boundary line, may exist. The retracement of Recorded Survey No. 6288 is in part relying upon monuments previously set on Recorded Surveys No. 404 and 3247. It is interesting to note that Recorded Survey No. 3247 utilized a portion of Recorded Survey No. 404 as control. At this point it should be pointed out that all surveys, being 404, 3247 and 6288, utilized the Northwest corner of Donation Land Claim No. 48 as control. This corner was established by the Jackson County Surveyor and filed of record on May 23, 1950. It is interesting to note that at that time the county surveyor indicated that no definite evidence of the original corner could be found. He, therefore, utilized the Northeast corner of Claim No. 48 and a proportioned location on the West boundary line of Donation Land Claim No. 42, to establish the Northwest corner of Donation Land Claim No. 48. With the Rogue River Valley Orchard Company's 10 Acre Orchard Tracts being controlled by the Southerly boundary line of Donation Land Claim No. 43, it would seem that the county surveyor would have conducted a reasonable amount of search for original monumentation of said tracts. From my own past experience as well as other surveyors, other than those indicated above, we know that original monumentation of the Rogue River Valley Orchard Company's 10 Acre Orchard Tracts is virtually non-existent, if in fact not totally non-existent. Fence lines in the Tracts have been found to fit very close to plat record but iron pipe monuments are very rare, if not in fact unheard of. When Recorded Survey No. 404 was conducted, it is strange that said surveyor saw fit to utilize the reestablished Northwest corner of Donation Land Claim No. 48 but does not show utilizing the Northeast corner of Donation Land Claim No. 48 to control his survey. Then how did he come to locate the Southeast corner of Block "F" of the Rogue River Valley Orchard Compny's 10 Acre Orchard Tracts, when in fact over a year prior to his survey an apparent search was made for control of the claim line, common to the Southerly boundary line of said Tracts, by the county surveyor with apparent negative results. What this really sums up is the questionable status of said Recorded Survey No. 404 which has been utilized by other surveyors to perpetuate other boundaries in the area. This surveyor rejects any monuments set on Recorded Survey No. 404 wherein the exterior boundary line of said Tracts were being established. The South boundary line of the said Tracts, from a record standpoint, cannot overlap the claim line because the claim line is indicated as being the controlling factor in the description of said subdivision. I do concur with Recorded Survey No. 6288 that a boundary line agreement would lay to rest any questions pretaining to the true position of this line, but only to the extent that fences in the area would have a more significant relation to claims of adverse possession than would the resurvey conducted by Recorded Survey No. 404, which raises questions as to its validity. This survey produced the North boundary line of Claim No. 48 Westerly, which would theoretically reproduce the same line as set up by the county surveyor in 1950, to control the Northerly boundary of my client's parcel of land.



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reasonable location of the fence called for in said deed or monumentation that may have been set and utilized for boundary control prior to 1954. The State Highway map shows a 3/4 inch I.P. being found in the vicinity of the property corner common to the Wurdinger and Ottinger property and on the old right of way of the relocated Highway No. 99. The State Highway indicates that a right of way pin and post were set to define the location of the new right of way that was being acquired. It is presumed that the State Highway had in fact, retraced the property line which separates the ownership of the above described parties. After considerable search, this right of way pin was found and tied to the control network. Next the physical centerline of the old Highway No. 99 (abandoned March 28, 1935 as a State Highway) was tied to the control network, as well as a found 1 inch diameter axle with gear on top. The centerline of said abandoned highway was correlated with the found axle and state right of way monument. The deed record bearings of Volume 215, page 7 were rotated to the bearing retracement of the relocated Highway No. 99. At this time it should be noted that Volume 215, page 7 calls for the highway and thence along said right of way, but reciting a bearing of N.52°16'W. instead of N.52°46'W. Review of documents prior to the recording of Volume 215, page 7 shows that the relocated Highway No. 99 has always been defined by a bearing of N.52°46'W.; therefore, it is my opinion that a typographical error has occurred and in fact the intent was to have the same bearing as recited in the various highway documents. From the point of intersection of the retraced boundary line of Volume 215, page 7, as controlled by said found axle, with the old right of way of relocated Highway No. 99, which is 40 feet Southwesterly, when measured at right angles therefrom, the centerline of said highway, the deed record distances, were established according to Volume 215, page 7 after the bearings were rotated to correlate with the retracement along the present centerline of the relocated Highway No. 99. The results are favorable with the values as recited in the various documents prepared by the Oregon State Highway department.

The property as acquired by the Lewis' and described in Document No. 67-00555 of the Official Records was retraced. It appears this description was prepared utilizing values as shown on Recorded Survey No. 1664. It also, appears by evaluating the data as compiled by this survey, along with information as obtained in recorded documents prepared by the State Highway Department, that said recorded survey was less than reasonable in the retracement location of the Northerly boundary line of Volume 215, page 7. However, it is felt that due to the fact that this property was acquired from the estate of the late Charles W. Koyl, Circuit Court Case No. P-1-67, and the remainder lying Easterly thereof, being under a Contract of Sale, which took place in or around 1961, was apparently described utilizing said recorded survey. The utilization of the found monuments of Recorded Survey No. 1664 should be held to define the division line between the subject properties.

Now, the investigation of a parcel of land conveyed to the Lewis' by Document No. 68-02414 of the Official Records of Jackson County, Oregon was undertaken. From the highway map, it appeared that the State Highway department had acquired this parcel for right of way purposes; However, no document number was shown on said State Highway map which would provide a written retracement of the transaction. Inquiry to the title company produced documentation that revealed a warranty deed had in fact been issued to the Oregon State Highway Commission by William and Marian DeLaney and recorded in Volume 373, page 12 of the Deed Records of Jackson County, Oregon; therefore, the documents issued thereafter, being either quit-claim or bargain and sale deeds, are of course, not valid and only serve to confuse the chain of title.

The Talent Irrigation District Canal was retraced according to the description contained in that document by the United States, Department of Interior, Bureau of Reclamation and titled "Contract No. 14-06-128-172 and prepared on the 18th day of February, 1960. It was found that even though the legal description closes well,

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SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

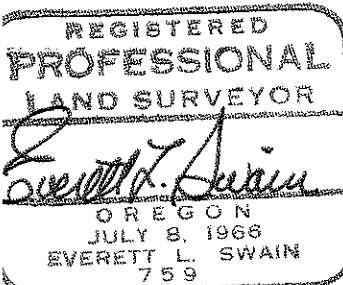
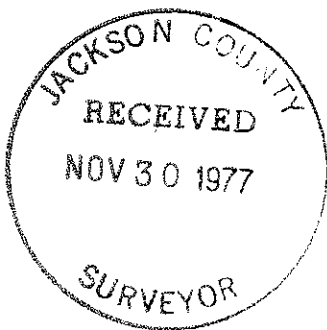
SURVEY FOR: Mr. & Mrs. Herbert Lewis
288 Ridge Road
Ashland, Oregon 97520

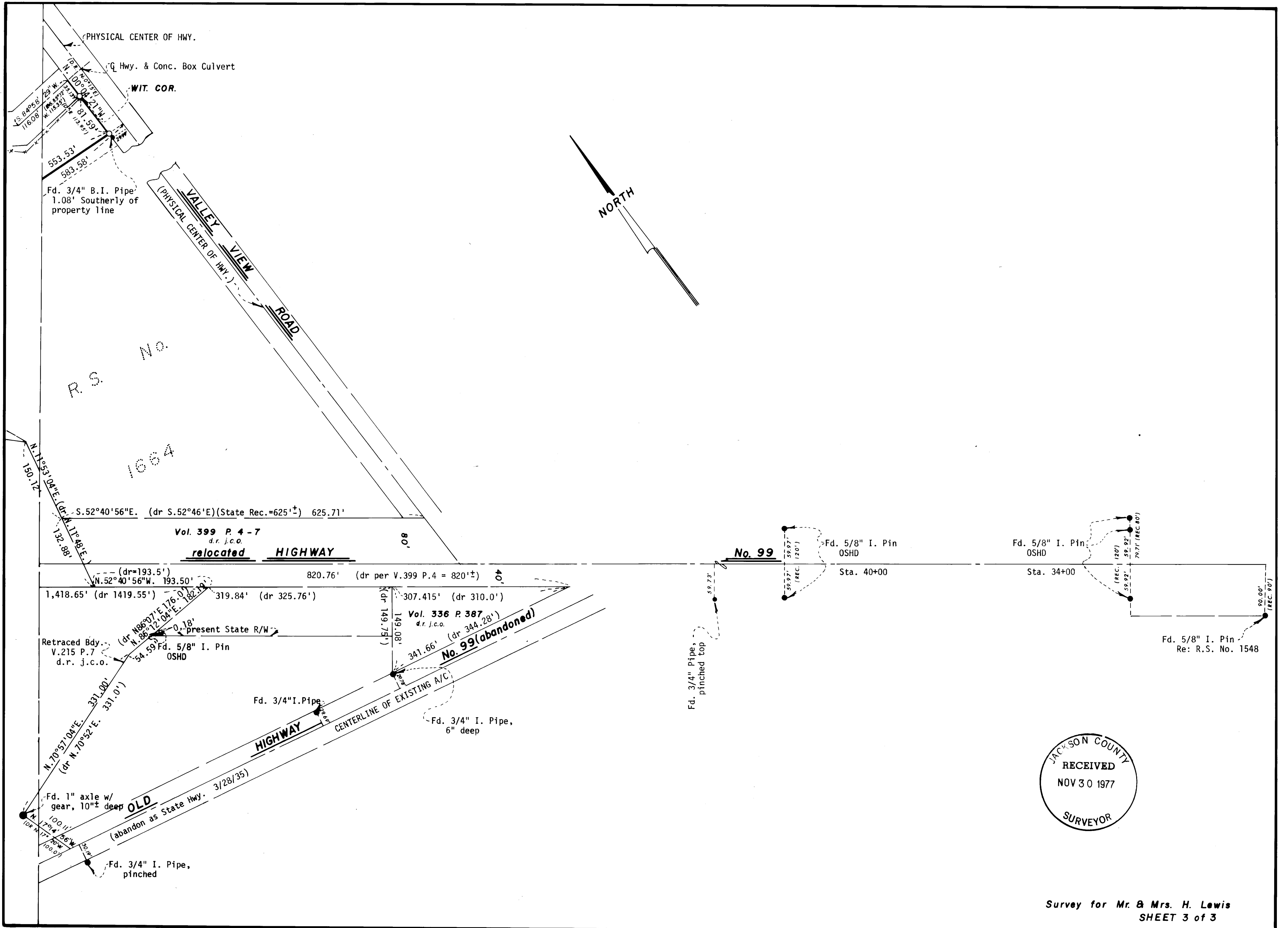
LOCATION: Situated in the North half of Section 31, Township 38 South, Range
1 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE: To survey and monument the Lewis ownership per Volume 412, page 366
and 367 of the Deed Records and Document No. 67-00555 of the Official
Records of Jackson County, Oregon as furnished by the client.

PROCEDURE: Commenced this survey from previously established control in the area.
Proceeded to establish a closed traverse around the subject parcel of
land. Monumentation along relocated Highway No. 99 was tied and combined
with previously tied highway monumentation in order to evaluate the
alignment and remeasured distance in order that a "measurement index
factor" could be established in relation to the state highway distances.
It was found that state measurements were quite substandard in relation
to measurements as established with a Hewlett Packard 3805A distance
meter; therefore, in order to retrace the same station locations as
were established by said Highway Department the "measurement index
factor" was utilized in positioning the stationing along said relocated
Highway No. 99.

The retracement of the "Lewis" ownership Easterly of Donation Land Claim
No. 48 and described Volume 412, page 366 and 367 of the Deed Record
of Jackson County, Oregon, revealed the following facts. The parcel
of land intended to be conveyed to Lewis' was originally described in
Volume 95, page 372 of the Deed Records of Jackson County, Oregon; the
first and second courses of said volume and page are identical to the
next to last and the last courses of Volume 95, page 489 which was
executed some three years prior to Volume 95, page 312 of the Deed
Records of Jackson County, Oregon. Volume 95, page 489 does not close
"mathematically"; therefore, by holding the found monumentation as
called for in Volume 95, page 372, no overlapp of the said two (2)
documents occur. The found pipes as called for in said deed record
were used for control and the Southerly boundary line of Volume 95,
page 372 was intersected with the physical centerline of Valley View
Road (Antelope Road) with the resulting distance being very close to
the distance as called for per said deed record. The Lewis description
terminates on the right of way of Valley View Road and this location
is very close to a found 3/4 inch iron pipe. The final location of the
Lewis boundary line does not conflict with monumentation set on a prior
survey conducted by Surveyor No. 21. The surveys which were conducted
in this general area, on the whole, appear to have been very poorly
executed. The prior ownerships in this area are very complexed and
difficult to retrace. Many calls for "Bear Creek" occurs without adequate
information to retrace said creek at the time of the execution of said
deed conveyences. With the reconstruction of the "relocated Highway
No. 99" taking place in the period of 1952 to 1954, there is obviously
doubt as to the original location of said creek; therefore, where deed
distances called for, will yield a reasonable location to what is now
existing and will verify data as shown on the available highway maps
to some degree, then the deed distances were utilized for said creek
location. Also, Volume 215, page 7 of the Deed Records, is very
frequently used as a control call for adjoiner descriptions; therefore,
a retracement survey was commenced utilizing previous data as well as
monuments set by the State Highway Department to try and locate the





JACKSON COUNTY
 RECEIVED
 NOV 30 1977
 SURVEYOR

Survey for Mr. & Mrs. H. Lewis
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