

APPROVAL: Sam Ferguson 3/18/80
Ashland Planning Commission Date
PA79-40

DEDICATION

MINOR LAND PARTITION

LOCATED IN
NW 1/4 OF SEC. 4, TWP. 39S., R.1E.W.M.
JACKSON COUNTY OREGON
for

Filed for record this the 4 day of April 1980
at 9:56 o'clock A M. and recorded in Volume 3 page 48
of "MINOR LAND PARTITIONS" in Jackson County, Oregon.

HOWARD A. TOLLIVER, JR.
764 OAK STREET
ASHLAND, OREGON 97520

Waldene Terry
County Clerk

Martha Baker
Deputy

KNOW ALL MEN BY THESE PRESENTS that CORA M. KLINGER and TOLLIVER SHEETMETAL WORKS, INC., an Oregon corporation, are the owners in fee simple of the lands shown hereon and designated as Parcels No. 1, 2 and 3, and have caused the partitioning as shown hereon. We do hereby dedicate to the City of Ashland for greenway purposes only, Parcel No. 3 as shown hereon with the following reservations, together with the conditions and agreements to be performed by the City of Ashland:

A) The dedicators retain any and all water rights to which they are entitled, as the same pertains to the lands as shown hereon, along with the right to establish, retain and maintain those points of diversion, ditches, flumes and/or pipelines necessary to enjoy their water rights from Ashland Creek, over, through and across Parcel No. 3 to Parcels No. 1 and 2, but not limited to said Parcels No. 1 and 2;

B) At the time the Ashland Creek Greenway is developed by the City of Ashland, the City will construct foot crossings from the East to the West sides of the creek, on the property hereby dedicated, and will take reasonable steps to properly maintain and keep in an orderly condition the land hereby dedicated to it and to secure the privacy of all adjoining land owners when the greenway is developed and completed. Creek Greenway covered by Parcel No. 3

C) If the portion of the Ashland is not completed and operative within 20 years from the date of the signing of this map, by the dedicators herein, the City of Ashland's interest in said Parcel No. 3 shall terminate, and this dedication shall thereupon be void. The City shall execute whatever legal documents are then necessary, if any, to restore the exclusive fee title in and to the dedicators, their heirs, successors and assigns, free of any claim or interest of the City to said parcel.

Additionally, we do hereby dedicate a "Natural Drainage Way Easement" to the City of Ashland, over and across Parcel No. 2 as shown hereon.

IN WITNESS WHEREOF, Tolliver Sheetmetal Works, Inc., an Oregon corporation, pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by its officer this 25 day of Jan 1980.

Howard A. Tolliver, Jr. President
Howard A. Tolliver, Jr.

STATE OF OREGON ss
County of Jackson

January 25 A.D. 1980
Personally appeared the above named Cora M. Klinger and acknowledged the foregoing instrument to be her voluntary act and deed.
Before me:

Cora M. Klinger
Cora M. Klinger

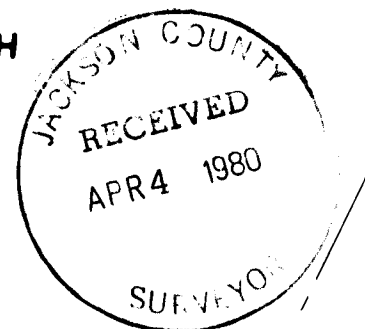
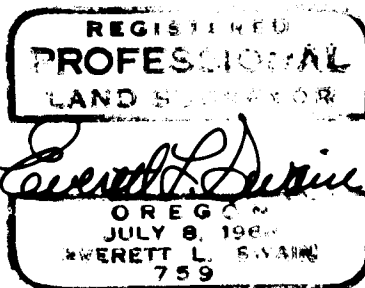
STATE OF OREGON ss
County of Jackson

January 25 A.D. 1980
Personally appeared the above named Howard A. Tolliver, Jr. President of Tolliver Sheetmetal Works, Inc., Oregon corporation and acknowledged the foregoing instrument to be his voluntary act and deed.
Before me:

Winona D. Swain
WINONA D. SWAIN
NOTARY PUBLIC - OREGON
My Commission Expires 6-20-82

Winona D. Swain
6-20-82

Winona D. Swain
Notary Public for Oregon
My Commission expires 6-20-82



NORTH

HELMAN STREET

STREET

OAK

South bdy. of V. 49 P. 385 d.r. j.c.o.

North bdy. of V. 72 P. 502 d.r. j.c.o.

Winona D. Swain
Notary Public for Oregon
My Commission expires 6-20-82

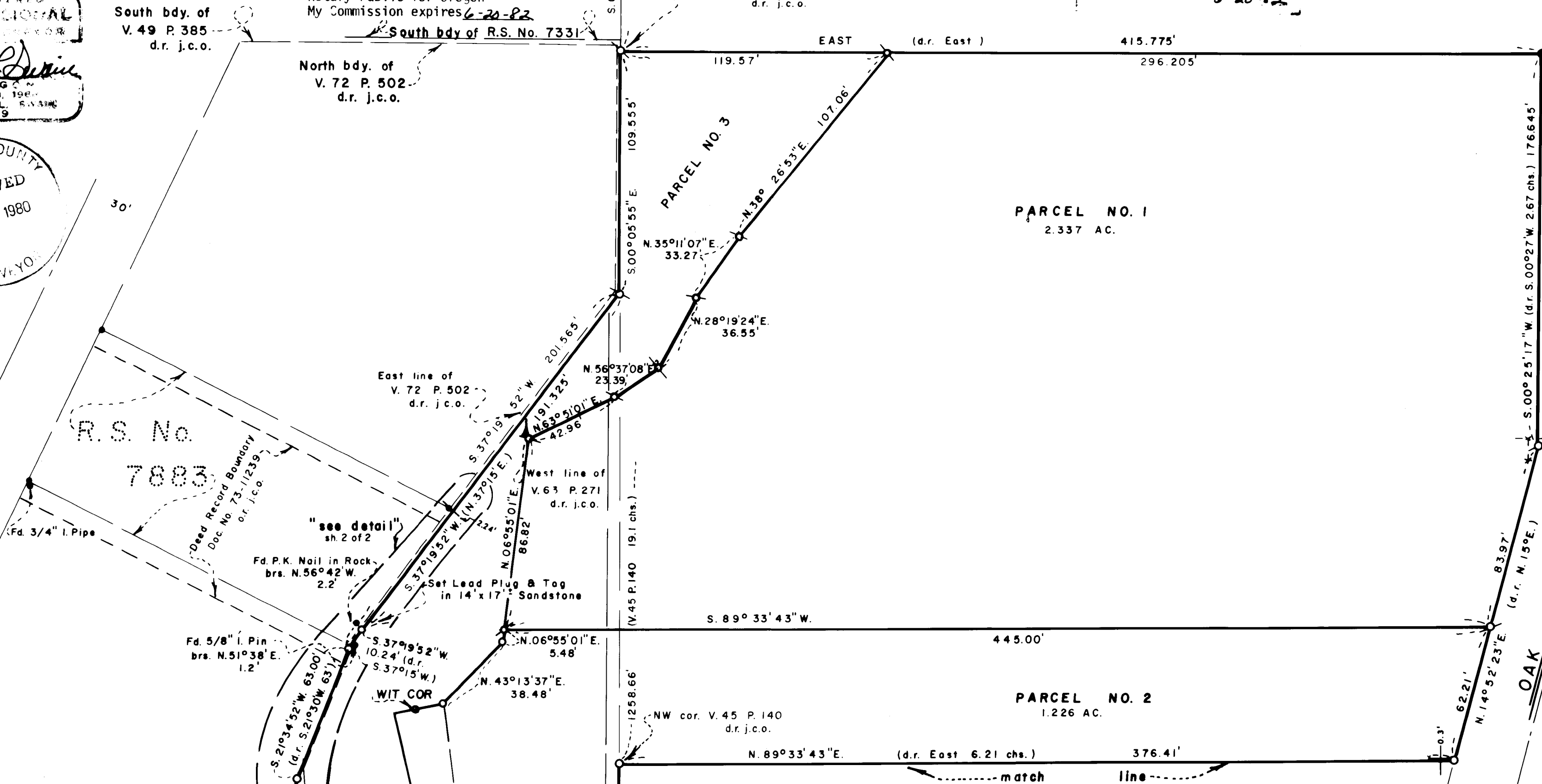
South bdy of R.S. No. 7331

NE cor D.L.C. No. 40
Fd. 2" G.I. Pipe
w/Br. Cap

SW cor V. 58 P. 326
d.r. j.c.o.

Fd. 1. Pipe
w/Br. Disk
in Mon. Case

sq. l. Bar
Re: R.S. No. 4841



SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

SURVEY FOR: Howard A. Tolliver, Jr.
764 Oak Street
Ashland, Oregon 97520

LOCATION: Situated in Donation Land Claims No. 40 and 41 and the Northwest quarter of Section 4, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE: To survey, monument and prepare legal descriptions for the parcels of land as shown hereon, as approved by the City of Ashland Planning Commission, being those original tracts of land as set forth in Volume 479, page 418 of the Deed Records of Jackson County, Oregon.

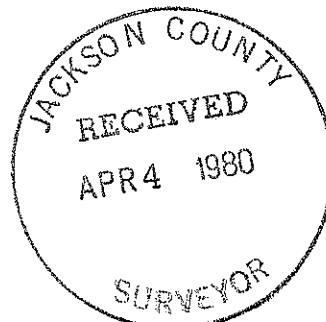
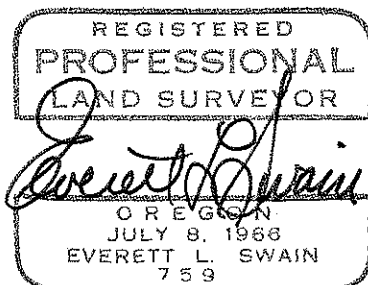
PROCEDURE: From previous control established in the course of several surveys executed within this general area, proceeded to tie monuments set in the establishment of Recorded Surveys No. 6428 and 7883. Other monuments found along the East boundary line of Donation Land Claim No. 40 and the Southerly boundary line of Volume 63 page 271 of the Deed Records were also tied to my control system. It was noted that some previous surveys conducted within the general area of this survey were established from an erroneous East boundary line of Donation Land Claim No. 40. The 2 inch iron pipe used by these various surveys, as the Northeast corner of Donation Land Claim No. 40, is wrong due to the fact that the original Northeast corner of Donation Land Claim No. 40, as set by M. L. McCall, Ashland City Surveyor circ 1888, was found by George Burrell, R.P.L.S. and remonumented with a 2 inch iron pipe with a 3 inch bronze cap.

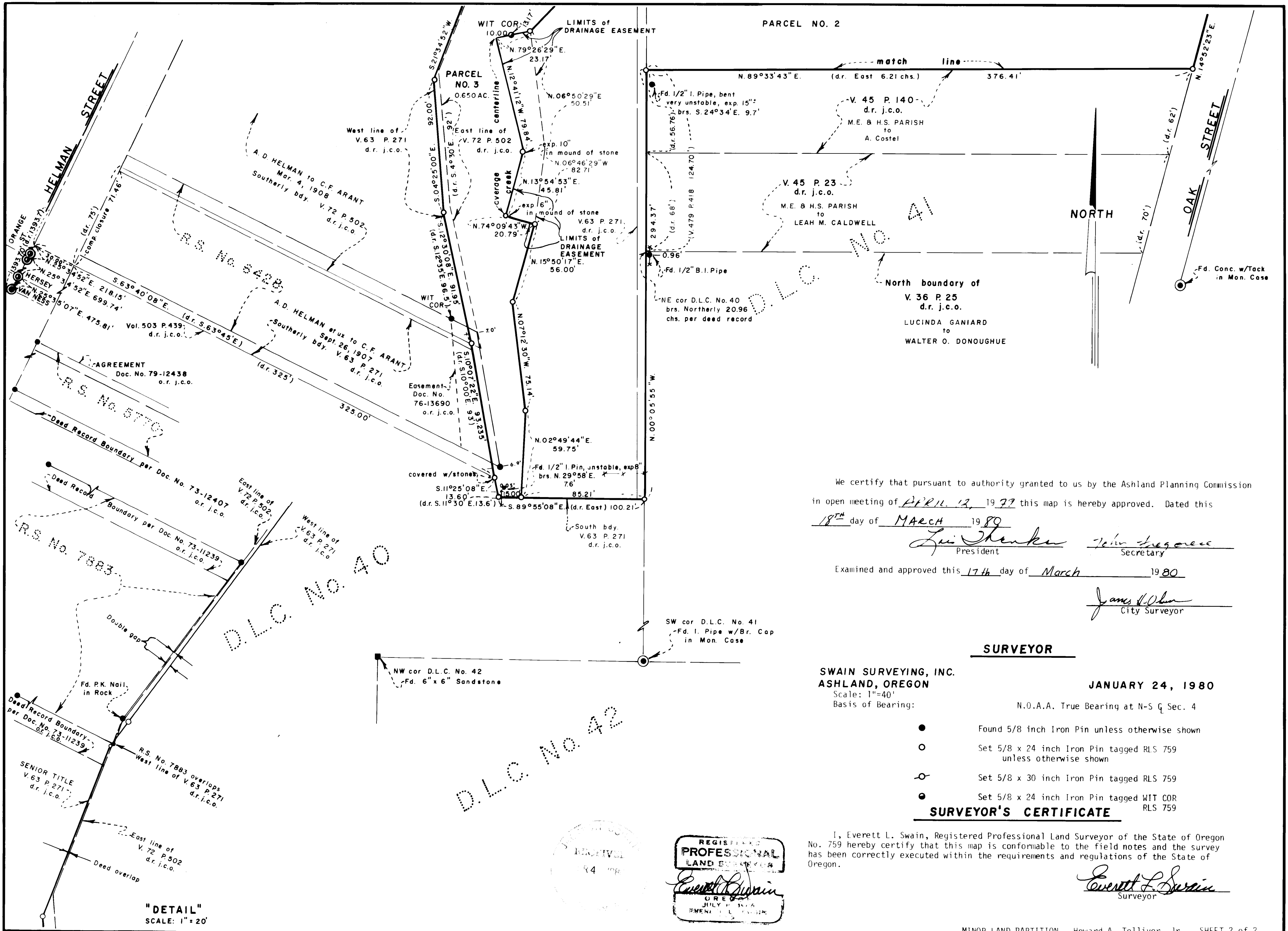
In retracing Parcel I and Parcel II as set forth in Volume 479, page 418 of the deed records, it was found that the East boundary line of Parcel II is not common to the East boundary line of Donation Line Claim No. 40; Therefore, research back to the original ownership of the Helman's was undertaken the deed records controlling these parcel conveyances are shown on the attached map. It appears that Recorded Surveys No. 6428 and 7883 did not attempt to establish the senior title lines in relation to their surveys. Both surveys have created overlaps of my clients property as shown hereon.

The complete review of the chain of title reveals that my client has the senior title lines and the property was monumented accordingly. The relationship of deed lines, surveyed lines and this survey are as set forth on the attached map. The condition of the East boundary line of Parcel II of Volume 479, page 418 of the Deed Records of Jackson County, Oregon not being contiguous to the East boundary line of Donation Land Claim No. 40 was resolved between this surveyor and the landowners by the execution of a "Hold Harmless and Indemnity Agreement". The remainder of the survey is as shown on the accompanying maps.

April 3, 1980

Swain Surveying, Inc.
27 1/2 N. Main Street
Ashland, Oregon 97520





We certify that pursuant to authority granted to us by the Ashland Planning Commission in open meeting of APRIL 13, 1977 this map is hereby approved. Dated this 18th day of MARCH 1980

Liz Shenker President
John Ferguson Secretary

Examined and approved this 17th day of March 1980

James K. Olson
 City Surveyor

SURVEYOR

SWAIN SURVEYING, INC.
 ASHLAND, OREGON
 Scale: 1"=40'
 Basis of Bearing: N.O.A.A. True Bearing at N-S G Sec. 4

JANUARY 24, 1980

- Found 5/8 inch Iron Pin unless otherwise shown
 - Set 5/8 x 24 inch Iron Pin tagged RLS 759 unless otherwise shown
 - Set 5/8 x 30 inch Iron Pin tagged RLS 759
 - Set 5/8 x 24 inch Iron Pin tagged WIT COR RLS 759
- SURVEYOR'S CERTIFICATE**

I, Everett L. Swain, Registered Professional Land Surveyor of the State of Oregon No. 759 hereby certify that this map is conformable to the field notes and the survey has been correctly executed within the requirements and regulations of the State of Oregon.

Everett L. Swain
 Surveyor

