

APPROVAL: Richard W. Wundt 9-18-80
Ashland Planning Commission Date
PA79-146

MAJOR LAND PARTITION

LOCATED IN
NE 1/4 OF SEC. 8, TWP. 39 S., R. 1 E. W.M.
JACKSON COUNTY OREGON
for

Filed for record this the 29 day of October 1980
at 4:30 o'clock P.M. and recorded in Volume 1 page 96
of "MAJOR LAND PARTITIONS" in Jackson County, Oregon

RAOUL MADDOX
96 SCENIC DRIVE
ASHLAND, OREGON 97520

Waldene Terry County Clerk
Betty Key Deputy

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we
Raoul G. Maddox and Astrid Maddox, husband and wife, are the owners in fee simple of the land as shown hereon and
designated as Parcel Nos. 1, 2 and 3 and we have caused the partitioning as shown hereon. That we do hereby dedicate
to the public for street purposes that strip of land shown hereon as "to be dedicated", lying Southerly and South-
easterly of and contiguous to, the Southeasterly right of way of Church Street as shown hereon.

IN WITNESS WHEREOF, we have set our hands and seals this 22 day of August 1980

Raoul G. Maddox Raoul G. Maddox
Astrid Maddox Astrid Maddox

STATE OF OREGON
County of Jackson ss

August 22 A.D. 1980
Personally appeared the above named Raoul G. Maddox and Astrid Maddox, husband and wife, and acknowledged the
foregoing instrument to be their voluntary act and deed.
Before me:

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

We certify that pursuant to authority granted to us by the Ashland Planning
Commission in open meeting of Dec. 13 1979 this map is hereby approved.
Dated this 18th day of Sept 1980.

Lui Shenker President
John Ferguson Secretary

Examined and approved this 15th day of September 1980

Jama H. Olson
City Surveyor

SURVEYOR

SWAIN SURVEYING, INC.
ASHLAND, OREGON

AUGUST 18, 1980

Scale: 1"=50'
Basis of Bearing:

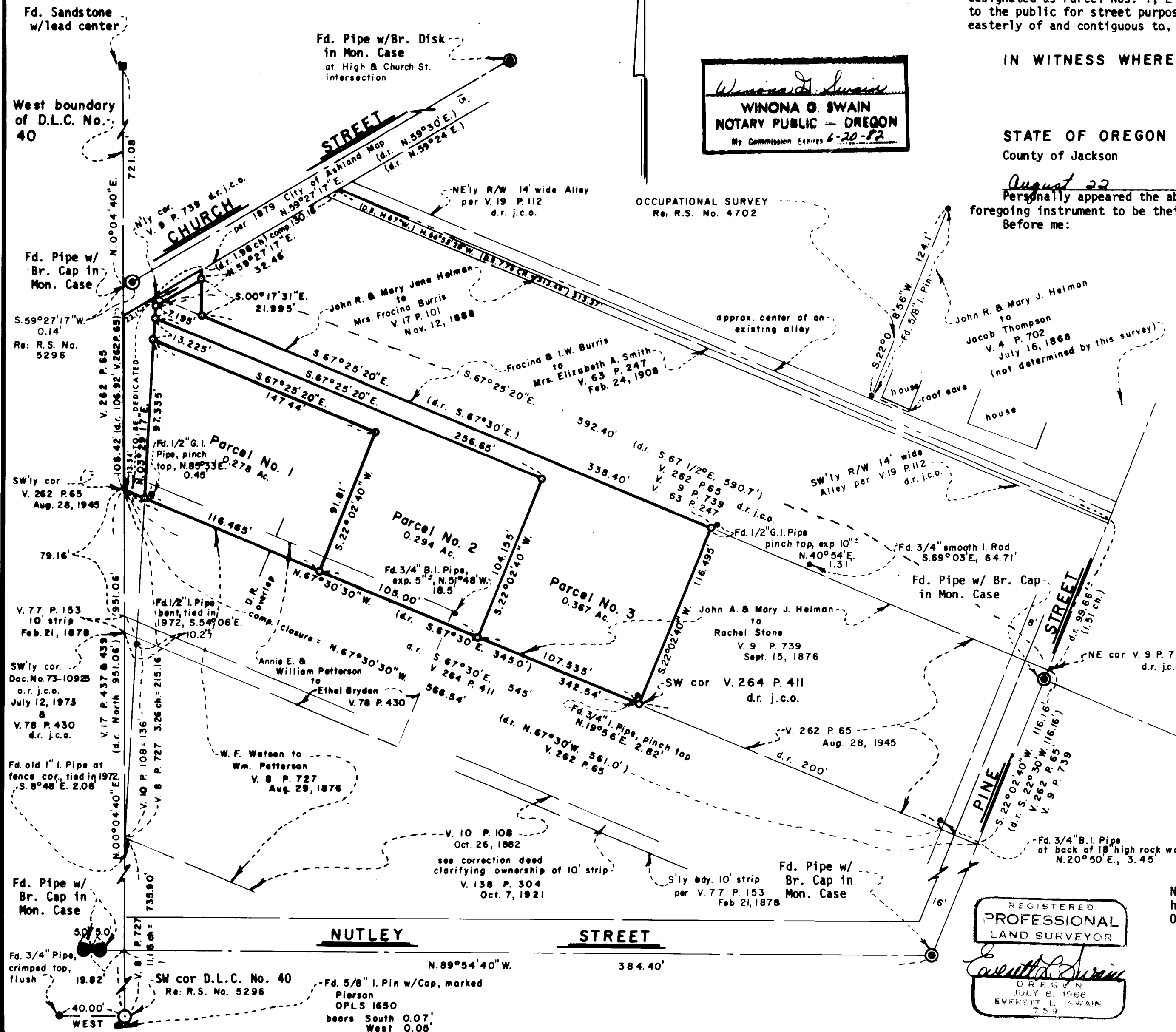
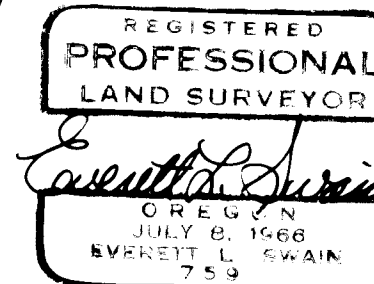
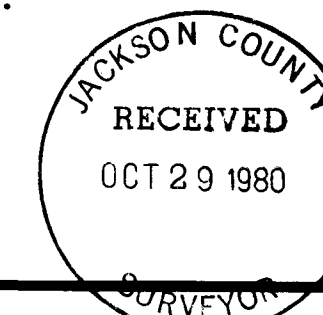
N.O.A.A. True Bearing N-S & Sec. 8

- Found monument as shown
- Set 5/8 x 24 inch Iron Pin tagged 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



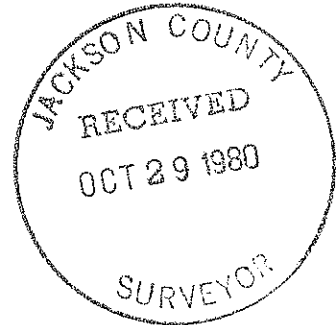
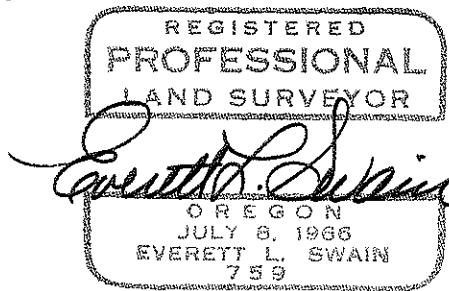
Raoul Maddox
Page 4

harmonize prior surveys and also a lack of proper deed research, as attested to by the establishment of his clients most Northerly boundary line.

Basis of Bearing was derived from the National Oceanic and Atmospheric Administration (formerly Coast & Geodetic Survey) survey net, as established in 1968 and on file in the office of the Jackson County Surveyor.

October 29, 1980

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



No. 779 and 1024. V. Thomas, on Recorded Survey No. 3763, indicated various pipes of Recorded Survey No. 1024 were found and tied by him, with the results being inconsistencies of alignment and distances; therefore they were not used as control for his survey. Recorded Surveys No. 779 and 1024 makes no reference to a pipe 40 feet Westerly of the Southwest corner of Donation Land Claim No. 40, let alone imply that said corner should be re-established Easterly of Mr. Pierson's noted found 1 inch pinch top pipe and holding the latitude parallel to Nutley Street. All recorded surveys reviewed by me would indicate that the Southwest corner of Donation Land Claim No. 40 should be positioned "East" from their point of reference. Mr. Pierson's Southwest corner of Donation Land Claim No. 40 appears to be based upon very questionable facts and procedures.

Mr. Pierson further states as to how he set up Scenic Drive. This is interesting inasmuch as the City of Ashland cannot produce an alignment for Scenic Drive, wherein said street between Nutley and Church Street has ever been dedicated or deeded to the public for public access. There is an apparent prescriptive right of the public in and to the traveled way that is presently improved, but no street of record is known, as far as information supplied by the City of Ashland Engineering Department is concerned. Therefore, I think it is presumptive to imply the establishment or re-establishment of this street.

Further, Mr. Pierson shows along the most Northerly boundary line of his survey, found monuments being out of position with respect to his established boundary line. As stated hereinabove, this property is subordinate to the property immediately to the North and with the property being surveyed by Mr. Pierson calling for the Southerly boundary line of said property immediately to the North I feel a great injustice has been created to both parties receiving surveys, because neither party now knows whose survey is correct.

In reviewing Mr. Pierson's procedures as outlined on his map, he states that he is using a basis of bearing per Recorded Survey No. 4893; However, when reviewing his bearing of the West boundary line of Donation Land Claim No. 40, he is not in the same bearing relationship but leans more toward the bearing as shown on Recorded Survey No. 6105. Surveys No. 4893 and 6105 do not have the same geographical point of orientation for their true bearings. It appears as though these surveys may have been utilized without proper bearing orientation, which would yield erroneous angles in the field.

I have returned to the field, found and tied the monument set by Mr. Pierson for the Southwest corner of Donation Land Claim No. 40, along with the 3/4 inch crimped top pipe found Westerly thereof, by myself, back in September 1971. My own retie checks my previous 1971 tie and computed location of the Southwest corner of Donation Land Claim No. 40, within 0.01 foot.

The Southwest corner of Donation Land Claim No. 40 was shown, as derived by me, from the evaluation of the entire retracement of the outer boundary lines of Donation Land Claim No. 40, on Recorded Survey No. 5296. Apparently Mr. Pierson has completely ignored this survey, in his evaluation, as it has not been mentioned in his survey narrative. When reviewing the contents of this survey, by Mr. Pierson, it leaves doubt in one's mind.

The purpose for the scrutinizing of Mr. Pierson's survey is to put the public aware of my views as I perceive them, because I feel there is a lack of concentrated effort by Mr. Pierson to properly

Raoul Maddox
Page 2

locations and deed distances, as recited in Volume 264, page 411 of the Deed Records of Jackson County, Oregon, would point toward the fact that a right of way width of 24 feet was in fact utilized; Therefore, the Southeasterly boundary line of this property was established accordingly. The property to the Southwest and adjacent to the West line of Donation Land Claim No. 40, as sold by Annie E. and William Patterson to Ethel Bryden and recorded in Volume 78, page 430 creates an overlap of the senior title line of my client's property.

The present owners of the property referred to in Volume 78, page 430 have been limited by the subsequent deed call for the Southwesterly boundary line of Volume 262, page 65 of the Deed Records; Therefore, the deed distance which created the overlap has been made subordinate to the adjoiner call in the present deed.

The property to the South of my clients property should be closed upon and be common to said Southwesterly boundary line of Volume 9 page 739 of the Deed Records. Additional details have been shown on the accompanying map.

It is interesting to note that John S. Pierson, Registered Land Surveyor, conducted a survey for the property owner immediately to the South and I would like to take this time to make the following observations and comments about Mr. Pierson's survey and narrative. Mr. Pierson states in his narrative that he used a pipe, "as shown on Recorded Survey No. 3763, by V. Thomas, purported to have been set by L.E. Ager (deceased O.R.L.S. 21 and also shown on Recorded Survey No. 4620, by E. L. Swain" to establish the Southwest corner of Donation Land Claim No. 40. Recorded Survey No. 3763, by V. Thomas, shows a found 1/2 inch pipe on the Westerly right of way of Scenic Avenue, Southerly of Nutley Street. The narrative of Recorded Survey No. 3763 states that this 1/2 inch pipe was purported to have been set 40.0 feet West of the Iron pipe at the Southwest corner of Donation Land Claim No. 40, as reported by Recorded Survey 1024 and 779. In reviewing Recorded Surveys No. 1024 and 779 I find no reference to this 1/2 inch iron pipe on either the survey map or narrative. As far as the monument on Recorded Survey No. 4620 is concerned, it differs inasmuch as it is called a "Fd 3/4 inch crimped iron pipe". This 3/4 inch pipe was subsequently correlated with a retracement of the outer boundary of Donation Land Claim No. 40, by me, to evaluate its position in relation to the theoretical position of said Southwest corner of Donation Land Claim No. 40, as reported by others.

Mr. Pierson shows on the face of his Recorded Survey No. 8539 finding a 1 inch pinched top pipe 40.00 Westerly of said Southwest corner of Donation Land Claim No. 40. I submit that an apparent discrepancy exist as there seems to be three (3) different sizes of pipes found, with Mr. Pierson claiming that both V. Thomas and myself had this same corner. It may well be the same pipe location, but doubt is the order of the day.

Mr. Pierson further states that in talking with me that I agreed with Recorded Survey No. 3763, that the pipe as shown by Recorded Survey No. 3763 was indeed Ager's. This I did not say. First of all the pipe I found was not the same size in diameter as called for on Recorded Survey 3763. Second, Recorded Survey No. 3763 refers to Recorded Surveys No. 779 and 1024 as supplemental evidence to the found 1/2 inch pipe. As hereinabove set forth, I find nothing to support this statement. Therefore, for me to have made this statement, as Mr. Pierson implies, is utter nonsense.

Mr. Pierson goes on to say that he set the Southwest corner of Donation Land Claim No. 40 with reference to Recorded Surveys

SURVEY NO. 8567

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

SURVEY FOR: Raoul Maddox
96 Scenic Drive
Ashland, Oregon 97520

LOCATION: Situated in Donation Land Claim No. 40 and the Northeast quarter of Section 8 in Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE: To survey, monument and prepare legal descriptions for those parcels of land designated as Parcels No. 1, 2 and 3 as shown on the accompanying map.

PROCEDURE: On site investigation was undertaken to locate any old monuments and improvements, such as fences, buildings, etc. in order to try and evaluate the past events as they pertain to boundary line locations. Old iron pipes were found and tied to my control traverse as well as various house locations, the physical center of an unimproved alley and fence lines in the immediate area. Numerous surveys have been made throughout this immediate area which gave me some idea of the magnitude of the problems that exist within the general area. After doing vast research on the properties surrounding the subject property, a search of the City of Ashland records revealed that M. L. McCall had made a multi lot survey between Nutley and Church Street around February, 1877. Re: McCall Field Book No. 2 page 29-34. Also, Frank Walker had conducted a survey within the area of concern around May 28 thru 30, 1940. Re: Field Book 'V' In evaluating Walker's survey it appears that Pine Street was utilized as the basis of control. Due to the fact that deed history shows so many variables, in terms of the bearing assigned to said street, it was felt that to retrace the original intended location of said property, one would have to go back to the location of the West line of Donation Land Claim No. 40, as this appears to be the basis of M. L. McCall's survey. It becomes apparent in the deeds of record that the property as sold by John A. and Mary J. Helman to Rachel Stone in September 15, 1876 and recorded in Volume 9, page 739 of the Deed Records of Jackson County, Oregon, became and is, the controlling parcel of land as far as this survey is concerned. To further verify this retraced location the physical center of an alley, two (2) houses adjacent to said alley and Pine Street were tied to the control traverse. The evaluation of said parcels of land and the record location of said alley, when computed and evaluated to the existing locations, fit very well. At this time it should be pointed out that although the City of Ashland's officially adopted Map of 1888 shows Church Street as being 40 feet in width, there is nothing to substantiate that any land was deeded for street widening beyond the right of way as shown on the City of Ashland 1879 map. The deed record distances are very close to the retraced measurements from the Southwest corner of Donation Land Claim No. 40 to the Southerly right of way of Church Street, utilizing the existing monumentation of Church Street and the right of way width of the hereinabove referred to 1879 city map.

It appears that the Southwest corner of Volume 264, page 411 was established by holding the Westerly right of way of Pine Street 24 feet, Northwesterly of and normal to said street centerline, then proceeding Northwesterly the deed distance of 200 feet. There is nothing to show that the additional 8 feet along the Northwesterly side of Pine Street was ever deeded to the public for street purposes. However, various unrecorded monuments, fence

39 1E 8 AD