

MINOR LAND PARTITION

APPROVAL:
Richard J. Woodhead 9-28-80
Ashland Planning Commission Date
PA79-88

LOCATED IN
A PORTION OF LOT 33 OF BELLEVUE TRACT
IN SE 1/4 OF SEC. 15, TWP. 39S., R. 1 E.W.M.
JACKSON COUNTY OREGON

Filed for record this the 14th day of November 1980
at 4:07 o'clock P M. and recorded in Volume 3 page 77
of "MINOR LAND PARTITIONS" in Jackson County, Oregon.

for
REX SHEPHERD
1565 LILAC CIRCLE
ASHLAND, OREGON 97520

Walter Terry County Clerk
Pauline M. Cormack Deputy

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we Rex Shepherd and Judy Shepherd, husband and wife, are the owners in fee simple of the land designated hereon as Parcels No. 1 and 2 and we have caused the partitioning as shown hereon. We do hereby dedicate to the City of Ashland a 10 foot public utility easement, Southerly of and contiguous to the Northerly boundary line of Parcels No. 1 and 2 as shown hereon.

IN WITNESS WHEREOF, we have set our hands and seals this 12 day of September 1980

Rex Shepherd Rex Shepherd
Judy Shepherd Judy Shepherd

STATE OF OREGON

County of Jackson ss

September 12 A.D. 1980

Personally appeared the above named Rex Shepherd and Judy Shepherd, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.
Before me:

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

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

Sept 13 1979 this map is hereby approved. Dated this 28th day of Sept 1980.

Lain Shenko President
John Ferguson Secretary

Examined and approved this 17th day of September 1980

Janet H. Olson
City Surveyor

SURVEYOR

SWAIN SURVEYING, INC.
ASHLAND, OREGON

SEPTEMBER 11, 1980

Scale: 1"=50'
Basis of Bearing:

N.O.A.A. True Bearing N-S of Sec. 15

- Found monument as shown
- Set 5/8 x 24 inch Iron Pin tagged RLS 759

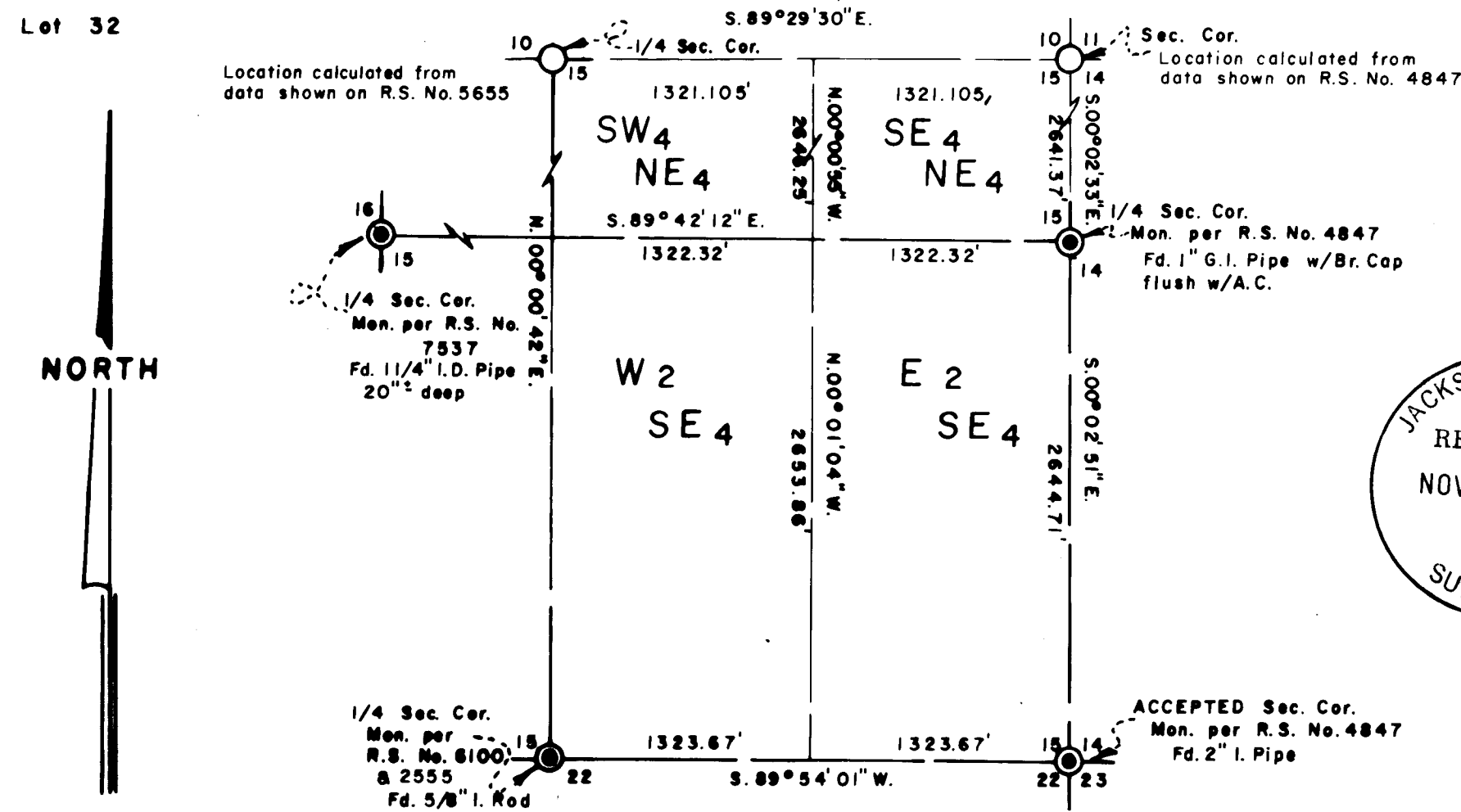
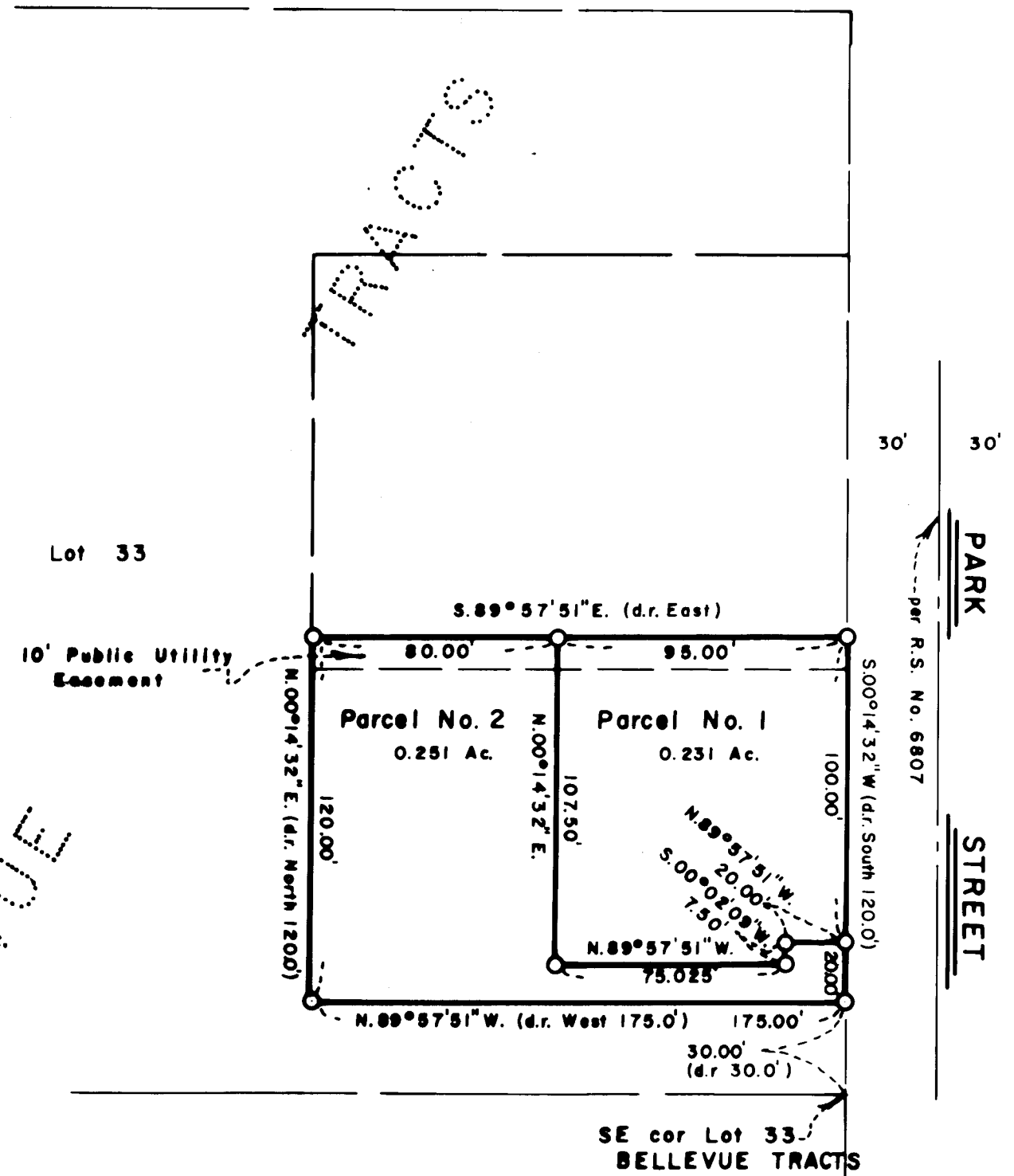
SURVEYOR'S CERTIFICATE

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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Everett L. Swain
OREGON
JULY 8, 1966
EVERETT L. SWAIN
759

Everett L. Swain
Surveyor

SHEET 1 of 2



JACKSON COUNTY
RECEIVED
NOV 19 1980
SURVEYOR

Scale: 1" = 800'

corner and quarter section corner monuments, as shown on this survey of mine, have been accepted by at least two (2) registered surveyors as being the best known and available evidence to these corner positions. Therefore, it is viewed by me that with no evidence as to the origin of this 7/8 inch pin per Recorded Survey No. 4033 (3/4 inch iron rod this survey) it will have to yield to the call of the Southwest corner to the Southeast quarter of the Southeast quarter of Section 15. (Note: This pin in question may not be of an 1888 vintage and may have been set by persons other than surveyors; Therefore, having little control other than location for possible adverse possession.)

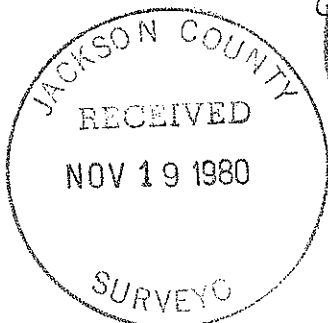
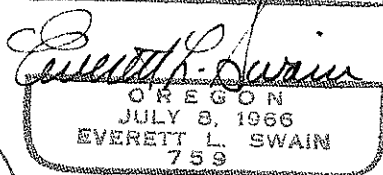
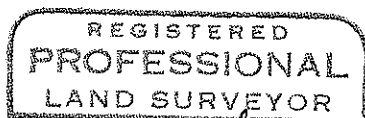
This brings us down to the location of Park Street as shown on this survey. Monuments along both sides of Park Street were recovered during the execution of Recorded Survey No. 4571 between the found initial point of NORWOOD SUBDIVISION, as now recorded and Siskiyou Boulevard. The resulting alignment, which is an equitable mean of the monuments found at that time, is shown extended Southerly to the section line common to Sections 15 and 22, said Township and Range and the resulting offsets to the monuments found. I believe, in view of the fact that the original plat of Bellevue Tract is so mathematically in error, this solution is more reasonable than utilizing a proportion location at the Southerly end of Park Street and then holding a found monument at the Northerly end of Park Street (at Siskiyou Boulevard) to control the North-South alignment of said street. As heretofore related, the found 3/4 inch iron rod (7/8 inch pin per Recorded Survey No. 4033) in the vicinity of the Southwest corner of Bellevue Tract, has no origin or history to support its location. (Reference to Recorded Survey No. 6301) In view of the circumstances surrounding this entire area, pertaining to the accuracy of previous surveys, decisions by surveyors as to what should or should not control in the way of found monumentation and the very fact the plat of the original Bellevue Tract is so mathematically in error, renders any survey within the Bellevue Tract very difficult at the best. I believe that in many cases where the deed record makes reference to the lots within the Bellevue Tract or possibly the outer boundary the interest of the client would probably be best served by surveying the lines of occupation and then clearing said lines by Boundary Line Agreements or a Suit to Quiet Title. However, only time will tell to what extent land boundary problems will emerge and to what magnitude they will be.

This survey has now completed, the control work which allows the total retracement of the outer boundary lines of the Bellevue Tract. The results of this survey is as shown on the accompanying map. Ultimately there will be additional information filed on Section 15 after the survey which is presently underway and West of this survey, is completed.

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.

November 17, 1980

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



SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

SURVEY FOR: Rex Shepherd
1565 Lilac Circle
Ashland, Oregon 97520

LOCATION: Situated in a portion of Lot 33 of the Bellevue Tract in the Southeast quarter of Section 15, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

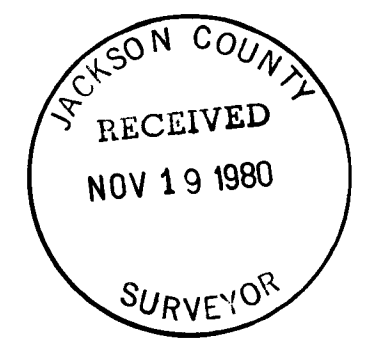
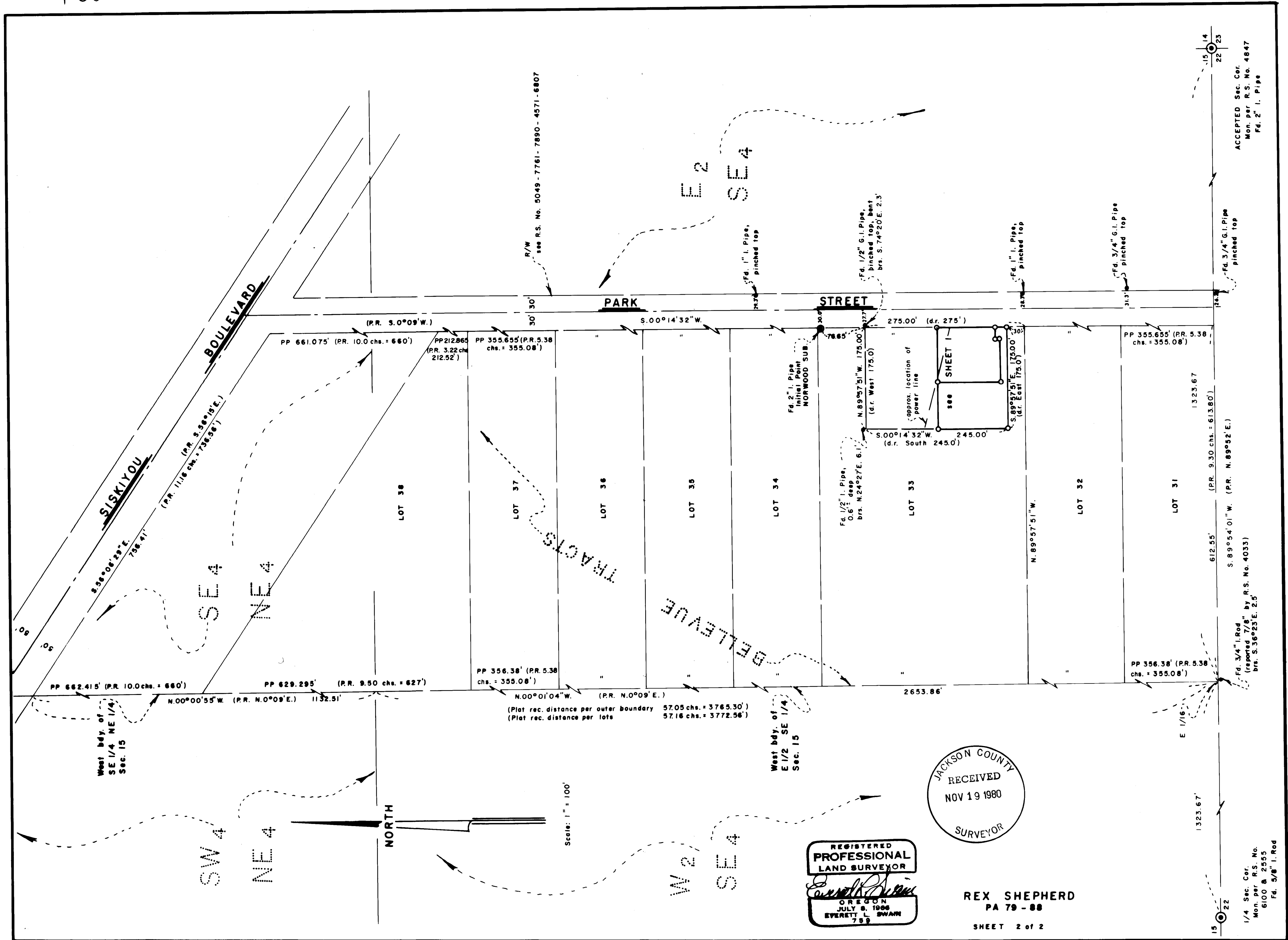
PURPOSE: To survey, monument and prepare legal descriptions for the parcel of land as shown on the accompanying map per the clients request.

PROCEDURE: This information was taken, in part, from a control traverse initiated for another survey which is still in progress.

Bellevue Tract was platted around the year 1888. In reading the outer boundary description for said subdivision, it is apparent that a legal subdivision of Section 15 would be necessary in order to establish the Westerly boundary line of Bellevue Tract, as recorded. Therefore, Section 15 was subdivided by utilizing calculated positions for the North quarter corner and the Northeast section corner, as these physical positions were obliterated by the re-construction of Highway No. 66 (Green Springs Highway). Recorded Surveys No. 4847, 5655 and 7537 were utilized as references for these section and quarter section corner computed locations. There is a replacement monument, by the County Surveyor, at the reported location of the Northeast corner of Section 15; However, I do not agree with its location in respect to the original location of the 7/8 inch drill steel, as shown on Recorded Survey No. 4847. This survey utilizes the computed location of the 7/8 inch drill steel for section corner control. Now with Section 15 being subdivided, the East sixteenth section corner common to Sections 15 and 22 was computed. This computed corner location was compared to a found 3/4 inch iron rod (reported by Surveys No. 4033 and 6301 to be a 7/8 inch pin) found in the very close proximity of said sixteenth corner. Recorded Survey No. 4033 indicates and I quote "that recorded subdivisions, as monumented, should control the lot boundaries unless they have overlapped their ownership.

Additional ties to old monuments set previous to the Ager Subdivisions and further records research might develop the legal positions for the lots in BELLEVUE, but it should be pointed out that gross mathematical errors appear on the original plat, that make an acceptable solution extremely difficult" end of quote.

I agree, in part, with the written narrative of Recorded Survey No. 4033; However, as Recorded Survey No. 4033 only shows finding a "7/8 inch pin in fence corner", with no explanation as to its origin or history and with the Bellevue Tract calling for the Southwest corner to the Southeast quarter of the Southeast quarter of Section 15, it appears to me that with the doubt bestowed upon some of the controlling corners of Section 15 by Recorded Survey No. 4033, it would be extremely difficult to say this found 7/8 inch pin was the East sixteenth corner of Section 15 or in fact it is a controlling monument, as was set for the Southwest corner of the Bellevue Tract in the year 1888. Many section and quarter section corners of Section 15 are possibly re-established from evidence other than original government bearing trees or references. However, the section



REGISTERED PROFESSIONAL LAND SURVEYOR
Everett L. Swann
 OREGON
 JULY 6, 1966
 EVERETT L. SWANN
 759

REX SHEPHERD
 PA 79 - 88
 SHEET 2 of 2

1/4 Sec. Cor.
 Mon. per R.S. No.
 6100 & 2555
 Fd. 5/8" I. Rod

ACCEPTED Sec. Cor.
 Mon. per R.S. No. 4847
 Fd. 2" I. Pipe