

NARRATIVE TO ACCOMPANY A CENTERLINE SURVEY OF  
NORTH BROADWAY STREET  
CITY OF ROGUE RIVER, OREGON  
FROM FOURTH STREET, NORTH TO THE CITY LIMITS LINE

PURPOSE: To ascertain a position of the forty foot right-of-way of North Broadway Street in the City of Rogue River which can be recognized and adopted by the City of Rogue River as its final position.

PROBLEM: Prior centerline locations have not necessarily represented either the as-built location of the street, especially at the northerly end, nor have they represented some of the older lines of occupation apparent along the street. With these thoughts in mind, the City of Rogue River formally requested the Jackson County Surveyor to establish a City centerline location which could be adopted by the City of Rogue River to alleviate the following:

- 1- The City wishes to seek State aid in the reconstruction of North Broadway and expects problems due to its location from adjoiningers, and,
- 2- The City wishes to adopt a location to take to the adjoiningers for final resolve to halt unrest and bickering about its position, conditions which could cause harm to the City in applying for State Street Construction Aid, and
- 3- The City wishes to formalize the findings and location by the Jackson County Surveyor through due process, which has not been completed in the past.

HISTORY: Broadway Street was dedicated in two subdivision plats. The earlier plat, containing that portion of Broadway lying South of Second Street (now Fourth Street) was dedicated in Carner and Sabins Addition to Woodville, now the City of Rogue River, by a plat recorded June 5, 1910 and filed in Plat Book 2, Page 11, official records of Jackson County, Oregon. Right-of-way for Broadway Street, eighty (80) feet in width.

The later plat, containing that portion of North Broadway lying North of Second Street (now Fourth Street) was dedicated in the plat of Carner and Sabins Second Addition to Woodville, now the City of Rogue River, recorded April 5, 1911, filed in Plat Book 3, Page 33, Official Records of Jackson County. Right-of-way for North Broadway Street, forty (40) feet in width.

8806

COPIES SENT TO:

Boyden Surveying  
George Burrell  
Harold Center  
Darrel Edwards  
Flatebo & Associates  
Friar & Moffit  
Hoffbuhr Surveying  
Charles Hurst  
Marquess & Associates  
McGinty Surveying  
John Pierson  
Keith Smith  
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Art Rambo  
Malcom Clark  
Robert Mason  
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Richard Templin  
Robert Thompson  
Robert Wiegand

OFFICE OF THE  
SURVEYOR



8806

EDWARD A. MCGINTY  
REGISTERED SURVEYOR NO. 301

JACKSON COUNTY COURTHOUSE  
ROOM 305  
MEDFORD, OREGON  
97501  
March 24, 1981

TO: All Land Surveyors Practicing in Jackson County and Josephine County

RE: North Broadway Street, City of Rogue River

The City of Rogue River has requested my office to conduct a field survey to locate or relocate, for official City adoption, a center line of North Broadway Street lying northerly of Fourth Street, dedicated in Carner and Sabins Second Addition to Woodville. The purpose of the survey is:

To alleviate citizen and adjoiner bickering over the present location, and,  
To recognize, by applicable City action, an official centerline location.

A centerline was located by Recorded Survey No. 899 and 915 in 1956 but as near as we can determine, this location was not officially adopted.

Our office is nearing completion of the survey showing our proposed relocation of the centerline which would affect, unfortunately, a number of recorded surveys. In order to evaluate all available evidence, we solicit your assistance to furnish such evidence, unbeknownst to our office, which may be supportive of your survey and the street's location, in a location other than as was originally proposed.

I would appreciate your reply by April 6, 1981. I will meet with you in person, or by phone, at your convenience.

Thank you for your assistance with this matter.

Yours truly,

Edward A. McGinty  
County Surveyor

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Regular Council Meeting  
August 28, 1980 - Page 2

Voice Vote: carried unanimously.

Mayor Iles read Ordinance #341 twice by title.

Lenhart/Zash ..... moved to adopt Ordinance #341.

Voice Vote: carried unanimously.

RESOLUTION #341: (corrected to #321) A Resolution submitting an advisory question of whether the City Council and Budget Committee should provide for a five person Police Department to the voters on November 4, 1980.

Lenhart/Classick ..... moved for approval of Resolution #321.

Voice Vote: carried unanimously.

ORDINANCE #322: (corrected to #342) An Ordinance for the purpose of submitting to the voters of the City on November 4, 1980, a measure calling for an amendment and revision of the 1937 City Charter, to provide for the allocation and reservation of water and sewer department funds.

Lenhart/Steinhardt ..... moved for adoption of Ordinance #342 with the emergency clause. Mrs. Classick asked if the City could still borrow from the water & sewer funds if this Ordinance is enacted.

Attorney John Hanson explained that all revenue derived from the Water Department and the Sewer Department will be put into a fund for each department and that those funds cannot be borrowed or used for anything but solely for the Water Department and Sewer Department. Any Administrative expenses reasonably related to handling of the water and sewer funds may be taken out of those funds.

Voice Vote: carried unanimously.

Mayor Iles read Ordinance #342 twice by title.

Lenhart/Steinhardt ..... moved to adopt Ordinance #342 with the emergency clause.

Voice Vote: carried unanimously.

ESTABLISH CENTER LINE ON UPPER BROADWAY: Joe Zash explained that the County had surveyed Broadway and found some discrepancies as to the true center line. With approval of the Council to establish a new City center line, the County could then proceed with an in depth study of a new center line for Council adoption at a later date.

Miller/Classick ..... moved to authorize the County to survey upper Broadway.

Voice Vote: 4 ayes, 0 nays, Joe Zash abstained.

OTHER BUSINESS:

PLANNING COMMISSION RECOMMENDATION: The Planning Commission suggested that the Hearings Board be abolished and that the Planning Commission take over their duties. A measure like this requires an Ordinance. It was decided to work on an Ordinance at a workshop.

THANK YOU: Recorder, Carol Riker, was requested by Mr. Hageman to thank the Council for their action on the rubbish build up at the house on Broadway.

GAMBLING ORDINANCE: Council discussed the Gambling Ordinance that will be on the ballot on September 16, 1980, which was written by an attorney in the City. Mayor Iles suggested that the City send out a fact sheet explaining our present Ordinance

8806

*City of Rogue River*

P. O. Box Q  
Rogue River, Oregon 97537  
(503) 582-3482



September 22, 1980

Jackson County Surveyors Office  
Jackson County Courthouse  
Medford, Oregon 97501

Mr. Wiggins:

Enclosed please find a copy of the Minutes of the August 28, 1980, Rogue River City Council Meeting, granting approval to Jackson County, to survey upper Broadway and establish a new City, center line.

Respectfully,

*Carol Riker*

Carol Riker - City Recorder

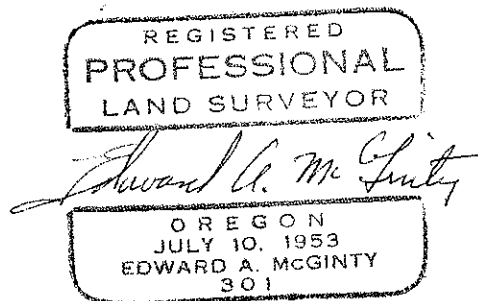
Atten: Mr. Wiggins

With the above monuments controlling the Easterly right-of-way, computations of the exterior boundary and the lots checked closer to the plat record on both sides of the Street.

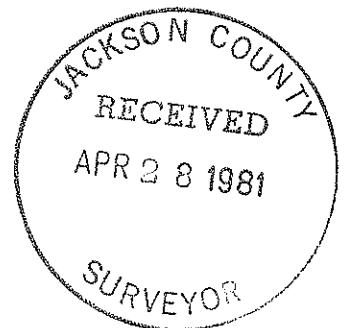
The 1911 plat of Carner and Sabins Second Addition to Woodville does not make any calls to the West Quarter Corner of Section 15, T36S,R4W. An allowance for a 20 foot road (one side) apparently is indicated on this plat, this being Pine Street.

The continuing use of the previous proposed centerline, can lead to serious problems or legal complications. The City's inaction to show some equitable remedy over a period of years can be frequently interpreted as acceptance, thusly, it may create a liability to the City. I recommend that legal counsel be consulted as to the best remedy to effect the least liability on acceptance.

A notification letter was sent to local surveyors in Jackson and Josephine Countys who may have made surveys along North Broadway or who may be in progress of making a survey along North Broadway, requesting them to advise us of their reasoning for using the past street alignment, and any additional evidence they may have acquired which may be unknown to my office.



Edward A. McGinty  
County Surveyor



Attachments:

- Copy of City of Rogue River letter and Council Meeting Minutes.
- Copy of Notification letter to Surveyors.
- Copy of Narratives, Recorded Surveys No. 899 and 915.

granting a variance on this lot in order to alleviate a possible legal dispute. Also all other or as many as possible adjoining owners quit claim to the City.

Four old 3/4 inch iron pipes set on prior parcel surveys, were found along the easterly side of North Broadway, which bear approximately as follows from the intersection of the Easterly right-of-way line of North Broadway and the centerline of Fourth Street:

- I.P. 1- At a distance of 20.03 feet Northerly
- I.P. 2- At a distance of 219.57 feet Northerly
- I.P. 3- At a distance of 1263.48 feet Northerly
- I.P. 4- At a distance of 1877.55 feet Northerly

A study of the numerous records of parcel surveys in this area shows:

- I.P. 1- Set by Plumb in Recorded Survey No. 6741. It lies 0.13 West of our projected right-of-way line.
- I.P. 2- Monument found by this office and used as control for this survey. It lies 0.63 West of our projected right-of-way line.
- I.P. 3- Is purported by private, personel survey records of Edward A. McGinty, P.L.S., on a house certification survey, made in June, 1961, to be the Southwest corner of a tract as described in Deed Volume 494, Page 385, dated 1961; this point checks within 0.03 foot by the June 1961 survey with a found iron pin marking the Southeast corner of the same tract. This pipe was found 4" deep, undisturbed under shrubbery. It lies on our projected right-of-way line, and is a controlling monument.
- I.P. 4- Is purported on Recorded Survey No. 7724 by Max Hull, P.L.S., to be a monument set by Buntz in 1946-1948, on the East right-of-way line of North Broadway and to mark the Southwest corner of Lot 10, Block 4, Carner & Sabin's Second Addition. The pipe was found exposed 15", surrounded by a ring of stone, bent but firm in the point of entry into the ground well defined. Found to be 1.08 feet East of our projected East right-of-way line of North Broadway.

- 2- That the distance to the West line of the Section 15 as now resurveyed is in close harmony with this deed and with the official plat of the Carner and Sabin Second Addition.
- 3- That the occupation of nearby adjoiners were in conformance with this deed.

On the October 1978 survey, Survey No. 7506, the narrative questions the validity of the 1956 proposed centerline on North Broadway and its adverse effects of property ownership.

The March 1979 survey, Survey No. 7724, disputes or questions the validity of the 1956 proposed centerline of North Broadway as it would apparently adversely affect the clients property approximately 10.0 feet.

#### PROCEDURE FOR DETERMINING THE CITY CENTERLINE:

The establishment of a city centerline in its exact and original position is somewhat remote. However, after due consideration of various procedures, the most probable location of this street should be determined by a combination of the best evidence now available, and this location as surveyed which is near or at the original location of North Broadway and is in or near harmony with:

- 1- The original plat of Carner and Sabins Second Addition.
- 2- The older occupation by adjoiners.
- 3- Some older deed records.
- 4- Older surveys of unknown origin.
- 5- Does not affect seriously old adjoiners (except Lot 1 Block 1 Stiehl's Subdivision) and a number of surveyors or adjoiners who relied on the proposed location.

I recommend that the City of Rogue River hereby adopt this location as the official City centerline, I further recommend all concerned adjoiners specifically state their objections or their acceptance for adoption.

As near as can be determined, the city has not officially established or adopted the previous surveyed centerline, however, by the city's actions, it has unknowingly accepted Stiehl's subdivision which appears to overlap Broadway and it is recommended that quit claims from the owners of Lot 1 of Block 1 in said subdivision on that portion which appears to overlap in Broadway as now located and the City consider



In 1956 two surveys were performed by Mark Boyden; Survey No. 899 and 915. Survey No. 899, expressed some doubt as to the location of North Broadway as he lacked recovery of recognized original corners, also that the location of North Broadway, as proposed, was dependent on the City's adoption of it. Also, this survey was anchored to the actual tie to the quarter corner as re-established by Boyden at the same time.

Survey No. 915, as shown, was proposed to the City of Rogue River for its adoption. Some of the adjoining property owners abutting the West side of the proposed alignment seriously objected because:

- 1- This location adversely affected their property.
- 2- This did not conform to the previous line.

Apparently, the City refused to accept it as the official centerline because of the protest of adjoining. The exact status of the location is unknown and is at least questionable.

Since 1956, a number of surveyors, without being fully aware of the problem, adopted this location without question as being the official City centerline or as the original alignment of Broadway.

CONFLICTING LOCATIONS WITH PROPOSED 1956 CENTERLINE:

The original plat of this subdivision is the highest and best evidence of ownership and dedication of public streets.

- 1- The proposed 1956 centerline shows a serious convergency to the west which conflicts with the original plat which shows to be near or parallel to the westerly line of the subdivision.
- 2- The proposed 1956 centerline at the northerly terminus leaves a severe shortage on the westerly side of approximately 14 feet which is in conflict with the distance as shown on the official plat.
- 3- Conflict with some lines of older occupation.

The next probable and best evidence is the oldest of occupation (prior to 1956 survey) which closely agrees with the official record of plat which also conflicts with the 1956 proposed alignment.

In 1961 on a survey for a house certification, by Edward McGinty, he recovered monuments described in deed record Vol. 494 page 385. The Southwest corner called for a pipe being on the easterly line of North Broadway and by this deed record indicates:

- 1- The proposed 1956 centerline shown on Survey No. 899 being 7.81 ft. to far west.