

Northwest Cor. D.L.C. No. 59
Fd. 1-1/2" Iron Pipe, 7" deep
Tied in April, 1974
Re: Recorded Surveys No. 48, 1236 & 1361

Fd. 3/4" Iron Rod
Re: Recorded Survey
No. 9296

RECORDED
SURVEY
No. 9296

SEE
DETAIL
'B'

Document No. 83-10308
o.r. j.c.o.

SEE
DETAIL
'A'

S. 58° 20' 53" W.
301.54'

TITLE LINE

DETAIL 'A'
NO SCALE

NORTHEASTERLY
BOUNDARY LINE
OF DOC. No. 79-00957
O.R. J.C.O.

SENIOR DEED
Vol. 529 Pg. 112
d.r. j.c.o.

JUNIOR DEED
Vol. 523 Pg. 33
a
Vol. 584 Pg. 225
d.r. j.c.o.

RECORDED

TITLE LINE

SURVEY

No. 1361

323.67'
S. 24° 24' 36" E.

DRIVE

REITEN

DETAIL 'B'
NO SCALE

MAP OF SURVEY
LOCATED IN
NE 1/4 OF SE 1/4 OF SEC. 24, TWP. 39 S., R. 1 E. W. M.
JACKSON COUNTY OREGON
for

JAMES M. MACY

125 REITEN DRIVE
ASHLAND, OREGON 97520

SWAIN SURVEYING, INC.
27 1/2 N. MAIN STREET
ASHLAND, OREGON 97520

JANUARY 26, 1984

SCALE: 1" = 100'
TRUE MERIDIAN AT EAST LINE SEC. 24
(derived from N.O.A.A.net)

- ⊙ FOUND MONUMENT AS SHOWN
- FOUND 1/2 INCH IRON PIN PER RECORDED SURVEY No. 1361 unless otherwise shown
- SET 5/8 x 24 INCH IRON PIN WITH YELLOW PLASTIC CAP mkd. SWAIN LS 759

Alignment re-established
on Recorded Survey
No. 7622

NORTH

N. 00° 02' 39" E. (Gov't Rec. = North)

1,691.14'

N. 00° 02' 39" E.

1,690.77'

N. 00° 02' 28" E.

1,690.77'

S. 00° 02' 28" W.

960.42'

2,651.56' (Gov't Rec. 40.0 Chains)

** RECEIVED **
Date 1/30/84 By BYK
This survey consists of:
1 sheet(s) Map
3 page(s) Narrative
JACKSON COUNTY
SURVEYOR

Southwest Cor. D.L.C. No. 59
Fd. 5-1/2" x 8" x ? Sandstone with X
Re: Recorded Surveys No. 48, 2752,
3052 & 8310.

S. 89° 49' 54" E.
83.29'
(Gov't Rec. = West 1.25 Chains)

Fd. 3/4" I. Pipe with open top, 4-1/2" below top of
fd. sandstone. SW ly face of a 5" dia. Yew wood
fence post brgs. N. 45° E., 0.2' from I. Pipe.
N. 20° 35' E., 0.43'

Fd. 1" I. Pipe, Easterly, 0.36'
Tied in 1971

Northwest Cor. D.L.C. No. 60
Fd. 4-1/2" x 7" x ? Sandstone with X; Tied in July, 1971
Exp. 3' & being in a East-West fence
Re: Recorded Surveys No. 48 & 3052

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Everett L. Swain
OREGON
JULY 8, 1986
EVERETT L. SWAIN
759

James M. Macy
Page 3

iron pipe near a fence post which agrees to a stump hole to the Northeast on one of the Original B.T's and a stump hole to the Southeast on one of the original B.T's." No mention was made, in Recorded Survey No. 1361, of a sandstone being found or that Recorded Survey No. 48 had been reviewed and the monumentation as purported to have been found and set on Recorded Survey No. 48, had in fact been searched for. The surveyor of Recorded Survey No. 48 did not mention looking for or finding any bearing trees or stump holes to help verify the found sandstone at this corner location. At the time of my visit to this corner, in 1971, I found a sandstone approximately 5 1/2 to 6 inches by 8 inches by an unknown length firmly set with a cross and a punch mark or drilled hole at the center of the cross. At that time I found fences radiating Northerly and Easterly therefrom. Apparently at that time I was not aware that a pipe was also situated in the vicinity of that corner location. Upon returning to the corner location in question, the sandstone as previously found, by myself, was still intact and undisturbed. After some minor investigation and minimum excavation, a 3/4 inch iron pipe, with open top, was found tight against said sandstone and approximately 4 1/2 inches below the top of said stone. Several questions come to mind. Recorded Survey No. 48, in 1947, shows finding this sandstone. Also, said survey indicates that a 1 1/2 inch pipe was set along side of the found sandstone. Now, is the existing 3/4 inch iron pipe the same as the pipe referred to as being set along side said found sandstone but the surveyor erroneously called the pipe a 1 1/2 inch diameter? In any event the surveyor of Recorded Survey No. 1361 shows only the 3/4 inch pipe. It is not made clear but must be presumed that the 3/4 inch pipe was flush with the ground at the time of Recorded Survey No. 1361. As has been referred to before, this 3/4 inch pipe is now 4 1/2 inches below the top of said sandstone, with the stone now being at ground level. Therefore, it is extremely difficult, under any circumstances, to believe that the existence of said sandstone was not a known factor. Anyway, even if both monuments were known, how could anyone determine that, by using ties to stump holes, that the found 3/4 inch pipe fit better than the found sandstone when there is less than 1 link (0.66 foot) difference between them? Recorded Surveys No. 48, 3052 and 8310 have utilized said sandstone and I believe I will, under the circumstances, give more weight to the sandstone than to the 3/4 inch iron pipe.

However, as hereinabove stated, this corner position has no affect upon the positioning of the boundary line that was established by this survey other than to verify the found 1/2 inch iron pin along the Southwesterly right of way of the highway as shown on Recorded Survey No. 1361. For this verification the found 3/4 inch iron pipe was utilized.

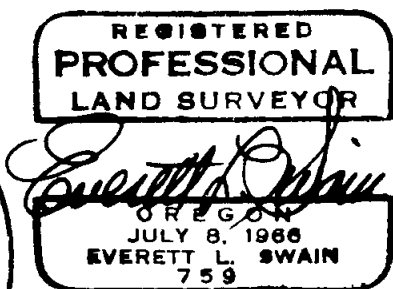
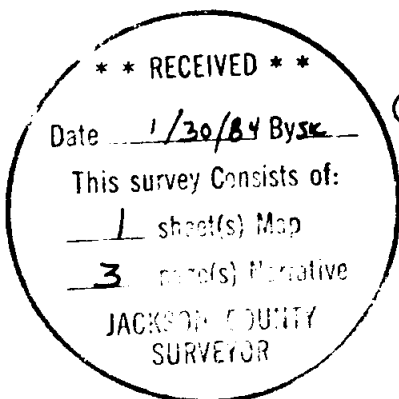
In any event the client lost his oak tree. The remainder of the survey is as shown on the accompanying map.

BASIS OF BEARING:

True Meridian at the East line of Section 24 as derived from the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey) survey net established in 1968 and filed in the office of the Jackson County Surveyor.

January 26, 1984

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



James M. Macy
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1361 and being the point of beginning of my client's property. The latter solution was utilized as no other combination of possibilities seemed to be better. This does, however, leave a small jog between the Northwest corner of Volume 523, page 33 and that parcel of land as shown on Recorded Survey No. 9296. This is due, of course, to the found survey monumentation of both this survey and Recorded Survey No. 9296 not having the same bearing and distance values as those set forth in the deeds of record. Inasmuch as this jog falls within the right of way of Reiten Drive, it becomes somewhat insignificant. However, in reviewing the chain of title of those parcels of land herein referred to, as well as the fact that it appears Reiten Drive was created by a dedication on the Clayton Creek Mobile Homes Estates Subdivision, leaves me with a question about the possibility of there being a title problem with those tracts of land conveyed to the center of a proposed road, prior to the dedication of said Reiten Drive. I did not explore this question as my client felt that going to the Southeasterly right of way of Reiten Drive was all he owned or cared about. However, he would appreciate it very much if the Department of Assessment and Taxation would reduce his assessed value by the area of one-half the width of Reiten Drive, which the county claims as public road.

At the Northwest corner of Donation Land Claim No. 59, Recorded Survey No. 48 shows finding the original bearing tree in the Northeast quadrant and from that setting a 1 1/2 inch iron pipe, 6 inches below the ground surface. This took place in 1947. A later filed survey, No. 1236, and received by the Jackson County Surveyor on April 2, 1959 shows re-establishing the Northwest corner of Donation Land Claim No. 59. However, there seems to be somewhat of a difference between the corner in question, as set forth by these two (2) surveys. Survey No. 1236 states that a 1 1/2 inch pipe, 26 inches long, was set 6 inches below ground surface. The remains of the original bearing tree, a black oak (size not mentioned) bears North 33° E., 66.66 ft. Also, the apparent bearing trees taken by the surveyor of Recorded Survey No. 48 was found, with the type of scribing being different than that reported by the surveyor establishing those bearing trees. Also, the size of the black oak, as reported by both surveyors, is greatly different. Survey No. 1236 shows finding a 1 1/2 inch iron pipe, in an East-West fence, bearing South 2°25' West, 11.90 feet. All this questionable set of circumstances was not reviewed at the time of my visit to the corner in 1974 and for the purpose of this survey, I have utilized the monument of Recorded Survey No. 1236, as this was a controlling corner utilized in the course of Recorded Survey No. 1361. Should this corner monument be found in error, it will not affect the positioning of the boundary line as established by this survey. The found 1/2 inch iron pins, as set in the course of Recorded Survey No. 1361, and found in place and undisturbed, along with the alignment of Reiten Drive, controls the boundary line which was the subject of this survey.

At the Southwest corner of Donation Land Claim No. 59, there seems to be a divergence of opinion about what monument, at that corner, constitutes the real Southwest corner of Donation Land Claim No. 59. In 1947 the surveyor which filed Recorded Survey No. 48, states that he found a 3 inch by 8 inch by 18 inch sandstone monument in place. He further states that he set a 1 1/2 x 30 inch iron pipe along side of this stone. (He does not state as to which direction said set pipe falls from the found stone). He then states that; "thence East a distance of 82.5 feet I found a sandstone monument 4 x 8 inches set flush with surface of the ground for the Northwest corner of Donation Land Claim No. 60, T.39S. R. 1 E.W.M., 1 remaining B.T., a 30 inch B.O. bearing S.42°00'E. 94 links or 62.04 feet. I checked this for position and found it correct". The surveyor, of Recorded Survey No. 1361, in 1959 or 1960 states, "he found a 3/4 inch

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

SURVEY FOR: James M. Macy
125 Reiten Drive
Ashland, Oregon 97520

LOCATION: Situated in the Northeast quarter of the Southeast quarter of Section 24, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE: To establish the Northeasterly boundary line of that tract or parcel of land as set forth in Document No. 79-00957 of the Official Records of Jackson County, Oregon, in order to determine the ownership of a 57 inch diameter oak tree in the vicinity of the Northwest corner of the parcel of land as hereinabove referred to.

PROCEDURE: From survey control established during the course of Surveys No. 5303, 7622 and 9296 proceeded to establish additional control, as needed, and tie those found monuments needed for this survey. In reviewing the chain of title, as it pertains to the parcels of land surrounding the boundary line in question, it became apparent that a survey had been made in January, 1960. However, it should be noted that this survey, on the face of the map, shows a date of January 6, 1959. The narrative attached to said survey map shows a date of January 11, 1960. See Recorded Survey No. 1361. In any event the senior deed, as shown on the map accompanying this report, was executed on the 31st day of January, 1962. This legal description calls for survey monumentation that corresponds with that monumentation shown on Recorded Survey No. 1361. A portion of this monumentation was found and tied to our control traverse. The retraced values show a fairly consistent relationship between monuments found.

Now turning to analyzing the deeds of record. My client's legal description, as set forth in Document No. 79-00957 reverses the direction of the previous legal descriptions contained in Volume 523, page 33 and Volume 584, page 225. My client's parcel of land is a portion of the above referred to volumes and pages, and therefore, would need to be compatible with said original legal descriptions where the boundary lines are common to each other. Also, in looking at the client's legal description, it appears to me that the closing course shows an intent of being 208.00 feet in length rather than becoming the closing course and letting the error, if any, fall in that last course. Therefore, if the client's legal description were to be retraced in a reverse direction, then the apparent intent of a distance of 208.00 feet (even) would be accomplished and the closing course of this document would become compatible with the legal descriptions as set forth in Volume 523, page 33 and Volume 584, page 225 of the Deed Records of Jackson County, Oregon. Therefore, the outer boundary line of Volume 523 page 33 was retraced in order to establish the position of the client's Northeasterly property line. Several possibilities were explored in order to establish the Northwest corner of Volume 523, page 33. Those possibilities looked at were; holding the retraced position of Recorded Survey No. 9296, which was positioned by holding found survey monuments; a measurement index factor, as established by comparison of the distance values set forth on Recorded Survey No. 1361 and those returned by this survey; or holding the retraced alignment of Reiten Drive, as re-established on Recorded Survey No. 7622, and holding the deed record angle between said centerline and the found 1/2 inch iron pin previously set on Recorded Survey No.