

MINOR LAND PARTITION

LOCATED IN
D.L.C. No. 41 IN N 1/2 OF SEC. 4, TWP. 39 S., R. 1 E. W.M.
JACKSON COUNTY OREGON

for
MARY L. TURNER

900 OAK STREET
ASHLAND, OREGON 97520

FILED FOR RECORD THIS THE 18 DAY OF June 1984
AT 9:14 O'CLOCK A.M. AND RECORDED IN VOLUME 5 PAGE 181
OF "MINOR LAND PARTITIONS" IN JACKSON COUNTY, OREGON.

Kathleen J. Beckett
County Clerk

Joy A. Ramette
Deputy

APPROVAL:
Swain 5/30/84
ASHLAND PLANNING COMMISSION
PA 84-021
DATE

SURVEYOR

SWAIN SURVEYING, INC.
27 1/2 N. MAIN STREET
ASHLAND, OREGON 97520
SCALE: 1"=100'
BASIS OF BEARING: TRUE MERIDIAN AT N-S $\frac{1}{2}$ OF SEC. 4
(derived from N.O.A.A. net)

- ⊙ MONUMENT OF RECORD AS SHOWN
- MONUMENT OF RECORD AS SHOWN
- SET 5/8 x 24 INCH IRON PIN WITH PLASTIC CAP MKD. SWAIN LS 739 unless otherwise shown
- SET 5/8 x 30 INCH IRON PIN WITH PLASTIC CAP MKD. SWAIN LS 739
- ◇ SET 5/8 x 24 INCH IRON PIN WITH PLASTIC CAP MKD. WIT. COR. RLS 739
- ◇ SET 5/8 x 30 INCH IRON PIN WITH PLASTIC CAP MKD. WIT. COR. RLS 739

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

** RECEIVED **

JUL 11 1984
EVERETT L. SWAIN Date 6/18/84

THE STATE OF OREGON

1

NE cor. D.L.C. No. 40
EII cor. D.L.C. No. 41
2" G.I. Pipe w/Br. Cap
Re: R.S. No. 4837

S 89° 52' 57" E. 454.28'

S 81° 06' 58" E (d.r. S 81° 19' E) 489.7'

S 57° 00' 27" E (d.r. S 57° 03' E) 574.65'

Southwest Corner Vol. 24, Pg. 164 d.r. j.c.o.

McCall = 95 lks. or 62.7' (d.r. S 57° 03' E) 574.65'

McCall's NW Cor. of the S 1/2 of D.L.C. No. 53, T. 38 S., R. 1 E. & D.L.C. No. 41, T. 39 S., R. 1 E. Survey per McCall's field book no. 1, pgs. 37, 38 & 39 dated: August 20, 1890.

Set lead plug w/br. tag mkd. 159 in rockwall under fence

WIT. COR.

SOUTH BDRY VOL. 24, PG. 164

EASEMENT LINE

FENCE & EASEMENT COMMON AT THIS POINT

S.W. Cor. REEDER Tract Vol. 65, Pg. 603 d.r. j.c.o.

R.S. No. 8625

2" I. Pipe w/Br. Disk in Mon. Case, at angle point Re: Sleepy Hollow Sub.

SW cor. D.L.C. No. 41
EII cor. D.L.C. No. 40
1" I. Pipe w/Br. Cap
Re: C.S. Re-act. 1969

N. 00° 05' 55" W. (McCall N. 00° 10' W. 2850')

2647.34'

1117.62'

237.31 (d.r. S 89° 58' 17" W)

118.65'

118.01'

153.35'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

118.01'

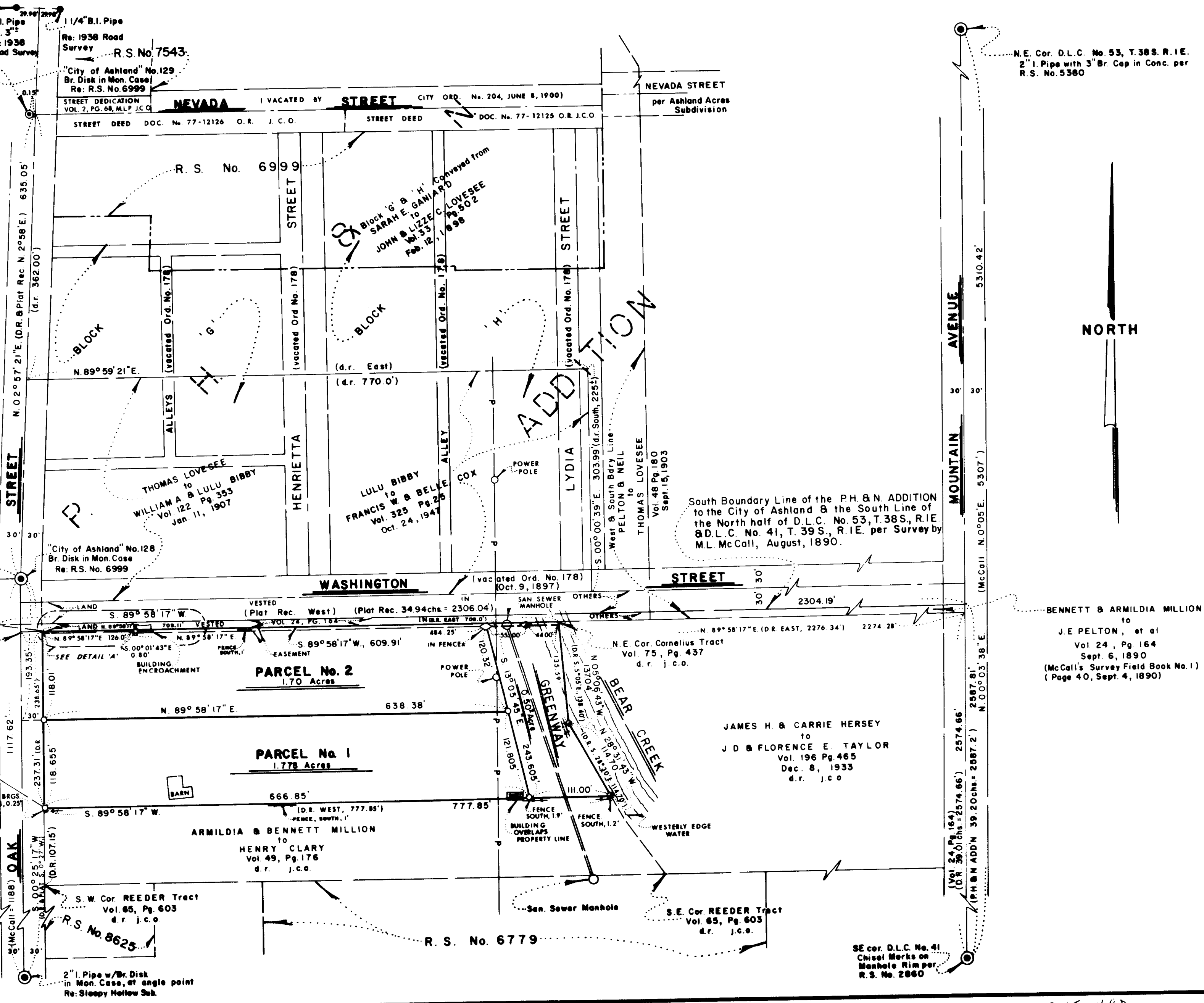
118.01'

118.01'

118.01'

DETAIL 'A'

SCALE 1"=20'



N.E. Cor. D.L.C. No. 53, T. 38 S., R. 1 E.
2" I. Pipe with 3" Br. Cap in Conc. per
R.S. No. 5380

NORTH

BENNETT & ARMILDA MILLION
to
J.E. PELTON, et al
Vol. 24, Pg. 164
Sept. 6, 1890
(McCall's Survey Field Book No. 1)
(Page 40, Sept. 4, 1890)

JAMES H & CARRIE HERSEY
to
J.D. & FLORENCE E. TAYLOR
Vol. 196 Pg. 465
Dec. 8, 1933
d.r. j.c.o.

SE cor. D.L.C. No. 41
Chisel Marks on
Manhole Rimper
R.S. No. 2860

Mary L. Turner
Page 3

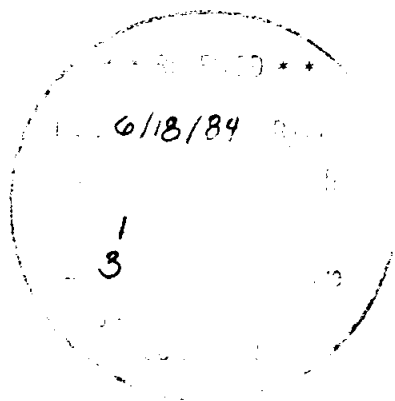
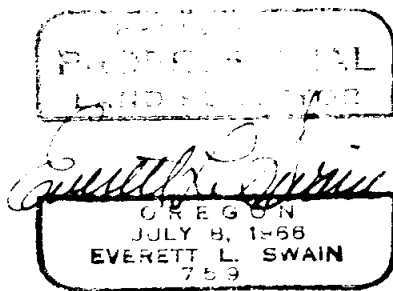
Deed Records, a tract of land by metes and bounds description which included those vacated streets and alleys which previously had been determined to still remain in the possible ownership of Sarah E. Ganiard, her heirs, assigns or successors in interest. In any event, Volume 122, page 353 does qualify its Southerly boundary line to be common to the centerline of Washington Street. Therefore, regardless of the prior ownership of said vacated alleys and streets, the present owner of record, Francis W. and Belle Cox, which purchased their land from Lulu Bibby on October 24, 1947 and recorded in Volume 325, page 25 does not own, of record, any land Southerly of the centerline of Washington Street, per the P.H. & N. Addition to the City of Ashland. This brings us down to the problem with my client's Northerly boundary line. The present owner, Mrs. Belle Cox has a building, namely a garage, and an existing fence which is situated Southerly of the Southerly boundary line of that strip of land as set forth in Volume 24, page 164 of the Deed Records. Our dilemma is simply this. We are not able to come to any mutual agreement over a boundary line because Mrs. Belle Cox is an adverse possessor of land still owned by two (2) other parties of record. Until the appropriate action is taken by Mrs. Belle Cox to obtain the fee title to that land still vested in the possible ownerships of J. E. Pelton, et al and Sarah E. Ganiard, little can be accomplished except for my client to withdraw into her ownership of record so as not to create a problem with the lines of occupation and dispose of her land on that basis. This is somewhat of a complex problem as it pertains to ownerships within the North half of the Million Claim. It is felt that adequate information has been shown on the accompanying map, that others can more easily retace the chain of events surrounding these ownerships. The client was advised of these findings and indicated she had a fairly good understanding of what had taken place. The remainder of the survey is as shown on the accompanying map.

BASIS OF BEARING:

True Meridian at the N-S centerline of Section 29 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.

June 11, 1984

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



as established by McCall. Therefore, after computing the position for the Northwest corner of the South half of the Million Claim, per McCall, the East-West direction of the half line was established utilizing the bearing correlation between McCall's survey of 1888 for the centerline of Oak Street, where the original record bearing was called for to be North $0^{\circ}27'$ West and that bearing returned on the same section of Oak Street per this survey. Computing the East-West half line intersection with the Easterly boundary line of Donation Land Claim No. 41 and thence Southerly to the Southeast corner thereof, yields a distance comparison with McCall's P.H. & N. Addition, that is only different by 0.61 of a foot. Considering that the presently accepted Southeast corner of Donation Land Claim No. 41 is the intersection of chiseled marks found to exist on a sanitary sewer manhole ring, it is felt the distance results are very favorable. Now with M. L. McCall's North boundary line of the South half of the Million Claim being known, our attention was turned to the fact that Bennett and Armildia Million had sold to J. E. Pelton, et al, a strip of land as set forth in Volume 24, page 164 of the Deed Records. This parcel of land began at a given distance Northerly along the claim line, from the Southeast corner of Donation Land Claim No. 41. Thence proceeding Northerly along said claim line, 19 links to the line between the North and South halves of the Bennett Million Land Claim, being No. 53 in Township 38 South, Range 1 East and No. 41 in Township 39 South, Range 1 East of the Willamette Meridian, Oregon; thence they proceeded West along said half line, 34.49 chains to the centerline of Oak Street; thence Southerly along centerline of Oak Street 19 links; thence East, 34.49 chains to place of beginning. Of course, in retracing this volume and page and utilizing the present Southeast corner of Donation Land Claim No. 41, the width of said volume and page has increased from the deed record distance of 12.54 feet to 13.15 feet. Now we have established that a strip of land is presently lying between the Southerly boundary line of the P.H. & N. Addition, as recorded, and the Northerly boundary line, more or less, of my client's parcel of land. I have established that Pelton, et al knew that they owned this strip of land, per Volume 24, page 164, because in later years they conveyed a portion of this strip, lying Easterly of the vacated Lydia Street, to Thomas Lovesee on the 15 day of September 1903 and recorded in Volume 48, page 180, of the Deed Records and therein they called for the Southerly boundary line of the tract being conveyed to Lovesee, to be 19 links Southerly of the half line of said Million Claim. They then proceeded Easterly and parallel to said half line. The point being this. I have never found where Pelton, et al, ever conveyed that portion of Volume 24, page 164 lying Westerly of that tract of land conveyed in Volume 48, page 180 of said Deed Records. Therefore, it appears that Pelton, et al, still own that portion of Volume 24, page 164 lying Westerly of Volume 48, page 180 and Easterly of the Easterly right of way of Oak Street. Now, an interesting question came up as to what the deed record would show for the present ownership Northerly of and situated within the P.H. & N. Addition. Reviewing the deed record ownership of the people now occupying the land immediately to the North, of my client's property, several interesting facts were revealed. First of all, Block 'G' and 'H' of the P.H. & N. Addition were conveyed by Sarah E. Ganiard to John and Lizze C. Lovesee on February 12, 1898 and recorded in Volume 33, page 502 of the Deed Records. The City of Ashland, by Ordinance No. 178 vacated nearly all the streets and all alleys within the P.H. & N. Addition to the City of Ashland, Jackson County, Oregon. This was approved by the Mayor of Ashland on October 9, 1897. Therefore, the reversionary rights of said streets would have been vested in the Grantor of Volume 33, page 502 of the Deed Records, namely Sarah E. Ganiard. I would have to conclude, unless the contrary can be shown, that the title in and to those vacated streets and alleys situated within or adjacent to Block 'G' and 'H' were never conveyed by Sarah E. Ganiard to anyone. On the 11th day of January, 1907, Thomas Lovesee sold to William A. Bibby and wife, per Volume 122, page 353 of the

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250
OREGON REVISED STATUTES

SURVEY FOR: Mary L. Turner
900 Oak Street
Ashland, Oregon 97520

LOCATION: Situated in Donation Land Claim No. 41 in the North half of Section 4, Township 39 South, Range 1 East of the Willamette Base and Meridian, Jackson County, Oregon.

PURPOSE: To survey and monument two (2) parcels of land and a tract of land to be conveyed for Greenway. Also, prepare legal descriptions for Parcel No. 1 and the Greenway Tract, per client's request.

PROCEDURE: Commenced this survey by researching the deeds of record. It was found that the subject property was created by Armildia and Bennett Million, as set forth in Volume 49, page 235 of the Deed Records of Jackson County, Oregon. Also, Armildia and Bennett Million created the tract of land immediately South of the subject tract as set forth in Volume 49, page 176 of the Deed Records. Both of these tracts of land are tied directly to the Northeast corner of Donation Land Claim No. 40, Township 39 South, Range 1 East of the Willamette Base and Meridian. In the course of executing Recorded Survey No. 6779, the Southwest corner of the Reeder Tract became a location of concern which required the determination of the Northwest corner of Volume 49, page 176 which is identical to that tract known as the "Reeder Tract" and set forth in Volume 65, page 603 of the Deed Records. These deed record tie distances, as set forth in Volume 49, page 235 and Volume 49, page 176 will not retrace in total compatibility when related, as called for in the deed records, to the existing right of way of Oak Street, as found monumented. It should be noted, that original M. L. McCall type iron bar monuments were found at the center-line angle points of Oak Street and at the Northeast corner of Donation Land Claim No. 40, prior to the time that said corners were replaced or perpetuated by the monuments as shown on the accompanying map. It was decided that to hold the record distance from the Northeast corner of Donation Land Claim No. 40 according to Volume 49, page 176 of the Deed Records and swing that distance to an intersection with the Easterly right of way of Oak Street would produce the most compatible results both from the standpoint of deed record and physical occupation on the ground.

Next, our concern was directed toward the title compatibility with the property owner to the North. The distance between the existing fences, along the North and South boundaries of the client's property, is less than distance called for in the deed record; Therefore, with an existing building being situated nearly in the existing fence line, a retracement of the P.H. & N. Addition to the City of Ashland was undertaken. It was discovered that M. L. McCall had surveyed the East-West half line of Donation Land Claim No. 53, Township 38 South, Range 1 East and Donation Land No. 41, Township 39 South, Range 1 East in August, 1890. With his survey calling the the Northwest corner of the South half of Donation Land Claim No. 53, Township 38 South, Range 1 East and Donation Land Claim No. 41, Township 39 South, Range 1 East to be 95 links Southerly along the claim line from the Northeast corner of Donation Land Claim No. 40, it was felt that this would be the best control available to re-establish McCall's half line of Million's Donation Land Claim. As previously stated, McCall's monuments were found along Oak Street and having been placed there in 1888 by his survey for the Official City of Ashland map dated November 5, 1888, it was deemed that these were the best monuments known to correlate the present day basis of bearing to the basis of bearing