

To The Directors of School District No. 4,  
Roseburg, Oregon.

Gentlemen:-

Pursuant to your instructions, I have made a careful survey  
of the High School Site, comprising the following lots and parcels of land.

Lots 1, 2, 3, 4, 5 and 9, Block 17, Roseburg, Oregon; ✓

Metes & Bounds description covering portion of one acre  
tract from A. Rose; ✓

Metes & Bounds description covering tract of land South  
of above. ✓

Before giving the details of the survey and complete des-  
cription of the tract surveyed, a brief resume' of the history of Roseburg,  
so far as official plats are concerned, is necessary that a complete under-  
standing of the full facts may be had.

Aaron Rose made application to claim 320 acres under the  
Donation Land Claim Act of Congress, the land having been surveyed by  
A. R. Flint on May 28th, 1852 and Application recorded August 22nd, 1852  
in Vol. A of Deeds, Pages 31 and 32.

The United States issued a Patent to Aaron Rose and Sarah  
Rose, his wife, May 24th, 1866; recorded December 4th, 1875 in Book 7 of  
Deeds at Page 537, being Certificate No. 208. Aaron Rose was given the  
North half and his wife the South half of the Claim. (Note-The High School  
tract is located in the North half of the Claim.)

In the year 1857 Mr. Rose engaged Mr. J. A. Burnett, a sur-  
veyor, to plat the Townsite of Roseburg and on September 1, 1857 the plat  
was filed in the Clerk's office of Douglas County. (See Exhibit A.)

*Handwritten notes:*  
Plan new  
Survey  
A. R. Flint  
17  
1873

On February 3rd, 1874, at a regular meeting of the Board of Trustees of the City of Roseburg, Ordinance No. 19, adopting the re-survey and map of the old townsite of Roseburg made by A. R. Flint, acting under authority of an order of the Board dated February 21st, 1873, was passed and the Recorder was instructed to cause said map and Ordinance to be recorded in the Records of Deeds of Douglas County. That part of the Ordinance that we today are interested in reads as follows:-

"Now Therefore

The City of Roseburg does ordain as follows:

Sec. 1. That the survey and map of the old townsite of the town of Roseburg, surveyed and drawn by A. R. Flint in pursuance of an order of the Board of Trustees of the City of Roseburg made February 21st, 1873, be and is hereby adopted as the official map of the same, showing the streets, alleys, lots and blocks therein contained."

Aaron Rose dedicated to the free use of the Public the streets and alleys shown on the Flint map, the dedication reading as follows:-

DEDICATION.

KNOW ALL MEN BY THESE PRESENTS, That whereas, the survey and plat of the City of Roseburg, made by A. R. Flint, in pursuance of an order of the Board of Trustees of the City of Roseburg, which said order is dated February 21st, 1873, substantially conforms in the size and number of lots and blocks, width of streets and alleys with the surveys and plat of said town heretofore made by J. A. Burnett and on file in the Clerk's office of Douglas Co., Oregon. Now Therefore, we, Aaron Rose and Frances E. Rose, his wife, of Douglas County, Oregon, do hereby forever dedicate to the free use of the public all the land described in said survey and map as streets and alleys according to the field notes and the said plat of the same.

This dedication is made subject to all conveyances heretofore made by the said Aaron Rose under and in accordance with the plat of said town made by J. A. Burnett and on file in the Clerk's office of Douglas County, Oregon. In Witness Whereof we have hereunto set our hands and seals this 27th day of January, A. D. 1874.

In presence of (sd) Aaron Rose (Seal)  
L. F. Lane Frances E. Rose (Seal)  
P. C. McGuire  
Wm L. Friedlander.

Acknowledged on January 27th, 1874, before L. F. Lane, Notary Public for Oregon. (Seal)

Recorded February 11th, 1874, in Book 6 of Deeds, pages 622-4.

Kindly note the clause reading, "This dedication is made subject to all conveyances heretofore made by the said Aaron Rose under and in accordance with the plat of said town made by J. A. Burnett and on file in the Clerk's office of Douglas County, Oregon".

In the Burnett Plat, Block 17 was 76 feet by 320 feet, consisting of lots as shown on sketch herewith.

Rose to sold to Spencer and Gibbs a Metes & Bounds description in 1857. This tract covered Block 17, which is referred to as Spencer and Gibb Addition on the Surnett survey of 1857. This before the resurvey of 1873.

Rose sold to Flood February 24th, 1862 a 27 foot by 200 foot tract adjoining Lots 4, 5, 6 and 7, Block 17, on the West. This also prior to the resurvey of 1873.

Rose also sold to the Methodist Church on August 25th, 1873 a tract beginning 27 feet West of the Southwest corner of Lot 1 in Block 17, running thence West to Stephens Street, thence North 80 feet,

*Plat  
to C. S. Company  
pp. 10, 11*

4.

thence East to a point 27 feet West of the West boundary of Lot 2 in said Block 17, thence South to Washington Street to place of beginning. The northerly and southerly streets as laid out by Burnett had a bearing of about South 27 degrees West and the easterly and westerly streets a bearing of about North 62 degrees West. There can be no question but that instead of "North" and "South" the words "Northerly" and "Southerly" were intended in the above description. This description is further confined by the bounding words "along said Washington Street". This was several months before the City had adopted the Flint survey and map and before Rose and wife had dedicated the streets and alleys of the Flint survey, date of dedication being January 27th, 1874.

Burnett in his plat gives the length of Block 17 between Washington Street and Douglas Street as 320 feet. He further has a note that a certain shaded area shown on the map, and including Block 17, is to be known as Spencer and Gibbs Addition, having been conveyed in a certain Deed Recorded in Vol. 1, page 106, Records of Deeds, dated July 10th, 1857. Burnett further gives the width of the Block as 76 feet. This left a 27 foot strip between the land deeded by A. Rose to the School Directors of District No. 4 and Block 17.

In Flint's resurvey of 1873, sixteen years later, the size of Block 17 was changed in length from 320 feet to 323 feet, and from 76 feet in width to 103 feet. Lot 9 was added to the Block and an alley shown between said Lot 9 and Lots 1 and 2, seven feet in width.

In the deed from A. Rose to Methodist Church, dated August 25th, 1873, the beginning point of the Church property was 27 feet West of the Southwest corner of Lot 1, Block 17. This absorbed any alley that might have been intended, yet in 1874 the Council adopted the Flint plat

5.

and Rose and wife attempted to dedicate the streets and alleys in January 27th, 1874.

Inasmuch as all of the lots in Block 17 had been sold prior to the Flint survey of 1873, and further, as Rose in his dedication dated 1874 stated that same was subject to prior conveyances according to the Burnett plat, it appears that a deed calling for a lot in Block 17 would refer to the Burnett plat and not to the Flint resurvey. No vacation of the Burnett plat is of record and consequently the School Board should, in my opinion, secure a deed for each of the lots purchased in Block 17, and numbering from No. 1 to No. 5 inclusive, by a Metes & Bounds description, said description to cover not only that part originally covered by the Burnett survey, but to cover also the land added by the Flint resurvey and which represents the actual area today.

4  
This will necessitate a new description for Lots 1 and 2, a new description for Lots 3 and 4 and a new description for Lot 5, or in all six new conveyances as follows:

Hollenberg and wife undivided  $\frac{1}{2}$  interest to Lots 1-2.  
Lexington Investment Co. undivided  $\frac{1}{2}$  interest to Lots 1-2.  
Pool and wife, description to Lots 3 and 4.  
Verrill, description to Lot 5.

Plat  
Showing  
etc  
For the tract of land conveyed by the Methodist Episcopal Church, a deed of correction should be given. As at present described the tie of 27 feet westerly from the Southwest corner of Lot 1, Block 17, is indefinite as to whether Burnett's plat or Flint's resurvey is meant. This can be corrected by a proper Metes & Bounds description. In the new descriptions all the parcels can be tied to the original stone monument in center of Spruce and Washington Streets so that resurveys in the future will have a definite starting point.

19623

6.

Inasmuch as an alley is clearly shown between Lots 9 and 1 and 2 of the Flint Resurvey, the same should be vacated by an Ordinance of the City Council of the City of Roseburg, and I have prepared a plat showing the alley to be vacated, together with the boundaries of the School Site. This plat should be filed in the office of the County Clerk.

I find that on January 2nd, 1873 the School District sold a strip of land 25 feet in width off the West side of the one acre tract deeded by Rose to the District. This land was later deeded to Mr. Wollenburg in whom the fee title now stands. Mr. Wollenburg has never taken possession of the land, the same having been fenced in and used as part of the school grounds. In my survey I have not included this tract and should it be the intention of the School District to claim this land by possession, before the plat is filed, the heavy black line indicating the present surveyed West boundary should be removed and placed to include this 25 foot strip.

I find that when this 25 foot tract was conveyed it was intended to come to the South line of the original tract conveyed from Rose to the School District, but failed to do so by 1.7 feet, according to given measurements.

I further find that when Rose deeded the tract of land North of Lot 9, Block 17 to the School District that the description does not come to the South line of the original School tract by 1.10 feet, leaving a strip of land 1.10 feet wide and extending from the West side of Stephens Street to the East side of the original School tract from Rose. This can be claimed by adverse possession.

7.

On the plat I have shown all monuments, methods of survey and true courses and distances.

*Plat*

The surveyed lines on the South and West side of the Willet *Willet? look up* property do not correspond to the fence lines as shown on the enclosed sketch. In the Burnett plat the lots were 40 feet frontage in Block 17 *Chase* with the exception of No. 8 which had 80 feet frontage on Rose Street. In the Flint survey each lot from 1 to 6 inclusive was made 40.375 feet in width and Lot 8 was given a depth of 80.75 feet. This increase in length partly accounts for the fact that our line runs beyond Willet's fence, as the difference between the Burnett and Flint survey for the Rose Street frontage of Lots 1, 2, 3, 4 and 5 amounts to 1.875 feet. However, the fence is about 3 feet South of our line, which shows that the fence is not even on the old line of the Burnett survey.

On the West side of the Willet property our line is West of Willet's fence by 1.6 feet at his Southwest corner and 2.6 feet at his Northwest corner. This is merely a case of the fence being off line. In the survey we have given Mr. Willet the full dimensions as shown on the Flint map for Lots 6, 7 and 8.

Substantial monuments have been placed at the eleven corners and points on the ground. Either  $\frac{1}{4}$  inch pipe not less than 18 inches in length or brass screws set in lead in the concrete walk or wall have been used.

Respectfully submitted,  
Roseburg, Oregon.  
May 11, 1916.

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Civil Engineer.

*C. S. Flint 1916*

