

# DOUGLAS COUNTY SURVEYOR'S OFFICE

JANET R. LUNDEEN, COUNTY SURVEYOR

ROOM 205 JUSTICE BUILDING  
ROSEBURG, OREGON 97470  
(503) 440-4272

FILED

Date: 7-15-98 By: JP

This survey consists of: 5 PAGES

Map: C.S. 65/18-3

Narrative: \_\_\_\_\_

Corner Rpt. \_\_\_\_\_

DOUGLAS COUNTY  
SURVEYOR

May 21, 1996

To Whom It May Concern,

Mr. William M Longhurst requested that I review and comment on several documents as they relate to the westerly line of his property described in Recorder's No. 79-14419 (TL 3800 on T26S, R6W, S. 27A) and the possible encroachment of his shop building on said westerly line. The documents reviewed are

- |                   |  |
|-------------------|--|
| M 67-70           | - 1977 survey by Glenn Baughman for Sam Wallace                |
| letter            | - 1986 letter by Donald Bentz regarding status of encroachment |
| 1991-0006         | - 1991 partition by Glenn Baughman for William Longhurst       |
| Vol.17, Pg 58A    | - 1992 Garsten Subdivision by Donald Bentz for John Stenbeck   |
| Proposed Easement | - Easement and Agreement for Building Encroachment             |
- (Note. the legal description for this easement cannot be mapped as described, it needs a definite beginning point )

**M 67-70** this 1977 survey by Glenn Baughman was conducted prior to Mr. Longhurst purchasing the property in 1979 and is the first survey of the westerly line. On this survey, the two intermediate points are shown as "not set". This could possibly be a drafting error.

**1986 letter from Donald Bentz** indicates that he surveyed Longhurst's west property line and determined that the shop/storage building did not encroach and was approximately 0 12 feet inside the westerly line. There was no survey filed and there is no indication in the letter which monuments were tied by survey. Bentz's notes from this survey should help determine if the "not set" monuments from M67-70 were truly set or not.

**1991-0006 Land Partition by Glenn Baughman**. This survey shows finding the northerly intermediate point, a 5/8" iron rod. A "V" was chiseled on the edge of a concrete footing.

**1992 Garsten Subdivision by Bentz** now shows an encroachment of the shop/building to be 0 30 feet over the line. Bentz found both the southerly and northerly intermediate point but did not find the northerly monument at the end of the west line and he reset it.

I have attached a copy of a portion of M67-70 showing the westerly line in question. The southerly intermediate point is labeled "1", the northerly intermediate point is labeled "2" and the northerly endpoint of the line is labeled "3". I used the angles and distances from 1991-0006 and Garstens Subdivision and applied them to the S 47 38 08 E bearing from M67-70 to determine mathematical relationships. I find the following:

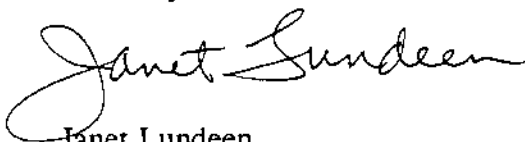
Position for point "1" per 1991-0006 information is S 48 15 41 E 1.30 feet from M 67-70 position  
Position for point "1" per Garsten's subdivision is S 47 59 39 E 1.45 feet from M 67-70 position

Position for point "2" per 1991-0006 information is S 48 16 50 E 1.30 feet from M 67-70 position  
Position for point "2" per Garsten's subdivision is S 33 01 05 E 0.57 feet from M 67-70 position

Position for point "3" per 1991-0006 information is N 4 12 22 E 1.17 feet from M 67-70 position  
Position for point "3" per Garsten's subdivision is N 0 14 53 E 1.41 feet from M 67-70 position

It is my opinion based on the information from the discussed documents that between the time Mr. Bentz wrote his letter in 1986 and the subsequent surveys in 1991 and 1992, the positions for points "1", "2" and "3" have moved from their locations per the 1977 survey M67-70.

Sincerely,



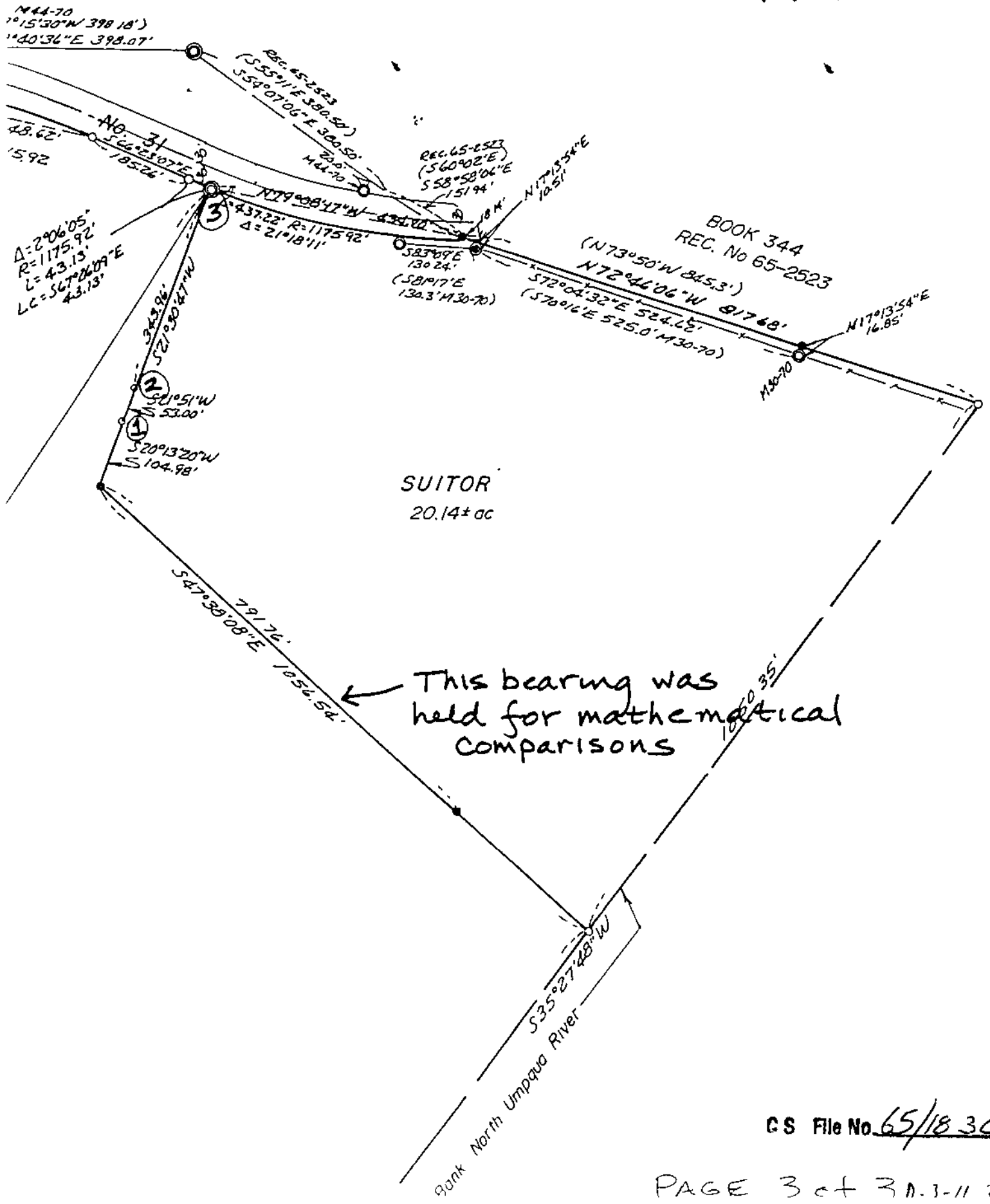
Janet Lundeen  
County Surveyor

c William M. Longhurst  
3950 Del Rio Road  
Roseburg, OR 97470  
541-673-3371

BTS Engineering and Surveying

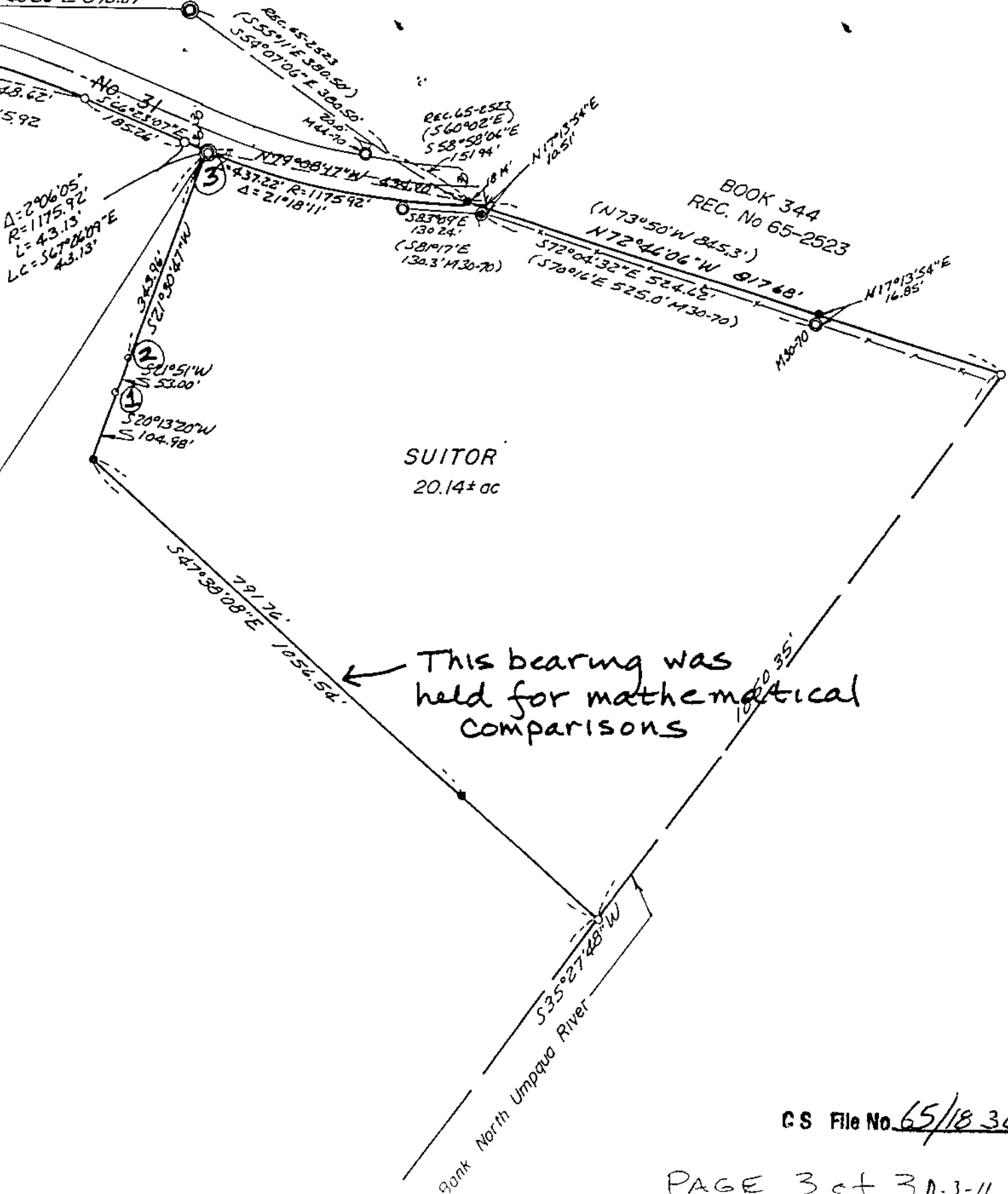
1 e Engineering

M67-70



M44-70  
 1°15'30"W 398.18'  
 1°40'36"E 398.07'

$\Delta = 2^{\circ}06'05''$   
 $R = 1175.92$   
 $L = 43.13'$   
 $LC = S 67^{\circ}26'09'' E$   
 $43.13'$



CS File No. 65/183C

I, Donald A. Bentz, being duly sworn, depose and say that I am the surveyor who surveyed the plat of Garsten Subdivision, as filed and recorded in Volume 17, Page 58, Douglas County, Oregon Plat Records; and

The corrections to said plat are necessary and are as depicted on the attached Exhibit A.

We have determined an error was made in plotting the most northerly East Line of Garsten Subdivision, per Volume 17, Page 58A. The lines were originally surveyed and filed on Map 67-70. Although there is no previous survey showing the two interim monuments on this line, they came to exist prior to our survey of the same in 1981, survey map M87-15. In 1986 we were asked to determine the status of the shop/storage building on the property depicted hereon as to its relationship with the property line. In a letter dated May 16, 1986 I determined from found monuments that the building was .12 foot southeasterly of the line, thus not encroaching. Using notes from this previous survey and the original survey M67-70 I determined an offset of the interim monuments relative to a straight line between the north and south points on this same side of the partition. These comparisons were very similar. I then computed the same offsets using the Garsten Subdivision plat and found that the offsets to the found monument and the "V" in the concrete footing lay easterly of the computed position per the previous surveys. Using this theory no encroachment exists contrary to the plat of Garsten Subdivision. A fence, well over 10 years old, exists between the properties, and due to the reluctance of the neighbors to peacefully resolve the issue this surveyor would recommend the fence be used as the common line which also resolves the purported encroachment. A letter from Janet Lundeen, Douglas County Surveyor, dated May 21, 1996, also addresses this same issue using a different theory with the same conclusion as to the position of the found monuments (either side of the purported encroachment) shown on Garsten Subdivision.

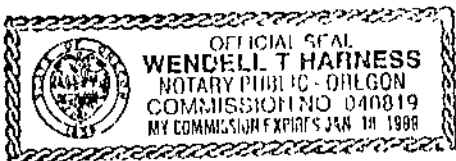
The present fee owner(s) of the property materially affected by said Affidavit are as follows:

- 1. John Stenbeck Garsten Subdivision
- 2. William M. Longhurst Parcel east of Garsten Subdivision

*[Signature]*  
 \_\_\_\_\_  
 Donald A. Bentz, P.L.S.  
 License No. 839

STATE OF OREGON )  
 ) ss  
 COUNTY OF DOUGLAS)

Subscribed and sworn before me on this 17<sup>th</sup> day of JUNE, 1996.



*[Signature]*  
 \_\_\_\_\_  
 Notary Public for Oregon  
 My Commission Expires: 1/18/99

FILED

Date: 7-15-98 By: JP  
 This survey consists of: 5 PAGES  
 Map: C.S. 65/18-3  
 Narrative \_\_\_\_\_  
 Corner Rpt \_\_\_\_\_

DOUGLAS COUNTY SURVEYOR

NARRATIVE

USING M67-70 (DEED ALSO) I COMPUTED OFFSET OF 2 POINTS, 53.00 FEET APART FROM STRAIGHT LINE BETWEEN MOST NORTHERLY AND SOUTHERLY CORNERS SHOWN. THE MOST NORTHERLY IS 1.41 FEET WESTERLY AND THE MOST SOUTHERLY 1.94 FEET WESTERLY. I PROPORTIONED THESE POSITIONS IN THE PLAT OF GARSTEN SUBDIVISION WITH RESULTS AS SHOWN.

OFFICE DON BENTZ  
DRAFTING TIM ADAMS

DEL RIO ROAD CO. RD NO 31C

PER GARSTEN SUBDIVISION  
SET 5/8" I.R. w/CAP  
MKD "I.e. ENG." FROM  
WHICH I.P. AT SW COR. OF EV<sub>2</sub>  
OF HENERY EVENS D.L.C. NO. 43  
BEARS N78°08'05"W 1166.72'

S21°29'19"W 344.86'  
(S21°15'05"W 345.53' PER 1991-0026)  
(S21°30'47"W 343.96' PER M67-70)  
(S21°23'05"W 345.61' PER GARSTEN SUBD.)

JOHN STENBECK

LOT 2  
GARSTEN  
SUBDIVISION

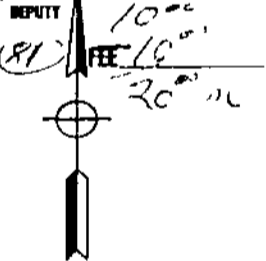
WILLIAM M LONGHURST  
STATE OF OREGON ]  
COUNTY OF DOUGLAS ] SS.  
I, GAY FIELDS, COUNTY CLERK AND RECORDER OF  
CONVEYANCES, DO HEREBY CERTIFY THAT THIS  
INSTRUMENT WAS RECORDED

95 JUN. 18 AM 9:30

DOUGLAS COUNTY CLERK

IN THE OFFICIAL RECORDS OF DOUGLAS COUNTY

BY *Donald A. Bentz*



"V" CHISELED IN  
CONCRETE BEARS S40°30'E  
1.67' FROM TRUE  
CORNER

FD 5/8" I.R. w/CAP  
MKD "I.e. ENG." BEARS  
S18°32'49"E 0.98 FROM  
TRUE CORNER

(PER GARSTEN SUBD.)  
(N68°48'33"W 389.98')  
(N68°48'33"W 389.07')

LOT 3

FD 5/8" I.R. w/CAP  
MKD "I.e. ENG." BEARS  
S68°48'53"E 0.91'  
FROM TRUE CORNER

S21°49'33"W 53.14'  
(S21°51'00"W 53.00' PER 1991-0026)  
(S21°51'00"W 53.00' PER M67-70)  
(S20°55'02"W 53.18' PER GARSTEN SUBD.)

S20°11'55"W 39.50'  
(S20°59'43"W 38.70' PER GARSTEN SUBD.)

S20°11'55"W 65.76'  
(S20°59'43"W 65.75' PER GARSTEN SUBD.)

FD 5/8" I.R.  
PER GARSTEN SUBD.

LEGEND.

- SET 5/8" x 30" I.R. w/ CAP MKD "I.E. ENG."
- FD MONUMENT AS NOTED
- △ CALCULATED POINT

96-13039

HAND-DRAWN CONVEYANCE

EXHIBIT "A"

IN THE SE<sub>4</sub> OF SEC 27, T26S, R6W, W.M., DOUGLAS COUNTY, OREGON

REGISTERED  
OREGON  
LAND SURVEYOR

JULY 12, 1968  
DONALD A. BENTZ  
839

SURVEYED BY:

**i.e.**  
ENGINEERING

548 S.E. Jackson Suite 3  
Roseburg, Oregon 97470  
PHONE (541) 673-0166  
FAX (541) 440-9392

1234-01

C.S. File No. 65/18-3E

PAGE: 1 OF 1

SCALE, 1" = 60'

DATE, JUNE 1996