

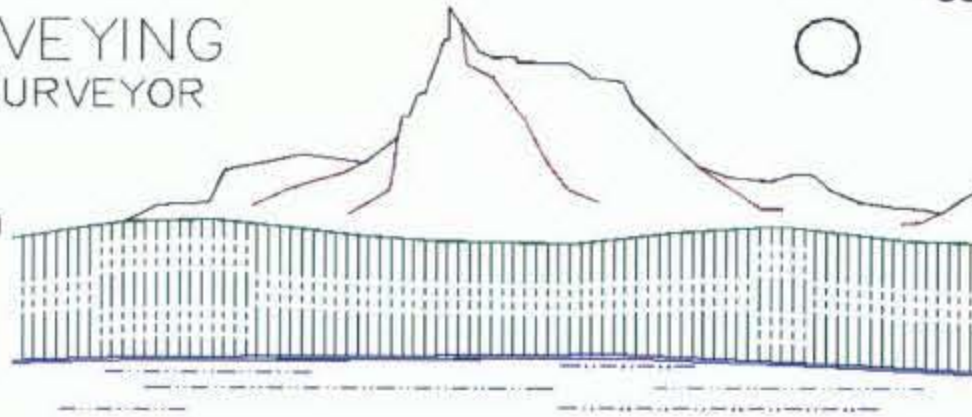
COUNTY SURVEYORS FILE UNIT
DO NOT REMOVE FROM OFFICE

FILED

Date: 3-17-2015 By: JC
This survey consists of:
Map: U169-15
Narrative: CS 65/88-4
Corner Rpt: _____

DOUGLAS COUNTY
SURVEYOR

HERZSTEIN LAND SURVEYING
OREGON PROFESSIONAL LAND SURVEYOR
SINCE 1985
541-679-9872
2002leonard@gmail.com



**NARRATIVE FOR THE PROPERTY BOUNDARY SURVEY FOR HARRIET RENEE STANLEY
SITUATED IN THE SE1/4 OF SECTION 19, WITHIN DLC NO. 43,
TOWNSHIP 30 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN
DOUGLAS COUNTY, OREGON
FEBRUARY, 2015**

PURPOSE: The purpose of this survey was to locate the property boundary lines of Harriet Renee Stanley's property on Lawson Bar Road. This survey was performed from May, 2014, to February, 2015.

SURVEY HISTORY: 1854 Nathaniel Ford, G.L.O. Surveyor, partially subdivided Township 30 South, Range 5 West, including all of the exterior section lines of section 19.

1856 Bowman and Burnett, GLO contact surveyors, performed the John Yokum Donation Land Claim No. 43 survey in Township 30 South, Range 5 West, Willamette Meridian. The D.L.C. plat for T.30S., R.5W., was approved in 1862.

1894 Will Heydon, Douglas County Surveyor, established the Center one-quarter of section 19 in a survey for Karel Kimmel in the Douglas County Surveyor's field book, Vol. 100, pages 44 and 45. He stubbed the corner in at 40 chains. He set a monument with no description.

1921 G. G. Stewart, Deputy Douglas County Surveyor, established the approximate Center one-quarter corner of section 19 for J. M. Yokum and Edwin Weaver in Vol. 3, Page 105 of the Douglas County Surveyor's Records. He set the corner at a proportionate distance on the section's East-West centerline.

1950 Floyd Frear, Oregon Professional Engineer No. 352 and Douglas County Engineer, perpetuated Stewart's approximate Center one-quarter corner in C.S. File No. 40/258.

1950 Lawson Bar Road survey MP 0.05 to MP 0.45 surveyed the road centerline for County Road 204 (Larson Bar Road). The survey shows three unplatted tracts South of the road right of way. This survey ties to Stewart's corner position and calls it the Center of the section.

1957 Donald R. Martin, Oregon Professional Engineer No. 3909, ties to Stewart's corner position and calls it the Center of the section 19 in a water rights map. This map was recorded in 1981 in C.S. File No. 58/240-2.

1962 George Wenderoth, Deputy Douglas County Surveyor, surveyed two new tracts South of Lawson Bar Road for M. G. Coffman on filed survey M23-16. This survey ties to Stewart's approximate Center one-quarter corner position.

1965 George Wenderoth, Deputy Douglas County Surveyor, surveyed the property of Donald and Dorma Wells, showing the relationship of a concrete slab and the house to the Southeast property line on filed survey M29-25.

1973 Eugene A. Bloom, Oregon Land Surveyor No. 492, tied to Stewart's corner position and calls it the Center of the section 19 on a minor land partition survey M50-58.

1981 George E. Grubb, Oregon Land Surveyor No. 397, found Stewart's approximate Center of Sec. 19 to be 34.1 feet easterly of the true Center of Sec. 19 intersection on a minor land partition survey M87-22. He noted Stewart's corner was the "apparently accepted location." Surveyor Grubb didn't set a monument at the intersection point.

2001 Wayne L. Rogers, Oregon Land Surveyor No. 2137, found an aluminum cap at the Center one-quarter corner of Sec. 19 on a tie for a property survey M139-7.

2009 Raymond F. Brown, Oregon Land Surveyor No. 2391, used the Center one-quarter of Sec. 19 position established by Grubb for his property survey M157-13. Nothing was set at Grubb's corner. Surveyor Brown also tied to Stewart's corner.

2014 F. Neil Hibbs, Oregon Land Surveyor No. 52989, surveyed the property of Don and Jill MacGregor on filed survey M167-61.

2014 F. Neil Hibbs, Oregon Land Surveyor No. 52989, monumented the Center one-quarter of Sec. 19 position established by Grubb for his property survey M168-17. Surveyor Hibbs utilized Stewart's approximate Center one-quarter corner position to set his monument using a distance-distance intersection based on M157-13.

PROCEDURE: This survey is performed with a Nikon NPL-362 one-second total station in a series of closed traverse loops. The loop closures varied from 1:10,000 to 1:11,875. The traverse loops were not adjusted. I calculated the tie along the road frontage based on the MacGregor's deed, N. 70° 22' 37" W., between original monuments of the MacGregor's property and use this as my basis of bearing.

See my analysis below for holding the offsets on Surveyor Wenderoth's 1965 survey, M29-25, and utilizing Surveyor Wenderoth's 1962 survey, M23-16, for deed interpretation.

I locate three of the original four property corners for the Stanley property. At the North corner of Stanley's property, I set a 1/2" by 12" long rebar inside the original 3/4" iron pipe with a yellow plastic cap, marked "HERZSTEIN LS 2150", attached. I establish two monuments on the property line between the MacGregors and the Stanleys, based on Surveyor Wenderoth's 1965 survey, M29-25.

To determine the proper location on the house to measure the offset from, I scale the distance on the original M29-25 plat at the Douglas County Surveyor's Office and find the distance along the side to be 49 feet. This fits the corner of the structure, not the roof over the porch.

The two iron rods I find on the property line between Herbert and Stanley were set by Gordon Stanley to perpetuate the property line. One rod is on-line and the other is less than half a foot off-line. I accept these as monuments on the property line.

Beyond the property corners shown on my survey, I project the property lines the record deed distance into the South Umpqua River.

ANALYSIS: The property deed for the Stanleys originated in 1964. It is the only title transfer from Louise Coffman, Melvin (M. G.) Coffman's widow. The deed doesn't call for the 1962 Wenderoth survey and iron pipes, but employs the bearings and distances shown on that survey. The point of beginning has the MacGregor's deed call for an iron pipe. Its description doesn't have the property line call for the sandstone rock that is in the MacGregor's deed. The deed description doesn't have the iron pipe call that is in the Herbert's deed.

The MacGregor's property deed originated in 1948. The chain of title for this property is: M. G. and Louise Coffman to Chris and Freda Daniels; Chris and Freda Daniels to John and Lilla Harbeson; John and Lilla Harbeson to M. C. Parsons; M. C. and Patricia Parsons to Carl and Stella Moodie; Carl and Stella Moodie to Donald and Dorma Wells; Dorma Wells to Dorma V. Wells Revocable Living Trust; Dorma V. Wells Revocable Living Trust to Donald George and Kristin Jill MacGregor. The deed description calls for a sandstone rock on the property line with Stanley.

The Herbert's deed originated in 1963. The chain of title for this property is: Louise Coffman, Melvin (M. G.) Coffman's widow, to William and Dorothy Weller; William and Peggy Weller, Jr. to Arlene Herbert; Arlene Herbert to A. Herbert & Associates. The deed doesn't call for the 1962 Wenderoth survey and iron pipes, but employs the bearings and distances shown on that survey. The only call in the deed description for an iron pipe is at the point of beginning.

A sandstone rock is called for in the MacGregor deed at 516.6 feet, but is not called for in the Stanley deed. Since the MacGregor's property preceded the Stanley's property in being transferred out of the Coffman's parent property, its deed is senior over the Stanley's deed, and the sandstone rock call must be considered in determining the MacGregor-Stanley property line. My search didn't find a sandstone rock, but I did locate a depression at 501.5 feet that was 1 foot wide, 3 feet long, and 1 foot deep, laying across the line. There is no evidence that this is the location of the sandstone rock. My property line location crosses this depression.

I use my calculated tie between MacGregor's found property monuments as my basis of bearings, because the MacGregor's deed is senior to the Stanley's deed. In addition, these monuments are nearer to the site than the monuments used by Surveyor Hibbs for his basis of bearings. My basis of bearing correlates well with survey M23-16. Between the existing original monuments, including the North property corner of the MacGregor's property, my surveyed bearings are commensurate with the deed bearings (within half a minute for bearings reported to the nearest minute).

The M23-16 survey by George Wenderoth, Deputy County Surveyor, for M. G. Coffman in 1962 was to partition the two lots, shown with acreages and solid property lines. These are the lots which are now owned by Stanley and Herbert. The five lots depicted to the North of these two lots appear to be Coffman's previously partitioned lots that had been transferred prior to this survey. Wenderoth's bearings and distances for these older lots are from their respective property deeds. Its plausible Wenderoth didn't resurvey these lines, but just copied the deed descriptions and plotted them on his map. I checked these bearings and distances against the property descriptions in the deeds and found the course of one to be different. Instead of "S. 79° 08' E., 138.0 feet" along the road right of way for the lot (Roberts) to the North of MacGregor, that deed states "South 79° 02' East, 138.0 feet", which is the same alignment as the MacGregor's property description along the road right of way. The 1950 road survey MP 0.05-0.45 for Lawson Bar Road has this shown the same as the deed. My calculated bearing from the MacGregor's North corner to the axle hub is N.68° 19' 18" W., which is closer to my actual bearing of N.68° 14' 20" W. than Hibb's calculated bearing of N.68° 21' 10" W. Surveyor Hibbs

uses Wenderoth's bearings and distances to calculate his basis of bearings, which may include a bearing in error.

I find it necessary to utilize survey M23-16 to interpret the property descriptions of the deeds for Stanley and Herbert, because the found monuments are not called for in the deed descriptions.

I conclude all of the property deed descriptions were created with a transit and tape survey, as bearings are given to the nearest minute and distances are given to the nearest tenth of a foot. The original property descriptions in the deeds for Cardoza, Roberts, MacGregor, Stanley, and Herbert have misclosures of from 1.9 feet to 0.9 feet. This creates error of closures from between 1:738 to 1:1850. Roughly, an error of closure of 1:1500 would be consistent with a transit and tape survey.

The M29-25 survey by George Wenderoth for Donald and Dorma Wells in 1965 repeats the property description from the deed for the bearings and distances on the property lines. Surveyor Wenderoth doesn't show a tie to the sandstone rock on this property line, as called for in the deed. His map shows distances perpendicular to the common property line with the Stanleys for a corner of a concrete slab and a corner of the Wells' house. Both the concrete slab and the house are surviving. It is reasonable to expect that both the Wells and the Stanleys have relied on and utilized this map for perpetuating the boundary line, as both families were living there in 1965 and for the subsequent 40+ years. The Stanley's long-standing wooden fence corroborates the offset from the concrete slab. Even though M29-25 does not now create a straight line, a County Surveyor's filed map should be regarded as a faithful perpetuation of the property line.

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Herzstein Land Surveying
1741 Byron Creek Road
Winston, OR 97496

03/17/2015

REGISTERED PROFESSIONAL LAND SURVEYOR
<i>L E H</i>
OREGON JULY 26, 1985 LEONARD E. HERZSTEIN 2150

CERTIFICATE RENEWS:
06/30/2015

EXHIBIT 1 – Found Iron Pipe in Concrete for North Property Corner



EXHIBIT 2 – Found Iron Pipe in Concrete for East Property Corner



EXHIBIT 3 – Found Iron Pipe on S.E. Property Line



EXHIBIT 4 – Found Iron Rods on S.E. Property Line

