



**LEGEND**

- APPARENT BOUNDARY OF SOMMERS' ADDITION, AS OCCUPIED AND MONUMENTED.
- FENCE LINE
- PARTITION PLAT PARCEL BOUNDARY
- RIGHT OF WAY LINE
- CENTERLINE
- SOMMERS' ADDITION LOT LINE
- SECTION OR SECTION SUBDIVISION LINE
- FOUND SURVEY MONUMENT AS DESCRIBED, HELD FOR CONTROL
- OTHER, UNRECORDED, SURVEY MONUMENT, NOT HELD
- FOUND REBAR SET BY BAGETT, GRIFFITH AND BLACKMAN, RICK ROBINSON PROJECT SURVEYOR.
- SET 5/8" x 30" REBAR WITH YELLOW PLASTIC CAP STAMPED "TOMKINS SURVEYING" AND BRASS WASHER STAMPED "OR2360 WAZ5893" ATTACHED WHERE A RAILROAD SPIKE WAS SET FOR THE CORNER, WE STAMPED THE R.R. SPIKE "LS 2360"
- CALCULATED POINT, NOT SET
- RECORD DIMENSION

**NARRATIVE**

THIS SURVEY WAS PERFORMED AT THE REQUEST OF THE CITY OF ELGIN TO ANALYZE DECISIONS MADE IN THE SURVEY AND EXECUTION OF A PARTITION PLAT PERFORMED BY RICK ROBINSON OF BAGETT, GRIFFITH AND BLACKMAN FOR CROSS AND WILES, FILED IN THE OFFICE OF THE UNION COUNTY CLERK UNDER PARTITION PLAT NO. 1999-27. IN MR. ROBINSON'S ANALYSIS OF THE BOUNDARIES OF SOMMERS' ADDITION, AND THE SUBSEQUENTLY PROTRACTED BLOCK LINES AND LOT LINES WITHIN SOMMERS' ADDITION, IT WAS DECIDED THAT SINCE THE ORIGINAL LEGAL DESCRIPTION FOR SOMMERS' ADDITION CALLED THE ADDITION BOUNDARIES AS AN ALIQUOT PART OF SECTION 15, AND SINCE THE PLAT OF THE ADDITION SHOWED THE BLOCKS AND LOTS WITHIN THE ADDITION AS REGULAR AND EQUALLY DIMENSIONED, THE BOUNDARIES OF THE ADDITION WOULD NECESSARILY FALL ALONG THE ALIQUOT PARTS LINES, AND THE RESULTING EXCESSES AND DEFICIENCIES WITHIN THE ADDITION WOULD BE EQUALLY DISTRIBUTED THROUGHOUT THE ADDITION.

UNFORTUNATELY, MR. ROBINSON'S STRICT ADHERENCE TO THE MATHEMATICAL SUBDIVISION OF THE ALIQUOT PART THAT COMPRISES THE LAND DESCRIBED IN THE PLAT OF SOMMERS' ADDITION RESULTED IN THE CREATION OF CONFLICTS BETWEEN THE CALCULATED LOT AND BLOCK CORNERS AND THE LOT AND BLOCK CORNERS WITHIN SOMMERS' ADDITION AS IMPROVEMENTS HAVE OCCURRED, AND AS MONUMENTED BY AN UNRECORDED SURVEY, REPORTEDLY PERFORMED BY THE BOISE CASCADE CORPORATION IN THE 1860'S. OUR RE-SURVEY OF SOMMERS' ADDITION FOUND THAT THE UNRECORDED MONUMENTS IN SOMMERS' ADDITION, WITH THE EXCEPTION OF TWO MONUMENTS THAT WERE REPORTEDLY DISPLACED DURING SNOW REMOVAL, AND THE LONG STANDING FENCE LINES AND BUILDINGS WITHIN THE ADDITION, ATTESTED TO BY RESIDENTS, WERE IN GOOD AGREEMENT WITH EACH OTHER. IT WAS MY CONCLUSION THAT THE UNRECORDED MONUMENTS, FENCES, AND BUILDINGS WITHIN SOMMERS' ADDITION, AS SHOWN IN THIS SURVEY, PROVIDED THE BEST EVIDENCE OF THE ORIGINAL INTENT OF THE SUBDIVIDERS, AND HAVE THUS RECONSTRUCTED THE BLOCK AND LOT LINES WITHIN SOMMERS' ADDITION ACCORDINGLY.

CLEARLY, THE INTERPRETATION DISCUSSED HEREIN THAT LOCATES THE BOUNDARIES OF SOMMERS' ADDITION AS THEY WERE APPARENTLY ORIGINALLY INTENDED TO EXIST RESULTS IN THE CREATION OF TITLE DIFFICULTIES ALONG THE PERIMETER OF THE ADDITION, THOUGH THE LAND OWNERS ALONG THE PERIMETER OF THE ADDITION CLEARLY HAVE A CLAIM TO THE LAND WITHIN THE FENCES THAT HAVE HISTORICALLY BEEN THE DEFINITION OF THE BOUNDARY OF THE ADDITION, A SERIES OF GAPS AND OVERLAPS BETWEEN SAID OCCUPATION LINE AND THE ALIQUOT SECTION SUBDIVISION LINES OCCUR. THE ALIQUOT SECTION SUBDIVISION LINES REPRESENT THE DEDICATED BOUNDARY OF SOMMERS' ADDITION. THE LINE SHOWN ON THIS SURVEY AS "APPARENT SUBDIVISION BOUNDARY" REPRESENT MY ANALYSIS OF THE SUBDIVISION BOUNDARY BASED ON THE UNRECORDED MONUMENTS AND IMPROVEMENTS. IT IS MY RECOMMENDATION THAT THE LAND OWNERS ALONG THE ADDITION PERIMETER PURSUE QUIET CLAIMING TO EACH OTHER ANY LANDS WITHIN OR WITHOUT THE "APPARENT SUBDIVISION BOUNDARY" SHOWN HEREIN, IN ORDER TO MAINTAIN ORDER AND GOOD NEIGHBOR RELATIONS WITHIN THIS PART OF THE TOWN OF ELGIN.

PRIOR TO THE FILING OF THIS SURVEY, REVIEW AND COMMENT WAS PROVIDED BY CHUCK PEARSON, CLACKAMAS COUNTY, OREGON COUNTY SURVEYOR. MR. PEARSON CITED OREGON CASE LAW AS A JUSTIFICATION FOR ACCEPTANCE OF AN ANALYSIS OF THE LOCATION OF BLOCKS WITHIN SOMMERS' ADDITION AS SHOWN HEREIN. SPECIFICALLY, A 1918 CASE, "BERNILL V. CITY OF MARSHFIELD", OR 556,562,174 P.1153 WAS QUOTED IN MR. PEARSON'S OPINION, WHEREIN IT IS SAID THAT "IN CONSTRUING, INTERPRETING, OR RESURVEYING AN OLD MAP OR PLAT, OLD FENCES, STREET IMPROVEMENTS, LINES OF OCCUPANCY, ETC., SHOWING THAT THE TERRITORY HAD FOR A LONG TIME BEEN OCCUPIED UNDER AN EVIDENT AND CONSISTENT SURVEY OF SUCH PLAT, ARE STRONG EVIDENCE OF THE LOCATION OF THE ORIGINAL LINES."

IT IS MY UNDERSTANDING THAT IT IS THE INTENT OF RICK ROBINSON AND GREG BLACKMAN TO VACATE PARTITION PLAT 1999-27 AND TO REVISE THE LOT BOUNDARIES TO BE IN CONFORMANCE WITH THE BLOCK BOUNDARIES AS SHOWN ON THIS SURVEY. I HAVE SHOWN THE NEW BOUNDARIES OF THE LOTS WITHIN THIS PARTITION PLAT FOR INFORMATIONAL PURPOSES ONLY. FURTHERMORE, IT IS THE INTENTION OF THE CITY OF ELGIN TO VACATE ANY PORTION OF THE STREETS AS ORIGINALLY DEDICATED WITHIN THE PLAT OF SOMMERS' ADDITION LYING OUTSIDE OF THE RIGHT OF WAY OF SAID STREETS, AS SHOWN HEREUPON, AND TO LEGALIZE THE STREETS WITHIN THE PLAT, AS SHOWN HEREUPON, UNDER THE PROVISIONS OF OREGON LAW. IT IS ALSO THE OPINION OF MR. PEARSON, AS DISCUSSED IN THE AFOREMENTIONED REVIEW LETTER, THAT WHEN SURVEYS ARE HERETOFORE PERFORMED WITHIN SOMMERS' ADDITION, THAT AFFIDAVITS, OR QUIET CLAIM DEEDS, BE FILED BY THE ADJOINERS TO THE SURVEYED PARCEL AND BY THE OWNER OF THE SURVEYED PARCEL TO VERIFY THE ACCEPTANCE AND ADOPTION OF THE PROPERTY BOUNDARIES AS SHOWN IN THIS SURVEY.

THIS SURVEY WAS PERFORMED AS A COMBINATION OF REAL TIME KINEMATIC SURVEY USING ASHTECH G-G G.P.S. RECEIVERS, AND TRADITIONAL TERRESTRIAL FIELD TRAVERSE, USING A SOKKIA AUTOMATIC TOTAL STATION. THE SURVEY WAS INITIATED FROM RAILROAD SPIKE CONTROL POINTS PREVIOUSLY SET BY BAGETT GRIFFITH AND BLACKMAN, AND WAS CLOSED INTO CADASTRAL MONUMENTS ALSO SET BY BAGETT, GRIFFITH, AND BLACKMAN. A WORD OF SPECIAL THANKS TO AND APPRECIATION OF THE FIRM OF BAGETT, GRIFFITH, AND BLACKMAN IS DUE, FOR THEIR COOPERATION AND ASSISTANCE IN THE EXECUTION OF OUR SURVEYS.

**BASIS OF BEARINGS**  
N 88°24'37" E BETWEEN THE REBARS SET BY RICK ROBINSON FOR THE NORTH LINES OF PARCELS 1 AND 3 OF PARTITION PLAT 1999-27, AS SHOWN ON SAID PARTITION PLAT.

10/23/00  
10/31/00  
J. T. Glavin  
033-2000

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JULY 26, 1988  
PAUL W. R. TOMKINS  
2360  
RENEWS 6/30/2002  
10/23/00

A SURVEY LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 39 EAST, W.M., UNION COUNTY, OR. BEING A RE-SURVEY OF SOMMERS' ADDITION TO THE CITY OF ELGIN FOR: THE CITY OF ELGIN P.O. BOX 128 ELGIN, OREGON, 97827	SCALE HOR. 1"=100' VERT.	TOMKINS LAND SURVEYING, INC. 20 EAST POPLAR SUITE 204 WALLA WALLA, WA. 99362 115 W. HERMISTON AV. SUITE 140 HERMISTON, OR. 97838 (509) 522-4843 (541) 564-4448	DRAWING NUMBER SOMMERL.DWG
	DATE JUNE, 2000		SHEET OF

SURVEY NUMBER 033-2000