

Pamela Cole

From: JEFFREY R TROSS <jefftross@msn.com>
Sent: Wednesday, December 9, 2015 12:47 PM
To: Pamela Cole
Cc: Jennifer Martin; jgh@usfamily.net
Subject: FW: Emailing: 2400BlockWallaceRdNW, Jeff and Gloria Hilts

Hi Pamela - Following this Pre-App (15-75) we researched the status of the easement/right of way through the property, and presented our findings to PW. See below their review and determination, that the strip of land running west from Wallace Road is not a public right of way.

Let me know if you have any questions. Thanks.

Date: Wed, 9 Dec 2015 08:32:11 -0800
From: Kinman@cityofsalem.net
To: LMisbach@cityofsalem.net; jefftross@msn.com
CC: GPappe@cityofsalem.net
Subject: RE: Emailing: 2400BlockWallaceRdNW

Good morning Jeffrey,

Yes, based on the research to date, it appears to be a private matter. Again, the assistance of a title company and an Attorney may be needed to answer questions pertaining to chain of title, unrecorded documents, intent, and other potential issues. At this time, I find no indication that it's a City of Salem issue to research or resolve.

Best regards,

Kent

>>> JEFFREY R TROSS <jefftross@msn.com> 12/8/2015 5:07 PM >>>

Kent and Lyle -Thank you for this review. I have seen the 1951 Ralph Howe survey and exchange between Ferguson-Roseman-Ferguson for easement purposes. I did not see a conveyance to the public in the various deeds, etc. If I understand your conclusion, the strip of land remains in private hands, and is not a public right of way. Please let me know if that is not correct ... thanks for the research.

Date: Tue, 8 Dec 2015 10:07:29 -0800
From: Kinman@cityofsalem.net
To: LMisbach@cityofsalem.net
CC: jefftross@msn.com
Subject: Re: Emailing: 2400BlockWallaceRdNW

Good morning,

The base map (line work) for the City of Salem GIS map is based on information provided by the Marion and Polk Assessor's Offices. Looking at the attached map, the area between 2499 and 2501 Wallace Road NW appears on Polk County Assessor's map 7.3.9CD. To that extent, the City map is correct.

The area in question, first appears in a survey by Ralph Howe, County Surveyor, recorded as Polk County Survey Number 1456, dated 1/6/51. The words "To establish a 20 foot right-of-way easement." are in the title block, and the map contains legal descriptions labeled "Ferguson to Roseman" and "Roseman to Ferguson". In the 1940's, Ferguson (North) and Roseman (South) acquired lands that appear to share a common boundary. In the Polk County Deed Records between the years 1951-1961, I have not found a conveyance to or from either party matching the descriptions on the survey. Roseman's convey their land in May of 1951 to Iwen's in Volume 144, Page 608 of the Polk County Deed Records. The deed reserves a 30 foot strip of land off of the easterly side, no mention of a roadway or easement on the north side. The Ferguson's convey their lands over the years in Volume 155, Page 253 (1954), Volume 170, Page 257 (1959), and Volume 178, Page 490 (1961). The descriptions appear to be based on other surveys by Ralph Howe, see survey number 1353, 1459, 1466, 1544, and 1684. Volume 170, Page 257 is for property on the northeast side of the area in question. The description calls "thence South 89° 40' West 155.25 feet parallel to and 1.0 foot North of the North line of a 20.0 foot roadway to an iron pipe". The words "SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways" are below the description in Volume 178, Page 490. The descriptions of the properties appear to be consistent to the present day.

Based on the research conducted to date, this appears to be a matter between private parties. The affected parties may need to seek the assistance of a title company and an Attorney.

I've attached copies of pertinent deeds, surveys, and other information.

Best regards,

Kent

Kent Inman
Surveying Assistant
Public Works

>>> Lyle Misbach 12/3/2015 11:26 AM >>>
Kent and Vijai-

Please see the attached. Per our GIS system, this property has an old public right-of-way through the property, connecting to Wallace Road NW. The owner of the property has researched their records and cannot find anything indicating that this is indeed right-of-way. Could you please research City records and see whether this is mapped correctly, and let Jeff and I know?

Thanks,

Your message is ready to be sent with the following file or link attachments:

2400BlockWallaceRdNW

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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