



MEMORANDUM

TO: Mayor and City Council

FROM: Steve Wall, Public Works Director

DATE: February 10, 2015

SUBJECT: Proposed Boundary Line Adjustment (BLA) for Watershed Property

Details

Property owners Towle and Lovell on the west line of the City's watershed property (see attached Figure 1) are requesting that the City acknowledge a boundary line that was surveyed and established in 1923 as the true and correct property line between their property and the City's. Two letters from Mr. Towle and Mr. Lovell are attached for reference.

The watershed property legal description utilizes the northwest section corner (Section 4) to establish the westerly boundary line between the City's watershed property and the private properties to the west. However, there is uncertainty concerning the correct location of the section corner and corresponding property line.

An iron pipe, set in or around 1923 in the northwest corner of the City's watershed property (establishing the "1920s Camas Survey Line" in Figure 1) was established around the time of the purchase of the watershed property by the City. This line has been used to establish fence lines in the past and was historically used in the platting of private property to the west of the watershed property. More recently, the 1923 line was used by the City as the boundary of the timber harvest that was completed in 2014.

Additional surveys have been completed since the 1920s to determine the location of the Section corner. One of significant note was completed by the Department of Natural Resources (DNR). DNR placed a monument in 2000 that was significantly west of the 1923 location (establishing the "DNR Removed" line in Figure 1). This monument has since been deemed incorrect and removed by DNR. Also of note, this area is also part the Bonneville Power Administrations (BPA) preferred alternative route. Preliminary surveys by BPA in 2014 (shown as the "HDR Line" in the attached Figure 1) proposed that the section corner was between the 1923 survey monument and the most westerly DNR corner that has been removed. This assumption has been rejected by DNR.

To remedy the boundary line issue, Staff recommends accepting the 1923 line as the boundary line between the watershed property and the Towle, Hoyt and Lovell parcels. This was the accepted line at the time of the watershed purchase, was historically fenced as the property line, and was used for the 2013-14 timber sale and harvest. Utilizing the 1923 line will eliminate

potential encroachment issues and potential boundary disputes for private owners to the west that recognize this line as control for their parcel legal descriptions.

As an additional item of interest, the petitioning property owners have a pending Forest Practices Act permit to log on their parcels. Staff would recommend that the petitioners, as part of the proposed BLA, agree to appropriate watershed protection measures. These would include the following:

- Acknowledgement that the City has the right to manage the water resource for public consumption;
- Use of only mechanical means for removal of underbrush (no herbicide use) on their property;
- Installation of a new fence between their parcels and the City property after logging is complete;
- Installation of No Trespassing signs along the fence line;
- Installation of signs marking the fence line as City of Camas Watershed Property (may be combined with the No Trespassing signs).

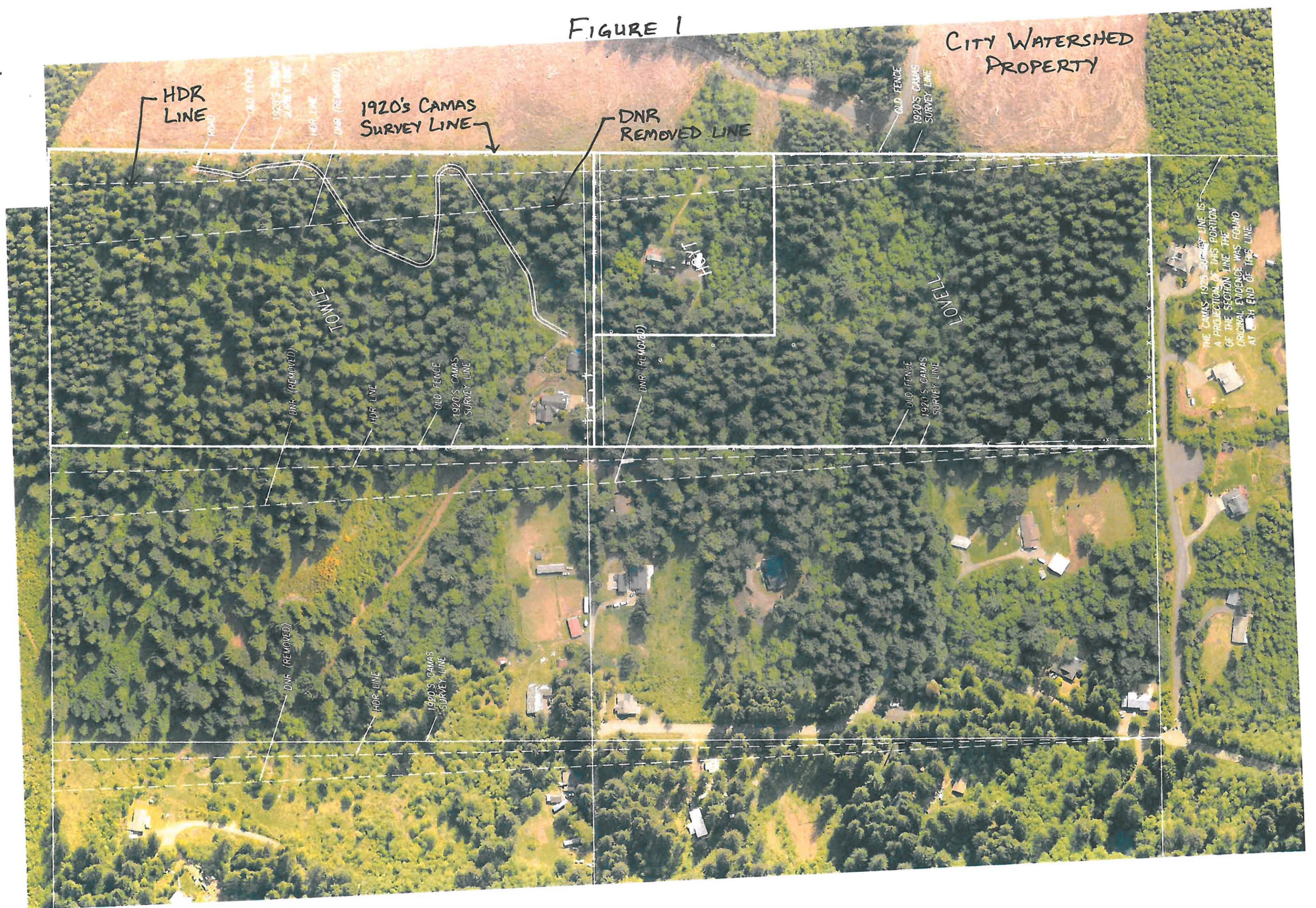
Recommended Action

Provide direction for staff to develop a boundary line agreement with property owners to the west of the watershed property for future Council consideration.

Attachments:

- Figure 1 – Location and Survey Line Map
- February 9, 2015 Property Owner Proposal
- October 31, 2014 Property Owner Request

FIGURE 1



February 9, 2015

Eric Levison
City of Camas
616 NE 4th Avenue
Camas, WA 98607

Re: Property Boundary Issues Section 4, T2N, R4E

Dear Eric,

I have attached a sketch showing the Camas (1920's) survey line, the new HDR line and the old DNR line that they have now removed the monument. This sketch doesn't show the Swart line, but it is about 10-12 feet East of the HDR line and extends north for 30 feet or so. The photo shown is the new 2014 Clark County aerial data.

The effect of the solution for this section corner has a ripple effect across the Northeast quarter of this section. From the photo you can see that the Camas iron pipe has been used to establish property use lines throughout the quarter section.

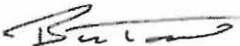
If Camas agrees to use the old pipe as the section corner we will:

- Have an attorney draft an agreement between us agreeing to use the 1920's survey line as our common property line.
- We will draft the legal description and exhibit maps to be included in the agreement.
- We will file a Record of Survey with Clark County showing that Camas has agreed to accept the 1920's survey solution as the line between Sections 4 and 5 surveying the lines of our properties as shown as bold white lines on the attached exhibit.

The timing of signing an agreement isn't critical. As you know we are in the queue to have our properties logged this spring and are planning to log between the old fence lines. The BPA right-of-way has just been marked. The west edge of this right-of-way doesn't follow the HDR line, but is maybe half way between the old fence line and the HDR line. I've also attached a photo showing the white right-of-way flag taken that the sharp switchback in the road and another slightly up the hill where you can also see the gate in the old fence between our properties.

If you need any other information, let us know.

Sincerely,



Bruce Towle
Bill Lovell

October 31, 2014

Eric Levison
City of Camas
616 NE 4th Avenue
Camas, WA 98607

Re: Property Boundary Issues Section 4, T2N, R4E

Dear Eric,

Bill Lovell and I own properties identified as tax serial numbers 136848-000 and 136865-000 respectively. This letter is to follow up our meeting concerning our common property boundary line with the City of Camas. As you are aware, there is uncertainty concerning the correct location of the section line that is our common property line. Below I have listed a general time line of the various solutions for the line:

1892 – General Land Office Surveyor Samuel W. Lackand surveyed and created the line by monumenting each end with a marked stone and witness trees.

1904 – Northern Pacific Railroad timber cruiser found both of these stones.

1923-1925 -- Sometime in this time frame the City of Camas or Camas Water Company had section 4 surveyed. The surveyor found the southwest corner and the west quarter corner of section 4 but did not find the stone at the north end of the section line. He set an iron pipe and witness tree for that point on a projection of the other two found monuments. The pipe and witness tree still exist today.

1985 – DNR did an intensive search for all of the stones along the north line of the T2N, R4E Township and found all of the stones except the northwest corner of Section 4. They spent about a week looking for this stone, removing all vegetation in the various search areas and examining stones and possible witness trees.

1988 – Local land surveyor Tom Swart determined a location for this section corner.

2000 – DNR decides not to accept the Swart location and establishes a new location.

2008 – DNR does some additional surveying in the area and finds evidence that their 2000 location is incorrect.

2014 – BPA contract surveyors agree that the DNR 2000 location is not correct and find a stone and remains of rotted trees that they feel are the location of the section corner. This evidence was examined by DNR in 1985 and 2000 and not accepted.

So as you can see, the true location of the line between our properties is uncertain. All of the property lines in the northeast quarter of Section 5 are affected by the location of this section corner. The 1925 location has been used over the years as fences, roads and houses have been built. When I bought my property in 1985 a fence existed between our properties that followed the 1925 line. At that time it was quite rotted although most of the posts were still standing and some wire was still strung. It was obvious that the fence was near 40-50 years of age at that time.

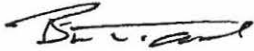
Bill Lovell and I would like to fix the line between the City ownership and our land so that our property boundaries are certain and fixed. We would like to sign a boundary line agreement to honor the line that has

been used for the past 90 years.

Picking another solution would probably require that we get easements from the City for old roads that would then cross over property lines and require that we grant easements to our neighbors for their roads. It's not feasible to move the roads due to the steep grades in the area.

If you would like more information concerning the history of this line between our properties or have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Towle". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bruce Towle
Bill Lovell