

REPORT  
TO  
THE CITY COUNCIL, CITY OF  
IRWINDALE, AND PROPERTY OWNERS  
CONCERNING  
CONFLICTING SURVEYS AND LAND TITLES IN  
THE WEST HALF OF THE NORTHEAST QUARTER  
OF  
SECTION 9, TOWNSHIP 1 SOUTH,  
RANGE 10 WEST, SAN BERNARDINO  
BASE AND MERIDIAN IN THE  
CITY OF IRWINDALE, CALIFORNIA

John A. Lambie, County Engineer  
County of Los Angeles

For maps accompanying this report  
see C.S. B-2660-1 and 2  
and  
Survey Division File Maps 99-32-2 to 6 incl.  
C.S. B-2760

by  
E. T. Mankey, Deputy County Engineer  
March & April, 1961  
Job Number 0300.07

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## SYNOPSIS

### THE PROBLEM

The area under consideration in this report (the W 1/2 of the N.E. 1/4 of Sec. 9, T. 1 S., R. 10 W., S.B.M.) is situated in the City of Irwindale, and is bounded on the north by Arrow Highway; on the west by Irwindale Avenue; on the south by Olive Street; and on the east by Ellen Drive, a private street and its southerly prolongation.

Within the ten-year period prior to the turn of the century, the original patentee of the above described property conveyed title to twelve or more parcels of land within the subject area. These conveyances were described by metes and bounds, some of which commenced at the northwest corner of the property; whereas, others commenced at the southwest and southeast corners thereof.

The official government survey and plat upon which boundaries and land titles in this area are based was made in April, 1865. This was during a period when the survey of public lands was prosecuted by private surveyors on a contract basis with the United States General Land Office. As a result of this system, some of the older surveys were quite inaccurate as compared with present day standards. Such is the case with the original surveys in T. 1 S., R. 10 W., S.B.M. As a result, some of the first deeds conveyed by the original patentee in the 1890's resulted in overlaps or gaps between adjacent properties so conveyed.

It appears, from records on file in this office, that at some time between March, 1890, and April, 1909, a number of fences were erected to enclose various holdings within the area. The origin of these fences or how their locations were determined is unknown to us. However, a survey of Irwindale Avenue, prosecuted by the County Surveyor in 1909, disclosed considerable discrepancy between the location of the fence lines and lines of record title based on the official government corners marking the boundaries of Section 9. These discrepancies, which still exist, in some cases amount to eighty or more feet and affect the boundaries of practically all of the properties within the area under consideration. This condition has made it difficult for property owners to obtain bank loans on real estate or to obtain policies of title from reputable title companies.

To add further confusion to the situation, numerous sales and re-sales of real property have been made containing ambiguous legal descriptions and in several instances there have been failures to record these documents.

The County Assessor has been assessing the land on the basis of record title such as it is. However, it may be noted that improvements assessed against one parcel of land may actually be situated on an adjacent parcel as its boundaries would be established according to record title.

#### CITY AND COUNTY CO-OPERATION

In 1958, in an attempt to resolve the matter of titles and possession, officials of the City of Irwindale requested the co-operation of the County Engineer.

The City's primary interest in attempting to co-ordinate titles with possessory lines lay in their desire to obtain valid easements for the improvement of certain streets within the area.

The County Engineer also had certain interests at stake in that it is mandatory under the provisions of Section 27559 of the Government Code that, "In the preparation of assessors' maps and block-books the surveyor \*(in the County of Los Angeles, the County Engineer) shall make all investigations and surveys necessary to provide complete and accurate maps."

In order to proceed with the project, it was agreed that the County Engineer would locate and map the possessory lines within the area and determine the exact relationship between these lines and lines of record title.

Officials of the City of Irwindale agreed to exert their best efforts to act as a clearing house for the dissemination of authentic information to those concerned toward resolving the matter.

#### REVISION OF ASSESSOR'S MAPS

It was further agreed that when the matter is resolved, viz., when lines of title are adjusted to conform with lines of possession either by agreement, exchange of quit claim deeds, or by means of

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\*Data in parentheses added

quiet title action, the County Engineer will proceed immediately to revise the Assessor's maps accordingly.

#### PROGRESS

Pursuant thereto, the County Engineer has completed his survey and map, has located the most probable location for the lines of record title through analysis of the complete chain of deeds, and has been represented at a number of public meetings at Irwindale City Hall where the matter was discussed in detail with most of the property owners directly concerned. As a result of the meetings, approximately 81% of these owners have tentatively agreed to the adoption of the possessory lines and have either signed or initialed a print of the survey map to signify their desire of having the problems once and forever resolved.

The analysis of land titles within this area by the County Engineer necessitated the examination and co-ordination of some 1,150 documents of record in the office of the County Recorder, embodying some 75 parcels of land. Of the 75 property owners involved, 61 have signified their desire to adopt the lines of possession as their legal boundaries.

#### PROPOSED SOLUTION

It was suggested by an attorney representing the Title Insurance and Trust Company that a final map on the order of a deed map be prepared on which the boundaries of each parcel be made to coincide with the possessory lines or at locations mutually agreed upon by adjacent property owners. Each parcel was to be assigned an arbitrary number. He further suggested that an accompanying agreement document be prepared, upon which each property owner of record would affix his notarized signature as agreeing to the boundaries of the appropriately numbered parcel as shown on the aforesaid map. To terminate the transaction, it was proposed to record simultaneously the map and notarized agreement document in the office of the County Recorder.

It would appear that this program, if pursued, would fix the boundaries of all properties concerned in as permanent a location as had they been adjudicated by a court of competent jurisdiction. However, the reluctance of one or more property owners to participate

in this proposal could very well terminate or at least retard the whole proceeding.

In a recent review of the situation with the City Attorney of Irwindale, he expressed an opinion that at this time it does not appear probable that 100% signatures of those involved may be anticipated. On this premise, he suggested that we prepare the final map on a large scale, showing the same information and arrangement that was formerly proposed to be shown on the deed map. His reason for this suggestion was to the effect that should future quiet title actions become necessary the larger scale drawing would make a more appropriate court exhibit.

Pursuant to this suggestion, the map was drafted, completed, and checked by November 25, 1960. At the suggestion of the City Manager, it has since been revised to show all of the existing private streets as now occupied and used by the general public, a condition which has been in existence for a number of years.

#### CONCLUSIONS

Complete signing and recording of the hereinabove mentioned agreement document by all concerned will once and forever accurately establish the boundaries and land titles of both private and public interests within the subject area at a minimum of cost.

#### DETAILED REPORT

A detailed report containing a complete historic and technical background leading up to the present conflict in boundaries follows:

#### Hancock Surveys 1865

Township 1 South, Range 10 West, San Bernardino Base and Meridian, is bounded on the south by the Rancho La Puente and on the north by the Rancho Azusa confirmed to Andreas Duarte and Azusa confirmed to Henry Dalton.

On March 7, 1865, the United States General Land Office entered into a contract with Henry Hancock, a surveyor, to establish and

monument the official subdivisional lines within this township. His survey was commenced on April 25, 1865, and completed on April 29, 1865. (Filed Data #9363)

According to the official field notes of his survey, the following described monuments were set by him for marking the boundaries of Section 9:

- (1) SOUTHEAST CORNER (At the intersection of what is now Vincent Avenue and the Pacific Electric Railway-Covina Branch). He "set a post for corner to Sections 9, 10, 15, and 16 and drove a charred stake and raised mound with pits." (Filed Data 9363, Page 11)
- (2) SOUTH 1/4 CORNER (At the intersection of what is now Irwindale Avenue and the Pacific Electric Railway-Covina Branch). He "set a post for 1/4 section corner and drove charred stake and raised mound with pits." (Filed Data 9363, Page 12)
- (3) SOUTHWEST CORNER (At the intersection of what is now the Pacific Electric Railway-Covina Branch and Azusa Canyon Road). He "set a post for corner to Sections 8, 9, 16, and 17. Drove a charred stake and raised mound with pits." (Filed Data 9363-12)
- (4) WEST 1/4 CORNER (At the intersection of what is now Olive Street and Azusa Canyon Road). He "set a post for 1/4 section corner. Drove a charred stake and raised a mound with pits." (Filed Data 9363-12)
- (5) NORTHWEST CORNER (At the intersection of what is now Azusa Canyon Road and Arrow Highway). He "set a post for corner to Sections 4, 5, 8, and 9. Drove charred stake and raised mound with pits." (Filed Data 9363-12)
- (6) NORTH 1/4 CORNER (At the intersection of what is now Irwindale Avenue and Arrow Highway). He "set a post for 1/4 section corner. Drove charred stake and raised mound with pits." (Filed Data 9363, Pages 12 and 13)
- (7) NORTHEAST CORNER (At the intersection of what is now Arrow Highway and Vincent Avenue). He "set a post for corner to Sections 3, 4, 9, and 10. Drove charred stake and raised mound with pits." (Filed Data 9363, Page 11)

- (8) EAST 1/4 CORNER (At the intersection of what is now Vincent Avenue and Olive Street). He "set a post for 1/4 section corner, drove a charred stake and raised mound with pits." (Filed Data 9363, Page 11)

According to Hancock's field notes, the north 1/4 corner of Section 9 was set at the mid-point and on a straight line between the northwest and northeast corners of the section (F.D. 9363-12), whereas, the south 1/4 corner was set at the midpoint and on line between the southwest and southeast corners of the section (F.D. 9363-12). Similarly, the east and west 1/4 corners were set at the mid-point and on line between the nearest adjacent section corners to the north and south (F.D. 9363, Pages 11 and 12).

A copy of the official plat of the Hancock survey is on file in the township plat book in the office of the County Engineer under the designation "Township No. 1 South, Range No. 10 West, Sheet 3"

Hancock's original field tablets for his survey of this township (Hancock Field Books No's. 22 and 91) are also on file in the office of the County Engineer.

It is important to note at this point that, since the Hancock survey is the original and official Government survey of Township 1 South, Range 10 West, the field notes, plat, and monuments control the land titles and the location of the boundaries of all parcels of land within the township including those in Section 9.

Original Grant of the W. 1/2, N.E. 1/4 of Section 9

On October 25, 1889, the United States of America granted to Gregoria Fraijo the following described property: "The West 1/2 of the Northeast 1/4 of Section 9, Township 1 South, Range 10 West, San Bernardino Base and Meridian, in the State of California. Containing 80 acres according to the official plat of the survey of said land returned to the General Land Office by the Surveyor General." This document was recorded on January 16, 1890, in Book 4, Page 340, of Patents in the office of the County Recorder.

In connection with studies for the location of Olive Street through Section 9, the County Surveyor in 1939 made an analysis of surveys and land titles embracing the West 1/2 of the Northeast 1/4 of said section. Particular attention was given to the descriptions in the first deeds granted by Mr. Fraijo out of this 80-acre parcel of land.

According to records on file in the County Recorder's office, he conveyed out at least 12 parcels between April 25, 1888, and May 1, 1894. Ten of these parcels were deeded between April 25, 1888,



and December 18, 1891. At least five of the conveyances were for properties fronting on Irwindale Avenue, then known as Puente and Azusa Bridge Road.

The legal descriptions appearing in these instruments were by metes and bounds; some commencing at the Northwest Corner, some at the Southwest, and others at the Southeast Corners of Mr. Fraijo's property. Since the original Hancock measurements were not exact, according to modern day measurements, it followed that some of the original conveyances overlapped; whereas, others did not join by a number of feet. (See Survey Division File Map 18-71)

Stafford Survey of Puente and Azusa Bridge Road  
(March 1890)

In March 1890, H. F. Stafford, County Surveyor, made a survey for locating Puente and Azusa Bridge Road, the portion of which through the City of Irwindale is now known as Irwindale Avenue. The records of his survey are on file in the office of the County Engineer and are indexed as follows:

- (1) Copy of Field Notes - "R" Book 4, Page 125
- (2) Map - County Surveyor's Maps No's. 6667 and B-2727

In running through Section 9, Stafford located the center line of the 40-foot road along the quarter section line, viz., on a straight line connecting the North and South quarter corners of the section.

On June 10, 1890, a deed was recorded in which Mr. Fraijo deeded the westerly twenty feet of his property to the County of Los Angeles for road purposes. This document is on record in the County Recorder's office in Deed Book 659, Page 98.

In examining the records of the Stafford survey, it appears that by 1890 both the North and South quarter section monuments of the Hancock survey had been destroyed. He, therefore, proceeded to reset the north quarter corner at the mid-point and on a straight line between the northwest and northeast corners of the section; whereas, he set the south quarter corner at the mid-point and on a straight line between the southwest and southeast corners of the section. This procedure was in accordance with official Government instructions.

It is important to note, in the examination of Stafford's records of March, 1890, that at no place in running through Section 9 does he mention the existence of any fences.

In comparing the field notes ("R" Book 4, Page 125) against the map (County Surveyor's Map No. 6667), it appears that the map is quite incomplete and that certain discrepancies exist between the field notes and map. None of these discrepancies, however, bear any effect on the location of Irwindale Avenue through Section 9. In order to clarify the situation, the County Engineer, in 1960, prepared and filed County Surveyor's Map No. B-2727 which is based entirely on the copy of Stafford's field notes on file in this office in "R" Book 4, Page 125.

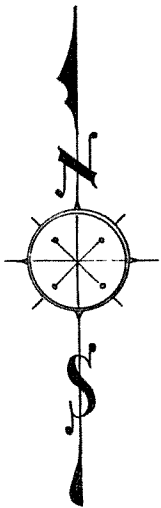
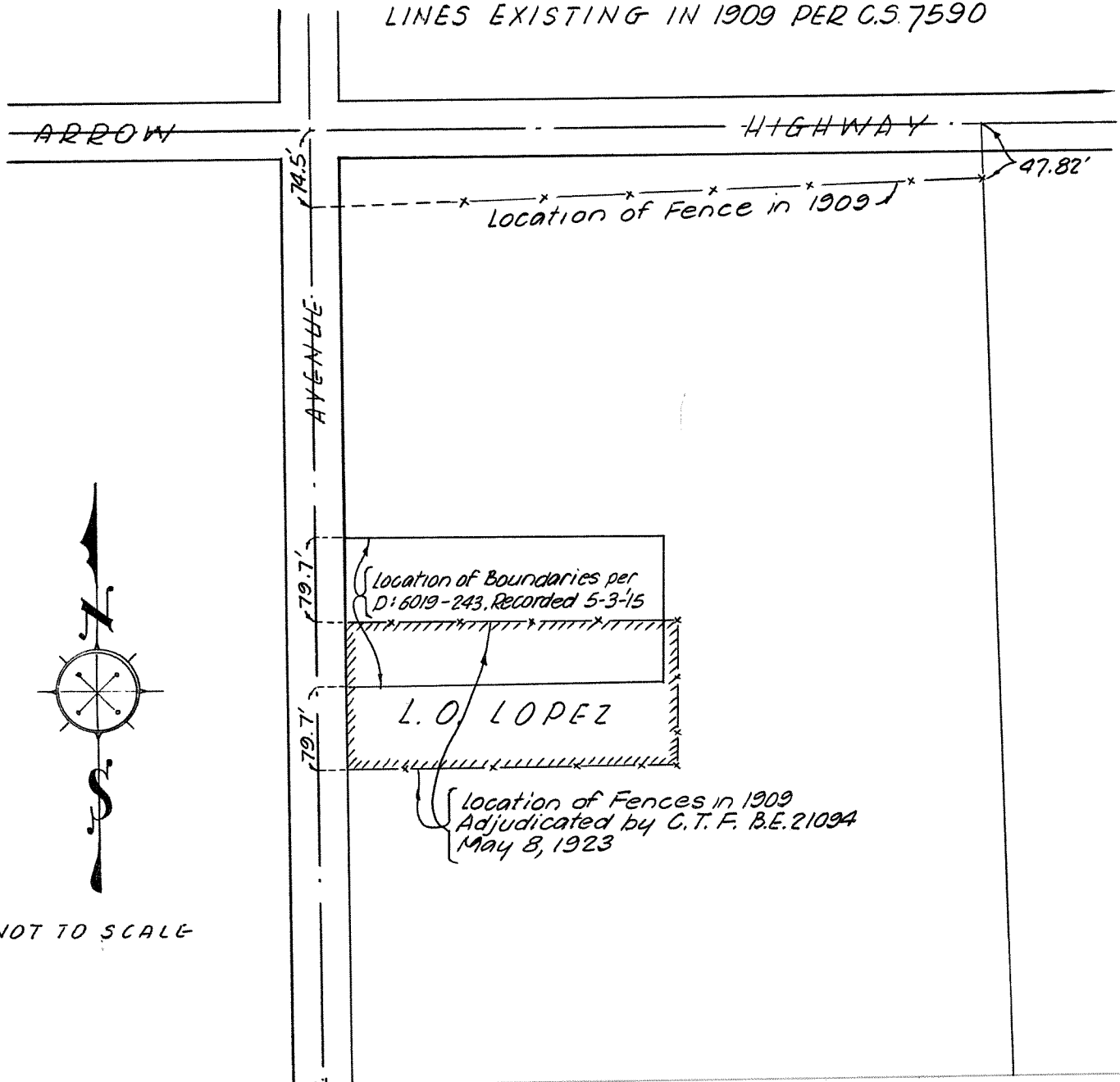
Noble Survey of Puente and Azusa Bridge Road  
(April 1909)

In April 1909, Ivory B. Noble, County Surveyor, made a retrace-ment survey of Puente and Azusa Bridge Road (now Irwindale Avenue) through Section 9, Township 1 South, Range 10 West (See County Surveyor's Map No. 7590). This survey was executed in the person of William C. Wattles who at the date of this report resides in the City of Glendale.

Examination of County Surveyor's Map No. 7590 indicates that by April 1909 the North and South 1/4 section corners had again disappeared. However, there did exist at the time a sufficient number of stakes and line fences and walls along the side lines of Irwindale Avenue to establish the center line within a reasonable degree of certainty of where Stafford had surveyed it. According to the record, Wattles set the North quarter corner of Section 9 on a straight line and at the mid-point between the Northwest and Northeast corners of the section. From this point, he ran southerly on a straight line on an average of side line stakes and fences to an intersection with a straight line connecting the Southwest and Southeast corners of the section. This line, together with the location of the North and South quarter corners of Section 9, has been generally recognized and used since the 1909 survey by surveyors and engineers for establishing property boundaries in the Irwindale area.

Of primary interest to all concerned, the Wattles survey disclosed, for the first time, the existence of a number of possessory line fences extending easterly from Irwindale Avenue in the Northeast quarter of Section 9. Of further interest, these fences had

SKETCH OF  
W $\frac{1}{2}$  OF N.E.  $\frac{1}{4}$  SECTION 9, T.1S., R.10W. S.B.M.  
SHOWING  
LOCATION OF CERTAIN FENCE  
LINES EXISTING IN 1909 PER C.S. 7590



NOT TO SCALE

been erected south of their respective lines of record title by as much as 80 or more feet. How these fence lines were established is unknown to us, but it is quite evident from the records that they were located and erected at some time between the Stafford (1890) and Wattles (1909) surveys. Most of these fences or other evidence of possession are in the same location today as they were in 1909.

The sketch shown on Plate 1 indicates the discrepancy between certain lines of record title and the corresponding lines of possession along Irwindale Avenue as they were located in 1909 and shown on County Surveyor's Map No. 7590.

Apparently, the old fence lines indicated along the south side of Arrow Highway and the one just south of Olive Street were erroneously established, and other fence lines within the Fraijo 80-acre parcel were laid out to be more or less consistent with these lines. In any case, the discrepancies existed prior to 1909 which precludes any possibility, as some contend, that the difficulties commenced many years later when the County Surveyor made the surveys for Arrow Highway.

These discrepancies between lines of record title and possession have created untold confusion among property owners in the area as to the true location of their property boundaries. Until this condition is rectified, property owners may experience considerable difficulty in obtaining policies of title from reputable title companies or in using their properties as collateral in securing bank loans.

#### Registered Lands

On May 8, 1923, Mr. L. O. Lopez registered, under the Torrens land registration system, three parcels of land located in the West 1/2 of the Northeast 1/4 of Section 9, Township 1 South, Range 10 West, San Bernardino Meridian. A record of this action appears in the Registrar's files in the County Recorder's office under the designation "Certificate No. BE 21094 Decree No. 38130."

Through this action, Lopez virtually quieted title to his possessory lines which, at the present time, are probably the only parcels of land in the entire 80 acres whose exterior boundaries are in agreement with the title. It is noted through examination of Plate 1 that the registered north and south boundaries of his property are 79.7 feet south of the deed description by which he originally acquired title.

The survey by which the Lopez property was registered was made in October, 1922, by Ernest G. Hamilton, a licensed land surveyor. The map of this survey is on file in the County Engineer's office under the designation "L.R. 399-6."

#### Olive Street

On November 12, 1926, Bert F. Mull and Florence C. Mull, owners of the northwest quarter of the southeast quarter of Section 9, conveyed to the County of Los Angeles a strip of land 30 feet wide along the northerly boundary of their property for Olive Street. This conveyance is recorded in Official Records Book 6850, Page 2, in the office of the County Recorder. The right of way conveyed thereby was accepted by the Board of Supervisors on January 10, 1927.

Examination of Plate 1 indicates that this 30-foot right of way passed through certain property in the southeast quarter of Section 9 actually occupied by owners of land in the northeast quarter of the section. This condition immediately raised the question as to the validity of the deed where it crossed the properties encroaching into the southeast quarter of Section 9. As a result, the Board of Supervisors, at the request of the Road Commissioner, on February 14, 1928, adopted an order instructing the County Surveyor to make a survey of Olive Street from Irwindale Avenue easterly for a distance of 1,320 feet. The survey was completed on May 26, 1928, and the map filed on July 11 of that year. The map is on file in the County Engineer's office under the designation, "County Surveyor's Map No. B-171."

According to information shown on C.S.B-171 and other maps of record up to that date, the official center of Section 9 was established for the first time and marked with a spike, washer, and tin set in the pavement on Irwindale Avenue. This monument was set at the intersection of straight lines run between the opposite quarter corners of the section. On July 1, 1936, the spike, washer, and tin were replaced with a brass capped concrete monument set beneath the pavement. (See County Surveyor's Field Book 547, Page 18)

A few years later, considerable interest developed among local interests to open Olive Street from Irwindale Avenue easterly for approximately one-quarter of a mile. Owing to the uncertainty of the validity of the road deed together with the existing encroachment situation between local property owners, the Board of Supervisors on November 2, 1938, adopted an order instructing the County Surveyor to set right of way stakes on Olive Street between the above mentioned limits. This work was completed on November 18, 1938, and is recorded in County Surveyor's Field Book No. 547, Pages 15 to 20 inclusive and on Pages 141 and 142.

On January 19, 1939, this matter was discussed in a conference attended by Alfred Jones, County Surveyor; George Jones, County Road Commissioner; H. I. Comly, Division Engineer, Department of County Surveyor; and the undersigned. Upon advice of the County Counsel, it was decided to make a field investigation with the view to determining the history of the old fence and tree row lying immediately south of Olive Street. (See Plate 1)

Acting accordingly, the undersigned on January 19, 1939, in company with Mr. J. A. Bernal, Spanish interpreter, visited Mr. Jose Rivera on his property located along the south boundary of the west half of the northeast quarter of Section 9. At that time, Mr. Bernal, who is now deceased, was a surveyor for the County Road Department.

Mr. Rivera was first asked to point out the boundaries of his land according to the best of his knowledge and belief. He pointed out an old fence on the west, an old row of trees on the north, an old fence and row of trees on the east, and an old fence and row of trees on the south, which he claimed had been the occupied boundaries of his property for some fifty years. During the fifty-year period, Mr. Rivera claimed that the parcel of land in question had first been in the possession of his wife's family and later by his own family. He said his father-in-law, a man by the name of Ruess, purchased the property within his present holdings some fifty years previously. At that time, he claimed the line between the north and south halves of Section 9 was recognized as being along his south line where fenced; and that at no time had he, or any of his wife's family, ever been dispossessed of any of his holdings northerly thereof. This statement was partially verified by the evidence of an old irrigation line along the north line of an old lemon orchard lying in the southeast quarter of Section 9.

This irrigation line appeared to be many years old and to have been installed by the owner to the south on the basis of the occupied line.

Rivera further claimed that all occupation in the west half of the northeast quarter of Section 9 was determined by measuring south from an old fence line on Bonita Avenue as it existed back in the 1880's, and that at no place in the area above described had these old occupied lines been upset by more recent surveys.

Mr. Rivera was aware that the location of the quarter section line, as established by the County Surveyor, was some 68 feet north of his occupied south boundary at his southeast corner and 72.7 feet north of the occupied line at his southwest corner. He claimed to have held this knowledge jointly with the owner to the south for a number of years and that to the east of his land the owner on the south had recovered possession up to the true quarter section line.

He further stated that any attempt to recover any of the land held adversely by the Riveras had been unsuccessful. Rivera also claimed that by laws of possessory right he was the owner of the land he was occupying regardless of his record title and that he claimed nothing north of his northerly occupied line.

In discussing the opening of Olive Street, Mr. Rivera stated that he would block any attempt to opening it within the 30-foot strip deeded by the Mulls on the premise they had relinquished title in his (Rivera's) favor by adverse possession. He, therefore, believed the road deed to be void as it applied to any land west of his easterly line. He further claimed that all of his taxes had been paid to date, which included payment on certain improvements located south of the quarter section line as established by the County Surveyor. Included in these improvements was a family orchard and in the extreme southeast corner of his holdings a shed housing a well or cistern from which he obtained his water supply. Near the southwest corner of his holdings was a small frame house housing a Mexican family.

Toward the end of our discussion, Mr. Rivera stated that he would not oppose the opening of Olive Street in its surveyed location, provided he be paid reasonable damages for land, improvements, and inconveniences caused by severance.

An attempt was made to contact Cruz Baca, but we were told he was away and that no one knew of his whereabouts.

On the morning of February 16, 1939, a conference was held in Mr. W. B. McKesson's office concerning Olive Street. Those in attendance were Messrs. W. B. McKesson, Deputy County Counsel; Alfred Jones, County Surveyor; George Jones, County Road Commissioner; and the undersigned. The primary purpose of this meeting was to determine, if possible, the validity of the road deed from the Mulls to the County of Los Angeles as recorded in Official Records Book 6850, Page 2.

At the beginning of the conference, Mr. Alfred Jones presented a detailed report concerning the undersigned's meeting with Mr. Rivera and requested a legal opinion as to whether or not the County should proceed to open Olive Street through the Rivera and Baca holdings on the basis of the Mull deed.

It was Mr. McKesson's opinion that, if the conditions presented by the County Surveyor were correct, the occupied boundaries of the Rivera and Baca holdings were, according to law, the true boundaries of the properties in question regardless of the accuracy of their location as may appear from subsequent measurements. He

said that long continued acquiescence in the occupied lines in this particular case should be construed as fixing the actual ownership lines by agreement. It was further Mr. McKesson's opinion that the portion of the easement conveyed by the Mulls lying east of Rivera's east boundary was valid, but that the portion across the properties occupied by Rivera and Baca conveyed nothing. (Copies of notations and reports regarding this matter are in correspondence files J.N. 0074.48 and J.N. 7794)

#### CONCLUSIONS

Based on the McKesson opinion, it would appear that the Riveras and the Bacas or their heirs or assigns still possess color of title in the 30-foot strip of land known as Olive Street.

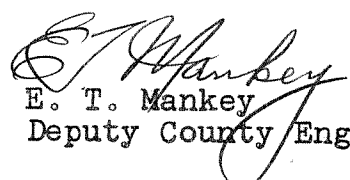
If the McKesson opinion is correct, it would also appear that the same principles of possessory rights and acquiescence would hold true throughout the entire 80 acres under consideration and that the greater percentage of those involved have in reality established their ownership lines with adjoining owners by agreement. The only problem remaining to be concluded is that of adjusting the titles to conform with lines of possession. This is proposed to be accomplished as outlined in the synopsis of this report, viz., by each owner signing a document as agreeing to his lines of possession which would be recorded simultaneously with the map on which his holdings are indicated.

Reluctance on the part of any owner to sign the document may, at some future date, place him in the position of being a defendant in a quiet title action. Since California courts are generally inclined to recognize old lines of possession, it is extremely doubtful in this case whether they could be upset by legal action. From an economic standpoint, the monetary cost of such an action would be far in excess of the value of any lands that might be gained thereby.

If all concerned sign the agreement document, future legal descriptions will be changed from the now lengthy metes and bounds recitals to a parcel number of a recorded map easily located on the ground. When this is accomplished, title insurance policies may be obtained for a reasonable fee, and the use of these properties as collateral for bank loans will no longer be an objection.

Respectfully submitted,

John A. Lambie  
COUNTY ENGINEER

  
E. T. Mankey  
Deputy County Engineer