

**Statement of Evidence:**

**H311**

North Quarter Corner of Section 31, Township 37 North, Range 29 West, Gilmanton Township, 4<sup>th</sup> Principal Meridian, Benton County, Minnesota.

- 1855 Original US General Land Office survey set a wood post with bearing trees noted as:
- |            |        |          |
|------------|--------|----------|
| 14" Aspen  | S 13 W | 17 links |
| 8" Blk Oak | N 31 E | 27 links |
- 1878 County Surveyor's Record Book 1 shows a road survey by Richard Cronk in which a road was laid out running east-west from this corner post.
- 1912 County Engineer's Notebook 1, pages 33 to 37, contains a road survey for SR No. 10 running east-west by M. J. Cleveland. Notes show  $\frac{1}{4}$  line north-south with no corner found, but stake set with ties:
- |              |        |     |
|--------------|--------|-----|
| Dbl Blk. Oak | N 55 W | 51' |
| Cor Post     | N 31 W | 31' |
- Stationing gives distances of 2521 feet to the NW corner and 2673 feet to the NE corner of Sec 31.  
(Also Engineer's Notebook 2, page 23)
- 1935 County Engineer's Notebook No. 87 contains a road survey for SAR No. 4 running from east to west. No corner is shown, but PI is at 2656.8 feet from the NE corner and 2544.6 feet from the NW corner with a delta angle of 0-42' left. PI is shown in line with field entrances north and south, with north and south fence lines farther west. Ties to PI:
- |         |    |       |         |    |       |
|---------|----|-------|---------|----|-------|
| Cor. FP | NW | 26.4' | Cor. FP | SW | 32.8' |
|---------|----|-------|---------|----|-------|
- 1992 Sidney Williamson, LS 10918, set the corner by lost method, single proportion between section corners. He set a cast iron monument and filed a Certificate of Location (Doc. No. 213108). Corner is shown in center of east-west road and road south.
- 2004 Found CIM and measured 2653.79 feet to the NE corner and 2544.48 feet to the NW corner with a delta angle of 0-36'-35" left.  
County Coordinates Obtained by GPS  
NAD 83 (1996 Adjustment)  
N- 137614.503  
E- 513176.391
- 2005 NOTE: The lost position would be 2618.74 feet west of the NE corner. It is apparent that the Statement of Evidence on the Certificate filed by Williamson is wrong and the corner was not set at the lost position. The CIM as set by Williamson is in the centerline of east-west road at the intersection of centerline of road south. The lost position would be considerably different than the 1912 position. The CIM agrees with the 1935 position for PI, which was not the corner. The distance measured between section corners through the PI is 5198.27 feet, which compares well with the 1912 measurement of 5194.0 feet. Computed the 1912 position for the corner by proportioning between the section corners on the extension of the line from the NE corner through the CIM (PI), which is 21.41 feet west of the CIM, This would fit with the fence lines noted in 1935. It is also apparent that the town road south was built after the 1935 survey and was built to the PI. Bogart Pederson tied into a fence corner, with fence lines north, south, and east, a  $\frac{1}{4}$  mile north at the approximate area of the  $\frac{1}{16}$ <sup>th</sup> corner. Using the 1912 position, the  $\frac{1}{4}$  line falls 2 feet west of the fence corner and using the CIM (PI), the  $\frac{1}{4}$  line falls 14 feet east of the fence corner.

Benton County Surveyor's Office  
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Concluded that the best evidence of the obliterated corner position is the 1912 record road survey.  
County Coordinates computed for 1912 survey position:  
NAD 83 (1996 Adjustment)  
N- 137614.290  
E- 513154.986

2006 A 1/2" x 15" iron pipe was set to perpetuate the lost position as called for.

Westwood Professional Services, Inc., Warren Delles, performed a survey in the Southeast Quarter of Section 30 using the lost position of the corner.

Local surveyors Dave Regan and Bill Lunser met with me to discuss the location of this corner and asked that I re-examine the corner location since the 1912 position was called as being on a fence but there is no fence running to this position. The position falls considerably west of the current occupation near the corner. A 1938 aerial photo was obtained from NRCS showing that the occupation line running north fell near the centerline of the town road constructed in 1935 south from the corner. Local land owners also requested that the corner be re-examined.

Based on these conversations and discussions with the Public Works Director, it was decided that the corner be excavated. This was possible in the spring of 2007 since County State Aid Highway No. 4 is scheduled for an overlay.

2007 Excavated four 12' by 12' by 4' deep (below original top soil) holes in the east-west centerline of CSAH 4: one centered on the 1912 position based on distance, one centered on the centerline to south, one centered 2640 west of the northeast corner, and one centered on the lost location. Nothing was found at the 1912 position or the centerline position. At about 2640 from the northeast corner of Section 31, in the east-west centerline of CSAH 4, a large stone (8"x10"x18") was found leaning to the east and remnants of decayed/charred wood were found running from the stone to the east as if the stone and stake were laid over during road construction. These were just into original top soil at about 3 feet deep. At the lost position a 4"x8"x15" stone was found in the east-west centerline of CSAH 4. This stone was found below the original top soil. Though it is well shaped, being pointed on one end, since it was under the original top soil and laying flat, I do not believe it to be evidence of marking the corner position. Since the large stone and stake were found in the east-west centerline of CSAH 4 as called for in early surveys and since the stone and stake fit GLO distance to the east within 1.5 feet, I believe it to be the best available evidence of the corner position. A 1/2" x 15" iron pipe with cap marked 19552 was set at this position in the centerline of CSAH 4. Reference ties were measured.

County Coordinates obtained by GPS to the stone and stake  
NAD 83 (1996 Adjustment)  
N-137614.737  
E-513191.676

2008 The stone and stake fall roughly on the projection of the fence line 250 feet to the north. It should also be noted that the found stone was not leaning and the wood stake was found leaning to the east. A PK Nail with washer was placed over the iron pipe because of the bituminous overlay.