

**Statement of Evidence:**

**G083**

East Quarter Corner of Section 8, Township 37 North, Range 30 West, 4<sup>th</sup> Principal Meridian, Mayhew Lake Township, Benton County, Minnesota.

1852 Original US General Land Office survey established corner marked by a wood post with bearing trees noted as.

12" Bur Oak	S 11 W	64 links
14" Bur Oak	S 7 E	78 links

1932 County Engineer's notebook No. 73 contains a road survey by H. G. Elletson for SAR No. 13. Ties:

10" Cherry Tree	SE	59.1'
Gate Post	SE	54.0'

1992 Ties from unknown source show a found 3/4" iron at the intersection of the centerline of a road east/west and a fence line south with the following reference ties.

Spk in guard post	NE	27.50
Nail in W face guard rail	S	15.35

2008 The County Surveyor's Office found a cast iron monument in the centerline of County Road 13 (running east and west). Ties from 1852 and 1932 were not recovered. The Spk in guard post from 1992 ties from unknown source was found and checked reasonably well. The nail in W face guard rail was not found. The coordinates obtained by Westwood Professional Services in 2007 agree reasonably. Stationing gives distances of 2663.20 ft. to the NE corner and 2671.07 ft. to the SE corner.

Westwood Professional Services, Inc talked with Bud Lubbsmeyer, who was the second-generation on the family farm located a mile west and half mile south from said corner. Mr. Lubbsmeyer was a young man when the original government bearing tree was pointed out to him by a long-time resident. Mr. Lubbsmeyer pointed out the 38-inch oak tree standing on the south side of CSAH 13 as the tree pointed out to him. Westwood located the tree and the true bearing and distance from the 14-inch Burr Oak was used to determine the corner position. The distance north compares within a foot of the GLO distance and the distance south is 54 feet long of GLO distance.

2009 Westwood Professional Services, Inc. removed the CIM in the centerline of CSAH 13 and set a 1/2-inch by 15-inch iron pipe capped 19552 on the north side of CSAH 13 as shown. Road construction is scheduled for 2009.

The 38-inch oak tree pointed out by Mr. Lubbsmeyer was cut down during road construction. With the assistance of the Douglas County Surveyor, Gary Stevenson and the Benton County Highway Department running a chain saw, the tree was examined for blaze and scribe marks. None were found. Also to note is

Benton County Surveyor's Office  
Jerome C. Wittstock, County Surveyor  
Minnesota License No. 19552

that Mr. Elletson did not identify or call for this tree in 1932. After careful consideration, I do not believe this to be the original BT though I believe Mr. Lubbsmeyer was trying to point out the tree shown to him. After many years, it is quite possible the tree shown to him was cut down and this tree did stand within 20 feet of the original BT and could have easily been confused for it.

Discarding the tree as evidence, I believe the CIM is the best available evidence of the corner position. Once road construction is complete, a 1/2" x 14" iron pipe capped 19552 will be set to mark the corner position.

Coordinates Obtained by GPS to CIM  
NAD 83 (1996 Adjustment)  
N- 156155.994  
E- 489798.473