

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

**G351**

**Statement of Evidence:**

North Quarter Corner, Section 35, Township 37 North, Range 30 West, Mayhew Lake Township, 4<sup>th</sup> Principal Meridian, Benton County, Minnesota.

1852 Original US General Land Office survey set a wood post at this location and bearing trees were recorded.  
20" Elm N 32 W 13 links  
18" Bur Oak S 49 W 13 links

1926 County Engineer's notebook No. 51 and Highway road alignment maps by H. G. Elletson note the following reference ties to the PI and assumed quarter corner location in the center of road and in line with fence north-south and road east-west.  
6" Pop. NE 41.6  
Corner FP S 31.3

On the plans, a distance of 2611.4 feet was noted to the NE corner Sec 35 and a distance of 2629.6 feet was noted to the NE corner Sec 34. A delta angle of 05-31 Rt, moving from east to west, was noted. In the notes, the corner is listed as a hub at Sta. 37+41.4, which gives a distance of 2638.4 feet to the NE corner and a distance of 2629.6 feet to the NW corner of Section 35.

1961 County Surveyor's Record Book 1, page 455, notes a spike marked the corner with the following reference ties.  
T.P. SW 37.95  
F.P. SE 49.6

2001 Westwood Professional Services, Inc. found a PK nail marked "PI" at 6.7 feet south of the centerline of County Road 4 (running east and west) and in line with a fence line north and south. The PK nail had recently been set by the Benton County Highway Department as the relocated 1926 PI and assumed quarter corner. No evidence was found of previous ties. Measurements to section corners east and west:  
Delta angle 05-31-37 Rt (east to west)  
Distance to NE corner Sec 34 2630.75  
Distance to NE corner Sec 35 2637.49

2001 William Lunser, LS 9394, set a cast iron monument at the intersection of a straight line between section corners using lost method, which fit fence lines from the north and south. He notes that the road is not an accessory of an obliterated government corner. A Certificate of Location (#283103) was filed. He also notes that the distances to the NE and the NW Corners Sec 35 is 2631.12 feet.

2002 Westwood Professional Services, Inc., acting as County Surveyor, reviewed this corner as part of CSAH 4 reconstruction. All records indicate that the road had been assumed to be on the section line since at least 1926. Right of way had been acquired both then and now based on the road being on the section line. We located lines of occupation in both Sections 26 and 35 to gather evidence to support either the road and fence as marking an obliterated position or that the corner should be considered lost as established by Lunser. The distance between the CIM set by Lunser and the PK nail is 127 feet.

We measured from the occupied center of Section 26, marked by an east-west road and fence line south, 1364 feet south to the occupied 1/16<sup>th</sup> corner, marked by a fence corner with fences running north and east, and measured 1278 feet from the occupied 1/16<sup>th</sup> corner south to the CIM.

We measured from the occupied center of Section 35, marked by a fence corner, with fences running east-west and north, 1314 feet north to the occupied 1/16<sup>th</sup> corner, marked by a fence corner with fences running south and east, and measured 1425 feet north from the occupied 1/16<sup>th</sup> corner to the CIM.

On 9/18/02, we dug with a backhoe at the PI location in line with fences north and south. A hole 15 feet by 15 feet was dug to a depth of 6 to 7 feet. Original ground appeared to be at about 6 feet. No evidence of a corner marker was found.

Analysis of the occupation lines indicates that the fence lines do not fit either position reasonably well, but would come closer to fitting the road position (PK) over the lost position (CIM). Using the PK, the center N 1/16<sup>th</sup> corner of Section 35 would fall 40 feet north of the fence line, whereas using the CIM would it fall 103 feet north of the fence line. Using the PK, the center S 1/16<sup>th</sup> corner of Section 26 would fall 14 feet south of the fence line, whereas using the CIM would fall 63 feet north of the fence line.

The conclusion is that the intersection of the east-west road and the fence lines running north and south is a record accessory of the obliterated position of the corner and has been accepted as the corner long before the 1926 highway survey was conducted. The original GLO running notes support the physical location of not being on a straight line between section corners, as the corner was not noted as being in a swamp and the bearing trees given, a Bur Oak and an Elm only 13 links away, would not have grown in the swamp where the lost position falls. To be on a straight line, the section line would have entered the swamp approximately 100 feet east of the corner. The swamp line runs southwesterly and the corner in the road would not have fallen in the swamp. This position was discussed with Mr. Lunser and he agreed in writing that the PI should be used as the corner based on the GLO running notes.

PK-Highway PI –Accepted Corner Position  
County Coordinates Obtained by GPS to PK Nail  
NAD 83 (1996 Adjustment)  
N-137386.539  
E-502675.752

CIM-set by Lunser –**DO NOT USE**  
Coordinates Obtained by GPS  
NAD 83 (1996 Adjustment)  
N-137513.520  
E-502680.248

2004 Set PK Nail with brass disk after road reconstruction.