

105

210404110000

CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

COMMON SECTION Corner of Section 11|12
14|13 Township 104 N, Range 4 W

STATE OF MINNESOTA, County of Houston

At the corner location shown on the sketch:

On: OCT. 1997 found NOTHING
DATE

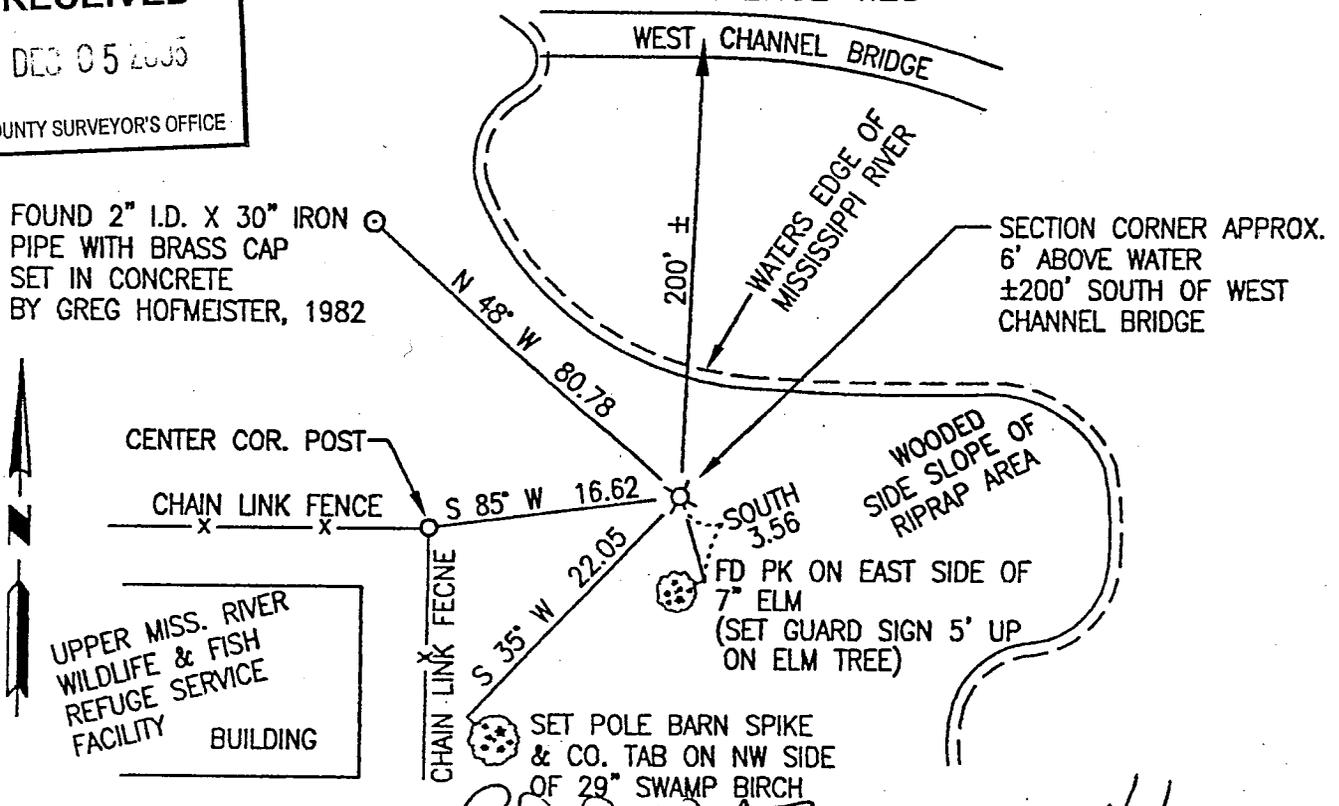
left monument as found, lowered monument, removed monument (explain)
 On: NOV. 5, 2001 placed a LUNDE 4" BRASS CAP OVER 2" X 30" IRON PIPE
DATE
SET IN CONCRETE.

RECEIVED

DEC 05 2002

COUNTY SURVEYOR'S OFFICE

SKETCH OF REFERENCE TIES



HOUSTON COUNTY SURVEYOR R. D. R. Walter DATE 1/7/2002

Statement of evidence relative to this corner location is on page 2.

I hereby certify that this document and the data contained herein was prepared by me or under my direct supervision.

Roger W. Brand Dec. 31, 2001
Signature Date

Registration No: 8952

OFFICE OF THE COUNTY RECORDER
County of Houston

I hereby certify that this document was filed in the Co. Recorders Office at 12:22 PM on the 7th day of January, 2002.

County Recorder Beverly J. Bauer
By Geraldine K. Klug Deputy
Document No. 214517

NUM ✓
SCAN ✓
TRACT ✓
VERIFY ✓

THIS DOCUMENT IS BEING RE-RECORDED TO ADD THE COUNTY SURVEYOR'S SIGNATURE TO DOCUMENT #213706.

214517

County Surveyor

STATEMENT OF EVIDENCE:

Page 2

In 1934, the U.S. Bureau of Biological Survey, surveyed this section line between Sections 11 and 14. The notes indicate a 2"x48" iron pipe, 24" in the ground at this Section corner with 2 B.T.s 26" Maple S 37°30'W 1.04 chs. marked U.S.B.T.
6" Birch S10°W 1.03 chs. marked U.S.B.T.

Also a (R.S.# M-76- possibly RS means Reserve Sign) on a Steel Post at corner. (U.S. Corps Book 15 Page 7-Tracts H-41 and H-25) This Survey recognizes that a 2" iron pipe with a 12 ft. long post inside the 2" pipe is the correct $\frac{1}{4}$ corner of Section 11 and says the Concrete monument is 0.59 chs. North, marked $\frac{1}{4}$ s11-s14 W.C. [64] 1932 Book 15 page 5. In Book 15 page 6 shows 1/16th corner east of $\frac{1}{4}$ Corner, a 2"x48" iron pipe and RS#M-76 on steel post at corner.

From the field notes of this line survey, it is not clear what line was run east from the S. $\frac{1}{4}$ corner.

IN June, 1937, a Minnesota Dept. of Highways field crew, located a "Game Reserve Marker" which the notes say they assumed as being the Section corner of Sections 11, 12, 13, 14, T104N, R4W. This one page record does NOT provide for any measuring re-establishment. A note in the upper left corner of the page is: 'L⁵line S.P. 61-3-38-1.

The Mississippi River locks and dams were built in the late 1930s which raised the water level in the backwaters \pm 3 feet or more.

IN approximately 1982, Greg Hofmeister, a LaCrosse surveyor with a Minnesota license, surveyed mostly in Sections 12 and 13, T104N, R4W. He finds the pipe and conc. monu. at the South $\frac{1}{4}$ corner Section 11 and possibly a pipe at a point 330 ft. south of the 1/16th corner east of the $\frac{1}{4}$ corner. He projects a line east from S. $\frac{1}{4}$ corner 2" pipe and a point 330 ft. north of the found pipe and set a witness corner monument at 59.85 feet west of his section corner to Sections 11, 12, 13, 14. His section corner fell into the river channel. He apparently followed the Bureau of Biological Survey records to do his work. A record of the Hofmeister Survey is at the Houston County Surveyor's Office.

In June, 1995, Comstock and Davis, Inc., a Minneapolis surveying firm, Dale Boklep, Minnesota RLS # 12002, finds and accepts the Hofmeister Witness Corner monument and files a CERTIFICATE OF LOCATION OF GOV'T CORNER, Document No. 182239 in the County Recorder's office, Houston County. His statement of evidence recognizes a MN/DOT section corner location as disagreeing with the Hofmeister location by 10 feet E-W and 54 ft too far north.

see Page 3

STATEMENT OF EVIDENCE:

Page 3

In a report written by Gary F. Staudacher, a MN/DOT survey tech., on July 23, 1991, describes a disagreement with the Hofmeister W.C. location and the south line of Section 11. A copy of that report is submitted herewith as substantiating the Roger Brand position which was basically used to position the Section corner. A copy of this report was received by Roger Brand, Sept. 1997.

In October, 1997, Roger W. Brand, a St. Charles, MN. Surveyor, was engaged to survey a small tract of land known as the IN BETWEEN USED CARS lot.

To my recollection, I have never spent this much time and my money to locate a disputed section corner. What seemed like a simple job based on the coordinate data received from MN/DOT turned out to be major research both in the records and in the field. The field work even involved a small flat bottom boat to access the South $\frac{1}{4}$ Corner Section 11.

After my best research it appeared that the MN/DOT data reported was the best information I could find which agreed with what I found. On October 28, 1997 Houston County furnished a backhoe to excavate for the westerly of the 2 R/W posts mentioned in Gary Staudacher's report. The R/W post was found lying nearly flat at 6.5 feet deep. A $\frac{3}{4}$ " iron pin was found also lying down. Also two steel fence posts were found bent over with the bases being side by side at about 7.5 feet deep. All these were in a group about 1.5 foot circle.

We accepted MN/DOT's coordinate position at this point which agreed with the average of the items found.

On June 30, 1999, Dick Walter, Houston County Surveyor, and I again excavated with the County Backhoe to look for a possible stake set by E.B. Webster in 1931. See previous data, May 2, 1931. We found a 2" x 3.5' iron pipe at about 3.5 ft deep at the northerly edge of the Blacktop parking lot for the Boat Ramp. A $\frac{5}{8}$ " iron pipe was placed over this 2" pipe and the position located by coordinates. This location is about 6 feet farther north of the two R/W posts mentioned in the MN/DOT report.

I decided to hold the position of the 2 R/W posts mentioned in the MN/DOT report (Gary Staudacher's report) and used by MN DOT for their Highway alignments in this area. This position was held for the north-south location, the Gov't notes distance of 40.03 chains (2641.98 ft) was held from the South $\frac{1}{4}$ corner of Section 11 for the East-west location. This position then disagrees with the MN/DOT coordinate position by about 10 feet. Our monument is about 10 ft. farther east. A $\frac{5}{8}$ " iron pipe was set in Oct. 1997 at the Section corner amongst the big rocks used as rip-rap on a point of land which jots out into the west channel of the River.

On Nov. 5, 2001, Dick Walter, County Surveyor, could not find $\frac{5}{8}$ " Pipe but found our local ties from which he set the County Lunde Monument set in concrete.

The end of a lot of sweat and blood and reduced savings account.

JULY 23, 1991

SP 2805-57, TH 61, LA CRESCENT TO EAST STATE LINE

THIS REPORT IS IN REGARD TO THE MAPPING RECENTLY COMPLETED IN CONJUNCTION WITH THE ABOVE SUBJECT PROJECT. THE PURPOSE OF THIS REPORT IS TO IDENTIFY AND CLARIFY THAT WHICH IS SHOWN ON THE MAP. ALONG WITH UPDATED TOPOGRAPHY COMING FROM RECENT PLANIMETRIC FILES, THE MAP ALSO SHOWS GOVERNMENT LAND LINES AND CORNERS, SOME SUBDIVISION AND PROPERTY LINES AND PERTINENT DATA, INPLACE EASTBOUND ALIGNMENT AND OTHER FORMER ALIGNMENTS NEEDED TO DEFINE THE INPLACE RIGHT-OF-WAY.

THE NORTH QUARTER CORNER, NORTHEAST CORNER, EAST QUARTER CORNER AND CENTER SECTION IN SECTION 10-104-4 WERE LOCATED IN THE FIELD AND ARE SHOWN ACCORDINGLY IN THIS MAPPING; HOWEVER, NO ATTEMPT WAS MADE AT THIS TIME TO PHYSICALLY LOCATE THE NORTH AND SOUTH QUARTER CORNERS AND THE EAST QUARTER CORNER OF SECTION 11. THE LOCATION OF THESE CORNERS ALONG WITH THE SOUTHEAST CORNER OF SECTION 11 ARE OF MAJOR IMPORTANCE IN THIS MAPPING. A REPORTED WITNESS MONUMENT FOR THE SOUTHEAST CORNER OF SECTION 11 WAS PHYSICALLY LOCATED, HOWEVER THE RESULTANT POSITION WAS NOT USED IN THIS MAPPING, THE REASONS FOR THIS TO BE HEREINAFTER EXPLAINED. BECAUSE THE ABOVE-MENTIONED CORNERS WERE NOT LOCATED THEIR POSITION IS ONLY APPROXIMATE. LOCATIONS WERE DETERMINED AS EXPLAINED HEREIN BELOW.

THE EAST-WEST CENTER SECTION LINE IN SAID SECTION 11 WAS PRODUCED BASED ON THE POSITION OF THE EAST QUARTER CORNER OF SECTION 10 AND AN ALIGNMENT FIELD TIE TO THE NORTH 1/16 CORNER OF THE SOUTHWEST QUARTER OF SECTION 11. THE LINE CONNECTING THIS 1/16 CORNER WITH EAST QUARTER CORNER OF SECTION 10 WAS THEN EXTENDED EASTERLY AN EQUAL DISTANCE TO POSITION THE CENTER OF SECTION 11. THIS LINE WAS THEN EXTENDED AGAIN EASTERLY TO THE WATERS EDGE.

THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 11 WAS DETERMINED ON THE BASIS OF VARIOUS LEGAL DESCRIPTIONS INVOLVED IN PREVIOUS R/W NEGOTIATIONS, THE OLD TH 61 ALIGNMENT AS NOW COMPUTED, AND THE POSITION OF TWO R/W MONUMENTS FOUND AND BELIEVED TO REPRESENT A LINE REFERRED TO IN THE ABOVE MENTIONED LEGAL DESCRIPTIONS AS BEING 495' NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 11. IN PARTICULAR, THE LEGAL DESCRIPTION INVOLVED IN NEG. 7 ESTABLISHED THE SOUTH QUARTER CORNER OF SECTION 11 AT 2551.90' SOUTHERLY OF THE INTERSECTION OF SAID NORTH-SOUTH CENTER SECTION LINE WITH THE CENTERLINE OF OLD TH 61 AS ESTABLISHED. THIS NORTH-SOUTH LINE WAS FURTHER DEFINED BY A POINT BEING 495' NORTHERLY OF THE SOUTH QUARTER CORNER AND 1875' WESTERLY OF THE INTERSECTION OF SAID 495' PARALLEL LINE WITH THE WESTERLY R/W LINE OF OLD TH 61 WHICH IS FURTHER DEFINED AS BEING A POINT 585' EASTERLY OF A POINT 780' WESTERLY OF THE INTERSECTION OF SAID 495' PARALLEL LINE WITH THE CENTERLINE OF SAID OLD TH 61. THIS IS THUS POSITIONING THE POINT 495' NORTHERLY OF THE SOUTH QUARTER CORNER AT 2070' WESTERLY OF THE INTERSECTION OF THE

CENTERLINE OF OLD TH 61 WITH SAID 495' PARALLEL LINE. THE DIRECTION FOR THE 495' PARALLEL LINE WAS INITIALLY ESTABLISHED BY RUNNING BETWEEN THE TWO FOUND R/W POSTS PREVIOUSLY MENTIONED AND EXTENDING THAT LINE WESTERLY TO THE INTERSECTION OF OLD TH 61. THIS POINT OF INTERSECTION WAS THEN USED TO ESTABLISH AN INTERSECT POINT 2056.90' (2551.90-495.0) SOUTHERLY OF THE INTERSECTION OF THE NORTH-SOUTH CENTER SECTION LINE WITH THE CENTERLINE OF OLD TH 61 AND 2070' WESTERLY OF THE INTERSECTION OF SAID OLD TH 61 WITH THIS 495' PARALLEL LINE AS DESCRIBED IMMEDIATELY ABOVE. THIS 495' PARALLEL LINE WAS THEN MODIFIED TO RUN FROM THIS LAST DESCRIBED POINT OF INTERSECTION, SAID POINT BEING ON THE NORTH-SOUTH CENTER SECTION LINE, EASTERLY TO THE EASTERMOST FOUND R/W POST. THE WESTERLY FOUND R/W POST IS THEN APPROXIMATELY 1.9' NORTHERLY OF THIS LINE AS MODIFIED.

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11 WAS THEN ESTABLISHED 495' SOUTHERLY OF AND PARALLEL WITH THE LINE AS HEREIN DESCRIBED IMMEDIATELY ABOVE. THE POSITION FOR THE SOUTHEAST CORNER OF SAID SECTION 11 WAS THEN ESTABLISHED 2641.98' EASTERLY OF THE SOUTH QUARTER CORNER AS PREVIOUSLY ESTABLISHED AND DESCRIBED HEREIN. THIS DISTANCE IS IN ACCORDANCE WITH THE GOVERNMENT SURVEY AND IS AS SHOWN ON A RECENT SURVEY BY THE DNR. AS PREVIOUSLY MENTIONED A WITNESS CORNER TO THE SOUTHEAST CORNER OF SAID SECTION WAS LOCATED IN THE FIELD, HOWEVER, IT WAS NOT USED IN ESTABLISHING GOVERNMENT LAND LINES FOR THE PURPOSE OF THIS MAPPING. THE POSITION OF THIS WITNESS MONUMENT WOULD INDICATE THE ACTUAL SECTION CORNER LOCATION TO BE APPROXIMATELY 10' EASTERLY AND 54' NORTHERLY OF THE SECTION CORNER AS SHOWN IN THIS MAPPING.

THE POSITION OF THE SECTION CORNER AS EVIDENCED BY THIS WITNESS MONUMENT WOULD RESULT IN SEVERAL INCONSISTENCIES. FIRSTLY, PERTINENT PROPERTY BOUNDARY LINES AND FORMER R/W LINES AS PER DESCRIPTIONS WOULD BE POSITIONED FURTHER NORTH AND WEST AND WOULD RESULT IN THEIR POSITION BEING IN CONTRADICTION WITH THE INTENDED R/W WIDTHS AND LOCATION AS SHOWN ON PREVIOUS MAPPING OF THE AREA. IN ADDITION, THESE BOUNDARY LINES WOULD NOT FIT SOME EXISTING TOPOGRAPHICAL FEATURES PRESENTLY REFLECTED IN THE PLANIMETRIC FILES AND WHICH WERE ALSO SHOWN TO EXIST ON PREVIOUS MAPPING, NOR WOULD THEY BE CONSISTENT WITH THE EXISTING PROPERTY MONUMENTS IN FIRST CITY SHORES AND IN JOHN CAMERON'S ADDITION TO RIVERSIDE WHICH WERE ALSO LOCATED DURING THE FIELD SURVEY OF THIS AREA. USING THE POSITION OF GOVERNMENT LAND LINES, CORNERS, ETC. AS DESCRIBED HEREIN, ALL PROPERTY LINES, R/W LINES AND JOGS ETC. SHOWN IN THIS MAPPING, ARE CONSISTENT WITH PREVIOUS MAPPING AND WITH THE PROPERTY CORNER MONUMENTS LOCATED.

THE ABOVE MENTIONED MORE NOTEWORTHY INCONSISTENCIES WHICH WERE CONSIDERED AND USED AS BASIS FOR THE DECISIONS MADE IN REGARD TO THIS MAPPING AS EXPLAINED HEREIN ABOVE ARE AS FOLLOWS:

A) REFERENCE IS MADE IN R/W NEGOTIATION DOCUMENTS TO THE NORTH 66' OF GOVERNMENT LOT 6 AND TO POINTS 1260.6' NORTH OF THE SOUTH LINE OF SECTION 11. PREVIOUS MAPPING OF THE AREA INDICATED THAT THE POINTS REFERRED TO AS BEING 1260.6' NORTH

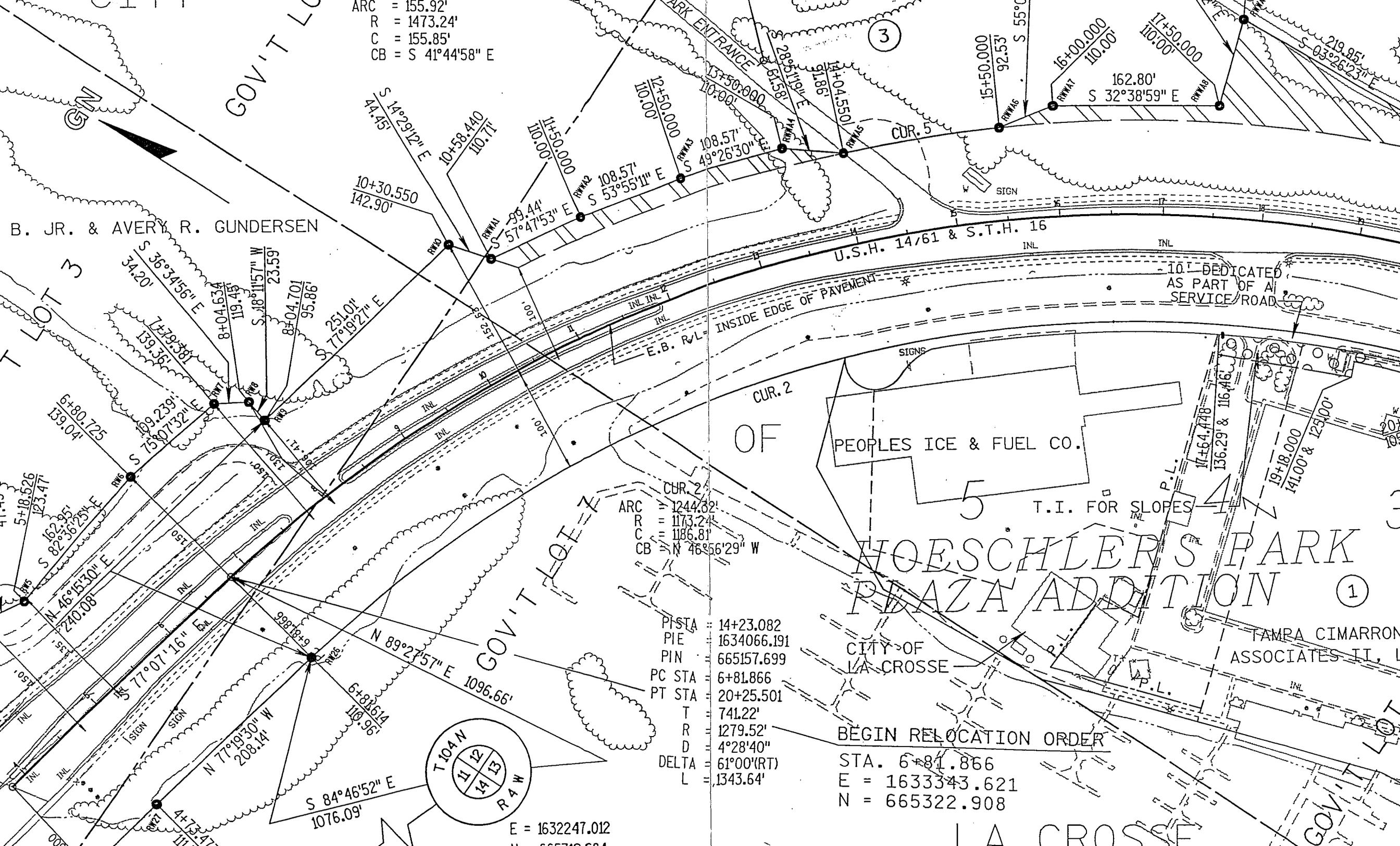
OF THE SOUTH LINE OF SECTION 11 ARE ON THE SOUTH LINE OF SAID NORTH 66' OF GOVERNMENT LOT 6. THIS SOUTH LINE OF THE NORTH 66' OF GOVERNMENT LOT 6 AS PRESENTLY SHOWN ALSO IS CONSISTENT WITH PROPERTY LINES IN JOHN CAMERON'S ADDITION TO RIVERSIDE AND FIRST CITY SHORES AS EVIDENCED BY PROPERTY MONUMENTS FOUND. AN OLD ROADWAY SHOWN TO HAVE EXISTED ALONG THE NORTHERLY EDGE OF THE PLAT OF MONTE CARLO PARK ADDITION ALSO APPEARS TO FALL JUST SOUTHERLY OF THE SOUTH LINE OF NORTH 66' OF GOVERNMENT LOT 6 TO FURTHER SUBSTANTIATE THE POSITION OF THIS LINE AS SHOWN. PREVIOUS MAPPING DID NOT INCLUDE THIS PLAT, HOWEVER. ALSO, THE SOUTH LINE OF THIS SUBDIVISION AS IT IS DESCRIBED IS CONSISTENT WITH THE NORTH LINE OF THE SOUTH 495' OF THE SOUTHEAST QUARTER OF SECTION 11 USING THE POSITION OF THE SOUTHEAST CORNER OF SECTION 11 AS IS SHOWN IN THIS MAPPING, THIS NORTH LINE OF SAID SOUTH 495' BEING BASED ON FOUND R/W MONUMENTS AS PREVIOUSLY MENTIONED.

B) ALSO THE R/W PARCEL AS DESCRIBED IN THE ATTORNEY'S CERTIFICATE FOR NEG. 1 APPEARS IS INTENDED TO ABUT THE SOUTH LINE OF NORTH 66' OF GOVERNMENT LOT 6. ALL PREVIOUS MAPPING SHOWS THE R/W JOGGING IN TO 100' ON BOTH SIDES OF CENTERLINE ALONG THE NORTH LINE OF THIS PARCEL WHICH APPEARS TO ALSO BE THE SOUTH LINE OF SAID NORTH 66' OF GOVERNMENT LOT 6. THE POSITION OF THIS PARCEL OF R/W USING THE SECTION CORNER POSITION AS EVIDENCED BY THE FOUND WITNESS CORNER WOULD RESULT IN THE PARCEL BEING FURTHER NORTH AND WEST THAN IS SHOWN AND WOULD RESULT IN THE EASTERLY R/W LINE BEING LESS THAN 100 ALONG THE NORTHERLY LINE OF THE PARCEL.

C) PREVIOUS MAPPING ALSO SHOWS AN ENTRANCE ROAD LEFT OF OLD TH 61 APPROXIMATE STA. 14+50 LYING JUST NORTHERLY OF THE NORTHERLY LINE OF PROPERTY REFERRED TO IN NEG. 3. THIS MAPPING IS CONSISTENT HERewith; HOWEVER, HAD WE ELECTED TO USE THE SECTION CORNER POSITION AS EVIDENCED BY THE FOUND WITNESS CORNER, THE NORTHERLY LINE OF THIS PROPERTY WOULD FALL CONSIDERABLY NORTHERLY OF THIS EXISTING ENTRANCE ROAD.

GARY F. STAUDACHER

ARC = 155.92'
 R = 1473.24'
 C = 155.85'
 CB = S 41°44'58" E



B. JR. & AVERY R. GUNDERSEN

PEOPLES ICE & FUEL CO.

NOESCHLERS PARK
 PLAZA ADDITION

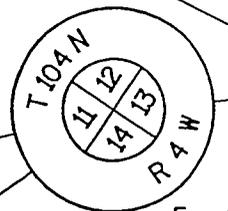
TAMPA CIMARRON
 ASSOCIATES II, L

ARC = 1244.32'
 R = 1173.24'
 C = 1186.81'
 CB = N 46°56'29" W

PISTA = 14+23.082
 PIE = 1634066.191
 PIN = 665157.699
 PC STA = 6+81.866
 PT STA = 20+25.501
 T = 741.22'
 R = 1279.52'
 D = 4°28'40"
 DELTA = 61°00'(RT)
 L = 1343.64'

BEGIN RELOCATION ORDER

STA. 6+81.866
 E = 1633343.621
 N = 665322.908



E = 1632247.012