

CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

Northeast Corner of Section 1, Township 37, Range 28, 4 P.M.
 STATE OF MINNESOTA, County of BENTON

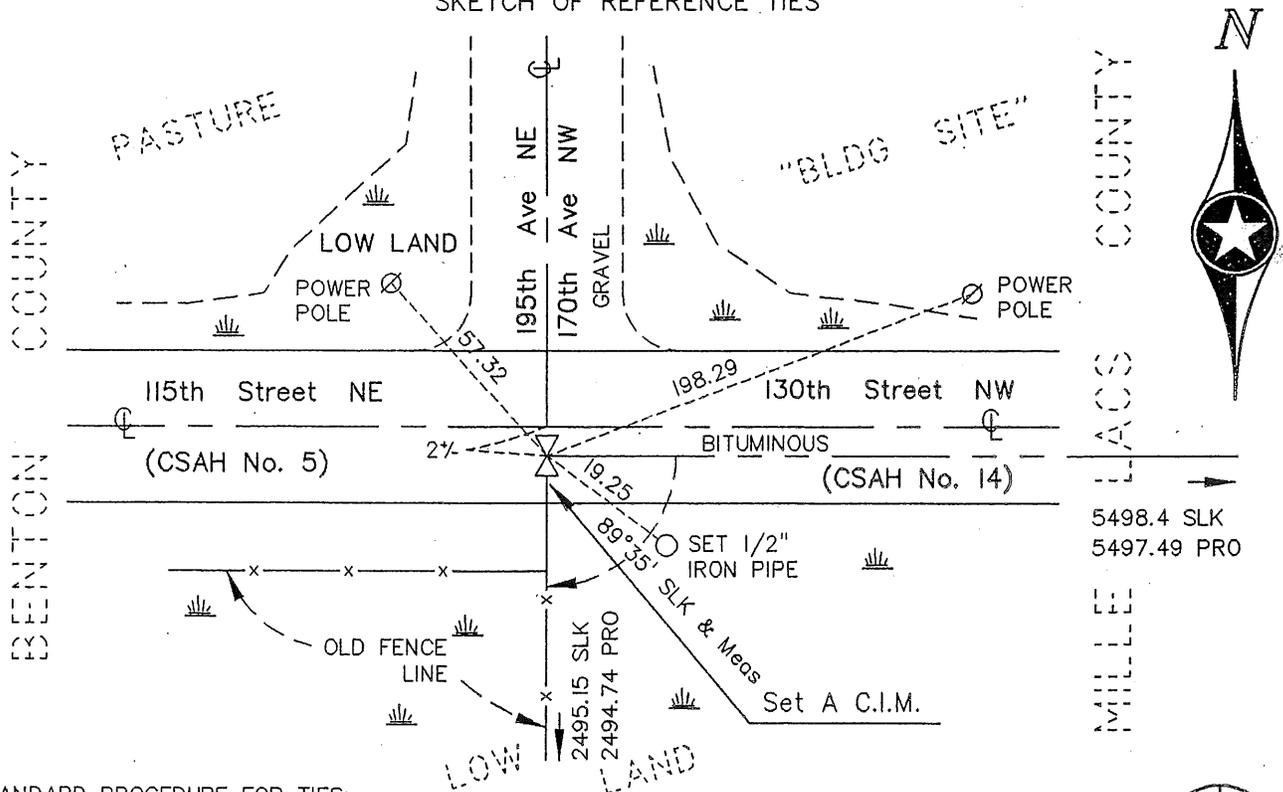
At the corner location shown on the sketch:

On _____ found a _____
 DATE

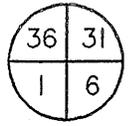
left monument as found, lowered monument, removed monument (explain)

On 7/8/94 placed a Cast Iron Monument
 DATE

SKETCH OF REFERENCE TIES



STANDARD PROCEDURE FOR TIES:
 Tree ties are to the head of a pole barn nail w/red ribbon set at 1", 7/8, out from face of blaze.
 Power poles, etc., are nail and washer in face.
 Building ties are to corner of foundation unless otherwise noted.



Statement of evidence relative to this corner location is on back of this page. 142/45

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

John D. [Signature]
 SIGNATURE

10/1/96
 DATE

Registration No. 8194

- Land Surveyor Professional Engineer
 County Surveyor County Engineer

OFFICE OF THE REGISTER OF DEEDS
 County of BENTON

I hereby certify that this document was filed in the Register of Deeds office at _____ M. on the _____ day of _____ A.D., 19 ____

Register of Deeds _____
 By _____, Deputy

DOCUMENT NO. _____

STATEMENT OF EVIDENCE:

244621

Northeast Corner of Section 1, T. 37, R. 28, Benton Co., MN.

Northwest Corner of Section 6, T. 37, R. 27, Mille Lacs Co., MN.

The line between Ranges 27 & 28, T. 37, was run by Dep. Surveyor Theo. Conkey in Oct. 1849. We were unable to find any remnants of his* monument or accessories for this corner.

*We are also aware, as a result of a survey and investigation in 1994 regarding the NE corner of T. 38, R. 26, M.L. Co., that some of Conkey's township line surveys were found faulty during the subdivision of townships, and rerun by the subdividing surveyors. The BLM published one set of notes as "official" and disposed of the others. (See the "REPORT" at M.L. Co. for the effect these resurveys had upon the determination of that corner, and for the implications as to the reliability and accuracy of other such "official" notes for the subject Co. line)

In 1994 we were hired by Benton Co. to restore certain corners along their east Co. line. Old survey notes, subsequent to the GLO notes, from both counties are as follows:

Benton: Requested from the Co. Hwy. Dept.. None provided other than GLO notes.

Mille Lacs: A 1911 "Plat of Road Survey" by Deputy Co. Surveyor S.L. Kennedy for a new road from the NW corner of 30-38-27 to the No. 1/4 corner of 28-38-27. Said survey shows he found the NW of 30, and restored the SW of 30, along the Co. line. (See the survey for the other corners found or restored by same) This survey shows a road on line on the W. line of 19 and the W. and So. lines of 30, but none on the W. line of 31.

Also a 1916 survey of 6-37-27 by said S.L. Kennedy states that the subject corner was a "post, hub, axle, & 3 rocks" in an east - west road and at a fence south. No ties were given. He gives distances for the miles east and south as well as an angle in the SE quadrant. All "40" corners in the W. 1/2 of the section were monumented except for the E. 1/16th of the NW 1/4.

There are no other subsequent surveys along the subject line that we are aware of.

An unanticipated problem arose in that several of the Mille Lacs Co. surveys show "PD" (as Kennedy called them) for "Proportional Distance" positions along a theoretical straight line between found "govt. corners", together with a reference to just where said corner was with respect to a "Judicial Road Corner". This condition applies only for those corners from the W. 1/4 corner of 19-38-27 north to the NW corner of 6-38-27.

Our investigation found that there was a law at M.S.A. Ch. 162.20 regarding "Road Established By Judicial Proceedings", said law being repealed in 1959. Querys were made of the Clerk of Court, Atty., Recorder, and Hwy. Dept. in each Co.. We also queried the Mn Hist. Soc.. We found no record of any specific "proceedings" in either Co. along the County line. The Mille Lacs Co. Engineer did find however a 11/2/42 Maintenance Agreement between Benton and Mille Lacs Counties that includes the following: "Whereas by order of the District Court of Benton County, Minnesota, a Judicial Road was established on the County line between Mille Lacs County and Morrison and Benton Counties, and Whereas, by law, said named counties are obligated to construct and maintain said road, (the rest having to do with maintenance)".

In each case we had to determine the best perpetuation of the GLO's original corner location. This included analysis of the GLO distances, subsequent survey distances, lines of occupation, and other evidence. Where such analysis was inconclusive to the contrary, and also in consideration of the above problem with the GLO notes, and of said "Agreement" we determined that the "Judicial" location was said best perpetuation.

Thus, for the subject corner, we used our metal locator to see if the above axle was perhaps still there, but go no readings. The area has been extensively filled, there being swamp in all 4 quadrants.

To restore the corner we determined an "average chain" of our measured distance versus those from S.L.K'S 1916 resurvey between the found W. 1/4 and SW corners of Sec. 6. We then applied that average chain to Kennedy's distances along the No. line and W. line of the NW 1/4 of Sec. 6 and restored the subject NW corner by distance - distance intersection. This produced an angle of 89 deg. 35' in the SE quadrant which matches Kennedy's angle.

On 7/8/94 we placed a Benton County cast iron monument and made ties as shown on the front hereof.

MLCLS: /NW063727

OFFICE OF
BENTON COUNTY REC. DEPT.
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

OCT 3 8 48 AM '9

ALICE J. ENGELMEYER
COUNTY RECORDER

BY *A. Engelman* DEPT.