

MONUMENT 318

CERTIFICATE OF LOCATION OF GOVERNMENT CORNER

North Quarter Corner of Section 4, Township 29 North, Range 22 West, County of Ramsey, State of Minnesota.

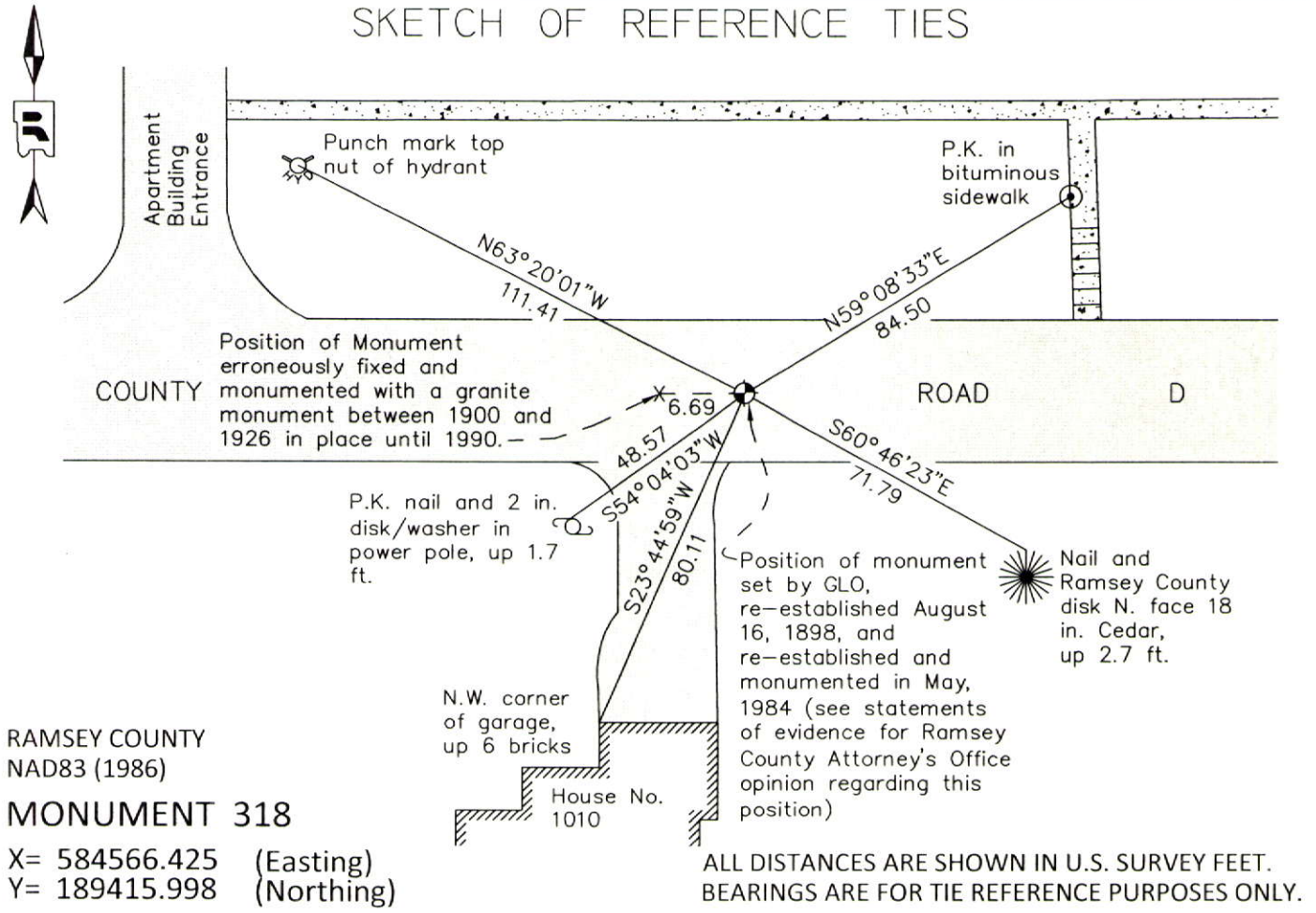
At the corner location shown on the sketch

On July 29, 2011 found a cast iron monument, flush in bituminous road.

left monument as found raised/lowered monument removed monument (explain)

On _____ placed a _____

SKETCH OF REFERENCE TIES



Statements of evidence relative to this corner are on the following page.

I hereby certify that this document was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Daniel D. Baar 12-31-14
Daniel D. Baar Date
Minnesota License No. 45816

- County Surveyor Land Surveyor
 Deputy County Surveyor

OFFICE OF COUNTY SURVEYOR
County of Ramsey

I hereby certify that this document was filed in the County Surveyor's office this 31st day of December, 20 14.

Craig W. Hinzman
Craig W. Hinzman, L.S.
Ramsey County Surveyor

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Set post at qr. Sec. Corner, B. Ash 10, N86°E 94; Br. Oak 8, S61°E 54, October 16th, 1847.

In establishing the 1/4 Corner on the South of Section 33, found old ties, Government Witness trees gone, July 19, 1898.

Set monument August 16, 1898

Found granite monument, down 0.4 ft.; placed cast iron cap and bolt monument over granite monument and tied (erroneous position), September 18, 1974.

Checked monument (erroneous position), June 24, 1977.

Granite monument in wrong place, removed cap and placed 20 in. cast iron monument; wrong location established in approximately 1926; May, 1984.

See pages 5 through 8 of statements of evidence for correspondence regarding the placement of this monument which includes an opinion from the Ramsey County Attorney's Office, dated December 20, 1982. There is no longer a monument maintained at the erroneous position for this corner, however, the erroneous position is shown on the sketch of reference ties on the front of this certificate.

MONUMENT 318

North Quarter Corner of Section 4, Township 29 North, Range 22 West

MEMORANDUM

To: Wayne Leonard
From: Ronald Meyer
Subject: The North 1/4 Corner of Section 4, T29, R22
Date: December 15, 1981

The North 1/4 corner of Section 4, T29N R22W was placed by James N. Marsh about 1848 for the Federal Government. In August, 1898, the surveyor for Ramsey County reestablished the North 1/4 corner from some old ties. The centers of section 4, T29, R22 and section 33, T30, R22 were fixed and set by intersection in 1900. On Exhibit "A", the dimensions marked Rec. are the recorded distances of 1900; the dimensions marked M or MHD are the measurements of today.

United States Code, Title 43, section 752, states in part: "All the corners marked in the surveys returned by the general-surveyor shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate".

In the Road Map survey of County Road D from Labore Road to the East County Line, Drawer 10, Book 24, dated 1926, shows the monument to have been already moved. County Road D was petitioned for in 1883 and 1895. Somewhere between 1900 and 1926, the North 1/4 corner of Section 4 was moved.

The original location of the North 1/4 corner should be 6.69 feet East of its present location as established by prorating with the dimensions of 1900 resurvey records.

Exhibits "B" and "C" shows what property lines could be affected from 0 feet to 6.69 feet, depending how they are described and the distance from the monument. To complete the survey for fencing for Open Space, the question has to be answered, "Which position am I to use for the North 1/4 corner of Section 4, T29, R22?".

RM/bb

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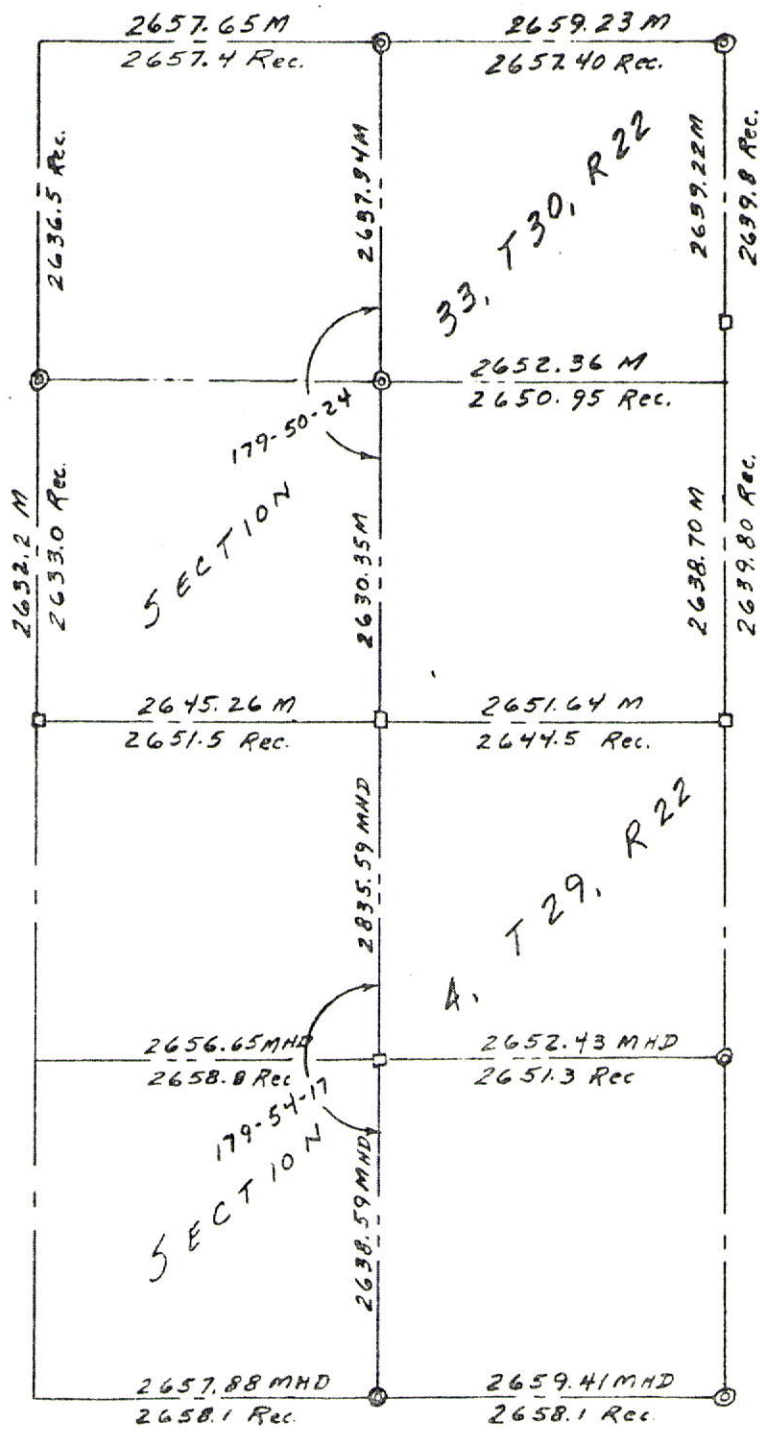


Exhibit "A"

MONUMENT 318

North Quarter Corner of Section 4, Township 29 North, Range 22 West

WRL

MEMORANDUM

To: Kenneth E. Weltzin
From: Wayne R. Leonard *WR*
Subject: Establishment of Land Monuments
Date: December 18, 1981

Accompanying is Ron Meyer's memorandum and associated exhibits brought about by the Open Space request to locate the property line prior to construction of a fence. We have resolved the fence location by assuming a worse case situation so that we are assured the fence will be on County property.

The problem is that it is obvious the quarter corner has been incorrectly replaced and land subdivision subsequently occurred, based on the erroneous location of the corner. The question that needs to be resolved with this corner and others in the County, if we are to responsibly proceed with protecting and perpetuating monumentation, is by what authority do we replace a monument in the correct location when it is found to be incorrectly replaced?

It is our understanding that we have a registered land surveyor for the reviewing of plats and a registered land surveyor as an employee at the garage. Ramsey County does not have a County Surveyor as such and, therefore, no one with the authority to reestablish correct monument locations.

Possibly this is a legal question which you may wish to have advice on or possibly we have been ignoring the issue for many years and should continue to turn our heads.

WRL/clm

Attachment

WRL-MEMO LAND MONUMENTS

MONUMENT 318

North Quarter Corner of Section 4, Township 29 North, Range 22 West



OFFICE OF THE COUNTY ATTORNEY
RAMSEY COUNTY
200 LOWRY SQUARE
ST. PAUL, MINNESOTA 55102

RAMSEY COUNTY
COUNTY ATTORNEY

WRL
[Handwritten signatures]
TELEPHONE
(612) 298-4421

September 20, 1982

Mr. Kenneth Weltzin
Director, Public Works
167 Courthouse
St. Paul, Minnesota 55102

Re: Relocation of Destroyed or Lost Section Corner
Our File No. 82-277

Dear Mr. Weltzin:

Wayne Leonard has supplied our office with the following facts regarding the location of a lost quarter corner.

FACTS

In 1848 the north quarter corner of Section 4, Township 29, Range 22, was established by the United States government. In approximately 1900 the Ramsey County Surveyor re-established the north quarter corner of this section at the same location as set in the original United States Survey. The present location of the monument is no longer at the quarter corner location as indicated by the dimensions from the 1900 Survey, but, is approximately 6.69 feet west of the original U.S. Survey location. This relocation probably occurred sometime between 1900 and 1926 because the 1926 Road Map Survey for County Road D in Ramsey County shows the quarter corner to have been moved to its present location.

Based on these facts, the Public Works Department has asked our office the following:

QUESTION

Does the County have the authority to re-establish the present location of the destroyed quarter corner at the location indicated in the notes of the 1900 Survey?

[Handwritten initials]

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Mr. Kenneth Weltzin

September 20, 1982

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OPINION

In the opinion of our office, Ramsey County does have authority to re-establish the quarter corner in this instance if it makes a finding that the original quarter corner established in the U.S. Survey has been destroyed or lost. Minn. Stat. §381.12 gives the County the authority to hire a competent surveyor to relocate and re-establish a section, quarter-section, or meander corner established by the United States government, if it determines that the monument has been destroyed or obscured. This surveyor hired to relocate and re-establish the monument is to make full and accurate notes from which his survey can be relocated. These notes and maps of the survey must be filed with the Recorder's office. Minn. Stat. §381.12. Similarly, Minn. Stat. §389.06 authorizes the County Surveyor to fix a new quarter section post which has been destroyed by following the field notes of the U.S. Survey.

The County can designate any "competent surveyor" to survey and re-establish the destroyed or obscured section corners. Section 381.12 does not require the surveyor so designated to be the Ramsey County Surveyor. However, an opinion of the Attorney General has interpreted Section 389.06 to mean that though it is not compulsory to have the County Surveyor actually re-establish lost monuments, the County Surveyor should assist in and agree to the re-established of the lost monuments whenever possible. O.P. Atty. Gen., 123, July 11, 1927. Consequently, we would recommend that the acting County Surveyor assist in and agree to the relocation of the lost quarter corner in this instance.

Though the County has the authority to employ a surveyor to re-establish lost or destroyed monuments, it does not have the authority to correct a section corner erroneously placed by an original government surveyor. Minn. Stat. §389.04; Wojahn v. Johnson, 297 N.W.2d 298 (Minn. 1980); Anderson v. Johannesen, 155 Minn. 485, 193 N.W. 730 (1923); Groski v. Tawney, 121 Minn. 189, 141 N.W. 102 (1913). Section 389.04 also provides that in re-establishing lost government corners, the County Surveyor is to follow the rules established by or pursuant to Acts of Congress, and all such surveys are to be made in strict conformity to the original survey made by the United States. Thus, in this instance the only basis for the surveyor's authority to re-establish the north quarter corner of Section 4, Township 29, Range 22 is a determination that the original quarter corner has been destroyed or lost.

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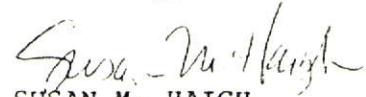
Mr. Kenneth Weltzin

September 20, 1982

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Enclosed for your review is copy of Minn. Stat. §§389.04, 389.05, 389.06 and 381.12. Please feel free to contact this office if you have any questions about this opinion.

Sincerely,



SUSAN M. HAIGH
Assistant County Attorney

SMH/cac

cc: James VanHoudt
Opinion File

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Tied out cast iron monument for maintenance construction, March 27, 1990.

Removed 20 in. cast iron monument, April 10, 1990.

Maintenance removed granite monument (erroneous position), May +/-3, 1990.

Relocated position for cast iron monument and placed 6 in. spike for old granite monument (erroneous position), July 13, 1990.

Retied correct position, July 16, 1990 (erroneous position is no longer maintained).

Placed 20 in. cast iron monument, July 20, 1990.

Tied monument, September 20, 1999.

Retied monument, June 20, 2006.

Retied a cast iron monument, flush in bituminous road, July 29, 2011.