

Certificate of Survey for: Brian & Heather Brosdahl Part of Government Lot 6, Section 18, T 145 N, R 29 W, Cass County AND Part of the SE 1/4 of the SE 1/4, Section 13, T 145 N, R 30 W, Cass County

Existing Legal Description (From Abstract):

Government Lot Six (6), Section Eighteen (18), Township One Hundred Forty-five (145) North, of Range Twenty-nine (29) West of the Fifth Principal Meridian, Minnesota.

Part of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4), Section Thirteen (13), Township One Hundred Forty-five (145) North, Range Thirty (30) West of the Fifth Principal Meridian described as follows:

Commencing at the Southeast corner of Section 13, as surveyed and monumented in 1933 by the Dependent Resurvey of the General Land Office (now the Bureau of Land Management), under special instructions dated April 22, 1930 for group number 32, the plat and notes of which are on file in the office of the Secretary of State, St. Paul, Minnesota; thence North 0 degrees 23 minutes 00 seconds East along the East line of said Section 13, as surveyed and monumented in said 1933 Dependent Resurvey a distance of 657.74 feet to the northerly limits of the Special Use Permit issued September 9, 1946, by the U. S. Forest Service to the State of Minnesota for U. S. Highway Number 2, as it now exists across the Southeast Quarter, being the actual point of beginning; thence continue North 00 degrees 23 minutes 00 seconds East along said East line of Section 13, a distance of 256.75 feet; thence North 89 degrees 37 minutes 00 seconds West, a distance of 119.31 feet; thence South 00 degrees 23 minutes 00 seconds West, parallel to said East line of Section 13, a distance of 243.89 feet to said northerly line of Special Use Permit for U. S. Highway Number 2; thence South 83 degrees 27 minutes 46 seconds East, along said northerly line of Special Use Permit for U. S. Highway Number 2, a distance of 120.00 feet to the point of beginning. Containing 0.69 acres more or less.

Existing Communications Easement:

That part of Government Lot 6, Section 18, Township 145 North, Range 29 West of the Fifth Principal Meridian, Cass County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 18; thence North 00°29'47" East (assumed bearing), along the westerly line of said Government Lot 6, for a distance of 1160.98 feet to the true point of beginning; thence continue North 00°29'47" East, along the westerly line of said Government Lot 6, for a distance of 460.29 feet to the northwest corner of said Government Lot 6; thence South 87°19'01" East, along the northerly line of said Government Lot 6, for a distance of 515.70 feet; thence South 00°29'47" West, parallel with the westerly line of said Government Lot 6, for a distance of 460.29 feet; thence North 87°19'01" West, parallel with the northerly line of said Government Lot 6, for a distance of 515.70 feet to the true point of beginning.

Said tract of land contains 5.445 acres, more or less, and is subject to easements as may be of record.

Existing Access and Utility Easement:

That part of Government Lot 6, Section 18, Township 145 North, Range 29 West of the Fifth Principal Meridian and that part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 145 North, Range 30 West of the Fifth Principal Meridian, all in Cass County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 18; thence North 00 degrees 29 minutes 47 seconds East, assumed bearing, along the westerly line of said Government Lot 6, a distance of 1160.98 feet; thence South 87 degrees 19 minutes 01 seconds East a distance of 119.79 feet to the point of beginning of the easement to be described; thence continue South 87 degrees 19 minutes 01 seconds East a distance of 48.92 feet; thence South 30 degrees 03 minutes 27 seconds West a distance of 189.28 feet; thence South 19 degrees 01 minutes 28 seconds West a distance of 79.45 feet; thence South 45 degrees 27 minutes 25 seconds West a distance of 70.70 feet to the intersection with the westerly line of said Government Lot 6; thence South 54 degrees 06 minutes 36 seconds West a distance of 82.09 feet; thence South 05 degrees 33 minutes 48 seconds West a distance of 150.17 feet to the intersection with the northerly right-of-way line of U.S. Highway No. 2; thence North 83 degrees 21 minutes 49 seconds West, along the northerly right-of-way line of said U.S. Highway No. 2, a distance of 40.23 feet; thence North 05 degrees 33 minutes 48 seconds East a distance of 167.60 feet; thence North 54 degrees 06 minutes 36 seconds East a distance of 129.86 feet; thence North 19 degrees 01 minutes 28 seconds East a distance of 79.45 feet; thence North 30 degrees 03 minutes 27 seconds East a distance of 191.45 feet to the point of beginning.

Surveyor's Note #1: The monument marked as the South 1/16 corner between Sections 13 and 18 is a direct perpetuation of a 1898 monument that was set as the southeast corner of Indian Allotment #275 in Section 13. The corner was re-monumented in 1933 by the General Land Office and marked and described as the South 1/16 corner of Sections 13 & 18. The monument is 146 feet northerly of a typical 1/16 corner position. It is the written opinion of the Bureau of Land Management that the corner should also control the interior subdivision of Section 18.

Surveyor's Note #2: In 1937, the Minnesota Highway Department performed a retracement survey along the south line of Section 18. In that survey, they recovered both section corners and a post at the South 1/4 corner. Our calculations from their field notes indicate that the "post" was 2347.5 feet from the SW corner of Section 18 and 2565.6 feet from the SE corner and 24.8 feet northerly of the straight line between them.

In 2001, Robert Muacha, RLS 10078, of Houston Engineering, Inc., found the SE and SW corners of Section 18, but did not find the South 1/4 corner. Ultimately he reset the South 1/4 at the "Lost" position, midway between the SE and SW corners.

On June 12, 2007, LoVerne Leuelling, RLS 16089 & Jeff Major, RLS 44902, went to the South 1/4 area to search for remains of the post, fence lines, cut lines, and GLO bearing trees. We were searching for anything that might indicate the exact location of the GLO or Minnesota Highway Department post. We did not discover anything concrete.

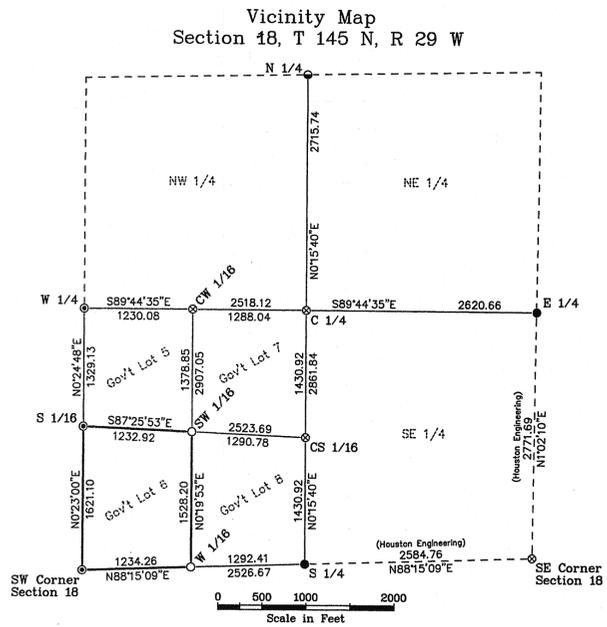
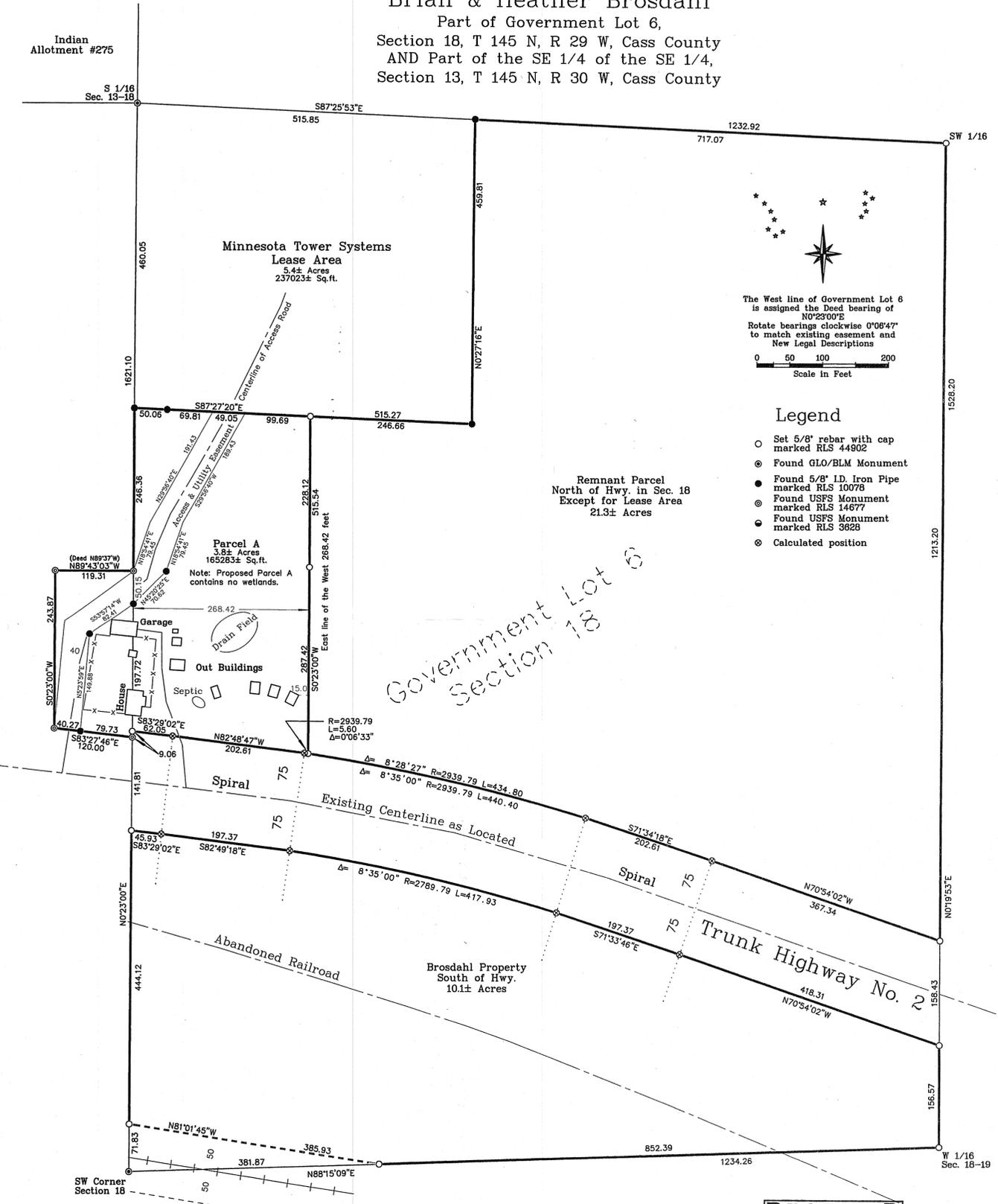
Our measurement of the entire south line of Section 18 differs by 17 feet from the Highway Department's right-of-way map. If we go directly to the 1937 field notes, we only disagree by 1.4 feet from the Highway Department. After weighing the pros and cons of utilizing the Highway Department field notes to reset the South 1/4 corner, we ultimately rejected this action because:

A) Houston Engineering Company utilized an acceptable methodology clearly outlined in the BLM's "Manual of Instructions."

B) We have no concrete survey or occupation evidence that contradicts the Houston Engineering solution.

C) The Highway Department record is inconsistent and any solution that agrees with the notes must disagree with the right-of-way map.

D) which leads to the possibility that the Highway Department itself rejected their own found post in 1937.



Proposed Parcel A

That part of the West 268.42 feet of Government Lot 6, Section 18, Township 145 North, Range 29 West, of the Fifth Principal Meridian lying northerly of U. S. Highway Number 2 and southerly of the following described line:

Commencing at the southwest corner of said Government Lot 6; thence N0°29'47"E, along the westerly line of said Government Lot 6, a distance of 1160.98 feet to the point of beginning; thence S87°19'01"E, parallel with the north line of said Government Lot 6, a distance of 268.61 feet to the east line of the West 268.42 feet of said Government Lot 6 and there terminate.

AND

Part of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4), Section Thirteen (13), Township One Hundred Forty-five (145) North, Range Thirty (30) West, of the Fifth Principal Meridian described as follows:

Commencing at the southeast corner of Section 13, as surveyed and monumented in 1933 by the Dependent Resurvey of the General Land Office (now the Bureau of Land Management), under special instructions dated April 22, 1930 for group number 32, the plat and notes of which are on file in the office of the Secretary of State, St. Paul, Minnesota; thence North 0 degrees 23 minutes 00 seconds East along the East line of said Section 13, as surveyed and monumented in said 1933 Dependent Resurvey, a distance of 657.74 feet to the northerly limits of the Special Use Permit issued September 9, 1946, by the U. S. Forest Service to the State of Minnesota for U. S. Highway Number 2, as it now exists across the Southeast Quarter, being the actual point of beginning; thence continue N0°23'00"E, along said east line of Section 13, a distance of 256.75 feet; thence N89°37'00"W, a distance of 119.31 feet; thence S02°30'00"W, parallel to said east line of Section 13, a distance of 243.89 feet to said northerly line of Special Use Permit for U. S. Highway Number 2; thence S83°27'48"E, along said northerly line of Special Use Permit for U. S. Highway Number 2, a distance of 120.00 feet to the point of beginning. Containing 0.69 acres more or less.

Subject to easements, restrictions and reservations of record.

Remnant Parcel

Government Lot 6, Section 18, Township 145 North, Range 29 West, of the Fifth Principal Meridian, EXCEPT

That part of the West 268.42 feet of said Government Lot 6 lying northerly of U. S. Highway Number 2 and southerly of the following described line:

Commencing at the southwest corner of said Government Lot 6; thence N0°29'47"E, along the westerly line of said Government Lot 6, a distance of 1160.98 feet to the point of beginning; thence S87°19'01"E, parallel with the north line of said Government Lot 6, a distance of 268.61 feet to the east line of the West 268.42 feet of said Government Lot 6 and there terminate.

Subject to easements, restrictions and reservations of record.

Surveyor's Note on Proposed Legal Descriptions: The proposed legal descriptions for Parcel A and the Remnant Parcel have been described to lie adjacent to the existing communications easement with no gap or overlap. Measured distances to the south line and along the south line of the communications easement shown on the survey differ slightly.

Surveyor's Affidavit

I hereby certify that this survey, plan, or report 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.

Jeffrey P. Major
Jeffrey P. Major
Date: 10/23/08 Registration No. 44902

