

**NORTHWEST CORNER SECTION 16, TOWNSHIP 19 SOUTH, RANGE 12 EAST**

- 1) ON PAGE 533 OF THE GLO ORIGINAL FIELD NOTES IN THE DRAFTING ROOM IN THE COUNTY ENGINEER'S OFFICE IT STATES THAT **THEY SET A LIMESTONE 20" X 6" X 6"** FOR THE CORNER TO SECTIONS 8, 9, 16 & 17-19-12 ON MARCH 3, 1857, FROM WHICH:
  - 1) AN ELM TREE 20" IN DIAMETER BEARS N. 17° W. AT 37 LINKS DISTANCE
  - 2) AN ELM TREE 20" IN DIAMETER BEARS N. 33°40' E. AT 61 LINKS DISTANCE
  - 3) A SYCAMORE TREE 8" IN DIAMETER BEARS S. 34°30' W. AT 47 LINKS DISTANCE
  - 4) A SYCAMORE TREE 10" IN DIAMETER BEARS S. 58° E. AT 39 LINKS DISTANCE

THE GOVERNMENT SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:

  - 1) 39.75-1/2 CHAINS EAST TO THE 28" X 18" X 3" LIMESTONE THEY SET FOR THE 1/4 CORNER BETWEEN SECTIONS 9 & 16-19-12
  - 2) 79.51 CHAINS EAST TO THE 24" X 11" X 2" LIMESTONE THEY SET FOR THE CORNER TO SECTIONS 9, 10, 15 & 16-19-12
  
- 2) E. B. KIRKENDALL, SURVEYOR, IN A ROAD SURVEY RECORDED IN ROAD RECORD BOOK "A" ON PAGE 16 [PACKET 526 IN THE VAULT IN THE COUNTY SURVEYOR'S OFFICE] FOR THE "ROAD FROM FOREST HILL TO COTTONWOOD FALLS VIA EMPORIA" ESTABLISHED DECEMBER 6, 1858 IN THE COMMISSIONER'S JOURNAL ON PAGE 35, APPARENTLY **FOUND THE STONE** AT THE SOUTHWEST CORNER OF SECTION 9-19-12 ON THIS ROAD SURVEY. NO WIDTH IS RECORDED AND BY THE TERRITORIAL LAW IN EFFECT AT THE TIME THE ROAD WOULD BE FORTY FEET WIDE.

HIS SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:

  - 1) THIS ROAD EXTENDS EAST ON THE SECTION LINES TO THE STARTING POINT AT THE SOUTHWEST CORNER OF SECTION 10-19-13
  - 2) THIS ROAD EXTENDS WEST ON THE SECTION LINES WITH A DEVIATION FOR THE NEOSHO RIVER IN SECTION 8-19-12 TO THE SOUTHWEST CORNER OF SECTION 7-19-10 ON THE RANGE LINE AND THE LYON AND CHASE COUNTY LINE
  
- 3) D. T. McAULEY, COUNTY SURVEYOR FROM 1867 TO 1870, IN SURVEY NUMBER 21 RECORDED IN SURVEY BOOK "A" ON PAGE 117 DATED FEBRUARY 28 & 29, 1868 FOR A SURVEY OF A. HENSHAW'S AND M. WEAVER'S LAND, BEING A DIVISION OF THE WEST 1/2 OF THE NORTHEAST 1/4 AND 20 ACRES ON THE SOUTH END OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17-19-12, SAID THAT **HE FOUND THE STONE** AT THE NORTHEAST CORNER OF SECTION 17-12 ON THIS SURVEY.

HIS SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:

  - 1) 159 RODS, 17-3/4 LINKS WEST TO THE STONE HE FOUND AT THE NORTH 1/4 CORNER OF SECTION 17-19-12
  
- 4) IN ROAD RECORD BOOK "A" ON PAGE 127 [PACKET 242 IN THE VAULT IN THE COUNTY ENGINEERS OFFICE] FOR THE SECOND ROAD ON A PETITION BY G. D. HUMPHREY AND OTHERS FOR SECTION LINE ROADS IN TOWNSHIPS 18-12 & 19-12 WITHOUT A SURVEY, THE BOARD OF COUNTY COMMISSIONERS ORDERED THE SECTION LINES FOR THE THIRD ROAD DECLARED PUBLIC HIGHWAYS ESTABLISHED ON JUNE 22, 1869 IN THE COMMISSIONERS JOURNAL ON PAGE 269. THE LAW OF 1869 PROVIDES 40 FEET WIDTH ON SECTION LINE ROADS. THE THIRD ROAD COMMENCED ON THE LAWRENCE AND EMPORIA ROAD AT A POINT WHERE SAID ROAD CROSSES THE LINE BETWEEN FREMONT AND WATERLOO TOWNSHIPS, THENCE RUNNING SOUTH ON SAID LINE DIVIDING THE TOWNSHIP OF FREMONT FROM THE TOWNSHIP OF JACKSON, AND THE TOWNSHIP OF EMPORIA FROM THE TOWNSHIP OF JACKSON, UNTIL IT INTERSECTS A ROAD ESTABLISHED FROM HARTFORD TO EMPORIA.

- 1) THIS THIRD ROAD RUNS NORTH ON THE SECTION LINES TO THE POINT WHERE THE LAWRENCE AND EMPORIA ROAD CROSSES THE LINE BETWEEN FREMONT AND WATERLOO ON THE WEST LINE OF SECTION 4-18-12
  - 2) THIS THIRD ROAD RUNS SOUTH ON THE SECTION LINES TO THE INTERSECTION OF THE ROAD ESTABLISHED FROM EMPORIA TO HARTFORD AT THE SOUTHWEST CORNER OF SECTION 33-19-12
- 5) SAMUEL P. DAVIES, DEPUTY COUNTY SURVEYOR, IN SURVEY NUMBER 48, A **PERMANENT SURVEY** RECORDED IN SURVEY BOOK "B" ON PAGE 47 DATED MAY 28, 1870 TO DIVIDE THE SOUTHEAST 1/4 OF SECTION 8-19-12 INTO EQUAL PARTS BY A LINE RUNNING NORTH & SOUTH, SAID THAT **HE FOUND THE STONE** AT THE SOUTHEAST CORNER OF SECTION 8-19-12 ON THIS **PERMANENT SURVEY**.  
HIS SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:
- 1) 1,328' WEST TO THE STONE HE FOUND "ALREADY ESTABLISHED" AT THE SOUTH 1/2 1/4 CORNER OF THE SE 1/4 OF SECTION 8-19-12
- 6) ROBERT MILLIKEN, COUNTY SURVEYOR FROM 1870 TO 1875 AND FROM 1882 TO 1883, IN SURVEY NUMBER 79 OF THE 8<sup>TH</sup> TERM, A ROAD SURVEY RECORDED IN SURVEY BOOK "C" ON PAGE 136 DATED AUGUST 3, 1875 TO SURVEY A COUNTY ROAD BETWEEN THE 1/4 CORNER ON THE NORTH BOUNDARY OF SECTION 17 AND THE 1/4 CORNER ON THE NORTH BOUNDARY OF SECTION 16, ALL IN TOWNSHIP 19, RANGE 12, SAID THAT **HE FOUND THE STONE** AT THE CORNER TO SECTIONS 8, 9, 16 & 17-19-12 ON THIS ROAD SURVEY. A NOTE IN THE TOP LEFT CORNER OF THE LEFT PAGE STATES "DEFENDANT'S EXHIBIT NO. 2. #19929 APRIL 28-1938".  
HIS SURVEY NOTES/DRAWING SHOWS THE FOLLOWING INFORMATION:
- 1) 210' NORTH TO THE INTERSECTION OF THE CENTERLINE OF THE ROAD SURVEY WITH THE SECTION LINE BETWEEN SECTIONS 8 & 9-19-12
  - 2) 181' WEST TO THE INTERSECTION OF THE CENTERLINE OF THE ROAD SURVEY WITH THE SECTION LINE BETWEEN SECTIONS 8 & 17-19-12
- 7) MATTHEW BROWN, DEPUTY COUNTY SURVEYOR, FOR R. H. EDMISTON, COUNTY SURVEYOR FROM 1884 TO 1887, IN SURVEY NUMBER 71, A **PERMANENT SURVEY** RECORDED IN SURVEY BOOK "E" ON PAGE 71 DATED OCTOBER 9 THROUGH NOVEMBER 1, 1884 ORDERED BY N. J. WIRT TO SURVEY THE NORTHEAST 1/4 OF SECTION 4-19-12, SAID THAT **HE FOUND THE GOVERNMENT STONE** AT THE SOUTHEAST CORNER OF SECTION 8-19-12 ON THIS **PERMANENT SURVEY**.  
HIS SURVEY NOTES/DRAWING SHOWS THE FOLLOWING INFORMATION:
- 1) 5,280' NORTH TO THE TEMPORARY STAKE HE SET FOR THE SOUTHWEST CORNER OF SECTION 4-19-12
  - 2) 7,920' NORTH TO THE TEMPORARY STAKE HE SET FOR THE WEST 1/4 CORNER OF SECTION 4-19-12
  - 3) 10,458' NORTH TO THE TEMPORARY STAKE HE SET FOR THE NORTHWEST CORNER OF SECTION 4-19-12 ON THE TOWNSHIP LINE
- 8) J. HARRISON PARKMAN, COUNTY SURVEYOR FROM 1907 TO 1915, BY J. MAX YINGLING, DEPUTY COUNTY SURVEYOR, IN A ROAD SURVEY RECORDED IN PERMANENT SURVEY BOOK 1 ON PAGE 55 FOR COUNTY ROAD NUMBER 652 IN TOWNSHIP 19-12 FOR FRANK WECKER, PRINCIPAL PETITIONER, SAID THAT HE BEGAN THIS ROAD SURVEY AT A POINT **639 FEET EAST** OF THE SOUTHWEST CORNER OF SECTION 9-19-12. HE DID NOT DESCRIBE THE MONUMENT AT THE SOUTHWEST CORNER OF SECTION 9-19-12 AND HE DID NOT STATE IF HE SET A STONE FOR THE BEGINNING OF THIS ROAD SURVEY. HE NOTED THAT THE ROAD WAS 40 FEET WIDE WEST OF THE LINE RUN. THIS ROAD SURVEY WAS ENTERED ON MARCH 23, 1910, AND HE NOTED IN THE UPPER RIGHT CORNER THAT THIS ROAD SURVEY IS RECORDED IN ROAD RECORD BOOK "E" ON PAGE 9.  
HIS SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:

- 1) THIS ROAD RUNS NORTH FOR ONE MILE TO THE TERMINUS OF THIS ROAD SURVEY AT A POINT 639 FEET EAST OF THE NORTHWEST CORNER OF SECTION 9-19-12
- 9) J. HARRISON PARKMAN, COUNTY SURVEYOR FROM 1907 TO 1915, BY J. MAX YINGLING, DEPUTY COUNTY SURVEYOR, IN A **PERMANENT SURVEY** RECORDED IN SURVEY BOOK "D" ON PAGE 165 DATED DECEMBER 12, 1910 ORDERED BY A. C. DAVIS TO SURVEY A TRACT IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8-19-12, SAID THAT **HE FOUND** THE SOUTHEAST CORNER OF SECTION 8-19-12 ON THIS **PERMANENT SURVEY**. HE DOES NOT DESCRIBE THE MONUMENT THAT HE FOUND AT THIS CORNER. HE NOTED THAT THIS PERMANENT SURVEY WAS ENTERED ON JANUARY 2, 1911. IN THE UPPER LEFT MARGIN OF THE PAGE IS A NOTE ABOUT "PLAINTIFFS EXHIBIT NUMBER 2, DATED 5/13/38, IN CASE NUMBER 19824".  
HIS SURVEY NOTES SHOW THE FOLLOWING INFORMATION:
- 1) 2,633' WEST TO THE TEMPORARY STAKE HE SET FOR THE SOUTHEAST CORNER OF THE SW1/4 OF SECTION 8-19-12
  - 2) 5,266' WEST TO THE STONE HE FOUND AT THE SOUTHWEST CORNER OF SECTION 8-19-12
- 10) W. D. KRETSINGER, L.S. 363, COUNTY ENGINEER FROM 1952 TO 1981, IN SURVEY F17001 IN THE SURVEY FILE FOR TOWNSHIP 19-12 FOR A SURVEY TO LOCATE THE BOUNDARIES OF A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 17-19-12 DATED JUNE 7, 1977 SHOWS ON HIS SURVEY DRAWING A "**MONUMENT**" AT THE NORTHEAST CORNER OF SECTION 17-19-12. THERE IS NO DESCRIPTION OF THE MONUMENT AND THERE ARE NO TIES ON THE SURVEY OR IN THE SURVEY TIE FILES.  
HIS SURVEY DRAWING SHOWS THE FOLLOWING INFORMATION:
- 1) 985.87' WEST TO A "MONUMENT" HE SET FOR THE NORTHWEST TRACT CORNER – NOT DESCRIBED
- 11) STEVEN S. BROSEMER, L.S. 752, IN A LAND SURVEY REFERENCE REPORT DATED APRIL 27, 1984, FOR SURVEY F08010 IN THE SURVEY FILE FOR TOWNSHIP 19-12 FOR TWO TRACTS IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 8-19-12, BEING NORTH OF OLD HIGHWAY 50, EAST OF THE CENTER OF THE NEOSHO RIVER, AND SOUTH OF I-35 HIGHWAY AND RECORDED IN VOLUME 409 ON PAGE 112 IN THE REGISTER OF DEEDS OFFICE ON JUNE 6, 1984 SAID THAT HE DEEMED THE SOUTHEAST CORNER OF SECTION 8-19-12 WAS **LOST** IN NORTH-SOUTH POSITION AND WAS **OBLITERATED** IN EAST-WEST POSITION. **HE SET A DRILL HOLE AND PLUS ("+" ) CUT IN THE PAVEMENT OF OLD-OLD 50 HIGHWAY AT 274.14' NORTH OF THE SOUTHEAST CORNER OF SECTION 8-19-12 AS A WITNESS CORNER**, ON AN EXTENSION OF A LINE FROM THE SOUTHWEST CORNER OF SECTION 8-19-12 OVER THE WEST 1/4 CORNER OF SECTION 8-19-12 AND IN LINE WITH THE FENCE TO THE NORTH AND TO THE SOUTH OF THE OLD HIGHWAY.  
TIES FROM THE TRUE POSITION OF THE SOUTHWEST CORNER OF SECTION 8-19-12:
- 1) 2,624.52' WEST TO THE NORTH 1/4 CORNER OF SECTION 17-19-12
  - 2) 2,670.7' SOUTH TO THE WEST 1/4 CORNER OF SECTION 16-19-12
  - 3) 274.14' NORTH TO A DRILL HOLE AND "+" CUT IN THE CONCRETE PAVEMENT
  - 4) IN LINE WITH A FENCE TO THE NORTH
- HIS SURVEY DRAWING SHOWS THE FOLLOWING DISTANCES FROM THE TRUE POSITION FOR THE SOUTHEAST CORNER OF SECTION 8-19-12:
- 1) 1,312.26' WEST TO THE THEORETICAL POSITION FOR THE SOUTHWEST CORNER OF THE E1/2 OF THE SE1/4 OF SECTION 8-19-12
  - 2) 2,642.52' WEST TO THE DRILL HOLE & "+" CUT AND CAP HE SET FOR THE SOUTH 1/4 CORNER OF SECTION 8-19-12

HIS INFORMATION IS CONTINUED ON PAGE 4

- 3) 5,257.52' WEST TO THE 1" IRON PIN HE FOUND AT THE SOUTHWEST CORNER OF SECTION 8-19-12
  - 4) 310.74' NORTH TO THE #4 REBAR WITH A YELLOW CAP HE SET ON THE NORTH-WESTERLY RIGHT-OF-WAY OF OLD U.S. HIGHWAY 50
  - 5) 1,182.22' NORTH TO THE #4 REBAR WITH A YELLOW CAP HE SET FOR THE NORTHEAST CORNER OF A 17.72 ACRE TRACT
  - 6) 1,763.72' NORTH TO THE #4 REBAR WITH A YELLOW CAP HE SET FOR THE NORTHEAST CORNER OF AN 18.07 ACRE TRACT
  - 7) 2,670.0' NORTH TO THE SQUARE #4 REBAR HE FOUND AT THE EAST 1/4 CORNER OF SECTION 8-19-12
  - 8) 2,670.7' SOUTH TO THE STONE HE FOUND AT THE WEST 1/4 CORNER OF SECTION 16-19-12
- 12) STEVEN S. BROSEMER, L.S. 752, DEPUTY COUNTY SURVEYOR, IN A LAND SURVEY REFERENCE REPORT DATED MAY 6, 1993, FOR JOB NUMBER 92585, SURVEY F09004 IN THE SURVEY FILE FOR TOWNSHIP 19-12 FOR THE SURVEY OF A 2.5 ACRE TRACT IN THE NORTHWEST QUARTER OF SECTION 9 RECORDED IN VOLUME 473 ON PAGE 57 IN THE REGISTER OF DEEDS OFFICE ON MARCH 16, 1993 SAID THAT HE DEEMED THAT THE SOUTHWEST CORNER OF SECTION 9-19-12 WAS **LOST**. **HE SET A SPIKE AND A PLUS ("+" ) CUT IN CENTER OF OLD-OLD HIGHWAY 50** FOR A **WITNESS CORNER** ON THE WEST LINE OF SECTION 9 AT **274.14' NORTH** OF THE SOUTHWEST CORNER OF SECTION 9-19-12.
- HIS SURVEY DRAWING SHOWS THE FOLLOWING DISTANCES FROM THE TRUE POSITION FOR THE SOUTHWEST CORNER OF SECTION 9-19-12:
- 1) 2,670.04' NORTH TO THE SQUARE 1/2" REBAR HE FOUND AT THE WEST 1/4 CORNER OF SECTION 9-19-12
  - 2) 5,283.85' NORTH TO THE 1/2" REBAR HE FOUND AT THE NORTHWEST CORNER OF SECTION 9-19-12
  - 3) 2,719.04' EAST TO THE SQUARE 1/2" REBAR HE FOUND AT THE SOUTH 1/4 CORNER OF SECTION 9-19-12
- 13) FRED I. GIBBS, L.S. 387, IN A LAND SURVEY REFERENCE REPORT DATED JULY 26, 1996, FOR LYON COUNTY PROJECT NUMBER 96-80 AND BG CONSULTANTS, INC. PROJECT NUMBER E96-222, SAID THAT HE CONSIDERED THE NORTHEAST CORNER OF SECTION 17-19-12 WAS **OBLITERATED**. HE RESET THIS CORNER FROM PREVIOUS SURVEYS USING THE WEST 1/4 CORNER OF SECTION 9-19-12 AND THE 3/8" BAR IN THE DRILL HOLE IN OLD-OLD HIGHWAY THAT HE FOUND AT 274.14' NORTH OF THE NORTHEAST CORNER OF SECTION 17-19-12. **HE SET A 5/8" X 36" REBAR WITH A "BG" CAP** FOR THE NORTHEAST CORNER OF SECTION 17-19-12. SEE HIS SURVEY RECAP FOR RESTORING THE CORNER ON FILE IN THE SURVEY RECORDS AT THE COUNTY ENGINEER'S OFFICE.
- 1) 0.2' NORTH TO A STEEL "T" POST AT GROUND
  - 2) 45.7' EAST TO A SPIKE & WASHER IN A 50" MAPLE TREE
  - 3) 40.7' NORTH TO A SPIKE & 2 WASHERS IN A 50" MULBERRY TREE
  - 4) 21.3' NORTH TO A SPIKE & 3 WASHERS IN A 40" MAPLE TREE
  - 5) 274.14' NORTH TO A 3/8" IRON BAR IN A DRILL HOLE IN THE CENTERLINE OF OLD U.S. HIGHWAY 50
- HIS DRAWING ON HIS REFERENCE REPORT SHOWS THE FOLLOWING:
- 1) 2,669.99' NORTH TO THE 1/2" SQUARE REBAR AT THE WEST 1/4 CORNER OF SECTION 9-19-12
  - 2) 2,719.03' EAST TO THE 5/8" REBAR AT THE SOUTH 1/4 CORNER OF SEC. 9-19-12
  - 3) 2,670.90' SOUTH TO THE STONE HE FOUND AT THE EAST 1/4 CORNER OF SECTION 17-19-12
  - 4) 2,624.41' WEST TO THE 5/8" REBAR WITH LYON COUNTY CAP AT THE NORTH 1/4 CORNER OF SECTION 17-19-12

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- 14) STEVEN S. BROSEMER, L.S. 752, DEPUTY COUNTY SURVEYOR, IN A LAND SURVEY REFERENCE REPORT DATED AUGUST 25, 2006, FOR PROJECT NUMBER 06233-02, SAID THAT **HE FOUND THE 5/8" REBAR WITH "BG" IDENTIFICATION CAP** AT THE SOUTHWEST CORNER OF SECTION 9-19-12 FROM THE EXISTING REFERENCE TIES ON FILE AT THE COUNTY ENGINEER'S OFFICE BY FRED I. GIBBS, L.S. 387 DATED JULY 1996.
- 1) A LYON COUNTY SURVEY MARKER IS ON THE NORTH SIDE OF THE REBAR
  - 2) 366.45' NORTH TO A 5/8" REBAR WITH A LYON COUNTY CAP
  - 3) 45.65' EAST TO A SPIKE & WASHER IN A 50" MAPLE TREE
  - 4) 21.3' NORTH TO A SPIKE & WASHER IN A 40" MAPLE TREE
  - 5) 2,640.13' NORTH TO THE WEST 1/4 CORNER OF SECTION 9-19-12 [A 5/8" REBAR WITH A LYON COUNTY CAP] – **HORIZONTAL TIE**

NORTHWEST CORNER 16-19-12