

**NORTHWEST CORNER SECTION 17, TOWNSHIP 19 SOUTH, RANGE 12 EAST**

- 1) ON PAGE 538 OF THE GLO ORIGINAL FIELD NOTES IN THE DRAFTING ROOM IN THE COUNTY ENGINEER'S OFFICE IT STATES THAT **THEY SET A LIMESTONE 29" X 9" X 5"** FOR THE CORNER TO SECTIONS 7, 8, 17 & 18-19-11.  
THE GOVERNMENT SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:
  - 1) 39.68-1/2 CHAINS EAST TO THE 20" X 14" X 2" LIMESTONE THEY SET FOR THE 1/4 CORNER BETWEEN SECTIONS 8 & 17-19-12
  - 2) 79.37 CHAINS EAST TO THE 20" X 6" X 6" LIMESTONE THEY SET FOR THE CORNER TO SECTIONS 8, 9, 16 & 17-19-12
  
- 2) D. T. McAULEY, COUNTY SURVEYOR FROM 1867 TO 1870, BY D. W. BOWMAN, DEPUTY, IN SURVEY NUMBER 47 RECORDED IN SURVEY BOOK "A" ON PAGE 143 AND MAY 4 & 5, 1868 FOR A SURVEY OF LAND OWNED BY HILLERMAN, SMITH, LOGAN AND OTHERS, BEING SECTION 7-19-12, SAID THAT THE STONE AT THE SOUTHEAST CORNER OF SECTION 7-19-12 WAS IN DISPUTE. HE RAN THE SECTION LINES EAST, WEST AND NORTH AND **HE SET A STONE** FOR THE SOUTHEAST CORNER OF SECTION 7-19-12 ON THIS SURVEY.
  
- 3) D. T. McAULEY, COUNTY SURVEYOR FROM 1867 TO 1870, IN SURVEY NUMBER 67 RECORDED IN SURVEY BOOK "A" ON PAGE 167 DATED AUGUST 24, 1868 FOR A SURVEY OF LAND OWNED BY J. W. LANCE AND OTHER LYING IN SECTION 18019012, TO SURVEY THE WEST 1/2 OF THE NORTHEAST 1/4, SAID THAT **HE FOUND THE STONE** AT THE NORTHEAST CORNER OF SECTION 18-19-12 ON THIS SURVEY.  
HIS SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:
  - 1) 80 RODS, 4-1/2 LINKS WEST TO THE STONE HE SET FOR THE NORTHEAST CORNER OF THE W1/2 OF THE NE1/4 OF SECTION 18-19-12
  - 2) 160 RODS, 9 LINKS WEST TO THE STONE HE FOUND AT THE NORTH 1/4 CORNER OF SECTION 18-19-12
  
- 4) ROBERT MILLIKEN, COUNTY SURVEYOR FROM 1870 TO 1875 AND FROM 1882 TO 1883, IN SURVEY NUMBER 1 OF THE 7<sup>TH</sup> TERM, A **PERMANENT SURVEY** RECORDED IN SURVEY BOOK "B" ON PAGE 148 DATED JANUARY 8, 1872 TO FIND THE CORNERS TO THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8-19-12 AND 20 ACRES OFF THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8, 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) 1,326-1/2' NORTH TO THE CORNER POST HE SET FOR THE PERMANENT WEST 1/2/4 CORNER OF THE SW1/4 OF SECTION 8-19-12
  - 2) 2,653' NORTH TO THE STONE HE FOUND AT THE WEST 1/4 CORNER OF SECTION 8-19-12
  
- 5) R. H. EDMISTON, COUNTY SURVEYOR FROM 1884 TO 1887, IN SURVEY NUMBER 31, A **PERMANENT SURVEY** RECORDED IN SURVEY BOOK "E" ON PAGE 31 DATED MAY 22 & 29, 1884 AT THE REQUEST OF E. HILLERMAN TO SUBDIVIDE THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 8-19-12 LYING SOUTH OF THE NEOSHO RIVER ALSO IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 TO LOCATE THE LINE BETWEEN B. F. MYERS AND JOHNSON, SAID THAT **HE FOUND THE STONE** AT THE SOUTHWEST CORNER OF SECTION 8-19-12 ON THIS **PERMANENT SURVEY**.  
HIS SURVEY NOTES/DRAWING SHOWS THE FOLLOWING INFORMATION:
  - 1) 1,967' EAST TO THE STONE HE SET ON THE SECTION LINE
  - 2) 2,623' EAST TO THE STONE HE FOUND AT THE SOUTH 1/4 CORNER OF SECTION 8-19-12

HIS INFORMATION IS CONTINUED ON PAGE 2

- 3) 3,086' EAST TO THE STONE HE SET ON THE SECTION LINE
  - 4) 3,436' EAST TO THE STONE HE SET ON THE SECTION LINE
  - 5) 3,773' EAST TO THE STONE HE SET ON THE SECTION LINE
  - 6) 3,938' EAST TO THE STONE HE FOUND AT THE SOUTH 1/4/4 CORNER OF THE SE1/4 OF SECTION 8-19-12
- 6) R. H. EDMISTON, COUNTY SURVEYOR FROM 1884 TO 1887, IN A ROAD SURVEY FOR ROAD NUMBER 279 RECORDED IN ROAD RECORD BOOK "C" ON PAGES 66 TO 68 PETITIONED BY ANDREW HENSHAW AND OTHERS FOR A COUNTY ROAD IN TOWNSHIP 19-12 [PACKET 555 IN THE VAULT IN THE COUNTY SURVEYOR'S OFFICE] THAT HE SURVEYED ON JUNE 9, 1884, WAS ESTABLISHED AS A 40 FOOT WIDE ROAD ON JANUARY 7, 1885 AS NOTED BY P. Y. HALLBERG, CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, AND RECORDED ON JANUARY 25, 1885 BY ROLAND LAKIN, COUNTY CLERK, SAID THAT **HE FOUND THE STONE** AT THE NORTHEAST CORNER OF SECTION 18-19-12 TO BEGIN THIS ROAD SURVEY. HIS SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:
- 1) THIS ROAD EXTENDS SOUTH ON THE SECTION LINES FOR 1 MILE TO INTERSECT THE EAST AND WEST ROAD [AT THE SOUTHEAST CORNER OF SECTION 18-19-12]
- 7) 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 STONE** AT THE SOUTHWEST CORNER OF SECTION 8-19-12 ON THIS **PERMANENT SURVEY**. HE NOTED THAT THIS PERMANENT SURVEY WAS ENTERED ON JANUARY 2, 1911. IN THE UPPER LEFT MARGIN OF THE PAGE IS A NOTE: PLAINTIFFS EXHIBIT NUMBER 2, DATED 5/13/38, IN CASE NUMBER 19824. HIS SURVEY NOTES SHOW THE FOLLOWING INFORMATION:
- 1) 2,633' EAST TO THE TEMPORARY STAKE HE SET FOR THE SOUTHEAST CORNER OF THE SW1/4 OF SECTION 8-19-12
  - 2) 5,266' EAST TO THE SOUTHEAST CORNER OF SECTION 8-19-12 – NOT IDENTIFIED
- 8) IN A FIELD BOOK LABELED "CHAINING SECTION "C" SURVEY NOTES 102-A" IN THE VAULT IN THE COUNTY ENGINEER'S OFFICE DATED 1919, ON PAGE 40 IT SHOWS A **STONE** AT THE NORTHWEST CORNER OF SECTION 17-19-12. THERE ARE NO TIES ON THE PAGE.
- 9) THE KRETSINGER REFERENCE TIE BOOK FOR TOWNSHIP 19-12 SHOWS A **STONE** AT THE "SW CORNER SECTION 8-19-12".
- 1) 22.25' SW TO THE CORNER OF A CULVERT CONCRETE BASE
  - 2) 22.25' SE TO THE CORNER OF A CULVERT CONCRETE BASE
  - 3) 26.4' NE TO THE BASE OF THE CORNER OF THE CONCRETE
  - 4) 26.3' NW TO THE CORNER OF THE BASE OF THE WEST PARAPET
- 10) AI CHAMNESS, SURVEYOR DEPUTIZED BY O. D. HENRY, COUNTY ENGINEER OF LYON COUNTY, KANSAS, FOR AN OFFICIAL SURVEY OF FOUR TRACTS IN THE SOUTHWEST 1/4 OF SECTION 8-19-12 RECORDED IN PERMANENT SURVEY BOOK 1 ON PAGE 105 WITH THE SURVEY COMPLETED AND FILED ON APRIL 13, 1935, SAID THAT **HE FOUND** THE SOUTHWEST CORNER OF SECTION 8-19-12. HE SHOWS ON HIS SURVEY DRAWING THAT **HE FOUND A 1" IRON PIN IN THE CENTER SLAB** AT THE SOUTHWEST CORNER OF SECTION 8-19-12 ON THIS **PERMANENT SURVEY**. A NOTE IN THE UPPER LEFT CORNER STATES: PLAINTIFFS EXHIBIT NUMBER 1, CASE NUMBER 19824, 5-13-38.

HIS INFORMATION IS CONTINUED ON PAGE 3

HIS SURVEY NOTES SHOW THE FOLLOWING INFORMATION:

- 1) 1,316.5' EAST TO THE LOCATION FOR THE SOUTH 1/4/4 CORNER SIDE OF THE SW1/4 OF SECTION 8-19-12
- 2) 2,633' EAST TO THE "TEMPORARY MARK IN THE PAVEMENT OF U.S. 50 SOUTH FOR SOUTH 1/4 CORNER OF SECTION 8-19-12, AS PER NOTES BY YINGLING OF OFFICIAL SURVEY ON RECORD IN THE COUNTY ENGINEERS OFFICE"

- 11) FRANCIS PERRIER, ASSISTANT COUNTY ENGINEER, IN A SURVEY MADE NOVEMBER 14, 1935, TO ESTABLISH A TOWNSHIP ROAD IN SECTION 8-19-12, THE "TIMMONS-KORTE" ROAD, RECORDED IN PERMANENT SURVEY BOOK 1 ON PAGE 107, APPARENTLY **FOUND** THE SOUTHWEST CORNER OF SECTION 8-19-12 ON THIS ROAD SURVEY. HE NOTED THAT THE SURVEY PARTY CONSISTED OF O. D. HENRY, COUNTY ENGINEER, F. J. PERRIER, ASSISTANT COUNTY ENGINEER, AND ED O'CONNELL, COUNTY COMMISSIONER.

HIS SURVEY NOTES SHOWS THE FOLLOWING INFORMATION:

- 1) BEGINNING AT A STONE, SET ON A PREVIOUS SURVEY, ON THE EAST, WEST AND NORTH QUARTER SECTION LINE, 1,320 FEET EAST AND 990 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION 8-19-12, WE PROCEEDED EAST AT A 90°00' ANGLE TO THE QUARTER SECTION LINE FOR 85.5 FEET; THENCE LEFT 77°35' AND SETTING A STONE AT 419.0 FEET; THENCE LEFT 32°46' AND SETTING A STONE AT 105.2 FEET; THENCE LEFT AT 35°30' AND SETTING A STONE AT THE WEST, NORTH AND SOUTH QUARTER SECTION LINE AT 189.65 FEET; THENCE RIGHT ON THE ONE-QUARTER SECTION LINE 45°51' AND PROCEEDING 1,017.9 FEET TO A STONE ON THE EAST AND WEST ONE-HALF SECTION LINE, SET ON A PREVIOUS SURVEY, THENCE LEFT 90°00' AND PROCEEDING 198 FEET TO THE CENTER LINE OF THE NORTH AND SOUTH ROAD AND ENDING THERE.

- 12) O. D. HENRY, COUNTY ENGINEER FROM 1929 TO 1944, IN A ROAD SURVEY FOR ROAD NUMBER 756 RECORDED IN ROAD RECORD BOOK 1 ON PAGE 12 PETITIONED BY LEE TIMMONS IN SECTION 8-19-13 THAT WAS VIEWED ON SEPTEMBER 27, 1935 AND WAS ESTABLISHED ON OCTOBER 5, 1935 AS RECORDED ON PAGES 324 AND 325 IN BOOK 12 OF THE COMMISSIONERS JOURNALS, SHOWS ON HIS SURVEY DRAWING THAT **HE FOUND** THE SOUTHWEST CORNER OF SECTION 8-19-12 ON THIS ROAD SURVEY.

THE ROAD ESTABLISHED IS DESCRIBED AS FOLLOWS:

- 1) BEGINNING AT A STONE (SET ON A PREVIOUS SURVEY – SEE PAGE 105 IN THE BOOK OF PERMANENT SURVEYS) ON THE WEST, NORTH AND SOUTH QUARTER SECTION LINE AT 1,320 FEET EAST AND 990 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION 8-19-12, WE PROCEEDED EAST AT A 90° ANGLE ON THE QUARTER SECTION LINE 85.5 FEET; THENCE LEFT 77°35' FOR 419.0 FEET; THENCE LEFT 32°46' FOR 105.2 FEET; THENCE LEFT 25°30' FOR 189.65 FEET, AT WHICH POINT THE PRODUCED LINE INTERSECTS THE QUARTER SECTION LINE; THENCE PROCEEDING NORTH ON THE QUARTER SECTION LINE, AND AT AN ANGLE OF 45°51' RIGHT AND MEASURING 1, 017.9 FEET TO A STONE ON THE EAST AND WEST ONE-HALF SECTION LINE; THENCE LEFT 90°00' ALONG THE ONE-HALF SECTION LINE 198 FEET AT WHICH POINT THE PRODUCED LINE INTERSECTS THE CENTER LINE OF A NORTH AND SOUTH ROAD AND THERE ENDING.
- 2) THE ROAD IS 40 FEET WIDE, 20 FEET ON EACH SIDE OF THE LINE SURVEYED

- 13) 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 FOUND A 1"**

**IRON PIN IN THE CONCRETE PAVEMENT** AT THE NORTHWEST CORNER OF SECTION 17-19-12 THAT WAS FOUND BY AI CHAMNESS IN PERMANENT SURVEY BOOK 1 ON PAGE 105 IN APRIL 1935.

- 1) 26.25' NE TO THE SOUTHWEST CORNER OF THE HUBGUARD
- 2) 26.75' NW TO THE SOUTHEAST CORNER OF THE HUBGUARD
- 3) 21.85' SE TO THE NORTHWEST CORNER OF THE HUBGUARD
- 4) 23.35' SW TO THE NORTHEAST CORNER OF THE HUBGUARD

HIS SURVEY DRAWING SHOWS THE FOLLOWING INFORMATION:

- 1) 2,633.0' EAST TO THE DRILL HOLE AND PLUS ("+") CUT AND CAP HE SET FOR THE SOUTH 1/4 CORNER OF SECTION 8-19-12
- 2) 3,945.26' EAST TO THE THEORETICAL POSITION FOR THE SOUTHWEST CORNER OF THE E1/2 OF THE SE1/4 OF SECTION 8-19-12
- 3) 5,257.52' EAST TO THE THEORETICAL POSITION FOR THE SOUTHEAST CORNER OF SECTION 8-19-12

14) COMMISSIONER'S ROAD JOURNAL BOOK "C", PAGE 13

ON FEBRUARY 4, 2002, A PETITION SIGNED BY DAN FRUIT AND OTHERS FOR THE **VACATION** OF A ROAD IN TOWNSHIP 19-12 WAS PRESENTED TO THE COUNTY CLERK. THE ROAD WAS VIEWED BY THE COUNTY COMMISSIONERS ON APRIL 25, 2002 AND THE FINAL ORDER DATED APRIL 25, 2002 ORDERED THAT THE FOLLOWING ROAD BE **VACATED**:

- 1) BEGINNING AT A STONE (SET BY PREVIOUS SURVEY PER PAGE 105 BOOK OF PERMANENT SURVEYS) ON THE WEST-NORTH AND SOUTH 1/4 SECTION LINE 1,320 FEET EAST AND 900 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION 8-19-12; THENCE EAST AT A 90 DEGREE ANGLE TO THE 1/4 SECTION LINE FOR 85.5 FEET; THENCE LEFT 77 DEGREES 35 MINUTES FOR 419 FEET; THENCE LEFT 32 DEGREES 46 MINUTES FOR 105 FEET; THENCE 25 DEGREES 30 MINUTES FOR 189.65 FEET A WHICH POINT THE PROPOSED LINE INTERSECTS THE 1/4 SECTION LINE; THENCE PROCEEDING NORTH ON THE 1/4 SECTION LINE AND AT AN ANGLE OF 45 DEGREES 52 MINUTES RIGHT AND MEASURING 1,017.9 FEET TO A STONE ON THE EAST AND WEST 1/2 SECTION LINE; THENCE LEFT 90 DEGREES 00 MINUTES ALONG THE 1/2 SECTION LINE 198 FEET; AT WHICH POINT THE PRODUCED LINE INTERESTS THE CENTER LINE OF A NORTH AND SOUTH ROAD, **LESS** THAT PORTION TAKEN FOR RIGHT-OF-WAY FOR THE CONSTRUCTION OF INTERSTATE HIGHWAY I-35.

15) POLLY A. JONES, L.S. 1130, DEPUTY COUNTY SURVEYOR, IN A LAND SURVEY REFERENCE REPORT DATED SEPTEMBER 19, 2002, FOR PROJECT NUMBER 02105-02, SURVEY F17002 IN THE SURVEY FILE FOR TOWNSHIP 19-12 FOR THE SURVEY OF A 5.857 ACRE TRACT IN THE SOUTHWEST QUARTER OF SECTION 17-19-12, SAID THAT **SHE FOUND THE 1" IRON PIN IN THE CONCRETE PAVEMENT OF OLD-OLD HIGHWAY 50** AT THE NORTHWEST CORNER OF SECTION 17-19-12 FROM PREVIOUS TIES BY STEVEN S. BROSEMER, L.S. 752, ON FILE IN THE COUNTY ENGINEER'S OFFICE.

- 1) 26.25' NE TO THE SOUTHWEST CORNER OF THE HUBGUARD
- 2) 26.75' NW TO THE SOUTHEAST CORNER OF THE HUBGUARD
- 3) IN THE CENTERLINE TRAVELED WAY OF OLD-OLD HIGHWAY 50 EAST-WEST
- 4) IN THE CENTERLINE TRAVELED WAY OF COUNTY ROAD "P" NORTH-SOUTH
- 5) 38.85' SE TO A 40 D NAIL & BOTTLE CAP IN A POWER POLE

HER SURVEY DRAWING SHOWS THE FOLLOWING INFORMATION:

- 1) 2,632.48' EAST TO THE 5/8" REBAR WITH LYON COUNTY CAP SHE FOUND AT THE NORTHEAST CORNER OF THE NW1/4 OF SECTION 17-19-12
- 2) 5,307.84' SOUTH TO THE 1/2" REBAR SHE FOUND AT THE SOUTHWEST CORNER OF THE SW1/4 OF SECTION 17-19-12

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16) STEVEN S. BROSEMER, L.S. 752, DEPUTY COUNTY SURVEYOR, IN A LAND SURVEY REFERENCE REPORT DATED NOVEMBER 24, 2004, FOR PROJECT NUMBER 04408-02, SURVEY F18003 IN THE SURVEY FILE FOR TOWNSHIP 19-12 TO MARK THE NORTH AND WEST LINES OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 18-19-12 LYING NORTH OF THE RAILROAD, SAID THAT HE **FOUND THE 1" IRON PIN** AT THE NORTHEAST CORNER OF SECTION 18-19-12 FROM HIS EXISTING TIES OF RECORD IN THE COUNTY ENGINEER'S OFFICE DATED APRIL 1984.

- 1) 26.25' NE TO THE SOUTHWEST CORNER OF THE HUBGUARD
- 2) 26.75' NW TO THE SOUTHEAST CORNER OF THE HUBGUARD
- 3) 38.85' SE TO A 40 D AND BOTTLE CAP IN A POWER POLE
- 4) IN THE CENTERLINE TRAVELED WAY OF GRAVEL ROAD "P" NORTH-SOUTH
- 5) IN THE CENTERLINE TRAVELED WAY OF THE PAVED ROAD EAST-WEST [OLD-OLD HIGHWAY 50/COUNTY ROAD 170]

HIS SURVEY DRAWING SHOWS THE FOLLOWING INFORMATION:

- 1) 2,648.73' WEST TO THE 1/2" REBAR HE FOUND AT THE NORTHWEST CORNER OF THE NE1/4 OF SECTION 18-19-12
- 2) 2,653.91' SOUTH TO THE 1" X 6" BOLT HE SET FOR THE NORTHEAST CORNER OF THE E1/2 OF THE SE1/4 OF SECTION 18-19-12
- 3) 5,307.83' SOUTH TO THE 1/2" REBAR HE FOUND AT THE SOUTHEAST CORNER OF THE SE1/4 OF SECTION 18-19-12

NORTHWEST CORNER 17-19-12