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DATE FILED	MAR 28 1995
BY	<i>JB</i>
DESCRIPTION FILED	
ONEIDA CO. SURVEYOR'S OFFICE	

TRANSCRIPT
FIELD NOTES

of
ALFRED J. LUNZ AND JOSEPHINE P. KONKOL

*****SURVEY*****

LANDS, described in Records Volume 153, Page 308, of DEEDS, Oneida County, Wisconsin, and more particularly described as that part of Government lot 7, East of River connecting Dam and Sand Lakes in Section 17, Township 39 North, Range 9 East, of the Fourth Principal Meridian, in Oneida County, Wisconsin.

The purpose of this survey is to resort to extrinsic evidence to show the original location of the corner common to sections 16, 17, 20, and 21, and thereby locate the respective section lines between sections 16 and 17 and 17 and 20, marking the east and south boundary of Government Lot 7, in Section 17, Township 39 North, Range 9 East.

*Received From Fottz & Assoc. From Their Files.
3/14/95*

L 1 3 8 5

COPY OF GOVERNMENT NOTES.

Sub-division of Twn.89 N,R 9 E, by W.E.Dougherty in Sept.22-29,1863.

Chc. *Gov. Field Notes, Oneida County Clerks Office.

- 3004 *(Vol.2.P.604)
North Btw. 21 & 22 Var. 8° E. W.Pine 12-S 56 E 8.
Over Lake and set Meander Post. Y Pine 12-S 67 W 6.
- 4000 Set 1/4-Sec. Post. Tam. 6-S 23 E 8
Tam. 6 N 84 W 10.
- 4300 Leave Swamp Brs. E&W. Birch 8-N 18 E 5.
Set Post for Sect. Cor. for 15, 16,21 & 22. " 8-S 27 W 15.
- *(Vol.2.P.605)
North Btw. 15 & 16- Var. 8° E.
- 3900 Enter Tamarac and Cedar swamp Brs.NW & SE. Tam. 10-S 71 E 3.
4000 Set 1/4 Post. Cedar 10- N 85 W 17.
- 5100 Leave Swamp Brs. E & W.
- 8000 Set Post Cor. for sections 9, 10, 15 & 16. Y.Pine 16-S 76 E 16.
Spruce 7-N 67 W 16.
- *(Vol.2.P.607)
North Btw. 20 and 21 Var. 8° E.
- 619 To Lake and set M.P. Tam. 6-S 35 E 29.
Tam. 6-S 30 W 48.
- 6950 Over Lake and set Meander Post, W. Pine 30-S 75 E 23.
- 8000 Set Post cor. to sections, 16,17,20 & 21. Birch 10-N 70 E 28.
Hem. 12-S 27 W 17.
- *(Vol.2.P.608)
North Btw. 16 & 17, Var. 7°- 45' E.
- 4000 Set 1/4 sec. Post. Hem. 10 N 37 E 13.
Birch 12-S 42 W 15.
- 5062 Birch 10 in. Dia.
- 8000 Set Post cor. to Sect. 8,9,16 & 17. Y. Pine 25- S63 E 13.
Y. Pine 25- N-71-W 39.
- East Random Btw. 16 & 21, Var. 7°-30' E.
- 8026 Intersect Meridian section line 40 lks. south of post.
West Corrected Var. 7°-47' E.
- 3200 Circular Pond.
- 3600 Leave Same.
- 4013 Set 1/4 Post. W.Pine 25 N 78 W 20.
Fir. 10 S 20 W 12.
- 8026 Sect. Corner.
*(Vol.2.P.612)
East Random Btw. 17 & 20 Var. 8° E.
- 8000 Intersect Meridian section line 36 lks. north of Post.
West Corrected Var. 7°-45' E.
- 975 Creek 75 lks. runs SW.
- 3525 Lake & Set Meander Post. Hem. 10-N 80 E. 12
" 8-S 68 E. 7.
- 4275 Over Lake and set Meander Post. Hem. 8N 43 W. 10
" 6S 73 W. 10
- 8000 Intersect Section Corner.

Notes of Record

D. H. Vaughn's Notes

(From Dorr and Vaughn Record Book in Oneida Cty. Clerk's Office)
 (Page 293) Section 17, T-39-N, R-9-E. 11-June, 1902.

S W Corner original trees nearly gone, made new bearings, W. Pine Stp.
 24-N39-W 36 $\frac{1}{2}$.

Run E. Var. 4 $\frac{1}{2}$ E. 3800 to Dam Lake, 4922 over Lake, 6278 to flowage,
 7193 to thoroughfare, 7933 over thoroughfare, (Note: This could read
 either as shown or 7733, or 7433 checks at 7733), 8476 fall 46 N. of
 SE Corner.

S.E. Corner found both original trees but nearly gone, set post and
 made new bearings, Birch Stp. 12-N-46 $\frac{1}{2}$ -W 63. corrected line west to
 stream and from stream to SW cor. for road.

(Page 293)

Sec. 16-39-9 June 14, 1902

SW Corner original trees, run E. Var. 3 $\frac{1}{2}$ ⁰-E, 4138 fell 17-N of $\frac{1}{4}$ P
 found the pine down, mark O.K. Set Post and made new bearings, birch 8-N-70-W,
 81, Hem. 6-S-53E 37. Corrected Line W. to corner for road.

21-June, 1949.

Received of Genisott Engineering Company, one print numbered Plan 561-1,
 dated 20 June 1949, purported to show establishment of section line
 between sections 16 and 17, T-39-N. R-9-E., for one J.J.RAZY, and signed
 by F.R.Wincentsen, County Surveyor of Oneida County.

(1200-2100)

23 June, 1949.

N.M.R.

A.J.L.

Proceeded to check Plan 561-1.

Found plan 561-1, inconsistency with location of buildings on premises
 and also inconsistency in lines between or as shown on the plan and
 those run by A.Lytle former county surveyor.

Checked the corner to sections 16, 17, 20 and 21 as indicated on the
 above mentioned plan and could find no evidence of this corner being
 the original, also note that all bearing trees are relatively new possi-
 bly two-five years since scribed and no evidence of rooting, etc., Have been
 advised that this corner was a relocation and set by double proportion, so pro-
 pose further check.

4700 Chs. From S.W. corner, (F.W.corner), ran easterly along old randome to circular
 pond, (Note that this so called circular pond due to its natural formation
 good and reliable natural call), note that the original notes indicate
 distance from west side of circular pond to be 4426 chs., and Vaughn notes,
 though not complete, 4138 to 1/4 corner plus Gov. 413 from 1/4 corner to
 West side of circular pond for a total of 4551. I find distance 2.74 chs.
 long. Returned to keil marked 1/4 stake and ran south to county trunk D
 for control point and leave.

Statement:

Mr. and Mrs. Lunz both advise that they were informed by the previous owner that the east line of gov. lot 7 was somewhat east of the car and wood shelter, and that the south line of gov. lot 7 ran slightly south of the outhouse on the hill east of the corner.

(1330-1630)

24-June, 1949.
N.M.R.

Checked with mapping Div. of the Wisconsin Conservation Department reference notes and possible old history, none of interest or other that on file in this office found.

(1200-1900)

27 June, 1949.
N.M.R.
H.R.

8300 Picked up line from west side of circular pond and ran easterly. Fell on poplar corner stake and from rooting of original S.W. tree found evidence of old stake, 0.9 ft. north and set new corner post, (4X4 Pine Post), to sections 15, 16, 21 and 22, also found BT, W. Pine Stub 12-S-65 $\frac{1}{2}$ -W 68.2 ft. could not identify author of scribe.

Natural call from circular pond, (west side) to section corner checks with government notes.

Leave and go to Meander post on north side of Sand Lake on line between sections 20 and 21.

Mr. Joe Pitlick pointed out said meander post and claimed that he personally set a iron bed rail in place where the original M.P. was located. The B.T. and post as now set checks with the original government notes. Mr. Pitlik further stated that old fence line on the north side of the lake, (Sand Lake), is not on the section line and further that the section line as he remembered it ran somewhat east of this fence, thirty feet more or less and further that he recalled that a certain party now deceased moved the section corner westerly and set the fence line accordingly.

*No declaration taken from Pitlik, hence it was my opinion that any statement or declaration made by him may be treated by the courts as unreliable.

*See notes.

Rained out.

Ft.

- 380.7 Ran from original Meander Post on North Side of Sand Lake, northerly on F. Wintcensen Line.
- 380.7 N-10°-31'W, (All true bearings) over lake to meander post recently marked, (3-5 yrs.) from this post old fence line Brs. N-0°-20' W.
- 315.8 N-9°-40'W to F.W. and AL. corner post, no evidence of original post or calls. Thence.
- 724.4 N-1°-51'W, to F.W. Meander Post at south edge of flowage and Dam Lake. Thence
- 3101.4 N-1°-50' W., over lake to meander post found post down dug up point and set 1 ½" iron pipe. B.T. Birch stp. 10-N40#. e.2 ft.
- 1171.3 N-0°-33'-W., to section corner for sections 3,9,16 and 17, evidence this to be good corner.
- *****
- 4997.1 Total distance from F.W. corner to N.W. cor sect 16.
- *****
- S.R. Check location of section corner to 16, 17, 20 and 21, when located by D.Prop. should be S-41°-13'-W and 29.7' from F.W. Cor. therefore search for original.
- *****
- West from corner post for sections 15,16,21 & 22. checking control from natural calls.
- 5,297 S-89°-29'W and establish search area.
- South and east found evidence of original section corner from rooting of S.W. tree, Brg. N-27°-E 17 lks, fell on marking and evidence of stake in ground. From this point N-70-E 28 lks. found rooting and evidence of the NE. tree, also from evidence of original point and N-46½ W, and at 39.8' found Vaughns NW BT. (Vaughn claimed .63 chs, or 41.58 ft. found this short 1.78 ft.), scraped further and found two other points bearing from original S-46-E .7 and 1.78 ft. respectfully. Conclude the 1.78' point to be Vaughn's, therefore believe evidence found conclusively establishes the location of the original government corner for sections 16,17,20 and 21.
- East Corrected:
- 5284.2 N-88°-54.6' E. to SE. corner section 16. and find this to be 13 ft. short of Gov. Notes.
- 671.7 S-5°-28.7'W, to M.P. on north side of Sand Lake, (Original).
West Corrected to SW corner Section 17.
- 5675.1 N-88°-44.3' W., to sec. corner. 395.1' longer than Gov. Notes. and 81 ft. longer than Vaughn's Notes. Though find string errors in Vaughns notes, no doubt due to copying (6278 should be 6578, and his 7933 should read 7733 or thereabouts.)
- 543.4 N-88°-43'W, to east side of river, line falls 3.7 ft. south of out house on hill.

Ft.

Gov. Notes indicate from section corner west to east side of river as 643.5 ft. I find east side of river channel to be 838 ft., west of section corner, which indicates a general expected natural westerly movement of the channel due to erosion. A 617 ft. distance from F.W. corner to channel would indicate that channel was at one time west of present location, in stumps and the movement easterly which would be contrary to natural movement. (No channel core deemed necessary).

Northerly on section line between section 16 and 17.

1080.8 N-4°-39.6' W to post at waters edge.

1256.7 Same Brg. to 1/16 cor., or NW cor. for SW-1/4/SW-1/4, sec. 16, in water.

Reference:

* Ante, § 234; post, §§ 406, 408, 409, 422. Barclay v. Howell, 6 pet. (31 U.S.) 498, 8 L.ed.477; Ellicott V. Pearl, Fed. Cas. No. 4386, 1 McLean 206, affd. 10 Pet. (35 U.S.) 412, 9 L. ed. 475; Phillips v. Stewart, 133 Ky. 134, 97 S.W. 6, 29 Ky. L. 1199, 134 Am. St. 441.

** Stewart v. Carleton, 31 Mich. 270; Diehl v. Zanger, 39 Mich. 601.

Courses and distances.

Blake v. Doherty, 5 Wheat. (18 U.S.) 359, 5 L.ed. 109. Newsom v. Pryors Lessee, 7 Wheat. (20 U.S.) 7, 5 L.ed. 382.

Certified Copy.

By. *J. M. [Signature]*
Reg. Prof. Engineer