

## Regarding the quarter corner between Sections 1 and 2, Township 32 North, Range 9 East,

this document is being prepared and filed in County Survey records as a rebuttal to statements made on a "Plat of Survey" by Michael R. Andraschko, PLS-2895; said map dated May 27, 2022 and filed in Langlade County Surveyor Records on July 6, 2022 as Map #40310

Generally speaking, Mr. Andraschko was hired by a landowner (Marshall) in Section 2 to confirm or reject the location of the quarter corner common to sections 1 & 2, a corner which I established and documented on 11/3/1997. Mr. Andraschko chose to reject my corner location. His rejection of "my" corner and his subsequent creation of the above mentioned map #40310 are my reasons for creating this document.

Regarding the original government survey performed by Hiram C. Fellows in 1860, Mr. Andraschko states that "This is how Mr. Fellows performed the survey in 1860". Had he known anything of the work of Fellows, Mr. Andraschko should have been stated that this is how Mr. Fellows was supposed to do the survey in 1860. Early on in my 29 years as Langlade County surveyor, I discovered that Mr. Fellows was not the most proficient surveyor. On that point, there were so many discrepancies discovered with Fellows survey work that I created a three-page document which highlights some of the discrepancies. I've attached a copy for reference. Additionally, surveyor B.F. Dorr, in 1886 created a book titled "The Surveyors Guide" and in that book, he made several mentions of Mr. Fellows questionable original survey work in Langlade County. Also in my above mentioned document on Fellows, Surveyor Deleglise made mention of Fellows work and used the terms "did not correct or rerun", "hastely established", recording bearings and distances "by gesswork" and "hurriedly set". From my own work and the statements by Dorr and Deleglise, one has to believe that Mr. Fellows did not do what he said he did, particularly in establishing this quarter corner.

My justification for the location of the quarter corner was that this position has been used for many years prior to the fence lines showing up on 1939 aerial photos, specifically in regards to the location of a fence running east from the North 1/16<sup>th</sup> corner between Sections 1 & 2. That corner, being the last 40 corner before the north township line, appears to be properly located by proportionate measurement, from which a fence to the east was built, and only a surveyor would have knowledge of said required proportioning procedure and calculations involved. And to properly proportion that corner indicates that the position I've established as the quarter corner was used many years before the apparent occupancy lines (woods, cleared land) are evident on 1939 aerial photos.

My decision to treat this corner restoration as an obliterated corner is in harmony with the BLM statement (at the time) regarding obliterated corners, that is: "An obliterated corner is one at whose point there are no remaining traces of the monument, or its accessories, but whose location has been perpetuated, or the point for which may be recovered beyond reasonable doubt, by the acts and testimony of the interested landowners, competent surveyors, or other qualified local authorities, or witnesses, or by some acceptable record evidence." "acts...of the interested landowners" is evidenced by the long standing fences supporting my location of the quarter corner; fences both east and west from the quarter corner and the 16<sup>th</sup> line fences and or field lines, both to the north and south of the quarter corner.

A person might ask, why the distances north and south are so far "off" and why there is such an angle at this corner, compared to the original government survey? This is easily answered by viewing 1930's resurvey maps of townships 33-09, 33-10 and 33-11; townships that were originally surveyed by Fellows who was supposed to have measured all half miles at (or close to) 2640 feet and all quarter corners were to be on a straight line between section corners. View the map data available and it's easy to see that very few lines measure close to 2640 and very few recovered quarter corners are on a straight line between the section corners; although it appears that he did better in most of 33-11. These resurveys were done at a time when evidence of the original corner marks was still in place or easily recoverable. These resurvey maps and are filed in Langlade County survey records as maps: 40365, 40516 and 50005.

The very section line distance between Sections 1 and 2 is over 200 feet short of the reported original government survey distance. That should be evidence enough that there was something wrong with the original government survey here.

RECORD # 11108  
LANGLADE COUNTY SURVEYORS OFFICE  
FILE # 7127102  
BY: D. TRUSTY

Mr. Andraschko further states that “Mr. Stuth set the corner by prorating the original government survey from 1860”. The tie sheet filed by Mr. Kelly, working with Mr. Stuth at the time, says “corner established from O-I control survey and occupancy of land”; it does not show or indicate by any means, that the corner was set by prorating the original government survey as stated by Mr. Andraschko. The term “occupancy of land” used by Mr. Kelly can and usually means a relationship to fences - the most obvious “occupancy” – but Kelly and Stuth apparently used some other occupancy; they didn’t use the fences but don’t show or mention the “occupancy” they used.

In prorating, Mr. Andraschko appeared to be treating the corner as “lost”. The BLM statement regarding lost corners is: “A lost corner is a point of a survey whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position, and whose location can be restored only by reference to one or more interdependent corners”. The BLM further states that: “Decision that a corner is lost should not be made until every means has been exercised that might aid in identifying its true original position.” It’s my opinion that Mr. Andraschko did not explore “every means”. If he truly thought the corner was “lost” it should have been established by proportion north-south (as he did) but also on a straight line between the controlling corners, which he didn’t do. He accepted the center of the highway as Stuth did instead of a straight line between the section corners. A straight line between the section corners is approximately 65 feet east of the center of the highway. In establishing a lost corner by proportionate measurement, the BLM states: “In single proportionate measurement, the position of two identified corners controls the direction of the line between those corners, and intermediate positions on that line are determined by proportionate measurement between those controlling corners.” (my emphasis added).

My references to the BLM information above were taken from a BLM pamphlet titled “RESTORATION OF LOST OR OBLITERATED CORNERS & SUBDIVISION OF SECTIONS a guide for surveyors”, 1974 edition.

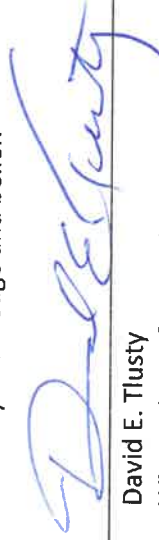
Additional support for the location of the quarter corner is shown on Langlade County survey record 20168, which is a map of survey done in 1965 by Rhinelander Paper company. It was received by the county in 1999 after I asked surveyor Norm Loftus about any old information he might have on lands he surveyed while employed by Rhinelander Paper Company. It shows a location for this quarter corner in agreement with the work that I did.

Also, Langlade County survey record 20204 is a map of survey by Surveyor Wayne Dobratz and it shows fences in very close proximity to the surveyed lines around the South ½ of the Northwest ¼ of Section 1. The Dobratz survey used the location established by me to create the section breakdown and is further proof that the location at which I established the quarter corner is the location long used by others and obviously used long ago by a surveyor(s?) to establish property lines, now fencelines, within Section 1. Using the quarter corner established by Stuth and Kelly and now supported by Mr. Andraschko would throw those long established fences off by hundreds of feet.

Also, Langlade County survey record 10634 is a map of survey by Surveyor Charley Brinkmeier and it shows an existing fence on the east half of the East-West quarter line of Section 1. This Brinkmeier survey used the location established by me to create the section breakdown.

In conclusion, I believe that the location of the road and the fences is unquestionable evidence of “acts...of interested landowners” and supports the location of the quarter corner at the position I documented on my U.S. Public Land Survey Monument record dated 11/3/1997, which I believe is correct to the best of my knowledge and belief.

July 27, 2022



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