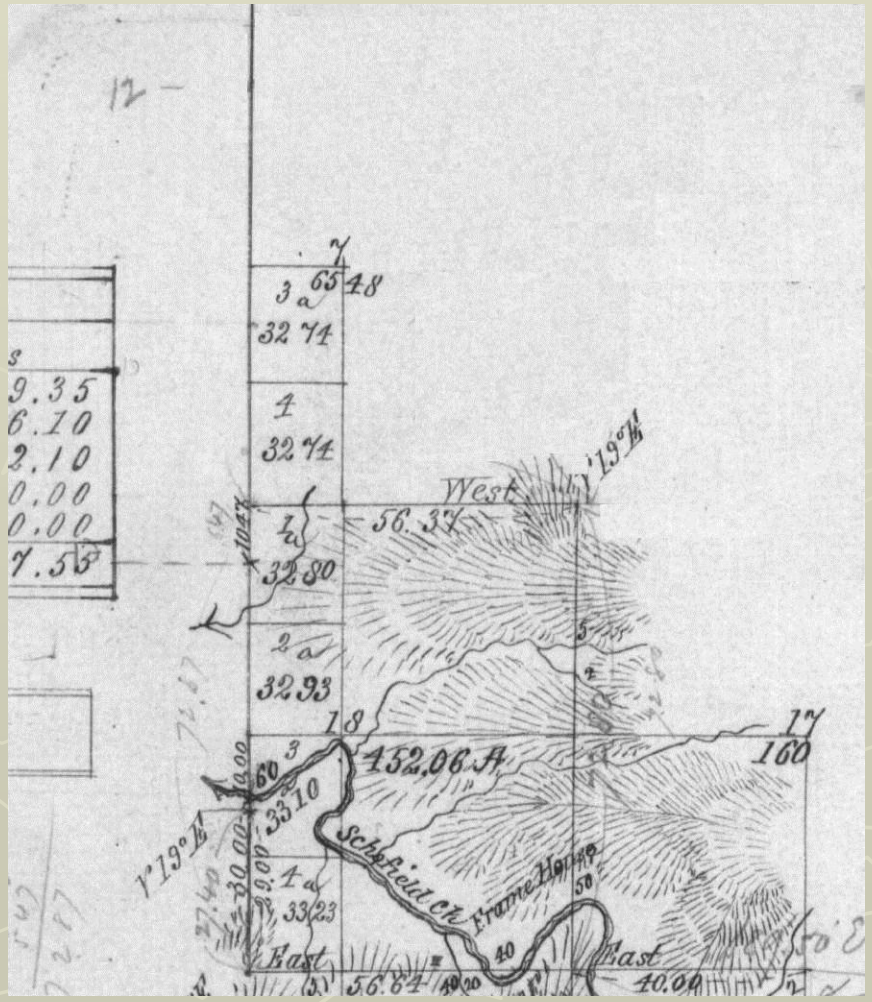
Lotting

When draftsmen know better than the surveyor.

W.H. Byars 1879

- Returned area of a portion of section 7
- Returned all of section 18

Areas of lots 3 and 4 in sec. 7 are based on 20 chs. in Latitude and 16.37 chs. in Departure

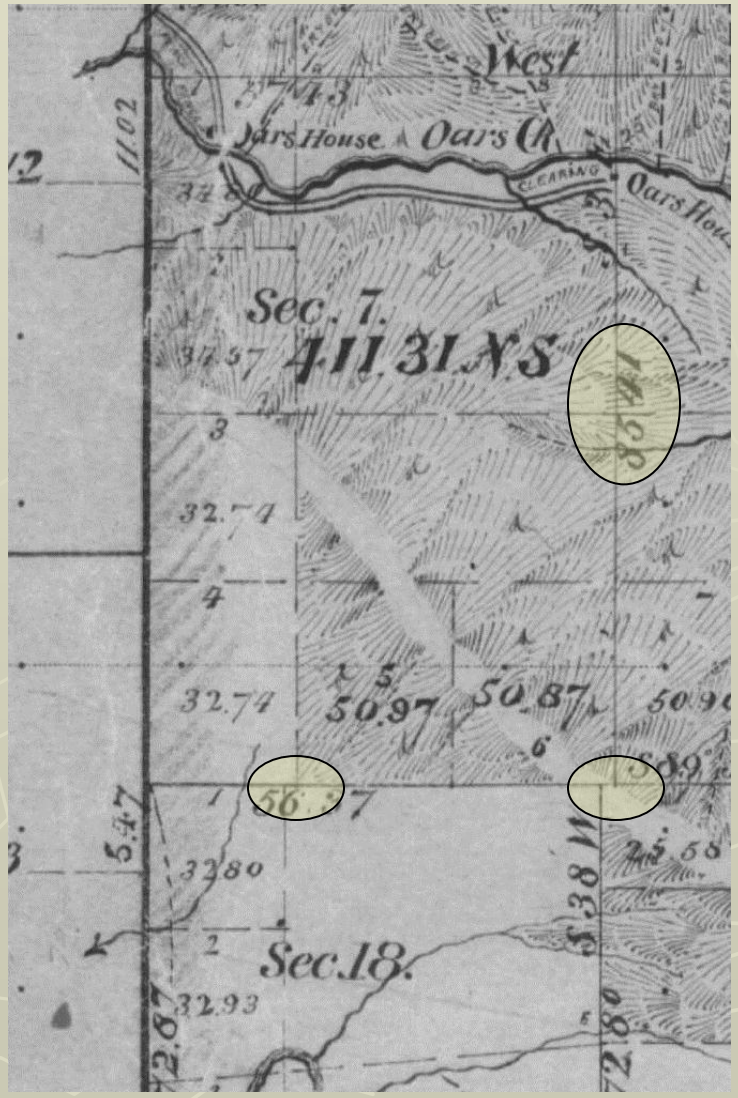


That seems straight forward; what can go wrong?

Now comes the completion survey.

W. Whipple 1895

- Whipple establishes a separate corner for secs. 7 and 8, 81 lks. away.
- 5 extra chains in Latitude that was not accounted for in 1874.
- ¼ corner of secs. 7 and 18 is no longer platted as common.



Your job today.

- You need to identify the NW ¼ SE ¼ of sec. 7.
- What decisions need to be made regarding how to subdivide this section?

South Boundary Sec. 7

- Is the ¼ sec. cor. common to both sections?
- Can the completion survey by Whipple change the area returned by Byars?

¼ corner of 7 and 18 Common or Not?

- Areas of lots 3 and 4 in Sec. 7 are based on 1874 plat.
- Remainder of section 7 based on 1894 plat.

Manual of Surveying Instructions

- 3-100 "The lands included in an entry or selection are identified on the ground by marked and fixed monuments, or by corner positions fixed by measurement and reference established in the survey. A United States patent grants to the entryman title of ownership to an area defined on the ground by those fixed monuments and related by description and outline to the protractions on the official plat."

¼ corner of 7 and 18 Common or Not?

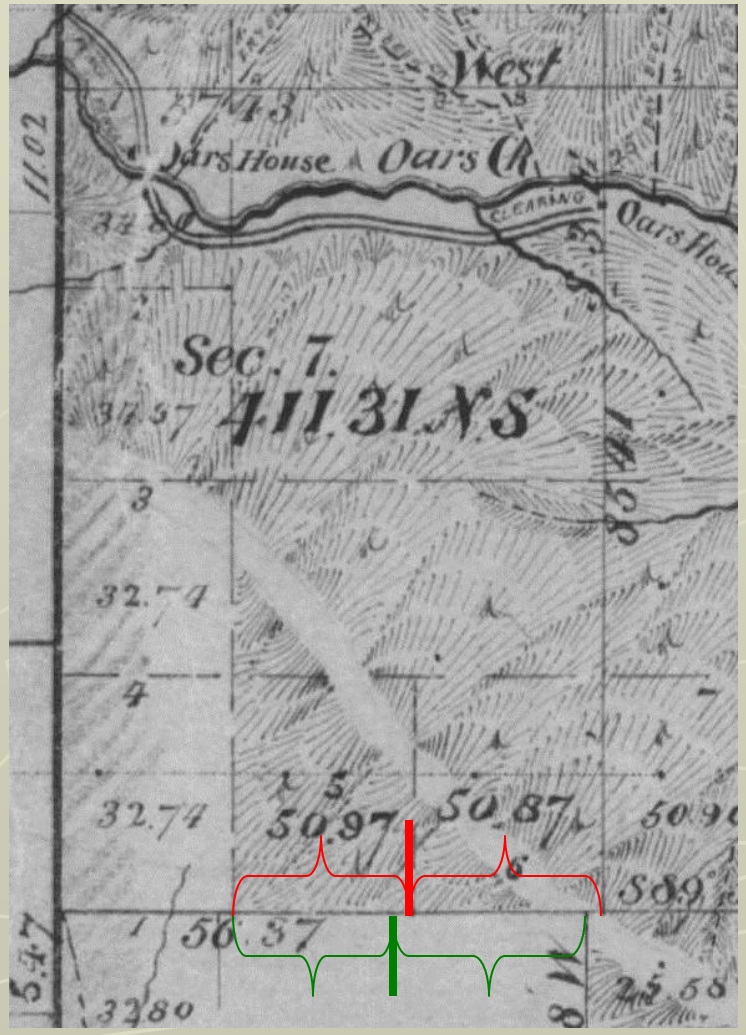
- The limits of the patent are controlled by the corners on the ground, not the area listed on the plat.
- The ¼ sec. cor. established by Byars in 1874 is considered fixed in position by that survey since it was not superceded by the Whipple survey in 1894.
- The offset ¼ corner on the Whipple plat is considered cartographic "license" at the time the plat was prepared.

How about the E 1/16?

- What effect does the Whipple completion survey have on the E 1/16?
- By establishing a closing corner, what does Whipple do to the E 1/16?

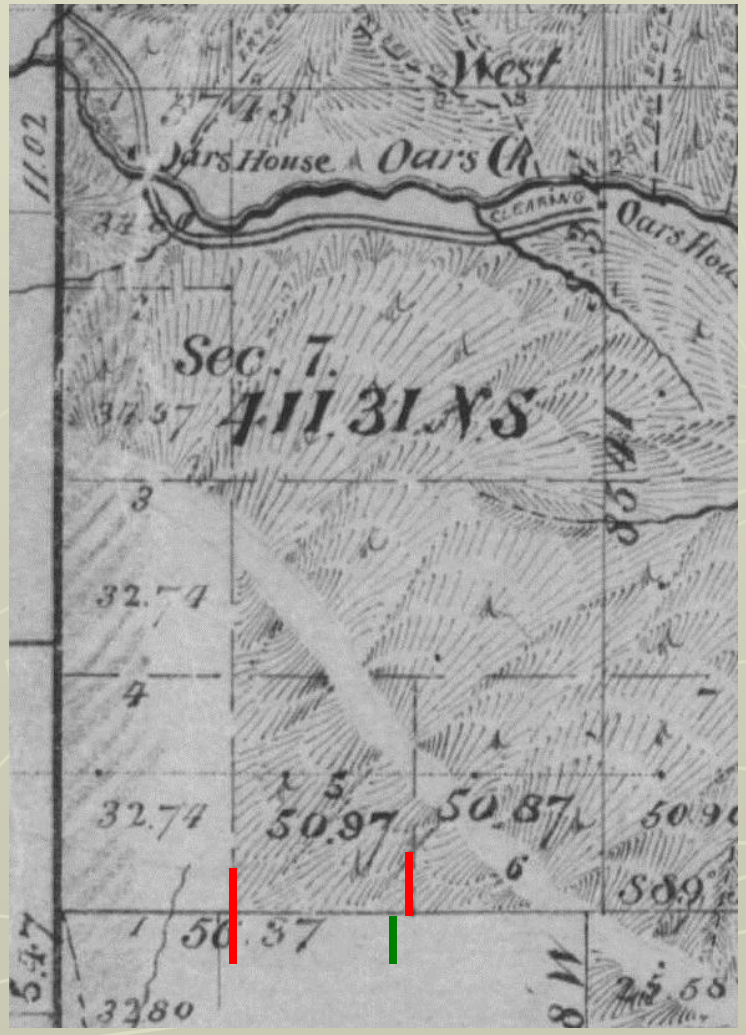
E 1/16

- E 1/16 for Sec 7 at midpoint bet. ¼ corner and CC of 7 and 8.
- E 1/16 for Sec 18 at midpoint bet. ¼ corner and or of 17 and 18.



Review

- ¼ corner is common
- E 1/16 not common



But what about the 5 extra chains?

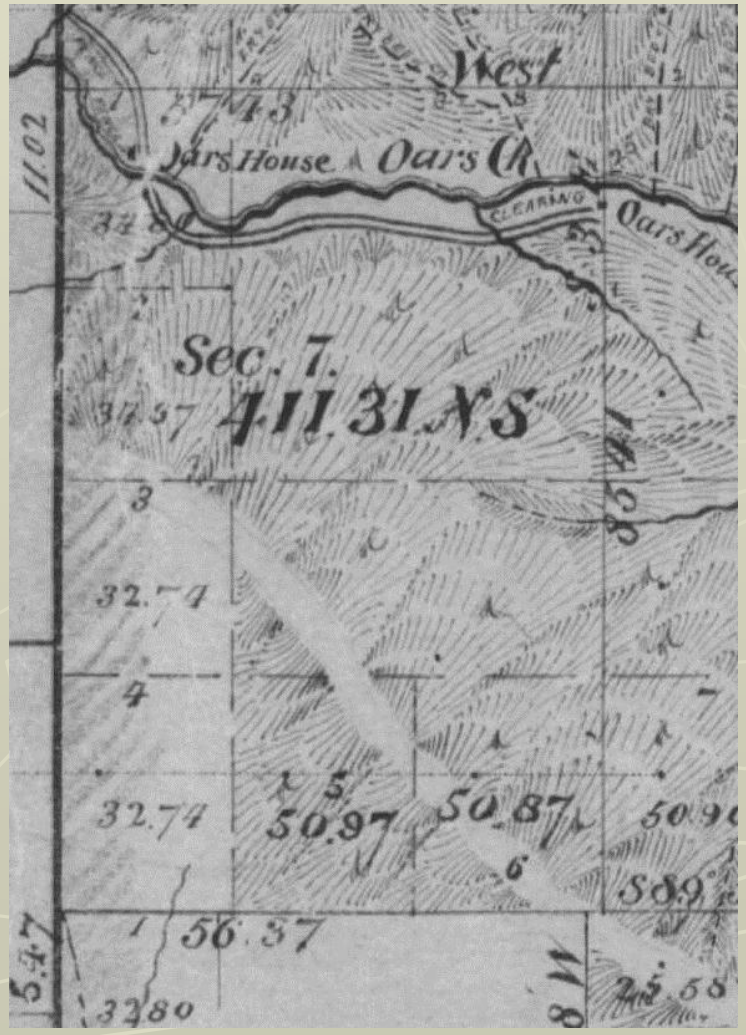
- Remember, the areas of lots 3 and 4 were based on 20 chains in Latitude.
- What effect does the Whipple plat have on the lots in section 7?

Subdividing the Section

- Remember areas are controlled by the corners on the ground, not by the number on the plat.
- What does this mean for lots 3 and 4, and establishing the CS 1/16?

Resolving the lotting

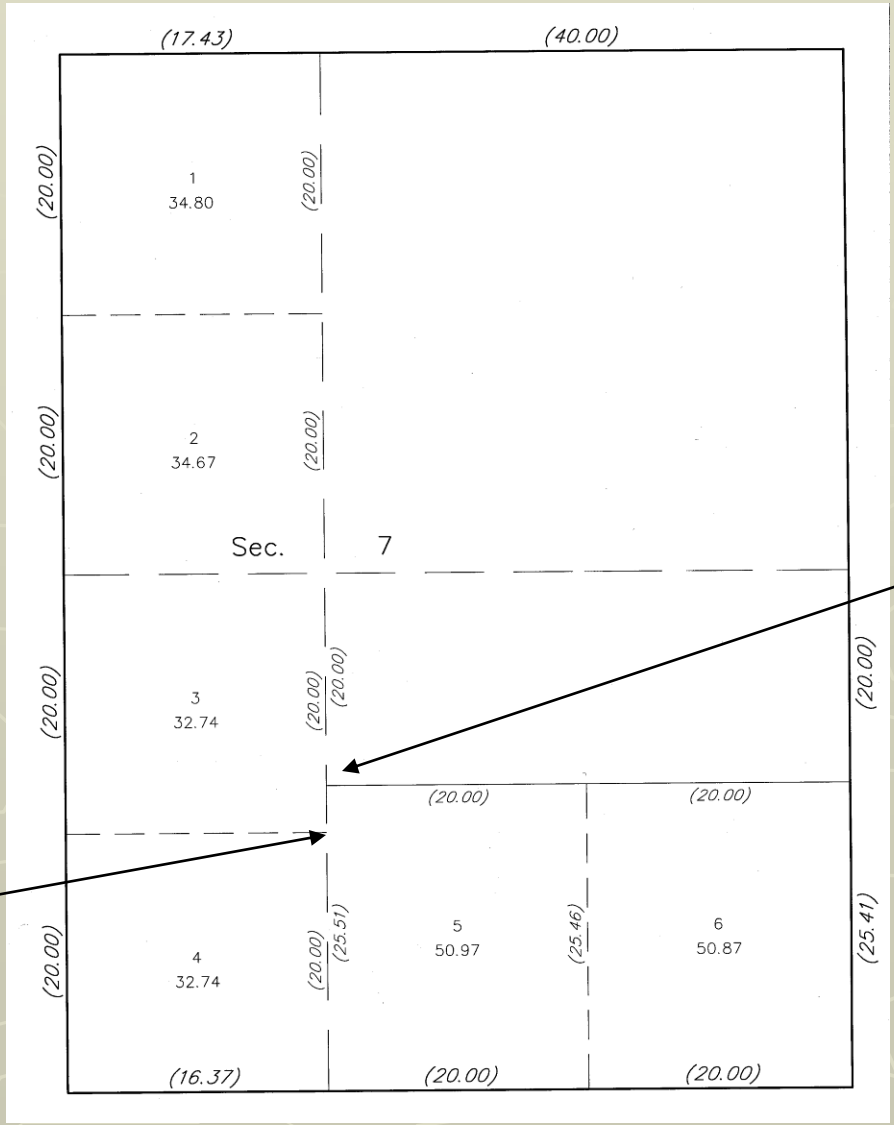
- The relationship between the lots is more important than the area.
- In order to protect the area of lots 3 and 4, how will you establish the CS 1/16?



Resolving the lotting

- Will the position for the CS 1/16 for lots 3 and 4, be correct for the CS 1/16 bet lot 5 and the N ½ SE ¼?
- By not returning new areas for lots 3 and 4, two CS 1/16 are needed to protect the plat.

Actual Parenthetical Distances



Proportion

Midpoint

Conclusion

- Be cautious of how the plat was drafted.
- The ¼ sec. cor. of secs. 7 and 18 was platted as uncommon, but in reality is common.
- The CS 1/16 was platted as common for lots to the east and west of the centerline. In reality there are two based on different parenthetical distances.

Conclusion

- When dealing with completion surveys, pay close attention to areas, especially if part of a section was returned on an earlier survey.
- Check patent dates. It may have an effect on how the section is subdivided (fractional section).
- Both the first survey and the completion survey need to be considered as a seamless record to protect the areas.