Advanced PLSS Concepts

Completion Surveys and Subdivision of Sections

Agenda

- 1. Introduction and basic concepts regarding completion surveys
- 2. Case 1 Resolving basic lotting of completion surveys
- 3. Case 2 Resolving more advanced lotting
- 4. Case 3 Resolving lotting with patented land before completion
- 5. Case 4 –

Learning Objectives

- Understand the requirements for subdividing sections that were completed under more than one original survey
- Recognize when an alternate method of subdivision may be needed
- Be able to resolve unusual lotting and subdivision that is often created during completion surveys

 A completion survey is the continuation of the subdivisional survey of townships previously subdivided in part.

 May include the completion of partially surveyed sections, or protracted section lines only.

 Both the original survey and the completion survey need to be considered a seamless whole.

The limits of a federal land patent are based on the monuments in the ground, not the stated area on the plat.

 When discrepancies exist, the record must give way to the evidence of the corners in place.

 When a portion of a section is protracted, the section is considered fractional until the remaining ¼ corners have been fixed during a completion survey.

 Patent dates need to be considered when subdividing a section that was completed in more than one survey; this is often referred to as "protecting the plat".

<u>BLM Manual 3-88:</u> "In extending or completing fragmentary surveys, consideration is given to the completion of (1) partially surveyed sections, and (2) sections containing outlying areas protracted as surveyed, returned on the previous plat. In such cases, it is usually necessary to complete the survey of each section in such a way as to protect acquired rights."

BLM Manual 3-88 (continued): - "The procedure adopted shall fix and mark the remaining quarter-section corners and the controlling corners not marked in the previous survey in a position that will control the center and other controlling lines as necessary to retain the form of the original areas within reasonable limits."

<u>BLM Manual 3-91:</u> "The general rule is that each completed section will have four regular boundaries without offsets, with four governing section corners and four controlling quarter-section corners in such position as to maintain the integrity of the areas shown upon the original plat."

• <u>BLM Manual 3-100:</u> "…lands included in an entry are indentified on the ground by marked and fixed monuments."

 "A U.S. patent grants title of ownership to an area defined on the ground by those fixed monuments and related to the protractions on the official plat."

Subdivision of Fractional Sections

<u>BLM Manual 3-120:</u> "The law provides that where no opposite corresponding quarter-section corners have been, or can be fixed, the subdivision-of-section lines shall be ascertained, by running a line from the monumented corners due north and south, or east and west, as the case may be..."

Subdivision of Fractional Sections

BLM Manual 3-120 (continued) – "...the law presumes the section lines actually run and marked in the survey are due north and south, or due east and west lines, but usually this is not the case. Hence, in order to carry out the spirit of the law, it will be necessary in running the center lines through fractional sections to adopt mean courses, as ascertained from opposite corresponding section lines."

Protracted portions of sections



Protracted portions of sections



Why are patent dates important?

 When a portion of section boundaries are surveyed, and only a portion of the area of the section is returned on the plat, that area is open for entry by settlers.

 If the land is patented before a completion survey is conducted, the section may be treated as fractional for the land that is patented.

http://www.glorecords.blm.gov/



Se	earch Documents	Reference Center	Support	Shopping Cart				
earch Docume	ents							
earch Docum	nents By Type Sea	rch Documents By Identifier						
Patents •	Search			<u>Clear Form</u>				
Surveys LSR CDI	Location State: OREGON County: Loadin Names Last Name: First Name: Middle Name: Search patentees Search	I Star I Star	 To search for land patents: Start by selecting the State. You do not have to fill in all fields, but provide at least one addit Click the Search Patents button. Search Tips: Hover your mouse over a field to get a brief description. Get detailed information by checking the Glossary in the Reference (For more tips and help, check out our Patent Search Overview. 					
	Land Description Township: 38 Range: 03 Meridian: Loadin Section #: 12	/ South / South / South / West Docume Indian All Surv Auth ents	aneous fice: Loading ent #:	Issue Date: Issue				

S	earch D	arch Documents Reference Center				port				Sh	opping Ca
ocume	ents 🕨 Re	sults List									
_										Prir	nter Friendl
nts 🕨	Note: An Italic entry denotes data that has not been indexed against the land patent document, and has no image.										
	Image	Accession	<u>Names</u> ↑	Date	Doc #	<u>State</u>	<u>Meridian</u>	<u>Twp</u> - <u>Rng</u>	Aliquots	Sec. #	County
		<u>ORRAA 009648</u>	BANTEN, HENRY A	2/1/1893	3078	OR	Willamette	0385 - 003W	SE1/4NE1/4	12	Jackson
								0385 - 003W	E1/2NE1/4SW1/4	12	Jackson
								0385 - 003W	E1/2W1/2NE1/4SW1/4	12	Jackson
								0385 - 003W	Lot/Trct 1	12	Jackson
								0385 - 003W	Lot/Trct 2	12	Jackson
		229748	EATON, PRIOR	10/12/1911	0174	OR	Willamette	038S - 003W	E1/2NE1/4NE1/4	12	Jackson
								038S - 002W		7	Jackson
		<u>ORRAA 009505</u>	P HERLING, LOUIS	2/1/1871	123	OR	Willamette	0385 - 003W	W 1/2NE 1/4	12	Jackson
								0385 - 003W	E1/2NW1/4	12	Jackson
		<u>ORRAA 009646</u>	P MAEGLY, A H	4/9/1892	20582	OR	Willamette	0385 - 003W	S1/2S1/2NE1/4SE1/4	11	Jackson
								0385 - 003W	N1/2SE1/4SE1/4	11	Jackson
								0385 - 003W	N1/2SW1/4SE1/4	11	Jackson
								0385 - 003W	SW 14SW 14SE 14	11	Jackson
								0385 - 003W	SE14SE14SW14	11	Jackson
								0385 - 003W	S1/2NW1/4SE1/4	11	Jackson
								0385 - 003W	W1/2W1/2NE1/4SW1/4	12	Jackson
						0385 - 003W	S1/2N1/2NW1/4SW1/4	12	Jackson		
								0385 - 003W	S1/2NW1/4SW1/4	12	Jackson
								0385 - 003W	NW 1/4SW 1/4SW 1/4	12	Jackson
								doc	ument contains 1 additio	onal land de	escriptions.
		<u>529368</u>	RUMLEY, LYNN	5/19/1916	08403	OR	Willamette	038S - 003W	SE1/4SW1/4	12	Jackson
								038S - 003W	E1/2SW1/4SW1/4	12	Jackson
								038S - 003W	SW 1/4SW 1/4SW 1/4	12	Jackson
								0385 - 003W	Lot/Trct 3	12	Jackson

SURE	ARTMENT OF THE IN	TERIOR D MANAG	EMENT	General	Land Offi	ce Records
Â	Search Documents	Reference Cen	ter Suppo	rt		Shopping Cart 🖤
Search Doci	uments 🕨 <u>Results List</u> 🕨 Paten	t Details				
cession Nr: (ORRAA 009505 Document Type	Serial Patent State: Orea	on Issue Date: 2/1/	71 Cancelled: No		
te: This re	cord has not been checked ag	anst the legal land patent.	We do not have an	electronic image for this	document.	
Patent Det	ails Patent Image	Related Document	ts			Printer Friendly 🎒
Names Or	Document	Miscellaneous Infe	ormation			
HERLING,	LOUIS 🗲 🗕 🗌	Land Office:	Roseburg			
		US Reservations:	No			
		Mineral Reservations:	No			
		Tribe:				
		Militia:				
		State In Favor Of:			_	
		Authority:	May 20, 1862: Homes	tead EntryOriginal (12 Stat.	. 392)	
Military Ran	k:	General Remarks:				
Documen	t Numbers	Survey Informatio	on			
Document N	r: 123	Total Acres:	160	•		
Misc. Doc. N	r:	Survey Date:				
BLM Serial N	Ir: ORRAA 009505	Geographic Name:				
Indian Allot.	Nr:	Metes/Bounds:	No			
Coal Entry. 1	Nr:					
Land Desc	criptions					
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
OR	Willamette	0385 - 003W	W1/2NE1/4	12 🥒		Jackson
			Excellence of			

Privacy Policy FOIA Kids Policy Contact Us Accessibility Site Map Home

Alaska United Gold Mining Co. v. Cincinnatti-Alaska Mining Co. (45 L.D. 330)

 "It has been repeatedly held by both State and Federal courts that plats and field notes referred to in patents may be resorted to for the purpose of determining the limits of the area that passed under such patents."

Craigin v. Powell (128 U.S. 691,698)

• "It is a well settled principle that when lands are granted according to an official plat of the survey of such lands, the plat itself, with all its notes, lines, descriptions and landmarks, becomes as much a part of the grant or deed by which they are conveyed, and controls so far as limits are concerned, as if such descriptive features were written out upon the face of the deed or the grant itself."





V19"10'E



40.29 40.26 4024 40.21 Y

Luce 92 mi of T. 31 Louth R. 14 meet-Williamette Meridian, Oregon North on Bundom line les bec 15:416 descend formation flipes M-3820 Brunch 5- Ches flows MM Set- timp & Gec 10m. ascense 4000 80.15 Intersect hit I limi & 5 the East of Cur to be 15-16 9+10 Which is a For 4" die Murked 3313 8 10 m h2 RI4N SJ5m SS J818 RI4N 816 m SN JS18 R14W Sque IN from Which alder - 10 den bears 369" # 36 14 3 3815 R. 14 W S16 Bt 11207 12 . 34. JSIS 82147 59 Br 2 19 East on brin lim between Lic 15+16 019 302 Let-pict 6" die "4 for long 12" mi growned for 4015-In fee Cor marked to I in the fuce from Which Hembrok 6" dui bears \$ 10"2 18 lho & 1/ 5 BT 12° " " " 1242-117" & 1 S 13+ 8015 The Car to Rec 15-16 21+22 Land Brigh promous Ous. Timber burns face of County Covered with Exemining bruch + Brien Sore por .

Group Discussion

1. Why were lots created in section 15 and not 16?

2. Is the same procedure used in both sections 15 and 16, to subdivide the sections?

 If the ¼ corner between sections 15 and 16 is lost, how do you reestablish it?

¥9 25 40.29 40.26 4024 40.21 15 40.15 Sec 20 40 80 30

79 40.29 40.26 4024 40.21 40 ac 15 40 ac 40 ac 0 40 ac 40 ac 40 ac SPeri

20.150.26 4024 40.21 Sel





W.H. Byars 1879

- Returned area for a portion of section 7
- Returned area for 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



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.
- ¹/₄ corner of secs. 7 and 18 is no longer platted as common.



Limits

BLM Manual 3-34. The amounts by which a section, or its aliquot parts, may vary from the ideal section and still be considered regular are referred to as the *rectangular limits*:

Limits have changed over the years based on the edition of the Manual of Surveying Instructions.

No patents issued before completion survey

S	Search Documents		Reference Center		Suppor	t				SH	iopping Ca
Docum	nents 🕨 Re	sults List									
										Pri	inter Friend
nts 🕨	Note:	An <i>Italic</i> entry	denotes data that has not	been indexed	against ti	he land j	patent docu	ment, and has	no image.		
	Image	Accession	Names 🕇	Date	Doc #	<u>State</u>	<u>Meridian</u>	<u>Twp</u> - <u>Rnq</u>	Aliquots	Sec. #	County
		ORRAA 035624	🖻 BERGMAN, JOHN	9/9/1904	10649	OR	Willamette	0225 - 011W	Lot/Trct 3	7	Douglas
								0225 - 011W	Lot/Trct 4	7	Douglas
								0225 - 011W	Lot/Trct 5	7	Douglas
								0225 - 011W	Lot/Trct 1	18	Douglas
		MV-0746-385	LYSTER, GERTRUDE A	3/12/1908	13677	OR	Willamette	0225 - 011W	SE1/4NE1/4	7	Douglas
								022S - 011W	SW 1/4NW 1/4	8	Douglas
		<u>ORRAA 035651</u>	🖻 LYSTER, GERTRUDE A	3/12/1908	13677	OR	Willamette	0225 - 011W	SE1/4NE1/4	7	Douglas
								0225 - 011W	SW 1/4NW 1/4	8	Douglas
		<u>ORRAA 035613</u>	D OAR, ALFRED R	7/27/1897	4016	OR	Willamette	0225 - 011W	SW 1/4NE 1/4	7	Douglas
								0225 - 011W	Lot/Trct 6	6	Douglas
								0225 - 011W	Lot/Trct 1	7	Douglas
								0225 - 011W	Lot/Trct 2	7	Douglas
		<u>ORRAA 035615</u>	P OAR, PERLEY P	8/9/1897	7956	OR	Willamette	0225 - 011W	NE1/4NE1/4	7	Douglas
								0225 - 011W	N 1/2NW 1/4	8	Douglas
								0225 - 011W	SE 1/4NW 1/4	8	Douglas
		<u>51805</u>	PERKINS, CHARLES A	3/15/1909	14600	OR	Willamette	022S - 011W	N1/2SE1/4	7	Douglas
								022S - 011W	Lot/Trct 6	7	Douglas
								022S - 011W	Lot/Trct 7	8	Douglas
		<u>306027</u>	P RICE, HULDA E	12/19/1912	07081	OR	Willamette	022S - 011W	S1/2SE1/4	6	Douglas
								022S - 011W	NW 1/4NE 1/4	7	Douglas

USA.GOV | No Fear Act | DOI | Disclaimer | About BLM | Notices | Get Adobe Readers

Privacy Policy FOIA Kids Policy Contact Us Accessibility Site Map Home

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?



Group Discussion

Is the ¼ corner of sections 7 and 18 common?

Is the E 1/16 section corner of sections 7 and 18 common?

 How do you account for the extra 5 chains in latitude in section 7.

 Can the completion survey by Whipple change the relationship between lots 3 and 4 in section 7 as shown on the Byars plat?

¹/₄ corner of 7 and 18 Common or Not?

 Areas of lots 3 and 4 in Sec. 7 are based on 1874 plat.

Remainder of section7 based on 1894 plat.



¹/₄ 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 section corner established by Byars in 1874 is considered fixed in position by that survey since it was not superseded by the Whipple survey in 1894.
 The offset ¼ corner on the Whipple plat is considered a drafting error because new areas were not shown for lots 3 and 4.

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.
 ¹/₄ corner and CC of 7 and 8.

 E 1/16 for Sec 18 at midpoint bet.
 ¹/₄ corner and or of 17 and 18.





¹/₄ 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

 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, control the rest of the S ¹/₂ of the section?

 By not returning new areas for lots 3 and 4, two CS 1/16 are needed to protect the plat.



Actual Parenthetical Distances



Summary

Be cautious of how the plat was drafted.

 The ¼ section corner of sections 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 corners based on different parenthetical distances.



• David P. Thompson survey, approved Nov 5, 1857. Mile between sections 12 and 13 not surveyed. • Areas Returned for N $\frac{1}{2}$ of sec. 12 and S $\frac{1}{2}$ of sec. 13



More History

The W ¹/₂ NE ¹/₄ and the E ¹/₂ NW ¹/₄ was patented Feb. 1, 1871.

Even More History

- Ernest P. Rands
 completed the
 subdivisional lines,
 approved 1912.
- Why did they push the excess to the East?



Group Discussion

 Does the completion survey by Rands match the presumed method of subdivision of the original survey?

• How do you establish the C ¼ of section 12?

Land patented in 1871

 How do we establish the C ¹/₄ in order to protect the land patented before the completion survey?



Land patented in 1871

- South from the N ¹/₄ corner on a mean bearing to intersection with E-W center line.
- Does this work for the S ¹/₂ of the section, patented after the completion survey?



Land patented after completion survey

 How do we protect the land patented in the S ¹/₂ of section 12 based on the completion survey?



Land patented after completion survey

 C ¹⁄₄ is established at bearing-bearing intersection.



Solution



Final Question

 How could the completion survey by Rands been conducted in order to eliminate needing 2 center ¹/₄ corners?

Summary

- 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.

