

Chapter 10 Resurveying & Retracing Sectionalized Land

10.1 Introduction

The creation of these types of boundaries is unique and demands people who are technically qualified as well as intoned with the law of evidence...the latter is probably more important than the other.

There are two sets of principles in this chapter...

10.2 Areas of Authority

The BLM is the ultimate authority in the creation of these surveys and the licensed professional is the authority in the retracement of the original. Using the manual of instructions www.blm.gov/cadastral/Manual/73man/id1.htm and a pamphlet call Restoration of Lost and Obliterated Corners is and will be your guide!

10.3 Resurvey or Retracement

A resurvey is the reconstruction of the lines boundaries and subdivisions by running and remarking the lines as represented by the field notes of record and plats of the official survey. The resurvey is subject to approval by the directing agency.

A retracement is a survey to measure the lines and identify monuments or marks from a prior survey...it is merely an investigative survey. No lost corners are reset.

10.4 Types of Surveys and Resurveys

Dependent Resurvey: the first retracement of all recoverable evidence of the original corners and lines and then a reestablishment of the lost or obliterated corners and lines in accordance with the best available evidence and application of the rules of survey.

Independent Resurvey: cast aside the original and creates all new monuments and corners and may include the establishment of new township lines without reference to the original survey.

10.5 Court of Proper Jurisdiction

Principle 1

10.6 Federal Patents

A federal patent is the legal means by which the government grants lands from federal ownership to private ownership.

The federal patent is in effect a quitclaim deed.

10.7 Intent of the Government

The intent of the government is to convey the land based on the original lines run and corners monumented at the time the parcels were created. It is assumed that the survey was performed in accordance with the rules and reg's at the time of the survey.

10.8 Senior Rights

The only senior rights acknowledged by the federal land grants are the previously accepted sovereign grants i.e., rancho's, Mexican, Spanish, Dutch, French and English grants from the past.

10.9 Following the Footsteps

Following in the footsteps simply means following the evidence of the original surveyors footsteps.

10.10 Lines Marked and Surveyed

Principle 2.

10.11 Original Corners

Principle 3.

10.12 Original Field Notes

Principle 4.

10.13 Closing Corners

Principle 5.

10.14 Identification of Corners and Lines

A retracement survey does not require the services or capabilities of the top technical expert, but rather the services of a person who understands evidence, the significance and law of evidence.

10.15 Monuments and their Identification

Principle 6.

The characteristics, the markings, and nature of the accessories.

10.16 Evidence of Corners

Principle 7.

10.17 Use of Testimony in Boundaries

Principle 8.

10.18 Common Usage

Principle 9.

10.19 Using recorded Information to Locate Original Lines

Principle 10.

10.20 Proportioning: The Last Resort

Only when all the evidence fails to prove a corner do you then proportion.

10.21 Restoration of Lost Corners

All proportioning must be tied to two or more proven corners found within the unit.

10.22 Relocating Lost Corners

Principle 11.

Principle 12.

10.23 Proportionate Measure or Proration

Principle 13.

Principle 13A.

10.24 Single Proportionate Measurement

Principle 13B.

10.25 Double Proportionate Measurement

Principle 13C.

10.26 Restoration Of Lost Standard Corners On Standard Parallels, Correction Lines And Baselines

Principle 13D.

10.27 Restoration Of Township Corners On Principle Meridians And Guide Meridians

Principle 13E.

10.28 Restoration of Lost Township and Section Corners Originally Established with cross ties in four directions

Principle 13F.

10.29 Restoration of Lost Corners Along Township Lines

Principle 13G.

10.30 Restoration Of Lost Township And Section Corners Where The Line Was Not Established In One Direction

Principle 13H.

10.31 Restoration of Lost corners Where the Intersecting Lines Have Been Established in Two Directions

Principle 13I.

10.32 Restoration of Quarter Section Corners in Regular Sections

Principle 13J.

10.33 Restoration of Quarter Section Corners Where Only Part of a Section was Surveyed Originally

Principle 13K.

10.34 Restoration of a Closing Section Corner on a Standard Parallel

Principle 13L.

10.35 Restoration of a Lost North Quarter Corner in a Closing Section

Principle 13M.

Principle 13N.

Principle 13O.

Principle 13P.

10.36 Restoration of a Lost Non-Riparian Meander Corners

Principle 14.

10.37 Restoration of Riparian Meander Lines

Principle 15.

10.38 Restoration of non-Riparian Meander Lines

Principle 16.

10.39 Restoration of Irregular Exteriors

Principle 17.

10.40 Lost Corner Restoration Methods

See figure 10.7 on page 278 of text.

10.41 Resurvey Instructions Issued in 1879 and 1883

The pamphlet "The Restoration of Lost and Obliterated Corners," was published during this time.

10.42 ½ mile posts in FL and AL

10.43 General Comments

10.44 Subdivision By Protraction

10.45 Establishing the North Quarter Corner of Closing Sections on a Standard Parallel and Other Quarter Corners not Originally Set

Principle 18.

10.46 Establishment of Centerlines and Center Quarter Corners

Principle 19.

10.47 Establishment of Quarter-Quartet Section Lines and Corners

Principle 20.

10.48 Fractional Sections Centerline

Principle 21.

10.49 Senior Right Lines

Date of Surveys

10.50 Gross Errors and Erroneously Omitted Areas

Senior and Junior Rights usually solved the problems.

10.51 Relocating Corners From Other Townships or From Interior Corners

Only used to locate an obliterated corner... 1/16 corners should not be used to locate the quarter and section corners.

10.52 Procedures for Conducting Retracements

See the 8 steps to be followed on page 287 and 288 of text.

10.53 Interpretation of Aliquot Descriptions

Area and metes and bounds descriptions cause most of the problems.

10.54 According to the Government Measure

This is the controlling statement when found on a plat or in the notes.

10.55 Applying State Laws

10.56 Topography

California is one of the few states that will accept topo calls if they can be identified regardless of distances. Similar to a natural monument.

10.57 Boundaries By Area

See According to the Government Survey!

10.58 Establishing Corners

County Surveyors COULD set corners as long as the correct process was followed.

10.59 Sections Created Under State Jurisdiction

10.60 Presumptions and Realities for GLO Surveys

See the list on page 294, 295 and 296 of text.