

Does the state claim a right of way of 66 feet along there?

A. I would say they claim a right of way of 66 feet.

Q. Have you ever made any measurements in this location.

A. No.

Q. Do you know whether any measurements were made in the field?

A. It would not have been under my direction.

Q. Then you know of no such measurements?

A. When you say measurement, do you mean location from the center of the road to the right of way and establish it in that manner.

Q. Yes.

A. Actually, the measurement would consist of the actual location of this survey and from that on the strip plat you would scale over and measure 33 feet. If you try to establish a metes and bounds plat, that would be computed from this base line except you would make your computations on it. It might vary a little bit because a strip plat is a scale plat and the metes and bounds would be accurate if we could plat it out.

Q. This particular house we are discussing here, you have not, have you, made any measurements with reference to that house and the base line of the lot?

A. None that I know of. They have never made any metes and bounds on it. It is all based on this strip.

Q. The plat which you have only shows a line going through this house marked existing right of way line, that is the line which the state now claims is the right of way line?

A. Yes.

Q. That's all.

MR. STORM:

Q. Can you say with definiteness that the true right of way line should not be 8 or 10 or 12 feet north of what is shown there?

A. No, I couldn't say that, but I would say it has been established with the information we had at this time. But I don't think you can take any of these turnpike widths and say positively this is the line unless there is a description somewhere with a monument, where you can run your lines with a call to the turnpike. I think most of the people feel that a right of way doesn't enter into it. They feel that they can go out as far as they want. They plant flowers in a right of way or shrubbery - I am not talking about turnpikes - but then they say we don't have any right to take their flowers away, even though they are on our right of way.

Q. What is the State Road's policy, if you know, regarding houses which were built before the turnpikes?