

**CHAPTER 7--H.F.No. 794**

*An act relating to surveying; streamlining and simplifying statutory sections; making technical and conforming changes; amending Minnesota Statutes 2014, sections 160.15, subdivisions 1, 3; 358.47; 381.12; 389.09, subdivision 1; 505.021, subdivisions 1, 5, 7, 9; 505.04; 505.1792, subdivision 1; 507.093; 508.47, subdivision 4; 508A.47, subdivision 4; repealing Minnesota Statutes 2014, sections 160.15, subdivisions 2, 4, 5; 389.09, subdivision 2.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 160.15, subdivision 1, is amended to read:

Subdivision 1. **Permanent marking Perpetuation of corners.** Whenever the construction, reconstruction, or maintenance of a public street or highway causes the destruction or obliteration of a ~~known section or quarter-section public land survey~~ corner marker or monument, the road authority having jurisdiction over the highway or street shall provide for the permanent marking perpetuation of the corners and place placement of corner monuments, corner markers, reference monuments, or witness monuments so that the corners can be readily located by a land surveyor licensed under chapter 326. A certificate of location of government corner shall be prepared in accordance with section 381.12.

Sec. 2. Minnesota Statutes 2014, section 160.15, subdivision 3, is amended to read:

Subd. 3. **Time of placement; monument tie objects of durable material.** Reference ~~or witness monuments ties~~ evidencing the location of the public land survey corner ~~must~~ shall be established by a land surveyor licensed under chapter 326 before the obliteration of the corner in at least ~~two~~ three places ~~most~~ if practicable and shall consist of ~~stone, concrete, or cast iron~~ objects of durable material. If it is not practicable to establish three reference ties, two must be established.

Sec. 3. Minnesota Statutes 2014, section 358.47, is amended to read:

**358.47 CERTIFICATE OF NOTARIAL ACTS.**

(a) A notarial act must be evidenced by a certificate physically or electronically signed and dated by a notarial officer in a manner that attributes such signature to the notary public. The notary's name as it appears on the official notarial stamp and on any jurat or certificate of acknowledgment and in the notary's commission must be identical. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and must include the official notarial stamp, pursuant to section 359.03, except: (1) a plat as described in section 505.021; (2) a registered land survey as described in section 508.47 or 508A.47; or (3) a CIC plat or a supplemental CIC plat as described in chapter 515B shall be recorded regardless of whether a notary stamp was used or was illegible if used, if a certificate of notarial act that includes the jurisdiction of the notarial act, the name and title of the notarial officer, and the date the notary commission expires is printed in pen and ink or typewritten on the plat, the registered land survey, or the CIC plat or supplemental CIC plat. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the officer's rank.

(b) A certificate of a notarial act is sufficient if it is in English and meets the requirements of subsection (a) and it:

(1) is in the short form set forth in section 358.48;

(2) is in a form otherwise prescribed by the law of this state;

(3) is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

(c) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by section 358.42.

Sec. 4. Minnesota Statutes 2014, section 381.12, is amended to read:

**381.12 SECTION CORNERS ~~RELOCATED~~ PERPETUATED.**

Subdivision 1. **Surveyor, employment.** When the county board determines that the monuments established by the United States in the public lands survey to mark ~~section, quarter section, and meander~~ public land survey corners have been destroyed or are becoming obscure, it may employ a ~~licensed~~ licensed land surveyor licensed under chapter 326 to ~~preserve, restore and mark the~~ perpetuate said corners with a durable magnetic ~~monument~~ monuments. The land surveyor shall make full and accurate notes and records from which the entire survey can be ~~relocated~~ retraced, and shall, no later than one year after ~~preserving, restoring, and marking the~~ perpetuating the corners, ~~shall file a certified copy of the same, with a filed plat, the records of such survey and a certificate of location of government corner for each corner, prepared in compliance with subdivision 3.~~ The land surveyor shall file the records and certificate in the office of the county surveyor if an office is maintained in a building maintained by the county for county purposes on a full-time basis, and if not, the land surveyor shall record it them in the office of the county recorder. The monuments are prima facie evidence of the original United States public land survey corners.

Subd. 2. **Expense, tax levy.** The county board of any county may levy a tax upon all the taxable property in the county for the purpose of defraying the expense incurred, or to be incurred for:

(1) the preservation and restoration of monuments under this section;

(2) the preservation or establishment of control monuments for mapping activities;

(3) the modernization of county land records through the use of parcel-based land management systems;

or

(4) the establishment of geographic (GIS), land (LIS), management (MIS) information systems.

Subd. 2a. **Monuments; manner of placement.** (a) Perpetuation of the corners and placing of corner monuments, reference monuments, or witness monuments must be in the manner described in paragraphs (b) to (e).

(b) At the corner location, a durable magnetic monument must be placed so as not to be disturbed by routine activities.

(c) For a corner monument set below a paved surface, a supplemental marker that is visible at the surface must be set.

(d) An access cover or monument box providing access to a monument below a paved surface may be used in lieu of setting a supplemental marker at the surface.

(e) If it is not practical or safe to set a monument at the corner location, a durable magnetic monument may be set as a witness or reference monument.

Subd. 3. ~~U.S. public land survey monument record~~ **Certificate of location of government corner.** (a) ~~A United States public land survey monument record~~ certificate of location of government corner must be prepared as part of any land survey which includes or requires the use, perpetuation, or restoration of a United States public land survey corner and one of the following conditions exists:

(1) there is no United States public land survey monument record certificate of location of government corner for the corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or

(2) the land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed certificate of location of government corner on file in the office of the county surveyor where the county maintains a full-time office, or in the office of or the county recorder for the county in which the corner is located; or

(3) the witness reference ties referred to in have been destroyed or differ from those shown on an existing United States public land survey monument record have been destroyed certificate of location of government corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or

(4) the corner, witness, or reference monuments shown on an existing certificate of location of government corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located have been destroyed.

~~(b) A United States public land survey monument record must be prepared on a certificate of location of government corner, as specified in section 160.15, subdivision 5.~~

~~(c) (b) A United States public land survey monument record must show the position of the corner and certificate of location of government corner must include all the following elements:~~

~~(1) the identity of the corner, as referenced to the United States public land survey system;~~

~~(2) a description of any record evidence, monument evidence, ~~occupational-occupation~~ evidence, testimonial ~~parol~~ evidence, or any other material evidence considered by the land surveyor, and whether the monument was found or placed;~~

~~(3) a description of any corner monument, witness monument, or reference monument placed;~~

~~(3) if possible (4) where practicable, reference ties to at least three witness monuments made of concrete, natural stone, iron, or other equally durable material, including trees durable objects;~~

~~(4) (5) a plan view drawing depicting the corner position, relevant monuments, and reference ties which is in sufficient detail to enable accurate restoration of the corner position if the corner monument has been disturbed;~~

~~(5) (6) a description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored accepted or certified;~~

~~(6) whether (7) a statement identifying the methods used to restore and perpetuate the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position; and~~

~~(7) whether the corner was restored through lost corner proportionate methods;~~

~~(8) the directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions; and~~

~~(9) the signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.~~

(c) The certificate of location of government corner shall be certified according to Minnesota Rules, part 1800.4200, subpart 4, and shall include a statement that the certificate of location of government corner is correct and complete to the best of the land surveyor's knowledge and belief.

(d) No later than one year after perpetuating or restoring the a public land survey corner, the land surveyor shall file or record the certificate of location of government corner in the same manner as required under subdivision 1.

(e) A reasonable fee for professional services may be paid to the land surveyor filing or recording the certificate of location of government corner with the respective county, on approval and determination of the fee by resolution of the county board.

Sec. 5. Minnesota Statutes 2014, section 389.09, subdivision 1, is amended to read:

Subdivision 1. **Plats and surveys in counties.** In any county in which there is a county surveyor or other licensed land surveyor hired for this purpose by the county, the county board may, by ordinance adopted in accordance with section 375.51, require that each subdivision plat or, registered land survey plat or, and common interest community plat must be approved by the county surveyor or other licensed land surveyor hired for this purpose by the county before recording. The county board shall establish a schedule of fees charged to proprietors of plats for this service.

Sec. 6. Minnesota Statutes 2014, section 505.021, subdivision 1, is amended to read:

Subdivision 1. **Plat format.** ~~A~~ The plat shall be prepared on ~~four mil~~ transparent reproducible film or the equivalent with a minimum thickness of four mil, and shall be prepared by a photographic process. Plat sheet size shall be 22 inches by 34 inches. A border line shall be placed one-half inch inside the outer edge of the plat on the top and bottom 34-inch sides; and the right 22-inch side; and two inches inside the outer edge of the plat on the left 22-inch side. If a plat consists of more than one sheet, the sheets shall be numbered consecutively. Only the official plat shall be labeled "OFFICIAL PLAT" and any copy shall be labeled "copy" in the center of the top margin.

Sec. 7. Minnesota Statutes 2014, section 505.021, subdivision 5, is amended to read:

Subd. 5. **Mathematical data; dimensions; labels; symbols.** A plat shall show all survey and mathematical information and data necessary to locate and retrace all boundary lines and monuments. Bearings, azimuths, and central angles shall be expressed in degrees, minutes, and seconds and labeled with the respective symbols. A north arrow and directional orientation note shall be shown. Distances shall be expressed in feet and hundredths of a foot. All straight line segments of the plat shall be labeled with the length of the line and bearing or azimuth. All curved line segments of the plat shall be labeled with the

central angle, arc length, and radius length. If any curve is nontangential the dimensions shall include a long chord bearing or azimuth, and shall be labeled nontangential. The mathematical closure tolerance of the plat boundary, blocks, lots, and outlots shall not exceed 2/100 of a foot. A graphics scale shall be shown along with the label "Scale In Feet." Dimension and descriptive recitals in the legal description shown on the plat shall be depicted and labeled on the graphic portion of the plat. A symbol shall indicate the position of all found and set plat monuments, along with a description of each. Text used on the plat shall not be smaller than eight-point type. Ditto marks and foot and inch symbols shall not be used.

Sec. 8. Minnesota Statutes 2014, section 505.021, subdivision 7, is amended to read:

Subd. 7. **Easements.** All easements to be dedicated on the plat shall be depicted on the plat with purpose, identification, and sufficient mathematical data to locate the boundaries of the easements. Easements created on the plat shall be limited to ~~public utility and/or~~ drainage easements, public ways, and utility easements as defined in section 505.01, subdivision 3, paragraphs (b), (h), and (j). Drainage and utility easement boundaries shall be shown as dashed lines. Temporary easements, building setback information, and building floor elevations shall not be shown on a plat.

Sec. 9. Minnesota Statutes 2014, section 505.021, subdivision 9, is amended to read:

Subd. 9. **Certifications.** (a) A plat shall contain a certification by the land surveyor who surveyed or directly supervised the survey of the land being platted, and prepared the plat or directly supervised the plat preparation. The certificate shall state that:

- (1) the plat is a correct representation of the boundary survey;
- (2) all mathematical data and labels are correctly designated on the plat;
- (3) all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat;
- (4) all water boundaries and wet lands as of the date of the surveyor's certification are shown and labeled on the plat; and
- (5) all public ways are shown and labeled on the plat.

The surveyor's certification shall be properly acknowledged by the surveyor on the plat before a notarial officer.

(b) A plat shall contain a certification of approval executed by the local elected governmental unit or an authorized official designated by the local elected governmental unit.

(c) In any county that requires review and approval of plats ~~by the county surveyor or another land surveyor~~ in accordance with section 389.09, subdivision 1, the plat shall contain a certification of approval executed by the county surveyor or other licensed land surveyor ~~that this plat is in compliance with this section~~ hired by the county.

(d) A plat shall contain a certification by the proper county official that there are no delinquent taxes owed and that the current year's payable taxes have been paid in accordance with section 272.12.

(e) A plat shall contain a certification of recording by the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property.

Sec. 10. Minnesota Statutes 2014, section 505.04, is amended to read:

**505.04 REAL ESTATE TAXES; RECORDING; COPIES.**

Every plat, when duly certified, signed, and acknowledged, as provided in section 505.021, and upon presentation of a certificate from the authorized county official that the current year's taxes have been paid, shall be recorded in the office of the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property. ~~An~~ All copies required by the county shall be exact transparent reproducible copy shall, at the discretion of the county recorder or registrar of titles, be provided to the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property. The official plat shall be labeled "OFFICIAL PLAT" and any copy shall be labeled "copy." copies prepared in accordance with section 505.021, subdivision 1. The official plat and any ~~copy~~ copies maintained in county offices shall be placed under the direct supervision of the county recorder or registrar of titles, or both, if the plat contains both nonregistered and registered property and be open to inspection by the public. ~~In counties having a full-time county surveyor who operates an office on a full-time basis, the exact copy may be placed under the direct supervision of the county surveyor and be open to inspection by the public.~~ Upon request of the county auditor of the county wherein the land is situated, the county recorder or registrar of titles shall cause a reproduction copy of the official plat, or of the exact copy, to be made and filed with the county auditor, at the expense of the county.

Sec. 11. Minnesota Statutes 2014, section 505.1792, subdivision 1, is amended to read:

Subdivision 1. **Informal; for information.** In order to give supplemental information to the public as to the location of streets, county roads, county state-aid highways, town roads, and other transportation corridors, and the right-of-way thereof, the governing body of any city, town, or county may file for record in the office of the county recorder and the registrar of titles of said county such maps or plats showing such information as the governing body shall determine necessary. The map or plat shall be subscribed by the mayor or chair of the governing body and the county surveyor, together with a certified copy of the resolution of the governing body setting forth the necessity for said plat, and shall be entitled to record without compliance with the provisions of this chapter, except as provided in this section. Any amendments, alterations, or vacations of such maps or plats so filed may be entitled to record in like manner.

Sec. 12. Minnesota Statutes 2014, section 507.093, is amended to read:

**507.093 STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED.**

The following standards are imposed on documents to be recorded with the county recorder or the registrar of titles other than by electronic means as provided in section 507.24, except as provided in sections 505.021, subdivision 1, and 505.04 for plats; 508.47, subdivision 4, and 508A.47, subdivision 4, for registered land surveys; and 515B.2-110(c) and 515B.2-1101(c) for common interest community plats:

- (1) The document shall consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches.
- (2) The form of the document shall be printed, typewritten, or computer generated in black ink and the form of the document shall not be smaller than 8-point type.
- (3) The document shall be on white paper of not less than 20-pound weight with no background color or images and, except for the first page, shall have a border of at least one-half inch on the top, bottom, and each side.

(4) The first page of the document shall contain a blank space at the top measuring three inches, as measured from the top of the page, and a border of one-half inch on each side and the bottom. The right half of the blank space shall be reserved for recording information and the left half shall be reserved for tax certification. Any person may attach an administrative page before the first page of the document to accommodate this standard. The administrative page may contain the document title, document date, and, if applicable, the grantor and grantee, and shall be deemed part of the document when recorded.

(5) The title of the document shall be prominently displayed at the top of the first page below the blank space referred to in clause (4), or on the administrative page.

(6) No additional sheet shall be attached or affixed to a page that covers up any information or printed part of the form.

(7) A document presented for recording must be sufficiently legible to reproduce a readable copy using the county recorder's or registrar of title's current method of reproduction.

Sec. 13. Minnesota Statutes 2014, section 508.47, subdivision 4, is amended to read:

Subd. 4. **Survey; requisites; filing; copies.** The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of said tracts to be shown by angles or bearings or other relationship to the outside lines of said registered land survey, and the surveyor shall place monuments in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A." A registered land survey which delineates multilevel tracts shall include a map showing the elevation view of the tracts with their upper and lower boundaries defined by elevations referenced to a mean sea level adjusted datum benchmark. None of said tracts or parts thereof may be dedicated to the public by said registered land survey.

A licensed land surveyor shall certify that the registered land survey is a correct representation of said parcel of unplatted land. The certification shall be properly acknowledged by the land surveyor on the registered land survey before a notarial officer. All signatures on the registered land survey shall be written with black ink and shall not be written with ball point ink. The registered land survey shall be prepared on ~~four mil~~ transparent reproducible film or the equivalent with a minimum thickness of four mil, and shall be prepared by a photographic process. Sheet size shall be 22 inches by 34 inches. A border line shall be placed one-half inch inside the outer edge of the sheet on the top and bottom 34-inch sides; and the right 22-inch side; and two inches inside the outer edge of the sheet on the left 22-inch side. Text used on the registered land survey shall not be smaller than eight-point type. If the registered land survey consists of more than one sheet, the sheets shall be numbered consecutively. The registered land survey shall be labeled "OFFICIAL," and any copy shall be labeled "copy" in the center of the top margin.

Before filing, however, any survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed on it or attached to it.

At the time of filing, a registered land survey shall contain a certification by the proper county official that there are no delinquent taxes owed and that the current year's payable taxes have been paid in accordance with section 272.12.

Notwithstanding any provisions of subdivision 5 to the contrary, no other copies of the survey need be filed.

The registrar shall duly certify and furnish to any person a copy of said registered land survey, which shall be admissible in evidence.

Sec. 14. Minnesota Statutes 2014, section 508A.47, subdivision 4, is amended to read:

Subd. 4. **Survey; requisites; filing; copies.** The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by the registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of the tracts to be shown by angles or bearings or other relationship to the outside lines of the registered land survey, and the surveyor shall place monuments in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A." A registered land survey which delineates multilevel tracts shall include a map showing the elevation view of the tracts with their upper and lower boundaries defined by elevations referenced to a mean sea level adjusted datum benchmark. None of the tracts or parts of them may be dedicated to the public by the registered land survey.

A licensed land surveyor shall certify that the registered land survey is a correct representation of said parcel of unplatted land. The certification shall be properly acknowledged by the land surveyor on the registered land survey before a notarial officer. All signatures on the registered land survey shall be written with black ink and shall not be written with ball point ink. The registered land survey shall be prepared on four mil-transparent reproducible film or the equivalent with a minimum thickness of four mil, and shall be prepared by a photographic process. Sheet size shall be 22 inches by 34 inches. A border line shall be placed one-half inch inside the outer edge of the sheet on the top and bottom 34-inch sides; and the right 22-inch side; and two inches inside the outer edge of the sheet on the left 22-inch side. Text used on the registered land survey shall not be smaller than eight-point type. If the registered land survey consists of more than one sheet, the sheets shall be numbered consecutively. The registered land survey shall be labeled "OFFICIAL" and any copy shall be labeled "copy" in the center of the top margin.

Before filing, however, any survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed on it or attached to it.

At the time of filing, a registered land survey shall contain a certification by the proper county official that there are no delinquent taxes owed and that the current year's payable taxes have been paid in accordance with section 272.12.

Notwithstanding any provisions of subdivision 5 to the contrary, no other copies of the survey need be filed.

The registrar shall duly certify and furnish to any person a copy of the registered land survey. The copy shall be admissible in evidence.

Sec. 15. **REPEALER.**

Minnesota Statutes 2014, sections 160.15, subdivisions 2, 4, and 5; and 389.09, subdivision 2, are repealed.

Presented to the governor April 17, 2015

Signed by the governor April 21, 2015, 9:51 a.m.