

381.12 SECTION CORNERS RELOCATED.

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 corners have been destroyed or are becoming obscure, it may employ a licensed surveyor to preserve, restore and mark the corners with a durable magnetic monument. The surveyor shall make full and accurate notes and records from which the entire survey can be relocated, and shall, no later than one year after preserving, restoring, and marking the corners, file a certified copy of the same, with a filed plat, 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, shall record it 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. 3. **U.S. public land survey monument record.** (a) A United States public land survey monument record must be prepared as part of any land survey which includes or requires the 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 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 in the office of the county surveyor where the county maintains a full-time office, or in the office of the county recorder for the county in which the corner is located; or
- (3) the witness ties referred to in an existing United States public land survey monument record 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) A United States public land survey monument record must show the position of the corner and 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 evidence, testimonial evidence, or any other material evidence considered by the surveyor, and whether the monument was found or placed;

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

(4) a plan view drawing depicting the 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) a description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored;

(6) whether the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position;

(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.

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

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

History: (784) *RL s 448*; 1951 *c 288 s 1*; 1973 *c 583 s 28*; 1976 *c 181 s 2*; 1983 *c 216 art 1 s 64*; 1986 *c 365 s 11*; 1992 *c 511 art 2 s 35*; 2005 *c 4 s 67*; 2005 *c 99 s 2,3*