CHAPTER 381

SURVEYS, SECTION CORNERS, TOWNSHIP LANDMARKS

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381.01 PETITION.

On petition of a town board in the case of a township, or of at least two taxpayers in a section, in the case of a section, filed with the county auditor requesting it, the county board may direct that the township or section be surveyed or subdivided.

History: *(797) RL s 458; 1986 c 365 s 1*

381.02 MEETING; NOTICE.

At its next regular meeting after the petition is filed, the county board shall fix a time and place of meeting to consider it, of which three weeks' published notice, containing the substance of the petition, a description of the lands to be affected, and the names of the owners thereof as they appear in the last tax duplicate, must be given. The notice must also be personally served on each occupant of land to be affected by the survey.

History: *(798) RL s 459; 1986 c 365 s 2*

381.03 HEARING; CONTRACT WITH SURVEYOR.

On the hearing of the petition, all parties interested may appear and be heard, and the county board may grant or reject the application. If granted, it shall appoint a licensed surveyor to make the survey, with whom a written contract for the performance of the work must be made, secured by a sufficient bond executed by the surveyor and approved by the board. Two weeks' published notice of the appointment of the surveyor, specifying the date when the survey will begin, must be given. At the appointed time, the work shall begin, and shall continue without unnecessary delay until completed.

History: *(799) RL s 460; 1986 c 365 s 3*

381.04 DUTIES OF SURVEYOR.

The surveyor shall keep complete and accurate records and field notes of all the work, giving dates, names of assistants, lengths and relative directions of all lines, a full description of the evidence and method by which corners are located or restored, and complete data by which the entire survey can be relocated. Distances must be given in feet and decimals thereof. Durable magnetic monuments must be placed at all restored government corners or as references to the government corners. The surveyor shall make a plat on durable reproducible material, showing the above mentioned facts, so far as practicable, and also all tracts

of land affected, with the name of the owner and acreage of each tract. The plat must have endorsed thereon the affidavit of the surveyor to the effect that the survey and plat are correct and accurate.

History: *(800) RL s 461; 1986 c 365 s 4*

381.05 PLAT AS EVIDENCE.

If the board approves the plat, its certificate of approval, signed by the chair, must be endorsed thereon. The surveyor shall then file the plat, records and field notes in the office of the county recorder. If an office for the county surveyor is maintained in a building maintained by the county for county purposes on a full-time basis, the plat, records and field notes must be filed in the surveyor's office with a copy of the plat filed in the office of the county recorder. The plats, records and field notes filed under this provision are prima facie evidence that the survey is correct. The surveyor shall pay to the recorder the current fee for filing and recording the plat, records and field notes or plat, as the case may be.

History: *(801) RL s 462; 1976 c 181 s 2; 1986 c 365 s 5; 1986 c 444*

381.06 EXPENSES; ASSESSMENT.

The surveyor shall then make a certified report to the board, showing in detail the entire expense of the survey, which must be equitably apportioned and assessed by the board to the several tracts affected.

History: *(802) RL s 463; 1986 c 365 s 6*

381.07 ASSESSMENT; NOTICE; CONFIRMATION.

On making the assessment, the board shall give one week's published notice thereof. The notice must contain a description of each tract of land affected, and specify the amount assessed against each tract, the name of the supposed owner, and the time and place of meeting of the board to correct and confirm the assessment. At the time and place given in the notice, the board, after making all proper corrections and adjustments, shall make an order confirming the assessment.

History: *(803) RL s 464; 1986 c 365 s 7*

381.08 ASSESSMENT ENTERED ON TAX DUPLICATE.

On the filing of the order of confirmation, the county auditor shall enter on the tax duplicate for the current year, against each such tract of land, the amount so assessed against it, which shall be collected as other taxes, and be deposited in the county revenue fund.

History: *(804) RL s 465; 1986 c 365 s 8*

381.09 EXPENSES, HOW PAID.

After the filing of the order of confirmation, the expenses of the survey, not exceeding the amount of the assessment, must be paid out of the general revenue fund of the county in the same manner as other claims.

History: *(805) RL s 466; 1986 c 365 s 9*

381.10 APPEALS.

Appeals from the order of confirmation may be taken to the district court by any person aggrieved, in the same manner as from the determination of the board in laying out roads. On an appeal the court may

inquire into and review all matters relating to the survey or assessment or expenses affecting the party appealing, which are specified in the notice of appeal.

History: *(806) RL s 467; 1986 c 365 s 10*

381.11 NOT TO AFFECT LINES FIXED BY AGREEMENT.

Nothing in sections 381.01 to 381.10 shall be construed to authorize the change of any line fixed by agreement of land owners or of any traveled road.

History: *(807) RL s 468*

381.12 SECTION CORNERS 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 public land survey corners have been destroyed or are becoming obscure, it may employ a land surveyor licensed under chapter 326 to perpetuate said corners with durable magnetic monuments. The land surveyor shall make full and accurate notes and records from which the entire survey can be retraced, and, no later than one year after perpetuating the corners, shall file 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 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, less any amount received from the public system monument grant program under section 381.125, 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. **Certificate of location of government corner.** (a) A 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 public land survey corner and one of the following conditions exists:

(1) there is no 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 public land survey corner which differs from that shown on a 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

(3) the reference ties have been destroyed or differ from those 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; 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 certificate of location of government corner must include all the following elements:

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

(2) a description of any record evidence, monument evidence, occupation evidence, 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;

(4) where practicable, reference ties to at least three durable objects;

(5) a plan view drawing depicting the corner position, relevant monuments, and reference ties in sufficient detail to enable accurate restoration of the corner position;

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

(7) a statement identifying the methods used to restore and perpetuate the corner; and

(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.

(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 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.

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; 2015 c 7 s 4; 2023 c 62 art 2 s 110*

381.125 PUBLIC LAND SURVEY SYSTEM MONUMENT GRANT PROGRAM.

Subdivision 1. **Grant program.** The chief geospatial information officer, through the Geospatial Advisory Council established under section 16E.30, subdivision 8, shall work with the stakeholders licensed as land surveyors under section 326.02, to develop a process for accepting applications from counties for funding for the perpetuation of monuments established by the United States in the public lands survey to mark public land survey corners, as provided in section 381.12, subdivision 2, clause (1). Grants may also be used to update records and data regarding monuments. The chief geospatial information officer must establish criteria for prioritizing applicants when resources available for grants are not sufficient to award grants to all applicants. The criteria must favor providing grants to counties that demonstrate financial need for assistance.

Subd. 2. **Report.** By October 1, in each odd-numbered year, the chief geospatial information officer must submit a report to the chairs and ranking minority members of the committees in the senate and the house of representatives with jurisdiction over state government and local government. The report must include the following:

(1) a summary of the chief geospatial information officer activities regarding administration of this grant program for the previous fiscal year, including the amount of money requested and disbursed by county;

(2) an assessment of the progress toward completion of necessary monument restoration and certification by county; and

(3) a forecast of the amount needed to complete monument recertification in all counties.

Subd. 3. **Nonstate match.** No nonstate match is required for grants made under this program.

History: *2023 c 62 art 2 s 111*

381.13 TOWNSHIP LANDMARKS.

In every county, the county board shall cause to be placed by a licensed surveyor at the northeast corner of each congressional township a durable magnetic monument having a head not less than 3-1/2 inches in diameter and a length of 20 inches. The monument must be embedded its full length in the ground. The county board shall pay from the treasury the expense of installing the monuments, and the place where the monument is located is prima facie evidence of the northeast corner of such township.

History: *(785) RL s 449; 1986 c 365 s 12*

381.14 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

381.15 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

381.16 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

381.17 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

381.18 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

381.19 VIOLATIONS; PENALTY.

Any person who willfully removes, destroys, or defaces a monument lawfully erected is guilty of a misdemeanor.

History: *1986 c 365 s 13*