

CHAPTER 47-20.1

SURVEY AND CORNER RECORDATION ACT

47-20.1-01. Purpose. It is the purpose of this chapter to protect and perpetuate public land survey corners and information concerning the location of such corners by requiring the systematic establishment of monuments and recording of information concerning the marking of the location of such public land survey corners and to allow the systematic location of other property corners, thereby providing for property security and a coherent system of property location and identification of ownerships, and thereby eliminating the repeated necessity for reestablishment and relocations of such corners where once they were established and located, and, to authorize any registered land surveyor to locate, erect, maintain, record and perpetuate landmarks, monuments, section corners, quarter corners, meander lines or boundary lines heretofore or hereafter established.

47-20.1-02. Definitions. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

1. "Accessory corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal filled bottles, steel or wooden stakes or other objects.
2. "Corner", unless otherwise qualified, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.
3. "Monument" means an accessory that is presumed to occupy the exact position of a corner.
4. "Practice of land surveying" means the assuming of responsibility for the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations, and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.
5. "Property controlling corner" means a public land survey corner, or any property corner, which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question.
6. "Property corner" means a geographic point on the surface of the earth, and is on, a part of, and controls a property line.
7. "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for land to a private person from the United States government.
8. "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded, and which serves to witness the corner.
9. "Registered land surveyor" means a surveyor who is registered to practice land surveying under chapter 43-19.1 regulating the registration and practice of professional engineering and land surveyors, or who is authorized under said chapter to practice land surveying as defined herein.

47-20.1-03. Filing of corner record required. A surveyor shall complete, sign, stamp with the surveyor's seal and file with the recorder of the county where the corner is situated a written record of corner establishment or restoration to be known as a "corner record" for every public land survey corner and accessory to such corner which is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated, or used as control in any survey by such surveyor, and within ninety days thereafter, unless the corner and its accessories are substantially as described in an existing corner record filed in accord with the provisions of this chapter.

47-20.1-04. Filing permitted as to any property corner. A registered land surveyor may file such corner record as to any property corner, property controlling corner, reference monument, or accessory to a corner.

47-20.1-05. Form to be prescribed by board. The state board of registration for professional engineers and land surveyors provided for in chapter 43-19.1 shall by regulation provide and prescribe the information which shall be necessary to be included in the corner record. The board shall prescribe the form in which such corner record shall be presented and filed.

47-20.1-06. Recorder to receive, file, and cross-index.

1. The recorder of the county containing the corner shall receive the completed corner record and preserve it in a hardbound book. The books shall be numbered in numerical order as filled.
2. The recorder shall number the forms in numerical order as they are filed.
3. The book and page number in which the said corner record is filed shall be placed by the recorder near that same corner on a cross-index plat which the recorder shall provide for such purpose.
4. The recorder shall make these records available for public inspection during all usual office hours.

47-20.1-07. Official corner record. When such a corner described herein has been established and filed, that corner record shall be the official record and shall be made available to all state and federal government agencies without cost; however, the recorder may charge a reasonable fee for furnishing certified copies of the official record to all other persons.

47-20.1-08. Recorder may charge filing fee. The recorder of a county may charge a filing fee as provided by section 11-18-05 for the filing of each corner record as defined in section 47-20.1-02.

47-20.1-09. Surveyor must rehabilitate monuments. In every case where a corner record of a public land survey corner is required to be filed under the provisions of this chapter, the surveyor must reconstruct or rehabilitate the monument of such corner and accessories to such corner, so that the same shall be left by him in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future.

47-20.1-10. Minimum corner requirements. The registered land surveyor establishing or rehabilitating corner markers shall place as a minimum acceptable marker, a durable ferromagnetic monument not less than eighteen inches [45.72 centimeters] in length and not less than one-half inch [12.7 millimeters] in sectional dimension driven to a survey elevation depth to which is affixed a cap bearing the center point and the registered land surveyor's certificate number firmly impressed thereon.

47-20.1-11. Corner records to be certified. No corner record shall be filed unless the same is signed by a registered land surveyor and stamped with the surveyor's seal.

47-20.1-12. Disturbance of survey corners - Penalty. No United States government survey corner nor any corner established by any registered land surveyor, monumented as herein prescribed, shall be disturbed, removed, or in any manner changed by any person in the prosecution of any public or private work. Whoever shall violate any of the provisions of this section shall be guilty of an infraction.

47-20.1-13. Short title. This chapter may be cited as the Survey and Corner Recordation Act of North Dakota.