

CHAPTER 381

ESTABLISHING SECTION LINES

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381.01 PETITION. Upon petition of any town board in the case of a township, or of at least two taxpayers in any section, in the case of a section, filed with the county auditor, praying therefor, the county board may cause any such township or section to be surveyed or subdivided.

[R. L. s. 458] (797)

381.02 MEETING; NOTICE. At its next regular meeting after such petition is filed, the county board shall fix a time and place of meeting to consider the same, 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, shall be given. Such notice shall also be personally served on each occupant of land to be affected by the survey.

[R. L. s. 459] (798)

381.03 HEARING; CONTRACT WITH SURVEYOR. Upon the hearing of such 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 competent surveyor to make the survey, with whom a written contract for the performance of the work shall be made, secured by a sufficient bond executed by such surveyor and approved by the board. Two weeks' published notice of the appointment of such surveyor, specifying the date when the survey will be begun, shall be given. At the time so appointed, the work shall be begun, and shall continue without unnecessary delay until completed.

[R. L. s. 460] (799)

381.04 DUTIES OF SURVEYOR. Such surveyor shall keep complete and accurate field notes of all the work, giving dates, names of assistants, lengths and relative directions of all lines, a full description of the evidence by which corners are located, and full data by which the entire survey can be relocated. Distances shall be given in feet and decimals thereof. Substantial iron or stone monuments shall be planted at or near all government corners reestablished, and the names of at least three resident witnesses must be given in such notes for each monument. He shall make a plat upon a strong linen paper, showing all 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. Such plat shall have endorsed thereon the affidavit of the surveyor to the effect that such survey and plat are correct and accurate.

[R. L. s. 461] (800)

381.05 PLAT AS EVIDENCE. If the board approve the plat, its certificate of approval, signed by the chairman, shall be endorsed thereon, and thereupon the plat and field notes shall be filed in the office of the register of deeds, and shall be prima facie evidence that the survey is correct. The surveyor shall pay to the register \$1.00 for filing and recording the plat and field notes.

[R. L. s. 462] (801)

381.06 EXPENSES; ASSESSMENT. The surveyor shall thereupon make a certified report to the board, showing in detail the entire expense of such survey, which shall be equitably apportioned and assessed by the board to the several tracts affected.

[R. L. s. 463] (802)

381.07 ASSESSMENT; NOTICE; CONFIRMATION. Upon making such assessment, the board shall forthwith cause one week's published notice thereof to be given. Such notice shall contain a description of each tract of land affected, and specify the amount assessed against the same, the name of the supposed owner, and the time and place of meeting of the board to correct and confirm such assessment. At the time and place so fixed, the board, after making all proper corrections and adjustments, shall make an order confirming such assessment.

[R. L. s. 464] (803)

381.08 ASSESSMENT ENTERED ON TAX DUPLICATE. Upon the filing of such order of confirmation, the county auditor shall enter upon the tax duplicate for the current year, against each such tract of land, the amount so assessed against the same, which shall be collected as other taxes, and go into the county revenue fund.

[R. L. s. 465] (804)

381.09 EXPENSES, HOW PAID. After the filing of the order of confirmation, the expenses of such survey, not exceeding the amount of the assessment, shall be paid out of the general revenue fund of the county in the same manner as other claims.

[R. L. s. 466] (805)

381.10 APPEALS. Appeals from the order of confirmation may be taken to the district court by any person aggrieved, in like manner as from the determination of the board in laying out roads. On such 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.

[R. L. s. 467] (806)

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.

[R. L. s. 468] (807)

381.12 SECTION CORNERS RELOCATED. When it shall be made to appear to the satisfaction of the county board that the monuments established by the United States in its surveys of the public lands to mark section, quarter section, and meander corners have been destroyed or are becoming obscure, it may employ a competent surveyor to relocate and reestablish the same. Such surveyor shall mark each corner reestablished by a sufficient iron or stone landmark, and make full and accurate notes and data from which his entire survey can be relocated, and shall file a certified copy of the same, and a map of the survey, in the office of the register of deeds. Such landmarks shall be prima facie evidence that the points where they are located are the section, quarter section, or meander corners, as the case may be, established by the original United States survey.

[R. L. s. 448] (784)

381.13 TOWNSHIP LANDMARKS. In every county containing a population exceeding 5,000, the county board shall cause to be placed by a competent surveyor at the northeast corner of each congressional township a permanent landmark, which shall be either a stone not less than eight inches square and two feet long, or an iron post not less than two inches square and 30 inches long, having a head six inches square. Such landmark shall be embedded its full length in the ground, and have plainly cut or engraved on the top thereof letters and figures indicating the number of the section, township, and range. The expense of preparing and placing such landmarks shall be paid out of the county treasury, and the place where the same is located shall be prima facie the northeast corner of such township. Any person who shall remove, destroy, or deface any such landmark shall be guilty of a misdemeanor.

[R. L. s. 449] (785)

381.14 SECTION OR QUARTER SECTION CORNERS MARKED. When by reason of the construction of a public highway it may become necessary to destroy or obliterate a known section or quarter section corner it shall be the duty of the commissioner of highways, in case of trunk highways, and the county board, in case of other roads, to provide for a permanent marking of such corners and the placing of reference or witness monuments by means of which such corners can readily be located.

The permanent marking of such corners and establishment of reference or witness monuments shall be in the manner following: At the exact location of any such

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corner there shall be placed a stone, concrete, or cast-iron marker not less than four inches in diameter at the top and not less than 18 inches deep. In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch in diameter and two inches in depth.

Reference or witness monuments evidencing the location of the corner shall be established, before the obliteration of the corner, at at least two places most practicable and shall consist of stone, concrete, or cast-iron.

[1921 c. 359 s. 1] (779)

381.15 RECORDS AND REFERENCE TO SECTION OR QUARTER SECTION CORNERS FILED WITH REGISTER OF DEEDS. Records of markers and reference or witness monuments, herein provided for, shall be preserved by the filing in the office of the register of deeds of the proper county or counties of certificates made by the engineer or surveyor placing and establishing such markers and monuments. Each certificate shall contain only the record of markers and monuments at one corner. The register of deeds for filing such certificates shall be entitled to charge and receive a fee of 25 cents for each certificate so filed.

[1921 c. 359 s. 2] (780)

381.16 FORM OF CERTIFICATE. Such certificates shall be on sheets of durable paper, which sheets shall be in size 11 by 11 inches with a margin at the left for binding of one and one-half inches. Such certificates shall be substantially in the following form:

"I hereby certify that on the day of I found the corner of which was evidenced by and I further certify that to perpetuate the location of such corner I did at the exact location thereof place a permanent marker consisting of.....

I further certify that I established reference or witness monuments consisting of which reference or witness monuments are located in the manner following:

.....
.....
.....

Dated at this day of, 19.....

County Surveyor."

In cases where such markers are placed and monuments established by a person other than an officer, the affidavit of the engineer or surveyor of substantially the foregoing form shall be filed with the same force and effect as certificates made by officers.

[1921 c. 359 s. 3] (781)

381.17 EXPENSE. The expense of placing such markers and monuments and the filing fee herein provided for shall in case of trunk highways be paid out of the state trunk highway funds. In case of other roads such expenses and fees shall be paid by the county or counties wherein the location of the corner perpetuated is situated and such claims against counties shall be itemized, verified, and audited as provided for by law and payment thereof made from the county general revenue fund.

[1921 c. 359 s. 4] (782)

381.18 PENALTIES. Every person who shall wrongfully displace, remove, injure, or destroy a marker, metallic plug, or monument placed or established as provided in sections 381.14 to 381.17 shall be guilty of a misdemeanor.

[1921 c. 359 s. 5] (783)