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SURVEYS, SECTION CORNERS, TOWNSHIP LANDMARKS 381.06

CHAPTER 381

SURVEYS, SECTION CORNERS, TOWNSHIP LANDMARKS

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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.

[*RL 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.

[*RL 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.

[*RL 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.

[*RL 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 county recorder, and shall be prima facie evidence that the survey is correct. The surveyor shall pay to the recorder \$1 for filing and recording the plat and field notes.

[*RL s 462; 1976 c 181 s 2*] (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.

[*RL s 463*] (802)

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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.

[*RL 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.

[*RL 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.

[*RL 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.

[*RL 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.

[*RL s 468*] (807)

381.12 SECTION CORNERS RELOCATED. Subdivision 1. **Surveyor, employment.** 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 county recorder. 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.

Subd. 2. **Expense, tax levy.** For the purpose of defraying the expense incurred, or to be incurred in the relocation and reestablishment of monuments pursuant to Minnesota Statutes 1949, Section 381.12, the county board of any county may levy a tax upon all the taxable property in the county.

[*RL s 448; 1951 c 288 s 1; 1973 c 583 s 28; 1976 c 181 s 2*] (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.

[*RL s 449*] (785)

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- 381.14** [Repealed, 1959 c 500 art 6 s 13]
- 381.15** [Repealed, 1959 c 500 art 6 s 13]
- 381.16** [Repealed, 1959 c 500 art 6 s 13]
- 381.17** [Repealed, 1959 c 500 art 6 s 13]
- 381.18** [Repealed, 1959 c 500 art 6 s 13]