

## CHAPTER 389

### COUNTY SURVEYOR

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**389.01** [Repealed, 1961 c 379 s 2]

#### **389.011 QUALIFICATIONS; APPOINTMENT; ELECTION; TERMINATION OF OFFICE; PERFORMANCE OF DUTIES; BONDS.**

Subdivision 1. **Qualifications.** Any county surveyor elected or appointed after July 1, 1961, or any surveyor designated to perform the professional duties of a county surveyor after July 1, 1961, shall be registered in Minnesota as a land surveyor as provided in chapter 326. Such professional duties shall include any of the duties involved in the practice of land surveying as provided in chapter 326. Any county surveyor or other surveyor designated to perform the duties of a county surveyor at all times while holding such office or while such designation is in effect shall be duly registered in Minnesota as a land surveyor. Failure on the part of any such land surveyor to keep his registration current shall be deemed adequate grounds for the board of county commissioners to declare said office vacant and to appoint a properly qualified person to such office. As used in this section the term land surveyor shall mean a surveyor duly registered in Minnesota as a land surveyor.

Any county surveyor or other surveyor designated to perform the duties of a county surveyor after July 1, 1961, before entering upon his duties, in addition to such bond and oath of office as may be required to be filed, shall file a certified copy of his registration as a land surveyor for record with the county recorder and each year thereafter while holding such office or designation shall file a certified copy of his certificate of registration for the then current year with the county recorder on or before January 10 of each year.

Any county surveyor holding that office on July 1, 1961, who was elected or appointed for a term beginning prior to July 1, 1959, shall be deemed eligible for reelection or appointment to the office of county surveyor in the county in which he was last elected or appointed; and if he is subsequently elected or appointed to that office, and is not a registered land surveyor in lieu of a certificate of registration as a land surveyor, he shall file with the county recorder a certified copy of his certificate of election or the resolution of appointment for the term beginning prior to July 1, 1959.

Subd. 2. **Election, term, appointment, termination of office.** (1) In any county having less than 200,000 inhabitants and in which the office is vacant by reason of no person having been elected and qualified for the position, the board of county commissioners may by resolution duly adopted at least six months before the end of the term of office of the county surveyor, declare the office terminated. If such resolution is adopted no person shall be elected or appointed to the office of county surveyor so long as such resolution remains in effect. The county board by resolution adopted at least six months before the date of any general election may rescind its action terminating the office. Such resolution rescinding its action terminating the office shall state whether the office shall be filled henceforth by election or by appointment.

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If the resolution does not state that the office shall be filled by appointment the county surveyor shall be elected at the next general election according to law. If the office of county surveyor is to be filled by appointment the board of county commissioners shall within 30 days of said resolution appoint a land surveyor to such office.

In the resolution terminating the office the board of county commissioners may designate a land surveyor who shall perform all professional duties of a county surveyor as provided by law. As to any duties of a county surveyor which are not of a professional nature said duties shall be performed by the county engineer.

(2) In any county in which the office of county surveyor has not been abolished by law the board of county commissioners may by resolution duly adopted at least six months before the end of the term of the office of county surveyor declare its intention to fill the office by appointment. Having adopted such a resolution the board of county commissioners shall fill the office of county surveyor by appointment of a land surveyor to the office not less than 30 days before the end of the term of office of the incumbent. When so appointed the county surveyor shall serve for such term as determined by the board commencing upon the expiration of the term of the incumbent but not to exceed four years.

(3) In any county wherein the office of county surveyor has not been terminated or made appointive under the provisions of this section or abolished under other provisions of law, there shall be elected a county surveyor in the manner provided by law. The term of office of the county surveyor shall be four years and until his successor is elected and qualified, and begin on the first day of January next succeeding his election.

(4) If the office of county surveyor is vacant by reason of no qualified person having been elected to the office or the board of county commissioners having failed to appoint a person to the office or is otherwise vacant or if the office has been terminated and no land surveyor has been designated to perform the professional duties of the office and there are duties which prior to January 1, 1961, had been the responsibility of the county surveyor the officer requiring such duties to be performed may retain a land surveyor to perform such duties at the compensation set by the county board.

**Subd. 3. Bond, oath.** Any county surveyor appointed or elected after July 1, 1961, before entering upon his duties shall give bond to the state, approved by the county board, in the sum of \$2,000 conditioned for the faithful discharge of his duties, which bond, with his oath, together with a certified copy of his registration as a land surveyor or his certificate of election shall be filed for record with the county recorder.

**Subd. 4. Residence of surveyor.** Notwithstanding any other provision of law any land surveyor appointed by a board of county commissioners as a county surveyor or any land surveyor designated by the board to perform the duties of county surveyor need not be a resident of the county in which he is appointed as county surveyor or designated to perform the duties of county surveyor. Any county engineer may be elected or appointed county surveyor provided he is registered in Minnesota as a land surveyor.

**History:** 1961 c 379 s 1; 1963 c 693 s 1; 1973 c 524 s 7; 1976 c 181 s 2

**389.013** [Expired]

## **389.02 DEPUTIES; SURVEYS, RECORDS.**

The county surveyor may appoint such deputies as he thinks proper, for the faithful and correct performance of whose duties he shall be responsible. He shall

make all surveys within his county ordered by any court, public board, or officer, or required by any person. He shall keep a fair and correct record of each survey made by himself or deputy, in a book to be provided by the county board, which he shall turn over to his successor in office. He shall number such surveys progressively and preserve a copy of the field notes, which shall be complete and accurate, and calculations of each such survey, with the number thereof properly endorsed thereon, a copy of which, with a fair and accurate plat, together with a certificate of survey, shall be furnished by such surveyor to any person requesting the same.

**History:** *RL s 576 (937)*

### **389.03 COMPENSATION; RECORDS.**

Except as otherwise provided by law, the compensation of county surveyors or their deputies, including their necessary expenses, shall be fixed by the board of county commissioners. All records of surveys shall be public records and open at all reasonable times to inspection by any person. The county board shall, at the expense of the county, provide for the county surveyor all proper and necessary books for keeping such records. Such county record book of survey shall be kept in the office of the county surveyor or of the county recorder of the county, in event an office for the county surveyor is maintained in the court house then such records shall be kept in the office of the county surveyor.

**History:** *RL s 577; 1909 c 303 s 1; 1919 c 480 s 1; 1943 c 296 s 1; 1953 c 416 s 1; 1976 c 181 s 2 (938)*

### **389.04 RULES FOR SURVEYS.**

In all surveys the courses shall be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian shall be expressed on the plat, with the year, month, and day of the survey. In subdividing townships, sections, or parts of sections, as established by the United States survey thereof, and in reestablishing lost government corners, the county surveyor shall follow the rules established by or pursuant to acts of congress, and all such surveys shall be made in strict conformity to the original survey made by the United States.

**History:** *RL s 578 (939)*

### **389.05 PLATS AND FIELD NOTES.**

To enable surveyors to conform to the requirements of this chapter, county boards shall procure and file with the county recorders of their respective counties certified copies of the original plats and field notes of the United States surveys.

**History:** *RL s 579; 1976 c 181 s 2 (940)*

### **389.06 LOST POSTS.**

When a section or quarter section post originally fixed by the United States survey is destroyed, the surveyor shall fix a new post in accordance with the field notes of the United States surveyor, with similar marks to those placed on like posts by such surveyor.

**History:** *RL s 580 (941)*

### **389.08 FILING OF SURVEYS IN CERTAIN COUNTIES.**

In any county in which there is a county surveyor and the surveyor maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section

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375.51 require that any registered land surveyor who shall perform a survey of land for an individual or corporation shall file a true and correct copy of the survey in the office of the county surveyor within 30 days after completion of the survey. The manner of filing, and all incidents thereof, shall be determined by the county surveyor. All surveys so filed shall be public records and shall be available at all reasonable times for inspection by any person.

**History:** 1975 c 112 s 1; 1976 c 113 s 1

## **389.09 APPROVAL OF PLATS AND SURVEYS IN CERTAIN COUNTIES.**

In any county in which there is a county surveyor and the surveyor maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51 require that each subdivision plat or registered land survey plat shall be approved by the county surveyor before recording. The proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county.

**History:** 1976 c 139 s 1