

## CHAPTER 505

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## PLATS

## 505.01 PLATS, DONATIONS.

Plats of land may be made in accordance with the provisions of this chapter, and, when so made and recorded, every donation to the public or any person or corporation noted thereon shall operate to convey the fee of all land so donated, for the uses and purposes named or intended, with the same effect, upon the donor and the donor's heirs, and in favor of the donee, as though such land were conveyed by warranty deed. Land donated for any public use in any municipality shall be held in the corporate name in trust for the purposes set forth or intended.

**History:** (8236) *RL s 3365; 1986 c 444*

## 505.02 SURVEY; CONTENTS OF PLAT; BOUNDARIES.

Subdivision 1. **Plat contents.** The land shall be surveyed and a plat made setting forth and naming all thoroughfares, showing all public grounds, and giving the dimensions of all lots, thoroughfares and public grounds. All in-lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated, all blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another. All outlots shall be designated by alphabetical order beginning with outlot "A" in each plat. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners. The plat shall indicate that all monuments have been set or will be set within one year after recording, or sooner as specified by the approving local governmental unit. A financial guarantee may be required for the placement of monuments. There shall be shown on the plat all survey and mathematical information and data necessary to locate all monuments and to

locate and retrace any and all interior and exterior boundary lines appearing thereon. The outside boundary lines of the plat shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc length for all curves. All distances shall be shown between all monuments as measured to the nearest hundredth of a foot. All lot distances shall be shown on the plat to the nearest hundredth of a foot and all curved lines within the plat shall show central angles, radii and arc distances. If a curved line constitutes the line of more than one lot in any block of a plat, the central angle for that part of each lot on the curved line shall be shown. The width of all thoroughfares shall be shown on the plat. Ditto marks shall not be used on the plat for any purpose. In any instance where a river, stream, creek, lake or pond constitutes a boundary line within or of the plat, a survey line shall be shown with bearings or angles and distances between all angle points and their relation to a water line, and all distances measured on the survey line between lot lines shall be shown, and the survey line shall be shown as a dashed line. The outside boundary lines of the plat shall close by latitude and departure with an error not to exceed one foot in 7,500 feet. All rivers, streams, creeks, lakes, ponds, swamps, and all public highways and thoroughfares laid out, opened, or traveled (existing before the platting) shall be correctly located and plainly shown and designated on the plat. The name and adjacent boundary lines of any adjoining platted lands shall be dotted on the plat.

**Subd. 2. Water lines, elevation, easements.** Any such plat which includes lands abutting upon any lake or stream shall show, for the purpose of information only, a contour line denoting the present shore line, water elevation and the date of survey. The highest known water elevation shall be indicated on the face of the plat by numerical figures if this data is available from the division of waters, soils and minerals of the state department of natural resources or from the United States corps of engineers. All elevations shall be referenced to a durable bench mark described on the plat together with its location and elevation to the nearest hundredth of a foot, which shall be given in mean sea level datum if such bench mark with known sea level datum is available within one-half mile, or such longer distance as may be practicable. The purpose of any easement shown on the plat must be clearly stated, and shall be confined to only those that deal with public utilities, and such drainage easements as deemed necessary for the orderly development of the land encompassed within the plat. Building setbacks or temporary easements shall not be shown on a plat. All easements created or dedicated by such plat must be approved by the governing or jurisdictional body or its agent prior to recording of final plat.

**History:** (8237) *RL s 3366; 1907 c 438 s 1; 1911 c 347 s 1; 1959 c 339 s 1; Ex1959 c 55 s 1; 1967 c 580 s 1; 1967 c 905 s 9; 1969 c 1129 art 3 s 1; 1990 c 396 s 1; 1992 c 493 s 11*

### 505.03 INSTRUMENTS OF DEDICATION; SURVEYOR'S CERTIFICATE.

**Subdivision 1. Plat formalities.** On the plat shall be written an instrument of dedication, which shall be signed and acknowledged by the owner of the land. All signatures on the plat shall be written with black ink (not ball point). The instrument shall contain a full and accurate description of the land platted and set forth what part of the land is dedicated, and also to whom, and for what purpose these parts are dedicated. The surveyor shall certify on the plat that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been or will be correctly placed in the ground as shown or stated, and that the outside boundary lines are correctly designated on the plat. If there are no wet lands or public highways to be designated in accordance with section 505.02, the surveyor shall so state. The certificate shall be sworn to before any officer authorized to administer an oath. The plat shall, except in cities whose charters provide for official supervision of plats by municipal officers or bodies, together with an abstract and certificate of title, be presented for approval to the council of the city or town board of towns wherein there reside over 5,000 people in which the land is located; and, if the land is located

outside the limits of any city, or such town, then to the board of county commissioners of the county in which the land is located.

**Subd. 2. Plat approval; road review.** (a) Any proposed preliminary plat in a city, town, or county, which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented by the city, town, or county to the commissioner of transportation for written comments and recommendations. Preliminary plats in a city or town involving both a trunk highway and a highway under county jurisdiction shall be submitted by the city or town to the county highway engineer as provided in paragraphs (b) and (c) and to the commissioner of transportation. Plats shall be submitted by the city, town, or county to the commissioner of transportation for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat. The commissioner of transportation shall submit the written comments and recommendations to the city, town, or county within 30 days after receipt by the commissioner of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the 30-day period has elapsed.

(b) Any proposed preliminary plat or initial plat filing that includes land located in a city or town bordering an existing or proposed county road, highway, or county state-aid highway that is designated on a map or county highway plan filed in the office of the county recorder or registrar of titles, must be submitted by the city or town to the county engineer within five business days after receipt by the city or town of the preliminary plat or initial plat filing for written comments and recommendations. The county engineer's review shall be limited to factors of county significance in conformance with adopted county guidelines developed through a public hearing or a comprehensive planning process with comment by the cities and towns. The guidelines must provide for development and redevelopment scenarios, allow for variances, and reflect consideration of city or town adopted guidelines.

(c) Within 30 days after county receipt from the city or town of the preliminary plat or initial plat filing, the county engineer shall provide to the city or town written comments stating whether the plat meets county guidelines and describing any modifications necessary to bring the plat into conformity with the county guidelines. No city or town may approve a preliminary plat until it has received the county engineer's written comments and recommendations or until the county engineer's comment period has expired, whichever occurs first. Within ten business days following a city's or town's approval of a preliminary plat, the city or town shall submit to the county board notice of its approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. In the event the city or town does not amend the plat to conform to the recommendations made by the county engineer, representatives from the county and city or town shall meet to discuss the differences and determine whether changes to the plat are appropriate prior to final approval. This requirement shall not extend the time deadlines for preliminary or final approval as required under this section, section 15.99 or 462.358, or any other law, nor shall this requirement prohibit final approval as required by this section.

(d) A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing: (1) the outlet for and means of disposal of surface waters from the proposed platted area, (2) the land use designation or zoning category of the proposed platted area, (3) the locations of ingress and egress to the proposed platted area, and (4) a preliminary site plan for the proposed platted area, with dimensions to scale, authenticated by a registered engineer or land surveyor, showing the existing or proposed state highway, county road, or county highway and all existing and proposed rights-of-way, easements, general lot layouts, and lot dimensions. Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the

plat or the platting of said lands. A city, town, or county shall file with the plat, in the office of the county recorder or registrar of titles, a certificate or other evidence showing submission of the preliminary plat to the commissioner or county highway engineer in compliance with this subdivision.

Subd. 3. **Check, approval, expenses, certification.** The council or board to whom the plat has been presented may, after having notified the proprietor to that effect, employ qualified persons to check and verify the surveys and plat, and to determine the suitability of the plat from the standpoint of community planning, and such persons shall make full reports of their findings. The council or board may require the proprietor to reimburse the city, town or county for the cost of such services; if such services are rendered by a salaried employee of the municipality, the charge therefor may be computed on the basis of such employee's regular hourly, daily, weekly or monthly wages or salary. When the plat has been approved, it shall be so certified to by the city or town clerk or county auditor, as the case may be.

**History:** (8238) *RL s 3367; 1907 c 438 s 2; 1953 c 165 s 1; 1955 c 866 s 1; 1959 c 339 s 2; 1967 c 580 s 2; 1973 c 9 s 1; 1973 c 123 art 5 s 7; 1976 c 166 s 7; 1976 c 181 s 2; 1980 c 533 s 14; 1986 c 444; 1992 c 493 s 12; 2000 c 497 s 2*

#### 505.04 RECORDING.

Every plat, when duly certified, signed, and acknowledged, as provided in section 505.03; and upon presentation of a certificate from the county treasurer that the current year's taxes have been paid, shall be filed and recorded in the office of the county recorder.

**History:** (8240) *RL s 3368; 1907 c 438; 1911 c 347 s 2; 1967 c 580 s 3; 1976 c 181 s 2; 1983 c 222 s 43; 1984 c 655 art 1 s 68*

#### 505.05 CERTAIN STATUTORY CITY PLATS DECLARED OFFICIAL.

In all cases in which numerous plats have been made or recorded between the 15th day of September, A.D. 1887, and the 15th day of January, A.D. 1904, the last plat made and recorded and affecting a particular statutory city is hereby declared to be, and is hereby made, the official plat of the particular statutory city to which it relates.

**History:** (8242) *1913 c 497 s 1; 1973 c 123 art 5 s 7*

#### 505.06 CERTAIN STATUTORY CITY PLATS TO BE RECORDED.

Any statutory city plat which has been heretofore filed in the office of the county recorder of the county in which the statutory city is located, but not recorded, but has been and has remained on file in the office of the county recorder for more than 15 years prior to the passage of this section, shall, upon the request of any property owner whose property is affected by or included in the plat, and upon the payment of legal fees therefor, be recorded by the county recorder; and, to entitle any such plat to be so recorded, it shall not be necessary to have the same approved by the council of such statutory city, nor shall it be necessary to have the certificate of the recorder of such statutory city or the auditor of such county to or upon the plat or to have any certificate upon such plat, not on the same at the time such plat was so filed in the office of the county recorder.

**History:** (8241) *1913 c 325 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1986 c 444*

#### 505.07 CITY WITH NEW NAME MAY CONFORM PLAT NAMES.

The council of any statutory city in this state, the name of which has been changed, is hereby given power and authority to change, in the manner herein specified, the name of any and all plats of real estate located within the corporate limits of such statutory city to conform to the corporate name of such statutory city.

In case the statutory city council determines to change the name of any such plat, it shall adopt a resolution specifying the plat, the name of which is to be changed, and designating the name by which it shall thereafter be known, and a copy of the resolution, duly certified by the clerk or recorder of the statutory city, shall thereupon

be filed for record in the office of the county recorder of each county in which the real estate covered by the plat is located.

After such a resolution has been adopted and a certified copy thereof recorded, the plat referred to therein shall thereafter be known and designated by the name specified in the resolution and all real estate embraced in the plat may thereafter be conveyed by reference to the name of the plat as changed or by reference to the name of the plat before its name was changed as the grantor may prefer.

**History:** (8242-1, 8242-2, 8242-3) 1927 c 31 s 1-3; 1973 c 123 art 5 s 7; 1976 c 181 s 2

### **505.08 PREPARATION OF PLAT; FILING; CERTIFICATION; FEES; PENALTIES.**

**Subdivision. 1. Sizes, sheets, copies.** All plats shall be of either of two standard sizes measuring 20 by 30 or 30 by 40 inches from outer edge to outer edge. A border line shall be placed one-half inch inside the outer edges of the plat on the top, bottom, and right hand side of the plat; a border line shall be placed two inches inside the outer edge on the left hand side of the plat. A north arrow and the scale of the plat shall be shown on the plat, which scale shall be of such dimension that the plat may be easily interpreted. A plat shall consist of one or more sheets, and if more than one sheet, the sheets shall be numbered progressively. Two or more identical copies of each plat shall be prepared in black on white mat surface photographic card stock with double cloth back mounting, or material of equal quality. One plat shall be labeled "Official Plat" and each other copy shall be labeled "copy." One exact transparent reproducible copy shall be prepared, by a reproduction print on linen tracing cloth by a photographic process, or on material of equal quality. Every official plat when duly certified, signed, witnessed, and acknowledged, as provided in section 505.03, shall be filed in the office of the county recorder, together with an exact copy and an exact transparent reproducible copy thereof. When the plat includes both registered and nonregistered land, the official plat, and the exact transparent reproducible copy together with two exact copies shall be filed with the county recorder. The official plat and said transparent reproducible copy shall be placed under the direct supervision of the county recorder and open to inspection only in the presence of the county recorder or the recorder's representative. Upon request of the county auditor of the county wherein the land is situated, the county recorder shall cause a reproduction copy of the official plat, or of the exact reproducible copy, to be made and filed with such county auditor, at the expense of the county.

**Subd. 2. Public certified copies.** The copies of the official plat or of the exact reproducible copy shall be compared and certified to by the county recorder in the manner in which certified copies of records are issued in the recorder's office, and the copy thereof shall be bound in a proper volume for the use of the general public and anyone shall have access to and may inspect such certified copy at their pleasure. When the plat includes both registered and nonregistered land two copies thereof shall be so certified and bound, one for such general public use in each of the offices of the county recorder and registrar of titles; provided, however, that only one such copy so certified and bound shall be provided for general public use in those counties wherein the office quarters of the county recorder and registrar of titles are one and the same. When the copy, or any part thereof, shall become unintelligible from use or wear or otherwise, at the request of the county recorder it shall be the duty of the county surveyor to make a reproduction copy of the official plat, or the exact transparent reproducible copy under the direct supervision of the county recorder, who shall compare the copy, certify that it is a correct copy thereof, by proper certificate as above set forth, and it shall be bound in the volume, and under the page, and in the place of the discarded copy. In counties not having a county surveyor the county recorder shall employ a licensed land surveyor to make such reproduction copy, at the expense of the county. The county recorder shall receive as a fee for filing these plats, as aforesaid described, 50 cents per lot, but shall receive not less than \$30 for any plat filed in the recorder's office. Reproductions from the exact transparent reproducible copy shall be available to any person upon request and the cost of such reproductions shall be paid by the person making such

request. If a copy of the official plat is requested the county recorder shall prepare it and duly certify that it is a copy of the official plat and the cost of such copy shall be paid by the person making such request.

Subd. 2a. **Counties with microfilm.** In counties having microfilm capabilities, a plat may be prepared on sheets of suitable mylar or on linen tracing cloth by photographic process or on material of equal quality. The plat shall be labeled "Official Plat." Notwithstanding any provisions of subdivisions 1 and 2 to the contrary, no other copies of the plat need be filed.

Subd. 3. **Premature reference to plat; forfeiture.** Any person who shall dispose of or lease any land included in a plat by reference to the plat before the same is recorded, shall forfeit to the county \$100 for each lot, or part of a lot, so disposed of or leased; and any official, land surveyor, or person whose duty it is to comply with any of the provisions of this chapter, shall forfeit not less than \$100 for each month during which compliance is delayed. All forfeitures under this chapter shall be recovered in an action brought in the name of the county. Notwithstanding any provisions of this subdivision to the contrary, this subdivision shall not apply to an offer to sell or lease a unit in a proposed common interest community as defined in chapter 515B.

**History:** (8243) 1913 c 101 s 1; 1959 c 339 s 3; 1967 c 580 s 4; 1976 c 6 s 1; 1976 c 181 s 2; 1978 c 499 s 1; 1985 c 281 s 13; 1986 c 444; 1998 c 324 s 9; 1999 c 11 art 3 s 19; 2000 c 497 s 3

#### 505.09 COUNTY BOARD CONTROLS PLATS OUTSIDE MUNICIPALITIES.

Subdivision 1. The county board of any county shall have power to control and regulate the platting of subdivision of land and the laying out of streets and other public ways without the boundaries of municipalities.

Subd. 1a. **Town board preapproval.** The board shall not approve any plat of land lying in a town which has appointed a planning and zoning commission unless the town board approves the plat and the laying of streets and other public ways shown on it. The approval shall be endorsed on the plat and signed by the chair of the town board.

Subd. 2. **Street width, parking places.** The county board may adopt regulations concerning the width of streets and establishment of public parking places with which plats must conform before approval.

**History:** (8243-1) 1929 c 225 s 1; 1947 c 185 s 1; 1949 c 665 s 1; 1986 c 444; 1989 c 9 s 4

#### 505.10 MAJOR STREET PLAN.

In order to exercise the power conferred under sections 505.09 to 505.13, the board of county commissioners shall prepare a comprehensive major street plan of the district involved, which plan shall be designated and adopted as the official major street plan of the areas adjoining the city of ..... Such plan may, from time to time, be amended, extended, or amplified. In the preparation of the major street plan and in the administration of the powers herein conferred, the board of county commissioners may avail itself of the assistance of the city planning commission of the city of the first class adjoining the areas involved.

**History:** (8243-2) 1929 c 225 s 2

#### 505.11 BOARD TO MAKE REGULATIONS.

In exercising the powers herein conferred the board of county commissioners shall adopt regulations governing the platting of subdivision of lands within the areas designated. Such regulations may provide for the reasonable coordination of location and dimension of streets and boulevards and the location of utilities to be contained therein, the minimum width, depth, and area of lots and the distance of the front building line from the streets in residence neighborhoods, the extent of the grading and drainage of streets to be required as a condition precedent to the approval of plats of

subdivisions. No grades shall be established or required by such regulations which would cause a material damage to the land within the area sought to be subdivided.

**History:** (8243-3) 1929 c 225 s 3

#### 505.12 POWERS ADDITIONAL.

The powers herein conferred upon the board of county commissioners shall be construed as an addition to existing powers and not as an amendment to or a repeal thereof and shall be supplemental to and shall not set aside the jurisdiction over plats of subdivisions now exercised by the governing bodies of statutory cities and municipalities located in areas within the scope of sections 505.09 to 505.13; provided, that upon the failure of the governing body of such statutory city or municipality and the board of county commissioners to concurrently approve and adopt a plat of subdivision within 60 days of the time or presentation to each respective authority the approval of the board of county commissioners shall be final. The board of county commissioners may extend the time for concurrent approval with respect to individual plats of subdivisions.

**History:** (8243-4) 1929 c 225 s 4; 1973 c 123 art 5 s 7

#### 505.13 APPLICATION; LIMITATION.

Nothing in sections 505.09 to 505.13 shall amend, repeal, or affect Special Laws 1889, chapter 178.

**History:** (8243-5) 1929 c 225 s 5

#### 505.14 VACATION.

Upon the application of the owner of land included in any plat, and upon proof that all taxes assessed against such land have been paid, and the notice hereinafter provided for given, the district court may vacate or alter all, or any part, of such plat, and adjudge the title to all streets, alleys, and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots or providing access for the public to any public water, shall not be vacated between such lots, blocks, or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. If any part of a street, alley, or public ground proposed for vacation terminates at or abuts upon any public water, the petitioner shall serve notice of the petition by certified mail upon the commissioner of natural resources at least 30 days before the term at which it shall be heard. The notice under this subdivision is for notification purposes only and does not create a right of intervention by the commissioner of natural resources. The petitioner shall cause two weeks published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard; and the petitioner shall also serve personally, or cause to be served personally, notice of such application, at least ten days before the term at which the application shall be heard, upon the mayor of the city, the president of the statutory city, or the chair of the town board of the town where such land is situated. The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the county recorder. The district court shall not vacate or alter any street, alley, or public ground dedicated to the public use in or by any such plat in any city or town organized under a charter or special law which provides a method of procedure for the vacation of streets and public grounds by the municipal authorities of such city or town.

**History:** (8244) RL s 3369; 1909 c 503 s 1; 1917 c 38 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1986 c 444; 1989 c 183 s 7

**505.15 CERTAIN PLATS VALIDATED.**

In all cases where the record owner of real estate in this state has heretofore conveyed the same, or any part thereof, by express reference in the instrument of such conveyance to a plat of such real estate on file in the office of the county recorder in the county in which such real estate is situated, and a plat so referred to in said conveyance is actually of record in such recorder's office at the time when such conveyance is made, such record owner and all persons claiming under such record owner, shall be forever estopped from questioning the validity of such plat, notwithstanding that at the time of the execution and record thereof, title to the premises covered thereby, appears of record to have been in the name of a person other than the person who executed such plat as proprietor of the premises covered thereby, and notwithstanding any irregularity or informality in the execution, acceptance, or record of such plat. In all such cases such plat shall be deemed and taken to be valid, confirmed, and legalized in all respects as if actually executed and recorded by the persons who appear of record to have been the owners of the premises covered thereby at the time of the execution and record thereof.

**History:** (8245) 1905 c 129 s 1; 1976 c 181 s 2

**505.16 APPLICATION.**

Section 505.15 shall apply to all plats heretofore recorded of any townsite and to any addition to any townsite and to any addition to any town or city within the state.

**History:** (8246) 1905 c 129 s 2; 1973 c 123 art 5 s 7

**505.165 CERTAIN PLATS EXECUTED OR FILED BEFORE JANUARY 1, 1915.**

Subdivision 1. **Corrective plat.** That in all cases where the plats, or what purports to be plats, of any portion of the lands contained within any town or city of this state of additions or subdivisions thereof, which have been executed and filed in an office of any county recorder previous to January 1, 1915, fail to identify or correctly describe the land to be so platted or to show correctly upon their face the tract of land intended or purported to be platted thereby, or any such plats are defective by reason of the plat and the description of the land purported to be so platted thereby being inconsistent or incorrect, or there exists a defect in the execution of said plats on the part of the grantors thereof, the governing board or council of the municipality containing land so platted or purported to be so platted may authorize, within six months from the passage of Laws 1947, chapter 48, referring by the record book and page of such plat or plats in the office of the county recorder to the plat or plats to be corrected, the making of one or more plats which shall correctly show on the face thereof and by description of the land intended to be platted, which plat or plats may vary from the original plats in description as to lots and blocks to suit the best purpose and secure the best results, and such plat or plats, in a declaration thereon, shall recite such resolution and shall identify each separate tract of land described therein with such tract of land in the purported plat or plats intended to be corrected thereby, and shall be certified by the proper officers of the municipality as to authorization and by an engineer or surveyor as to correctness, and the signatures of such persons shall be acknowledged in like manner as a deed.

Subd. 2. **Recording; prima facie evidence.** Such plat or plats when so certified and acknowledged may be filed in the office of the county recorder and the declaration therein may be recorded at length in a "Book of Plat Certificates"; and when so filed and recorded such plat or plats and declaration together with the record thereof shall be prima facie evidence in all matters shown or stated therein as to the lands covered thereby.

Subd. 3. **Limitation on application.** This section shall not apply to a city whose charter provides for official supervision of plats by municipal officers, commission or board.

**History:** 1947 c 48 s 1-3; 1973 c 123 art 5 s 7; 1976 c 181 s 2



**505.17 CERTAIN PLATS AND CERTIFICATES PRIMA FACIE EVIDENCE.**

All certificates heretofore made and recorded under the provisions of Laws 1891, chapter 25, the same being "An act relative to plats of towns and cities in this state and of additions to, and subdivisions thereof and the correction and legalization of the same," or the record of such certificates, together with the plats to which they respectively refer, shall be prima facie evidence in all cases as to the lands covered by these plats.

**History:** (8246-1) 1907 c 53 s 1

**505.173 CORRECTION OF PLATS.**

Subdivision 1. **Certain defects.** In all cases where the plats, or what purports to be plats, of any portion of the lands contained within any additions to or subdivisions of any town or city, situated in any county having less than 15 full and fractional congressional townships, having less than 15,000 inhabitants according to the 1940 federal census, and having an assessed value of more than \$7,500,000 and less than \$8,500,000, exclusive of money and credits which have been executed and filed in an office of any county recorder previous to January 1, 1915, (1) fail to identify or correctly describe the land to be so platted or to show correctly upon their face the tract of land intended or purported to be platted thereby, or (2) are defective by reason of the plat and the description of the land purported to be so platted thereby being inconsistent or incorrect, or (3) there exists a defect in the execution of said plats on the part of the grantors thereof, the governing board or council of the municipality containing land so platted or purported to be so platted may authorize, within two years from April 21, 1951, referring by the record book and page of such plat or plats in the office of the county recorder to the plat or plats to be corrected, the making of one or more plats which shall correctly show on the face thereof and by description of the land intended to be platted, which plat or plats may vary from the original plats in description as to lots and blocks to suit the best purpose and secure the best results. Such plat or plats, in a declaration thereon, shall recite such resolution and shall identify each separate tract of land described therein with such tract of land in the purported plat or plats intended to be corrected thereby, and shall be certified by the proper officers of the municipality as to authorization and by an engineer or surveyor as to correctness, and the signatures of such persons shall be acknowledged in like manner as a deed.

Subd. 2. **Corrected plat to be prima facie evidence.** Such plat or plats when so certified and acknowledged may be filed in the office of the county recorder and the declaration therein may be recorded at length in a "Book of Plat Certificates"; and when so filed and recorded such plat or plats and declaration together with the record thereof shall be prima facie evidence in all matters shown or stated therein as to the lands covered thereby.

Subd. 3. **Application to certain cities.** This section shall not apply to a city whose charter provides for official supervision of plats by municipal officers, commission or board.

**History:** 1949 c 557 s 1; 1951 c 597 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1990 c 480 art 9 s 24

**505.174 SURVEYOR'S CERTIFICATE OF OWN PLAT ERROR; CORRECTION.**

In any case where a land plat or subdivision, or what purports to be a land plat or subdivision, has been executed and filed in the office of the county recorder of the county where the land is situated, which fails to identify or correctly describe the land to be so platted or subdivided, or to show correctly upon its face the tract of land intended or purported to be platted or subdivided thereby or is defective by reason of the plat or subdivision and the description of the land purported to be so platted or subdivided thereby being inconsistent or incorrect, the registered surveyor who prepared such plat or subdivision may execute a certificate stating the nature of the error, omission or defect and stating the correct information to correct such error, supply

such omission or cure such defect, referring, by correct book and page, to such plat or subdivision and designating its name, if there is a name. Such certificate shall be dated and signed by such registered surveyor.

**History:** 1955 c 472 s 1; 1976 c 181 s 2

#### **505.175 CERTIFICATES BY OTHER SURVEYORS.**

Whenever the registered surveyor who prepared such plat or subdivision shall not be available, or whenever such plat or subdivision shall not have been prepared by a registered surveyor, such certificate may be executed by any registered surveyor, but shall state the reason why the registered surveyor who prepared the plat or subdivision is not available, or, if the plat or subdivision was not prepared by a registered surveyor, shall state that fact.

**History:** 1955 c 472 s 2

#### **505.176 APPROVAL OF CERTIFICATES; FILING AND RECORDING.**

When the certificate has been approved by the governing body of the area involved and a certificate stating that said plat certificate has been approved by the governing body signed by the clerk of said body is attached to said plat certificate, the county recorder of the county in which the land so platted or subdivided is located shall accept each such certificate for filing and recording in the recorder's office upon payment of a fee therefor commensurate with the length of the certificate. Neither witnesses nor an acknowledgment shall be required on any such certificate, but it shall be signed by the registered surveyor and shall state following the signature that the surveyor is a registered surveyor in the state of Minnesota. The county recorder shall make suitable notations on the record of the plat or subdivision to which such certificate refers to direct the attention of anyone examining such plat or subdivision to the record of such certificate.

**History:** 1955 c 472 s 3; 1976 c 181 s 2; 1986 c 444

#### **505.177 CERTIFICATE AS PRIMA FACIE EVIDENCE.**

A certificate filed pursuant to sections 505.174 to 505.177 shall be prima facie evidence of the statements appearing therein and shall be received in evidence for that purpose. No such certificate shall have the effect of destroying or changing vested rights acquired based upon an existing plat or subdivision despite errors or defects therein or omissions therefrom.

**History:** 1955 c 472 s 4

#### **505.178 VALIDATION OF CERTAIN PLATS.**

Subdivision 1. **Court order to record.** The county board, county recorder, county treasurer, county attorney or county auditor, or any person having an interest in a parcel of land lying within an area appearing on a plat which is on file in the office of the county recorder, but which is not officially recorded, or a plat which is missing from the records of the county recorder, may petition the district court of the county for an order providing for the recording of such plat.

Subd. 2. **Elements of proof.** If the court finds from the evidence adduced:

(1) That such plat was filed with the county recorder more than 40 years prior to May 23, 1965;

(2) That in the case of a missing plat, the county recorder has made a diligent search for such missing plat but has been unable to find it; and

(3) That the plat proposed as a replacement of the missing plat is a true and correct reproduction of the missing plat; or

That the plat other than a missing plat has been on file in the office of the county recorder for more than 40 years prior to May 23, 1965, but was not officially recorded, the court shall make its findings and order accordingly and direct the court administra-

tor to certify upon the said plat that it is entitled to record in the office of the county recorder pursuant to the provisions of this statute.

**History:** 1965 c 640 s 1; 1976 c 181 s 2; 1980 c 509 s 175; 1Sp1986 c 3 art 1 s 82

#### 505.179 USE OF PLAT.

A plat so certified pursuant to order of the court shall be entitled to record and may be used for any purpose in like manner as a plat qualified under section 505.177.

**History:** 1965 c 640 s 2

#### 505.1791 FEES.

Any fees incurred in executing the provisions of sections 505.178 to 505.1791 shall be paid by the county if the county officer involved receives fees instead of a fixed salary paid by the county, and if the county officer involved is paid a fixed salary, no such fees shall be charged.

**History:** 1965 c 640 s 3

#### 505.1792 STREETS, ROADS, HIGHWAYS AND RIGHTS-OF-WAY.

Subdivision 1. **Informal; for information.** In order to give supplemental information to the public as to the location of streets, county roads, county state-aid highways, town roads, and other transportation corridors, and the right-of-way thereof, the governing body of any city, town, or county may file for record in the office of the county recorder and the registrar of titles of said county such maps or plats showing such information as the governing body shall determine necessary. The map or plat shall be subscribed by the mayor or chair of the governing body and the county surveyor, together with a certified copy of the resolution of the governing body setting forth the necessity for said plat, and shall be entitled to record without compliance with the provisions of this chapter. Any amendments, alterations, or vacations of such maps or plats so filed may be entitled to record in like manner.

Subd. 2. **Requirements.** Said plats shall be uniform in size measuring 20 by 30 inches from outer edge to outer edge. A border line shall be placed one-half inch inside the outer edges of the plat or map on the top, bottom, and right hand side; a border line shall be placed two inches inside the outer edge on the left hand side. A north arrow and scale of the plat shall be shown on the plat which scale shall be of such dimension that the plat may be easily interpreted. The plat may consist of more than one sheet but if more than one sheet, they shall be numbered progressively and match lines of the right-of-way shall be indicated on each sheet. An official and one or more identical copies of each plat shall be prepared in black on white mat photographic card stock with double cloth back mounting or material of equal quality. One exact reproducible copy of the official plat shall be prepared on linen tracing cloth by a photographic process or on material of equal quality. The plat on white card stock shall be labeled "Official Plat" and the reproducible copy shall be labeled "Reproducible Copy of Official Plat". The reproducible copy shall be compared with the official plat and certified to by the county recorder in the manner in which certified copies of records are issued in the recorder's office, and the copies shall be bound in a proper volume for the use of the general public. The official plat may be inspected by any member of the public but only in the presence of the county recorder or the registrar of titles or a deputy. Any member of the public may have made a copy of the official plat by paying to the proper officer the cost of reproduction together with a fee of 50 cents for certification by the filing officer. Reproductions from the exact transparent reproducible copy shall be available to any person upon request and the cost of such reproductions shall be paid by the person making such request. If the abutting property is abstract property the plat shall be filed with the county recorder; if registered property, with the registrar of titles; if both registered and nonregistered property, then with both the county recorder and the registrar of titles, and when so filed with the registrar of titles, the registrar shall enter a reference to said plat as a memorial on all

certificates of title of registered lands which abut the right-of-way shown on the map or plat filed.

In counties having microfilming capabilities, a plat may be prepared on sheets of suitable mylar or on linen tracing cloth by photographic process or on material of equal quality. The plat shall be labeled "Official Plat." Notwithstanding any other provisions of this subdivision to the contrary, no other copies of the plat need to be filed.

**Subd. 3. When street plat prohibited.** A city or town may not file a street plat for any street that is a county road or state highway, or carried designation as a county road or state highway at the time the plat is offered for filing.

**Subd. 4. Not a title transfer.** Maps or plats filed for record under this section shall not operate of themselves to transfer title to the property described but such maps or plats shall be for descriptive purposes and shall be notice that the municipality claims an interest in said lands.

**History:** *Ex 1967 c 58 s 1; 1969 c 220 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1978 c 499 s 2; 1986 c 444; 1989 c 269 s 49*

### 505.1793 PROPOSED LOCAL RIGHT-OF-WAY ACQUISITIONS; FILING.

**Subdivision 1. Filing and recording.** To facilitate the acquisition of right-of-way required for public transportation and public utility and drainage easements, the governing body of a statutory or home rule charter city or town may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the governing body determines necessary. The map or plat must show by outline all tracts and parcels of land affected by the proposed acquisition. The map or plat must be subscribed by the mayor or chair of the governing body and prepared and certified by a licensed land surveyor. The certified map or plat is entitled to record without compliance with chapter 505.

**Subd. 2. Changes in maps or plats.** Amendments, alterations, rescissions, or vacations of orders, resolutions, maps, or plats so filed are entitled to record in the same manner. The recorder or registrar may make suitable notations on the appropriate map or plat affected by an amendment, alteration, rescission, or vacation to direct the attention of anyone examining the record to the proper map or plat.

**Subd. 3. Errors; correcting certificate.** If an error on a map or plat incorrectly defines the intended acquisition, but does not affect rights of interests to be acquired, a certificate may be prepared stating what the defect is, what the correct information is, and which map or plat the certificate affects. The certificate must be signed by a licensed land surveyor and subscribed by the mayor or chair of the governing body. The certificate must be filed for record in the office of the county recorder or registrar of titles in the county where the map or plat is filed. When filed, the certificate amends the map or plat. The recorder or registrar may make suitable notations on the map or plat to which the certificate refers to direct the attention of anyone examining the map or plat to the record of the certificate.

**Subd. 4. No effect on title.** Maps or plats filed for record under this section do not operate of themselves to transfer title to the property described and designated by appropriate parcel number, but the maps or plats are to be used for delineation purposes.

**Subd. 5. Description by reference.** Land acquisition by the governing body for public transportation and public utility and drainage easements by instrument of conveyance or by eminent domain proceedings may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the acquisition.

**History:** *1990 c 420 s 1; 1998 c 324 s 9*

## COORDINATES

**505.18 MINNESOTA COORDINATE SYSTEM.**

The system of plane coordinates which has been established by the National Ocean Survey/National Geodetic Survey, formerly the United States Coast and Geodetic Survey or its successors, for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Minnesota is hereafter to be known and designated as the "Minnesota Coordinate System of 1927 and the Minnesota Coordinate System of 1983."

For the purpose of the use of this system the state is divided into a "North Zone," a "Central Zone," and a "South Zone."

The area now included in the following counties shall constitute the North Zone: Beltrami, Clearwater, Cook, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomon, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and Saint Louis.

The area now included in the following counties shall constitute the Central Zone: Aitkin, Becker, Benton, Carlton, Cass, Chisago, Clay, Crow Wing, Douglas, Grant, Hubbard, Isanti, Kanabec, Mille Lacs, Morrison, Otter Tail, Pine, Pope, Stearns, Stevens, Todd, Traverse, Wadena, and Wilkin.

The area now included in the following counties shall constitute the South Zone: Anoka, Big Stone, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Jackson, Kandiyohi, Lac qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sherburne, Sibley, Steele, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, and Yellow Medicine.

*History: 1945 c 165 s 1; 1985 c 299 s 32*

**505.19 ZONES; LAND DESCRIPTIONS.**

As established for use in the North Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, North Zone or the Minnesota Coordinate System of 1983, North Zone."

As established for use in the Central Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, Central Zone or the Minnesota Coordinate System of 1983, Central Zone."

As established for use in the South Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, South Zone or the Minnesota Coordinate System of 1983, South Zone."

*History: 1945 c 165 s 2; 1985 c 299 s 33*

**505.20 X- AND Y-COORDINATES.**

The plane coordinate values for a point on the earth's surface, to be used to express the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in U.S. Survey feet and decimals of a foot when using the Minnesota Coordinate System of 1927 and expressed in meters and decimals of a meter when using the Minnesota Coordinate System of 1983. One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented horizontal control stations of the North American Horizontal Geodetic Control Network as published by the National Ocean Survey/National Geodetic Survey (NOS/NGS) or its successors and whose plane coordinates have been computed on the systems defined in this chapter.

The station may be used for establishing a survey connection to either Minnesota Coordinate System, 1927 or 1983.

**History:** 1945 c 165 s 3; 1985 c 299 s 34

### 505.21 REFERENCE TO ZONES.

When any tract of land to be defined by a single description extends from one into another of the above coordinate zones, the positions of all points on its boundaries may be referred to either of the two zones, the zone which is used being specifically named in the description.

**History:** 1945 c 165 s 4

### 505.22 MINNESOTA COORDINATE SYSTEMS DEFINED.

(a) For purposes of more precisely defining the Minnesota Coordinate System of 1927, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

The Minnesota Coordinate System of 1927, North Zone, is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 47 degrees 02 minutes and 48 degrees 38 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 93 degrees 06 minutes west of Greenwich and the parallel 46 degrees 30 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

The Minnesota Coordinate System of 1927, Central Zone, is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 45 degrees 37 minutes and 47 degrees 03 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 15 minutes west of Greenwich and the parallel 45 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

The Minnesota Coordinate System of 1927, South Zone, is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 43 degrees 47 minutes and 45 degrees 13 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 00 minutes west of Greenwich with the parallel 43 degrees 00 minutes north latitude, such origin being given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

(b) For purposes of more precisely defining the Minnesota Coordinate System of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

The Minnesota Coordinate System of 1983, North Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at north latitudes 47 degrees 02 minutes and 48 degrees 38 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 93 degrees 06 minutes west of Greenwich with the parallel 46 degrees 30 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

The Minnesota Coordinate System of 1983, Central Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at north latitudes 45 degrees 37 minutes and 47 degrees 03 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 15 minutes west of Greenwich with the parallel 45 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

The Minnesota Coordinate System of 1983, South Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at North latitudes 43 degrees 47 minutes and 45 degrees 13 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection

of the meridian 94 degrees 00 minutes west of Greenwich with the parallel 43 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

**History:** 1945 c 165 s 5; 1985 c 299 s 35

#### **505.23 WHERE COORDINATES RECORDED.**

No coordinates based on the Minnesota Coordinate System, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless such point is within one-half mile of a horizontal control station established in conformity with the standards prescribed in section 505.20; provided that said one-half mile limitation may be modified by a duly authorized state agency to meet local conditions.

**History:** 1945 c 165 s 6; 1985 c 299 s 36

#### **505.24 LIMITATION OF USE.**

The use of the term "Minnesota Coordinate System of 1927, North, Central, or South Zone or Minnesota Coordinate System of 1983, North, Central, or South Zone" on any map, report of survey, or other document, shall be limited to coordinates based on the Minnesota Coordinate System as defined in this chapter.

**History:** 1945 c 165 s 7; 1985 c 299 s 37

#### **505.25 WHEN USE OF COORDINATES SUPPLEMENTAL.**

Whenever coordinates based on the Minnesota Coordinate System are used to describe any tract of land which in the same document is also described by reference to any subdivision, line, or corner of the United States public land surveys, the description by coordinates shall be construed as supplemental to the basic description of such subdivision, line, or corner contained in the official plats and field notes filed of record, and in the event of any conflict the description by reference to the subdivision, line, or corner of the United States public land surveys shall prevail over the description by coordinates.

**History:** 1945 c 165 s 8

#### **505.26 DESCRIPTION NOT EXCLUSIVE.**

Nothing contained in sections 505.18 to 505.26 shall require any purchaser or mortgagee to rely on a description, any part of which depends exclusively upon the Minnesota coordinate system.

**History:** 1945 c 165 s 9

#### **505.27 [Renumbered 505.173]**

#### **505.28 LAST USE OF 1927 COORDINATE SYSTEM.**

The Minnesota coordinate system of 1927 must not be used after December 31, 1992. The Minnesota coordinate system of 1983 is the sole coordinate system that may be used after that date.

**History:** 1985 c 299 s 38

### **SURVEYS**

#### **505.31 ENTRY UPON LAND; NOTICE.**

It is lawful for any surveyor to enter upon any land for the purpose of locating existing survey or reference monuments or landmarks, provided, however, such surveyor shall be responsible to the landowner for any and all damages as a result of such entry, and no surveyor may enter upon any land unless first notifying the owner or occupant of the intended entry for such purpose.

**History:** 1959 c 322 s 1; 1986 c 444

**505.32 SURVEYOR'S NUMBER ON NEW EVIDENCE; OLD EVIDENCE TO BE LEFT.**

Any monuments or permanent evidence of the survey shall have inscribed thereon the registration number of the land surveyor making the survey and no previously existing survey or reference monuments or landmarks evidencing property lines or corner posts shall be removed or destroyed by the surveyor of such new survey.

**History:** 1959 c 322 s 2; 1967 c 580 s 5

**MONUMENTS; PENALTY**

**505.33 VIOLATIONS; PENALTY.**

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

**History:** 1990 c 396 s 2