

Introduced: 4/29/83
Referred: Resources

1 IN THE HOUSE

BY KOPONEN

2

HOUSE BILL NO. 387

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to land surveys."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 34 is amended by adding a new chapter to read:

9

CHAPTER 65. LAND SURVEYS.

10 Sec. 34.65.010. PURPOSE. The purpose of this chapter is to
11 provide a method for preserving evidence of land surveys by providing
12 for the filing of monument records. The provisions of this chapter
13 are supplementary to laws relating to platting and subdivision sur-
14 veys.

15 Sec. 34.65.020. FILING OF MONUMENT RECORD BY LAND SURVEYOR. (a)
16 A land surveyor who conducts a survey that uses a monument as a con-
17 trol corner shall file with the commissioner a monument record de-
18 scribing the monument unless the monument and its accessories are
19 substantially as described in a monument record filed within the three
20 years before the initiation of the survey under this chapter or in a
21 subdivision survey approved by a municipal platting board.

22 (b) A land surveyor who at any time establishes a monument or
23 reestablishes, restores, or rehabilitates a monument to make it read-
24 ily identifiable or reasonably durable shall file a monument record
25 with the commissioner.

26 (c) A land surveyor required to file a monument record under
27 this section shall file the record within 90 days of the completion of
28 the survey or of the establishment, reestablishment, restoration, or
29 rehabilitation of a monument.

1 (d) A monument record shall be filed with the commissioner for
2 each control corner before a monument is removed or disturbed in
3 construction. The person responsible for the construction project has
4 the responsibility for filing the monument record.

5 (e) A monument shall be described in terms of three or more
6 accessories and shall be certified, signed, and sealed by the land
7 surveyor responsible for the survey.

8 Sec. 34.65.030. WHEN MONUMENT RECORD NOT REQUIRED TO BE FILED.
9 A monument is not required to be filed with the commissioner when a
10 plat is in preparation for recording or has been recorded as a subdivi-
11 sion survey approved by a state or municipal platting authority.

12 Sec. 34.65.040. DUTIES OF COMMISSIONER. (a) The commissioner
13 may adopt regulations to implement this chapter.

14 (b) The commissioner may not collect a fee for filing a monument
15 record. The commissioner may charge a fee for the reproduction of a
16 monument record.

17 (c) The commissioner shall provide a copy of a monument record
18 filed under AS 34.65.020 to the municipal clerk or recorder with
19 responsibility for the area of the state in which the monument is
20 located.

21 Sec. 34.65.050. DUTIES OF MUNICIPAL CLERK OR RECORDER. Each
22 municipal clerk and recorder shall maintain a file which is open to
23 the public of the monument records provided by the commissioner under
24 AS 34.65.040(c).

25 Sec. 34.65.060. CIVIL PENALTIES. A person who wilfully or
26 knowingly removes or disturbs a monument without complying with
27 AS 34.65.020 is subject to a civil penalty of not more than \$10 a day
28 for each day the delinquency continues after the time the monument
29 record is required to be filed as determined by the commissioner

1 subject to right of appeal to the superior court. An affidavit stat-
2 ing facts in mitigation may be submitted to the commissioner by a
3 person against whom a civil penalty is assessed.

4 Sec. 34.65.100. DEFINITIONS. In this chapter,

5 (1) "accessory" means physical evidence in the vicinity of
6 a survey monument that is used to perpetuate the location of the
7 monument;

8 (2) "Alaska state land survey monument" means a monument
9 that is permanent in nature, that may be used to control the reloca-
10 tion of a lost corner, and that is established in a cadastral survey
11 completed under the direction of the commissioner;

12 (3) "aliquot corner" means a corner established under
13 established principles of land surveying by or under the supervision
14 of a land surveyor;

15 (4) "bench mark" means a relatively immovable point that
16 has a known elevation above or below sea level;

17 (5) "commissioner" means the commissioner of natural re-
18 sources;

19 (6) "control corner" means a monument whose position con-
20 trols the location of the boundaries of a parcel of land;

21 (7) "land surveyor" means a professional land surveyor
22 licensed under AS 08.48;

23 (8) "monument" means

24 (A) a public land survey monument;

25 (B) an Alaska state land survey monument;

26 (C) an aliquot corner monument from a section corner
27 through the 1/16th corner;

28 (D) primary monuments within a legal subdivision;

29 (E) a United States Geological Survey monument;

1 (F) a United States Corps of Engineers monument;
2 (G) a United States National Ocean Survey monument;
3 (H) a monument established by a predecessor of or
4 successor to an agency described in this subsection; or
5 (I) a monument established under AS 34.65.020(b);
6 (9) "monument record" means a written and illustrated
7 document describing a monument or a bench mark and their accessories;
8 (10) "public land survey monument"
9 (A) means a monument established in a cadastral survey
10 by the Bureau of Land Management;
11 (B) includes a monument established by the United
12 States mineral surveyor and made a part of the public land re-
13 cords of the Bureau of Land Management.