

Offered: 4/30/85
Referred: Rules

Original sponsors: Koponen, Sund,
Navarre, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 170 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to land surveys; and providing for
7 an effective date."

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

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

10

CHAPTER 65. LAND SURVEYS.

11

Sec. 34.65.010. PURPOSE. The purpose of this chapter is to
12 authorize right of entry on land for survey purposes, and to provide a
13 method for preserving evidence of land surveys by filing records of
14 survey and monument records. The provisions of this chapter supple-
15 ment laws relating to land survey platting and subdivision surveys.

16

Sec. 34.65.020. ENTRY UPON LAND FOR SURVEY PURPOSES. (a) A
17 land surveyor or an employee of a land surveyor may enter public or
18 private land or water in the state only to occupy, locate, relocate,
19 install, or replace survey monuments, to locate boundaries, determine
20 geodetic positions, and to make surveys and maps.

21

(b) The land surveyor shall give reasonable notice to the owner
22 or occupant of the land of an intent to enter private land for survey
23 purposes. The notice shall indicate the anticipated date of the entry
24 for survey purposes.

25

(c) Notice under (b) of this section is not required for a
26 survey along previously surveyed boundaries within a platted
27 subdivision accepted or recorded by the federal government or approved
28 under AS 29.33.160 or AS 40.15.010.

29

(d) A land surveyor or an employee of a land surveyor who

1 complies with the notice requirements of (b) of this section is liable
2 to the landowner only for actual damages.

3 (e) The attorney general may bring an action in the name of the
4 state to restrain and prevent the obstruction of entry under (a) of
5 this section.

6 Sec. 34.65.030. RECORDS OF SURVEY. After making a survey in
7 conformity with the practice and definition of land surveying, a land
8 surveyor shall file with the district recorder a record of the survey
9 within 90 days if the survey discloses

10 (1) material evidence or physical change that in whole or
11 in part does not appear on a plat of record previously filed in the
12 office of the district recorder or in the records of the Bureau of
13 Land Management;

14 (2) a material discrepancy with a plat of record previously
15 filed in the office of the district recorder or in the records of the
16 Bureau of Land Management; or

17 (3) evidence that by reasonable analysis might result in
18 alternate positions of boundaries from those of record.

19 Sec. 34.65.040. RECORDS OF MONUMENT. (a) A land surveyor who
20 in the course of a survey establishes, reestablishes, uses as control,
21 or restores a monument to make it readily identifiable or reasonably
22 durable shall file a monument record, unless the monument and its
23 accessories are substantially as described in a monument record filed
24 under this chapter or on a survey plat of record.

25 (b) An agency whose activities will disturb or destroy a monu-
26 ment or its accessories shall have a land surveyor

27 (1) file a monument record before the monument or its
28 accessories are disturbed or destroyed;

29 (2) restore or replace the monument and its accessories

1 after the activities have ceased; and

2 (3) file a new monument record after restoring or replacing
3 the monument or its accessories.

4 (c) A person who disturbs or destroys a monument shall file a
5 notice of the disturbance or destruction in the office of the district
6 recorder.

7 (d) A land surveyor may file a monument record for any monument.

8 (e) A land surveyor who is required to file a monument record
9 under this section shall do so within 90 days of the completion of the
10 survey or of the establishment, reestablishment, or rehabilitation of
11 a monument.

12 (f) A monument record shall be signed and sealed by the land
13 surveyor responsible for the survey.

14 Sec. 34.65.050. WHEN RECORD OF SURVEY IS NOT REQUIRED. A record
15 of survey is not required for a survey

16 (1) made by the Bureau of Land Management;

17 (2) when a plat of the survey has been filed or will be
18 filed within 18 months after the field survey is completed.

19 Sec. 34.65.060. DUTIES OF THE COMMISSIONER. (a) The commis-
20 sioner shall adopt regulations to implement this chapter.

21 (b) The commissioner shall provide a standard form for a monu-
22 ment record.

23 Sec. 34.65.070. DUTIES OF THE DISTRICT RECORDER. (a) The
24 district recorder shall provide a copy of a monument record or a copy
25 of a record of survey to the municipal clerk for the municipality in
26 which the monument or survey is located.

27 (b) The district recorder shall keep a proper index of monument
28 records and records of survey by the survey name, tract designation,
29 subdivision designation, or United States public land designation.

1 Sec. 34.65.100. DEFINITIONS. In this chapter

2 (1) "accessory" means physical evidence adjacent to a
3 monument used for the future identification and restoration of a
4 monument;

5 (2) "commissioner" means the commissioner of natural re-
6 sources;

7 (3) "land surveyor" means a professional land surveyor
8 licensed under AS 08.48;

9 (4) "monument" means

10 (A) a United States public land survey monument;

11 (B) an Alaska state land survey primary monument;

12 (C) an exterior primary monument controlling a re-
13 corded survey;

14 (D) a geodetic control monument established by a state
15 or federal agency;

16 (5) "United States public land survey monument"

17 (A) means a survey monument established in a cadastral
18 survey by the Bureau of Land Management or its predecessor;

19 (B) includes a monument in a United States special
20 survey and United States mineral survey that is a part of the
21 public land records of the Bureau of Land Management.

22 * Sec. 2. This Act takes effect July 1, 1985.