

Introduced: 2/5/85
Referred: Resources
and Finance

BY FAHRENKAMP
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 135

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 certain survey purposes, and to
13 provide a method for preserving evidence of land surveys by filing
14 records of survey and monument records.

15 Sec. 34.65.020. ENTRY UPON LAND BY PROFESSIONAL LAND SURVEYORS.

16 (a) After giving notice, a land surveyor or an employee of a land
17 surveyor may enter public or private land or water in the state only
18 to occupy, locate, relocate, install, or replace survey monuments in
19 the process of locating real estate boundaries and determining geo-
20 detic positions.

21 (b) This section does not permit entry on public or private land
22 or water to perform an engineering, design, or topographic survey.

23 (c) This section does not authorize any unnecessary interference
24 with private rights.

25 (d) A land surveyor or an employee of a land surveyor is liable
26 to the landowner only for actual damages.

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

1 (f) As used in this section, "notice" means written notice of
2 the time and date of entry to

3 (1) the landowner of record postmarked not later than 72
4 hours before entry; and

5 (2) an occupant of the land at any time before entry.

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 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) A person or agency whose activities will disturb or destroy
26 a monument 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 land surveyor may file a monument record for any monument.

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

9 (e) A monument record shall be signed and sealed by the land
10 surveyor responsible for the survey.

11 Sec. 34.65.050. WHEN RECORD OF SURVEY IS NOT REQUIRED. A record
12 of survey is not required when a plat of the survey has been filed or
13 will be filed within 18 months after the field survey is completed.

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

16 (b) The commissioner shall provide a standard form for a
17 monument record.

18 Sec. 34.65.070. DUTIES OF THE DISTRICT RECORDER. (a) Upon
19 request the district recorder shall provide a copy of a monument
20 record or a copy of a record of survey to the municipal clerk for the
21 municipality in which the monument or survey is located.

22 (b) The district recorder shall keep a proper index of monument
23 records and records of survey.

24 (c) The commissioner may establish a fee for services provided
25 by a district recorder under this section.

26 Sec. 34.65.100. DEFINITIONS. In this chapter

27 (1) "accessory" means physical evidence adjacent to a
28 monument used for the future identification and restoration of a
29 monument;

- 1 (2) "commissioner" means the commissioner of natural re-
2 sources;
3 (3) "land surveyor" means a professional land surveyor
4 licensed under AS 08.48;
5 (4) "monument" means
6 (A) a United States public land survey monument;
7 (B) an Alaska state land survey primary monument;
8 (C) an exterior primary monument controlling a re-
9 corded survey;
10 (5) "United States public land survey monument"
11 (A) means a survey monument established in a cadastral
12 survey by the Bureau of Land Management or its predecessor;
13 (B) includes a monument in a United States special
14 survey and United States mineral survey that is a part of the
15 public land records of the Bureau of Land Management.
16 * Sec. 2. This Act takes effect July 1, 1985.