

HOUSE BILL REPORT

SSB 5557

*As Reported By House Committee on:
Local Government*

Title: An act relating to recording of surveys.

Brief Description: Modifying requirements for recording of surveys.

Sponsor(s): By Senate Committee on Governmental Operations (originally sponsored by Senators Nelson and Sutherland).

Brief History:

Reported by House Committee on:
Local Government, February 28, 1992, DPA.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass as amended.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The Survey Recording Act of 1973 requires a survey to be recorded with the county auditor if it establishes or reestablishes a corner on the boundary of two or more ownerships, or if it establishes or reestablishes a general land office corner. In addition, a record of the monuments and accessories must be recorded with the county auditor whenever a surveyor replaces or restores an existing or obliterated general land office corner while conducting preliminary surveys or other work.

The following surveys are not required to be recorded, unless an existing or obliterated general land office corner is replaced or restored:

- (1) A survey that is made by a public officer in his official capacity if a copy is filed with the county engineer;
- (2) A survey by the United States Bureau of Land Management;

- (3) A preliminary survey; and
- (4) A map is in preparation for recording or has been recorded under the Subdivision and Platting Act requirements.

Summary of Amended Bill: A survey is not required to be filed with the auditor if:

- (1) It is a retracement or resurvey of the boundaries of platted lots shown on a filed or recorded subdivision or short subdivision plat that has been surveyed and in which monuments have been set to mark all corners of the block or street centerline intersections; and
- (2) No discrepancy is found as compared to the recorded information or revealed on other subsequent public survey map records.

If a discrepancy is found, the discrepancy must be clearly shown on the face of the required new record of the survey.

A "discrepancy" is defined as:

- (1) A nonexisting or displaced monument that defines the parcel if the monument has not been previously revealed in the public record;
- (2) A departure from proportionate measure solutions which has not been revealed in the public record;
- (3) The presence of any physical evidence of encroachment or overlap by occupation or improvement; or
- (4) Differences between the survey and any existing public record plats or maps of 0.5 feet or more.

The Department of Natural Resources may adopt rules to require the filing of additional surveys by restricting the definition of what constitutes a discrepancy.

Amended Bill Compared to Substitute Bill: The ability of the Department of Natural Resources to restrict the definition of a discrepancy was added. It is clarified that a resurvey of a subdivision plat that is not required to be filed must be of a subdivision that has been surveyed, as well as one where no discrepancy is found.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: A recent attorney general's opinion ruled that all surveys must be filed, even when no material discrepancy exists between the survey and other surveys or documents that are public. We need to define what constitutes a material discrepancy. Considerable added costs arise when surveys are filed.

Testimony Against: The public benefits from all surveys being filed, no matter how slight any variation is. A record trail of data should be public.

Witnesses: (Pro - original): Nancee Wildermuth, Architects and Engineers; and Jon Warren, LSAW. (Con - original): Monte Monteith, Clark County; and David Hills, citizen.