

FINAL BILL REPORT

SSB 5557

PARTIAL VETO

C 106 L 92

SYNOPSIS AS ENACTED

Brief Description: Modifying requirements for recording of surveys.

SPONSORS: Senate Committee on Governmental Operations (originally sponsored by Senators Nelson and Sutherland)

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

HOUSE COMMITTEE ON LOCAL GOVERNMENT

BACKGROUND:

In order to assure public access to current land survey information, the Survey Recording Act of 1973 mandates the recording of any survey which establishes or reestablishes a corner on the boundary of two or more ownerships or general land office corner. A record of survey is not required when (1) the survey is made by a public officer in his official capacity and the map is filed with the county engineer; (2) the survey is made by the U.S. Bureau of Land Management; (3) a survey is preliminary in nature; or (4) a map is in preparation for recording under any local subdivision or platting law or ordinance.

One interpretation of the act has been that surveys which retrace boundaries already shown on recorded maps or plats must be recorded even though they do not reflect any significant change.

SUMMARY:

A record of survey is not required when it is a retracement or resurvey of boundaries already depicted on a recorded, surveyed subdivision plat or short subdivision plat, provided that no discrepancy is found on other public survey records. If a discrepancy is found, it must be clearly shown on the face of the new required record.

"Discrepancy" is defined to include any of the following: (1) a nonexisting, displaced or replacement monument from which the parcel is defined, and such information has not previously been revealed in the public record; (2) a departure from proportionate measure solutions not previously revealed in the public record; (3) any physical evidence of encroachment or overlap by occupation or improvement; or (4) differences in measurement between all controlling monuments in excess of

0.50 feet when compared with all locations of public record (if the measurements agree within the stated tolerance, a discrepancy is not deemed to exist).

When the public interest is served, the Department of Natural Resources is directed to adopt rules limiting the exemptions from recording retracements or resurveys.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	87	8	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1992

Partial Veto Summary: The section requiring the Department of Natural Resources to adopt rules limiting the exemptions from recording retracements or resurveys was vetoed. (See VETO MESSAGE)