

Chapter 23 County Surveyor

17-23-1 County surveyor to be elected -- Requirement to be licensed land surveyor -- Authority to contract with licensed land surveyor if no elected county surveyor -- County surveyor duties.

- (1)
 - (a) The office of the county surveyor in each county shall be filled by election and, except as provided in Subsection (1)(b), the county surveyor shall be a licensed professional land surveyor in the state.
 - (b) In a county where the office of county surveyor is consolidated with another elected office, all county surveying work shall be performed by a licensed professional land surveyor.
 - (c) In a county where there is no elected county surveyor:
 - (i) the county executive or legislative body may, consistent with Section 17-53-313, contract with a licensed professional land surveyor to perform those duties;
 - (ii) all county survey work shall be done by a licensed land surveyor;
 - (iii) the county recorder shall assume and perform all statutory functions and duties of the county surveyor related to the retention and maintenance of survey records;
 - (iv) the recorder's office shall act as the county surveyor's office only for the purpose of accepting, retaining, and managing county survey records;
 - (v) the county shall furnish sufficient office space, furniture, stationery, and record books necessary for the county recorder's office to fulfill its functions and duties under Subsection (1)(c)(iv); and
 - (vi) for purposes of this chapter, "county surveyor" means:
 - (A) for purposes of the retention and management of county survey records, the county recorder; and
 - (B) except as provided in Subsection (1)(c)(vi)(A), the licensed land surveyor under contract with the county to perform county surveyor duties.
- (2) The county surveyor shall execute:
 - (a) all orders directed to the surveyor by any court; and
 - (b) all orders of survey required by the county executive or county legislative body.
- (3)
 - (a) The surveyor of each county shall:
 - (i) advise the county executive and county legislative body regarding all surveying work;
 - (ii) perform or arrange for the performance of all surveying work for the county;
 - (iii) permanently keep at county government offices at the county seat a fair and accurate record of all surveys made, including legal descriptions and geographic coordinates, all surveys received pursuant to Section 17-23-17, and all corner files received pursuant to Section 17-23-17.5;
 - (iv) number progressively all surveys received and state by whom and for whom the surveys were made;
 - (v) deliver a copy of any survey to any person or court requiring the survey after the payment of the fee established by the county legislative body;
 - (vi) ensure that all surveys of legal subdivisions of sections are made according to the United States Manual of Surveying Instructions in effect at the time the survey is completed;

- (vii) verify the correctness of or establish correct coordinates for all survey reference monuments set in place and shown on all subdivision maps and plats which have a spatial relationship with any section or quarter section corner; and
 - (viii) perform other duties required by law.
 - (b) In arranging for the performance of surveying work for the county under Subsection (3)(a)(ii), a surveyor may comply with Section 17-53-313.
- (4)
- (a) The county surveyor or his designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidences of the government corners remain so that the corners established by government survey can be positively located.
 - (b) The corners shall be reestablished in the manner provided in Section 17-23-13 for establishing corners.
 - (c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to his successor when he vacates his office.
 - (d) Established or reestablished corners shall be recognized as the legal and permanent corners.
- (5) The county executive or legislative body may direct the county surveyor or his staff to perform engineering and architectural work if the county surveyor or his staff is qualified and licensed to perform that work.

Amended by Chapter 241, 2001 General Session

17-23-2 Office furnishings and supplies -- Filing and indexing fees -- Records remain county property.

- (1) The county shall furnish an office, furniture, and all stationery and record books necessary for the surveyor's office.
- (2) The county legislative body, by ordinance or resolution, may establish the fee to be collected by the county for filing and indexing a map of a survey. Fees for filing of maps under Section 17-23-17 shall be governed by Section 17-23-19.
- (3) All records, maps, plats, profiles, calculations, and field notes of all surveys made by the county surveyor in an official capacity during the surveyor's term of office, or by persons designated by the surveyor to do survey work on behalf of the county, or maps of a survey filed under Section 17-23-17, shall be the property of the county, open to the inspection of any person, and shall be delivered by the surveyor to a successor in office.

Amended by Chapter 241, 2001 General Session

17-23-3 Seal.

The county surveyor shall have a seal, to be furnished by the county, the impression of which shall contain the following words: "State of Utah, County Surveyor," together with the name of the county in which the same is to be used.

Amended by Chapter 241, 2001 General Session

17-23-5 Maps for county or county officers.

- (1) Except as provided in Subsection (2), each county surveyor shall:

- (a) trace, blueprint, or otherwise make all maps necessary for the county or any county officer; and
 - (b) file those maps and all data obtained by the surveyor from other sources in the surveyor's office.
- (2) Subsection (1) does not apply to an ownership plat that the county recorder is required under Section 17-21-21 to prepare and keep.

Amended by Chapter 241, 2001 General Session

17-23-7 Survey by direction of court -- Compensation.

When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. The court order shall also provide for reasonable compensation for said services.

Amended by Chapter 33, 1961 General Session

17-23-12 Additional powers.

The county surveyor may:

- (1) administer oaths or affirmations necessary to legally establish roads and other surveys;
- (2) take evidence from any person who may have information to prove any point material to a survey or whenever necessary in the discharge of his official duties; and
- (3) establish procedures and guidelines to govern the electronic submission of plats, records, and other documents to the county surveyor's office consistent with Title 46, Chapter 4, Uniform Electronic Transactions Act.

Amended by Chapter 211, 2003 General Session

17-23-13 Setting monuments.

- (1)
 - (a) When establishing a section, quarter-section, or center corners, the county surveyor or his designee shall set a monument of durable quality.
 - (b) Wherever the nature of the ground will not allow the setting of a monument at the exact corner as described, then a witness monument shall be set.
- (2)
 - (a) Whenever possible, section corners and quarter-section corners shall be witnessed by at least four references of durable quality.
 - (b) All references shall be carefully described, and their bearings and distances noted in the report.

Enacted by Chapter 29, 1987 General Session

17-23-14 Disturbed corners -- County surveyor to be notified -- Coordination with certain state agencies.

- (1) As used in this section:
 - (a)
 - (i) "Construction" means:

- (A) the preparation of an area for a building or structure, including demolition, site clearance, exploration, drilling, boring, and excavation; and
 - (B) the carrying out of any building, civil engineering, or engineering work for the assembly or maintenance of any building or structure.
 - (ii) "Construction" does not mean normal maintenance of a roadway and related infrastructure that does not require construction drawings.
 - (b) "Corner" means the same as that term is defined in Section 17-23-17.5.
 - (c) "Government survey monument" means a monument that:
 - (i) a government entity maintains; or
 - (ii) the county surveyor sets in accordance with Section 17-23-13.
 - (d) "Monument" means the same as that term is defined in Section 17-23-17.5.
 - (e) "Public land survey government corner" means:
 - (i) a corner that the county surveyor establishes or reestablishes under Subsection 17-23-1(4);
 - (ii) a section corner, quarter section corner, or other corner that a government survey establishes; or
 - (iii) a public land survey corner as that term is defined in Section 17-23-17.5.
 - (f) "Structure" means any organization of parts, production, or pieces artificially built up or joined together to preserve or alter any natural feature, including roads, railways, tunnels, bridges, underground or overground pipelines or cables, river works, drainage works, earthworks, retaining walls, walls, dams, tanks, towers, and fences.
- (2) A person who finds it necessary to disturb any established government survey monument or public land survey government corner location for any reason, including the improvement of a road, shall notify the county surveyor at least five business days before the day on which the person disturbs the government survey monument or public land survey government corner location.
- (3)
- (a) A county legislative body may enact an ordinance requiring a person to obtain a permit before performing construction work within 30 feet of an established government survey monument or public land survey government corner location.
 - (b) A county legislative body shall ensure that an ordinance described in Subsection (3)(a) provides for an exemption from the permitting requirement in the event of an emergency situation that poses a threat to public health or safety.
 - (c)
 - (i) A county may charge a fee for a permit described in Subsection (3)(a), in accordance with this Subsection (3)(c).
 - (ii) The fee described in Subsection (3)(c)(i) may not exceed \$400 per government survey monument or public land survey government corner location.
 - (iii) If, after completion of the construction work, the government survey monument or public land survey government corner location is undisturbed, the county shall disperse a partial fee refund of \$250 to the permit holder.
 - (iv) If the construction work disturbs the government survey monument or public land survey government corner location related to the permit:
 - (A) the permit holder is responsible for the necessary construction work and installation of the government survey monument or public land survey government corner location; and
 - (B) the county shall provide to the permit holder the necessary brass monument, ring, and lid for the permit holder's work described in Subsection (3)(c)(iv)(A).
 - (d) A county shall provide a system allowing a person to apply electronically for and the county to approve or deny electronically a permit described in Subsection (3)(a).

- (4) A person may not perform any construction work within 30 feet of a government survey monument or public land survey government corner location unless the person obtains any permit the county requires before beginning construction work within 30 feet of the government survey monument or public land survey government corner location, together with any additional permits that applicable law may require.
- (5) A person who produces drawings or plans for construction work to be performed within 30 feet of a government survey monument or public land survey government corner location shall show, on the face of the drawings or plans:
 - (a) the government survey monument or public land survey government corner location; and
 - (b) an accompanying note exhibiting compliance with Subsections (2) and (4).
- (6) A person who finds a monument that needs rehabilitation shall notify the county surveyor within five business days after the day on which the person finds the monument.
- (7) The county surveyor or the county surveyor's designee shall:
 - (a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the corner by lowering and witnessing the corner or placing another monument and witness over the existing monument so that the monument:
 - (i) is left in a physical condition to remain as permanent a monument as is reasonably possible; and
 - (ii) may be reasonably located at all times in the future; and
 - (b) file the record of each reconstruction or rehabilitation in accordance with Subsection (7)(a).
- (8)
 - (a) The county may, by ordinance, establish a civil penalty for a violation of:
 - (i) any provision of Subsection (4) or (5); or
 - (ii) any ordinance that the county adopts under Subsection (3).
 - (b) It is a defense to the civil penalty described in Subsection (8)(a) that the violation related to an emergency situation that posed a threat to public health or safety.

Amended by Chapter 22, 2019 General Session

17-23-15 Removal, destruction, or defacement of monuments or corners as infraction -- Costs.

- (1) A person may not willfully or negligently remove, destroy, or deface any government survey monument, corner, or witness corner.
- (2) Any person who violates this section is guilty of an infraction and is additionally responsible for:
 - (a) the costs of any necessary legal action;
 - (b) the costs of reestablishing the survey monument, corner, or witness corner; and
 - (c) any civil penalty that the county establishes for a violation of:
 - (i) any provision of this section; or
 - (ii) any ordinance that the county adopts under Section 17-23-14.

Amended by Chapter 22, 2019 General Session

17-23-16 Resurveys.

In the resurvey of lands surveyed under the authority of the United States, the county surveyor or the county surveyor's designee shall observe the following rules:

- (1) Section and quarter-section corners, and all other corners established by the government survey, shall stand as the true corner.

- (2) Missing corners shall be reestablished at the point where existing evidence would indicate the original corner was located by the government survey.
- (3) In all cases, missing corners shall be reestablished with reference to the United States Manual of Surveying Instructions.

Amended by Chapter 297, 2011 General Session

17-23-17 Map of boundary survey -- Procedure for filing -- Contents -- Marking of monuments -- Record of corner changes -- Penalties.

- (1) As used in this section:
 - (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.
 - (b)
 - (i) "Township" means a term used in the context of identifying a geographic area in common surveyor practice.
 - (ii) "Township" does not mean a metro township as that term is defined in Section 10-2a-403.
- (2)
 - (a)
 - (i) Each land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line or to obtain data for constructing a map or plat showing a boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary.
 - (ii) A land surveyor who fails to file a map of the survey as required by Subsection (2)(a)(i) is guilty of an infraction.
 - (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a separate violation.
 - (b) The county surveyor or designated office shall file and index the map of the survey.
 - (c) The map shall be a public record in the office of the county surveyor or designated office.
- (3) This type of map shall show:
 - (a) the location of survey by quarter section and township and range;
 - (b) the date of survey;
 - (c) the scale of drawing and north point;
 - (d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;
 - (e) all measured bearings, angles, and distances separately indicated from those of record;
 - (f) a written boundary description of property surveyed;
 - (g) all monuments set and their relation to older monuments found;
 - (h) a detailed description of monuments found and monuments set, indicated separately;
 - (i) the surveyor's seal or stamp; and
 - (j) the surveyor's business name and address.
- (4)
 - (a) The map shall contain a written narrative that explains and identifies:
 - (i) the purpose of the survey;
 - (ii) the basis on which the lines were established; and

- (iii) the found monuments and deed elements that controlled the established or reestablished lines.
- (b) If the narrative is a separate document, it shall contain:
 - (i) the location of the survey by quarter section and by township and range;
 - (ii) the date of the survey;
 - (iii) the surveyor's stamp or seal; and
 - (iv) the surveyor's business name and address.
- (c) The map and narrative shall be referenced to each other if they are separate documents.
- (5) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.
- (6)
 - (a) Any monument set by a licensed professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.
 - (b) If the monument is set by a licensed land surveyor who is a public officer, it shall be marked with the official title of the office.
- (7)
 - (a) If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made.
 - (b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.
- (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any land surveyor who fails to comply with the requirements of this section, according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act.
- (9) Each federal or state agency, board, or commission, local district, special service district, or municipal corporation that makes a boundary survey of lands within this state shall comply with this section.

Amended by Chapter 303, 2016 General Session

17-23-17.5 Corner perpetuation and filing -- Definitions -- Establishment of corner file -- Preservation of map records -- Filing fees -- Exemptions.

- (1) As used in this section:
 - (a) "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.
 - (b) "Corner," unless otherwise qualified, means a property corner, a property controlling corner, a public land survey corner, or any combination of these.
 - (c) "Geographic coordinates" means mathematical values that designate a position on the earth relative to a given reference system. Coordinates shall be established pursuant to Title 57, Chapter 10, Utah Coordinate System.
 - (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

- (e) "Monument" means an accessory that is presumed to occupy the exact position of a corner.
- (f) "Property controlling corner" means a public land survey corner or any property corner which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question.
- (g) "Property corner" means a geographic point of known geographic coordinates on the surface of the earth, and is on, a part of, and controls a property line.
- (h) "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the land to a private person from the United States government.
- (i) "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner.
- (j)
 - (i) "Township" means a term used in the context of identifying a geographic area in common surveyor practice.
 - (ii) "Township" does not mean a metro township as that term is defined in Section 10-2a-403.
- (2)
 - (a) Any land surveyor making a boundary survey of lands within this state and utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the county where the corner is situated, a written record to be known as a corner file for every public land survey corner and accessory to the corner which is used as control in any survey by the surveyor, unless the corner and its accessories are already a matter of record in the county.
 - (b) Where reasonably possible, the corner file shall include the geographic coordinates of the corner.
 - (c) A surveyor may file a corner record as to any property corner, reference monument, or accessory to a corner.
 - (d) Corner records may be filed concerning corners used before the effective date of this section.
- (3) The county surveyor of the county containing the corners shall have on record as part of the official files maps of each township within the county, the bearings and lengths of the connecting lines to government corners, and government corners looked for and not found.
- (4) The county surveyor shall make these records available for public inspection at the county facilities during normal business hours.
- (5) Filing fees for corner records shall be established by the county legislative body consistent with existing fees for similar services. All corners, monuments, and their accessories used prior to the effective date of this section shall be accepted and filed with the county surveyor without requiring the payment of the fees.
- (6) When a corner record of a public land survey corner is required to be filed under the provisions of this section and the monument needs to be reconstructed or rehabilitated, the land surveyor shall contact the county surveyor in accordance with Section 17-23-14.
- (7) A corner record may not be filed unless it is signed by a land surveyor.
- (8) All filings relative to official cadastral surveys of the Bureau of Land Management of the United States of America performed by authorized personnel shall be exempt from filing fees.

Amended by Chapter 352, 2015 General Session

17-23-18 Amendment of survey maps or narratives by affidavit of corrections.

- (1) Any survey map or narrative filed under the provisions of this chapter may be amended by an affidavit of corrections:

- (a) to show any courses or distances omitted from the map or narrative;
 - (b) to correct an error in the description of the real property shown on the map or narrative; or
 - (c) to correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.
- (2)
- (a) The affidavit of correction shall be prepared by the licensed professional land surveyor who filed the map or narrative.
 - (b) In the event of the death, disability, or retirement from practice of the surveyor who filed the map or narrative, the county surveyor may prepare the affidavit of correction.
 - (c) The affidavit shall set forth in detail the corrections made.
 - (d) The seal and signature of the licensed professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.
- (3) The county surveyor having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this section.
- (4) Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations.

Amended by Chapter 211, 2003 General Session

17-23-19 County permitted to establish Public Land Corner Preservation Fund -- Use of fund -- Fee schedule for filing maps.

- (1) The county legislative body may establish by ordinance a fund to be known as the Public Land Corner Preservation Fund. Money generated for the fund shall be used only to pay expenses incurred and authorized by the county surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Title 17, Chapter 23, County Surveyor, and Title 57, Chapter 10, Utah Coordinate System.
- (2) The county legislative body may by ordinance establish a fee schedule for filing maps in the county surveyor's office of surveys filed under Section 17-23-17, subdivisions, road dedication plats, and other property plats. All money collected under this subsection shall be deposited with the county treasurer to be credited to the Public Land Corner Preservation Fund.

Amended by Chapter 189, 2014 General Session

17-23-20 Final plats of local entity boundary actions -- County surveyor approval of final plat -- Plat requirements.

- (1) As used in this section:
- (a) "Approving authority" means the person or body required under applicable statute to submit to the lieutenant governor a notice of an impending boundary action, as defined in Section 67-1a-6.5.
 - (b)
 - (i) "Boundary action" means any action that establishes, modifies, or eliminates the boundary of a local entity, including incorporation or creation, annexation, withdrawal or disconnection, consolidation, division, boundary adjustment, and dissolution.
 - (ii) "Boundary action" does not include the determination of the true location of a county boundary under Section 17-50-105.
 - (c) "Final local entity plat" means a plat that meets the requirements of Subsection (4).

- (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
- (2) Upon request and in consultation with the county recorder, the county surveyor of each county in which property depicted on a plat is located shall determine whether the plat is a final local entity plat.
- (3)
 - (a) If a county surveyor determines that a plat meets the requirements of Subsection (4), the county surveyor shall approve the plat as a final local entity plat.
 - (b) The county surveyor shall indicate the approval of a plat as a final local entity plat on the face of the final local entity plat.
- (4) A plat may not be approved as a final local entity plat unless the plat:
 - (a) contains a graphical illustration depicting:
 - (i) in the case of a proposed creation or incorporation of a local entity, the boundary of the proposed local entity;
 - (ii) in the case of a proposed annexation of an area into an existing local entity, the boundary of the area proposed to be annexed;
 - (iii) in the case of a proposed adjustment of a boundary between local entities, the boundary of the area that the boundary adjustment proposes to move from inside the boundary of one local entity to inside the boundary of another local entity;
 - (iv) in the case of a proposed withdrawal or disconnection of an area from a local entity, the boundary of the area that is proposed to be withdrawn or disconnected;
 - (v) in the case of a proposed consolidation of multiple local entities, the boundary of the proposed consolidated local entity; and
 - (vi) in the case of a proposed division of a local entity into multiple local entities, the boundary of each new local entity created by the proposed division;
 - (b) is created on reproducible material that is:
 - (i) permanent in nature; and
 - (ii) the size and type specified by the county recorder;
 - (c) is drawn to a scale so that all data are legible;
 - (d) contains complete and accurate boundary information, including, as appropriate, calls along existing boundary lines, sufficient to enable:
 - (i) the county surveyor to establish the boundary on the ground, in the event of a dispute about the accurate location of the boundary; and
 - (ii) the county recorder to identify, for tax purposes, each tract or parcel included within the boundary;
 - (e) depicts a name for the plat, approved by the county recorder, that is sufficiently unique to distinguish the plat from all other recorded plats in the county;
 - (f) contains:
 - (i) the name of the local entity whose boundary is depicted on the plat;
 - (ii) the name of each county within which any property depicted on the plat is located;
 - (iii) the date that the plat was prepared;
 - (iv) a north arrow and legend;
 - (v) a signature block for:
 - (A) the signatures of:
 - (I) the professional land surveyor who prepared the plat; and
 - (II) the local entity's approving authority; and
 - (B) the approval of the county surveyor; and
 - (vi) a three-inch by three-inch block in the lower right hand corner for the county recorder's use when recording the plat;

- (g) has been certified and signed by a professional land surveyor licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and
 - (h) has been reviewed and signed by the approving authority of the local entity whose boundary is depicted on the plat.
- (5) The county surveyor may charge and collect a reasonable fee for the costs associated with:
- (a) the process of determining whether a plat is a final local entity plat; and
 - (b) the approval of a plat as a final local entity plat.

Enacted by Chapter 350, 2009 General Session