

## 2014 Kansas Statutes

**58-2001. Monumentation of exterior corners, type; definitions.** (a) All exterior corners in the boundary of a subdivision of land shall be monumented prior to recording of the plat submitted for recording after the effective date of this section. The monuments shall be a metallic bar or pipe which is in accordance with Kansas law at the time the survey is made.

(b) As used in article 20 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto:

(1) "Condominium plat" means a type of subdivision plat for condominiums as required by K.S.A. 58-3115, and amendments thereto.

(2) "Subdivision plat" means a type of survey plat that creates lots, tracts, units or other parcels of land, that is acknowledged by the landowner and which requires acceptance by a city or county governing body.

(3) "Survey plat" means a drawing prepared by a land surveyor that graphically depicts the details of a survey and the location of the monuments.

(4) "Townhouse plat" means a type of subdivision plat for townhouses as required by K.S.A. 58-3707, and amendments thereto.

**History:** L. 1967, ch. 309, § 1; L. 2011, ch. 49, § 18; July 1.

## 2014 Kansas Statutes

**58-2002. Same; corners used in control establishing boundaries.** Where any United States public land survey corner or section center is involved in the control establishing the location of a subdivision boundary or other property boundary, such corners shall be monumented before being used in the control of the survey.

**History:** L. 1967, ch. 309, § 2; L. 2011, ch. 49, § 19; July 1.

## 2014 Kansas Statutes

**58-2003. Same; recording measurements from visible objects; description.** When any United States public land survey corner or section center is monumented or re-monumented by a land surveyor, and when any such corner is located by a land surveyor in the course of carrying out a survey, there shall be recorded, in the manner provided by K.S.A. 58-2011, and amendments thereto, reference measurements from permanent, visible objects to the location of the corner as monumented, re-monumented or located. These reference objects shall be described clearly.

**History:** L. 1967, ch. 309, § 3; L. 1999, ch. 27, § 1; L. 2011, ch. 49, § 20; July 1.

## 2014 Kansas Statutes

**58-2004. Survey plats; information required for county surveyor review.** The following information shall be submitted to the county surveyor with all survey plats that are required to be reviewed by the county surveyor:

- (a) Survey plat showing: (1) Theory of location used for the exterior boundary; (2) locations of the monuments; and (3) bearings and distances between the monuments.
- (b) Closure calculations of the exterior boundary and interior lots and parcels, or equivalent electronic data files acceptable to the county surveyor.
- (c) Corner reference reports prepared by the land surveyor as required by K.S.A. 58-2003 and 58-2011, and amendments thereto, less than one year prior to the date such reports are submitted to the county surveyor.

**History:** L. 1967, ch. 309, § 4; L. 2011, ch. 49, § 21; July 1.

## 2014 Kansas Statutes

### **58-2005. Review of survey plats; requirements; procedure; costs; recording of plat, when; waiver.**

(a) Before a subdivision plat, or survey plat required to be recorded pursuant to K.S.A. 2014 Supp. 19-1434, and amendments thereto, can be recorded, it shall be reviewed by the county surveyor or a land surveyor designated by the county. The county shall be responsible for the enforcement of this act. The county surveyor or other land surveyor designated by the county shall certify that such plat meets all the requirements of this act.

(b) (1) The survey plat shall be reviewed for: (A) Closure of the exterior boundary; (B) monumentation of the exterior boundary and United States public land survey corners; (C) legal description; and (D) compliance with K.S.A. 58-2011, and amendments thereto.

(2) A townhouse plat shall be reviewed in accordance with paragraph (1), and shall also be reviewed for compliance with K.S.A. 58-3707, and amendments thereto.

(3) A condominium plat shall be reviewed in accordance with paragraph (1), and shall also be reviewed for compliance with K.S.A. 58-3115, and amendments thereto.

(4) The board of county commissioners may, by resolution, adopt additional review requirements, including, but not limited to, review of proposed new tracts for compliance with zoning ordinances and regulations.

(c) Costs for the plat review and approval may be charged to the applicant for plat approval. All costs charged pursuant to this section shall be based on actual costs of the review and approval as approved by the board of county commissioners. There shall be no charge to the applicant for the completion of a deficiency correction verification. If new deficiencies are identified on an amended plat, and were not present on the initial plat, then the cost of the additional review may be charged to the applicant, provided, such charge does not exceed the charge for the initial review.

(d) If a survey plat is required to be reviewed, the register of deeds for such county may:

(1) Accept a survey plat for recordation only after the county surveyor, or such surveyor's designee, signs the face of the plat; or

(2) accept the survey plat, filing fee and review fee prior to review, then deliver the plat along with the review fee to the county surveyor or such surveyor's designee. The county surveyor, or such surveyor's designee, shall return the plat to the register of deeds, or to the submitting land surveyor, if necessary, upon completion of the review.

(e) The county surveyor, or such surveyor's designee, shall complete any initial plat review and deliver such plat to the submitting land surveyor or the register of deeds, as the case may be, no later than eight business days after such plat was submitted for review. During the initial review of a plat, the county surveyor, or such surveyor's designee, shall identify deficiencies related to those items described in subsection (b), if applicable. The county surveyor, or such surveyor's designee, shall complete any amended plat review and deliver such amended plat and the deficiency correction verification to the submitting land surveyor or the register of deeds, as the case may be, no later than three business days after such amended plat was submitted for review.

(f) Except for subdivision plats, townhouse plats and condominium plats, the board of county commissioners may, by resolution, waive the requirement for review of survey plats prior to recording with the register of deeds.

**History:** L. 1967, ch. 309, § 5; L. 1999, ch. 27, § 2; L. 2001, ch. 153, § 1; L. 2011, ch. 49, § 22; July 1.

## 2014 Kansas Statutes

### **58-2011. Report of survey, filing; filing of reports relating to altered or destroyed markers; reproduction of survey records; fees; land survey fee fund created.**

(a) Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a reference report for each corner or accessory with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. If there is no county surveyor of such county, such reference report shall be filed with the county engineer. If there is no county engineer, such report shall be filed in the office of the county road department. Reports filed with the secretary of the state historical society may be filed and retrieved using electronic technologies if authorized by the secretary. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society. Fees charged for filing and retrieval of such reports may be billed and paid periodically.

(b) Any person engaged in an activity in which a United States public land survey corner or any related accessory is likely to be altered, removed, damaged or destroyed, shall have a person qualified to practice land surveying establish such reference points as necessary for the restoration, reestablishment or replacement of the corner or accessory. The land surveyor shall file a reference report with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(c) Upon completion of the activity likely to alter, remove, damage or destroy the public land survey corner or related accessory, the land surveyor shall review the survey corner and its accessories. If the survey corner or any accessory has been altered, removed, damaged or destroyed, the land surveyor shall replace the corner or accessory with a survey monument and file a restoration report with the secretary of the state historical society and the county surveyor in the county or counties in which it existed. If the survey corner and accessories are not damaged during the activity, a restoration report so stating shall be filed with the secretary of the state historical society and county surveyor's office. Such report shall be filed within 30 days after the activity is completed. At the time of filing such report with the office of the secretary of the state historical society the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(d) Failure to comply with the filing requirements of this section shall be grounds for the suspension or revocation of the land surveyor's license.

(e) The secretary of the state historical society may produce, reproduce and sell maps, plats, reports, studies and records relating to land surveys. The secretary of the state historical society shall charge a fee in an amount to be fixed by rules and regulations of the secretary for the furnishing of information retrieved from records filed pursuant to this section and for reproductions or copies of maps, plats, reports, studies and records filed in such office.

(f) All moneys collected by the secretary of the state historical society under the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the land survey fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants approved by the secretary of the state historical society or a person designated by the secretary of the state historical society and shall be used only for the purpose of paying the costs incurred in administering the provisions of this act. After the effective date of this act, any reference to the secretary of state in regard to appropriations to the land survey fee fund shall be deemed to refer to the secretary of the state historical society.

(g) The failure of any person to have a land surveyor establish reference points as required by subsection (b) shall be a class C misdemeanor.

**History:** L. 1982, ch. 133, § 6; L. 1984, ch. 205, § 1; L. 1988, ch. 301, § 15; L. 1999, ch. 27, § 3; L. 2001, ch. 5, § 201; L. 2011, ch. 49, § 23; L. 2011, ch. 91, § 23; July 1.