Public Land Survey Corners
By Lisa Hanni, LS

As we prepare for the upcoming construction season, it is a good time to remind ourselves of our statutorial duties as they pertain to the Public Land Survey Corners. To those unfamiliar with the Public Land Survey System (PLSS), suffice it to say that the system was designed to provide the federal government an orderly method in which to survey, describe, and sell land. Land descriptions in Minnesota are based upon the locations of the original government corners which were set between 1847 and 1911.

In 2005, Minnesota Statute 381.12 was amended to require a U.S. Public Land Survey Record (commonly referred to as a Certificate of Location of Government Corner) to be filed or recorded within one year of preserving, restoring, or marking a corner. Prior to the amendment, no time frame was set by statute for the filing of this information and, unfortunately, some certificates have never been filed and available to the public.

According to statute, a corner certificate must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a PLS corner if one of the following conditions exist:

(1) there is no United States public land survey monument record for the corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or

(2) the land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed in the office of the county surveyor where the county maintains a full-time office, or in the office of the county recorder for the county in which the corner is located; or

(3) the witness ties referred to in an existing United States public land survey monument record have been destroyed.

The perpetuation of the PLS corners are also mentioned in Minnesota Statute 160.15 which states that "Whenever the construction, reconstruction, or maintenance of a public street or highway causes the destruction or obliteration of a known section or quarter-section corner marker or monument, the road authority having jurisdiction over the highway or street shall provide for the permanent marking of the corners and place reference or witness monuments so that the corners can be readily located."

As stated above, the road authority shall provide for the permanent marking of these corners. It would be beneficial to employ a Land Surveyor prior to any construction work in order to locate possible corner evidence. In 2004, this statute was correctly

amended to only allow surveyors to establish the markers or monuments and file the certificate. This change was consistent with the statutory definition of the Practice of Land Surveying (MS 326.02, Subd. 4).

So as you prepare for your projects, do not forget the importance of the Public Land Survey corners. Besides, it's the law.