

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 338

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

0654H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 60.301, 60.315, and 60.345, RSMo, and to enact in lieu thereof three new sections relating to land surveys.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 60.301, 60.315, and 60.345, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 60.301, 60.315, and 60.345, to read as follows:

60.301. Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) "Corners of the United States public land survey", those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner ~~[and]~~ , meander corner, **and center of section**;

(2) "Existent corner", a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (3) "Lost corner", a corner whose position cannot be determined, beyond reasonable
15 doubt, either from traces of the original marks or from acceptable evidence or testimony that
16 bears upon the original position;

17 (4) "Monument", the physical object which marks the corner point determined by the
18 surveying process. The accessories, such as bearing trees, bearing objects, reference monuments,
19 mounds of stone and other similar objects that aid in identifying the corner position, are also
20 considered a part of a corner monument;

21 (5) "Obliterated, decayed or destroyed corner", ~~[an-existent corner]~~ **a position** at whose
22 point there are no remaining traces of the original monument or its accessories, but whose
23 location has been perpetuated by subsequent surveys, or the point may be recovered beyond
24 reasonable doubt by the acts and testimony of local residents, competent surveyors, other
25 qualified local authorities or witnesses, or by some acceptable record evidence. A position that
26 depends upon the use of collateral evidence can be accepted only if duly supported, generally
27 through proper relation to known corners, and agreement with the field notes regarding distances
28 to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

29 (6) "Original government survey", that survey executed under the authority of the United
30 States government as recorded on the official plats and field notes of the United States public
31 land survey maintained by the Missouri department of agriculture;

32 (7) "Proportionate measurement", a measurement of a line that gives equal relative
33 weight to all parts of the line. The excess or deficiency between two existent corners is so
34 distributed that the amount of excess or deficiency given to each interval bears the same
35 proportion to the whole difference as the record length of the interval bears to the whole record
36 distance:

37 (a) "Single proportionate measurement", a measurement of a line applied to a new
38 measurement made between known points on a line to determine one or more positions on that
39 line;

40 (b) "Double proportionate measurement", a measurement applied to a new measurement
41 made between four known corners, two each on intersecting meridional and latitudinal lines, for
42 the purpose of relating the intersection to both. ~~[The procedure is described as follows: first,~~
43 ~~measurements will be made between the nearest existent corners north and south of the lost~~
44 ~~corner. A temporary point will be determined to locate the latitude of the lost corner on the~~
45 ~~straight line connecting the existent corners and at the proper proportionate distance. Second,~~
46 ~~measurements will be made between the nearest existent corners east and west of the lost corner.~~
47 ~~A temporary point will be determined to locate the longitude of the lost corner on the straight~~
48 ~~line connecting the existent corners and at the proportionate distance. Third, determine the~~
49 ~~location of the lost corner at the intersection of an east-west line through the point determining~~

50 ~~the latitude of the lost corner with a north-south line through the point determining the longitude~~
51 ~~of the lost corner.]~~ When the total length of the line between the nearest existing corners was
52 not measured in the original government survey, the record distance from one existing corner to
53 the lost corner will be used instead of the proportionate distance. This exception will apply to
54 either or both of the east-west or north-south lines;

55 (8) "Record distance", the distance or length as shown on the original government
56 survey. In determining record distances, consideration shall be given as to whether the distance
57 was measured on a random or true line.

60.315. The following rules for the reestablishment of lost corners shall be applied only
2 when it is determined that the corner is lost: (The rules utilize proportional measurement which
3 harmonizes surveying practice with legal and equitable considerations. This plan of relocating
4 a lost corner is always employed unless it can be shown that the corner so located is in
5 substantial disagreement with the general scheme of the original government survey as
6 monumented. In such cases the surveyor shall use procedures that produce results consistent
7 with the original survey of that township.)

8 (1) Existent original corners shall not be disturbed. Consequently, discrepancies
9 between the new and record measurements shall not in any manner affect the measurements
10 beyond the existent corners; but the differences shall be distributed proportionately within the
11 several intervals along the line between the corners;

12 (2) Standard parallels shall be given precedence over other township exteriors, and,
13 ordinarily, the latter shall be given precedence over subdivisional lines; section corners shall be
14 located or reestablished before the position of lost quarter-section corners can be determined;

15 (3) Lost township corners common to four townships shall be reestablished by double
16 proportionate measurement between the nearest existent corners on opposite sides of the lost
17 township corner;

18 (4) Lost township corners located on standard parallels and common only to two
19 townships shall be reestablished by single proportionate measurement between the nearest
20 existent corners on opposite sides of the lost township corner on the standard parallel;

21 ~~(5) [Lost standard corners shall be reestablished on a standard or correction line by single~~
22 ~~proportionate measurement on the line connecting the nearest identified standard or closing~~
23 ~~corners on opposite sides of the lost corner or corners, as the case may be;~~

24 ~~————(6) All lost section and quarter-section corners on the township boundary lines shall be~~
25 ~~reestablished by single proportionate measurement between the nearest existent corners on~~
26 ~~opposite sides of the lost corner according to the conditions represented upon the original~~
27 ~~government plat;~~

28 ~~——(7)~~ **Lost corners on township exteriors, excluding corners referenced in subdivision**
29 **(3) of this section, whether they are standard or closing corners, will be reestablished by**
30 **single proportionate measurement on the line connecting the next nearest existent standard**
31 **or closing corner on opposite sides of the lost corner;**

32 (6) A lost interior corner of four sections shall be reestablished by double proportionate
33 measurement;

34 ~~[(8) A lost closing corner shall be reestablished on the true line that was closed upon, and~~
35 ~~at the proper proportional interval between the nearest existent corners on opposite sides of the~~
36 ~~lost corner;~~

37 ~~——(9)~~ (7) All lost quarter-section corners on the section boundaries within the township
38 shall be reestablished by single proportionate measurement between the adjoining section
39 corners, after the section corners have been identified or reestablished; and

40 ~~[(10)]~~ (8) Where a line has been terminated with a measurement in one direction only,
41 a lost corner shall be reestablished by record bearing and distance, counting from the nearest
42 regular corner, the latter having been duly identified or reestablished.

60.345. The quarter-section corners of sections south of the township line and east of the
2 range line, and not established by the original government survey will be established according
3 to the conditions represented upon the official government plat using **single** proportionate
4 measurement between the ~~[adjoining]~~ section corners belonging to the same section as the
5 quarter-section corner being established, the section corners having first been identified or
6 reestablished. **The proportional position shall be offset, if necessary, in a cardinal direction**
7 **to the true line defined by the nearest adjacent corners on opposite sides of the quarter-**
8 **section corner to be established.**

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