

FAQs (Minnesota Society of Professional Surveyors)

https://www.mnsurveyor.com/page/surveying_FAQs

I need my property surveyed. How much will it cost?

The cost for surveying a given piece of property generally has to be determined individually for that property. The two main factors are:

- Where is the property located, and how large is it? Property lines are more expensive to survey in some areas due to problems with old surveys, incomplete records, or missing survey markers. Larger pieces of land require a survey crew to spend more time on site. Steep slopes, woods, brush, and wetlands also slow down the work.
- How much information is needed, and for what purpose? A survey might include only the property lines. Or an existing house or other buildings might need to be measured and shown on a drawing. Fences, walls, or utility lines may need to be located. Trees sometimes need to be located with respect to property lines. If the property is to be regraded, or plans prepared for a new home or building, the architect or designer may need to know existing ground elevations at various spots, and may ask that a contour map be prepared. If there is a legal question connected with the property lines, an attorney may ask the surveyor to do additional work to help in resolving the matter.

Why do surveys cost as much as they do?

The most important factor in the cost of surveys is the amount of labor required. Every object shown on a survey drawing, whether it is a survey marker, a house, a fence, or a tree, must be accurately measured on the ground. When property lines are being located, measurements must be taken not only to survey markers on the property being surveyed, but also to other markers in the area-sometimes up to a mile away. Calculations then need to be done, and drawings prepared.

Surveyors must keep detailed and accurate records of all measurements and calculations, since they may be needed as evidence if there is a legal dispute in

the future. Documents such as deeds, plats, and easements may need to be obtained from the public records and reviewed.

All survey work needs to be done by trained and experienced persons. Otherwise, the work might not meet legal standards or provide adequate protection for your property rights. Modern survey equipment is highly accurate, but also costly. Because of the amount of labor required, a survey that seems expensive to the property owner often provides very little profit to the surveyor.

Can I get a survey drawing of my property from the city or county?

Some cities — not all — keep survey drawings on file when a house or building is constructed. They are generally kept with the records of the Building Inspector, and indexed by the address of the property. There is less chance of there being such a drawing for an older house. These drawings vary, but usually they show the property dimensions and the distance from the house to the property lines at various points. If you can find such a drawing, it may be useful. But bear in mind that it is not new, and that there may have been changes in the house or other objects shown.

All counties keep plats on file. A plat is a map or drawing that is made and recorded when a larger piece of land is divided into lots. The process of dividing land by means of such a map or drawing is known as platting. Not all property is platted. But if your property is described as "Lot 7, Block 3, Jones Addition", or something similar, the phrase "Jones Addition" is the name of a plat that is filed at the courthouse in the county where the property is located.

Copies of plats can be obtained for a small fee from the County Recorder, and may also be available from the County Surveyor if there is one.

A plat is the official record of the location and dimensions of the lots shown on it. Newer plats give complete dimensions for all lots. Older plats may have missing or inaccurate dimensions. One type of plat, known as an Auditor's Subdivision, was not always surveyed on the ground. Plats in Minnesota may be as old as the early 1850's.

Some counties also maintain half-section maps or tax maps. These are made by combining information from plats, deeds, and other sources. They are not considered official records, and may not include complete dimensions. However, they do show all properties, whether or not they are platted. These maps, in counties where they are available, can usually be obtained from the County Assessor or County Surveyor.

In some counties, land parcel maps are prepared by private companies and combined in books. These are commonly known as "plat books", although the maps they contain are not actually plats. The books are available from the companies themselves, and are also sometimes found in public libraries. The maps generally do not include many property dimensions.

County maps and plats generally cost from \$2 to \$20. When ordering maps and plats, it is best to give your legal description (see Question 15) to the clerk or technician to make sure you get the right one. Some plats have multiple sheets of drawings, only one of which will show your property. Some plats also have a separate sheet with text only, rather than drawings. The name of the surveyor who prepared the plat is given in this text, along with other information.

Although a half-section map, tax map, or plat will give the dimensions of a piece of property, it does not show buildings, fences, curbs, sidewalks, or other visible objects. When using such a map, it is often hard to tell where the property lines are located on the ground. That is much easier to do with a survey drawing which shows the visible objects.

Is the city or county responsible for providing survey markers at the corners of my lot?

No. When property is platted, state law requires that survey markers, or monuments, be placed at all lot corners. The law only requires this to be done once. The cost is normally paid by the land developer. These markers are often knocked out when the land is regraded or utilities are installed. Having them replaced is the individual property owner's responsibility.

If you are buying a lot in a new subdivision, the cost for having any missing survey markers replaced is moderate since the land has recently been surveyed. It is possible to ask the seller to have any missing monuments replaced. The seller may or may not be willing to do so.

In rural areas, most land boundaries are controlled by section monuments. Many counties, though not all, maintain these monuments at public expense. This is a sensible policy, since each monument affects the boundaries of up to 1280 acres of land. But section monuments are at least half a mile apart, and do not mark all the corners of most pieces of rural land. Survey markers other than section monuments are placed and maintained at the expense of private landowners.

What do survey markers look like?

On an ordinary city lot, the most common type of marker is an iron pipe or rod driven in the ground. A newer marker will include a plastic cap or a metal disk bearing the license number of the surveyor under whose supervision it was set.

These are usually four- or five-digit numbers, with the letters "LS", "PLS", or "RLS" above or before the number. Unfortunately, the cap or disk sometimes is knocked off or damaged by grading or excavation work.

These markers are set at lot corners and at points where property lines change direction. They are usually driven level with the ground when installed. Over the years, a few inches of dirt and sod can cover them. If the lot was graded after the markers were installed, they can be buried more deeply or may be missing entirely.

Section monuments may be stone, concrete, cast iron, cast aluminum, or large pieces of pipe. Section monuments set by a County Surveyor are usually marked as such.

Many other types of survey markers exist.

I have found a survey marker with a number on it. How do I locate the surveyor?

All licensed surveyors are listed by name and number with the State board that regulates the design professions. This board is formally called the State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. We will refer to it hereafter as the State Board.

The State Board's Web site, www.aelslagid.state.mn.us, will give the name of a surveyor from his or her license number. You can also get that information by calling the State Board (651-296-2388). The State Board can also provide further information by phone, which sometimes includes an office address and phone number.

MSPS can also provide the name of a surveyor from his or her license number (see contact information on our Home Page). We also have office addresses and phone numbers for surveyors who are members of MSPS. About 75 percent of the licensed surveyors in Minnesota are members of this organization.

When a surveyor dies or retires, his or her records are usually taken over by another firm. These records can be very important in retracing boundaries that were run by that surveyor. In many cases, MSPS has information on where such records are located.

How do I find a surveyor and get a quote for having my property surveyed?

Surveyors are listed in the Yellow Pages under "Surveyors-Land." The names of surveyors in your area can also be obtained from the MSPS Firm Member

referral service (on this Web site, or call (952) 224-9999 or (800) 890-LAND). If you know other residents in your area who have had their property surveyed, it may be worthwhile to contact the same surveyor. He or she may have information that will make it easier to survey your property.

If your property is in a newer subdivision, the surveyor who laid the subdivision out may be able to do the work somewhat more efficiently than others. That surveyor's name will be given on the plat (see Question 3). If you know the name of the plat, some County Surveyors and County Recorders will give you the surveyor's name by phone. Others may not be able to do so due to their workload.

Before calling surveyors, try to get the legal description of your property (see Question 15). If you can't get the legal description, the address may do. In order to get an accurate estimate, you will need to give a general explanation of why the survey is needed, and what information is to be included.

Will I be given an estimate for the cost of a survey, or a fixed price?

It depends on the property and on the surveyor involved. If the surveyor is familiar with the area where the property is located, and believes it is possible to estimate the work accurately, he or she may be willing to quote a fixed price. This is an individual decision on the surveyor's part.

Will I receive a drawing of my property after the survey is completed?

In most cases you will, but check with the surveyor to be sure. On residential lots, some surveyors will not make a drawing unless the owner requests it. MSPS recommends that a drawing be prepared in all cases, so that the owner has a permanent record of the survey.

I have just had my property surveyed. How can I protect my investment in the survey?

- Keep a copy of the survey drawing in a safe place—where you or your family members can find it 20 or 30 years later if necessary. A safe-deposit box, if you have one, is best. The drawing itself can usually be replaced from the surveyor's records, but not always. And to get a replacement drawing, it is necessary to know who did the survey.

- Make sure you can find your survey markers in the future. Your surveyor will probably place a wood lath near the actual marker-the pipe or rod in the ground. Wood lath only last a few years, however. If the marker is in a wooded or overgrown area, and is not near a fence corner or other object, it is helpful to drive a steel fence post nearby. In a lawn or landscaped area, where a fence post would be in the way, you can take measurements from several nearby objects to help you find the marker in the future. You can also place a brick or flat stone next to the marker and level with the ground, being careful not to disturb the marker itself.
- Protect your survey markers when there is construction in the vicinity. If it is necessary to dig near a survey marker, or to remove it temporarily, a surveyor can set temporary markers a few feet away before the construction begins. After construction, the original marker can be replaced at less cost than if it had to be reset from several hundred feet away.

Contractors working next door dug up one of my survey markers. Later, they put it back. Is this OK?

No. The replaced marker is most likely out of position by a few inches to several feet. Ask them to have the marker reset by a surveyor. Under state law, the setting of any property marker must be supervised by a licensed surveyor.

My neighbor has had her property surveyed. I don't think the property line is in the right place. What can I do?

First, try to talk with the surveyor who did the work. Most surveyors are willing to spend some time explaining the property line to a neighbor, although their schedules are often very busy. In establishing a property line, a surveyor is always aware that it has two sides. He or she will make every effort to locate the line in such a way as to respect the rights of neighbors.

If you are unable to contact the surveyor who laid out the line in question, or if you don't understand the explanation you are given, you may need to hire a surveyor of your own to check the line.

Whenever there is a question or dispute about a property line, be sure to mention that to any surveyor you are thinking of hiring. These situations often involve extra work, and it is best to inform the surveyor in the beginning to prevent a misunderstanding about the cost later on. Some surveyors prefer not to work on

disputed boundaries at all, partly due to the difficulty of predicting the cost of such work.

Both my neighbor and I have had our properties surveyed. The two surveyors don't agree on where the property line is. Why does this happen, and what can be done about it?

Unfortunately, land surveying is not an exact science. Surveyors work from plats, deeds, and other documents in the courthouse records, and also from monuments and other physical objects which serve as evidence of where the boundary is located. In some areas, the items found in the field may not agree with the records or with each other, or the records themselves may be incomplete, ambiguous, or contradictory. When two surveyors attempt to determine the correct location of the property line in such cases, they may reach different conclusions although both are acting in good faith.

Boundary problems are fairly frequent in the case of lakeshore property, probably because much of it was originally divided and sold 100 years ago or more. At that time modern laws and regulations were not in place to prevent inadequate surveys and ambiguous legal descriptions.

If you and your neighbor can agree on a compromise location for the property line in question, the problem can be resolved with relatively little trouble and expense. The compromise line should be surveyed and a legal description prepared. An attorney can then draw up a suitable agreement or other document to show that you have agreed on the line. When signed by you and your neighbor, this document can be recorded at the courthouse to prevent future problems.

If you and your neighbor cannot agree, the boundary line can be established by means of a lawsuit. In many cases, however, the cost and time required for a lawsuit may be more than the value of the land involved.

My property has just been surveyed. The neighbors' fence is partly on my property. What should I do?

When an improvement owned by one person is located on land owned by another person, the situation is known as an encroachment. The laws and court decisions on this subject are complex. To understand your legal rights in such a

situation, it is best to consult an attorney, preferably one with experience in real-estate matters.

If you are otherwise on good terms with your neighbor, and if the fence is not in your way, it is probably unwise to start a quarrel over the matter. In most cases, the actual value of the land involved is very small. You can ask your attorney about the possibility of creating an easement or license, which can protect your title to the land involved while allowing the fence to remain in place, either temporarily or permanently. With your attorney's advice, you will also need to decide whether it is necessary and appropriate to do this.

What is a legal description, and how is it used?

A legal description is, in effect, a set of written instructions which tell a surveyor how to locate a given piece of property on the ground. Legal descriptions appear in deeds, mortgages, and other documents that affect the property.

Most legal descriptions include the name of the county in which the property is located. Each legal description identifies one and only one piece of property in the county in which it is used. There are several different types:

- Lot and block descriptions, such as "Lot 6, Block 4, Carl J. Carlson's Addition to Minneapolis." These descriptions refer to a recorded map known as a plat (see Question 3).
- Sectional land descriptions, such as "The Northwest Quarter of the Northeast Quarter of Section 31, Township 117, Range 22." These are more common in rural areas, and refer to parts of the one-mile-square pieces of land, known as sections, which were created by the U. S. Government through the Public Land Survey. In Minnesota, the Public Land Survey was begun in the late 1840's and completed in the early 1900's.
- Fractional descriptions of a larger parcel, such as "The north 50 feet of the east 100 feet of Lot 6, Block 4, Carl J. Carlson's Addition to Minneapolis."
- Metes and bounds descriptions. These begin at a designated point, and then give the directions and distances to be measured around the boundaries of the land. Metes and bounds descriptions can run to several pages. Here is a brief example:

"Beginning at the northeast corner of Section 31, Township 117, Range 22; thence, along the east line thereof, South 0 degrees 41 minutes 03 seconds East a distance of 200 feet; thence South 89 degrees 25 minutes 31 Seconds West, parallel to the north line of said Section, a distance of 200 feet; thence North 0 degrees 41 minutes 03 seconds West, parallel to the east line of said Section, a distance of 200 feet to the north line thereof; thence, along said north line, North

89 degrees 25 minutes 31 seconds East a distance of 200 feet to the point of beginning."

A legal description may include all of a piece of property which is being sold or mortgaged. However, it may also include only part of an existing piece of property for the purpose of creating an easement (see Question 17), or a lease.

Some legal descriptions are prepared by attorneys or title companies. All surveyors are experienced in interpreting and preparing legal descriptions, and can also measure or calculate any dimensions that may be needed for the area of land that is to be described.

How do I find out the legal description of my property?

If you have a copy of the deed by which you acquired the property, a Certificate of Title, or a title policy, the legal description will be included. If not, a brief version of the legal description, sometimes known as a "tax legal", is usually given on your property-tax bill. If the tax bill does not contain a legal description, you should be able to get it by calling the County Assessor's office. Some counties also have web pages on which you can look up your property-tax records by entering the property address.

In many cases, the "tax legal" will have been shortened or simplified by the Assessor in order to save space, and may not include enough information to enable a surveyor to locate the property lines. The complete legal description of the property will be given on the deed or Certificate of Title.

Deeds and Certificates of Title are on file at the office of the County Recorder or Registrar of Titles. Not all properties have a Certificate of Title. To look up one of these documents, you do need a tax legal to get started. The procedure varies, but the County staff will assist you.

If you do not have the time to visit the County offices, any surveyor can look up your legal description in connection with preparing a survey.

What is an easement, and how is it used?

An easement allows one party to use another party's land for a particular purpose. For example, a person might have an easement that allows him to use a driveway across his neighbor's property. In many areas, utility easements are in place to allow government agencies or utility companies to place poles, wires, pipes, or cables across privately-owned land. An easement can be created for nearly any purpose if the parties agree to do so.

Some easements are created in the process of platting land. Others are created by separate legal documents. If there is an easement on your property, there are likely to be some restrictions on how you can use the land in the easement area. A surveyor can locate an existing easement in connection with a survey. An attorney can provide more information on how the easement area may be used.

On many residential lots, there are drainage and utility easements along the sides of the lots. Most cities do not allow buildings to extend into these easements, and there may be other regulations as well. Information on these regulations can usually be obtained from local Building Inspectors.

If a new easement needs to be created, it is generally necessary to have a surveyor locate the correct area and prepare a legal description of it. An attorney can then prepare a document which the parties can sign to create the easement.

I would like to divide my land and sell part of it. How do I proceed?

Nearly all land subdivisions in Minnesota are regulated by local authorities. The regulating authority is frequently a city or village, but may also be a county or township.

Subdivision regulations, along with zoning codes, are intended to prevent the inappropriate use and development of land. They are generally very complex. People who are not familiar with them are often surprised at how complicated it is to get approval to divide a piece of land.

All surveyors are familiar with the subdivision regulations and procedures in the areas where they practice. Any surveyor can give you general information on the regulations and procedures, and can do the necessary survey work if you decide to proceed. The city, township, or county will frequently require a survey before approving the land subdivision.

You can also get general information from development or planning officials in your city, township, or county. It will probably take a few phone calls to find out which official you need to talk to. Some cities post their subdivision regulations and zoning codes on their websites.

If the land subdivision involves major physical changes on the site, such as dividing a tract of farmland into building lots, it will require work by other professionals such as architects, civil engineers, and landscape architects. The surveyor will work in cooperation with these other professionals.

What can I do if I believe a surveyor has done something unethical?

The State Board (see Question 6) will investigate all complaints against surveyors, or any of the other professionals whom they regulate. The State Board also investigates reports of persons who are practicing surveying, or one of the other professions which they regulate, without being licensed as required by State law.

MSPS maintains an Ethics Committee which will investigate complaints on request. Surveyors are not legally required to cooperate with the Ethics Committee, but most will do so.