

FIRST REGULAR SESSION

SENATE BILL NO. 401

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAXWELL.

Read 1st time February 3, 1999, and 1,000 copies ordered printed.

L1497.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 60.315, RSMo 1994, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 60.315, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 60.315, to read as follows:

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

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

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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

[(4)] (6) All lost section and quarter-section corners on the township boundary lines [will] **shall** be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner **according to the conditions represented upon the original government plat;**

[(5)] (7) A lost interior corner of four sections [will] **shall** be reestablished by double proportionate measurement;

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

[(7)] (9) All lost quarter-section corners on the section boundaries within the township [will] **shall** be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished; **and**

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