

July 26 version which has been accepted by the KSLs Board, KACS , and the Land Survey Committee of KCHA. Also complies with 2009 KAC legislative platform.

Legend:

Black is existing language in the statutes that will not be changed.

Red strike through is deletion of existing language

Red underlined is new language.

19-1401

Chapter 19.--COUNTIES AND COUNTY OFFICERS

Article 14.--COUNTY SURVEYOR OR ENGINEER

19-1401. County surveyor, appointment and qualifications. The board of county commissioners of each county shall appoint a licensed land surveyor, whose official title shall be county surveyor. The county surveyor shall be a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto. The county surveyor may be a full time or part time county employee or a contract employee, as determined appropriate by the board of county commissioners. A surveyor may be a county surveyor in more than one county.

History: R.S. 1923, 19-1401; L. 1959, ch. 131, § 1; L. 1976, ch. 123, § 6; L. 1983, ch. 95, § 1; Repealed, L. 1999, ch. 27, § 4; July 1.

~~**REPEAL:19-1403. County engineer as surveyor, when; qualifications, powers and duties of county surveyor.** The county engineer shall perform all the duties now or hereafter required by law to be performed by the county surveyor, except in counties having a population of more than one hundred thousand (100,000) and not more than two hundred fifty thousand (250,000), and having a city of the first class of seventy-five thousand (75,000) or more population, which counties shall have a county surveyor regularly elected as provided by law, who shall be invested with the powers and duties pertaining to the office of county surveyor. No person shall be eligible to hold the office of county surveyor or perform the duties thereof who is not a practical and competent surveyor. In case there is no such practical and competent surveyor in any county who will accept such office, and where such facts are certified by the county commissioners of any county, then some practical and competent surveyor may be appointed to such office from any other county. This act shall be so construed as to permit any such person to be county surveyor of one or more counties at the same time.~~

History: R.S. 1923, 19-1403; L. 1959, ch. 131, § 2; April 2.

19-1407. Records of surveyor. The county surveyor shall keep records to show the following:

- (1) All surveys;
- (2) a plat of each survey made by the county surveyor and his deputies, which shall be in accordance with any applicable standards in effect at the time the survey is made, showing all course lengths and angles of deflection, to A scale of not less than four (4) inches to the

~~mile, and showing a directional arrow, a location legend and such other data as will properly identify the plat;~~

(3) a full set of field notes, setting forth the ~~distancechainage~~ and direction of all courses, and recording the stations of all permanent fences and boundaries and of such existing landmarks as will allow a complete study of the property, from such record;

(4) ~~reference reports prepared by the county surveyor, his deputies, and licensed land surveyors pursuant to K.S.A. 58-2011 and amendments thereto. a description of all corners found or set with a tie-in to at least three (3) permanent markers or witnesses also described, together with their direction and distance from a stone or corner.~~

History: G.S. 1868, ch. 25, § 159; R.S. 1923, 19-1407; L. 1961, ch. 136, § 1; June 30.

19-1411. Establishment of center corners and quarter-section corners of sections closing on a parallel or base line. In establishing the center corner of all sections closing on a parallel or base line, the ~~county~~ surveyor ~~or his deputy~~ shall commence at the quarter-section corner on the south boundary of the section, and run a line north parallel to the east boundary of said section; and at forty chains from the quarter-section corner on the south boundary, ~~or place of commencement,~~ said ~~county~~ surveyor ~~or his deputy~~ shall permanently establish the center corner of the section; and at the point where the said north line produced intersects the parallel or base line, which must be just forty chains west of northeast corner of the section, said ~~county~~ surveyor ~~or his deputy~~ must permanently establish the quarter-section corner on the north boundary of the section.

History: G.S. 1868, ch. 25, § 163; Oct. 31; R.S. 1923, 19-1411.

19-1412. Re-establishment of missing corners. In re-establishing missing corners, where no bearing or witness tree or trees can be found, the ~~county~~ surveyor ~~or his deputy~~ shall establish said missing corners in accordance with the government surveys. Where government surveys cannot be accurately followed, missing corners shall be established by proportionate measurement or existing landmarks supplemented with other location data, monuments, ~~distanceschainage,~~ and the ~~monuments for stone of~~ the corners shall be replaced according to the best calculations of the ~~county~~ surveyor, taking into account all the data, and, if necessary, replacing the proportionate measurement requirement.

History: G.S. 1868, ch. 25, § 164; R.S. 1923, 19-1412; L. 1961, ch. 136, § 2; June 30.

19-1413. Molesting or threatening surveyor; penalty. (a) If any county surveyor or his deputy shall be molested, or prevented from doing or performing any of his or their official duties, by means of threats or improper interference of any person or persons, such surveyor shall call on the sheriff of the county, who shall accompany him and remove all force. (b) ~~T;~~ ~~and the person or persons thus~~ threatening or improperly interfering with any county surveyor or his deputy, while performing his or their official duties, shall ~~be a class C misdemeanor on conviction thereof be fined in a sum not exceeding one hundred dollars,~~ and ~~upon conviction shall moreover~~ be liable for all damages to any person by the hindrance of the surveyor or his deputy, and also for all the expenses that may accrue in consequence of the attendance of the sheriff.

History: G.S. 1868, ch. 25, § 165; Oct. 31; R.S. 1923, 19-1413

19-1416. Oath before commencing road survey. That it shall not be necessary for the county surveyor to take an oath or affirmation before commencing his duties to survey roads,

except as is provided by law, when he takes his oath of office, ~~as is provided in Laws of 1913, chapter 157, section 1 [19-1401].~~

History: L. 1871, ch. 75, § 2; March 16; R.S. 1923, 19-1416.

19-1417. Chainmen, markers, flagmen, rodmen County surveyor assistants, payment in advance; compensation. It shall be the duty of each county surveyor to employ disinterested persons to act as his assistants. ~~chainmen; and he may appoint markers, flagmen and rodmen; and~~ the expenses of the assistants ~~chainmen, markers, flagmen and rodmen~~ shall be paid in advance, if required by the county surveyor or his deputy, by the party on whose application the survey may be made, and the money so advanced shall be accounted for by the surveyor and the amount expended to be taxed on the bill of cost. Any ~~assistant~~ chainman, marker or flagman appointed employed as aforesaid shall receive for each day that he may be actually employed in performing the work the prevailing wages for like services within the area, as determined by the board of county commissioners.

History: L. 1891, ch. 89, § 1; L. 1917, ch. 146, § 1; L. 1919, ch. 156, § 1; R.S. 1923, 19-1417; L. 1951, ch. 222, § 1; L. 1961, ch. 136, § 3; June 30.

19-1420. Record of road survey; descriptions of real estate; ~~surveys generally; road work; civil engineer.~~ Upon the establishment of any road, the county surveyor shall enter the plat and field notes thereof upon the official road record of the county. He shall, when ordered by the board of county commissioners, make out a complete description of all or any part of the real estate of his county, to be made out and entered in proper rolls furnished by the county clerk for such purpose. ~~The county surveyor shall, when ordered by the county commissioners, make complete surveys, plans, specifications and estimates for all bridges, culverts, roads, ditches, or other public works to be constructed under the authority of the board of county commissioners, and shall report the same with his recommendations thereon, and when so ordered he shall superintend the construction of such work, and make reports on the progress of the same to the board of county commissioners as often as they may require: Provided, That the board of county commissioners may employ a civil engineer or architect to act alone or in conjunction with the county surveyor in making plans, specifications and estimates for any bridge, culvert, road, ditch or other public work to be constructed by the county, and in superintending the construction of the same.~~

History: L. 1891, ch. 89, § 4; March 14; R.S. 1923, 19-1420.

~~**REPEAL 19-1421. Calculations of irregular tract of land; variations of magnetic needle from true meridian.** All calculations to ascertain the contents of an irregular tract of land by the county surveyor or his deputy, or other person or persons who may at any time be called by the court to execute a survey, shall be made by latitude and departure, and on each plat the county surveyor or his deputies, or the person or persons called on by the court as aforesaid, shall lay down the variations of the magnetic needle from the true meridian.~~

~~**History:** L. 1891, ch. 89, § 5; March 14; R.S. 1923, 19-1421.~~

19-1422. Rules to be observed in resurvey of land surveyed under authority of the United States. In the resurvey of land surveyed under the authority of the United States, the county surveyor shall observe the following rules to wit:

First, Section and quarter-section corners, and all other corners established by the government survey, must stand as the true corners.

Second, They must be re-established at the identical spot where the original corner was located by the government surveyor, when this can be determined.

Third, When this cannot be done, then said corners must be re-established in accordance with the provisions of section 19-1412 of the General Statutes of 1949, as amended.

History: L. 1891, ch. 89, § 6; R.S. 1923, 19-1422; L. 1961, ch. 136, § 4; June 30.

19-1423. Procedure to establish corners and boundaries; notice, costs. Whenever the owner or owners of one or more tracts of land shall desire to permanently establish the corners and boundaries thereof, such owner or owners shall notify the county surveyor to make a survey thereof and establish such corners and boundaries, and shall furnish to the county surveyor the name or names and address or addresses of all persons residing in the county and elsewhere, so far as known, who may be affected by such survey. The county surveyor shall cause a notice in writing to be served on each person who may be affected by the survey, or their agent or agents residing in such county, stating the time when the surveyor will begin the survey, and the lines or corners to be established, which notice shall be delivered to the person or left at their usual place of residence, at least six days prior to the day set for the survey.

Upon the landowners who may be affected by the survey, and who do not reside in the county, notice may be served by publication in a newspaper published in the county, if there is one, once in each week for three consecutive weeks, the last publication to be made at least three days prior to the day set for beginning the survey, and in case no newspaper is published in the county, then in some newspaper published in the state which has general circulation in the county, or such notice may be served by mailing, by registered mail, postage prepaid, with return receipt requested, addressed to such person at their usual place of residence with proper post-office address. In all cases where all the landowners interested shall consent in writing, the county surveyor may, at such time as may be agreed upon, proceed to establish such corners and boundaries without serving notice as required by this section. Proof of service of notice as herein provided shall be made and entered of record in the office of the county surveyor, and retained for a period of one year.

All costs incurred by the county surveyor in conducting such survey and proceedings for establishing the corners and boundaries of any tract or tracts of land requested by the owner of such property shall be paid by the party or parties requesting such survey. All costs incurred by the county surveyor in conducting surveys and proceedings for establishing the corners and boundaries of tracts of land which are authorized and directed by the board of county commissioners shall be paid from funds of the county available for such purpose.

History: L. 1891, ch. 89, § 7; R.S. 1923, 19-1423; L. 1961, ch. 136, § 5; L. 1986, ch. 103, § 1; July 1.

19-1426. Appeal from report of survey; recordation of survey. (a) Upon the filing of the report of each survey, any person interested in the same can at any time within 30 days thereafter appeal to the district court, by filing with the county surveyor a notice of such person's intention to appeal and by giving a bond, to be approved by the judge of the district court, conditioned for the payment of costs of the appeal if the report of the county surveyor is affirmed by the court. Upon the filing of such notice and bond the county surveyor shall certify the appeal to the clerk of the district court, and shall file with the clerk a certified copy of the report appealed from, including the affidavits, if any, filed therewith. The court shall hear and determine the appeal, and enter an order of judgment approving or rejecting the report, or modifying or amending the report, or may refer the report back to the surveyor to correct the survey and report in conformity with the decree of the court, or may, for good cause shown, set aside the report and appoint one or more surveyors, who shall proceed at the time mentioned in the order of the court, to survey and determine the corners and boundaries of the land in question, and shall report the same to the court for further action.

(b) The corners and boundaries established in any survey made in pursuance of an agreement, or in any survey where no appeal is taken from the surveyor's report, ~~or~~ such corners and boundaries as are established by the decree of the court, shall be held and considered as permanently established, and shall not thereafter be changed. When any report of a survey made in pursuance of an agreement, or of legal notice, or by the order of court, becomes final, it shall be the duty of the county surveyor to record the report in the records of permanent surveys. The county surveyor shall also make a certified record of such survey on paper of the same size as the record of permanent surveys, suitable for binding, and shall file the record in the office of register of deeds.

History: L. 1891, ch. 89, § 10; R.S. 1923, 19-1426; L. 1992, ch. 314, § 2; July 1.

19-1430. Protection of United States public land survey corners in

~~**roads, cornerstones and monuments.** When he shall find or be notified that, by reason of the wearing, washing or blowing of the land below its usual surface, a United States public land survey corner or section center corner monument cornerstone or monument is in danger of being displaced, or destroyed, ~~or it shall be the duty of the township trustee on township roads, the county surveyor on county roads, and of persons, firms or corporations on their property, to at once fill in around such cornerstone or monument in such manner as to make it secure; and further, when a cornerstone or monument projects above the usual grade of a roadbed, will be covered with concrete, asphalt, or other permanent type surfacing, or intended fill will cover the corner monument more than two (2) feet, enough to be in danger of being displaced by travel, by road graders, or by other means, or if by reason of intended cuts or fills the cornerstone or monument is likely to be displaced or destroyed or covered to a depth exceeding two (2) feet or covered with concrete, asphalt or other permanent type surfacing, then the agency responsible for maintenance of the road shall preserve the corner monument by employing a licensed land surveyor to comply with the provisions of K.S.A. 58-2011, and amendments thereto. The cost of the preservation or reestablishment of the corner monument shall be paid by the agency responsible for the road, or if on private property, by the land owner, and such cornerstone or monument has not at least two (2) duly recorded witness monuments, the county surveyor shall be given notice, served in person or by certified mail, of such fact, together with the location of such cornerstone or monument.~~~~

History: L. 1907, ch. 233, § 1; R.S. 1923, 19-1430; L. 1961, ch. 136, § 7; June 30.

~~**REPEAL 19-1432. — Resetting cornerstone; record of proceedings; costs.** Upon receipt of notice pursuant to K.S.A. 19-1430, and amendments thereto, that a cornerstone or monument projects above the usual grade of a roadbed, the surveyor shall notify the governing body having jurisdiction over such road. The governing body for township roads shall be the township board. The governing body of county roads shall be the board of county commissioners. The governing body of state and federal roads shall be the Kansas department of transportation. If the appropriate governing body determines the cornerstone or monument needs to be reset, the surveyor shall proceed to reset such cornerstone or monument and set at least two witness monuments, in a manner calculated to permanently preserve and mark the proper location of the cornerstone or monument. The surveyor shall record such proceedings, together with a substantial description of the cornerstone or monument, and the witness monuments, with distances and courses to same, in the manner provided by the law of permanent surveys. If the governing body determines a cornerstone or monument which projects above the usual grade of a roadbed needs to be reset, the cost of resetting cornerstones or monuments on township roads shall be paid from township road funds, on county roads from county road funds, state and federal roads from the state highway fund. The cost of resetting cornerstones or monuments on property of persons,~~

~~firms or corporations the costs shall be paid by the parties for whom the service is performed.~~

~~—Nothing in this section shall be construed as prohibiting the resetting of cornerstones or monuments by any land surveyor during the course of a survey paid for by the landowner requesting such survey.~~

History: L. 1907, ch. 233, § 3; R.S. 1923, 19-1432; L. 1961, ch. 136, § 8; L. 1998, ch. 111, § 2; July 1.

24-106. Same; landowners may construct outlets leading into general course of natural drainage. Owners of land may drain the same in the general course of natural drainage, by constructing open or covered drains, into any natural depression, draw, or ravine, on his own land, whereby the water will be carried by said depression, draw, or ravine into some natural watercourse, or into any drain upon a public highway, for the purpose of securing proper drainage to such land; and he shall not be liable in damages therefor to any person or persons or corporation: *Provided*, That owners of land constructing an outlet to a drain upon any public road, shall leave the road in as good condition as it was before the drain was constructed, the question as to such condition to be determined by the board of county commissioners and the county engineer. ~~in counties having a county engineer, and in other counties the county surveyor.~~

History: L. 1911, ch. 175, § 2; L. 1917, ch. 176, § 2; March 26; R.S. 1923, 24-106.

24-802. Petition for levee; bond; eminent domain proceedings. Whenever a petition is presented to the board of county commissioners of the county in which a levee is proposed to be constructed, signed by the owners of a majority of the acreage on which such levee or any portion of it is proposed to be constructed, or which will be benefited by the construction of such levee, specifying substantially the place of beginning, the general course and termination of such levee, accompanied by a bond, with surety approved by the clerk of such board, payable to the state of Kansas, conditioned that the petitioners will pay all costs and expenses accruing in the proceedings in case said levee be not finally located and allowed, the board of county commissioners shall with such assistance as may be required of the county ~~surveyor or~~ engineer, determine whether or not to institute proceedings and exercise the power of eminent domain in accordance with K.S.A. 26-501 to 26-516, inclusive.

History: L. 1893, ch. 104, § 2; L. 1905, ch. 216, § 1; R.S. 1923, 24-802; L. 1963, ch. 234, § 66; Jan. 1, 1964.

25-101. Time for general elections; officers to be elected; vacancies. On the Tuesday succeeding the first Monday in November of each even-numbered year, there shall be held a general election to elect officers as follows:

At each alternate election, prior to the year in which the term of office of the president and vice-president of the United States will expire, there shall be elected the electors of president and vice-president of the United States to which the state may be entitled at the time of such election;

at each such election, when the term of a United States senator for this state shall expire during the next year, there shall be elected a United States senator;

at each such election there shall be elected the representatives in congress to which the state may be entitled at the time of such election;

at each alternate election, prior to the year in which their regular terms of office will expire, there shall be elected a governor, lieutenant governor, secretary of state, attorney general, state treasurer and state commissioner of insurance;

at each such election there shall be elected such members of the state board of education as provided by law;

at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district judge expires during the next year, or a vacancy in a district judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district judge of such judicial district;

at each such election, when, in a judicial district in which judges of the district court are elected, the term of any district magistrate judge expires during the next year, or a vacancy in a district magistrate judgeship has been filled by appointment more than 30 days prior to the election, there shall be elected a district magistrate judge of such judicial district;

at each alternate election, prior to the year in which the regular term of office of state senators shall expire, there shall be elected a state senator in each state senatorial district;

at each election there shall be elected a representative from each state representative district;

at each alternate election there shall be elected, in each county, a county clerk, county treasurer, register of deeds, county or district attorney, sheriff and such other officers as provided by law;

~~at each alternate election, in counties that may by law be entitled to elect such officer, there shall be elected a county surveyor;~~

at each election, when the term of county commissioner in any district in any county shall expire during the next year, there shall be elected from such district a county commissioner.

This section shall apply to the filling of vacancies only so far as is consistent with the provisions of law relating thereto.

History: R.S. 1923, 25-101; L. 1965, ch. 164, § 17; L. 1968, ch. 406, § 59; L. 1976, ch. 146, § 40; L. 1976, ch. 123, § 7; L. 1976, ch. 179, § 3; L. 1986, ch. 115, § 69; Jan. 12, 1987.

42-358. Petition for district; contents; survey. Whenever the owners of land within any proposed irrigation district who shall be residents of the county in which said proposed irrigation district is located shall desire the erection of such district as provided for in K.S.A. 42-357, they shall cause to be presented to the board of county commissioners of such county a petition signed by not less than three-fourths of the owners of land within said proposed district who are residents of such county, which petition shall define the boundaries of said irrigation district, and shall ask for the erection of such district. Such petition shall be accompanied by an outlined map or plat showing the tracts of territory to be erected into such district, together with the numbers of sections and parts of the sections of land to compose such irrigation district; and said map or plat shall contain a drawing and profile of the proposed main ditch to the source of supply, and of all other ditches and laterals proposed to be constructed or purchased for the purpose of irrigating said described lands in said proposed district.

And said petition shall be accompanied by an estimate to be made by the county engineer of such county, ~~if such engineer be then in the employ of such county, and if not, by the county surveyor,~~ of the probable cost of the building of said main ditch, ditches and laterals and all other works necessary to be built in order to furnish a sufficient supply of water to irrigate the lands in said proposed district; or the costs of reconstruction and repair of such ditches, laterals and other works in case it is proposed to purchase the same; and at any time after the filing of such petition the county commissioners may, on the written application of any ten of such petitioners, order such county engineer ~~or surveyor~~ to make the estimates herein provided for, and he shall receive for his work and labor such reasonable compensation as such board of commissioners shall allow.

History: L. 1891, ch. 133, art. 7, § 2; R.S. 1923, 42-358; L. 1929, ch. 204, § 1; March 16.

58-2001. Monumentation of corners in boundaries of subdivisions before recording plat; 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~~ is monuments shall be a metallic bar or pipe in accordance with applicable standards in affect at the time the survey is made. ~~tube set rigidly in a concrete base.~~

(b) Definitions:

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

(2) "subdivision plat" means a type of survey plat that creates lot(s), tract(s), unit(s) or other parcels, that is ratified by the land owner and requires approval by a city or county governing body.

(3) "townhouse plat" is a type of subdivision plat for townhouses as required by K.S.A. 58-3707 and amendments thereto.

(4) "condominium plat" is a type of subdivision plat for condominiums as required by K.S.A. 58-3115 and amendments thereto.

History: L. 1967, ch. 309, § 1; July 1.

58-2002. ~~Same;~~ subdivision Survey control; monumentation. Where any United States public land survey corner ~~section corner, quarter section corner~~ or section center is involved in the control establishing the location of a subdivision boundary or other property boundary, said ~~point~~ corners shall be clearly monumented ~~and labeled~~ before ~~being it is~~ used in the ~~subdivision control~~ of the survey.

History: L. 1967, ch. 309, § 2; July 1.

58-2003. Recording measurements from visible objects to location of point; description; ~~alternative.~~ When any United States public land survey section corner, quarter section ~~corner~~ or section center is monumented or remonumented ~~set or reset~~ by a surveyor and when any such corner is located by a surveyor in the course of carrying out a public 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 point as set, reset, found or located. These reference objects shall be described clearly. ~~In lieu of reference measurements from visible objects, such reference measurements may be made from triangulation stations maintained by the national ocean service/national geodetic survey or by utilizing the state plane coordinate system prescribed by K.S.A. 58-20a01 et seq., and amendments thereto.~~

History: L. 1967, ch. 309, § 3; L. 1999, ch. 27, § 1; July 1.

58-2004. Survey Plats and Information required with plats. The following information shall be submitted to the county surveyor with all survey plats that are required to be reviewed by the county surveyor for subdivisions of land:

(a) Survey ~~Exterior boundary~~ plat showing: (1) theory of location used for the exterior boundary; ~~(2)~~ Locations of the monuments, ~~(32)~~ bearings and distances between the monuments, ~~(3) closure calculations.~~

(b) ~~All horizontal lot calculations and street calculations.~~ 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 not more than 1 year old prepared by the surveyor as required by K.S.A. 58-2003 and 58-2011, and amendments thereto.

History: L. 1967, ch. 309, § 4; July 1.

58-2005. Review of survey plat prior to recordation; certification. (a) Before a subdivision plat, or survey plat required to be recorded to comply with K.S. A. 58-2012, and amendments thereto, of survey may can be recorded, it shall be reviewed by the county surveyor, or a licensed land surveyor designated by the county. ~~If the county does not have a designated county surveyor, the county engineer shall review the plat if the county engineer also is a registered land surveyor. In the absence of both a county surveyor and a county engineer who is a registered land surveyor the plat shall be reviewed by a registered land surveyor designated by the county. All cost for plat review and approval shall be charged back to the applicant for plat approval.~~ The county shall be responsible for the enforcement of this act. The county surveyor or ~~reviewing surveyor~~county engineer shall certify that such plat meets all the requirements of this act. ~~If any such plat is required to be submitted to any planning commission for review and approval or disapproval, such review and approval duly certified upon the face of such plat shall not constitute full compliance with the review required in this section unless reviewed by the county surveyor or county engineer.~~

(b) The survey plat shall be reviewed for (1) closure of the exterior boundary, (2) monumentation of the exterior boundary and United States public land survey corners, (3) legal description, (4) compliance with K.S. A. 58-2011, and amendments thereto. A townhouse plat shall also be reviewed for compliance with K.S.A. 58-3707, and amendments thereto. A condominium plat shall be reviewed for compliance with K.S. A. 58-3115, and amendments thereto. The board of county commissioners may by resolution adopt additional review requirements including review of proposed new tracts for compliance with zoning regulations.

(c) All costs for plat review and approval may be charged back to the applicant for plat approval. The fee charged for plat review shall be based on actual costs as approved by the Board of County Commissioners.

(d) For those survey plats required to be reviewed, the register of deeds may choose to: (1) accept a survey plat for recordation only after the reviewer's signature is affixed to the face of the plat; or, (2) accept the survey plat, filing fee and review fee prior to review, then deliver the plat with review fee to the reviewer. The reviewer shall return the plat to the register of deeds or to the submitting surveyor if necessary upon completion of review.

(e) The reviewer shall identify deficiencies related to items specified in section (b) above on the initial review. The reviewer shall complete a deficiency correction verification without charge. If new deficiencies are identified on the amended plat not present on the initial submittal then an additional review fee no more than the amount of the initial review fee may be charged for final approval by the reviewer.

(f) Upon receiving a survey plat the reviewer shall take no more than 5 business days to complete the review and return the plat to the surveyor or recording office as appropriate. Upon receiving an amended plat the reviewer shall complete the deficiency correction verification and return the plat to the surveyor or recording office as appropriate within 3 business days.

(g) The board of county commissioners may by resolution waive the requirement to review survey plats prior to recording, except for subdivision plats, townhouse plats and condominium plats.

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

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 ~~copy of the report of the completed survey and~~

reference ~~s report for each~~ to the 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. Twenty 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; July 1.

58-2012. Required recordation of surveys. (a) Whenever a licensed land surveyor performs a survey that results in a new legal description or creates a new tract of land a survey plat shall be recorded in the register of deeds in the county where the survey was located within 30 days of receipt of payment for the survey. The survey plat shall be certified with the seal and signature of a licensed land surveyor, an acknowledgement of a notary public is not required. The licensed land surveyor that signed and sealed the survey plat is responsible for recording the survey.

(b) Except for subdivision plats the board of county commissioners may designate by resolution an alternate county office where survey plats, are to be filed for archival purposes. If an office other than the register of deeds is designated for the filing of survey plats, then that office shall maintain an index of all surveys by section, township and range, and surveys of platted lots shall be indexed by subdivision. The cost of filing the survey plat at the alternate county office shall not exceed the cost of recording a similar document at the register of deeds.

68-104. Viewers; notice of view; duties of county surveyor. Upon presentation of any petition for a road, or for the alteration or vacation of any road, to the county commissioners, at any regular session of their board, it shall be the duty of said commissioners, if they find the petition to be a legal one, and that the proper bond has been filed, to appoint three disinterested householders of the county as viewers with said commissioners, who may act as viewers of said road, and the county clerk shall give notice by advertisement set up in the county clerk's office and in every municipal township through which any part of said road is designed to be laid out, altered, or vacated, for at least twenty days, and by publication for two consecutive weeks in a newspaper of general circulation in the county setting forth that such petition has been presented, giving the substance thereof, and that the commissioners or the viewers, on the day designated, which shall not be more than twenty days after the date of the second publication in the newspaper of the notice herein required, will proceed to view the said road, and give all parties a hearing.

They shall also cause a record of such notice to be entered on their journal by the county clerk. They shall issue an order directing the county surveyor to meet with them at the time and place named in said notice to survey such road. In case of failure to meet on the day designated, they may meet on the following day, without further notice; and in case of failure to meet within the time herein specified, new notice shall be given as hereinbefore provided; that in all applications for the location, change and relocation of any road to be located upon or along any section line, and the petition shall so state, and shall specify the section lines to be followed, the place of beginning and the place of ending, the survey may be dispensed with, and in case the owners of the lands taken agree in writing to the proposed location, relocation, or change, and the commissioners are satisfied that the location, relocation or change prayed for is practicable, and can be made without unreasonable expense, they may dispense with the viewing of such location, relocation or change of road, and shall order the same to be surveyed, platted and opened, and shall also direct the county ~~surveyor~~engineer to note such location, relocation or change of roads upon the road records of his office.

History: L. 1911, ch. 248, § 4; May 22; R.S. 1923, 68-104.

~~REPEAL 68-108. —Place of beginning or true course of road uncertain; resurvey; recordation.~~ ~~When the place of beginning or true course of any road shall be uncertain by reason of the removal of any monument or marked tree by which the road was originally designated, or from any other cause, the county commissioners shall constitute a board of review, or the county commissioners may appoint three disinterested householders of the county as a board of review, and the commissioners or such other review board may re-view, re-mark and straighten said road, if they deem it necessary; and after establishing the place of beginning or true course of the road, the board of commissioners shall notify the county surveyor, who shall view and re-survey the same, and shall have the same correctly marked, as in the case of a new road, and shall make a correct return of said survey and a plat of said road; and the same, together with the certificate of the commissioners or viewers, shall be recorded as in other cases, and from thenceforth said road, surveyed as aforesaid, shall be considered a public highway. In resurveying any such road the existing landmarks may be supplemented with such other data, monuments, and witnesses as are available.~~

History: L. 1911, ch. 248, § 8; R.S. 1923, 68-108; L. 1961, ch. 299, § 2; June 30.

68-131. Township sidewalks and crossings; petition; special assessments. It shall be lawful for the township board of any township to establish and maintain a sidewalk not more than five (5) feet in width in and along the outer edge of any highway or across the same whenever a petition for such sidewalk or crossing is signed by the resident owners representing fifty-one percent or more of the property abutting upon the improvement sought to be made, and when said petition is filed with the clerk of the township board, the township board shall cause such improvement to be made and shall contract therefor and shall levy a tax for the actual cost of such improvement against the lots, parcels or pieces of land abutting upon such improvement on the front-foot basis, and the clerk of the township board shall certify the amount so levied against each lot, parcel or piece of land for such improvement to the county clerk, who shall place the same upon the assessment rolls and said tax shall be collected in the same manner as other taxes: *Provided*, That the owner of any lot, parcel or piece of land liable to any such special assessment may redeem his property from such liability by paying the entire amount chargeable against his property at the time the amount of such tax is ascertained or after the issuance of the sidewalk scrip by paying the full amount of such special assessment represented by such scrip, together with the accrued interest.

The owners shall designate in their petitions the width and kind of sidewalks, and the board shall determine the plans and specifications and material for such improvement in accordance with such petitions, and shall issue scrip to contractors for the payment of the same for five (5) years with interest at the rate of not to exceed five (5) percent, one fifth (1/5) of such scrip and interest payable each year. ~~It shall be the duty of the county surveyor to establish the grades for all such improvements.~~ Resident owners in this act shall be considered residents of the township wherein the improvement is sought to be made.

History: L. 1919, ch. 313, § 1; June 17; R.S. 1923, 68-131.

68-1402. Same; separate contracts for each bridge; sealed bids; surveys and plans. The reconstruction, improvement, removal and relocation of bridges or approaches thereto provided for in this act shall be by written contract separately made and awarded as to each bridge, to the lowest responsible bidder, upon sealed proposals, based upon plans and specifications therefor on file in the office of the county clerk of the county. The county ~~engineersurveyor~~ of the county, when so directed to do by the board of county commissioners, shall make all necessary surveys and investigations and prepare plans and

specifications for the reconstruction, improvement, removal or relocation of any bridge or the approaches thereto, and grade separation structures connected therewith, together with an estimate under oath of the cost thereof, and file such plans, specifications and estimate in the office of the county clerk of the county. No contract shall be awarded for any such improvement at a price in excess of said estimated cost.

The board of county commissioners shall have power, if they deem it necessary, to employ engineers to assist the county ~~engineersurveyor~~ in preparing plans and specifications or superintending the construction of such improvements, and to pay such engineers out of the proceeds of bonds issued on account of the cost thereof. After considering and approving plans and specifications, prepared and filed as aforesaid, the board of county commissioners shall advertise for three consecutive weeks in the official county paper for sealed proposals for the construction of such improvements or works, in accordance with the plans and specifications therefor. The board of county commissioners shall require any contractor to whom any such contract is awarded to enter into a written contract, and to secure the performance thereof by a bond signed by a surety company. All bids for the construction of any such improvement or work shall be presented simultaneously to the board of county commissioners and opened forthwith by them, in the presence of the public and all bidders present.

History: L. 1909, ch. 64, § 2; R.S. 1923, 68-1402; L. 1949, ch. 348, § 2; L. 2006, ch. 124, § 6; July 1.

68-1407. Same; surveys, plans and specifications; letting of contracts; publication notice; bond of contractor. The county ~~engineersurveyor~~ of said county, when so directed to do by the board of county commissioners, shall make all necessary surveys and investigations and prepare plans and specifications for the construction of such bridge and the approaches thereto, together with an estimate, under oath, of the cost thereof, and file such plans, specifications and estimate in the office of the county clerk of said county. Said bridge shall be constructed under written contract made and awarded to the lowest responsible bidder, upon sealed proposals therefor based upon the plans and specifications so prepared and filed in the office of the county clerk of said county. No contract shall be awarded therefor at a price in excess of said estimated cost.

The plans and specifications prepared and filed as above provided shall be considered and approved by the board of county commissioners and thereafter said board shall advertise for three consecutive weeks in the official county paper for sealed proposals for the construction of said bridge, and the contract therefor shall be awarded to the lowest responsible bidder, and any contractor to whom any such contract is awarded, shall enter into a written contract therefor and to secure the faithful performance thereof shall file in the office of the county clerk of said county a bond duly executed by one or more surety companies duly authorized to do business in this state to be approved by said board of county commissioners.

History: L. 1913, ch. 69, § 2; March 13; R.S. 1923, 68-1407.

79-409. Same; survey of lot or tract, when. If the owner or occupant of any lot or tract of land shall neglect or refuse to furnish the description required by K.S.A. 79-408 when demanded by the county clerk, ~~a licensed landthe county~~ surveyor shall ascertain the boundaries and quantity of such property, and such description shall be held to be valid for all purposes of taxation; and the expense of such survey shall be returned to the county clerk of the county in which such property is located, and by such county clerk shall be added to the tax upon such property and made a part thereof, and when collected the county treasurer shall be required upon warrants drawn by the county clerk on the orders of the board of county commissioners to pay the expenses of said survey.

History: L. 1911, ch. 316, § 9; May 22; R.S. 1923, 79-409.