

SENATE BILL REPORT

SB 5557

**AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,
FEBRUARY 6, 1992**

Brief Description: Modifying requirements for recording of surveys.

SPONSORS: Senators Nelson and Sutherland.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Staff: Barbara Howard (786-7410); Rod McAulay (786-7754)

Hearing Dates: February 19, 1991; February 6, 1992

BACKGROUND:

In order to assure public access to current land survey information, the Survey Recording Act of 1973 mandates the recording of any survey which establishes or reestablishes a corner on the boundary of two or more ownerships or general land office corner. A record of survey is not required when:

- the survey is made by a public officer in his official capacity and the map is filed with the county engineer;
- the survey is made by the U.S. Bureau of Land Management;
- a survey which is preliminary in nature; or
- a map is in preparation for recording under any local subdivision or platting law or ordinance.

One interpretation has been that surveys which retrace boundaries already shown on recorded maps or plats must be recorded even though they do not reflect any significant change.

SUMMARY:

A record of survey is not required when it is a retracement of boundaries already depicted on a recorded subdivision plat, or record of survey map, provided that:

- no material variance is found with the recorded information;
- no encroachments are found; and

- sufficient original or replacement monuments are found to establish the property corners within acceptable standards.

EFFECT OF PROPOSED SUBSTITUTE:

A record of survey is not required when it is a retracement or resurvey of boundaries already depicted on a recorded subdivision plat or short subdivision plat, provided that no discrepancy is found on other public survey records. If a discrepancy is found, it must be clearly shown on the face of the new required record. "Discrepancy" is defined to include:

- A nonexisting, displaced or replacement monument from which the parcel is defined, and such information has not previously been revealed in the public record;
- A departure from proportionate measure solutions not previously revealed in the public record;
- Any physical evidence of encroachment or overlap by occupation or improvement; or
- Differences in measurement between all controlling monuments in excess of 0.50 feet when compared with all locations of public record (if the measurements agree within the stated tolerance, a discrepancy is not deemed to exist).

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This bill clarifies when a record of survey is required. It seeks to preserve the original intent of the Survey Recording Act.

TESTIMONY AGAINST: None

TESTIFIED: Nancee Wildermuth, Architects and Engineers Legislative Council (pro); John Warren, Land Surveyors of Washington (pro)