



**IDAHO SOCIETY OF PROFESSIONAL LAND SURVEYORS**

# **STANDARDS OF PRACTICE FOR PROFESSIONAL BOUNDARY LAND SURVEYS**

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**IDAHO SOCIETY OF PROFESSIONAL LAND SURVEYORS  
STANDARDS OF PRACTICE  
FOR PROFESSIONAL BOUNDARY LAND SURVEYS**

By the Idaho Society of Professional Land Surveyors, Adopted February 27, 2024.

*Abstract:*

*These Standards are meant not only to outline the duties, responsibilities, and accepted Standards of Practice for the Professional Land Surveyor practicing in the State of Idaho, but to remind the Professional Land Surveyor what their duty is to themselves, other Professional Land Surveyors, their clients, and the public.*

*Standards not only provide guidance governing professional behavior and services but, in the process, reach for recognition through increased responsibility and foster appreciative public recognition of quality services. Further, these Standards may foster cooperation, trust, and credibility within the profession and with the public.*

*These standards are not intended to be an instruction manual on how to survey property boundaries. It is presumed that the educated, experienced, licensed professional Surveyor possesses an adequate knowledge of legal precedents, interpreting descriptions, gathering evidence, rules of construction, boundary establishment, and boundary laws. If further knowledge in these areas is desired; a defining characteristic of being a professional is continually seeking greater knowledge through self-study and continuing education opportunities, including higher education courses, seminars, and interaction with knowledgeable professionals.*

*Standards of Practice are not intended to specifically define what should be done within every possible scenario encountered by the Professional Land Surveyor but should provide guidance for the Professional Land Surveyor when encountering not only common, but different, unique, and complicated situations.*

*The Professional Land Surveyor should remember the Standard of Care is such care, skill, and diligence as others in the profession ordinarily exercise under like or similar circumstances.*

*These Standards will be regularly reviewed and modified by the Idaho Society of Professional Land Surveyors to maintain the needs of the profession, changing technologies, and expectations of the public.*

**Section 1. INTRODUCTION**

1. Standards are not intended to be used in place of professional judgment. It must be understood that there will be circumstances and conditions that make it impossible to comply with some provisions of a standard. If the Professional Land Surveyor deviates from the standard or guideline, this deviation should be noted, described, and justified by the Surveyor.

2. To provide for stability of position and security of title through proper location, preservation of boundary location evidence, and delineation of real property boundaries ISPLS promulgates these “Standards of Practice” for performing property boundary land surveys for use by

Surveyors licensed to practice land surveying in the State of Idaho. These Standards recognize the continual changes taking place in land information systems, surveying technology, and to accommodate various classical and modern surveying methods.

3. The laws and rules that govern the practice of Land Surveying in Idaho are contained in Idaho Statutes and IDAPA rules available from IPELS and ISPLS. Idaho Professional Land Surveyors are required to follow these laws and rules and stay informed of their periodic changes.

4. ISPLS recommends these Standards as a guideline for all surveys relating to the creation, establishment, retracement, or resurvey of property boundaries (including easements), whether for public or private lands. These Standards provide for public needs such as:

- a) Surveying, platting, and recording or filing documents to meet requirements of multipurpose cadasters, land-information systems, and statutes.
- b) Properly describing newly created parcels, including easements.
- c) Discovering and documenting patent and latent ambiguities and their resolution.
- d) Establishing, reestablishing, and rehabilitating corner monuments that are identifiable and can be readily located in the future.
- e) Preservation of relevant evidence pertaining to the location of boundaries and corners.
- f) Surveying to prescribed accuracy for digital databases for multipurpose cadasters, and to aid in the recovery, restoration, and replacement of existent, obliterated, or lost monuments.

5. These Standards provide Surveyors and recipients of a survey with guidance for surveying performance. Wherever these Standards refer to a Surveyor's duty, it is intended to include all persons who may perform tasks under the direction and supervision of the licensed professional.

6. It is recognized that those who are dependent upon the Professional Land Surveyor have specific needs, peculiar to the services offered in the establishment, retracement, resurvey, mapping, perpetuation, and documentation of property boundaries (including easements) as to matters which may be discoverable from a survey, inspection and other evidence found in the readily available public records. It is recognized that the public is entitled to rely on the survey furnished to them being of the appropriate professional quality, both as to completeness and as to accuracy.

7. The Professional Land Surveyor is licensed to protect the health, safety, and welfare of the public. The practice of Land Surveying requires locating evidence of property boundaries, the perpetuation of that evidence, and establishing, or locating boundaries and corners in accordance with sound surveying principles and established boundary law principles. During the performance of their duties, Surveyors must balance the necessity of their client to ascertain their boundary locations with the property rights of adjacent landowners. The Surveyor's findings

regarding boundary locations play an important role in maintaining the public land cadaster and should be regarded as a benefit to the public welfare.

## **Section 2. DEFINITIONS**

1. Words, phrases, and terms used herein, and within the profession, may vary depending on specific circumstances. For definitions, Surveyors should refer to appropriate, applicable, and relevant sources such as state statutes, rules, local ordinances, professional treatises, manuals, national Surveyor associations, common law, legal and other dictionaries.
2. Specific words and phrases used in this Standard.
  - a. Idaho Society of Professional Land Surveyors, herein referred to as “ISPLS”.
  - b. Board of Licensure of Professional Engineers and Professional Land Surveyors, herein referred to as “IPELS”.
  - c. Idaho Administrative Procedures Act, also referred to as Idaho Administrative Code, herein referred to as “IDAPA”.
  - d. Record of Survey, a drawing prepared and recorded under the requirements of Idaho Code Title 55, Chapter 19, herein referred to as “ROS”

## **Section 3. GENERAL PROCEDURES**

### **1. Determine Purpose**

Surveyors should inquire as to the intended purpose for which the client will utilize the survey. The purpose should incorporate the specific needs of the client for its intended purpose as dictated by unique circumstances, conditions, and applicable law.

### **2. Determine Scope**

Surveyors should obtain sufficient information to understand the client’s requirements and to define services. If more information is necessary, Surveyors should advise clients that it must be obtained prior to determining the scope of services.

### **3. Evaluate Capabilities**

Even though legally qualified by professional license, Surveyors are still responsible for determining that their own abilities meet special needs of the project. Surveyors must possess proper knowledge, experience, equipment, and resources to undertake contemplated projects, and should determine if their capabilities are adequate or not.

### **4. Estimate Cost and Time**

At the request of the client, it may be necessary to inform clients before work starts of estimated costs, date when work could begin, and estimated date of completion of the project. It is also

advisable that the Surveyor inform the client that ambiguities, unexpected difficulties, and other unforeseeable circumstances that may be discovered during the survey, may impact the anticipated time of completion and cost of the survey, and that if these circumstances are encountered the client will be informed in a timely manner (see 3.5.b below).

## 5. Initiate Agreement

- a. Before beginning professional services for which payment is expected, it is advised that the Surveyor and client reach agreement to fix the scope of the professional services provided, fee basis, time period involved, and other desirable and applicable contractual terms.
- b. If previously unknown factors are discovered during the survey process that will significantly affect the cost or completion schedule, the client should be informed in a timely manner. The discovery of unknown factors including latent, or patent ambiguities may require additional scopes of work to be negotiated.

## 6. Accessing Survey Monuments

Survey monuments and other forms of evidence that control land boundaries are often located on properties owned by persons or parties other than the client. The recovery and perpetuation of these are vital to the successful completion of the survey and provides benefit to the public welfare. Survey monuments must be recovered, observed, measured, rehabilitated, restored, or established by the Surveyor as an essential part of his practice and duty. The Surveyor must be sensitive to the concerns of landowners when accessing properties and should comply with all applicable trespass and Surveyor access laws.

## **Section 4. SURVEY PROCEDURES**

### 1. Record Research

Surveyors should:

- a. Search for and obtain applicable property records of public agencies to obtain pertinent record and survey history of the subject and relevant adjoining properties. Under the legal doctrine of constructive notice, the Surveyor is obligated to make reasonable searches for relevant records. Surveyors having actual notice of other private records should make a reasonable effort to obtain them for consideration in the survey.
- b. Search for and obtain relevant records which may include, but are not limited to, abstracts, deeds, title reports and opinions, easements, and descriptions and other relevant records of neighboring properties. Surveyors are not required to identify errors or omissions caused by defective or fraudulent title records nor are they required to give title opinions.

c. Search for and obtain relevant survey records which may include, but are not limited to:

- Original government survey field notes and plats
- Subdivision plats and record of survey maps
- Affidavits
- Corner perpetuation records
- Court and county surveying records
- Railroad records and plans
- Canal companies & irrigation districts plans
- State highway plans
- Highway district plans
- Historical societies
- University or college libraries/special collections
- Utility Companies Records and Plans

d. Contact local surveyors. Each geographical area usually has its own history, customs, and cultural factors that have impacted the establishment of boundaries. Surveyors that have worked in these areas for long periods of time are good sources of information, monuments, records, etc.

## 2. Preliminary Research Analysis

Surveyors should:

- a. Examine relevant documents to identify evidence to be recovered such as monuments, physical features, and providers of relevant testimony.
- b. Analyze the record data to determine contiguity between the subject and relevant properties and to identify patent ambiguities,
- c. When necessary, perform additional research upon discovery of patent ambiguities
- d. Plan the procedure for performing the field survey.

## 3. Field Investigation and Survey

Surveyors should:

- a. Make a diligent attempt to recover and identify monuments and other physical evidence that may control the determination of the boundary location,
- b. Obtain and consider extrinsic evidence (e.g. documentary, demonstrative, testimonial) which may impact or control the determination of the position of existent or obliterated corners or may expose latent ambiguities in conflict with the record documents,

- c. Identify the character, location, and other relevant evidence (age, usage, intent, history, etc.,) of possession or occupation observed,
- d. Make necessary measurements (refer to Section 5 for position standards),
- e. Make sufficient check measurements to discover blunders and verify or validate other measurements, and
- f. Document all information and data collected in an appropriate and understandable form (e.g., field notes, sketches, electronic data files, affidavits, photographs, etc.).

#### 4. Computations and Conclusions

Surveyors should:

- a. Determine geometric relationships between controlling corners, property corners, lines of occupation, and other relevant physical evidence.
- b. Properly evaluate available data and evidence, determine sufficiency of evidence, resolve latent ambiguities, determine position of lost or obliterated corners and supplement with additional data and evidence as necessary to derive proper conclusions.
- c. Make a determination of facts, based upon the evidence gathered, that may or may not control the position of boundaries, existent, obliterated, or lost corners.
- d. Properly apply the principles of location for corners and boundaries in accordance with applicable boundary law principles.
- e. Attempt to resolve differences or disagreements with other Surveyor's conclusions or corner positions.
- f. Set sufficient monuments to facilitate identification of corners and boundaries and to enable future retracement of the survey (refer to Section 6).
- g. Document the results of the survey (refer to Sections 7 & 8).

### **Section 5. POSITION STANDARDS**

#### 1. Introduction

- a. Position Standards define relative positional tolerances for measurements of lines, corners, monuments, and other physical features performed by the Professional Land Surveyor. Measurements provide an important means of finding, identifying, reporting, and perpetuating the locations of monuments, corners, boundaries, and other physical features; therefore, it is desirable that measurements should be made with the appropriate care, repeatability, and precision that is required for the purpose of the survey.

b. These standards will provide guidance in defining the relative positional tolerances that should be strived for in performing most boundary land surveys but will still allow the professional Surveyor flexibility in adapting to the practical or contractual requirements for each encountered circumstance.

c. To meet these standards, the Surveyor should assure that the positional tolerances resulting from the measurements made on the survey do not exceed that which is recommended either by these Standards, the contractual obligations with the client, or what a reasonable professional Surveyor would determine to be appropriate under the circumstances and conditions encountered.

d. The lines and corners on any property survey have uncertainty in location which is the result of (1) availability and condition of reference or controlling monuments, (2) occupation or possession lines as they may differ from record lines, (3) clarity or ambiguity of the record descriptions or plats of the surveyed tracts and its adjoiners and (4) positional tolerance.

e. The first three sources of uncertainty must be weighed as evidence in the determination of where, in the professional Surveyor's opinion, the boundary lines and corners should be located. Positional tolerance is a measure of how precisely the Surveyor can perform positional measurements and report those positions; it is not a substitute for the application of proper boundary law principles. A boundary corner or line may have a small Positional tolerance because the survey measurements were precise, yet still be in the wrong position (*i.e.*, inaccurate) if it was established or retraced using faulty or improper application of boundary law principles.

f. Of these four sources of uncertainty, only positional tolerance can be limited through proper procedures and care, although due to the inherent error in any measurement, it cannot be eliminated. The first three can be estimated based on evidence; positional tolerance can be estimated using statistical means.

g. The Surveyor should, to the extent necessary to achieve the standards contained herein, (1) compensate or correct for systematic errors, including those associated with instrument calibration, (2) select the appropriate equipment and methods, and use trained personnel, and (3) use appropriate error propagation and other measurement design theory to select the proper instruments, field procedures, geometric layouts, and computational procedures to control random errors.

h. If radial survey methods, GPS or other acceptable technologies or procedures are used to locate or establish points on the survey, the Surveyor shall apply appropriate procedures to assure that the applicable positional tolerance of such points is not exceeded.



## 2. Computation of Positional Tolerance

The relative positional tolerance may be tested by: (1) comparing the relative location of points in a survey as measured by an independent survey of equal or higher accuracy or, (2) the results of a minimally constrained, correctly weighted least squares adjustment of the points on the survey.

## 3. Recommended Horizontal Positional Tolerance for Measurements Controlling Land Boundaries

The Surveyor should employ proper field procedures, instrumentation, and adequate survey personnel in order to achieve a maximum relative positional tolerance (based on the direct distance between the two corners being tested) of 0.10 feet plus 50 parts per million, or 1 part in 10,000 closure, whichever is greater, or as contracted with the client.

## Section 6. MONUMENTATION

1. To identify and preserve boundary evidence Surveyors should set monuments that are permanent, stable, and magnetically detectible, the minimum size of which shall not be less than 1/2 inch in diameter and two (2) feet in length iron or steel rod or a metallic post or pipe one (1) inch in least dimension and two (2) feet long with minimum wall thickness of nominal one-eighth (1/8) inch, or other substantial monuments designed specifically for use as a survey monument, unless special or extenuating circumstances preclude the use of such monument. Monuments set must be permanently marked with the license number of the Professional Land Surveyor responsible for placing the monument.

2. Corners of the parcel or tract of land being surveyed should be monumented as required to meet the needs of the client for the intended purposes of the survey and to facilitate future retracement. Where practical, monuments shall be set at all unmonumented corners that define, represent, or occupy the corners of the parcel being surveyed, and at controlling corners used in the determination of, or that define the location of such boundaries and corners.

3. Where existing monuments are found and used as control in any survey, and are not permanent, stable, and magnetically detectible, they should be rehabilitated or replaced with monuments that conform to this Section.

4. Where the corner position cannot be monumented due to special circumstances, the Professional Land Surveyor should employ reference or witness monument(s) if practical. Reference or witness monuments should be set at locations that reduce uncertainty, provide for adequate recovery of the referenced corner, and comply with Section 6.1. The location, direction, and distance of the reference monument(s) should be clearly shown or noted on the plat, record of survey, or corner perpetuation record.

5. Easements, generally, should be monumented in compliance with Sections 6.1 through 6.4. While it is not possible to anticipate every situation that may be encountered, the following guidelines should be followed.

- a. If easements do not run parallel with, and in close proximity to a boundary or lack sufficient and reasonable ties to boundary lines or corners, they should be adequately monumented to facilitate their location by Surveyors, easement holders, and landowners.
- b. Surveyed easements and lease areas for cell towers, drain fields, power lines, utilities, pipelines, conservation easements, roads, access areas, etc., that are not currently monumented or defined by natural or artificial features, should be monumented in compliance with this section.
- c. Easements that cross multiple sections or subdivisions should show ties to record monuments at sufficient intervals to facilitate their location by Surveyors, easement holders, and landowners.

## **Section 7. GRAPHICAL REPRESENTATION OF LAND SURVEYS**

### **1. Records of Survey and Plats**

Surveyors should:

- a. Complete and file surveys and plats, affidavits, or certificates with the proper local authority, in accordance with Idaho Code, Idaho Administrative Rules (IDAPA), and other local regulations.
- b. Prepare survey records in compliance with Idaho Code 50-1304 and 55-1905.
- c. Clearly and understandably depict the final boundary or clearly disclose unresolved ambiguities and conflicts with adjoining properties and inform clients of their existence.
- d. Show actual measured values on records of survey, plats, and corner records, to enable their future retracement, and record values where relevant. Distances reflected in documents affecting property interests such as legal descriptions, records of survey, plats, corner records, etc., should contain distances that are horizontal, nominal ground distances.
- e. Prepare records of survey, plats, and corner records with the appropriate clarity of text, lines, symbols, etc., so they may be scanned and/or reproduced and still retain an adequate level of readability.

## **2. Survey Narrative**

Surveyors should:

- a. Explain the purpose of the survey such as, parcel division, determination of encroachments, transfer of ownership, etc. Confidential or sensitive information is not required to be stated. (see Section 3.1 & 3.5).
- b. Explain how the boundaries, corners, and other controlling elements were established or reestablished and the boundary principles and reasoning behind the decisions.
- c. Explain which deed records, deed elements, survey records, found survey monuments, plat records, road records, or other pertinent data were controlling when establishing or reestablishing the lines or corners.
- d. Include methods of construction of deed elements and physical evidence upon which conclusions were reached.
- e. Identify the theory of location for corners utilized to resolve ambiguities or conflicts and to derive conclusions in accordance with law or precedence (refer to Section 4.4).
- f. Show the benchmarks used, reference the vertical datum used, and the methodology used to determine the elevations for surveys that include a vertical component,

## **3. Legal Descriptions**

Surveyors should:

- a. Include a sufficient caption, body, and where applicable, augmenting and qualifying clauses when preparing a legal description.
- b. State clearly the unique location of the property being described.
- c. State the basis of bearings or language which otherwise makes definite the method of direction and orientation for the lines of the subject property being described and the survey control related thereto when applicable.
- d. Include applicable citations to relevant title or survey records which are intended to be incorporated into and made a part of the legal description by reference thereto.
- e. Call for descriptions of physical monuments, both natural and artificial, to facilitate future recovery and to enable positive identification.

- f. Incorporate either directly or parenthetically when applicable, sufficient data to enable a check of mathematical closure for the subject property being described.

Professional Surveyors should be careful providing “as-surveyed” descriptions. When new parcels are being created, combined, etc., it is appropriate to write and provide new descriptions. When retracing or resurveying an existing parcel/description, creating unnecessary “as-surveyed” descriptions can potentially interfere with, or break the record title chain of the affected parcels. These problems can be mitigated or avoided in several ways.

- 1) Use the record description, and fully explain the intent and any ambiguities or significant differences in the survey narrative.
- 2) Include the intent in the caption of the new description. For example: “the following described parcel is the full and complete parcel as described in instrument number 111111”.
- 3) Appropriately use record vs. measured bearings/distances in the description.
- 4) Use bounding calls (or a combination of descriptive data) such as “thence North 00°02’20” East 196.85 feet (record = North 12 rods) along the West boundary of the parcel described in instr. # 111111 to the 1” iron pipe at the Northwest corner thereof” to maintain a direct connection to the boundaries of the record parcel.

#### **4. Basis of Bearings**

The Surveyor should include a basis of bearing label or statement on records of surveys, plats, corner records, and other final reports where applicable. The basis of bearing can be the bearing of a line between two monuments or monumented corners that serves as the reference bearing for lines on the document. A basis of bearing can also be the bearing system used such as a published or custom projection. When a published projection is used the Surveyor should state the datum, epoch, and name of the published projection. When a custom projection is used, the Surveyor should state the applicable defining parameters of the projection to allow those using the document to recreate the projection as necessary, such as the datum, epoch, scale factor, and the convergence angle of one monument should be shown.

#### **Section 8. CORNER RECORDATION**

Surveyors should:

- a. File a written record in accordance with Idaho Code Title 55, Chapter 16 and IDAPA 10, Title 01, Chapter 03 for each public land survey corner, center one-quarter corner, and accessory to such corners used as control within 90 days after the completion of the survey, unless the corner and its accessories are substantially as described in an existing corner record.
- b. Set a monument at the corner position complying with Section 6, when reestablishing, establishing, or rehabilitating a public land survey corner or center one-quarter.

- c. Carefully describe or diagram the monument and all references and accessories, including their bearings and distances.
- d. Specify the system used and the applicable meta data to facilitate the recovery of the corner when including geodetic or Cartesian coordinates relative to a private, local, county, state or federal coordinate system.
- e. Utilize a form substantially the same as provided by ISPLS.

## **Section 9. ELECTRONIC DATA DISTRIBUTION**

1. The client may request the Surveyor to provide the survey data in an electronic format. These formats may include such files as CAD drawing files, digital terrain model (DTM) files, or digital elevation model (DEM) files. When the Surveyor provides these files, they are only for the benefit of the client for the intended purpose of the specific survey. The Surveyor should also provide a signed and sealed hard copy drawing or similar representation of the survey. The hard copy drawing shall be the official plat or map and shall be deemed to be correct and superior to the electronic data. The electronic data file may also contain a statement that the file is not a certified document and that the official document was issued and sealed by (name and registration number of the Surveyor) on (date).
2. The Surveyor should retain for his or her records a duplicate copy of the files as submitted to the client with a record of the date the files were prepared. The duplicate copy retained by the Surveyor is considered the original copy of the electronic files distributed to the client.
3. The Surveyor may also need to address additional liability issues with appropriate contract language.

## **Addendum for Corner Records**

### **1. Introduction**

This addendum supplements the current Idaho Society of Professional Land Surveyors Standards of Practice for Professional Boundary Land Surveys and Idaho statutes and rules pertaining to corner perpetuation records, and is intended to provide professional land surveyors additional information and guidance in preserving the evidence of public land survey corners by providing details and explanations of when to file corner records, what information should be included on the records, and placement of monuments and accessories.

Corner records provide a permanent public record of public land survey corners. The evidence preserved by corner records assist in maintaining the stability of property boundaries, the goal of all property boundary related law.

### **2. When to file a corner record.**

Surveyors must file a written record in accordance with Idaho Code and IDAPA for all required corners, including public land survey corners used as control within 90 days after the completion of the survey unless the corner and its accessories are substantially as described in an existing corner record.

Public land survey corners are those that were established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office (GLO) and the U.S. department of interior, bureau of land management. This excludes GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite.

Centers of section, quarter section corners, or sixteenth section corners which are not public land survey corners and do not have an existing corner record that meets the current requirements, must have a new corner record filed if they are used to meet the tie requirements for contents of a subdivision plat or record of survey (see addendum for Records of Survey section 4.M and addendum for Plat Review).

Public land survey corners, center one-quarter corners, and accessories to such corners which are established, reestablished, monumented, re-monumented, rehabilitated, perpetuated or used as control in any survey require corner records be filed. A surveyor may file or record any corner record for any property controlling corner or accessory to a corner that the professional desires.

The term “substantially as described” is a subjective term with no precise definition, but it is generally interpreted as a change which is insignificant and has no noteworthy impact on the identification of corner and/or the accessories. To be “substantially as described”, the monument or accessory should display sufficient characteristics for it to be recognizable as being the same monument or accessory referenced on a previous corner record. The Professional Land Surveyor

should use sound professional judgement in deciding whether to file a new corner record. The current condition of the corner and its accessories, as described in the current corner record, should allow for ease in future identification of the corner and accessories, keeping in mind our obligation to protect the public by maintaining and preserving the location of corners.

### **3. What should be included on a corner record.**

Corner records should be substantially the same as the form available from ISPLS or IPEPLS (insert hotlinks to form).

#### **a. Record of Original Corner and Subsequent History.**

The surveyor should include the record of the corner's original establishment, by whom, and when. This information will usually be the record of the GLO and/or BLM but may be other sources, especially for corners not originally set during the establishment of the public land survey system such as the center quarter corner.

The subsequent history of the corner after its initial establishment is critical information that perpetuates the evidence of the monument and the corner's location. This information may be contained in older surveys (recorded and unrecorded), county surveyor records, highway or railroad plans, testimony, corner records, private surveyor records, etc. The source, location of the records, and recording numbers when applicable should be included.

#### **b. Description of corner evidence found.**

The surveyor should include all relevant evidence found, recovered, or used that identifies the location of the corner. This should include detailed descriptions of accessories, memorials, testimony, methods, and reasoning used in determining the location of the corner. If conflicting evidence is found, the surveyor should clearly explain the reasoning for accepting or rejecting evidence of the location of the corner. The identification and description of the evidence used to establish or re-establish the corner should be preserved for all who follow in the surveyor's footsteps. If no evidence remains of the corner location and it is considered lost, the surveyor should so state, and include the restoration method, rational, and controlling corners used to reestablish the corner.

#### **c. Description of monument and accessories that perpetuate the location of the corner.**

The surveyor should include a complete and detailed description of the corner monument found or set, and the accessories found or set that perpetuate the location of the corner. Whenever possible, each corner should have an adequate number of stable and identifiable accessories in the vicinity of the corner that will allow future surveyors to locate the corner and re-establish the corner in the event the corner monument is removed or destroyed. The surveyor should also state or describe the basis of bearing when applicable, see Section 7.4 of the Standards of Practice. When providing geodetic coordinates for a corner, the surveyor should include the applicable meta data of the coordinates and/or system used.

Where applicable, a diagram, rubbing, or photo of the inscription on the monument should also be included on the corner record, the surveyor should be aware that the reproduction or scanning of the document may degrade the readability of photos or rubbings.

d. Surveyors Certificate.

A corner record form requires the signature and stamp of the professional surveyor in responsible charge of the survey.

Include the date the corner record work was performed, the surveyor's employer (if applicable), and the surveyors license number. This space can also be used to place job numbers/names, field book numbers, and other such information the surveyor determines is appropriate.

e. Location Diagram and Cross-indexing Information.

All corners and or monuments should be identified by their proper full name including township, range, section, meridian, county, and state. The surveyor should ensure the cross-indexing information is correct and conforms to the indexing system used by the county in which the corner record will be filed/recorded. Too many corner records are currently filed/recorded with incorrect or missing cross-indexing. If the corner record is not correctly indexed and filed to facilitate access to the corner record, the information is of little or no value in preserving the corner location evidence.

As noted above, corner records are not only for public land survey corners. A surveyor can file or record any corner record for any property controlling corner or accessory to a corner as the professional desires. However, the standard grid system of cross-indexing only represents the locations of PLSS corners down to the 1/16<sup>th</sup> corners. The surveyor may use any reasonable and logical method of cross-indexing corners that do not fall on the standard grid. A suggested method is to use a decimal notation for the grid position for a corner record filed for a monument which falls between the standard grid positions. For instance, a monument located approximately 132' north and 132' east of the southwest 1/16<sup>th</sup> corner in Section 9 (grid H-10) would be indexed as grid location H.1-10.1.

#### **4. Monuments and accessories.**

Surveyors should remember our duty to the public to preserve and stabilize property boundaries, public land survey corners, and all corners that identify or control the location of property boundaries. Monuments occupy or reference the location of corners, and therefore should be stable, identifiable, and conform to Section 6 of the Standards of Practice.

*As stated in Section 4-79 of the 2009 BLM Manual, "the purpose of an accessory is to evidence the position of the corner monument. A connection is made from the corner monument to fixed natural or artificial objects in its immediate vicinity, whereby the corner may be relocated from the accessory. Thus, if the monument is destroyed or removed, its position may be identified by any remaining evidence of the accessories. One or more kinds of accessories are employed at each corner."*



Surveyors should employ adequate accessories whenever practical to accomplish the stated purpose in Section 4-79. Accessories should share many of the attributes of monuments, i.e., stable, identifiable, accessible, and should stand the test of time. Accessories will not only be used to confirm and assist in locating the corner monument but should also be able to reliably be used to identify the location of the corner if the corner monument is destroyed or removed. The surveyor should employ as many accessories as necessary to preserve the location of the corner, currently Idaho code requires a minimum of three where practical.

When accessories are not available or practical, the surveyor should use other means of preserving the location of the corner such as bearing and distance ties to other corner monuments, geodetic coordinates, location data from published, local, or custom systems, which should include the necessary and appropriate meta data of such systems. The surveyor should employ his professional judgment in placing accessories and using reasonable and reliable methods of preserving the location of the corner.

When the corner falls in a location not suitable for placing an appropriate monument, the surveyor should use reference monuments and/or witness corners to preserve the location of the corner. Care should be taken to place such monuments in logical and suitable locations where they are safe from accidental removal, easy to identify, and can readily be used to locate the corner. Witness monuments should be placed on the line leading to or from the corner (or both), appropriately marked (see 2009 BLM Manual), and the distance and direction to the corner identified on the corner record.

In recent years, safety has become an important concern in setting, locating, and recovering corner monuments. Surveyors should use professional judgement and employ the use of reference monuments and/or witness corners when corners fall in railroad rights of way, high traffic areas, steep and unstable terrain, and other potentially hazardous locations.

## **Addendum for Records of Survey**

### **1. Introduction**

This addendum to the Standards of Practice for Idaho Professional Land Surveyors is to provide additional guidance and standards for Professional Land Surveyors in performing boundary surveys and preparing Records of Survey in accordance with Idaho Code and sound professional practices and to supplement the requirements contained in Idaho Code Title 55, Chapter 19. This document is not meant to specifically define what should be done within every possible scenario encountered by the Professional Land Surveyor but should provide guidance for the Professional when encountering not only common, but different, unique, and complicated situations.

### **2. Purpose of a Record of Survey (ROS)**

A boundary survey is the process of gathering and evaluating evidence of the location of property boundaries. The professional surveyor, after making an evaluation of the evidence, forms a well-reasoned professional opinion of the boundary, founded on experience and applicable legal precedents. As Justice Cooley so eloquently reminded us over 130 years ago that *“courts and juries may be required to follow after the surveyor over the same ground, and that it is exceedingly desirable that he govern his action by the same lights and the same rules that will govern theirs.”* A properly created and recorded record of survey is a vital method of communicating this information.

The record of survey is prepared by the surveyor to not only preserve evidence of boundary locations, but to communicate his professional, well-reasoned opinion to others. For these reasons, an effective ROS should be understandable, concise, complete, and contain the necessary information to identify, not only boundaries, but the monuments that occupy (or reference) corners and boundaries, the measurements used to assist in locating boundaries, appropriate record data to maintain title continuity, and the relevant evidence and applicable boundary law principles used by the Surveyor in forming his professional opinion.

### **3. When to prepare a record of survey**

A ROS should be recorded in compliance with IC §55-1905, after performing a professional boundary land survey when it is necessary or desired to document any new or significantly changed relevant boundary location information. IC §55-1904 requires preparing and recording a ROS when certain conditions are met. A ROS should be prepared when the surveyor finds evidence that is substantially different than what is contained in previous surveys of record. A material discrepancy is one that is significant or essential to the consequential facts and the knowledge of the discrepancy would affect a person’s decision-making process. A substantial difference cannot be defined precisely for every circumstance or situation that the professional land surveyor may encounter and thus requires sound professional judgement. The desire to save the client money, reduce time performing a survey, or avoid additional work are not acceptable considerations applicable to the professional’s decision of whether to prepare and record a ROS or not.

Monument types that vary significantly from the record, noteworthy differences from the record documents, and significant variances between measurements and record data are examples of potential significant discrepancies. The question the professional surveyor needs to answer is would preparing and recording a ROS necessarily update or clarify the record and would it contain valuable information or relevant evidence vital to perpetuate the location of boundaries for future use by the public, surveyors, or other interested parties.

When the surveyor establishes or retraces boundary lines and/or corners, and when setting monuments not previously existing or of record, a ROS should be recorded, this includes easements (see Section 6.5 of the Standards of Practice). Generally, whenever the survey results in, discovers significant differences, or produces evidence or information that pertains to the location of boundaries that is not of record, a ROS should be prepared and recorded.

Likewise, there are circumstances when it is not necessary to prepare a record of survey such as preparing preliminary plans, if the survey is going to be or has been recorded under other sections of Idaho Code, if the survey is performed for a mineral claim location, amendment or relocation, or if none of the conditions contained in section 55-1904, Idaho Code, exist and the principal purpose of the survey is to depict information other than the points of lines that define boundaries including, but not limited to preliminary plans/plats, topographic surveys and construction surveys, staking and layout.

#### **4. Contents of a Record of Survey**

For a ROS to be informative, effective, and complete, it should contain the following:

- A. A title including the township, range, section, city and/or county in which the surveyed property is located, and the client where appropriate.
- B. A complete description of the monuments found, set, replaced, rehabilitated, rejected, or removed during the survey, including type and size, such as 5/8" iron rod, 1/2" rebar, 2" galvanized pipe, marked stone, etc. Obviously, this is particularly important to users of ROS's, as it memorializes what marks the boundaries and controlling corners. An ROS cannot be complete and accurate without a record of what physical evidence delineates the boundaries and corners.
- C. Measured bearings and distances (see Section 5 of the Standards of Practice) between monuments and other relevant physical features, and the record and historical data where appropriate.
- D. Corner record information for PLSS corners utilized as control (both found and set) during the survey, to include the instrument number of the most current and complete corner record.
- E. A basis of bearing statement or label complying with Section 7.4 of the Standards of Practice.

F. Line and curve tables when appropriate.

G. Non-tangent curves should be clearly identified, and where appropriate, lot or boundary lines should be clearly identified as radial or non-radial to curves.

H. Symbol and line legends when appropriate. The proper use of symbols and legends are an especially useful method to clearly identify, label, or provide further explanation of items and can improve the readability of the survey while reducing clutter.

J. Graphic scale and north arrow.

K. Certificate of survey.

L. Recorder's certificate or area for the recording information to be placed.

M. Ties to at least two (2) of the following: 1) public land survey corners; 2) center of section, quarter section corners, or sixteen section corners any of which were not monumented in an original or resurvey of the United States, such corners must have a corner record meeting the current requirements for corner records; 3) monuments recognized by the county surveyor for this purpose. Records of survey which are within previously platted subdivisions of record need not be tied to public land survey corner monuments but should be tied to existing relevant controlling monuments.

N. Provide references to surveys of record, and/or recorded subdivisions within, crossing, or adjoining the subject parcels. Such references should also be included for all surveys and/or subdivisions that significantly impact the decision-making process while performing the survey.

O. Provide references, data, and other evidence obtained from unrecorded documents, records, deeds, plans, drawings, or other relevant sources of information relied upon to perform the survey, including evidence of possession and parol evidence.

P. Legal descriptions when appropriate or desired. The surveyor should exercise caution when preparing "as-surveyed" or other "revised" descriptions of existing properties. The surveyor has no authority to unilaterally reform the language chosen by the original parties to describe the subject property simply because it fails to close mathematically or contains ambiguities. When surveying an existing parcel of land, it is appropriate for the surveyor to recite the record description of the parcel and include a reference to the source of the description relied upon.

Q. A comprehensive, complete, and informative surveyor's narrative, the contents of the narrative and other notes and explanations on the record of survey should:

1. Explain the purpose of the survey such as, parcel division, determination of encroachments, transfer of ownership, retracement for fencing purposes, etc. Confidential or sensitive information is not required to be stated. (see Section 3.1 & 3.5, Standards of Practice).
2. Explain how the boundaries, corners, and other controlling elements were established or reestablished, including the boundary principles and reasoning behind the decisions. The surveyor should also explain and identify which records (deeds, plats, surveys, plats, road plans, unrecorded documents, monuments, etc.) were controlling in the decision-making process.

Examples are:

- “The location of the northwest corner of the parcel was verified by testimony of Mr. Jones and Mrs. Smith, both independently verifying the location of the 1” iron pipe as placed during the 1975 unrecorded survey, a copy of which is possessed by Mr. Jones”.
  - “The east boundary was found to be a boundary established by agreement; the evidence being detailed in note 2”.
  - “The west boundary fence was determined to be the best available evidence of the location of the boundary line as surveyed in 1952”.
  - “The southwest corner of the parcel was re-established from direct bearing and distance ties as shown on an un-recorded survey found in the records of the Many-Waters Canal Co., located at 123 Drought Street, Dry Lake, Idaho”.
  - “The north boundary is the centerline of the irrigation ditch as described in instr. #123456, which was considering controlling over the adjoining description (instr. #222222) which described the boundary by bearings and distances only, further supported by the long-term occupation and recognition by the landowners”.
  - “The east boundary is the west boundary of Lakeview Drive, depicted and monumented (monuments recovered as shown hereon) as shown on the plat of Poor Acres Subdivision”.
  - “The south boundary was determined from the testimony of Mr. Farmer as being laid out by him at the time of sale to Mr. Thomas (see note 3 for contents of his testimony), being in conflict with the distances contained in deed instr. # 111111, but held as controlling by this survey, see the applicable boundary law principles outlined in Campbell v. Weisbrod, 245 P.2d 1052”.
3. For surveys that include a vertical component, the benchmark(s) should show an adequate description to facilitate recovery and verification in the future and where applicable, the datum name should be listed in a complete and correct manner. The method of establishing or transferring elevations will aid future surveyors in making informed decisions on error detection, re-establishment, or fitness for use of the elevation information.

# **Addendum for Plat Review**

## **Introduction Idaho Plat Preparation Guide for ISPLS**

The preparation of subdivision plats is one of the most important duties and responsibilities of the Professional Land Surveyor. Statutory and regulatory requirements for plats have changed and become more complicated over the years. This addendum to the ISPLS Standards of Practice will help the Surveyor navigate the requirements for the preparation of subdivision plats.

Subdivision plats not only create the lots, parcels, and streets, but identify and create many other controlling interests in the affected lands such as easements, open spaces, building envelopes, irrigation water and rights, sanitary restrictions, and many other regulatory and important items that will control the use of the platted land. Therefore, it is extremely important that the Professional Land Surveyor understand the lawful requirements of subdivision plats.

The surveyor must understand that creating lines or notes on the face of a plat does not, by their inclusion on the drawing, create an interest as intended on the property. For example, an undefined line without the presence of clear and enforceable words may not create the intended conveyance, (i.e., a dashed line drawn as an intended easement without words created to grant it, are simply lines on the drawing without a conveyance.) The Surveyor must be certain if the owner intends to grant, convey, or dedicate some interest it must identify the party receiving the right or conveyance, and any terms or limitations of the conveyance are contained in the certificate of owner.

This addendum will include a sample checklist and detailed discussions and examples of the requirements for subdivision plats. The Professional Land Surveyor should not rely solely on this document in the preparation of subdivision plats as statutory requirements may change at any time, and local regulations vary between jurisdictions. However, this addendum is intended to be, and will be maintained as a valuable resource to the Professional Land Surveyor when preparing and reviewing subdivision plats.

## ISPLS SUBDIVISION PLAT CHECK LIST

**SUBDIVISION NAME:** \_\_\_\_\_

**Fees Due:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Application:** \_\_\_\_\_ - SUR

**County / City** (A / B, E, G, K, M, S) \_\_\_\_\_ **Name Approved:** \_\_\_\_\_ **TRS** \_\_\_\_\_

**Closures** \_\_\_\_\_ **Total Area** \_\_\_\_\_ **Curve Table** \_\_\_\_\_ **Line Table** \_\_\_\_\_

**CERTIFICATES:** \_\_\_\_\_ Owner Certificate, [Legal Description vs. Plat](#)

\_\_\_\_\_ [Intent Statement](#)

\_\_\_\_\_ [50-1334 H2O System](#)

\_\_\_\_\_ [Owner Dedicate Public Streets](#)

\_\_\_\_\_ [Owner Reservation Easement](#)

\_\_\_\_\_ [Private Roads Reserved](#)

\_\_\_\_\_ [Signature Line](#)

\_\_\_\_\_ [Acknowledgment Certificate](#)

\_\_\_\_\_ [Surveyor's Certificate](#)

### DESCRIPTION:

\_\_\_\_\_ [Year of Recording Correct](#)

\_\_\_\_\_ [Is Title Is Correct](#)

\_\_\_\_\_ [Cert of Owners Is Correct](#)

\_\_\_\_\_ [Title Matches Cert of Owner](#)

\_\_\_\_\_ [Sanitary Restrictions \(Cen. Dist. Health Approval\)](#)

\_\_\_\_\_ [Highway District Acceptance and Approval](#)

\_\_\_\_\_ [City Acceptance and Approval](#)

\_\_\_\_\_ [City Engineer Approval](#)

\_\_\_\_\_ [County Surveyor Certificate](#)

\_\_\_\_\_ [County Treasurer Certificate](#)

\_\_\_\_\_ [County Recorder Certificate](#)

\_\_\_\_\_ [County Commissioner Approval \(County Plat Only\)](#)

\_\_\_\_\_ [Monument Certificate](#)

\_\_\_\_\_ [Surveyor Stamp On Each Sheet](#)

\_\_\_\_\_ Match Lines / Diagram for Serial Sheets

\_\_\_\_\_ Sheet Size and Border (3 1/2" Left Margin)

\_\_\_\_\_ [Lots Dimensioned](#)

\_\_\_\_\_ [Lots & Blocks Numbered](#)

**BASIS OF BEARING:** \_\_\_\_\_ **NORTH ARROW:** \_\_\_\_\_ **SCALE:** \_\_\_\_\_ **ADJOINING SUBS LABELED:** \_\_\_\_\_

**POINT OF BEGINNING:** \_\_\_\_\_ **TIE TO 2 PLSS CORNERS:** \_\_\_\_\_ **CONTROLLING CORNERS:** \_\_\_\_\_

**OWNERSHIP REPORT OK:** \_\_\_\_\_ **IRRIGATION I.C. 31-3805:** \_\_\_\_\_ **NARRATIVE:** \_\_\_\_\_ **HOA REF:** \_\_\_\_\_

INTERSTATE PIPELINE LOCATION \_\_\_\_\_  
In compliance with I.C. 50-1304(2)(l)

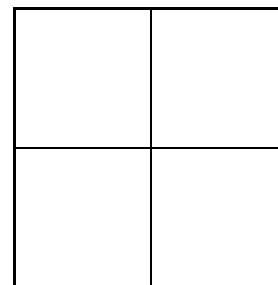
#### STREETS

\_\_\_\_\_ [Widths](#)  
\_\_\_\_\_ [Courses](#)  
\_\_\_\_\_ [Names Correct](#)

#### LEGEND:

##### [MONUMENTS:](#)

\_\_\_\_\_ Described  
\_\_\_\_\_ Street Centerlines  
\_\_\_\_\_ Boundary  
\_\_\_\_\_ Lots  
\_\_\_\_\_ WC / RM Corners Labeled



##### [EASEMENTS:](#)

\_\_\_\_\_ Widths / Dimensions  
\_\_\_\_\_ Purpose is Clear & Consistent \_\_\_\_\_ Existing Easements Referenced or Shown  
\_\_\_\_\_ Private Roads Labeled

[CORNER RECORDS CHECK:](#) \_\_\_\_\_

**CONDITIONS OF APPROVAL** \_\_\_\_\_ (County Plat Only)

## Boundary and Lot Area Checking

After a traverse closure is performed on the boundary and all of the individual lots, the calculated areas are checked against the plat. It is not required to show square footage in addition to Acres, however this is at the discretion of the Land Surveyor submitting the plat. Most local jurisdictions require the individual lot area information on preliminary plats; however, Idaho State Code does not require the lot areas to be shown on a final plat.

#### *The Review*

- ✓ The area calculated in the boundary closure check is compared to the area shown in the Certificate of Owners. The boundary closure check value must either match or must round to the value shown in the Certificate of Owners, if shown.
- ✓ If an area table is shown on the face of the plat, it is checked against the calculated values.



- ✓ If areas for each individual lot are shown on the face of the plat, they are checked against the values calculated for the lot closure. Individual lot areas are not required by state code but may be required by the local jurisdiction.

## References

### Adjoining Subdivisions

Adjoining subdivisions are required to be shown. A development across an adjacent, previously dedicated public right-of-way would not necessarily be shown unless the boundaries were common along the centerline.

Current subdivision boundary adjoiners are available from the county land records property information.

If an adjoining subdivision is in the process of development, but not yet recorded, the subdivision name should not be shown. There are exceptions in the record to this, but there are also instances in the county records where a subdivision has gone clear through the process and never been recorded. It would be safer to just show the adjoining ground as “Unplatted”.

## The Review

- ✓ Are the adjoining subdivisions shown on all sides of the plat boundary?
- ✓ Are divisions between adjoining phases shown in the correct location?
- ✓ Are the adjoining subdivision names correct? Check spelling and word order! Great Big Estates Subdivision No. 7 is not necessarily the same as Great Big Subdivision Estates No. 7. The name must match the record and is especially important for some earlier (pre-1970's) plats.
- ✓ If the Book & Page is shown for recorded adjoining subdivisions, are they correct? Check both the beginning and ending page numbers, if they are shown.
- ✓ If there are multiple sheets, are the adjoining subdivisions shown in greater detail, and do they match the other sheets?

## Basis of Bearings

See Standards of Practice Section 7.4.

### Review

- ✓ Is the Basis of Bearing labeled or described on the face of the plat? Even if the Basis of Bearing is described in a note on the face of the plat, the Basis should be labeled.

## Acknowledgements

This section was covered under I.C. Title 55, Chapter 7 until 2019. At that time, Idaho Code was revised and moved to Title 51, Chapter 1 known as the Revised Uniform Law on Notarial Acts (2018). While the short form of the acknowledgement may look different from prior years, in substance the acknowledgement is unchanged. Acknowledgements are situation specific, and the forms will need to be combined or altered depending on the authority. If there is any question, ask for a determination from the Idaho Secretary of State office on whether a form meets the requirements of Title 51, Chapter 1.

*I.C. - ACKNOWLEDGMENT NECESSARY TO AUTHORIZE RECORDING. Before an instrument may be recorded, unless it is otherwise expressly provided, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or vice president, or secretary or assistant secretary, or other person executing the same on behalf of the corporation, or if executed in the name of the state of Idaho or any county, political subdivision, municipal, quasi-municipal, or public corporation, by one (1) or more of the officers of such state, county, political subdivision, municipal, quasi-municipal, or public corporation executing the same, or if executed in a partnership name, by one (1) or more of the partners who subscribed the partnership name thereto, or if executed by a limited liability company, by the manager, member or other person executing the same on behalf of the limited liability company, or the execution must be proved and the acknowledgment or proof, certified in substantially the manner prescribed by Chapter 1, Title 51, Idaho Code; provided, that if such instrument shall have been executed and acknowledged in any other state or territory of the United States, or in any foreign country, according to the laws of the state, territory or country wherein such acknowledgment was taken, the same shall be entitled to record, and a certificate of acknowledgment indorsed upon or attached to any such instrument purporting to have been made in any such state, territory or foreign country, shall be prima facie sufficient to entitle the same to such records.*

While the President, Vice President, Secretary or Assistant Secretary (for a Corporation) and a Member, Manager, Managing Member or Governor (for an LLC) are recognized by Idaho Code (I.C. 30-29-1-120 & I.C. 51-1-115) to sign for the entities, this would not preclude another position from being a signer, as long as it was authorized in writing by the Corporation or LLC, such as a Power of Attorney or through Bylaws, or an operating agreement. The ownership documents should be verified with the information held by the Secretary of State, which are the Articles of Incorporation and the Annual Report Form or recorded in the office of the County Recorder. However, since most corporate documents are not generally of public record, we would require enough supporting documentation that it would be easier to just use the Code approved officers. See I.C. 30-29-1-120, and I.C. 30-21-1-102 for other requirements or options.

A Notary's name, signature, seal, commission number, commission expiration date and jurisdiction are required. See I.C. 51-1-115.

Although the short form of the acknowledgement requirements changed in the 2019 legislative session, which has consolidated the different types from the old Title 55 Chapter 7 to the more generic newer form, a review of the Ada County records indicates that not only do many title companies still routinely use a long form of the acknowledgement, the long form is still used on plats. Either of the forms will be accepted on plats, however if there is any uncertainty about which acknowledgement to use, we would encourage the notary to work with the project owners title company to determine what acknowledgement best fits the ownership situation stated on the plat.

## Acknowledgement Forms

### *Types of Acknowledgements – Short Form Certificates*

- [Acknowledgement by Entity on Behalf of Another Entity](#) .....I.C. 51-1-116A
- Acknowledgement By Individual .....I.C. 51-1-116(1)
- Acknowledgement By Corporation or Limited Liability Company, OR

- Acknowledgement By Attorney, OR
- Acknowledgement By Official or Fiduciary, OR
- Acknowledgement By Partnership, OR
- Acknowledgement By State or Political Subdivision .....I.C. 51-1-116(2)

## Review

- ✓ Do the names (and titles, if noted) in the signature line of the Certificate of Owners match the names (and titles, if noted) in the Acknowledgement?
- ✓ Do the titles (of signers for business entities) agree with the records filed with the Idaho Secretary of State's office, or recorded documents in the County Recorder's office?
- ✓ Is the form of acknowledgement correct for the signer(s)? *This completely depends on the type of ownership, and in what capacity the signer is acting.*
- ✓ In the case of multiple owners, is each of the owners represented by the appropriate acknowledgement?
- ✓ Is the Notary Seal and signature "original"? A notary seal that is pre-printed will not be accepted. (I.C. 51-1-118)
- ✓ Does the Notary Seal meet the current State of Idaho Requirements? (I.C. 51-1-117 & 51-1-118)
- ✓ Is the Notary Seal and signature able to scan, or able to copy and be clearly read? A notary seal that is any color but black or a very dark, dense blue may not be accepted. The only exceptions to this rule are for acknowledgements performed by notaries in jurisdictions other than Idaho, where the statutory requirements for notaries are different. *Such as Canada, and Utah (I.C. 51-1-130).*

## References:

I.C. Title 30, Chapter 21, Section 102 (Idaho Uniform Business Organizations Code)  
 I.C. Title 30, Chapter 29, Part 1 (Revised Business Corporation Act)  
 I.C. Title 51, Chapter 1 (Revised Uniform Law on Notarial Acts)  
 Idaho Notary Handbook

I.C. 51-114A. NOTARIAL ACT PERFORMED BY REMOTELY LOCATED INDIVIDUAL has provisions which may alter the restrictions to 51-1-106. While the option exists, keep in mind that a modification to any of the Certificates (see I.C. 51-1-116(6) is required. If in doubt as to how this works, please contact the Idaho Secretary of State's Business Services office.

## Acknowledgement by Entity on Behalf of Another Entity

*AKA: "Compound Acknowledgement"*

The certificate of acknowledgement below is shown as described from Title 51, Chapter 1, Section 116A. The example shown is for a maker (owner) that is a Partnership, acting through a Constituent Entity that is a Corporation. May other combinations are possible.

State of Idaho	
	ss.

County of \_\_\_\_\_ |

On this \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_, before me, a notary public in and for said state, personally appeared \_\_\_\_ (Signer <sup>1</sup>) \_\_\_\_\_, known or identified to me (or proved to me on the oath of ..(Oath Type <sup>2</sup>) \_\_, to be the \_(Officer Title <sup>3</sup>)\_ of \_(Constituent Entity)\_, a\_(\_\_\_\_ Corporation)\_ , (which is) one of the partners in the partnership of \_(Maker)\_, a\_(\_\_\_\_ Partnership <sup>4</sup>)\_, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that (he/she/they) executed the within instrument on behalf of said \_(Corporation)\_, and that such \_(Corporation)\_ executed the same in said \_(Partnership)\_ name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

#### Example 1

#### Review:

- ✓ Does the Signers name and title match either the documents of record on file with the Secretary of State (Articles of Incorporation and the current Annual Report Form), or the documents of record in the County Recorder's office? (*I.C. 30-25-202*)
- ✓ Is the "construction" of the compound acknowledgement correct for the type of ownership?
- ✓ Is the Constituent Entity registered with the Idaho Secretary of State, and authorized to do business in the State of Idaho? (*I.C. 30-25-201*)
- ✓ Is the Maker registered with the Idaho Secretary of State, and authorized to do business in the State of Idaho? (*I.C. 30-25-201*)
- ✓ Is the Corporation currently active or in good standing according to the records of the Idaho Secretary of State?
- ✓ Does the Acknowledgement match the signature line?

**References:** Title 51, Chapter 1, Section 116A

### Acknowledgement by Individual(s)

<sup>1</sup> In the example, the natural person who signs the written instrument as an officer of the corporation.

<sup>2</sup> The oath, and the administration thereof are discussed in I.C. Title 9 Chapter 14, and Title 51 Chapter 1, Section 102.

<sup>3</sup> In the example, the Position or Capacity of the officer. Either a President, Vice President, Secretary or Assistant Secretary as in I.C. Title 55 Chapter 8 Section 05 (55-805)

<sup>4</sup> In the example, the type of business and the state of business registration / organization.

The certificate of acknowledgement, unless it is otherwise provided for in Title 51, Chapter 1, Section 116 (1) must be in substantially the following form:

State of Idaho County of _____
This record was acknowledged before me on _____ by __ <u>Name(s) of individual(s)</u> <sup>5</sup> __
Date _____ _____ Signature of Notary Public (Stamp) My commission expires: _____

**Example 2 – Short Form**

**Review**

- ✓ Does the name in the acknowledgement match the name and spelling used on the deed(s), and in the Certificate of Owners, including initials or titles such as “Jr.” or “III”?

**References:**

Title 51, Chapter 1, Section 116 (1)  
Acknowledgement in a Representative Capacity

The certificate of acknowledgement, unless it is otherwise provided for in Title 51, Chapter 1, Section 116 (2) must be in substantially the following form:

State of Idaho County of _____
This record was acknowledged before me on _____ by __ <u>Name(s) of individual(s)</u> _____ as <u>(type of authority, such as officer or trustee) of (name of party <sup>6</sup> on behalf of whom record was executed)</u>
Date _____ _____ Signature of notary public (Stamp)

<sup>5</sup> The name of the Individual or Individuals signing the document.

<sup>6</sup> Or Entity on behalf of whom record was executed.

My commission expires: \_\_\_\_\_

### Example 3 – Short Form

#### ***For Corporations:***

While the President, Vice President, Secretary or Assistant Secretary are recognized by Idaho Code to sign for a corporation (I.C. 51) this would not preclude another position from being a signer, as long as it was authorized by the Corporation. However, these corporate documents are not generally of public record. The ownership documents should be verified with the information held by the Secretary of State, which are the Articles of Incorporation and the Annual Report Form, or any deeds in the office of the Ada County Recorder that have gone through a Title Company.

The same criteria would also apply to non-profit corporations. Change the references in the certificate from “Corporation” to “Non-Profit Corporation”

#### ***For Limited Liability Corporations:***

Management of a Limited Liability Corporation is vested in Members, Managers, Managing Members or Governors. Check the Articles of Incorporation to determine the type of management, and the Annual Report Form for current member names.

#### ***For Powers of Attorney:***

In the past, this acknowledgement was used where the Owner has appointed, signed and recorded a Power of Attorney. In the new short form requirements in I.C. 51-1-116, there are at least two forms that could be used depending on how the acknowledgement is worded.

#### ***For Officials or Fiduciary:***

This acknowledgement is for instruments that are executed by a person in their own name as Trustee or Executor, Administrator, Guardian, Sheriff, Receiver or other official or representative capacity.

#### ***For Partnerships:***

According to Idaho Code, management of a Partnership is vested in Partners or Managing Members. Check the Articles of Incorporation to determine the type of management, and the Annual Report Form for current Partner names.

#### ***By State of Political Subdivision:***

This acknowledgement is for any instrument executed in the name of the State of Idaho or any County, Political Subdivision, Municipal, Quasi-Municipal or Public Corporation, by the authorized representative of that entity. For the State of Idaho, the Idaho Administrative Code may be researched for the positions authorized to sign for the respective entities.

#### ***Review:***

- ✓ Is the Corporation currently active or in good standing according to the records of the Idaho Secretary of State?
- ✓ Does the signers name and title match either the documents of record on file with the

Idaho Secretary of State (Articles of Incorporation and/or the current Annual Report Form) or a Warranty Deed granted by the Entity that has gone through a Title Company?

- ✓ If a signer's title does not match the documents of record on file with the Secretary of State, has the applicant provided the documentation to back up what was submitted?

#### References:

Title 51, Chapter 1, Section 111, 115 & 116 (2)  
Title 30, Chapter 29, Section 850

## Required Plat Certificates

Approval Certificates are required and specific jurisdictions will note which certificate is needed, and certificate wording is generally crafted by the jurisdictional entity that will sign it.

#### Review

- ✓ Is the seal and signature original? Is it in black ink?
- ✓ Is it legible?
- ✓ Is the seal in Black permanent ink?
- ✓ Are the appropriate jurisdiction approvals on the plat? If the project were in one of the cities, there would be no reason for a Certificate of Approval of County Commissioners be on it. Only the required certificates should be on the plat.
- ✓ Certain certificates require the signer to "certify", while other certificates require "acceptance and approval". Depending on the certificate, the keywords "certify" or "acceptance and approval" should be in the certificate. Idaho State Code requires signers to 'certify' certain items, so if 'certify' is not in the wording of the certificate, it will not be accepted.
- ✓ Is the certificate correct for the jurisdiction?

#### References:

I.C. 50-1302, 50-1305, 50-1306, 50-1308, 50-1309, 50-1310,  
50-1312, 50-1313, 50-1326, 50-1334

## Certificate of County Highway District

*I.C 40-1415(6) states:*

*"All subdivision plats required to be submitted for acceptance and approval to the city and the county under the provisions of chapter 13, title 50, Idaho Code, shall be submitted to the highway district for consideration for acceptance and approval as to continuity of highway pattern, widths, drainage provisions, right-of-way construction standards, traffic flow, the traffic volume demand occasioned by the proposed subdivision either within or without the boundaries of the proposed subdivision, and other matters pertaining to the function of the highway district."*

*I.C. 40-2302(3) states:*

*"No highway dedicated by the owner to the public shall be deemed a public highway or be under the use or control of a county or highway district unless the dedication shall be accepted and confirmed by the commissioners of the county or the highway district."*

*I.C. 50-1312 states in part that:*

*"... in a county where a highway district exists and is in operation no such plat shall be accepted for recording by the county recorder unless the acceptance of said plat by the commissioners of the highway district is endorsed thereon in writing."*

Using "Acceptance" in the title of the certificate, and "Approved" in the wording of the certificate may not be appropriate.

*I.C. 40-1405 states in part:*

*"... the county-wide highway district commissioners shall meet and organize, elect a chairman from their number, and appoint a secretary and treasurer who may also be from their number, for terms fixed by them. The offices of secretary and treasurer may be filled by the same person."*

#### **Review**

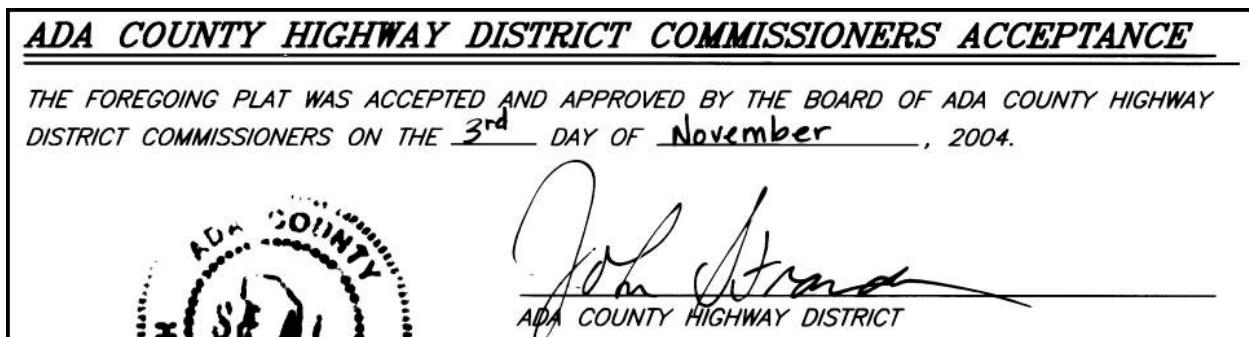
- ✓ Is the Certificate signed by the authorized person of the County Highway District?
- ✓ Is the seal in black ink, or is it dark or dense enough that it can be scanned?
- ✓ Does it state in the wording of the certificate that the plat was "accepted and approved"?
- ✓ Is the spelling in the Certificate correct?

#### **References:**

I.C. 40-1405, I.C. 40-1415, I.C. 40-2302, I.C. 50-1309, I.C. 50-1312

## **County Highway District Certificate Examples**

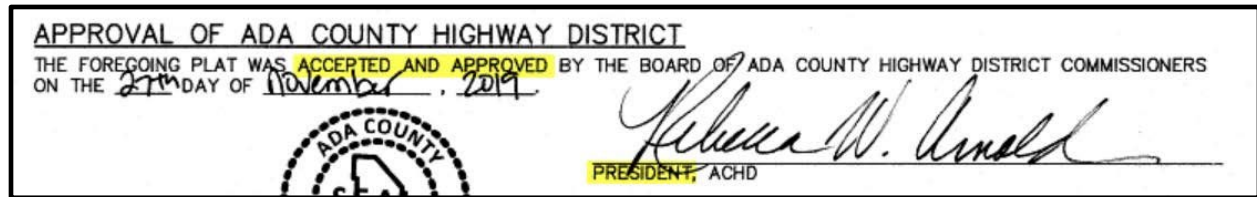
A Previously Acceptable Certificate



**Example 4**

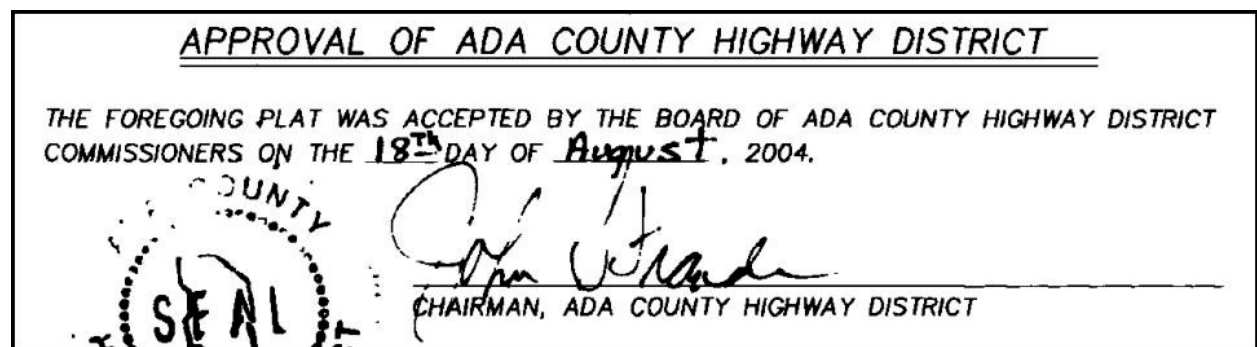


### A More Recent Acceptable Certificate



Example 5

Rejected - Does not state “Acceptance and Approval”



Example 6

## Approval of City Council

The wording of the City Council approvals is generally left up to each of the jurisdictions, however we do look for the “accepted and approved” statement required by Idaho Code 50-1308. Using “Acceptance” in the title of the certificate, and “Approved” in the wording of the certificate is not appropriate.

### Review

- ✓ Is the certificate correct for the jurisdiction?
- ✓ Did the City Clerk, or a deputy with authorization sign the Certificate?  
  
Is the City seal and Clerk signature in black ink.
- ✓ Does it state in the wording of the certificate that the plat was “accepted and approved”?
- ✓ Is the spelling in the Certificate correct?

**References:** I.C. 50-1308

### Examples of City Council Certificates

**APPROVAL OF CITY COUNCIL**

I, THE UNDERSIGNED, CITY CLERK IN AND FOR BOISE CITY, ADA COUNTY, IDAHO DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 5 DAY OF June, 2001, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

Janette P. Mooney 5-6-2002  
CITY CLERK  
BOISE, IDAHO

Example 7 - An Example Certificate from Boise City

**APPROVAL OF CITY COUNCIL**

I, THE UNDERSIGNED CITY CLERK, IN AND FOR THE CITY OF EAGLE, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 25<sup>th</sup> DAY OF May, 1997, THIS PLAT WAS DULY ACCEPTED AND APPROVED.


Diana K. Moore  
CITY CLERK, EAGLE, IDAHO

Example 8 - An Example Certificate from City of Eagle

**APPROVAL OF CITY COUNCIL**

I, THE UNDERSIGNED, CITY CLERK IN AND FOR THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO, HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 10<sup>th</sup> DAY OF JUNE, 2003, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

Sean Conklin  
CITY CLERK, GARDEN CITY, IDAHO



Example 9 - An Example Certificate from Garden City

### APPROVAL OF CITY COUNCIL

I, Colleen Nixon, City Clerk in and for the City of Kuna, Ada County, Idaho, do hereby certify that at a regular meeting of the City Council held on the 22<sup>nd</sup> day of December, 2003. This plat was duly accepted and approved.

Colleen Nixon  
City Clerk, Kuna, Idaho

1-30-04  
Date

Example 10 - An Example Certificate from City of Kuna

### APPROVAL OF MERIDIAN CITY COUNCIL

The foregoing plat was accepted and approved this 27<sup>th</sup> day of May year of 2003 by the City of Meridian, Ada County, Idaho.

William E. Berg, Jr.  
City Clerk

Example 11 - An Example Certificate from City of Meridian

### APPROVAL OF STAR CITY COUNCIL

The foregoing plat was accepted and approved on the 2<sup>nd</sup> day of September, year of 2003 by the City of Star, Ada County, Idaho

Cathy Ward  
CITY CLERK, STAR, IDAHO



Example 12 - An Example Certificate from City of Star

## Approval of City Engineer

The wording of the City Engineers approval is generally left up to the Engineers and City Councils of each of the jurisdictions.

### Review


- ✓ Is the certificate correct for the jurisdiction? *If the jurisdiction is noted, is it correct?*
- ✓ Did the Engineer sign the Certificate? Did he add his PE number? He should.
- ✓ Is the signature in black ink.
- ✓ Does it state in the wording of the certificate that the plat was “approved”?

- ✓ Is the spelling in the Certificate correct?

**References:**

I.C. 50-1308

**Examples of City Engineer Certificates**

<p style="text-align: center;"><b>APPROVAL OF CITY ENGINEER</b></p> <p>I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR BOISE, CITY, ADA COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.</p> <p style="text-align: right;">BY: <u> 5/6/02</u> CHARLES R. MICKELSON, P.E., CITY ENGINEER</p>
--

Example 13 - An Example Certificate from Boise City

<p style="text-align: center;"><b>APPROVAL OF EAGLE CITY ENGINEER</b></p> <p>I, the undersigned, City Engineer in and for the City of Eagle, Ada County, Idaho, do hereby approve this plat.</p>
--

Example 14 - An Example Certificate from the City of Eagle

<p style="text-align: center;"><b>APPROVAL OF CITY ENGINEER</b></p> <p>I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.</p>
---

Example 15 - An Example Certificate from Garden City

<p style="text-align: center;"><b><u>APPROVAL OF CITY ENGINEER</u></b></p> <p>I, the undersigned City Engineer in and for the city of Kuna, Ada County, Idaho hereby approve this plat.</p>
---

Example 16 - An Example Certificate from the City of Kuna

## APPROVAL OF CITY ENGINEER

I, GARY D. SMITH, P.E., CITY ENGINEER IN AND FOR THE CITY OF MERIDIAN, ADA COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.

Example 17 - An Example Certificate from the City of Meridian

## APPROVAL OF STAR CITY ENGINEER

The foregoing plat was accepted and approved by the City Engineer of Star, Ada County, Idaho  
This 4<sup>th</sup> day of OCTOBER year of 2004



Example 18 - An Example Certificate from the City of Star

## Certificate of County Surveyor

*I.C 50-1305 states in part: "The County shall choose and require an Idaho Professional Land Surveyor to check the plat and computations thereon to determine that the requirements herein are met, and said professional land surveyor shall certify such compliance on the plat"*

### Review

- ✓ Is the Certificate wording correct or acceptable?
- ✓ Is the Certificate 'generic', or does a name and P.L.S. number appear in the Certificate or the Signature line?
- ✓ Is the Jurisdiction correct?

## Certificate of County Surveyor

I, the undersigned, Professional Land Surveyor in and for County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho code relating to Plats and Surveys.

---

County Surveyor

Example 19 – County Surveyor Certificate for Subdivisions

### Certificate of County Surveyor

I, the undersigned, Professional Land Surveyor in and for County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho code relating to Plats, Surveys and Condominiums.

---

County Surveyor

Example 20 – County Surveyor Certificate for Condominiums

### References:

I.C. 50-1305, I.C 54-1202(12)

### Certificate of County Recorder

According to Idaho Code, the county clerk or recorder shall file all approved plats, and the date shall be endorsed on the plat. While the date is the only item specifically mentioned in the code, the remainder of the recording data is required at the discretion of the County Recorder for filing purposes.

The Recorder is also restricted by certain sections of code, in that the Recorder cannot accept a plat for recording unless specific items are included (I.C. 50-1308 & I.C. 31-3805).

### Review

- ✓ Is the jurisdiction correct?
- ✓ Are all of the elements in the Certificate?
- ✓ Depending on the wording of the Certificate, are there enough spaces to write in individual page numbers? If the Book/Pages are not specified in the Certificate, do they show up elsewhere?
- ✓ If the Recorder's name or year is already filled in, is it correct? Timing issues may preclude the year being correct. And since the Clerk/Auditor/Recorder is an elected position, the name may be subject to change in an election year.
- ✓ If the "at the request of" is filled in, does it match the Owner of Record or Survey Firm?

### Certificate of County Recorder

State of Idaho |

| ss.

County of \_\_\_\_\_ |

I hereby certify that this instrument was filed for record at the request of _____	
At ____ minutes past ____ o'clock __. M., on this ____ day of _____, 20____, In Book _____ of Plats at Pages _____ through _____, as Instrument _____.	
_____ _____ Deputy Recorder	Ex-Officio
Fee: _____	

**Example 21 – Example Certificate of County Recorder**

References: I.C. 31-3805(1), I.C. 50-1308, I.C. 50-1310

## Certificate of County Treasurer

No plat of a condominium or subdivision shall be accepted for record by the County Recorder unless said plat has been certified, within thirty (30) days prior to recording, by the County Treasurer of the county in which the tract is located, that the outstanding local taxes have been paid. A Treasurer's certification is not required on an Assessors plat.

### Review

- ✓ Is the jurisdiction correct?
- ✓ Is the Idaho Code reference correct?
- ✓ Is the required wording from local standards included in its entirety?
- ✓ Is the form of the Certificate correct for the type of plat submitted? This may be obvious, but do not use a certificate for subdivisions on a condominium plat.
- ✓ If the certificate is not "generic", is the Treasurer's name correct?

<b>Certificate of County Treasurer</b>	
I, the undersigned, County Treasurer in and for the County of _____, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.	
_____ County Treasurer	_____ Date

**Example 22 – Example Certificate of County Treasurer for Subdivisions**

### Certificate of County Treasurer

I \_\_\_\_\_, the undersigned, County Treasurer in and for the County of \_\_\_\_\_, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this condominium project have been paid in full. This certification is valid for the next thirty (30) days only.

\_\_\_\_\_  
County Treasurer

\_\_\_\_\_  
Date

#### Example 23 – Example Certificate of County Treasurer for Condominiums

#### References:

I.C. 50-1308

### Approval of County Commissioners

According to Idaho Code, If a subdivision is not within the corporate limits of a city (and this includes city areas of impact), “the plat thereof shall be submitted, accepted and approved by the Board of Commissioners of the county in which the tract is located”.

#### Review

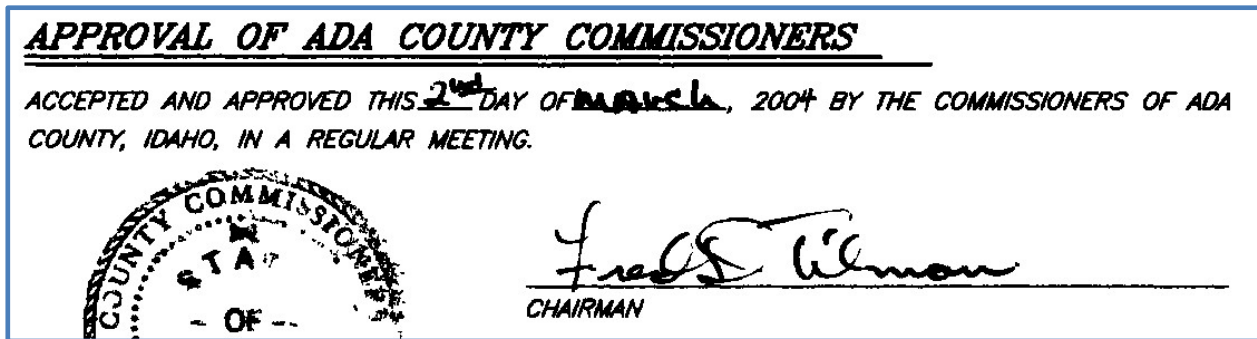
- ✓ Does it state in the wording of the certificate that the plat was “accepted and approved”?
- ✓ Is the spelling in the Certificate correct?
- ✓ If the Certificate is not “generic”, are the names included current and correct?

#### References:

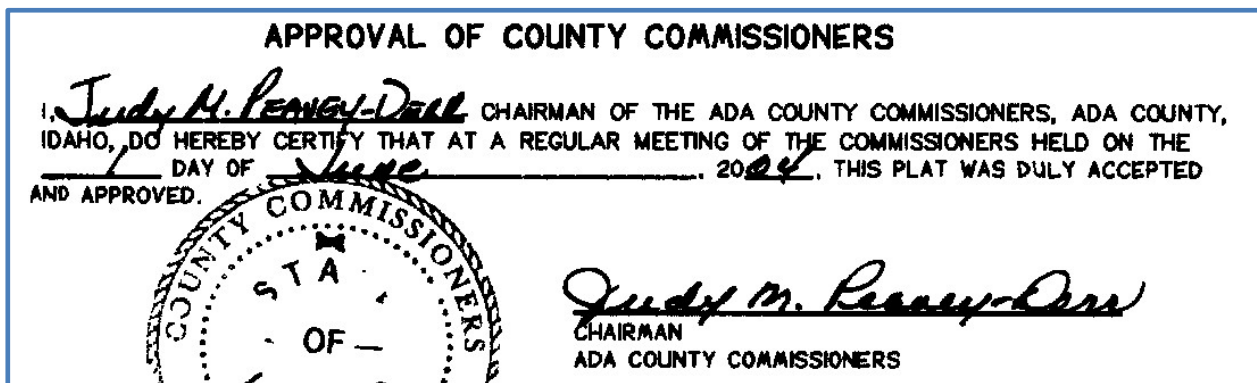
I.C. 50-1308



### Examples of County Commissioners Certificates



Example 24 - Example of Certificate of County Commissioners



Example 25 - Example of Certificate of County Commissioners

### Statement of Intent

I.C. 50-1309. CERTIFICATION OF PLAT -- DEDICATION OF STREETS AND ALLEYS --  
DEDICATION OF PRIVATE ROADS TO PUBLIC -- JURISDICTION OVER PRIVATE  
ROADS.

1. The owner or owners of the land included in said plat shall make a certificate containing the correct legal description of the land, with the statement as to their intentions to include the same in the plat, and make a dedication of all public streets and rights-of-way shown on said plat, which certificate shall be acknowledged before an officer duly authorized to take acknowledgments and shall be indorsed on the plat. The professional land surveyor making the survey shall certify the correctness of said plat and he shall place his seal, signature and date on the plat.
2. No dedication or transfer of a private road to the public can be made without the specific approval of the appropriate public highway agency accepting such private road.
3. Highway districts shall not have jurisdiction over private roads designated as such on subdivision plats and shall assume no responsibility for the design, inspection, construction, maintenance and/or repair of private roads.

## Review

- ✓ Does it specifically say somewhere in the Certificate of Owners that “the undersigned”, or “the owners” “intend to include the described property in this plat”?

**References:** I.C. 50-1302, 50-1309

## Water System Certification

*I.C. 50-1334 - REVIEW OF WATER SYSTEMS ENCOMPASSED BY PLATS states:*

*Whenever any plat is subject to the terms and requirements of sections 50-1326 through 50-1329, Idaho Code, no person shall offer for recording, or cause to be recorded, a plat unless he or she shall have certified that at least one (1) of the following is the case:*

- (1) The individual lots described in the plat will not be served by any water system common to one (1) or more of the lots, but will be served by individual wells.*
- (2) All of the lots in the plat will be eligible to receive water service from an existing water system, be the water system municipal, a water district, a public utility subject to the regulation of the Idaho public utilities commission, or a mutual or nonprofit water company, and the existing water distribution system has agreed in writing to serve all of the lots in the subdivision.*
- (3) If a new water system will come into being to serve the subdivision, that it has or will have sufficient contributed capital to allow the water system's wells, spring boxes, reservoirs and mains to be constructed to provide service without further connection charges or fees to the landowners of the lots, except for connection of laterals, meters or other plant exclusively for the lot owner's own use.*

*Failure to comply with this section is a misdemeanor subject to the provisions of Section 50-1329, Idaho Code. The certification must be filed or recorded as part of the plat document preserved for public inspection. Property owners in the area encompassed by the plat will be entitled to the benefits of the third provision of this section when that option is chosen.*

Local practices usually include this somewhere in the Certificate of Owners, to avoid adding another separate certification to the plat. Simply adding a note to the face of the plat stating that “water service is provided by [water provider]” does not meet the requirements of this section.

Occasionally, this certificate is worded to include a statement about the provider of sewer service. Sewer service is not included in this required certification, and should not be included in the certification, even for informational purposes.

## Review

- ✓ Is the wording used as it appears in Idaho Code?

- ✓ If the Subsection of the Title/Chapter/Section is referenced, is it correct? *If the certification by the Owner references, for example 50-1334(1), verify that the wording is as shown in subsection 1.*

- ✓ Is the named water service provider correct?

**References:** I.C. 50-1334

## Owner Dedication of Public Streets

If there are no public streets or additional rights-of-way being dedicated, then the dedication statement wording should not be included.

The dedication of public streets must specifically state “public streets”. In the past, individual names of the streets being dedicated have been included in the statement. However, if there is an error or subsequent change in the approved street name, this may involve a change in the Certificate of Owners that may be very difficult to do without plotting a new sheet.

### Review

- ✓ Is the area to be dedicated to the public clearly shown, or easily identifiable on the plat?
- ✓ In the Certificate of Owners, is there a line that reads “The public streets shown on this plat are dedicated to the public”, or similar wording?
- ✓ The dedication should not be “dedicate (or dedicated) to the public use”. Dedicating to the use is not the same as dedicating to the public. Use grants a right to use, but still retains ownership.

### References:

I.C. 50-1304, I.C. 50-1309

## Certificate of Owners

**50-1309. CERTIFICATION OF PLAT -- DEDICATION OF STREETS AND ALLEYS --  
DEDICATION OF PRIVATE ROADS TO PUBLIC -- JURISDICTION OVER PRIVATE  
ROADS.**

1. *The owner or owners of the land included in said plat shall make a certificate containing the correct legal description of the land, with the statement as to their intentions to include the same in the plat, and make a dedication of all public streets and rights-of-way shown on said plat, which certificate shall be acknowledged before an officer duly authorized to take acknowledgments and shall be indorsed on the plat. The professional land surveyor making the survey shall certify the correctness of said plat and he shall place his seal, signature and date on the plat.*

2. *No dedication or transfer of a private road to the public can be made without the specific approval of the appropriate public highway agency accepting such private road.*

3. *Highway districts shall not have jurisdiction over private roads designated as such on subdivision plats and shall assume no responsibility for the design, inspection, construction, maintenance and/or repair of private roads.*

The legal description in the Certificate of Owners must match precisely with what is shown on the drawing. The Point of Beginning, tie information, bearings, distances, bearing directions and curve information must all be described as shown on the drawing.

## Common Problems

Are there calls to points or corners that are either not labeled on the plat, or if they are labeled on the plat, are not described in the certificate of Owners? One example would be a call in the Certificate of Owners to the “SW corner of the SE1/4 SW1/4”. Is the “SW corner of the SE1/4 SW1/4” labeled on the face of the plat?

Another is that the calls in the legal description that the parcel was surveyed from are not reiterated in the plat legal description. One example would be if the deed called to a boundary of an adjoining subdivision, why would it not be a good idea to preserve this boundary call?

[Reservation of Easements for Private Roads](#) – See this topic in easements

## Review

- ✓ Closure check from the face of the plat – does the boundary close?
- ✓ Closure check from the Certificate of Owners – does this boundary also close?
- ✓ Does the legal description in the Certificate of Owners match what is shown on the face of the plat?
- ✓ Do all of the bearings, distances and descriptions in the Certificate of Owners match what is called out and described on the face of the plat?
- ✓ Does the legal description in the Certificate of Owners AND on the face of the plat match the property that was deeded to the owner? Are the differences in the record noted, described or otherwise shown on the plat? If the owner has deeded off a portion of the ground, say for example, adjacent right-of-way, is the deeded ground outside of the boundary referenced by a recorded instrument number for the transfer?

## References:

I.C. Title 50, Chapter 1302 & 50-1309

I.C. Title 30, Chapter 21, Section 102 (Idaho Uniform Business Organizations Code)

## Owner Reservation of Easements and Private Roads in the Certificate of Owners

Private roads must be included in the reservation of easements to make it clear that they remain private. The signature by County Highway District or the County Commissioner’s on their certificate is not an acceptance of private roads shown on the plat as public.

There are usually restrictions in the notes regarding “*no permanent structures are to be erected within the lines of said easements*”. While this is common wording and is accepted, the advisability is questionable. Most concrete or utility improvements are considered “permanent”. A common exception used is “*. . . and no permanent structures other than for such utility purposes are to be erected within the lines of said easements*”, and is recommended for clarity.

## Easement Reservation Review

- ✓ In the Certificate of Owners, is there a reservation line that reads *“The easements as shown on this plat are not dedicated to the public. However, the right to use said easements are hereby perpetually reserved for public utilities and for any other uses as designated hereon”*, or similar wording?

### **Private Roads Reservation Review**

- ✓ In the Certificate of Owners, is there a reservation line that reads [The easements ] *“and private road as shown on this plat are not dedicated to the public. However, the right to use said easements are hereby perpetually reserved for public utilities and for any other uses as designated hereon”*, or similar wording?

### **References:**

I.C. 50-1309

## **Checking the Signature Line**

The Owner’s signature should be checked against the current deeds for the property in question. If the owners are individuals, the signature lines should include the names spelled correctly, and must match the current deed for the property in question. If the name on the deed does not match, an “also known as” (AKA), identifier should also be included.

If the owner is a corporation, the name of the corporation should appear at the end of the Certificate of Owners, before (above) the signature of the person executing the document for the corporation. It is the Corporation (an individual under the law) that is the Owner. The signature line should include the name of the individual signing the plat, and their position or authority in the Corporation.

### **Review**

- ✓ Does the name and identity of the Owner in the Certificate of Owners, match the signature line?
- ✓ If the Owner is a corporation, does the name and title of the Owner on the signature line match the information of record in the Idaho Secretary of State office? *This would include LLC’s and Partnerships.*
- ✓ If the Owner(s) are individuals, does the name (and relationship if applicable) match the information of record in the current deed of record?
- ✓ Is there a history of misspellings or name changes in the chain of title for any of the owners that would indicate an AKA may need to be filed?
- ✓ If there are multiple individuals or corporations, or any ownership of specific portions of the plat (for example a single lot and block) is there any way shown to identify which owner is associated with which portion of the plat?

**References:** I.C. 50-1309.

## **Certificate of Surveyor**

Idaho Code requires that “The Professional Land Surveyor making the survey shall certify the correctness of the plat”.

Examples 1 and 2 below were used for subdivision plats. Example 3 was used for a condominium plat.

### **Review**

- ✓ Is the form correct for the type of plat submitted? This may be obvious, but do not use a certificate for subdivisions on a condominium plat.
- ✓ Does the Surveyor state in the certificate that they certify the correctness of the plat, and that it is in conformance with Idaho Code?
- ✓ Is the seal and signature original? The Land Surveyor’s seal can be an electronic seal only under the guidelines of the Idaho Code 54-1215.
- ✓ Did the Surveyor seal and sign all of the sheets of the plat for which he had responsible charge, and are all of the seals and signatures the same on each sheet of the plat?

### **References:**

I.C. 50-1309, I.C. 54-1215

### **For Subdivisions**

#### **CERTIFICATE OF SURVEYOR**

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT I AM A LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE “CERTIFICATE OF OWNERS” WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

**Example 26 – Example Certificate of Surveyor for Subdivisions**

#### **CERTIFICATE OF SURVEYOR**

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF \_\_\_\_\_ AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE 55-1601 THROUGH 55-1612.

**Example 27 – Example Certificate of Surveyor for Subdivisions**

### For Condominiums

#### **CERTIFICATE OF SURVEYOR**

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON; AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS, CONDOMINIUMS AND THE CORNER PERPETUATION AND FILING ACT, 55-1601 THROUGH 55-1612.

Example 28 – Example Certificate of Surveyor for Condominiums

### For Condominium Project Amendments

We would suggest that the surveyors preparing project amendments consider tailoring the wording of their certificate to their level of participation. Given that the amended unit dimensions are more often than not provided by an architect, and the attorney provides the supporting documentation, the surveyor may be stating a level of responsibility for a project amendment that is not proportionate to the responsible charge stated in a standard certificate.

At a minimum, a Certificate should:

- 1) Accurately reflect the level of participation in the preparation of the plat.
- 2) Certify the correctness of the plat.
- 3) State that the plat is in conformity with the State of Idaho codes and local requirements relating to condominium amendments.

#### **CERTIFICATE OF SURVEYOR**

II. \_\_\_\_\_, A REGISTERED OR LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS AMENDMENT TO \_\_\_\_\_ CONDOMINIUMS WAS PREPARED UNDER MY DIRECT SUPERVISION FROM DESIGN DRAWINGS AND ACCURATELY REPRESENTS THE CHANGES SHOWN HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE AND LOCAL REQUIREMENTS RELATING TO CONDOMINIUM PLAT AMENDMENTS.

Example 29 – Example Certificate of Surveyor for Condominium Project Amendments

A suggested Certificate of County Surveyor (for a Project Amendment) may be:

I, the undersigned, Professional County Surveyor for \_\_\_\_\_ County, Idaho, do hereby certify that I have checked this amendment to (Condominium Name) and find that it is in substantial compliance with the State of Idaho Code and local requirements relating to condominium plat amendments.



## Sanitary Restriction

The Sanitary Restriction wording and placement location is dictated by (locally) the Applicable District Health Department, in conjunction with the Department of Environmental Quality.

Applicants should be aware that the name of the Subdivision plat is tied to a Sanitary Restriction Release that is sent to the County Recorder Office and is recorded at the same time as the plat. If the name on the plat does not match exactly the name on the Sanitary Restriction Release, the plat will not be accepted for recording until a new letter is received from District Health.

### Review

- ✓ The County does not review any of these approvals, other than checking to see if there are any typographical errors that should not be ignored, and that the approval has been signed by an authorized District Health Specialist.

### References:

[I.C. 50-1326](#), [I.C. 50-1327](#), [I.C. 50-1328](#), [I.C. 50-1329](#)

### Examples

#### **APPROVAL OF CENTRAL DISTRICT HEALTH DEPARTMENT**

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13 HAVE BEEN PARTIALLY SATISFIED AND ARE LIFTED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL FOR THE FOLLOWING LOTS:

Example 31 - A partial or restricted approval.

#### **HEALTH CERTIFICATE**

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

Example 32 – A Standard Approval

## Closure Checking

A traverse closure should be performed on the boundary and all of the individual lots (or units).



### Review

- ✓ A traverse closure for the boundary should be performed by starting at the Real Point of Beginning of the subdivision and proceed using bearings and distances from the submitted drawings. Curves are entered using the Radius / Delta / Chord Bearing information from the curve tables. The chord bearing is entered exactly as shown in the curve table. Lines from a Line Table are entered using the direct call from the line tables.
- ✓ *Are tangent (or non-tangent) calls in the Certificate of Owners correct?* If a call is made to a tangent curve, the closure calculation for the curve checks the chord bearing shown in the Curve Table.

### References:

I.C. 50-1303, I.C. 55-1911,

## Corner Perpetuation Filings (CP&F's)

Compliance with Idaho Code Title 55 Chapter 16 is required on all plats and records of surveys.

### Review

- ✓ Is the CP&F instrument number shown on the plat the most recently filed instrument and are the instrument numbers shown correct?
- ✓ Are the CP&F instrument numbers labeled on all the Public Land Survey corners and the Center 1/4 Corner if applicable? While the CP&F's are not yet required on 1/16th corners that are shown on a plat, unless they are used to fulfill the requirements of I.C. 50-1304 (g), if all of the elements of a Record of Survey are to be included in a plat, why would you not show it anyway?
- ✓ Are the two (2) monuments shown fulfilling the requirements of Idaho Code Title 50-1304 (g) in compliance with the stated CPF requirements?
- ✓ Does the monument that is described in the CP&F match what is shown on the drawing? If the CP&F describes an Aluminum Cap, and the plat shows a Brass Cap, which is correct?
- ✓ Do the conditions and ties shown on the CP&F look different from any details shown on the plat?

### References:

I.C. 50-1303, I.C. 50-1304

## Curve Table Data Checking

The curve parameters generated by the traverse calculations should be checked against the information shown on the curve table.

<i><b>CURVE TABLE</b></i>					
<i><b>CURVE</b></i>	<i><b>RADIUS</b></i>	<i><b>LENGTH</b></i>	<i><b>DELTA</b></i>	<i><b>BEARING</b></i>	<i><b>CHORD</b></i>
<i><b>C1</b></i>	<i><b>20.00</b></i>	<i><b>14.89</b></i>	<i><b>42°39'22"</b></i>	<i><b>S18°47'54"E</b></i>	<i><b>14.55</b></i>
<i><b>C2</b></i>	<i><b>20.00</b></i>	<i><b>18.55</b></i>	<i><b>53°07'48"</b></i>	<i><b>S66°41'29"E</b></i>	<i><b>17.89</b></i>
<i><b>C3</b></i>	<i><b>250.00</b></i>	<i><b>158.17</b></i>	<i><b>36°15'00"</b></i>	<i><b>S75°07'53"E</b></i>	<i><b>155.55</b></i>
<i><b>C4</b></i>	<i><b>242.00</b></i>	<i><b>153.11</b></i>	<i><b>36°15'00"</b></i>	<i><b>S75°07'53"E</b></i>	<i><b>150.57</b></i>

Example 33 – Curve Table

### Review

- ✓ Are the curves numbered sequentially?
- ✓ Are the radius distances for successive curves the same
- ✓ Does the calculated arc length, tangent and chord length match the values shown in the curve table?
- ✓ Are all of the curves shown in the curve table actually labeled somewhere on the drawing, or are all of the curve labels on the drawing shown in the curve table?

### References:

I.C. 50-1303, I.C. 55-1911

## Line Table Data Checking

Lines in the line table are checked to verify they are on the drawing.

### Review

- ✓ Are all of the lines shown in the line table actually labeled somewhere on the drawing, or are all of the line labels on the drawing shown in the line table?
- ✓ Do the line dimensions represented in the table match the adjoining dimensions of record?
- ✓ If the same line label shows up in different tables on different sheets, are the bearing / distance values the same?

### References:

I.C. 50-1303, I.C. 55-1911

## Lot Dimensions

Idaho Code 50-1304 specifies that “all lengths of the boundaries of each lot shall be shown”.

### Review

- ✓ Are the lots dimensioned in a way that there is no addition or calculation required to determine the distances? If calculations are required, is it clear what needs to be added up to determine the correct distance between monuments?
- ✓ Are the dimensions shown obvious to which corners that they reference?
- ✓ Is the text legible?
- ✓ Is there any line work that is obstructing the text?
- ✓ If the line is dimensioned more than once, do the two dimensions match? If one side of a lot is labeled in a table for the boundary, and the other side for a lot dimension, does the dimension line match the dimensions in the lot table?
- ✓ If a boundary is labeled with an overall distance, does the sum of all of the lot dimensions on the other side of the line match?

### References:

I.C. 50-1304

## Description – Title vs. Certificate of Owner / Year of Recording

This section is intended to deal with the location of the parcel and the year of recording. The requirements for the Certificate of Owners, Legal Description vs. Plat are elsewhere.

The title (often described as the situate statement in review comments) is only required on Sheet 1 of a multi-page plat. While we recommend that Sheet 1 is the only location that this be shown, it is at the discretion of the PLS in responsible charge as to whether it be added to all of the other sheets as well. Keep in mind that if the subsequent pages do not match Sheet 1, then they will be noted as needing revision.

### Review

- ✓ Is the description correct? Does the description correctly state the parcels involved?
- ✓ Is the location in the Title correct? Does it match the location in the Certificate of Owners?
- ✓ If the plat is within a City limits, is it noted in either the Title or the Certificate of Owners which City the parcel is in?
- ✓ Is the year (of recording) shown and correct? Any time after November 1, it would be a good idea to look at changing this item if there is a possibility of it not recording until after December 31.
- ✓ Does the year appear on any of the sheets besides sheet 1, and do they all match?

### References:

I.C. 50-1308, I.C. 50-1310

**A PORTION OF THE NW1/4 OF THE NE1/4 OF SECTION 35  
TOWNSHIP 4 NORTH, RANGE 2 EAST, BOISE MERIDIAN  
CITY OF BOISE, ADA COUNTY, IDAHO  
2004**

Example 34 - A Situate Description in the Title

A parcel of land located in the NW1/4 of the NE1/4 of Section 35, Township 4 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho and described as follows:

Example 35 – A Situate Description in the Certificate of Owners

## Ties to Public Land Survey Corners

Idaho Code 50-1304 (g) requires survey ties to at least two (2) -monuments from the following list:

- (i) Public land survey corners;
- (ii) Center of section, quarter section corners, or sixteenth section corners, any of which were not monumented in an original survey of the United States, provided such corners have a corner record meeting the current requirements of chapter 16, title 55, Idaho Code; or
- (iii) Monuments recognized by the county surveyor.

Plats which are re-subdivisions of subdivision of record need not meet this requirement,

Primary control points must be Public Land Survey corners, center of section, quarter section corners, or sixteenth section corners, or officially recognized corners. Corner perpetuation and filing recording instrument numbers shall be shown.

The definition of “Public Land Survey corner” appears in Idaho Code 50-1301(11) (*Plats and Vacations*), 55-1603(11) (*Corner Perpetuation and Filing Records*), and 55-1902(9) (*Records of Surveys*) laws. By definition, a “Public Land Survey corner” is “any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office and the U.S. department of the interior, bureau of land management; however, this definition shall exclude GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite”

## Review

- ✓ Are there two Public Land Survey (Section or Quarter), center of section, or sixteenth section corners shown?
- ✓ Are CP&F's shown for the Public Land Survey, center of section, or sixteenth section corners shown on the plat?
- ✓ Are the corners labeled with the correct sections, and are the sections labeled on the correct side of the line?

- ✓ If corners are on a township and/or range line, is the township and/or range line labeled?
- ✓ If there are sectional corners shown that are not Public Land Survey corners and are used for controlling corners, are they labeled?
- ✓ Do the monuments shown match the legend, or are the monuments labeled with the type of monument and LS number?
- ✓ Do the monuments shown in the CP&F match what is shown on the plat?
- ✓ Do the bearings and distances match previous dimensions of record for this line? If they do not, are the record distances shown?

### References:

I.C. 50-1304, I.C. 50-1301(11), I.C. 55-1603(11), I.C. 55-1902(9)

## Irrigation (31-3805) Notice

Compliance with Idaho Code Title 31-3805 is required on all subdivision plats, and certain Record of Surveys.

I.C. 31-3805(1) states in part that *“No subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land will be accepted, approved and recorded.”* unless certain criteria are met. These criteria are outlined in the code section.

The intent of the code appears to be concerned with only three items.

- Is the parcel in an irrigation district, and will irrigation water be delivered?
- Will the owner of property within the subdivision have to pay an assessment?
  - The owner must be notified that the assessment is a lien on the land.

**CAUTION:** It may be possible that local jurisdictions may require an irrigation system using a water source that does not require irrigation water rights subject to this section of Idaho Code. Do not confuse irrigation water rights with either ground or well water rights or other project specific requirements (such as a local water company).

While the normal method of compliance is simply placing a note on the face of the plat, there have been legal interpretations that a note on the face of the plat is not legally binding. The requirements of I.C. 31-3805(2) should be added as a section to the Certificate of Owners.

A separate Irrigation Certificate (see example below) may also be used. If this option is selected, the Certificate will be examined to verify that the signatures match the signatures in the Certificate of Owners, and the name of the irrigation entity is correct. If a separate certificate is used, it may be easier to modify if the owner changes their mind at the last minute.

It would appear that condominiums may be excluded from this statute requirement, since a condominium project is not a “division of land”. However, we encourage the information to be added to the condominium plat, especially in a case where irrigation water is provided by an irrigation entity for use on the common area, or the condominium owners association will be subject to assessment for irrigation water.

### Review:

A statement in the Certificate of Owners, that states in unambiguous terms, one of the following:

- 1) If the land within a subdivision has been excluded from the irrigation district (31-3805(1)(a)), the certificate should state specifically that;

*"This plat complies with Idaho Code 31-3805(1)(a), and Idaho Code 43-1117. The land included in this plat has been excluded from the irrigation district name, and said exclusion was recorded in the office of the County Recorder as instrument number exclusion instrument number."*

- 2) If the owner has provided irrigation for the subdivision (31-3805(1)(b)), the certificate should state that irrigation has been provided under 31-3805(1)(b), and the irrigation district shall be identified. If any other documents regarding license agreements, maintenance and ownership of the irrigation system are appropriate, they should be referenced in the notes on the face of the plat. Include the instrument numbers.

*"Irrigation water has been provided from irrigation district name, in compliance with Idaho Code 31-3805(1)(b). Lots within the subdivision will be entitled to irrigation water rights and will be obligated for assessments from irrigation district name."*

- 3) If the land within a subdivision has not provided irrigation to the lots, and has not been excluded from the irrigation district, the note should state specifically that the land has not been excluded from the district, the district shall be identified, and notification requirements as provided by 31-3805(2) shall be complied with.

*"In compliance with the disclosure requirements of Idaho Code 31-3805(2), Irrigation water has not been provided for by the owner, and the lots shown on this plat shall be subject to assessments by irrigation district name"*



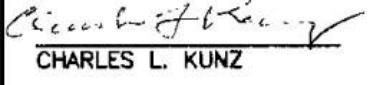
- 4) If the land within a subdivision is not in an irrigation district, the note should state that the land is not in an irrigation district, and the requirements of 31-3805 are not applicable.

*"The land within this plat is not within an Irrigation District as defined in Idaho Code 31-3805, and the requirements in I.C. 31-3805 are not applicable."*

Some plats have a notation the I.C. 31-3805 is not applicable as there is no irrigation to the property. The note should not assume that 31-3805 does not apply just because there is currently no irrigation right. The property may not have irrigation at the time the plat is recorded, but an owner may be able to reinstate irrigation rights from the district in the future (I.C. 43-1120). Verify the specific conditions prior to crafting the note.

#### **References:**

I.C. 31-3805 Delivery of Water  
I.C. 42-2501 Right to Transfer Recognized  
I.C. 42-2502 Instrument of Conveyance – Execution - Recordation  
I.C. 43-1101 Exclusion of Lands  
I.C. 43-1120 Reinstatement of Nonagricultural Lands  
I.C. 43-1117 Order – Filing for Record  
I.C. 50-1803 City Irrigation Systems  
I.C. 67-6537 Use of Surface and Ground Water

<b>RECORDED IN KUNZ HOLLOW SUBDIVISION</b>	Book 82, Page 9043 Sept. 2001
<b>IRRIGATION CERTIFICATE</b>	
<p>WE, VICTOR A. KUNZ JR., DON R. HARTSFIELD, AND CHARLES L. KUNZ, OWNERS OF SAID PROPERTY, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT AND THE ASSESSMENTS OBLIGATION OF THE LANDS IN THIS PLAT HAVE NOT BEEN TRANSFERRED FROM SAID LANDS. LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM BOISE PROJECT BOARD OF CONTROL.</p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">   VICTOR A. KUNZ, JR. </div> <div style="width: 30%;">   DON R. HARTSFIELD </div> <div style="width: 30%;">   CHARLES L. KUNZ </div> </div>	

Example 36 – Irrigation Certificate

## Interstate Pipeline Locations

Idaho Code 50-1304(2)(l) requires all subdivision plats to show “any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point one thousand (1,000) feet or less from the planned subdivision, provided that the pipeline company operating the interstate natural gas transmission pipeline or interstate petroleum products pipeline is in compliance with section 62-1101, Idaho Code

## Easements Review

Checking easements can be one of the most tedious of the tasks in the review. To some extent the surveyor is dependent on either the Title Company or in-house research staff to provide a complete title report on the property. But the Surveyor must use their own judgment if it is apparent in the field that there may be an easement for a particular use and should be able to do their own research.

Something that may be apparent in the field is not always obvious on the drawing. There may be revised comments after the field inspection, if it appears that an easement may be missing on the plat. This is not to say it would be required, but the question should be asked. Whether the easement is valid or appropriate to a specific situation will not be covered here.

### Easement Width Review

- ✓ Is the width of the easement dimensioned on the plat?
  - If the width of the easement is not dimensioned on the plat, is it shown in the legend? If the width of the easement is shown in the legend, are there any other easements that could be confused with it, either by line type or different use?

- ✓ Can the easement be laid out on the ground with the information shown?
  - If the easement is parallel to a line, is it dimensioned such that it is apparent that it is really parallel?
  - If the easement is not parallel to a line, are the endpoints dimensioned, and are there enough dimensions on the line to locate it on the ground?
- ✓ Do the dimensions shown on the easement line scale to the values shown?
- ✓ Do the dimensions shown for the easement lines conflict with lot dimensions?

### *Easement Purpose Review*

- ✓ Is it clear what use the easement is reserved for?
- ✓ Is it clear who the easement is being reserved for?
- ✓ Is it clear who is responsible for maintenance of the easement area?

### *Existing Easements/Right-Of-Way*

- ✓ If the easement is existing, is the easement or right-of-way shown as “existing”?
- ✓ Does the existing easement described in the record match the area shown on the plat as existing?
- ✓ Is it clear how the easement was previously created?
- ✓ If it is labeled with the use, does it match the use shown in the original reservation?
- ✓ If there is a recorded instrument number for an existing easement, has it been shown, and is it correct?
- ✓ If the easement was recorded by a separate instrument, are the bearings shown on the same basis of bearing as the plat?

### *Easement Reservation Review*

- ✓ Did the Grantor of the easement own the property at the time the easement was granted?

One example would be a recorded document shown for “exclusive use”, with an area shown on a plat for “public utilities”. The two are not compatible; however this issue is usually not under the control of the plat surveyor.

### *References:*

I.C. 50-1302, I.C. 50-1304 and the Idaho Board of Licensure of Professional Engineers & Professional Land Surveyors Fall/Winter 2019 (62<sup>nd</sup> Edition) News Bulletin



## Owner Reservation of Easements AND Private Roads In The Certificate of Owners

Private roads must be included in the reservation of easements to make it clear that they remain private. The signature by the County Highway District on their certificate is not an acceptance of private roads as public.

There are usually restrictions in the notes regarding “no permanent structures are to be erected within the lines of said easements”. While this is common wording and is accepted, the advisability is questionable. Most concrete or utility improvements are considered “permanent”. A common exception used is “ . . . and no permanent structures other than for such utility purposes are to be erected within the lines of said easements”, and is recommended for being more accurate.

### Review

For Easements, the following information is checked:

- ✓ In the Certificate of Owners, is there a reservation line that reads *“The easements . . . as shown on this plat are not dedicated to the public. However, the right to use said easements are hereby perpetually reserved for public utilities and for any other uses as designated hereon”*, or similar wording?

For Private Roads, the following information is checked:

- ✓ In the Certificate of Owners, is there a reservation line that reads *“[The easements] and private road as shown on this plat are not dedicated to the public. However, the right to use said easements are hereby perpetually reserved for public utilities and for any other uses as designated hereon”*, or similar wording?
- ✓ Are the private roads labeled as such on the face of the plat sheets where applicable?
- ✓ Is it clear where the limits of the private roads are?

### References:

I.C. 50-1309

### References:

I.C. 50-1305

## Legend

The map legend is usually a critical part of a map that is very detailed. It explains the items on a plat with a minimum of clutter and extraneous labels. Object scale, line scale and widths, and the readability of the information at a reduced scale should be looked at. The legend and map should be carefully reviewed for missing or conflicting information.

### Review

- ✓ Are the objects shown on the map explained satisfactorily in the legend? If they are not shown in the legend, are they directly labeled on the plat?
- ✓ Are there any objects in the legend that are not shown on the plat? If they do not show up on the map, they should not be shown in the legend.
- ✓ Does the line work obstruct the symbols, to the point that it is not clear from the legend what the symbol is?
- ✓ Is the scale of the symbols sufficient to determine what they represent, without confusing them with something else?
- ✓ Are there any symbols shown on the map that are labeled with conflicting information on the drawing? *If it is in the legend as, for example a brass cap, and labeled on the drawing as an aluminum cap, then you either need another legend symbol, or modify the legend to read "Brass or Aluminum Cap as Noted".*

## Monuments

In June of 1990, the Idaho Board of Professional Engineers and Professional Land Surveyors issued a ruling that Idaho Code 55-1901 (Record of Survey) requirements are "supplementary to existing laws relating to surveys, subdivisions, platting and boundaries".

Idaho Code 50-1304 requires "descriptions of survey monuments", while I.C. 55-1906 requires showing "All monuments found, set reset, replaced or removed, describing their kind, size and location, and giving other data relating thereto". And Idaho Code 50-1303 describes the types of monuments that shall be used in the field.

Monument symbols may be simple or very complex, however it should be kept in mind that at a reduced scale or after scanning or faxing, one symbol may look very much like another. This review is in conjunction with the Legend and Corner Perpetuation Filing reviews.

## Review

- ✓ Are there monuments on all of the boundary angle points? Do they meet Idaho Code requirements? Are they identified? Are they Found, Set or Found & Replaced? Who set them or is there a notation about where they came from?
- ✓ Are there any monuments that are shown on other recorded documents, which may be mislabeled on this plat? If the plat is adjacent to another new development, and several calls of the boundary are common, are any of the corner monuments shown labeled differently (L.S. number or type of monument)?
- ✓ If the monuments are a "controlling corner", were they found? If they were set, is there enough information shown on the plat to determine why they were set in the location they were? If a Record of Survey was filed on this boundary, was it referenced on the plat to show more information, and is the Record of Survey number correct?
- ✓ Are witness corners or reference monuments correctly identified and located? If a boundary is running along a ditch centerline, and pins are shown on the angle points, have they really been set (or found) in the ditch? Are reference monuments actually reference monuments, or witness corners?

- ✓ Do the monuments appear to be on the line work, or in the correct position? If something looks out of place, does it scale correctly?
- ✓ Does the line work obstruct the monument symbols, to the point that it is not clear from the legend what the monument symbol represents?
- ✓ Are there any monuments shown on the map that are labeled with conflicting information on the drawing? If it is in the legend as, for example a brass cap, and labeled on the drawing as an aluminum cap, then what is really in the field? *CP&F's are a prime example of this conflict.*
- ✓ Are there monuments on all of the lot corners and right-of-way angle points? Do they meet Idaho Code requirements? Are they identified?
- ✓ Are there monuments shown on all of the centerline angle points? Do they meet Idaho Code Requirements? Are they identified?

### References:

I.C. 50-1303, I.C. 50-1304

## Drawing Scale & North Arrow

The Idaho Board of Professional Engineers and Professional Land Surveyors have indicated that Title 55, Chapter 19 is applicable to subdivision plats, i.e. that a plat is a form of a Record of Survey, and as such the information required to be supplied on a Record of Survey, should also be contained on a subdivision plat.

### Review

- ✓ Is there a graphic scale on the drawing? Does it scale correctly? Is it labeled correctly?
- ✓ Does the line work on the drawing scale correctly?
- ✓ Are there any details on the drawing that are scaled differently than the main drawing? If so, are the scale values shown, and does the detail scale correctly?
- ✓ Is there a North Arrow on the drawing, and is it oriented correctly?
- ✓ Are there any details on the drawing that are oriented differently than the main drawing, and if so, do they have their own North arrow or scale values shown?

### References:

I.C. 50-1304, I.C. 55-1906

## Plat Notes

Plat notes should be checked for typographical and reference errors. The important issue is if a reference is made to the plat or another document, it should be checked for accuracy. A few examples are presented below.

### Example 1

“A 12 foot wide public utility, drainage, irrigation and city street light easement is hereby reserved adjacent to all public rights-of-way.”

- ✓ Are there any public rights-of-way that this applies to?
- ✓ Is the easement shown and dimensioned somewhere on the drawing?
- ✓ Does the easement appear on the drawing with a width of something other than 12 feet that is not dimensioned?

#### Example 2

“A 6-foot-wide public utility, drainage and irrigation easement is hereby reserved adjacent to, and on both sides of all interior lot lines for Lot 15 through 19, Block 1. However, this shall not preclude the construction of proper hard surfaced driveways for access to each individual lot.” ✓ Is the easement shown and dimensioned in the stated location?

#### Example 3

“Building setbacks in this subdivision shall be in compliance with the applicable zoning regulations at the time of issuance of building permits, or as specifically approved in the development agreement with the City of \_\_\_\_\_ (Instrument No. 123456789, records of the County).” ✓ Was the development in the City of \_\_\_\_\_?

- ✓ Verify that Instrument No 123456789 is both a valid instrument number and a development agreement with the City of \_\_\_\_\_.

#### Example 4

“Direct Lot access to East Hill Road is prohibited, except as shown” ✓ Is there any direct Lot access shown to East Hill Road?

- ✓ Is East Hill Road labeled “East Hill Road” on the face of the plat?
- ✓ Are there any Lots which have no access other than by East Hill Road? Is the exception noted on the face of the plat?

#### Example 5

“Right to Farm Act”

- ✓ Check Current Statute. Does the wording match? If it is quoted, is the entire section quoted?

#### Example 6

“Lot 1 Block 1 is designated as a Common Lot to be owned and maintained by the Great Big Estates Subdivision Homeowners Association”

- ✓ Is there a Lot 1, Block 1, and does it appear that it should be a common lot?
- ✓ In the case of multi-phase developments, is there an association registered with the Secretary of State, or a previous deed for common lots that would verify that the name really is Great Big Estates Subdivision Homeowners Association, as opposed to a Great Big Owners Association Inc.?
- ✓ Was maintenance responsibility and ownership intention described?

## **Lot & Block Numbering**

Idaho Code Title 50, Chapter 13, Section 4(c) requires that the plat shall show “*all lots numbered consecutively in each block, and each block lettered or numbered, provided, however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name*”. Some County’s do not recognize “lettered” blocks on plats.

Idaho Code Title 50, Chapter 13, Section 7 requires that “all plats of the same name must continue the block numbers of the plat previously filed”. Even so, each phase must be numbered sequentially such that it is assumed that there are no other phases going to be recorded after it, and it must stand on its own.

Condominiums are to some extent reviewed with this requirement; however, they are not labeled as a “lot”, but as a “unit”. A “block” is not applicable to a condominium; however, there may be a need for separating the units by using a “building” or “floor” designation.

### **Review**

- ✓ Is each Lot labeled with a number, and is it consecutive? This may include a “lot” for a private road, or a common lot.
- ✓ Is each Block labeled with a number, and is it consecutive?
- ✓ Are there any Common Lots within the right-of-way, and are they labeled with a Lot and Block number?
- ✓ If the plat is a continuation of a prior phase, do the labeled Blocks agree with the location on the recorded prior phase? Are there any duplicate Block numbers?
- ✓ If the plat is a continuation of a prior phase, do the Lots continue sequentially with the recorded prior phase? Are there any duplicate Lot numbers?
- ✓ Will the Lot and Block numbers be readable after scanning?

And a major headache that we may note, but might not always comment on . . .

- ✓ Will the numbering scheme used meet Idaho Code (read sequential and adjacent), if and when the next phase is submitted for review?

### **References:**

I.C. 50-1304, I.C. 50-1307

## **Public Street Widths, Courses & Names**

This section applies to both public and private streets.

### **Review**

- **Street Widths**
  - ✓ Is there at least one, (preferably two) right of way dimensions on each street? An overall dimension is often used, but a dimension showing each ½ of the right-of-way is preferred. A dimension showing each ½ of the right-of-way is required where there are islands in the right-of-way, or the centerline is not in the middle of the right-of-way.
  - ✓ If there are lot “islands” in the right-of-way, is there a dimension showing the right-of-way width on each side of the island?
  - ✓ If the plat has cul-de-sacs, is there a dimension on the center of the cul-de-sac bulbs?
  - ✓ If the right-of-way width changes, are the widths noted at the transition points?

- **Street Courses**

- ✓ Is each curve and tangent on the centerline dimensioned?
- ✓ Do the dimensions shown on the centerlines scale to the values shown, or agree with the values shown in the curve or line table?

### **Street Names**

- ✓ Do the Street Names shown align and match the adjoining recorded plats? This is done as an independent check of the names of record.
- ✓ Do the directional calls match?
- ✓ Are the street names consistent across all of the plat sheets?

### **References:**

I.C. 50-1304

### **See Also:**

Subdivision Name Review, Monuments ~~Review~~

## **Sheet Size & Border**

Idaho Code 50-1304 requires Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 1/2) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins.

### **Review**

- ✓ Are the overall dimensions 18 x 27 inches?
- ✓ Is the left margin at least 3-1/2 inches?
- ✓ Are the remaining margins at least one-half inch?
- ✓ Is there any text or line work encroaching on the margins?

### **References:**

I.C. 50-1304

## **Subdivision Name Review**

Idaho code 50-1307 requires that *“plats of towns, subdivisions or additions must not bear the name of any other town or addition in the same county, nor can the same word or words similar or pronounced the same, be used in making a name for said town or addition, except the words city, place, court, addition or similar words, unless the same is contiguous and laid out and platted by the same party or parties platting the addition bearing the same name, or a party files and records the written consent of the party or parties who platted the addition bearing the same name. All plats of the same name must continue the block numbers of the plat previously filed.”*

Surveyors should work with the client and political subdivision to ensure the name of the subdivision is compliant with Idaho code and local regulations and procedures when naming subdivisions. Names can be protected by copyright in this way. Permission to use a certain subdivision name may be obtained from the original owner by a letter of permission granting use of the name for a parcel adjacent to the original subdivision. The permission document must be recorded to protect the copyright of the name.

### **Review**

- ✓ Is the name of the subdivision unique and in compliance with local authorities?
- ✓ Is this next phase connected to the first phase with at least one common boundary point?

In the case of a phased development;

- ✓ Is the signer or owner shown on the Certificate of Owners the same person or firm, as the signer or owner shown on the previous phase Certificate of Owners?
- ✓ If they are not the original developer/owner, was a copy of a recorded consent to use the name provided with the submittal, or was the instrument number of the recorded consent noted on the submittal transmittal?
- ✓ Is this next phase connected to the first phase with at least one common boundary point?

### **References:**

I.C. 50-1305, I.C. 50-1307.

## **Surveyor's Narrative**

In the 2019 Legislative session a Narrative component was added to the requirements for Records of Surveys and Plats (see also Standards of Practice Section 7.2).

The Narrative must explain:

- (a) *The purpose of the survey and how the boundary lines and other lines were established or reestablished and the reasoning behind the decisions;*
- (b) *Which deed records, deed elements, survey records, found survey monuments, plat records, road records, or other pertinent data were controlling when establishing or reestablishing the lines; and*
- (c) *For surveys that contain a vertical component, the narrative shall show the benchmarks used, the vertical datum referenced, and the methodology used to achieve the elevations.*

The narrative is especially useful in situations where the boundary does not match the records, or it is not clear why certain monuments or corners were held over other monuments or corners. A portion of the narrative component is documents of record. In most cases the record documents are noted on the plat in a block under a heading of “Reference Documents”.

### **The Review**

- ✓ Is the Narrative shown?
- ✓ Is the narrative clear, and does it accurately describe what is shown on the plat?
- ✓ Have any discrepancies or questions that were noted in the review been addressed in the narrative?
- ✓ Are there any instrument numbers stated in the narrative for recorded documents, and if so, are they correct?

#### References:

I.C. 50-1304, I.C. 55-1906(6)

### Surveyor Stamp

The Idaho Board of Professional Engineers and Professional Land Surveyors published an opinion in October 2002 that all of the "map" sheet(s) of the plat must be sealed, signed, and dated as well as the "Surveyors Certificate".

Idaho Code §54-1215(3)(c) which states, in pertinent part, *"Each plan or drawing sheet shall be sealed and signed by the registrant or registrants responsible for each sheet"*, and on Idaho Code §50-1309 which states, in pertinent part, *"The professional land surveyor making the survey shall certify the correctness of said plat and he shall place his seal, signature and date on the plat."*

The County Recorder's Office will NOT ACCEPT for recording any plat that does not have ALL of the sheets sealed and signed by the PLS in responsible charge.

#### Review

- ✓ Did the Surveyor seal and sign all of the sheets of the plat, for which he had responsible charge, and are all of the seals and signatures the same on each sheet of the plat?
- ✓ Are all of the signatures original, and not facsimile images?

#### References:

I.C. 50-1309, 54-1215