

*[Title 10—DEPARTMENT OF
[NATURAL RESOURCES]
[Division 30—Land Survey]
[Chapter 3—United States Public Land Survey Corners]*

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 61—United States Public Land Survey Corners**

PROPOSED AMENDMENT

[10 CSR 30-3.010] **2 CSR 90-61.010 Definitions**

PURPOSE: This rule defines the various technical and legal terms used in Chapter 3. And is being amended to add clarity to the definitions listed. Pursuant to HB28 the Land Survey Program was moved from Department of Natural Resources to Department of Agriculture in August 2013.

(1) Alteration of a corner: *[, the]* changing *[of]* the physical monumentation of *[the]* a corner or **adding witness** accessories.

(2) Corners of the United States Public Land Survey: *[,]* those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, blank quarter section corners, fractional section corner, center of section, grant corner, lot corner and meander corner.

(3) Date of the field work: *[is]* the date on which the monument was physically *[placed in the ground]* **altered or removed and referenced**.

(4) Existent corner: *[,]* a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one (1) or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner.

(5) Lost corner: *[,]* a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position.

(6) Monument: *[,]* the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument.

(7) Reestablishment of a corner: *[,]* the *[re]*monumentation of a lost corner *[using statutory procedures]* **whose position has been determined by proportionate measurement**.

(8) Removal of a corner: *[,]* the complete elimination of *[the]* an existing corner monument *[because of construction, clearing or similar operations]*.

(9) Restoration of a corner: [,] the [remonumentation] **alteration** of an existent [or obliterated] corner [from survey records, physical evidence or by testimony].

(10) **Reference Monument:** [Suitable reference monuments,] a monument[s] set in such a manner and [position] **location** that the **position of the actual** corner **can** [which is referenced could] be located **from it** by [angle] **direction** and distance or by two (2) distances [from these monuments] **when two reference monuments are set.**

AUTHORITY: sections 60.321, RSMo Supp. 1989 and 60.550, RSMo 1986. Original rule filed Dec. 8, 1975, effective Dec. 18, 1975. Rescinded and readopted: Filed Feb. 10, 1982, effective May 13, 1982. Rescinded and readopted: Filed May 3, 1994, effective Dec. 30, 1994.*

**Original authority: 60.321, RSMo 1989 and 60.550, RSMo 1969.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Agriculture, Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, PO Box 630, Jefferson City, MO 65102. Hand carried copies may be delivered to the Missouri Department of Agriculture, Weights, Measures and Consumer Protection Division, Mr. Ronald G. Hayes, Division Director, 1616 Missouri Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.