

INSTRUCTION MANUAL FOR OKLAHOMA CERTIFIED CORNER RECORDS (ADOPTED 11-14-08)

Introduction

The United States Public Land Survey System provides the basic boundary control for the land in Oklahoma. Corners established as a part of those original government surveys are the basis for every legal description of real property in this state. Perpetuation and protection of these public land corners is essential to the orderly development of our communities and permanence of our land boundaries.

Since 1978, the state has required that land surveyors file a Certified Corner Record form for every section, quarter section or other public land survey corner created by the original government survey. To date over 190,000 such forms have been filed with the State Department of Libraries-Archives Division. Title 65, Oklahoma Supplement 1978, 3-116 through 3-123 Oklahoma Statutes, the Corner Perpetuation and Filing Act, prescribes the method and requirements for filing these corner record forms.

Included in these requirements is the obligation on the part of the land surveyor to obtain and review copies of the original government plat and notes. Since land surveyors are required to “follow in the footsteps” of the original surveyor, it is mandatory that they know how the original surveyors performed their surveys, what monuments were set and what accessories and other physical features were located. A painstaking search for evidence from those original surveys cannot be complete without this information.

The Oklahoma Supreme Court addressed the issue of the importance of following in the footsteps of the original surveys in Fellows v. Willett, 224 P.298 (Okla. 1924) where it stated “The original section corners as established by the government survey, or the place where they were established, if they can be definitely determined, are conclusive on all present owners or holders with reference thereto, without regard to whether they were located correctly in the first instance, and must remain the true corners or monuments from which to determine boundaries.”

The land surveyor is also required to certify on the Certified Corner Record forms that corner records on file at the State Department of Libraries were checked prior to making the survey.

Definitions

Knowledge of the following definitions from the 2009 BLM Manual of Surveying Instructions of the classifications of public land survey corners is essential to the understanding of the rules to be followed:

EXISTENT (EXISTING) CORNER: An existent corner is one whose original position can be identified by substantial evidence of the monument or its accessories, by reference to the description in the field notes, or located by an acceptable supplemental (BLM) survey record, some physical evidence or testimony. A corner is existent if such conclusion is

supported by substantial evidence. The substantial evidence standard of proof is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Examples of an existent corner would be existing stones or posts set in the original federal government survey or existing bearing trees used as accessories to those original monuments. A found ½" iron pin or mag nail is **NOT** an existent corner.

OBLITERATED CORNER: An obliterated corner is an existent corner where, at the corner's original position, there are no remaining traces of the monument or its accessories but whose position has been perpetuated or the point for which may be recovered by substantial evidence from the acts and reliable testimony of the interested landowners, competent surveyors, other qualified local authorities or witnesses or by some acceptable record evidence.

An obliterated corner position can be proven by substantial direct or collateral evidence. Direct evidence includes such things as testimony of witnesses who have knowledge of the position of the original monument, line trees, witness points, or a definite connection to readily identified natural objects or improvements referenced in the original survey.

Collateral evidence must include some component that relates to the position of the original survey corner, including measurement evidence, historical record, testimony or any reasonable tie. Land surveyors must consider the age, position, and the degree which a local corner used as collateral evidence has been relied upon by all local land owners. Collateral evidence can include recorded monuments established by local land surveyors and duly agreed upon by affected land owners, the position of boundary fences determined in the same manner, and public roads, drainage ditches, and other improvements intended to be located with respect with original subdivision lines.

The land surveyor must be familiar with and must consider the rules concerning Good Faith Locations and Satisfactory Local Control found in Chapter 6-Resurveys and Evidence in the 2009 BLM Manual of Surveying Instructions.

Examples of obliterated corners would be those that are presently marked with identifiable and **substantiated** monuments such as iron pins, brass caps or concrete nails. However, an obliterated corner need not be presently marked with a monument.

If the monument described in the official record no longer exists and you accept a subsequent monument as marking the position occupied by the original monument, you are in effect restoring an obliterated corner and must file a Certified Corner Record explaining the nature of the evidence which led you to accept the monument as valid.

LOST CORNER: A lost corner is one whose original position cannot be determined by substantial evidence, either from traces of the original marks or from acceptable evidence or reliable testimony that bears upon the original position, and whose location can be restored only by reference to one or more interdependent corners. When every means of identifying the original position of a corner has been exhausted, the surveyor will restore the lost corner

by applying proportionate measurement, which harmonizes surveying practice with legal and equitable considerations involved in controversies concerning lost land boundaries.

Corners should not be identified as lost until a thorough field, office and record search for evidence has been done. *A decision that a corner is lost should not be made until every means has been exercised that might aid in identifying its true original position. Proportional measurement is only done as a last resort when no evidence of the original corners can be found*-Restoration of Lost or Obliterated Corners & Subdivision of Sections, a guide for surveyors, Bureau of Land Management 1974.

Instructions for Surveyors

COMPULSORY RECORDS: Whenever you conduct a land survey that uses for control any public land survey corner as defined by the Corner Perpetuation and Filing Act, if you establish, reestablish, monument, remonument, restore, rehabilitate, perpetuate or **use as control**, you must file a Certified Corner Record. If your land survey required the use of several public land survey corners for control, a Certified Corner Record must be prepared for each corner. Each corner must be reported on a separate Certified Corner Record form.

EXCEPTION: If a Certified Corner Record would normally be required, but the monument and its accessories are substantially as described in a Certified Corner Record already on file with the Oklahoma Department of Libraries, Archives & Records Division, no further filing is necessary. However, if the monument you find is not the same as the one described in the existing Certified Corner Record, a new Certified Corner Record must be created.

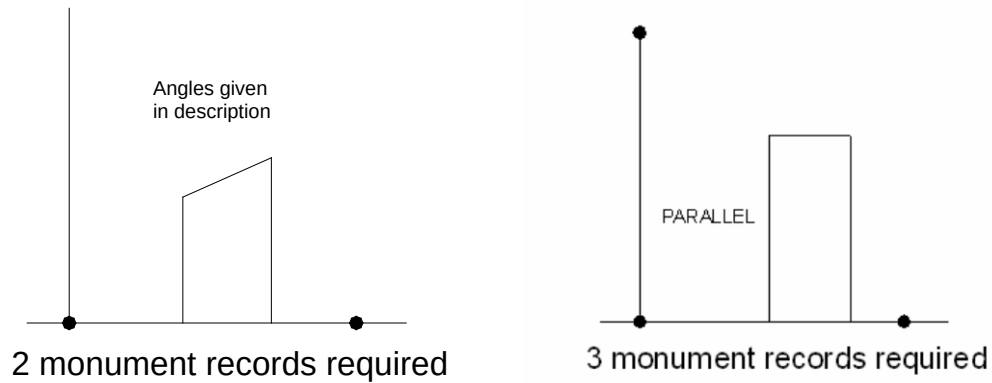
IF YOU DISAGREE WITH AN EXISTING CERTIFIED CORNER RECORD

If you disagree with the monument position described in the existing Certified Corner Record and re-establish a new monument in a different position, you must file a new Certified Corner Record and list supporting evidence for your position for the corner. The degree of care used to establish this position must be equal to or greater than the care used to re-establish an obliterated corner (see above). This supporting evidence must be more than one independent historic document and must be corroborated by harmonizing with known corners and/or physical improvements. The surveyor who prepares such a Certified Corner Record must be capable of answering questions concerning the supporting evidence, not in an adversarial situation, but to demonstrate that the decision to set a new monument was made only after exhaustive research. You must also show the location of the previous monument in the sketch on the form.

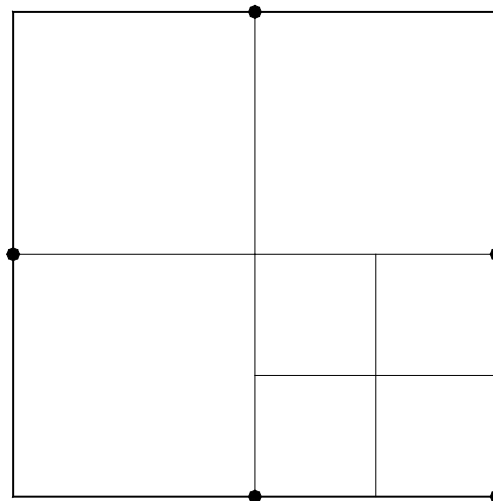
EXAMPLES OF WHAT CORNERS ARE TO BE FILED:

If a metes and bounds survey is simply “tied” to a section corner, quarter section corner or other public land survey corner, you are required to file a Certified Corner Record only on that corner. However, if another public land survey corner was used to establish a basis of bearings, it must be filed also.

A. Miscellaneous tracts.



B. Subdivision of sections. (4 or more monument records required)



If you establish the center of a section by calculation, you are required to file Certified Corner Records for the four quarter section corners. If the survey is for the purpose of locating, for example, the SE1/4, then you would also file a record for the SE corner of the section as well as for the four quarter section corners. The center of the section and other aliquot corners you might set do not require records, unless these corners were set in the original surveys. However, if you accept a monument found at the center of the section that is not the calculated position, it is highly recommended that you file a Certified Corner Record for the benefit of those following in your footsteps.

Lost corners must be re-established by proportional measurement, and Certified Corner Records must be filed for any corners used in a proportional measurement.

SPECIAL CASES

In some areas of the state, particularly in Ottawa, Pottawatomie, and parts of Oklahoma, Lincoln and Cleveland Counties, the original surveyors subdivided sections into 40 acre and other aliquot tracts using the “**THREE MILE METHOD**”. Interior monuments including the center of section were set by the original surveys. Notes of the original survey must be obtained when surveying in these areas to determine which monuments were set and what procedure was followed in the original survey. In these areas, any original corner that is used as control in a survey must have a Certified Corner Record filed.

MODOC Reservation in Ottawa County- This was a special case where the reservation was surveyed into Lots by the original government surveyors. The Lots were not referenced to Section-Township-Range; so, filing a Certified Corner Record in this reservation needs to refer only to the Lot number where the corner is.

C. Platted Subdivisions.

Lot lines within platted and monumented subdivisions will normally be deemed to be controlled by the original or generally accepted lot or block corners, or other substantiated control within the subdivision. Therefore, filing Certified Corner Records on public land survey corners that control the location of an existing subdivision will normally not be required. However, if it is necessary to use one or more public land survey corners establish or re-establish control within the subdivision, a Certified Corner Record must be filed for each such public land survey corner used as control.

Certified Corner Records are required to be filed on public land survey corners used as control to establish new subdivisions.

TIME LIMIT FOR FILING: In all cases where monument records are required, they must be filed with the Oklahoma Department of Libraries, Archives & Records Division within **90 days** after the survey is completed. The Board will consider a survey complete when any one of the following occurs;

1. Establishment of monuments
2. Submission of plat or drawing
3. Submission of field notes for plans or planned purposes

In the case where the project is located in multiple adjacent sections, the Board will use either 2 or 3 above to determine when the survey is complete.

PERMISSIVE RECORDS:

At the option of the Land Surveyor, other monument records including any of the following may be filed:

- Platted Subdivision control monuments
- Metes and bounds survey monuments

- Private or local control surveys
- Witness corners or reference monuments for any of the above

FILING FEES: The Office of Archives and Records of the Oklahoma Department of Libraries charges a \$5.00 filing fee for the filing and recording of a Certified Corner Record.

MISCELLANEOUS PROVISIONS:

Certified Corner Records must not be folded when mailed to the Department of Libraries.

Certified Corner Records must be prepared on **Legal** sized paper.

Certified Corner must be done in ink.

Detailed Instructions for Certified Corner Record Forms

1. **Check appropriate box:** ____ **Existent**, ____ **Obliterated**, or ____ **Lost**, in accordance with the 2009 BLM Manual of Survey Instructions, definitions. Report one corner only on each Certified Corner Record form.
2. **CM document number will be completed by the Archivist at the time of filing.**
3. **Indicate the location of the corner being filed on the section map with a circle.**
4. **Corner Description:**
Indicate the corner being filed. For Example: **SW** corner of Section **21**, Township **12 North**, Range **2 West**, Meridian **Indian**, County **Oklahoma**.
5. **Description of original monument and accessories and any subsequent restoration**
Give sources of information:
 - List the description of the **original monument** and its **accessories** as described in the original field notes.
 - List the source of the information; e.g., Department of Libraries, Oklahoma City or County Clerk's Office, Cleveland County, glorerecords.blm.gov, etc.
6. **Monument Description:**
Description of corner evidence found and supporting evidence.
 - List pertinent evidence found (both physical and record). Give the accurate diameter of a rod or pipe.
 - List evidence supporting the validity of the location of the monument position.
 - Include parol evidence (statement of witness) when applicable.

In reporting evidence found, use as precise terminology as possible. Use correct diameter sizes for iron rods and pipes.

EXCEPTION: Do not use specific names for rock, wood or metal unless you are sure of the type. For example, calling for a granite stone which is really sandstone, for an oak post which is really maple, or for an iron bar which is really brass, will only confuse the issue. In these cases, more general but obvious terms such as hard, soft, gray, reddish, charred, weathered, etc., will be of more value.

EXAMPLES:

- A. Found ½" iron pin which fit monuments and other improvements in the adjoining Black Oak and Quail Cove Subdivisions.
- B. Found a mag nail and shiner which lines up with a series of fences and other physical improvements aligned with each other and with record distances east of the quarter section corner.
- C. Found references from the 2007 CCR filed by PLS #4000. Corner monument was gone. This is the same position as the one used by PLS #3000 in his CCR filed 08/02/1984.
- D. Found an undisturbed 6"x 8"x 30" sandstone monument as described in original GLO 1872 field notes. The sand stone has 3 notches carved in the south face and 2 notches carved in the east face as described in the notes.

7. Description of Corner evidence set, method used and supporting evidence found:

- Describe monument you set or any rehabilitation work done.
- Describe any accessories or witness corners set.
- Describe what methods were used for restoration.
- List evidence supporting the validity of the location of the monument position.

EXAMPLES:

- A. Set #5 rebar 18" long with plastic cap #4000. This position fits with the found fences and other physical improvements both north and south of this quarter section corner.
- B. Set a ½ iron pipe with PLS # 4500 cap using single proportional measurement between the two adjoining section corners.
- C. Set a mag nail and PLS #4500 shiner that fits the surveying records and found monuments of the Town of Little Tree. Found a 3/8' iron pin 4.56' north and 8.89' east which did not fit the existing physical evidence and appears to have been set by proportional measurement.
- D. Set a ½" iron pipe. Retraced ODOT plans FASP S-896 (4) (5)-S on Highway 99 and found ½" I.P.s at the references for stations 879+50 and 906-00.35. Position also fits ODOT tie to SW corner of section 31 shown on alignment map.

8. Accessories (Reference monuments):

- Describe at **least three accessories** in the immediate vicinity of the corner. The accessories must be as permanent as possible. Ties to nearby public land survey corners may be shown for information purposes, but must be accompanied with three accessories within 330.00 feet (5 chains) of the corner.
- Give bearing, either true or magnetic, to each of the three accessories together with the length to each accessory in either feet or meters.

- A true bearing shall be based upon the Oklahoma State Plane Coordinate System or a solar observation.
- State if compass bearing is corrected for magnetic declination.
- On any CCR that is filed where there is already an existing CCR, show any existing reference from the old CCR to ensure the CCR's are referencing the same location.

9. Sketch

- Make a neat sketch showing the relative positions of the monument and reference points.
- Give dimensions, with topographic features, names and widths of streets (if known)
- North arrow
- Show location of monuments at this corner which conflict with your position. **Note if they are shown on previously filed Certified Corner Records.**
- **To the extent possible, show the location of the supporting evidence in the sketch**

10. Sign and seal in the space provided.

- Signature and seal must be in accordance with Board rules.
- Complete all contact information in the spaces provided

11. Oklahoma State Plane Coordinates

- If State Plane Coordinates are determined, show the "X" and "Y" position and the zone.
- Datum: State the zone and the datum for the coordinates provided (i.e. NAD27, NAD83, UTM etc)
- Source: State the source of your coordinates (i.e. RTK-GPS observation, scaled from quadrangle map, etc. Be specific

PENALTIES

The State Board of Licensure for Professional Engineers and Land Surveyors has the authority of enforcing this Act. Failure to file an Oklahoma Certified Corner Record could subject the surveyor to penalties as prescribed by law.

Copies of the Oklahoma Certified Corner Record form may be reproduced or may be obtained from the Oklahoma Department of Libraries, Archives & Records Division, 200 N.E. 18th Street, Oklahoma City, OK 73105. The form may also be downloaded from the Oklahoma Society of Land Surveyor's website at www.osls.org or the Board's website at www.pels.ok.gov.

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