

INSTRUCTION MANUAL FOR FLORIDA CERTIFIED CORNER RECORDS

Introduction

The United States Public Land Survey System provides the basic boundary control for the land in Florida. 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 1977, the state has required that professional surveyors and mappers file a Certified Corner Record for every section, quarter section or other public land survey corner established by the original cadastral surveys. To date over 105,000 such forms have been filed with the Department of Environmental Protection, Division of State Lands, Bureau of Survey and Mapping. Chapter 177, Part III, Florida Statutes, the "Florida Public Land Survey Restoration and Perpetuation Act," prescribes the method and requirements for filing these corner record forms.

Included in these requirements is the obligation on the part of the professional surveyor and mapper to obtain and review copies of the original government plat and field notes. Since professional surveyors and mappers 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.

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 cadastral survey or existing bearing trees used as

accessories to those original monuments. A found 1/2" iron rod or mag nail is **NOT** an existent corner. This corner would be classified as a historic corner.

Obliterated Corner: An obliterated corner is an existent corner where, at the corner's original position, there are no remaining traces of the monuments 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. Surveyors and mappers 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 surveyors and mappers 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 to original subdivision lines.

The surveyor and mapper 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 rods, 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 explain 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 and mapper 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 [to set the monument] 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 a surveyor and mapper conducts a land survey that uses for control any public land survey corner as defined in Chapter 177, Part III, Florida Statutes, or if a surveyor and mapper establishes, reestablishes, monuments, remonuments, restores, rehabilitates, perpetuates, or uses as control, he or she must file a Certified Corner Record. If your survey required the use of several public land corners for control, a Certified Corner Record must be prepared and filed 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 monuments and its accessories are substantially as described in a Certified Corner Record already on file with the Florida Department of Environmental Protection, Division of State Lands, Bureau of Survey and Mapping, no further filing is necessary. However, if the monument found or its accessories are not the same as the one described in the existing Certified Corner Record, a new Certified Corner Record must be filed.

If you disagree with an existing Certified Corner Record

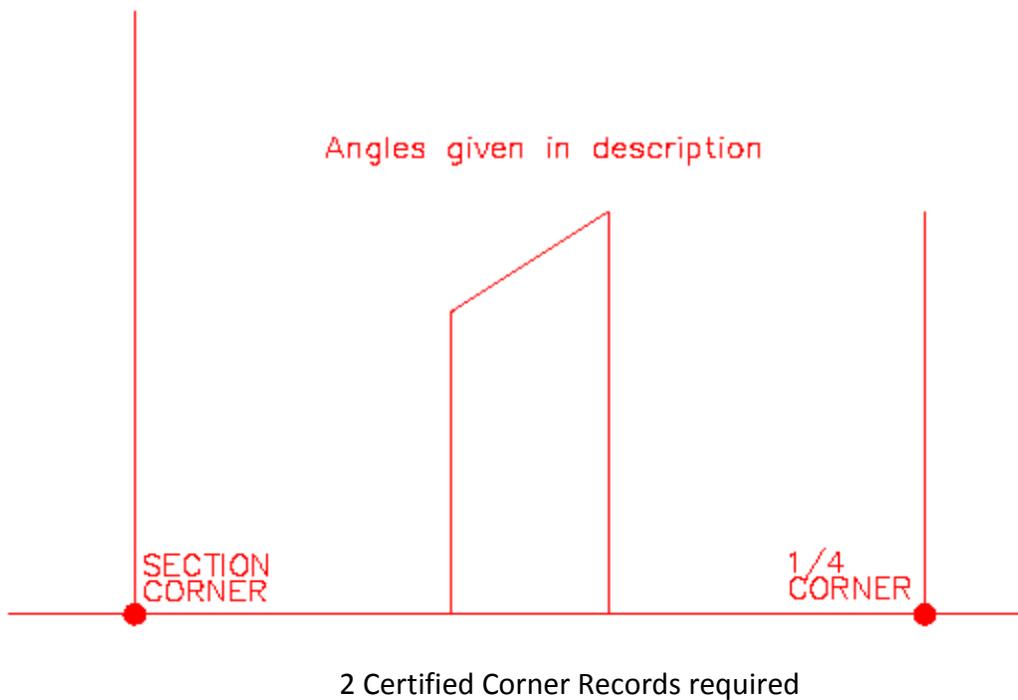
If you disagree with the monument position described in the existing Certified Corner Record and re-establish a new monument in a different position, you must file a new Certified Corner Record and list supporting evidence for your position for the corner. The degree of care used to establish this position must be equal to or greater than the care used to re-establish an obliterated corner (see above). This supporting evidence must be corroborated by harmonizing with known corners and/or physical improvements. The surveyor and mapper who prepares such a Certified Corner Record must be capable of answering questions concerning the

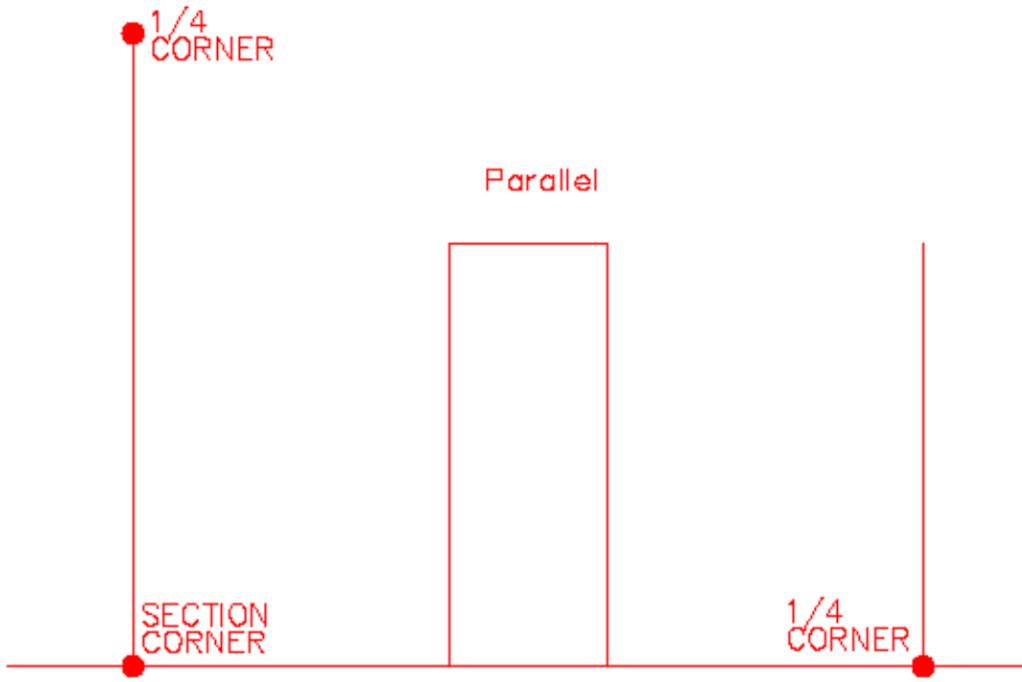
supporting evidence, not in an adversarial situation, but to demonstrate that the decision to set a new monument was made only after exhaustive research. The surveyor and mapper must also show the location of the existing monument in the sketch on the form.

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 bearing, it must be filed also.

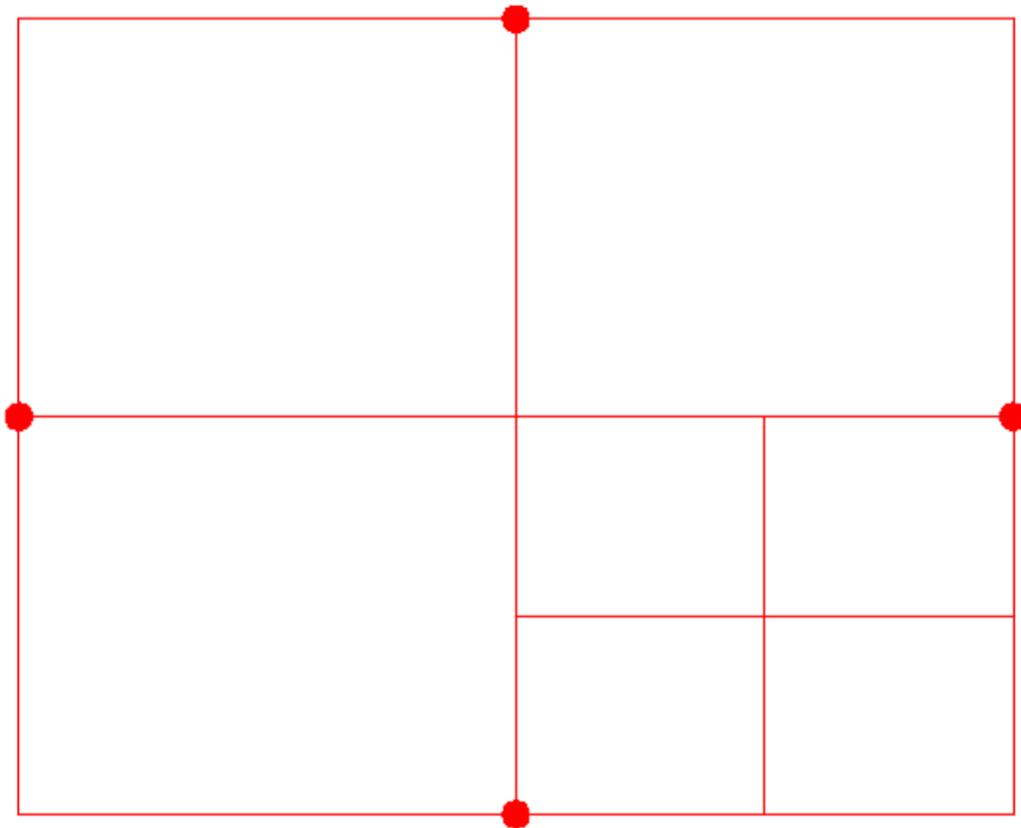
A. Miscellaneous tracts





3 Certified Corner Records required

B. Subdivision of sections



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 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 as control in a proportional measurement.

TIME LIMIT FOR FILING:

In all cases where monument records are required, they must be filed with the Florida Department of Environmental Protection, Division of State Lands, Bureau of Survey and Mapping within **90 days** after the survey is completed. The survey will be considered complete when any one of the following occurs:

1. Establishment or recovery of monuments.
2. Final delivery of the survey product to the client.

Detailed Instructions for Certified Corner Record Forms

1. **Check appropriate box:** **GLO Corner (Proven)** **Land Grant Corner** **Historic Corner** **Other Corner**. Report one corner only on each Certified Corner Record form.
2. **Check appropriate box:** **Existing** **Obliterated** **Lost**, in accordance with the 2009 BLM Manual of Survey Instructions, definitions.
3. **The document number will be assigned at the time of filing.**
4. **Indicate the location of the corner being filed on the section map with a filled circle.**
5. **Corner Description:**
Indicate the corner being filed. For example: **SW** Corner of Section **16**, Township **48 S.**, Range **25 E.**, **Collier** County.
6. **Monument Description:**

Description of corner evidence found and supporting evidence.

- List pertinent evidence found (both physical and record). Give accurate dimensions of rod, pipe, concrete monument, etc.
- 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. Give correct sizes for found monumentation.

EXCEPTION: Do not given specific names for rock, wood or metal unless you are sure of the type. Incorrect identification of objects will only confuse the issue. In these cases, more general terms will be of more value.

EXAMPLES:

- A. Found ½” iron pin which fit monuments and other improvements in the adjoin Quail Creek and Evergreen Pines subdivisions.
- B. Found a mag nail and disk 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 CCR #10150 filed by PSM #3465. Corner monument was gone. This is the same position as the one shown on CCR #10150.
- D. Found an undisturbed lightwood post as described in original GLO 1875 field notes. Found stumps of 2 of the original bearing trees.

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

- Described monument 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 “PSM3465”. This position fits the found fences and other physical improvements both north and south of the quarter section corner.
- B. Set ½” diameter iron pipe with plastic cap “PSM3465” using single proportional measurement between the adjoining section corners.

- C. Set and mag nail and aluminum disk "PSM3465" that fits the surveying records and found monuments on the Town of Greenwood. Found a ½" iron rod 4.56' north and 9.89' west which did not fit the existing physical evidence and appears to have been set by proportional measurement.
- D. Set a 2 1/2" diameter aluminum monument 30" long stamped "Public Land Survey Corner." Retraced FDOT Right of Way Map Section 5000-0100 for State Road No. 2 and found ½" iron rods at the references for stations 879+50 and 906+00.35. Position also fits FDOT tie to SW corner of Section 31 as shown on 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 informational purposes, but must be accompanied with three (3) accessories with 330.00 feet (5 chains) of the corner. Use of less than three (3) accessories must be approved by the Department.
- Give bearing, either true or magnetic, to each of the three (3) accessories together with the length to each accessory in feet.
- A true bearing shall be based on the Florida State Plane Coordinate System or an astronomic observation.
- State if compass bearing is corrected for magnetic declination.
- On any CCR that is filed where there is an existing CCR, show any existing reference from the old CCR to ensure the CCRs 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), etc..
- 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 location of the supporting evidence on the sketch.**

NOTE: A supplemental sheet may be attached if deemed necessary to provide the necessary information.

10. Sign and seal in the space provided.

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

11. Horizontal Position Information:

- If State Plane Coordinates are determined to the third order or above specifications, show the “X” and “Y” position and the zone
- Datum: State the zone and the datum for the coordinates provided (i.e. NAD83, UTM, etc.).
- Source: State the source of the coordinates (i.e. RTK-GPS observation, static GPS, conventional traverse, etc.) NOTE: Scaled coordinates are not acceptable.
- Note how the coordinates were determined: Post processing, OPUS solution, RTN network, etc.
- Do not show coordinates that are assumed or obtained by scaling or the GPS “HERE” position.
- Caution should be exercised in using coordinate values for the re-establishment or remonumentation of corners.

PENALTIES

The Florida Board of Surveyors and Mappers has the authority to enforce this Act. Failure to file a Certified Corner Record could subject the surveyor and mapper to penalties as prescribed by law.

Copies of the Certified Corner Record form may be reproduced or may be obtained for the Florida Department of Environmental Protection, Division of State Lands, Bureau of Survey and Mapping, 3800 Commonwealth Boulevard, Mail Station 105, Tallahassee, FL 32399-3000. The form may also be downloaded from the Land Boundary Information Systems (LABINS) website at www.labins.org.