

Benton County Plat Manual



August 19, 2003 Revision
November 1, 2005 Update

BENTON COUNTY PUBLIC WORKS PLATTING MANUAL

COUNTY SURVEYOR

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PREFACE: This document has been prepared by the Benton County Surveyor's Office, a division of the Public Works Department and approved by the Benton County Board of Commissioners. The information contained in this manual is based on the Plat Manual of Minimum Guidelines prepared by the Minnesota Society of Professional Surveyors, which should also be referred to for examples. It is intended as a guideline to owners, developers, surveyors, engineers, and planners in the requirements for filing a final plat.

This manual is a guideline for gaining Final Plat approval by the Benton County Surveyor's Office. Actual subdivision and development requirements are contained in the Benton County Development Code. The County Surveyor's Office also works closely with the County Attorney, Recorder/Registrar of Titles, and Auditor in legal matters affecting the title to lands being platted. A current Title Commitment, or Title Opinion, is required.

This document will build consistency into the preparation of plats and Registered Land Surveys, (RLS), without stifling the individuality of the practicing Land Surveyor.

The Benton County Board of Commissioners adopted Plat Checking on December 21, 2001 per Minnesota Statutes 389.09 and 505.03 for all plats received on or after January 1, 2002 prior to recording. The Benton County Board of Commissioners establishes the Plat Checking Fees. Public notice is given and a public hearing held to establish the fees. The fee schedule for plat reviews will be set forth as part of the County Fee Schedule.

Note: The Public Works Department may charge an additional hourly fee when major revisions are made (or repeated corrections are necessary) to the plat subsequent to the initial checking. The amount of this fee is established by the County Board.

To expedite the plat checking process the following items must be submitted to the County Surveyor for the checking process to begin.

- 1) Two blue or black line copies of the plat, RLS, or CIC to be checked.
- 2) A check payable to Benton County Department of Public Works for the total amount as calculated from the County Fee Schedule.
- 3) A current Title Insurance Commitment, or an Attorney's Title Opinion, current within 30 days. The County surveyor is not responsible for title work or research of records.
- 4) Copies of additional documents, such as record easements, Certificates of Title, deeds, etc., that are referred to in the title commitment or attorney's opinion.

After the required corrections have been made to the plat, the County Surveyor will sign the plat when submitted in final form for recording.

Statutory requirements for review of plats by the **County Engineer** will be enforced. Access and/or Utility Permits from the **County Engineer** are required for work in the county right of way.

Benton County requires that a final plat submittal contain two (2) sets of Hardshell copies and one set of transparent mylar by photographic process, one set to be recorded. We also require (1) one 11 inch by 17 inch transparent mylar reductions (scale insignificant) of each sheet of the graphic (map) portion of the plat to be submitted at the same time. Please check with the local governmental body (City or Township) to determine what additional items they require.

ATTENTION! The Recorder/Registrar **WILL NOT ACCEPT** any plats where notary's stamps have "bled", "wicked", or otherwise "smeared" so as to be unreadable*.

The **County Attorney's Office** also checks plats in the unincorporated areas of the county prior to recording. To do so, the County Attorney requires an updated abstract, also within the last 30 days, to be submitted along with another current (within 30 days) copy of said Attorney's Opinion. For Torrens property, an updated copy of the Certificate Of Title, including updated Memorials, or a Registered Property Abstract, is required.

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PART I

DOCUMENTATION

1) **PLAT NAME**

- A) The name of the plat, as it appears as a title on the plat, shall be identical in the dedication clause and certifications on the plat, and all shall be in CAPITAL LETTERS. The name of the municipality shall not be shown in conjunction with the plat name in the title. This will eliminate the possibility of someone assuming the municipal name to be part of the official name of the plat.
- B) Plat names must be compared with the indexes of plat names in the Recorder/Registrar's office and the Surveyor's office to prevent duplication of plat names. Similarities in the name, spelling, or pronunciation of a plat of record are not acceptable.
- C) Plat names should be as short in length and as simple as possible. Do not use special or irregular symbols in the plat name. Do not use hyphens, apostrophes, commas, etc. in the plat name. Avoid Roman Numerals as part of the plat name.
- D) Do not underline the plat name.

2) **INSTRUMENT OF DEDICATION**

A) **Notification of Interest**

The heading of a plat must, in "CAPS", read as follows: KNOW ALL PERSONS BY THESE PRESENTS: (preceding the body as in the examples below).

KNOW ALL PERSONS BY THESE PRESENTS: That *List owners (see examples below)*, owners and proprietors of the following described property situated in Benton County, Minnesota, to wit:

(Legal description)

Have (Has) caused the same to be surveyed and platted as *PLAT NAME*, and do hereby donate and dedicate to the public for public use forever the thoroughfare(s) (and/or cul-de-sac(s)), public grounds (parks), and also dedicating the easements as shown on this plat for drainage and utility purposes only.

Body examples:

- 1) That John C. Doe and Mary H. Doe, husband and wife, fee owners of the following described property situated in the County of Benton, State of Minnesota, to wit:
- 2) That Hudson Development Company, a Minnesota Corporation, owners and proprietors of the following described property situated in the County of Benton, State of Minnesota, to wit:

County Roads

The County of Benton requires all county right-of-ways to be dedicated specifically to Benton County. To accommodate this it may be necessary to have separate dedications as in the following example:

Note: The "right to limit access" may be shown on a plat. In those instances the text to be added shall be as below.

Have (or Has) caused the same to be surveyed and platted as (**plat name in all CAPITAL LETTERS**) and do (or does) hereby donate and dedicate to the County of Benton for public use forever County State Aid Highway (or County Highway, as the case may be) No. ___ as shown on this plat. Also dedicating to the County of Benton the right to limit access to said _____ Highway No. 00 as shown on this plat. Also dedicating to the City of __ (or Township of __), for public use forever the thoroughfares (or streets, circles, avenues, etc.), as shown on this plat. And also dedicating to the public for public use forever the easements as shown on this plat for drainage and utility (and/or drainage) purposes only.

A) Interests in the property ("Signers"):

- 1) ANY PARTY WHO HAS AN INTEREST IN THE PROPERTY BEING PLATTED, THAT COULD MATURE INTO FEE TITLE, MUST JOIN IN ON THE PLAT (Attorney General Opinion 311, June 16, 1925).
- 2) Owner(s) and all others who possess interest in the property must join in the plat as "fee owners", or as "owners and proprietors". Contract purchasers and mortgagees must join in the body and acknowledgement of the plat and be labeled as such.
- 3) The marital status of the owner must be stated in the dedication and the acknowledgement (Attorney General Opinion, August 30, 1961). (Examples: husband and wife, his wife, single, widow, unmarried, etc.)
- 4) Companies shall show state or federal designation of the company in the heading and the acknowledgement portion of the plat.
- 5) Partnerships shall be shown in the heading, witness clause, and on the acknowledgement, and will be handled on a case by case basis.

WITNESS CLAUSE:

- A) All persons, Corporations, Partnerships, etc., listed in the heading must have a space for their signatures.
- B) The witness clause shall read as follows:

1) Individuals:

In witness whereof said John C. Doe and Mary H. Doe, husband and wife, have hereunto set our hands this _____ day of _____, 20__.

John C. Doe

Mary H. Doe

2) Corporations:

Also in witness whereof said Hudson Development Corporation, a Minnesota Corporation, has caused these presents to be signed by its proper officer(s) *and its corporate seal* to be hereunto affixed* this _____ day of _____, 20_____.

**(Note: Include statement on corporate seal only if one will be used. Corporate "status" is not required here)*

HUDSON DEVELOPMENT CORPORATION

By _____
Lyle O. Public, President

NOTE: In some situations a "Consent to Plat", as a separate document, may be prepared, executed, acknowledged, and recorded along with the plat.

3) LEGAL DESCRIPTION

- A) The description must match the drawing.
- B) All calls recited in the description must be labeled on the graphics portion of the plat.
- C) Torrens property
 - 1) The owner(s) who execute(s) the plat must use the identical name(s) as they appear on the Certificate of Title. No "also known as" phrases may be used.
 - 2) The description on the plat must be exactly the same as the description on the Certificate of Title.
 - 3) The descriptions of vacated streets and alleys must have been raised by Court Order in a Proceedings Subsequent into the body description on the Certificate of Title, or by written directive by the Examiner of Titles in some cases.
- D) For mixed abstract and torrens descriptions, each shall be preceded by a heading of: "Abstract property)", or "Torrens property)" as the case may be.

4) ACKNOWLEDGEMENTS ("NOTARIZATIONS")

- A) The Acknowledgements shall follow the witness clause.
- B) The marital status, company, partnership, trust designation, etc., shall be shown in the acknowledgement and read the same as in the heading of the plat.
- C) The notary seal must be in black ink on the mylar and must be legible. The Recorder/Registrar reserves the right of refuse plats where they are not legible.
- D) The notary's commission expiration date must be printed below the notary's signature on the mylar if not already on the seal.
- E) If the notary seal and signature is not legible the name of the notary will have to be printed next to the signature.
- F) The most common acknowledgements will read as follows:

Individual

STATE OF MINNESOTA (Leave blank if not known)
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by (names of persons acknowledged), (marital status).

Notary Public, _____ County, Minnesota
My Commission Expires _____

Corporation

STATE OF MINNESOTA (Leave blank if not known)
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20 ____ by (names of officers or agents, titles of officers or agents), a (state or federal) Corporation, on behalf of the corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

NOTE: There are many different possibilities, such as types of partnerships, contracts for deed, powers of attorney, trusts and the like. For help with unusual situations, contact this office. If the notary’s signature or stamp is not clear the notary’s name will have to be printed next to the signature.

5) SURVEYOR’S CERTIFICATION

A) The platting surveyor's certification, signature, and notarization shall read as follows:

I hereby certify that I have surveyed and platted the property described on this plat as (name of plat in CAPITAL LETTERS-exactly as it appears in the title); that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat and that there are no wet lands as defined in Minnesota Statutes, Section 505.02, Subd. 1 or public highways to be designated other than as shown.

(Name of Surveyor), Land Surveyor
Minnesota License No. _____

NOTE: For **delayed staking** substitute the following: "that all monuments have been or will be correctly placed in the ground as shown within one year after recording, or sooner, as specified by the approving local governmental unit;"

B) The Surveyor's acknowledgement shall read as follows:

STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this _____ day of _____, 20____ by (name of surveyor), Minnesota License No. _____.

Notary Public, _____ County, Minnesota
My Commission Expires _____

6) ADVISORY BODY

A) The Advisory Body signatures that are needed on the plat shall read as follows:

1) City Planning Commission*:

Approved by the Planning Commission of the City of (Name), Minnesota, at a meeting held this _____ day of _____, 20____.

Signed: _____
(Person or persons designated to sign)

2) County Planning Commission:

Approved by the Planning Commission of the County of Benton, Minnesota, at a regular meeting thereof, on the _____ day of _____, 20____.

Signed: _____ Signed: _____
Chairperson Secretary

*Note: Check with individual cities and townships to verify who is required to sign on behalf of the city or township.

7) GOVERNING BODY

A) The Governing Body Signatures:

1) Township Board of Supervisors:

We (or I) do hereby certify that on the _____ day of _____, 20____, the Board of Township Supervisors for _____ Township, Benton County, Minnesota, approved this plat.

Signed: _____
(Person or persons designated to sign-normally the chair)

2) Board of County Commissioners:

Be it known that on the ____ day of _____, 200__, the Board of County Commissioners of Benton County, Minnesota, did duly approve this plat of _____ and that, as per 505.03 Sub. 2, this plat has been submitted to and written comments and recommendations have been received from the Commissioner of Transportation or County Engineer.

Signed: _____ Attest: _____
Chairperson Clerk

3) City Council*:

Approved and accepted by the City Council of the City of (Name), Benton County, Minnesota at a meeting held this _____ day of _____, 20____.

Signed: _____
(Person designated to sign - usually the Mayor)

Attest: _____
(Person designated to sign - usually City Administrator or Clerk)

***NOTE:** Some cities may require different or additional wording. **Always check with the City in question for their latest wording requirements (they do change!).**

8) COUNTY SURVEYOR

I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes this _____ day of _____, 20____.

Signed: _____
Benton County Surveyor

9) COUNTY ENGINEER

The County Engineer (will sign **all** plats within County, except within city limits where plat does **not** adjoin or contain county right of way)

This plat was recommended for approval this _____ day of _____, 20____.

Signed: _____
Benton County Engineer

10) COUNTY ATTORNEY

Note: County Attorney reviews all plats in unincorporated areas of the county.

I hereby approve this plat as to form and execution. Dated this _____ day of _____, 20____.

Signed: _____, County Attorney, Benton County, MN

11) TAX/FILING STATEMENTS

County Auditor/Treasurer

No delinquent taxes and transfer entered this ____ day of _____, 20__.

I hereby certify that taxes in year ____ on land herein described are paid, this ____ day of _____, 20____.

Signed _____
County Auditor/Treasurer, Benton County, MN

12) RECORDING CERTIFICATES

County Recorder

Document Number _____

I hereby certify that this instrument was filed in the office of the Benton County Recorder for record on this ____ day of _____, 20__, at _____ o'clock ____M.

Signed: _____ County Recorder, Benton County, MN

County Registrar of Titles

If property being platted is in the Torrens Systems, use the following:

Document Number _____

I hereby certify that this instrument was filed in the office of the Registrar of Titles for record on this ____ day of _____, 200__, at _____ o'clock ____M.

Signed: _____ Registrar of Titles, Benton County, MN

13) ORDER OF SIGNATURES NEEDED FOR TOWNSHIP IN BENTON COUNTY

Governing Body: Township Board of Supervisors or City Council
County or City Planning Commission
Board of Commissioners
County Surveyor
County Engineer
County Attorney
County Auditor/ Treasurer
County Recorder/County Registrar of Titles (if Torrens property)

All of the above signatures must be in black ink - not ballpoint.

The Recorder/Registrar will reject plats where notary stamps "wick" into the mylar and thus "smear". This is preventable by using a non-self inking notary stamp and/or a proper ink pad (Such as a Carter's MicroPore black).

PART II

GRAPHICS

1) PLAT SIZE

All plats shall be 20 by 30 inches form outer edge to outer edge. (NO EXCEPTIONS WILL BE MADE).

2) BORDER

The border line shall be a heavy black line placed 1/2 inch inside from the outer edge on the top, bottom, and right-hand side of the plat; and a border line shall be placed two inches in from the outer edge on the left-hand side of the plat to be reserved for binding. (M.S.A Ch. 505.08, Subd. 1)

3) NAMES OF PLATS

- A) Check with the Recorder's Office to make certain a name has not already been used for a filed plat. Names which are spelled differently but sound the same are **not** allowed. (Example - HAYES ADDITION and HAYS ADDITION) A possessive " s " added to the name of a filed plat is **not** acceptable for a new plat name. (For example: "OLSON'S ADDITION" when there already is an "OLSON ADDITION" of record) Any other names likely, in the opinion of the Recorder, to cause confusion will **not** be allowed.
- B) All plat names must be in all capital letters.
- C) Hyphens, commas or slashes are **not** allowed in a new plat name.
- D) Do **not** underline a name of a plat.
- E) Apostrophes are acceptable only when used in a later addition of a filed plat already with an apostrophe in the original plat name.
- F) The name of the municipality or the County in which it was surveyed shall **not** appear along with the plat name; but may be placed elsewhere not adjacent to the plat name. The usual place to do this is the upper right-hand corner of the plat.
- G) Numbers are **not** allowed at the beginning of a plat name.
- H) Numerals may be allowed within the body of a plat name (only if previous adjoining phase used a numeral).
- I) Roman numerals are **not** allowed in new plat names.
- J) The words REPLAT or REARRANGEMENT will **not** be allowed at the beginning of a new plat name.
- K) The letters on new plat names should be large in size and filled in (solid letters) so as to be easily recognized.
- L) The name of the plat should be placed near the top of the page.
- M) If a plat name such as SMITH ADDITION is recorded, the next "Smith Addition" would be SMITH SECOND ADDITION.

4) BEARING ORIENTATION

- A) The basis of bearings shall be stated in reference to a particular line contained within the description of the plat. (Example - "Bearings shown are based on the west line of the SW 1/4 of Sec. 33, Twp. 33, Rge. 26, having an assumed bearing of North 0° 06'

00" West." **The directions (i.e: "north", etc.) in the bearing statement shall all be spelled out.**

- B) Wherever possible, plat bearings and coordinates should be based upon the County's Coordinate System for future true location.

5) MONUMENTS

Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block, lot and outlot corners and at all intermediate points on the block, lot and outlot lines indicating changes of direction in the lines. (*MS 505.02, Subd. 1*)

Any monuments or permanent evidence of the survey shall have inscribed thereon the registration number of the land surveyor making the survey and no previously existing survey or reference monuments or landmarks evidencing property lines or corner posts shall be removed or destroyed by the surveyor of such new survey. (*MS 505.32*)

Examples:

- 1) The "Denotes" part of the legend for iron monuments shall identify the size including length, and type of monument set and the registration number of the surveyor.
- 2) The symbol for set irons shall be an open circle followed by a written description of the monument. Example: "Denotes 1/2 inch x 14 inch iron monument set with a plastic cap marked R.L.S. No. _____." (different styles may be acceptable)
- 3) The symbol for found monumentation shall be a solid (filled in) circle followed by the statement "Denotes iron monument found." If known, identify the L.S. number on the found monument. Example: "Fnd. 1/2 inch rerod with L.S. No. _____ cap."
- 4) Different symbols for section corner monuments, right-of-way monuments, etc., may either be labeled on the drawing or shown in the legend.
- 5) If called for in the description, the J.L.M. must also appear on the plat and designated JLM. JLM's called for, but not found shall be marked "Not Found".

Note: It is hoped that the surveyor shall take necessary steps to identify and protect existing federal, state, and county "control" monuments, including bench marks, that fall within the platted property; OR to notify, in writing, the appropriate agency whose monument is affected (in "danger") by construction activities. Such notification shall be done early enough so as to allow that agency sufficient time to react.

6) LINE WEIGHTS

- A) The plat shall have four distinct line weights, starting from heaviest to lightest.
- 1) Boundary
 - 2) Right-of-ways and Block lines

- 3) Lots
- 4) Easements

7) LETTERING SIZE

A) Lettering size in a plat shall vary according to the following list from large to small.

- 1) Plat Name
- 2) Block Numbers
- 3) Street Names
- 4) Lot Numbers
- 5) Boundary Dimensions
- 6) Lot Dimensions and Curve Data
- 7) Easement and Street Dimensions

Note: Lettering sizes should be discretionary according to their significance, with #80 being the recommended minimum.

8) BLOCK AND LOT NUMBERS

- A) All in-lots shall be numbered by beginning with the number one and numbering each lot progressively through the block they are situated within.
- B) All blocks shall be labeled progressively beginning with the number one and numbering each block progressively throughout the plat.
- C) Physical boundaries such as streets, highways, rivers, outlots, etc., are normal block boundaries.
- D) When a plat only consists of one block and one lot, the words LOT and BLOCK will be spelled out and precede the Arabic numeral 1. ("ONE" may also be used if preferred)
- E) Designation of lots that are part Torrens and part Abstract by (for example) 1A and 1T are **not** acceptable. Plat these as normal lots. The torrens portion will have a legal description written for it by this office, and a Certificate of Title created for it by the Registrar of Titles.

9) PARKS (within cities)

- A) If a plat contains more than one park they will be numbered progressively beginning with Park 1.
- B) Parks shall be donated in the "Donate and Dedicate" clause.

10) PARKS (within townships)

- A) Parks and/or Open Spaces shall be designated as outlots on the plat and deeded to the County in fee title, by separate conveyance, at the time the final plat is recorded.
- B) Trails that are **not** adjacent to county, county state aid highways, or township roads shall be designated as parks on the plat.

11) OUTLOTS

- A) All outlots shall be designated by letter order beginning with Outlot A in each plat. If there are sufficient outlots, letters shall be "doubled up". Example: "Outlot Z", then "Outlot AA".

12) DETAILS

- A) Details of small congested areas may be needed. If more than one is needed label each with letter progressively.
- B) Details need **not** be drawn to scale (They shall then state: "No scale"). A north arrow shall be included in each detail.

13) MATCH LINES

- A) In order to conform to the 20 by 30-inch plat size, it may be necessary to have the map portion of the plat separated by match lines and continued on another page. Match lines shall follow obvious divisions within the plat that are easily recognizable and sufficient technical data shall be shown in a manner as to eliminate confusion.
- B) If more than one match line is needed per plat, match lines shall be labeled "MatchLine A", "Match Line B", etc.. If needed, each "Match Line" shall also contain a cross-reference to which sheet to see for the continuation of the map, (i.e: "See Sheet 2").

14) THOROUGHFARE NAMES

- A) All thoroughfares shall be named on the plat according to the county uniform street naming manual.
- B) Double designation of thoroughfares will have the governing body's name listed first. i.e., Trunk Hwy. No. 3 (South Robert Trail); County State Aid Highway No. 42 (150th Street)

15) EXISTING R/W

- A) The name of any public thoroughfare adjoining the plat shall be shown in stippled letters. The width shall be shown in solid Arabic numerals.
- B) Where the thoroughfare has other previous, or historic, names appearing in the legal description of the property being platted, such other prior names shall be stippled in as well, and be within parentheses.
- C) Adjoining railroad will be treated the in the same manner as streets.

16) CENTERLINES

- A) It is highly recommended that centerlines be shown with all corresponding data on new plats.
- B) When centerline of curvilinear streets are shown, the central angle or delta (shown to the nearest second), radius, and arc length (shown to the nearest hundredth of a foot) shall be shown.
- C) Right-of-way radius need not be shown when the R/W is concentric with the dimensioned centerline curve. Right-of-way widths are needed though at PC's, block corners, etc., to "prove" that said lines are concentric.

17) DIMENSIONS

- A) Distances shall be shown for each individual line of each lot within the plat.
- B) All distances are shown to the nearest hundredth of a foot.
- C) Distances recited in the description as chains, rods, etc., shall be shown along with their equivalent distance in feet [Example: 10 chains (660 feet)].
- D) Do not use footmark symbols on the plat.
- E) "Deed" and "Measure" may be needed to explain differences between deed calls and your actual measured dimension. "Plat" and "measure" may be needed to explain differences between adjoining or included plats and your actual measurement. Where the "measure" is between found monuments, include those on the plat map.
- F) Widths of new streets dedicated in the plat shall be shown in small Arabic numerals, and shall be shown at all intersections and points of curve.
- G) Individual distances must add up to the overall dimension.
- H) Tabulation of line data is strongly discouraged and will only be permitted in extreme examples. If "Tables" of line dimensions are used the line segments shall be labeled on the drawing as: L1, L2, etc. The need to use tables is to be negotiated between the platting surveyor and this office.
- I) Easement and right-of-way width distances may be shown to feet (i.e: 10, 66, 100, etc.), and are understood to be extrinsic values. This may also apply to certain deed distances such as 330, 660, and the like, where the decimal point, and values to the right of that, are omitted from the legal description.

18) CURVE DATA

- A) Abbreviations to be used for curve information:
 - Δ = delta of curve
 - R = radius
 - L = length of curve
- B) Non-tangential curves shall show all curve information (radius, delta, length of curve, chord bearing) and labeled as "Not tangent"; and shall also include the following information and abbreviations:
 - C. Brg. = chord bearing
 - Chd. = chord length
- C) The central angle and length of curve shall be shown on all curved lines within lots.
- D) Dashed radial lines at the end of curves shall be drawn across the street or into the lot far enough to clearly indicate the direction of the curve.
- E) Show total delta, and length, on all cul-de-sacs, and the bearing and radius to the center of circle from at least one point of curvature.
- F) Individual deltas and lengths shall add up to equal the overall delta and length.
- G) Tabulation of curve data is strongly discouraged and will only be permitted in extreme examples. If "Tables" of curve dimensions are used, curve segments shall be labeled on the drawing as: C1, C2, etc.

19) BEARINGS

- A) All bearings shall be shown to the nearest second.
- B) Bearings must agree with tangency in and out of tangential curves.
- C) Degrees, minutes and seconds symbols are allowed.
- D) Bearings shown on centerline do not have to be repeated on the R/W if these lines are parallel. Right-of-way widths are needed at PC's, block corners, etc., to "prove" that said lines are parallel. Some instances though may require bearings on both lines.

20) WATER BOUNDARIES (Survey Line)

- A) In any instance where a body of water constitutes a plat boundary or a boundary line within the plat, a survey line shall be shown.
- B) All "survey lines" shown on the plat shall be labeled as such.
- C) The survey line shall be shown as a dashed line.
- D) The overall distance and bearing shall be shown between angle points.
- E) The distance between lot lines, as measured along the survey line, shall be shown.
- F) The distance along each lot line from the survey line to the shoreline need only be shown to the nearest foot, followed by a +/-.
- G) Monuments shall be placed at all angle points along the survey line, and where said survey line intersects lot, block, and boundary lines.

21) BENCH MARK AND WATER ELEVATION

Plats which include lands abutting upon any lake or stream shall show, for the purpose of information only, a contour line denoting the present shoreline, water elevation and the date of survey. The highest known water elevation shall be indicated on the face of the plat by numerical figures, if this data is available from the Division of Water of the State Department of Natural Resources, or from the United States Corps of Engineers. All elevations shall be referenced to a durable bench mark described on the plat together with its location and elevation to the nearest hundredth of a foot, which shall be given in mean sea level datum if such bench mark with known sea level datum is available within one-half mile, or such longer distance as may be practicable. (*MS 505.02, Subd. 2*) If the benchmark is within the plat then its location shall be plotted and labeled.

Example: Bench Mark
 Elevation : 900.876 NGVD
 Brass Disk marked 1904A 1985, MNDOT
 0.25 mi. E of T.H. 3, 29 feet south of C/L, T.H.50
 NW 1/4 Sec. 5, T. 113, R. 19; flush with ground.

Example of wording for LAKE datum:

BENCH MARK: Top ring of sanitary sewer manhole
Elevation = 931.71 feet (N.G.V.D.)
WATER ELEVATION: As of March 10, 1992 = 929.36 feet (N.G.V.D.)

HIGHEST KNOWN WATER ELEVATION: 930.51 feet (N.G.V.D.) according to records of DNR, State of Minnesota, and date of occurrence.

22) PONDS AND WETLANDS

- A) Where plat boundary, block and outlot corners fall within a pond, a survey line will be required.
- B) Where a pond lies entirely within a lot, no survey line will be required. The outline of the pond shall be correctly located, plainly shown and designated on the plat.
- D) The determination of whether an area is wetland shall be the professional judgment and responsibility of the land surveyor in the field, and in accordance with MS 505.02, Subd. 1, as cited in the Surveyor's Certificate.
- E) Wetlands shown on the plat will be designated by a dashed line.
- F) The word POND or WET LAND shall be in solid fine line CAPITAL LETTERS on the plat.

- G) The Department of Natural Resources, United States Corps of Engineers and other water management agencies have categorized various water bodies and wetlands. Development of such lands may be subject to special conditions or limitations. Delineated wetlands shown on the plat shall be shown as a dashed line. The words "Delineated Wetland" can be stated in fine lined capital letters.

NOTE: Development of this land may be subject to special conditions or limitations. (i.e: 1991 Wetland Conservation Act)

23) EASEMENTS

A) Boundary of easements shall be shown as a dashed line.

B) Existing Easements

1) Those major utility easements such as: power line, pipeline, telephone, permanent railroad, etc., existing before platting and an encumbrance on the property being platted shall be shown on the plat. Copies of record easement documents must be submitted as part of the plat checking process.

2) These existing easements shall be shown and the document record number of said easement shall be required and shall not be mentioned in the donate and dedicate clause.

3) Easements dedicated in underlying plats may require additional investigation.

C) Created Easements

The purpose of any easement created on the plat must be clearly stated, and shall be confined to only those that deal with public utilities and such drainage easements as deemed necessary for the orderly development of the land encompassed within the plat. (*MS 505.02, Subd. 2*)

D) Temporary easements shall not be shown on the plat (*MS 505.02, Subd. 2*)

E) EASEMENT DETAIL

1) Statement where widths of the easements vary and the boundaries of the easements are lines parallel with the lot lines:

"Being 5 feet in width, unless otherwise indicated, and adjoining lot lines, and 10 feet in width and adjoining street lines, as shown on the plat".

2) Statement where widths of easements are uniform, but easements do not parallel the lot lines throughout the plat:

"Being 5 feet in width and adjoining lot lines, unless otherwise indicated on the plat".

- 3) Statement where easements are uniform in width throughout the plat. Length of anchor easement shall be shown.

"Being 5 feet in width and adjoining lot lines, as shown on the plat."

24) ADJOINING PROPERTY

- A) The name and adjacent boundary lines of any adjoining platted lands shall be dotted on the plat. (*MS 505.02, Subd. 1*)
- B) It is not necessary to show lot lines or lot and block numbers of adjoining plats unless they are referred to in the description of the plat.
- C) Adjoining unplatted areas shall not be so designated.

25) ADJOINING OR UNDERLYING PLAT DIMENSIONS

- A) The terms PLAT and MEASURED shall be used only where the underlying plat distance is actually shown between two points measured in the survey for the proposed plat. In cases where the discrepancy is minimal, use the previously platted dimension.
- B) The term "plat" preceded by a distance is not sufficient. It must indicate the plat name that distance is recorded on, such as:

237.65	MOYER ADDITION
327.46	Measured

- C) The expression DEED and MEASURED is only acceptable when the deed distance yields to a monument call; otherwise the deed distance must be adhered to.
- D) On replats, refer to plat distance only (as shown in "B" above). Do not include bearings, delta angles or angles from underlying plats.

26) REPLATS

All underlying platted property must be shown including blocks, lots, streets, etc.

27) BOUNDARY DESIGNATION

- A) All boundaries of the land described on the plat shall be designated in the same manner as recited in the description.
- B) Designations of boundaries may be shown in an acceptable abbreviated form, such as:

- 1) West line of NW 1/4 of NW 1/4
- 2) N.E. Corner of Section 13, T. 115, R. 21
- 3) South line of North 100 ft. of Gov't Lot 3

C) In the event that the description consists of a whole unit, such as a lot, outlot or R.L.S. tract, this may be stippled across the tract, eliminating the need of boundary designations on the plat.

28) ARROWED DESIGNATION LINES

Arrowed lines used with dimensions or designations shall be dashed or dotted lines. Solid lines can be misunderstood as a division of lots or tracts.

29) SECTION SUBDIVISION LINES AND CORNERS

- A) All sixteenth and government lot lines shall be shown on the plat if called for in the description.
- B) When replatting areas from old plats, a tie to PLS corners and section or quarter section lines will be required. All plats should have a minimum of ties to two PLS corners.

30) IDENTIFICATION OF 1/4-1/4 SECTIONS OR GOVERNMENT LOTS

All quarter-quarter sections or government lots shall be identified by stipple lettering on the plat; in lieu thereof label subdivision lines.

31) LEGEND

A) North Arrow:

- 1) A North Arrow must be shown on each page of the graphics.
- 2) The orientation of North on the plat shall be straight up the page or to the left. All dimensions, bearings, designations, lot or block numbers, etc., shall read from the bottom or right-hand side of the page.
- 3) All details shall have a separate North arrow.

32) SCALE OF DRAWING

- A) The scale of a plat drawing shall be confined to those used on a standard engineer's scale.
- B) The bar scale must be shown on the plat.
- C) The graphic scale must be spelled out thus: **SCALE IN FEET**

33) VICINITY MAP

(Required as an aid in proper indexing, and to aid the general public):

- A) A vicinity map, showing the location of the property being platted shall, at a minimum, include a north arrow; section, township and range, and enough information to locate the property within the quarter-quarter section. Recommended is the labeling of roadways (State, County, and Township names/numbers) around the perimeter and through the section. Standard symbols ("shields"), as used on the County's Highway map, are acceptable. Other local roads (example: within adjoining plats) can be shown with lines but need not be labeled as to name or number.

34) SHEET NUMBERING

- A) Plats consisting of more than one sheet shall have the sheet number and the total number of sheets in the lower right hand corner below the border. The dedication portion of the plat shall begin on page 1. Example: SHEET 1 OF 3 SHEETS

35) EXCEPTIONS AND DIMENSIONS

- A) The word EXCEPTION will be shown in thin solid capital letters on the drawing within the exception.
- B) All exceptions in the description will be shown as separate entities on the drawing, unless several are adjacent. Then the word "Exception" can be spaced out so as to cover all of them.
- C) Show all dimensions called out in the exception's description and, in most cases, the total exception described must be depicted on the drawing. Arrows drawn to its boundaries may be necessary.
- D) Lines from text to arrows shall be broken lines so as not to be confused with division lines.
- E) If necessary, exceptions may be numbered on the map and within the legal description.

36) LIMITED ACCESS

- A) Designation of the "right to limit access" or "controlled access" shall be shown with a symbol and identified in the legend.

37) SURVEYORS EMBLEM/LOGO

- A) Should be placed on the lower half of the page so as not to conflict with the title of the plat.

38) REPLATS

- A) All underlying platted property must be shown with light dashed lines and include lot and block numbers, plat names, streets, etc., with dashed or stippled lettering.

39) PROBLEM IN PLATS TO BE DISCUSSED

- A) Problems in a plat, such as discrepancies in descriptions compared to the graphics, resurveys compared to the underlying plat in terms of bearings and distances, conflicts with existing monumentation, unsurveyable descriptions, gaps and overlaps, etc., shall be discussed between the County Surveyor and the Platting Surveyor until the problem is resolved. As discussed in **Chapter 1**, these situations should be uncovered by the platting surveyor at or before the time of the boundary survey and resolved before the submission of the Final Plat. This office will **not** be responsible for any delays caused by the platting surveyor's failure to use this procedure, or from the owner/developers failure to take timely corrective measures. The County Surveyor, and/or Attorney, reserve the right to **not** sign a plat where these issues have not been resolved to the County's satisfaction.

PART III

REGISTERED LAND SURVEYS

1) WHAT ARE THEY?

Minnesota Statutes Section 508.47 as currently amended, states "that whenever the owner of a parcel of unplatted registered land conveys any part thereof which is not a full government subdivision, he shall file with the Registrar of Titles, when so required by him, a drawing in triplicate as provided by Minnesota Statutes 508.47 of said parcel of unplatted land showing the tract or tracts being or to be conveyed which drawing shall be known as a "registered land survey".

The original intent of the above statute was to provide a means of simplifying some of the lengthy and complicated descriptions found in many certificates of title, and to prevent the compounding of even more complicated descriptions "on top of" these already unwieldy descriptions. There was at no time any intention that the Registered Land Survey should be used as a substitute for a plat.

The biggest differences between a Registered Land Survey ("R.L.S.") and a plat are the facts that a RLS cannot be used to dedicate public rights; and that they are not signed by the landowners, etc.. If a road must be created we would recommend that the property be platted and the road dedication be made on the plat. Registered Land Surveys require similar approvals and acknowledgments as on a plat.

In short, remember that Registered Land Surveys serve a very useful and needed purpose but they are **not** plats. Please use them for the purpose for which they are intended and not a substitute for a plat. RLS's are subject to the Benton County Subdivision Ordinance.

2) SURVEYOR' S CERTIFICATE (shall read as follows:)

A) I hereby certify that in accordance with the provisions of Chapter 508, Minnesota Statutes of 1949, as amended, I have surveyed the following described property in the County of Benton, State of Minnesota, to wit:

- 1) Include the legal description of the property EXACTLY as it appears on the subject Certificate Of Title (Any proposed metes and bounds divisions of same are subject to review by the Registrar of Titles prior to the final preparation of the RLS).

B) Certification: (shall read as follows)

- 1) I hereby certify that this Registered Land Survey is a correct delineation of said survey. Dated this _____ day of _____, 20____.

(Name of Surveyor), Land Surveyor
Minnesota License No. _____

3) ADVISORY BODY

Same as plat - (see page 12)

4) GOVERNING BODY

Same wording as used on plats (see page 12/13), except change the word "plat" to Registered Land Survey.

5) COUNTY SURVEYOR

I hereby certify that this Registered Land Survey has been checked and approved as to compliance with Chapter 508, Minnesota Statutes this _____ day of _____, 20____.

_____ Benton County Surveyor

6) ATTORNEYS

Same as Plat (see page 13)

7) TAX AND FILING STATEMENT

Benton County Auditor/Treasurer (same as plat, see page 14)

8) RECORDING STATEMENT

I hereby certify that this instrument was filed in the Office of the Registrar of Titles for record on this _____ day of _____, 20____, at _____ o'clock ____ M. and was duly filed as Torrens Document No. _____.

_____ County Recorder, Benton County, MN

9) SURVEY REQUIREMENTS

- A) Correctly show the legal description. The description on the RLS must be EXACTLY the same as the description on the Certificate of Title or portion thereof (Any proposed metes and bounds divisions of same are subject to review by the Registrar of Titles prior to the final preparation of the RLS).
- B) Include outside dimensions, as described, to get to the point of beginning.
- C) Include labels for/of monuments, lines, etc., as called for in the legal description.
- D) Include dimensions of all tracts.
- E) Include direction of all lines by bearings or angles as called for in the legal description.
- F) All tracts are to be lettered beginning with "A".

- G) No tracts may be dedicated to the public. However, tracts for those purposes may be conveyed after the RLS is filed.
- H) Size shall be 17" x 14".
- I) The border on the mylar shall be 1/2 inch on top, bottom, and right-hand side, and a 2 & 1/2 inch border on the left-hand-side (14" side) of the mylar.
- J) **All graphical standards that apply to Platting shall also apply to the RLS.**
- K) Approvals shall be in the correct order.
- L) Any questions regarding the RLS should be addressed to the County Surveyor and/or the Registrar prior to preparing the R.L.S.

10) NOTES

- 1) At time of recording, the Recorder will assign the next consecutive RLS number.
- 2) The Owner's Duplicate Certificate of Title must be presented to the Recorder at the time of recording the RLS.
- 3) In a few rare instances, a mortgagee Consent form may be required. These may be recorded by separate document. (See Part VI)
- 4) Right of Access to County Highways is still required, but via a separate document.
- 5) Easements may be created after filing by separate legal description and document.

PART IV

Common Interest Community

("C.I.C's")

- 1) CIC's in Benton County must adhere to the current version of the "CIC PLAT MANUAL OF MINIMUM GUIDELINES" as prepared by the Minnesota Society of Professional Surveyors ("MSPS") and the Minnesota Association of County Surveyors ("MACS"). See that document.
- 2) After recording, the Common Interest Community is created by the recording of the necessary declaration complying with M.S.A. Ch. 515B.2-105.
- 3) The CIC plat is a part of the declaration in condominiums, in cooperatives in which the unit owners interest are characterized as real estate and in planned communities complying with Ch. 515B.2-110(c), and therefore the information shown on the CIC Plat must depict information recited in that declaration.
- 4) CIC numbers can be pre-assigned by calling the Recorders office.

PART V

Right - Of -Way Plats

- 1) What are they? The 1969 Legislature revised M.S.A. Ch. 160 to allow State and County Highway authorities; and home rule charter cities or township authorities, to facilitate the acquisition of highway right-of-way by reference to a plat which designates all tracts or parcels of land affected by the acquisition. These revised statutes improve the methods of defining highway rights-of-way. Prior to this law highway rights-of-way were described by strip descriptions and were difficult to write and understand. Often these strip descriptions would start from a P.L.S.S. corner and run for miles before tying into another P.L.S.S. corner.
- 2) Ch. 160.085 allows road authorities to prepare a plat that designates all the affected tracts or parcels in the proposed acquisition. The plat shall show the boundary lines of the rights-of-way proposed to be acquired. Such maps or plats are for delineation purposes only, and the plats themselves do not operate to transfer title of the property described and designated thereon by parcel number. Land acquired by the road authorities may be by an instrument of conveyance, or by eminent domain proceedings, and may refer to the plats as the only description necessary for such acquisition. Also, other rights of interests may be shown as deemed necessary by the road authorities.

Ch. 160.14 provides for the marking of the boundary lines of highways by use of a Monumentation Plat. Also, the procedure for the service of notice and preservation of rights of abutting landowners is described.

Ch's 505.1792 and .1793 determine the applicable platting requirements. Otherwise, these plats need not conform to the provisions of M.S.A. Ch. 505.

- 3) Right-Of-Way ("R/W") plats in Benton County must adhere to the current version of the "COUNTY HIGHWAY RIGHT-OF-WAY PLAT MANUAL OF MINIMUM GUIDELINES" as prepared by the Minnesota Society of Professional Surveyors ("MSPS") and the Minnesota Association of County Surveyors ("MACS"). See that document.

Part VI
Consent To Plat

- 1) The use of a "Consent To Plat" is **not** allowed without County approval. It is preferable that all those with an interest in the property being platted appear upon the final plat.
- 2) Historically, the "Consent" was used after a plat was recorded to include an interest that was missed in the preparation of the final plats. More recently however its use has expanded for where there is an "out-of-town" mortgagee where shipping the final plats to be signed, notarized, and returned is too time consuming or where there is a real possibility of the plats being damaged or lost.
- 3) The suggested format for a typical "Consent" is as follows":

NOTE: The following example uses a situation where the original mortgage has been assigned out-of state, and said mortgage covers only part of the property being platted.

(NOTE: There must be a minimum of 3" between top of page and the following title)

CONSENT TO PLAT

Standard Federal Bank, a _____ corporation, the holder of mortgage's interest in that certain Mortgage dated __month__ __day__, __ year__, filed __month__ __day__, __ year__, and recorded as Document No. _____; and assigned to said Standard Federal Bank on __month__ __day__, __ year__, and recorded as Document No. _____, in the office of the County Recorder, Benton County, Minnesota, covering property legally described as follows:

Insert mortgaged property's description here, OR: "See attached Exhibit A"

hereby consents to the making and filing of the plat of plat name in all CAPITAL letters including the above described property, and hereby joins in and agrees that its interest in the land platted is subject to easements and dedications set forth in the plat of plat name in all CAPITAL letters as recorded in the office of the County Recorder in and for Benton County, Minnesota.

STANDARD FEDERAL BANK

By: _____, its _____

STATE OF _____
 COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the _____ of Standard Federal Bank, a _____ corporation, on behalf of corporation.

_____, Notary Public
 _____, County, _____

My commission expires: _____

4) Per M.S.A. Ch. 507.091, the "Consent" **must** also contain the following:

This instrument was drafted by:

must be filled out

- 5) Where the property is torrens, "County Recorder" must be changed to "County Registrar Of Titles", and change "recorded" to "filed". Where the mortgaged property contains both abstract and torrens, both 'Recorder' and 'Registrar' must be included along with the respective dates and document numbers.
- 6) The "Consent" presented for recording/filing shall contain original signatures. Copies will not be allowed. When it is known beforehand that a Consent is allowed, such Consent shall be obtained so as to be recorded at the same time as the plat.

Part VII

Certificates Of Correction

- 1) A "Certificate Of Correction" may be prepared by the original surveyor in accordance with M.S. Ch. 505.174. Where the original surveyor is no longer "available" (Certificate must state why) a Certificate may be prepared by a subsequent surveyor in accordance with Ch. 505.175. Said Certificate shall then be approved, etc., in accordance with Ch's. 505.176, and 505.176. 505.177.
- 2) Although Ch. 505.174 states "- - filed in the office of the County Recorder - -", it has been the practice in this county to also allow such Certificates to also be filed for torrens property plats. However, if there is an error in a registered land survey, a "Proceedings Subsequent" is the only method now available for such a correction.
- 3) A suggested format for a "Certificate Of Correction", containing both abstract and torrens lands, within a City, is as follows"

(NOTE: There must be a minimum of 3" between top of page and the following title)

CERTIFICATE OF CORRECTION

CERTIFICATE OF CORRECTION TO PLAT OF "name of plat in all CAPITAL letters _____, City of _____, Benton County, Minnesota.

I, the undersigned John Q. Doe, a Licensed Land Surveyor, Minnesota License Number 00000, do hereby certify that I am the surveyor who prepared the plat of name of plat in all CAPITAL letters _____, City of _____, Benton County, Minnesota, which was recorded month ___ day_, ___ year_, as abstract Document No. _____, in the office of the County Recorder; and was filed month ___ day_, ___ year_, as torrens Document No. _____, in the office of the County Registrar of Titles; in and for said Benton County.

I do hereby also certify that said plat is incorrect in that

_____.

I do hereby also certify that the correct _____ is as follows: _____.

NOTE: The above "incorrect" and "correction" can take several formats. Samples are:

A) " - - is incorrect in that the distance along the south line of Lot 1, Block 1 is wrong."

" - - the correct distance is as follows: 100.35 feet."

B) Line:	Incorrect distance:	Correct distance:
North boundary:	632.95 feet	632.50 feet
North line of Lot 1, Block 1:	210.46 feet	210.01 feet

(and so on)

C) " - - is incorrect in that the drainage easement over and across Block 1 of said plat contains wrong distances and bearings."

" - - the correct distances and bearings are as shown on the attached Exhibit A."

"Exhibit A" being a portion of the map portion of the plat showing said corrected dimensions.

John Q. Doe, Land Surveyor
Minnesota License No. 00000
Dated: ___month___ _day_, ___ year___

*Per MSA Ch. 505.174 thru .177, a notarization of the surveyor's signature is **not** required. However it will be acceptable should you prefer to use one.*

The above certificate of correction to the plat of ___name of plat in all CAPITAL letters ___, City of _____, Benton County, Minnesota, was approved by the City Council of the City of _____, at a regular meeting thereof held this _____ day of _____, 20__.

By: _____ Mayor

Attest: _____ City Clerk

NOTE: For corrections to plats in the Townships, the final "governing body", as intended in Ch. 505.176, is the County Board. Thus the Township need not sign. Please substitute "Board of Commissioners, Benton County, Minnesota"; "Chairperson"; and "Attested" and "County Administrator" in the appropriate places above.

4) The "Certificate Of Correction" shall be submitted to the County Surveyor's Office for two reasons:

- 1) A further check as to the need for same and the correctness of the corrections;
- 2) So that this office has a record of the document for others, and can also be noted in our Plat Database. For instance, if the corrections also affect parcel areas, copies should be submitted from this office to the County Assessor and Auditor. The following acknowledgment shall be included:

This Certificate of Correction has been reviewed and approved this _____ day of _____, 20__.

Benton County Surveyor

5) The "Certificate" must also contain the following:

This instrument was drafted by:

name and address

NOTE: Even though MSA Ch. 507.091 only requires the drafters name and address for instruments that "conveyed, created, encumbered, assigned, or otherwise disposed of" lands, the Benton County Recorder's Office will appreciate this being included on all documents.

6) The "Certificate" presented for recording/filing shall contain all original signatures. Copies will not be allowed.

7) Corrections to a CIC plat have to be via an Amendment to Declaration and an Amended CIC Plat (515B.2-118)