



Minnesota Boundary Commissions

Suggested Guidelines
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I. INTRODUCTION

Boundary Commission laws were established by Minnesota Statutes in 1990. It has long been recognized that even though efforts to eliminate boundary disputes by using common corners such as those established in the Public Land Survey System or corners established by platting, people continue to occupy property that is not theirs by title.

Minnesota Statute 465.79 allows local units of government (cities, towns, or counties) a means to resolve boundary disputes either with or without cooperation of the affected land owners. Boundary discrepancies and subsequent disputes can be very costly, not only for the current land owners but also for future land owners. Boundary discrepancies also create problems for local governments. Governmental Units need to know whom to tax, whom to assess improvement project costs, or how to administer zoning ordinances such as fence and building setbacks.

This statute has been amended twice since its enactment. Two important changes occurred in the last amendment. Town boards and county boards were granted the authority to establish Boundary Commissions, and the costs associated with the process were allowed to be assessed on a per parcel basis.

This statute is typically used in cases when there is a significant difference between what is being occupied and the recorded title between multiple land owners. The council/board should weigh the magnitude of the discrepancies carefully before establishing the Commission. Some issues to keep in mind are whether the discrepancies create problems because structures are on the “wrong” property, or that parcels would need variances because the shift has made property non-compliant.

More often than not, it involves simultaneously conveyed parcels such as in a subdivision plat, whereby “correcting” one parcel has a domino effect on multiple adjoining parcels. Junior – Senior rights do not exist in these cases and therefore claims cannot be ranked by determining the order in which deeds were recorded.

If land involved in the disputed area has Torrens title, the process becomes more complicated. One issue is to determine if the boundaries were registered and marked

with Judicial Land Marks. If so, the intent of the boundary was made clear along with the notification to adjacent land owners at the time of registration. However, whether or not the boundary was registered, any action to adjust descriptions or lines would require involvement of the Examiner of Titles. Moreover, Torrens lands are by statute free from adjustment of boundaries by the doctrines of Adverse Possession and Practical Location, which need not be subjected to a Boundary Commission.

Of course an alternative to a Boundary Commission is to have the multiple owners agree to proposed corrections and also agree to share in the costs associated with surveys, quit claim deeds, and attorney fees. Oftentimes, unless an owner is selling, re-financing, or building, they are not particularly eager to spend money on surveys or attorneys. A Boundary Commission allows the local government to include properties with or without consent from the affected property owners.

This statute has been used many times since it was created. Each situation is slightly different, and each jurisdiction has created their own steps to deal with the issues. Some would like to see more detail in this statute while others like the flexible outline allowing each situation to be handled locally.

The following document provides suggestions for jurisdictions contemplating this process based upon lessons learned from previous Boundary Commissions. The appendices include sample documents that may be edited for individual use.

II. Establishment of Boundary Commission

MS 465.79 ESTABLISHMENT OF BOUNDARY COMMISSION.

Subdivision 1. **City council, town or county board.** By resolution, the city council of a statutory or home rule charter city, town board, or county board may create a boundary commission.

Members of the commission shall be residents of the county or counties in which the city or town is located who are familiar with real property.

Discussion

- A. The council/board must first pass a resolution to establish a Boundary Commission (see Appendix B).
- B. The resolution should include the appointment of the members.
- C. The resolution should include the specific location of the property to be subjected to the Commission's review, unless the council/board defers this determination to the Boundary Commission's judgment.
- D. The council/board's standing Planning Commission, or subset of that commission, may be a logical choice to name as the Boundary Commission. They presumably would have some knowledge of the local zoning and land use issues in the area and are required to live within the respective jurisdiction to be an eligible member.
- E. Although passing a resolution does not in itself require a public hearing, it must however, be approved at a public meeting. The affected property owners should be notified early on in the process either before the passing of the resolution or as one of the first acts of the Boundary Commission, depending upon when the disputed properties are identified.

III. Duties of Boundary Commission

Subd. 2. **Duties of boundary commission.** Upon initiation by resolution of the governing body or upon petition of an adjoining or affected property owner, the boundary commission shall review property descriptions of the disputed areas in the respective jurisdiction. Upon mailed notice to all known parties in interest, the commission shall attempt to establish agreements between adjoining landowners as to the location of common boundaries as delineated by a certified land survey. If agreement cannot be reached, the commission shall make a recommendation as to the location of the common boundaries within the disputed area. The commission shall prepare a plan designating all agreed and recommended boundary lines and

report to the city council, town board, or county board.

Discussion

- A. A Boundary Commission can be initiated by either the governing body or by a petition of affected property owners. If it is initiated by property owners, the council/board still needs to pass a resolution creating the Commission.
- B. When determining the extent of the affected properties, look for a logical break. In other words, try to limit the scope of the review according to the subdivision plat, blocks within a plat, or descriptions within a Public Land Survey section or part thereof.
- C. In order for the Boundary Commission to review property descriptions of the affected area and devise common boundaries, they will need a survey depicting deed lines, occupation features (planimetric data including fences, structures, trees, driveways, utility poles, roads, etc.), and existing monuments (see Appendix C for a Request for Proposal for Land Surveying Services). Other topographic features may be important to depict if they have some bearing on the use of the parcels such as shorelines, steep slopes, and wetlands. Land owners should have been notified of the process prior to the surveyor appearing on their property.
- D. For the purpose of depicting the existing deed lines and easements, the surveyor will need to obtain copies of the deeds and any other recorded information for the respective properties. The Boundary Commission may request an updated Ownership and Encumbrances report from the land owners. If a report is not received in a timely manner, the Boundary Commission could request the preparation of a report and assess the cost back to the individual owners.
- E. Ideally, many of the discrepancies may be settled on-site with the Surveyor showing adjacent land owners where a common boundary could be located. Generally, people can understand the physical location of an object on the ground easier than they can from a scaled drawing. Once the surveyor has completed the survey, a drawing is created for the Boundary Commission's review. The Surveyor may choose to prepare multiple drawings depending on the scale and clarity of the amount of information necessary to show existing deed lines, proposed property lines, and existing planimetric data.
- F. After receiving the certified drawings from the surveyor, the Boundary Commission must notify "all known parties of interest." Some Commissions have interpreted this to mean only the land owner or tax payer, while others have taken a more literal stance and notified all mortgagors, contract for deed holders,

lien holders, and easement holders. The rule of thumb is to notify all parties who could be affected by boundary adjustment. For instance, a mortgage holder taking title by foreclosure would be bound by the adjustment if it had been given notice. If it has not been given notice, the defective description in the mortgage again clouds the title of that parcel and the adjoiner's parcel.

- G. The Boundary Commission notifies the known parties of interest by mail. Typically, the notice is to announce an upcoming scheduled meeting to review the survey and come to an agreement with adjoining land owners as to a commonly agreed upon boundary.
- H. If an agreement cannot be reached between adjoining land owners, the Boundary Commission makes a recommendation as to where they feel the common boundary should be located. These recommendations and report, along with the survey drawing showing the new proposed boundaries is forwarded to the council/board that created the Commission. The report should document the entire process including the initial resolution, any Requests for Proposals, contracts, notifications to all interested parties, publication notices, meeting minutes, and recommendations to the council/board. The Boundary Commission should keep track of all expenses incurred and denote any expenses that are specific to any individual land owner such as Ownership and Encumbrances reports.

IV. Public Hearing

Subd. 3. **Hearing.** Upon receipt of the plan and a report from the commission, the city council, town board, or county board shall hold a public hearing. The council, town board, or county board shall give mailed notice to all known parties in interest and published notice 20 days prior to the hearing. The council, town board, or county board shall hear all interested parties and may make adjustments to the proposed plan that it deems just and necessary.

Discussion

- A. This is another opportunity for the interested parties to voice their opinion on the location of the proposed boundary. The public hearing is considered as an open meeting (Minnesota Statutes 13D). All known parties of interest must be given a mailed notice of the public hearing meeting, and this notice must be published 20 days prior to the hearing. Typically, the publication is made in the official newspaper or publication of the council/board.
- B. The Surveyor and Attorney should be present to note any changes made by the council/board.

V. Judicial Review

Subd. 4. **Judicial review.** Following the public hearing, the council or board may petition the district court for judicial approval of the proposed plan. If any affected parcel is land registered under chapter 508, the petition must be referred to the examiner of titles for a report. The council or board shall provide sufficient information to identify all parties in interest and shall give notice to parties in interest as the court may order. The court shall determine the location of any contested, disputed, or unagreed boundary and shall determine adverse claims to each parcel as provided in chapter 559. After hearing and determining all disputes, the court shall issue its judgment in the form of a plat complying with chapter 505 and an order designating the owners and encumbrances of each lot. Real property taxes need not be paid or current as a condition of filing the plat, notwithstanding the requirements of section [505.04](#).

Discussion

- A. After the council/board makes its determination, there are a number of options. If the council/board chooses not to proceed with a judicial review as outlined in Subdivision 4, a plat could be filed showing the new boundary lines. This option may not be as desirable as the judicial review option for numerous reasons. First, the plat would have to follow Minnesota Statutes Chapter 505 which would require all owners, mortgagors,

etc. to sign the plat. This could require many signatures and would also presume that they would have to agree. Remember, not all parties may agree to the locations, the process, or the fees.

A plat would not need to be filed, but in its stead, quit claim deeds could be transferred. This could require many metes and bounds descriptions, and again, not all parties may have agreed to the locations, the process, or fees. If one owner does not follow through, it could have an effect on numerous parcels.

Also, all current and delinquent taxes would have to be paid on all properties involved. If Torrens property is a part of the disputed area, the individuals need to involve the Examiner of Titles. Both these items could delay or negate the completion of the process as a whole.

- B. If the judicial review process is chosen, the Boundary Commission's attorney should consult with the surveyor to prepare the necessary documentation for the court. If any of the affected parcels are Torrens, the petition must be referred to the Examiner of Titles for a Report to the Court. Notice to all interested parties is given again, and the judge reviews the proposed plan indicating the new boundary lines. Individuals have an opportunity to address the judge with their comments. The judge makes the final determination and orders a plat to be filed.
- C. This plat complies with Minnesota Statute Chapter 505 except that the current and delinquent taxes need not be paid as a condition of recording. In addition, because it is a judicial determination and an order is filed designating the owners and encumbrances, it is not necessary to have all the owners sign the plat. Again, the judge is making the determination and some owners may not be pleased with the result and could refuse to sign the plat, thus it could not get recorded. *This should be clarified in the statute.*
- D. The judge's determination should include a statement ordering Judicial Land Marks to be placed at the plat corner locations as defined in Minnesota Statute Chapter 505. This is important for two reasons: first, there may be multiple existing monuments representing the corners and it would not be intuitive which monument represents the judicial determination and which monuments were from previous surveys; second, it is a judicial determination and any future surveyor who performs a survey concerning those properties should be made aware of the court action the monument represents.

VI. Assessments

Subd. 5. **Special assessments.** The city or board may assess part or all of the cost incurred by it against the benefited properties on a per parcel basis as provided in chapter 429.

Discussion

- A. In some cases, public entities or utilities may be involved in the Boundary Commission, and the council/board may want to include those partners in the cost sharing of the project. For instance, in Goodhue County, the County owned property that was included and adjoined the Boundary Commission parcels, and the township had a road that would be affected by the results. After the total costs were ascertained, the County paid 50%, the township 10%, and the private owners divided the remaining 40%.
- B. Costs incurred may include such items as professional surveying and attorney fees, mileage and per diem for the Boundary Commissioners, copies, postage, notices, court administration, abstracting-title information, plat checking fees, recording fees, and possibly other miscellaneous staff time. The council/board should review all incurred costs and determine what they feel the appropriate assessments should be to the individuals.
- C. For auditing purposes, the council/board may want to create specific revenue and expenditure account numbers to keep track of the financial activity of the Boundary Commission project.

APPENDIX A: Minnesota Statute 465.79

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Subd. 3. **Hearing.** Upon receipt of the plan and a report from the commission, the city council, town board, or county board shall hold a public hearing. The council, town board, or county board shall give mailed notice to all known parties in interest and published notice 20 days prior to the hearing. The council, town board, or county board shall hear all interested parties and may make adjustments to the proposed plan that it deems just and necessary.

Subd. 4. **Judicial review.** Following the public hearing, the council or board may petition the district court for judicial approval of the proposed plan. If any affected parcel is land registered under chapter 508, the petition must be referred to the examiner of titles for a report. The council or board shall provide sufficient information to identify all parties in interest and shall give notice to parties in interest as the court may order. The court shall determine the location of any contested, disputed, or unagreed boundary and shall determine adverse claims to each parcel as provided in chapter 559. After hearing and determining all disputes, the court shall issue its judgment in the form of a plat complying with chapter 505 and an order designating the owners and encumbrancers of each lot. Real property taxes need not be paid or current as a condition of filing the plat, notwithstanding the requirements of section [505.04](#).

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History: 1990 c 386 s 1; 1992 c 493 s 9,10; 1997 c 78 s 1

APPENDIX B: Resolution Creating a Boundary Commission

Whereas the *[city/town/county]* *[council/board]* has the authority to establish a Boundary Commission to review property descriptions of disputed areas in their respective jurisdiction per Minnesota Statutes 465.79;

Whereas the *[city/town/county]* *[council/board]* assigns the duties of the Boundary Commission to the *[city/town/county]* Planning Advisory Committee and shall be referred to as the “Boundary Commission” for the purposes as set forth;

Whereas: the disputed area the Boundary Commission will be reviewing is described as follows:

Whereas: The Boundary Commission will have the authority to solicit professional services including but not limited to land surveying and attorney services;

And Whereas: the costs incurred by the Boundary Commission including but not limited to land surveying fees, attorney fees, and per diem shall be assessed to the benefited properties on a per parcel basis per Minnesota Statutes 429;

Now Therefore Be It Resolved that the *[city/town/county]* *[council/board]* hereby establishes a Boundary Commission to resolve property discrepancies as outlined above, and that said Boundary Commission will be dissolved upon completion of their duties.

APPENDIX C: Request for Proposal for Land Surveying Services

***[City/County/Town]* BOUNDARY COMMISSION REQUEST FOR PROPOSALS FOR PROFESSIONAL LAND SURVEYING SERVICES**

The *[city/county/town]* Boundary Commission, hereinafter referred to as the “Boundary Commission,” is soliciting proposals and qualifications from licensed land surveying firms to perform a boundary survey and prepare a final plat under Minnesota Statute 465.79 (Boundary Commission). Said work to include all record research, field work, computations, drafting of preliminary and final plat, public presentations, etc. necessary to record a final plat under Minnesota Statutes Chapter 505.

1) **AREA TO BE SURVEYED**

[list the area by plat name or, section-township-range] [city/county/township name] County, Minnesota. [attach a map outlining the area as an Exhibit].

2) **STANDARDS & SPECIFICATIONS**

The field survey and the Certificate of Survey shall be prepared in accordance with the standards and items as set forth in Appendix A. The final plat shall be prepared in accordance with Minnesota State law.

3) **PROJECT**

The purpose of the survey is to identify the difference between the record descriptions and the intended boundaries. The project shall proceed in two phases, both phases shall be computed and mapped using *[county name]* county coordinates. During both phases the surveyor will be expected to avail himself/herself for all scheduled public hearings.

A) Phase One shall include all the research, field work, computations and drafting necessary to prepare a Certificate of Survey or preliminary plat of the subject area. This certificate shall accurately detail the information listed in Appendix A.

B) Phase Two, to be done only upon prior approval of the Boundary Commission, shall be a final plat meeting the requirements of Minnesota Statutes Chapters 465 and 505, and the *[city/county/township]* ordinances. Said plat shall be presented to the *[county name]* County Surveyor’s Office for checking as required by normal procedures.

4) **PAYMENT**

Upon completion and acceptance of each phase, payment shall be made in two equal portions. The first payment will be made after the completion and acceptance of the Certificate of Survey (Preliminary Plat) by the Boundary

Commission. The second and final payment shall be made after the District Court process and recordation of the final plat.

5) SUBMISSION OF PROPOSALS

Written proposals must be submitted by *[time and date]*, to the following address:

[council/county/town] Boundary Commission
[address]

Late proposals will not be considered. The Boundary Commission reserves the right to reject all proposals.

6) TIME

It is anticipated that field work and research shall commence as soon after the contract is awarded as possible. The completed Certificate of Survey is to be delivered to the Boundary Commission on an agreed upon date. The final plat will follow after the necessary public hearings, but is expected to be completed and submitted to District Court on an agreed upon date.

7) CONTRACT

The selected firm will be required to enter into a written contract with the Boundary Commission subject to the approval of its attorney.

9) SELECTION PROCESS

The Boundary Commission will review all written proposals and negotiate any unclear items. The Boundary Commission will select the surveyor and enter into the written contract, subject to approval by the Boundary Commission's attorney.

10) AWARD AND ACCEPTANCE

Award shall be based upon, but not limited to, the following factors: price, delivery date, familiarity with the affected area, the evaluation of the surveyor and their firm's ability to service the Commission in terms of its requirements as called for in the specifications, the general reputation and experience of the surveyor and their firm, the nature and extent of company data furnished with this proposal, or furnished upon request by the Boundary Commission's prior knowledge of and experience with the land surveyor's past performance.

The Boundary Commission reserves the right to cancel the request for proposals at any time. The Boundary Commission reserves the right to accept or reject any or all proposals and to waive any informality contained herein where the acceptance, rejection, or waiving of such would be in the interest of the Boundary Commission. Award shall be made to one land surveying firm only for any or all items.

11) RISK

The contractor shall assume all risks in connection with the execution of this contract and waive any claim against the Boundary Commission for damages arising out of the performance of the work specified and shall agree to hold the Boundary Commission harmless from any claims for damages which may result from injuries to property or persons in connection with this work.

12) LIMITATIONS

The Boundary Commission will not be responsible for any costs incurred by the applicant in preparing proposals.

13) INDEPENDENT PRICE DETERMINATION

Applicants are held legally responsible for their proposals and proposal budget. Applicants are not to collaborate, for the purpose of restricting competition, with other applicants or competitors in developing proposals and budgets.

14) GUARANTEE

The successful bidder further agrees to guarantee all materials and parts bid and supplies against inferiority as to specifications, such guarantee to be unconditional. Failure or neglect of the Boundary Commission to require compliance with any terms or conditions of the contract or specifications shall not be deemed a waiver of such terms or condition.

15) DELIVERY

Cost of delivery to the location of all materials and supplies is included in all prices; also, delivery shall be made only as called for in the contract. It is understood that the Boundary Commission shall be under no obligation for payment for any supplies or material except on the basis of said contract duly signed and issued. In addition, the successful contractor shall not be held responsible for damages caused by delay or failure to perform or defaults caused by public carriers, or acts or demands of the Government in time of war applicable and when so directed.

16) LEGAL RIGHTS OF MATERIAL

The successful bidder hereby guarantees that they will have full legal rights of material delivery under this agreement, and agrees to pay all rents and royalties of every description on any and all patents or parent rights covering such material, or covering and process and/or machinery used in its construction and agrees to indemnify and save the Boundary Commission entirely harmless from any and all claims, demands, damages, actions, or causes of action, arising or to arise, against said Boundary Commission by reasons of the construction or delivery of said materials, or the use of any process, machinery or material in the construction of same.

17) SUBMISSION REQUIREMENTS

a. Title Page

Show the RFP subject, the name of the applicant's firm, local address, telephone number, name of the contact person, and the date.

b. Letter of Transmittal

1. State the name, address, and contact information of the firm.
2. State the name and license number of the Minnesota Licensed Land Surveyor who will be performing the work and signing the surveys, and their contact information.
3. Briefly state the applicants' understanding of the work to be done and make a positive commitment to perform the work including a time estimate to complete the field and office work.
4. State that the person signing the letter will be authorized to bind the contract.
5. Proposals must state the hourly rate for field and office work, estimate the material costs, a per lot estimate for the entire project, and a total cost not to exceed clause.
6. Provide five land survey client references.
7. Provide examples of the Land Surveyor's previous work. Examples must include one of each of the following: a project involving multiple land owners; a preliminary and final plat project; and a project showing a survey which included a Torrens boundary.

Appendix A: Standards & Specifications for the Field Survey and Certificate of Survey

Field work:

The Surveyor performing the work must identify:

1. The survey instruments used in the data collection and the instruments' last calibration date.
2. The dates of the field work.
3. The names of the field crew.

Required data shown on the Certificate of Survey (Preliminary Plat):

1. Record legal description of each lot.
2. All found irons and those searched for but not found.
3. Occupied and/or proposed property lines.
4. Permanent buildings on each lot.
5. All fences, other improvements and occupation within 10 feet of the record and proposed boundary lines.
6. Driveways, alleys and other ways of access on or crossing the property must be shown.
7. As accurately as the evidence permits, the location of cemeteries and burial grounds disclosed in recorded documents or observed in the process of performing the field work of the survey.
8. All record easements either burdening or benefiting the property.
9. All visible evidence of other permanent easements.
10. Ponds, lakes, rivers, streams, creeks, wet lands, and other waterways within or adjacent to the project, or a notation indicating none of these features are within or adjacent to the proposed project. The Ordinary High Water Elevation and 100 year flood elevation shall be shown were applicable. Elevations shall be referenced to an established bench mark and noted on the Certificate.
11. Location, right of way widths, and names of public roads, other public ways, or railroads within or adjacent to the project.
12. Distance (to the nearest one hundredth of a foot) and direction (to the nearest one second of a degree) reference ties from the boundary of the project to a minimum of two existing Public Land Survey corner monuments.
13. A vicinity map depicting the location of the project, labeling the Section, Township, and Range.
14. A tabulation of the record and the proposed areas of each individual parcel in the project.
15. Legend shall include such items as basis of bearings, monument types, north arrow, line types, and scale.
16. Scale should be appropriate to show the detail and shall be confined to one found on an engineer's scale.
17. Sheet size shall be 22 inches by 34 inches.
18. The appropriate certification by the licensed Land Surveyor.

APPENDIX D: Request for Proposal for Legal Services

***[City, County, Town]* BOUNDARY COMMISSION REQUEST FOR APPLICATION FOR PROFESSIONAL LEGAL SERVICES**

On *[date]*, the *[council/board]* appointed the Planning Commission as the Boundary Commission for properties located in *[Sections, plat, ..., City of, County of Minnesota]*. A subcommittee of the Planning Commission has been established as the Boundary Commission. The subcommittee is soliciting applications from attorneys licensed to practice law in the State of Minnesota to advise the Boundary Commission.

The purpose of the law, M.S. 465.79, is to resolve existing boundary disputes between landowners.

The attorney would advise the Boundary Commission, ensure that proper notices are prepared and sent to all owners, ensure that proper requests for professional services are administered, ensure that necessary contracts are prepared correctly, provide legal research, including submittal for judicial review, and work with *[county name]* County to ensure that proper ownership assignment and assessments are made to each property owner under the statute.

Areas of expertise for the attorney would include the following: Expertise in real estate, including title, surveying, and boundary issues; expertise in the area of right-of-way and condemnation; expertise in county and municipal law; expertise in professional conflict areas. The attorney should be familiar with real estate in the affected area.

For purposes of this project, the attorney would be deemed an independent contractor and not an employee of the *[city/county/town]* Boundary Commission.

Please submit resume and billing requirements by *[time]* on *[date]* to:

[city/county/town] Boundary Commission
[address]

APPENDIX E: Notice to Affected Property Owners

Dear Landowner,

It has come to our attention [*through a petition, or otherwise*] that there are significant discrepancies between the recorded legal descriptions and the land that is being occupied in your neighborhood. It appears that unfortunately, solving one property boundary issue may create new boundary issues for the adjoining properties. These issues may complicate potential sale or re-financing of your property.

Minnesota Statutes 465.79, Establishment of a Boundary Commission, may be a process that would benefit not only your property but also your neighbor's boundary issues. We invite you to attend a public informational meeting concerning Boundary Commissions to discuss options to correct the boundary issues that affect you and your neighbors.

Date

Time

Location

AGENDA

Boundary Commission Purpose

Boundary Commission Process

Potential properties including in the Boundary Commission

APPENDIX F: Petition to District Court

STATE OF MINNESOTA

IN DISTRICT COURT
[FIRST] JUDICIAL DISTRICT
CIVIL DIVISION

COUNTY OF [GOODHUE]

**IN RE THE PETITION OF THE
[city/county/township] FOR JUDICIAL
APPROVAL OF PROPOSED PLAN
ORDER TO LOCATE COMMON
BOUNDARIES -
M.S. 465.79**

Court File #

C.A. File #

PETITION

The [city/county/township] [council/board] **PETITIONS** the [county name] County District Court for an ORDER for a hearing for judicial approval of the [city/county/township] Boundary Commission plan and the plat entitled [name of plat], for determination of the location of any contested, disputed, or unagreed boundaries, and for the determination of any adverse claims to each parcel, as provided in Chapter 559, all pursuant to M.S. 465.79.

Further, the [city/county/township] [council/board] **PETITIONS** the [county name] County District Court for an ORDER for service of notice of such hearing by U.S. Mail and published notice to parties in interest.

Pursuant to M.S. 465.79, the [city/county/township] [council/board] hereby provides to the District Court sufficient information to identify all parties in interest, to wit, owners and encumbrances of each lot within the plat entitled [name of plat], as shown in Exhibit A, hereto attached.

Dated this ____ day of _____, 20__.

[name], Chair
[city/county/township]
PETITIONER

[name of attorney]
[firm]
Attorney I.D. #
Attorney for Petitioner

*Note: Exhibit A should list each owner, address, any mortgage information, and other encumbrance information including but not limited to easements.

APPENDIX G: Plat Certificates

A. Plat dedication example:

I, *surveyor*, a Licensed Land Surveyor of the State of Minnesota, do hereby certify that I have made a survey of the following described property at the request of the [*Goodhue County*] Boundary Commission, pursuant to Minnesota Statutes 465.79, to wit:

Describe exterior boundary of parcels

I also hereby certify: that I have surveyed or directly supervised the survey of the property described on this plat; that I prepared or directly supervised the preparation of 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 boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been correctly set; that as of the date of this certificate, all water boundaries and wet lands, as defined in Minnesota Statutes 505.01, Subd. 3, are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Dated this _____ day of _____, 20__.

(*name of surveyor*), Land Surveyor

Minnesota License No. _____

B. Suggested plat signatures:

- Pursuant to Minnesota Statutes 465.79, the [*city/county/town*] Boundary Commission has approved this plat on this ____ day of _____, 20__.

Boundary Commission Chair

- This plat of [*plat name*] was approved pursuant to Minnesota Statutes 465.79 by resolution of the [*city/county/town council or board*] County, Minnesota, at a regular meeting of said [*council/board*] this ____ day of _____, 20__.

By: _____ Attest: _____
Chair, [*council/board*] [*city/town/board Administrator or clerk*]

- County Surveyor statement or statement by another Minnesota Licensed Land Surveyor reviewing the plat.
- Recorder information and signature.

Note: current taxes do not need to be paid in order to record this plat, therefore, the auditor/treasurer statement does not appear on the plat.