

**ENGINEERING AND LAND SURVEYING EXAMINING
BOARD[193C]**

Adopted and Filed

Rulemaking related to U.S. Public Land Survey Corner Certificates

The Engineering and Land Surveying Examining Board hereby rescinds Chapter 12, “Minimum Standards for U.S. Public Land Survey Corner Certificates,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 542B.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 542B and Executive Order 10 (January 10, 2023).

Purpose and Summary

The revisions to Chapter 12 implement changes recommended by Executive Order 10. The rules in Chapter 12 provide information on minimum standards for U.S. Public Land Survey Corner Certificates.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 10, 2024, as **ARC 7415C**. Public hearings were held on January 30, 2024, and January 31, 2024, at 12:50 p.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on February 15, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. No current fees are being changed, and no new fees are being imposed.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Inspections, Appeals, and Licensing for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 10, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 193C—Chapter 12 and adopt the following new chapter in lieu thereof:

CHAPTER 12
MINIMUM STANDARDS FOR U.S. PUBLIC LAND SURVEY
CORNER CERTIFICATES

193C—12.1(542B) General statement. Each professional land surveyor will comply with the minimum standards for preparing a U.S. Public Land Survey Corner Certificate as described by statute or administrative rule. The minimum standards in this chapter apply to every corner certificate prepared in this state.

193C—12.2(355) U.S. Public Land Survey Corner Certificate.

12.2(1) A corner is considered a part of the U.S. Public Land Survey System if it has the status of a corner of a:

- a. Quarter-quarter section or larger aliquot part of a section.
- b. Fractional quarter-quarter section or larger fractional part of a section.
- c. Government lot.

12.2(2) A U.S. Public Land Survey Corner Certificate shall be prepared by the surveyor as part of any land surveying that includes the use of a U.S. Public Land Survey System corner if one or more of the following conditions exist:

- a. There is no certificate for the corner monument on file with the recorder of the county in which the corner is located.
- b. The surveyor in responsible charge of the land surveying accepts a corner position that differs from that shown in the public records of the county in which the corner is located.
- c. The corner monument is replaced or modified in any way.
- d. The reference ties in an existing public record are incorrect or missing.

12.2(3) A U.S. Public Land Survey Corner Certificate shall comply with the following requirements:

- a. The identity of the corner monument, with reference to the U.S. Public Land Survey System, shall be clearly indicated.
- b. The certificate contains a narrative explaining:
 - (1) The reason for preparing the certificate.
 - (2) The evidence and detailed procedure used in establishing or confirming the corner position whether found or placed.
 - (3) The monumentation found or placed perpetuating the corner position with an accurate description of each monument including but not limited to size, shape, and material type, capped with license number, and color.
 - (4) The extent of the search for an existing monument when the corner is reset as obliterated or lost.
- c. The certificate contains a plan-view drawing depicting:
 - (1) Relevant monuments including the reference monumentation and an accurate description thereof.
 - (2) Physical surroundings including highway and street centerlines, fences, structures and other artificial or natural objects as applicable that would facilitate recovery of the corner.
 - (3) Reference ties in sufficient detail to enable recovery of the corner, including at least three reference ties from the corner to durable physical objects near the corner that are located so that the intersection of any two of the ties will yield a strong corner position recovery. All ties are measured to one-hundredth of a foot.

d. The certificate bears the signature of the professional land surveyor, a statement certifying that the work was performed by the surveyor or under the surveyor's direct personal supervision, the date of signature, and the surveyor's Iowa license number and legible seal as provided in rule 193C—6.1(542B).

12.2(4) The surveyor shall record the required U.S. Public Land Survey Corner Certificate and forward a copy to the county engineer of the county in which the corner is located within 30 days after completion of the surveying.

These rules are intended to implement Iowa Code sections 355.3, 355.11 and 542B.2.

[Filed 2/15/24, effective 4/10/24]

[Published 3/6/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/6/24.