
By: **Delegates Krysiak and Edwards**
Introduced and read first time: February 12, 1999
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 1999

CHAPTER _____

1 AN ACT concerning

2 **Real Property Surveying - Subdivision Plats - Property Markers**

3 FOR the purpose of modifying certain standards pertaining to ~~certain~~ property
4 markers under provisions governing the recording of subdivision plats in certain
5 jurisdictions ~~to require that the markers comply with regulatory standards~~
6 ~~adopted by the State Board for Professional Land Surveyors; and generally~~
7 relating to property markers for subdivision plats in real property surveying.

8 BY repealing and reenacting, without amendments,
9 Article - Business Occupations and Professions
10 Section 15-101(b) and 15-208(b)(2)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Real Property
15 Section 3-108
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Business Occupations and Professions**

2 15-101.

3 (b) "Board" means the State Board for Professional Land Surveyors.

4 15-208.

5 (b) In addition to any duties set forth elsewhere, the Board shall:

6 (2) determine a type of marker, monument, stake, or other landmark
7 that a licensee shall use in practicing land surveying and practicing property line
8 surveying;

9 **Article - Real Property**

10 3-108.

11 (a) (1) Except as provided in paragraph (2) of this subsection, the provisions
12 of this section are in addition to any other provisions of the Code, pertaining to
13 recordation of subdivision plats.

14 (2) The provisions of this section do not apply in Queen Anne's County.

15 (b) If the owner of land in the State subdivides his land for commercial,
16 industrial, or residential use to be comprised of streets, avenues, lanes, or alleys and
17 lots, and desires, for the purpose of description and identification, to record a plat of
18 the subdivision among the land records of the county where the land lies, the clerk of
19 the court shall accept and record the plat as prescribed in this section. The clerk may
20 not accept the plat for record until the owner of land complies with the requirements
21 prescribed in this section.

22 (c) (1) In this subsection, "coordinate" means a number which determines
23 the position of any point in a north or south and an east or west direction in relation
24 to any other point in the same coordinate system.

25 (2) The plat shall be legible, drawn accurately and to scale and shall be
26 submitted for recordation using black ink on transparent mylar, or linen or black-line
27 photo process comparable to original quality that will conform to archival standards.
28 The State Highway Administration may substitute microfilm aperture cards showing
29 property or rights-of-way to be acquired or granted. Microfilm aperture cards must
30 meet archival standards for permanent records.

31 (3) The plat shall contain the courses and distances of all lines drawn on
32 the plat.

33 (4) With respect to all curved lines, the plat shall show the length of all
34 radii, arcs, and tangents and the courses and distances of all chords.

1 (5) The plat shall contain a north arrow which represents and designates
2 either true or magnetic meridian as of a date specified on the plat or shall be
3 referenced to a recognized coordinate system within the county.

4 (6) All courses shown on the plat shall be calculated from the plat
5 meridian.

6 (7) No distance on the plat may be marked "more or less" except on lines
7 which begin, terminate, or bind on a marsh, stream, or any body of water.

8 (8) The plat shall show the position by coordinates of not less than four
9 markers set in convenient places within the subdivision in a manner so that the
10 position of one marker is visible from the position of one other marker. From these
11 markers, commonly called "traverse points", every corner and line can be readily
12 calculated and marked on the ground. These markers shall [be made of hard durable
13 stone or concrete and shall be planted at least three feet into the ground] COMPLY
14 WITH STANDARDS THAT THE STATE BOARD FOR PROFESSIONAL LAND SURVEYORS
15 SETS BY REGULATION UNDER § 15-208 OF THE BUSINESS OCCUPATIONS AND
16 PROFESSIONS ARTICLE.

17 ~~(9) If the subdivision lies in an area where a recognized coordinate~~
18 ~~system already is established and traverse points of the system can be found and~~
19 ~~used, the coordinate values shall be marked in the same datum as those on the points~~
20 ~~found and identified by datum on the plat. In this case no markers are required, but~~
21 ~~the owner of land shall comply with all other requirements.~~

22 ~~(10)~~ A certificate stating that the requirement of this subsection, as far as
23 it concerns the making of the plat and setting of the markers, shall be put on the plat
24 and signed by the owner of the land shown on the plat to the best of his knowledge
25 and by the professional land surveyor or property line surveyor preparing it.

26 (d) Three linen copies of the plat shall be mailed or delivered to the clerk. The
27 fee is \$5 for each set of plats, except that a fee is not required for plats or microfilm
28 aperture cards showing property or rights-of-way to be acquired or granted by the
29 State Highway Administration.

30 (e) Each plat shall be signed and sealed by a professional land surveyor or
31 property line surveyor licensed in the State.

32 (f) (1) In Worcester County, if an unrecorded plat exists showing a
33 subdivision, from which any lot has been granted, and the owner of the subdivision, or
34 any part of it, proposes to resubdivide it in a manner different from the unrecorded
35 plat, a copy of the unrecorded plat shall be recorded as required by this section and in
36 addition to any other plat required by this section. If no unrecorded plat exists, the
37 owner shall record an affidavit to this fact.

38 (2) In Worcester County, if a recorded plat exists showing a subdivision,
39 and the owner of the subdivision, or any part of it, proposes to resubdivide it in a
40 manner different from the recorded plat, another plat shall be recorded. This plat
41 shall indicate clearly the lines, designation of blocks and block numbers, lots and lot

1 numbers, streets, alleys, rights-of-way, and all other easements or pertinent data of
2 the original recorded plat, with the proposed resubdivision plat superimposed on it.
3 The proposed resubdivision plat shall indicate clearly the lines, designation of blocks
4 and block numbers, lots and lot numbers, streets, alleys, rights-of-way, and all other
5 easements and pertinent data. This plat shall be recorded in addition to any other
6 plats required by this section.

7 (3) In Worcester County, if the owner of two or more contiguous tracts of
8 land proposes to combine the tracts and subdivide them, the owner shall have
9 recorded a plat to be known as a perimeter plat as provided in this section and in
10 addition to any other plat required by this paragraph. The perimeter plat shall show
11 clearly the lines of the original tracts, include a title reference to each tract, and have
12 a plat showing the proposed subdivision of the entire tract superimposed on it. If less
13 than the entire tract is subdivided, at any one time, each subsequent subdivision plat
14 likewise shall be superimposed on a perimeter plat which also shall show clearly all
15 prior subdivisions made pursuant to this subsection.

16 (4) Notwithstanding the provisions of subsections (b), (c), and (d) and in
17 addition to the requirements of paragraphs (1), (2), and (3), if the subdivided lands
18 are, in whole or in part, within the corporate limits of an incorporated municipality,
19 the plat may not be accepted for record by the Clerk of the Circuit Court of Worcester
20 County until it first has been submitted to and approved by the governing body of the
21 municipality where the land is located, and the approval of the municipality has been
22 indicated plainly on the plat.

23 (g) In Cecil County, if an unrecorded plat exists showing a subdivision created
24 prior to June 1, 1945, from which any lot has been granted and to which reference has
25 been made in a deed now of record, the owner of the subdivision or any lot, or any
26 interested party may have recorded a copy of the unrecorded plat in a separate plat
27 book to be maintained by the Clerk of the Circuit Court for Cecil County. Reference to
28 the plat is not by itself a "description of the property sufficient to identify it with
29 reasonable certainty" within the meaning of § 4-101. The person presenting the plat
30 for recording shall pay to the Clerk a fee of \$1 for each plat so offered. No other
31 provision of this section applies to the recording of any plat in Cecil County.

32 (h) In Garrett County the size of the sheet (plat) shall be 18 by 24 inches,
33 including a one and one-half inch margin for binding along the left edge. When more
34 than one sheet is required, an index sheet of the same size shall be submitted showing
35 the entire subdivision drawn to scale.

36 (i) (1) A plat filed in the land records of Wicomico County shall measure 18
37 by 24 inches or 24 by 36 inches, including a 1 1/2 inch margin along the left edge. If
38 more than one sheet is required, an index sheet of the same size shall be submitted
39 showing the entire subdivision drawn to scale.

40 (2) This subsection does not apply to single lot plats suitable for
41 recording in the same manner as other land record instruments, or to plats dated
42 prior to July 1, 1977.

1 (j) (1) Notwithstanding any other provision of this section, in Caroline
2 County, any interested person may record a copy of a plat if:

3 (i) It is signed and dated prior to January 1, 1970; and

4 (ii) The general location of the property can be determined by
5 reference to the plat; and

6 (iii) The person offering the plat for recording appends a verified
7 statement that it is the original plat, to the best of the offerer's knowledge,
8 information and belief.

9 (2) The recording of plats under this subsection shall not be construed as
10 the creation or establishment of a subdivision or compliance with any other rules or
11 regulations applicable to subdivisions.

12 (k) (1) A plat filed in the land records of Dorchester County shall measure
13 18 by 24 inches or 24 by 36 inches, including a 1 1/2 inch margin along the left edge.
14 If more than one sheet is required, an index sheet of the same size shall be submitted
15 showing the entire subdivision drawn to scale.

16 (2) This subsection does not apply to single lot plats suitable for
17 recording in the same manner as other land record instruments, or to plats dated
18 prior to July 1, 1987.

19 (l) In Charles County, a deed conveying a parcel of land containing more than
20 20 acres of unimproved land is not required to be accompanied by a survey plat.

21 (m) In Calvert County, the clerk of court may not accept and record a plat that
22 combines two or more subdivision lots to create one or more new lots unless the
23 County Treasurer has certified on the plat that all taxes, assessments, and charges
24 against the existing lots have been paid.

25 (n) This section does not apply in Allegany, Harford, Montgomery, Prince
26 George's, and Talbot Counties, except to the extent any of these counties is expressly
27 mentioned in this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1999.