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

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of modifying standards pertaining to certain property markers
4 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.

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

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

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

19 **Article - Business Occupations and Professions**

20 15-101.

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

22 15-208.

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

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

1 **Article - Real Property**

2 3-108.

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

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

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

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

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

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

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

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

30 (6) All courses shown on the plat shall be calculated from the plat
31 meridian.

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

34 (8) The plat shall show the position by coordinates of not less than four
35 markers set in convenient places within the subdivision in a manner so that the
36 position of one marker is visible from the position of one other marker. From these
37 markers, commonly called "traverse points", every corner and line can be readily
38 calculated and marked on the ground. These markers shall [be made of hard durable

1 stone or concrete and shall be planted at least three feet into the ground] COMPLY
2 WITH STANDARDS THAT THE STATE BOARD FOR PROFESSIONAL LAND SURVEYORS
3 SETS BY REGULATION UNDER § 15-208 OF THE BUSINESS OCCUPATIONS AND
4 PROFESSIONS ARTICLE.

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

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

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

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

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

26 (2) In Worcester County, if a recorded plat exists showing a subdivision,
27 and the owner of the subdivision, or any part of it, proposes to resubdivide it in a
28 manner different from the recorded plat, another plat shall be recorded. This plat
29 shall indicate clearly the lines, designation of blocks and block numbers, lots and lot
30 numbers, streets, alleys, rights-of-way, and all other easements or pertinent data of
31 the original recorded plat, with the proposed resubdivision plat superimposed on it.
32 The proposed resubdivision plat shall indicate clearly the lines, designation of blocks
33 and block numbers, lots and lot numbers, streets, alleys, rights-of-way, and all other
34 easements and pertinent data. This plat shall be recorded in addition to any other
35 plats required by this section.

36 (3) In Worcester County, if the owner of two or more contiguous tracts of
37 land proposes to combine the tracts and subdivide them, the owner shall have
38 recorded a plat to be known as a perimeter plat as provided in this section and in
39 addition to any other plat required by this paragraph. The perimeter plat shall show
40 clearly the lines of the original tracts, include a title reference to each tract, and have
41 a plat showing the proposed subdivision of the entire tract superimposed on it. If less
42 than the entire tract is subdivided, at any one time, each subsequent subdivision plat

1 likewise shall be superimposed on a perimeter plat which also shall show clearly all
2 prior subdivisions made pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

8 (l) In Charles County, a deed conveying a parcel of land containing more than
9 20 acres of unimproved land is not required to be accompanied by a survey plat.

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

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

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