

HOUSE JOINT RESOLUTION NO. 59

4/13 Introduced
4/13 Referred to Local Government
4/18 Hearing
Died in Committee

1 HOUSE JOINT RESOLUTION NO. 59
 2 INTRODUCED BY *Thomas Swift, Patricia*
 3 *Spaldt Mercer, NATH, J. Wilson, Heather Vincent*

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
 6 INTERIM STUDY OF LAND SURVEY DISCREPANCIES IN MONTANA AND
 7 REQUIRING A REPORT OF THE FINDINGS AND RECOMMENDATIONS OF
 8 THE STUDY TO THE 50TH LEGISLATURE.

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 10 WHEREAS, a land survey is used to measure land area, to
 11 fix property boundary lines, and to describe a property
 12 interest in land according to a deed or other document; and

13 WHEREAS, a land survey defines property boundary lines
 14 by use of various descriptive elements, such as monuments,
 15 courses, distances, area or quantity, plats or maps, and
 16 adjacent boundaries and lands; and

17 WHEREAS, errors in land surveys occur because of the
 18 difficulty in retracing old surveys, locating and
 19 identifying old corner markers of an original survey, and in
 20 understanding the field notes and methods used by previous
 21 surveyors; and

22 WHEREAS, in a land survey, the courses are expressed
 23 according to the true meridian, and the variation of the
 24 magnetic meridian from the true meridian must be expressed
 25 on the plat; and

1 WHEREAS, errors in a land survey may result from
 2 incorrect allowances made for changes in the magnetic
 3 declination between the time of the original survey and the
 4 time of the resurvey; and

5 WHEREAS, errors in land surveys lead to discrepancies
 6 in the location of boundary lines and the proper description
 7 of property in a deed or other instrument; and

8 WHEREAS, such discrepancies affect the possessory
 9 interests of property owners, the legal rights to the use of
 10 land, and the legal conveyance of land by deed or other
 11 device; and

12 WHEREAS, land survey discrepancies seem evident in
 13 smaller communities where lands have not been resurveyed
 14 since the 1800s.

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 16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 17 OF REPRESENTATIVES OF THE STATE OF MONTANA:

18 That an appropriate interim committee be assigned to
 19 study land survey discrepancies in Montana, particularly in
 20 small communities, to determine the extent of such
 21 discrepancies and recommend possible solutions.

22 BE IT FURTHER RESOLVED, that the committee report the
 23 findings and recommendations of the study to the 50th
 24 Legislature and, if necessary, draft appropriate
 25 legislation.

-End-

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INTRODUCED BILL
HJR 59

