

# RIGHT OF WAY PLATTING

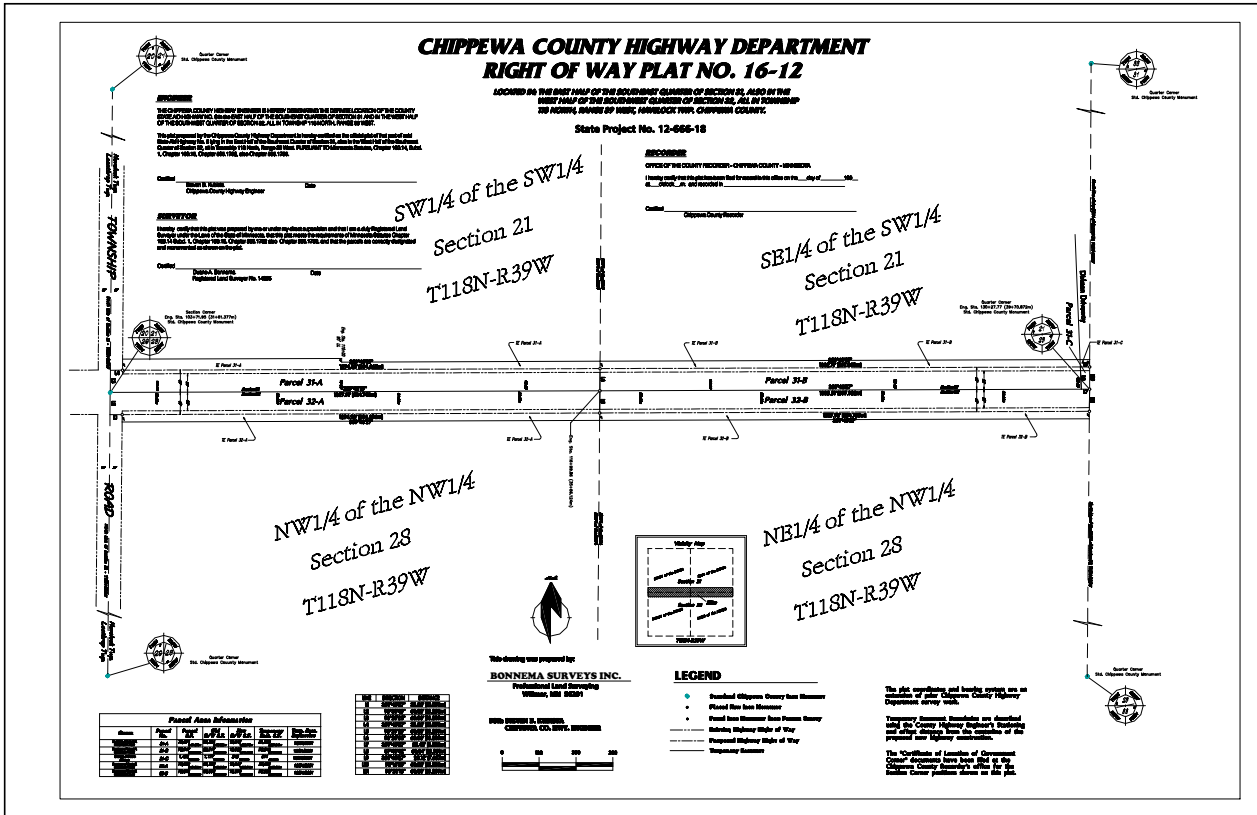
An important tool for Cities and Towns



City governments frequently need to obtain right of way for their various projects, whether it be a road, bike trail, sewer or water line, or possibly even tree planting. The laws of the state of Minnesota contain an efficient tool to be used by city governments for the purpose of acquiring right-of-way. In the past, anyone who has worked with county or state highway right of way acquisition knows the frustration of dealing with the often cryptic highway right of way legal descriptions. These bulky descriptions often cover several (difficult to interpret) typewritten pages and make references to obscure or remote landmarks. Right of way descriptions often contain phrases like, “that part lying south of “Line A” and lying north of “Line B” except between station 655+19.37 and station 671-47.23”. The beauty of the right of way platting law is that it eliminates the preparation of these cumbersome legal descriptions. Recent law changes have made it possible for Cities to use Right of Way platting to acquire right of way.

# Example of a Right of Way Plat Prepared by Bonnema Surveys

(the location data on this plat was modified for this presentation)



Right of way descriptions can be difficult to write, and at a future date, difficult to interpret for anyone required to work with them. Worse yet, these complicated legal descriptions are recorded at the county recorder's office as part of a deed or easement and will become a part of the public record forever. The right of way platting law was written to alleviate this problem.

Bonnema Surveys has drafted and recorded 74 right of way plats over the past 15 years for both county and city governments. We have gained valuable experience from this right of way platting. Our company stands ready to assist with your right of way acquisition needs. Prior to platting, the government entity needs to determine the extent of the area which it intends to acquire as future right of way. Once this is done, Bonnema Surveys can draft a Right of Way plat. This right of way plat is then recorded for public record with just three signatures:

- the Mayor or Chair of the gov't. body
- the County Recorder
- the Land Surveyor

This law has not been utilized to the potential for which it was intended.

*"Together with a strip 10 feet in width adjoining and southeasterly of the above described strip; beginning opposite a point on the above described line distant 602 feet northeasterly of the second described strip, also together with a strip 20 feet in width adjoining and southeasterly of the first above described strip"*

Sample of a difficult to interpret Right of Way description



# Minnesota Statutes

Always keep in mind that the right of way platting process does NOT automatically transfer title of the land being platted, but it does create easy to use descriptions which simplify the right of way acquisition process. Right of way platting can be used for acquisition but it can also be used for right of way turnbacks (returning right of way no longer needed back to private ownership). The actual title transfer of the deed or easement takes place by the standard documents, however, after the platting process, the documents will now refer to the Right of Way Plat. For example, "Parcel 31-A of the record County Highway Department Right of Way Plat Number 16-12 on file in the office of the county recorder". This is a much simpler process than using lengthy legal descriptions.

We at Bonnema Surveys enjoy doing right of way platting, so if you have a need for these types of services, please stop in or call us at:

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**Willmar, Minnesota 56201**  
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**Chapter Title:** PLATS; COORDINATES; SURVEYS

**Section:** 505.1793

**Text:**

505.1793 Proposed local right-of-way acquisitions; filing.

Subdivision 1. Filing and recording. To facilitate the acquisition of right-of-way required for public transportation and public utility and drainage easements, the governing body of a statutory or home rule charter city or town may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the governing body determines necessary. The map or plat must show by outline all tracts and parcels of land affected by the proposed acquisition. The map or plat must be subscribed by the mayor or chair of the governing body and prepared and certified by a licensed land surveyor. The certified map or plat is entitled to record without compliance with chapter 505.

Subd. 2. Changes in maps or plats. Amendments.....

Subd. 3. Errors; correcting certificate. If an error.....

Subd. 4. No effect on title

Maps or plats filed for record under this section do not operate of themselves to transfer title to the property described and designated by appropriate parcel number, but the maps or plats are to be used for delineation purposes.

Subd. 5. Description by reference. Land acquisition by the governing body for public transportation and public utility and drainage easements by instrument of conveyance or by eminent domain proceedings may refer to the map or plat and parcel number, together with delineation of the parcel, as the only manner of description necessary for the acquisition.