

# ***Bonnema Surveys***

*Professional Land Surveying Services*

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## **RIGHT OF WAY PLATTING**

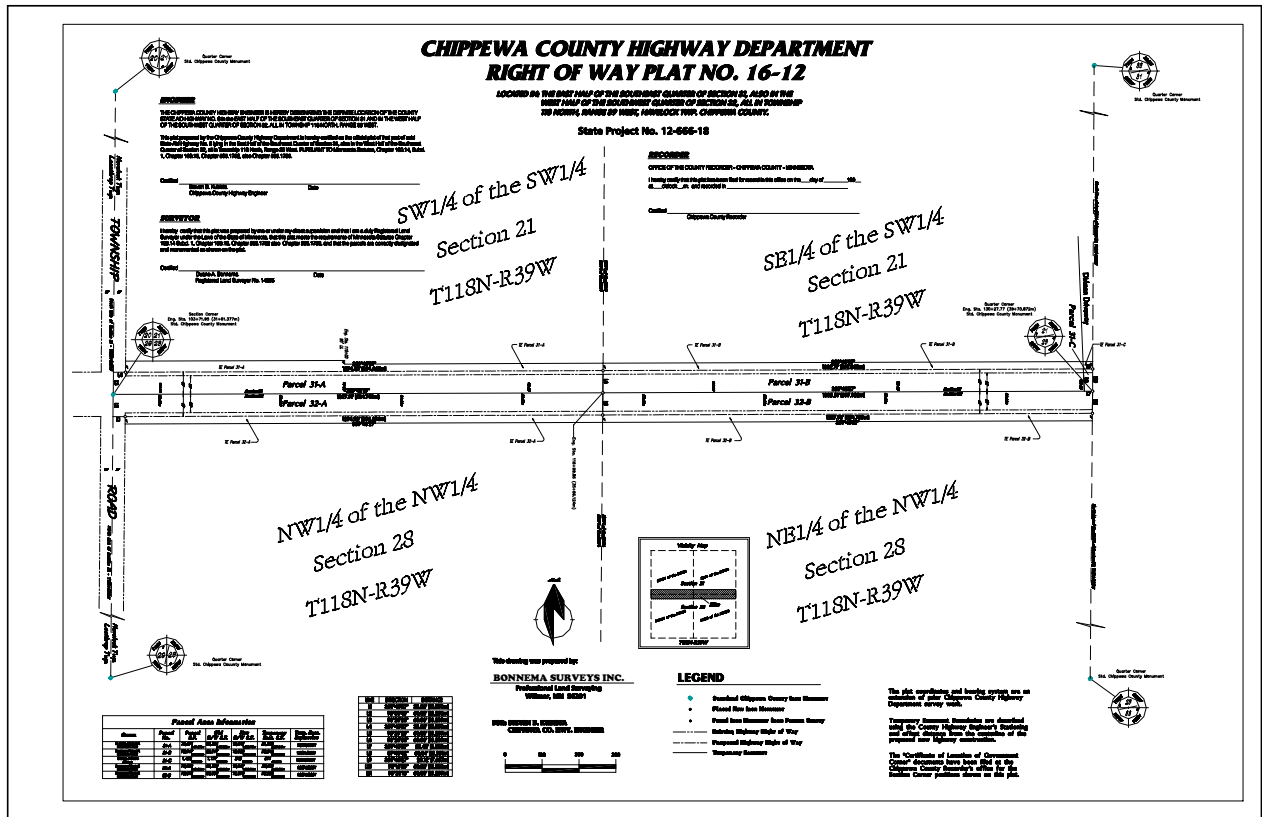
An Important Tool for County and State Highway Departments



County and State Highway Departments frequently need to obtain additional right of way for their highway improvement projects. The laws of the state of Minnesota contain an efficient tool to be used by County and State government for the purpose of acquiring right of way. Those who work with highway department right of way acquisition know the frustration of dealing with the commonly cryptic highway right of way legal descriptions. These bulky descriptions often cover several intense 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.

# 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 Inc. 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 that it intends to acquire as future right of way. Once this is done, Bonnema Surveys Inc. can draft a right of way plat. This right of way plat can then be recorded for public record with the three following signatures:

- The Co. Engineer or State Commissioner
- 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



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 that 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 that is 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 refer to 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 Inc. enjoy doing right of way platting, so if you have a need for this type of service, please stop in or contact us at:

**BONNEMA SURVEYS INC.**  
**1809 22<sup>ND</sup> ST SW**  
**SUITE 104**  
**WILLMAR, MN 56201**  
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**Chapter Title:** ROADS, GENERAL PROVISIONS

**Section:** 160.085

**Text:**

160.085 Recording proposed acquisition for road.

Subdivision 1. Recording map or plat; certification.

(a) In order to facilitate the acquisition of right-of-way required for highways, state and county road authorities 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, such 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 road authority determines necessary. Said map or plat shall show by outline all tracts or parcels of land affected by the proposed acquisition.

(b) The map or plat, as to trunk highways, shall be certified by the commissioner of transportation or the commissioner's designated assistant and by a licensed land surveyor.

(c) The map or plat shall be certified as to county state-aid highways and county highways by the chair of the county board or the county engineer or the engineer's designated assistant, and by a licensed land surveyor in the employ of the county.

(d) The map or plat so certified is entitled to record without compliance with the provisions of chapter 505. Neither a witness nor an acknowledgment is required for a map or plat certified under this subdivision.....

Subd. 2. Effect of recording map or plat. Maps or plats filed for record under this section shall not operate of themselves to transfer of title to the property described and designated by appropriate parcel number but such map or plats shall be for delineation purposes.

Subd. 3. Description may refer to map or plat. (a) Land acquisition by the road authority for highway purposes 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.

(b) In addition, land disposition by the road authority by instrument of conveyance 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 disposition.