



STAFF REPORT

To: Summit County Council
From: Greg Wolbach, PLS
County Survey Manager / Cadastral Mapper II
Date of Meeting: July 27, 2022
Items:
(1) Amend ORDINANCE 834-J, COUNTY-WIDE FEE SCHEDULE FOR SUMMIT COUNTY.
(2) Create ORDINANCE 945 to establish PUBLIC LAND CORNER PRESERVATION FUND.
Process: Legislative

Recommendation

Staff requests that the Summit County Council review the proposed amendment to ORDINANCE 834-J, Exhibit "A", Page 24, "SUMMIT COUNTY RECORDER AND SURVEYOR FEES", and adopt the attached ordinance per the findings and conclusions in this staff report.

Background

County-wide fee schedule for Summit County is defined by County Ordinance pursuant to Utah Code 17-53-211. Previous amendment to ORDINANCE 834-I, was approved, adopted, and passed on the 15th day of December 2021 and subsequent changes to the ordinance unrelated to what is requested here by the Recorder's Office were made in July (ORDINANCE 834-J). Since that time, the County Recorder and Survey Manager have reviewed the current county fees along with fees defined in the state code, and believe an adjustment is necessary.

Proposal

(1) Amend ORDINANCE 834-J, COUNTY-WIDE FEE SCHEDULE FOR SUMMIT COUNTY, to increase filing fees for records of survey maps.

SUMMIT COUNTY RECORDER AND SURVEYOR FEES

- 1) The Premium Access Data Portal Subscription fee shall be:
 - a. \$4,800.00 per year
 - b. One-time installation fee of \$250.00
 - c. One-time licensing fee of \$750.00
- 2) Filing fee for surveys pursuant to Utah State Code, Section 17-23-2: ~~\$20~~ 40 / sheet
- 3) All other Recorder ~~and Surveyor~~ Fees are set forth in Utah State Code, ~~Section 17-23-2, as amended and~~ Section 17-21-18.5, as amended.

(2) Create an ORDINANCE to establish PUBLIC LAND CORNER PRESERVATION FUND. The county legislative body may establish by ordinance a fund to known as the Public Land Corner Preservation Fund. Money generated for the fund shall be used only to pay expenses incurred and authorized by the county surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers

and duties provided under Title 17, Chapter 23, County Surveyor, and Title 57, Chapter 10, Utah Coordinate System.

Analysis and Findings

- (1) Amend ORDINANCE 834-J, COUNTY-WIDE FEE SCHEDULE FOR SUMMIT COUNTY, to increase filing fees for records of survey maps.
 - (a) Currently the filing fee for surveys is \$20, which we have discovered is low compared to other jurisdictions whose fee is typically \$40. Increasing the filing fees for surveys will bring Summit County in line with other counties in Utah. The recommended \$40 fee is also consistent with county recorder fees found in Utah Code, Section 17-21-18.5, which states that the recording of any instrument not otherwise provided for in statute is \$40. As part of this fee increase, we will start accepting surveys and corner tie sheets via an email submission. This was discussed with numerous County Surveyors who attended the UAC conference in St. George last November. Counties that have instituted online filing of records of survey, have seen an increase in the number of surveys being recorded. They also noted that surveyors will file using email more regularly than in person filing. Surveyors tend to stockpile their surveys and make only 2 trips to the courthouse per year. State code requires surveyors file their record of survey with the County Recorder/Surveyor no more than 90 days after completion. We have been asking surveyors when they come to Coalville to file their surveys how they feel about this method and the increased fee of \$40 per sheet. They have unanimously agreed that this method is much more desirable than driving to Coalville to deliver mylar originals. The additional revenue will allow us to increase the number of section corner monuments we document, protect, preserve, and replace within the Public Land Survey System. This system provides the foundation of the County's tax system.
- (2) Create an ORDINANCE to establish PUBLIC LAND CORNER PRESERVATION FUND.
 - (a) Pursuant to the provisions of Utah Code 17-23-19, the County Council may establish a Public Land Corner Preservation Fund. Money generated for the fund shall be used only to pay expenses incurred and authorized by the county surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Title 17, Chapter 23, County Surveyor, and Title 57, Chapter 10, Utah Coordinate System.
 - (b) Each year Summit County applies for and is awarded a Grant from the State of Utah, Monument Replacement and Restoration Committee (MRRC) as outlined in the 2015 Senate Bill 264 for monument replacement, preservation and restoration of Public Land Survey System section corners. In past years, Summit County has been awarded grant money for this purpose. Last year we were awarded the amount of \$13,698.41 with deliverables due on May 15, 2022. This year, we have requested and have been awarded \$75,000.00 from the committee. One requirement is to have an established Public Land Corner Preservation Fund. This oversight needs to be corrected, as soon as possible.

Conclusions of Law

- Utah Code 17-21-18.5. Fees of county recorder. Specifies fee amounts that a county recorder shall charge.
- Utah Code 17-23-2. Filing and indexing fees. Specifies the method for establishing a fee to be collected for filing and indexing a map of survey.
- Utah code 17-23-19. County permitted to establish Public Land Corner Preservation Fund. The county legislative body may establish by ordinance a fund to known as the Public Land Corner Preservation Fund.

Attachments

Exhibit - Proposed Ordinance No. 834-K - Amending Ordinance 834 County wide fee schedule for Summit County
Exhibit - Proposed Ordinance No. 945 - Public Land Corner Preservation Fund

**SUMMIT COUNTY, UTAH
ORDINANCE NO. 834-K**

**AN ORDINANCE AMENDING ORDINANCE 834
COUNTY-WIDE FEE SCHEDULE FOR
SUMMIT COUNTY**

WHEREAS, pursuant to Utah Code §17-53-211, the legislative body of each county shall adopt an ordinance establishing fees for services provided by each county officer except for fees for the recorder, sheriff, and county constables and fees established by statute; and

WHEREAS, on December 10, 2014, the Summit County Council adopted Ordinance 834, a county-wide fee schedule; and

WHEREAS, as part of the 2022 annual budget process, the Summit County Council adopted an updated Fee Schedule, Ordinance No. 834-I and subsequent changes were made this year to the Animal Control fines and fees by way of Ordinance No. 834-J; and

WHEREAS, the Summit County Recorder's Office desires to increase the filing fee for surveys so that it is comparable with the filing fee in other jurisdictions within Utah and comparable to the recording fee for instruments provided in Utah Code §17-21-18.5; and

WHEREAS, a public hearing was held on July 27, 2022 to discuss these changes;

NOW THEREFORE, the County Legislative Body of the County of Summit, State of Utah, hereby ordains as follows:

Section 2: The Council hereby amends the Summit County Recorder and Surveyor Fees portion of the County-wide Fee Schedule attached hereto as **Exhibit A**. All other portions of the County-wide Fee Schedule shall remain the same.

Section 3: Effective Date: This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ____ day of _____, 2022.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By Council Chair

ATTEST:

SUMMIT COUNTY CLERK

Date of Publication _____, 2022.

EXHIBIT A

SUMMIT COUNTY RECORDER AND SURVEYOR FEES

1) The Premium Access Data Portal Subscription Fee shall be:

- a. \$4,800.00 per year
- b. One-time installation fee of \$250.00
- c. One-time licensing fee of \$750.00

2) Filing fee for surveys pursuant to Utah State Code, Section 17-23-2: \$2040 per sheet

3) All other Recorder ~~and Surveyor~~ Fees are set forth in Utah State Code, ~~Section 17-23-2, as amended and~~ Section 17-21-18.5, as amended.

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING
A PUBLIC LAND CORNER PRESERVATION FUND
TO PAY EXPENSES INCURRED AND AUTHORIZED FOR THE ESTABLISHMENT,
REESTABLISHMENT, AND MAINTENANCE OF CORNERS OF GOVERNMENT SURVEYS

WHEREAS, properly established and documented section corner monuments are vital to accurate and precise land surveys; and

WHEREAS, licensed land surveyors that make a boundary survey of lands within Utah must file a map of the survey with the County Surveyor or designated office per Utah Code §17-23-17 (2) et. seq.; and

WHEREAS, the County Surveyor or their designee shall set monuments of durable quality that are carefully described, and their bearings and distances noted in the report per Utah Code §17-23-13.

WHEREAS, Summit County desires to establish, reestablish and maintain vital Section and Township corner monumentation and notation; and

WHEREAS, Utah Code §17-23-19 authorizes Utah counties to establish, by ordinance, a fund to be known as the “Public Land Corner Preservation Fund” with those funds used to pay expenses incurred and authorized by the County Surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Utah Code §17-23 and Utah Code §57-10; and

NOW THEREFORE, the County Legislative Body of the County of Summit, State of Utah, hereby ordains as follows:

1) Pursuant to the provisions of Utah Code §17-23-19, the Public Land Corner Preservation Fund is established. Monies generated for the fund shall be used only to pay expenses incurred in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Utah Code §17-23 and §57-10.

2) The Summit County Council has established, by prior ordinance, a Summit Countywide Fee Schedule, which includes fees for filing maps under Utah Code §17-23-17, subdivisions, road dedication plats, and other property plats. All monies collected from these identified fees shall be used for the Public Land Corner Preservation Fund and shall be deposited with the Summit County Treasurer to be credited to the Public Land Corner Preservation Fund.

Section 3: Effective Date: This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ____ day of _____, 2022.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By Council Chair

ATTEST:

SUMMIT COUNTY CLERK

Date of Publication _____, 2022.

Effective 5/4/2022

17-21-18.5 Fees of county recorder -- Electronic recording of instruments.

- (1) The county recorder shall receive the following fees:
 - (a) for recording any instrument, not otherwise provided for, other than bonds of public officers, \$40;
 - (b) for recording any instrument, including those provided for under Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise provided for, \$40, and if an instrument contains more than 10 descriptions, \$2 for each additional description;
 - (c) for recording mining location notices and affidavits of labor affecting mining claims, \$40; and
 - (d) for an affidavit or proof of labor which contains more than 10 mining claims, \$2 for each additional mining claim.
- (2)
 - (a) Each county recorder shall record the mining rules of the several mining districts in each county without fee.
 - (b) Certified copies of these records shall be received in all tribunals and before all officers of this state as prima facie evidence of the rules.
- (3) The county recorder shall receive the following fees:
 - (a) for copies of any record or document, a reasonable fee as determined by the county legislative body;
 - (b) for each certificate under seal, \$5;
 - (c) for recording any plat, \$50 for each sheet and \$2 for each lot or unit designation;
 - (d) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2 for each additional name;
 - (e) for recording any license issued by the Division of Professional Licensing, \$40; and
 - (f) for recording a federal tax lien, \$40, and for the discharge of the lien, \$40.
- (4) A county recorder may not charge more than one recording fee for each instrument, regardless of whether the instrument bears multiple descriptive titles or includes one or more attachments as part of the instrument.
- (5)
 - (a) Beginning on or before January 1, 2022, each county shall accept and provide for the electronic recording of instruments.
 - (b) Beginning on or before January 1, 2023, each county shall:
 - (i) provide for the electronic recording of a plat; and
 - (ii) accept an electronic document for the recording of a plat.
- (6) The county may determine and collect a fee for all services not enumerated in this section.
- (7) A county recorder may not be required to collect a fee for services that are unrelated to the county recorder's office.

Amended by Chapter 415, 2022 General Session

Amended by Chapter 450, 2022 General Session

17-23-2 Office furnishings and supplies -- Filing and indexing fees -- Records remain county property.

- (1) The county shall furnish an office, furniture, and all stationery and record books necessary for the surveyor's office.
- (2) The county legislative body, by ordinance or resolution, may establish the fee to be collected by the county for filing and indexing a map of a survey. Fees for filing of maps under Section 17-23-17 shall be governed by Section 17-23-19.
- (3) All records, maps, plats, profiles, calculations, and field notes of all surveys made by the county surveyor in an official capacity during the surveyor's term of office, or by persons designated by the surveyor to do survey work on behalf of the county, or maps of a survey filed under Section 17-23-17, shall be the property of the county, open to the inspection of any person, and shall be delivered by the surveyor to a successor in office.

Amended by Chapter 241, 2001 General Session

Effective 5/13/2014

17-23-19 County permitted to establish Public Land Corner Preservation Fund -- Use of fund -- Fee schedule for filing maps.

- (1) The county legislative body may establish by ordinance a fund to be known as the Public Land Corner Preservation Fund. Money generated for the fund shall be used only to pay expenses incurred and authorized by the county surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Title 17, Chapter 23, County Surveyor, and Title 57, Chapter 10, Utah Coordinate System.
- (2) The county legislative body may by ordinance establish a fee schedule for filing maps in the county surveyor's office of surveys filed under Section 17-23-17, subdivisions, road dedication plats, and other property plats. All money collected under this subsection shall be deposited with the county treasurer to be credited to the Public Land Corner Preservation Fund.

Amended by Chapter 189, 2014 General Session

17-23-1 County surveyor to be elected -- Requirement to be licensed land surveyor -- Authority to contract with licensed land surveyor if no elected county surveyor -- County surveyor duties.

- (1)
 - (a) The office of the county surveyor in each county shall be filled by election and, except as provided in Subsection (1)(b), the county surveyor shall be a licensed professional land surveyor in the state.
 - (b) In a county where the office of county surveyor is consolidated with another elected office, all county surveying work shall be performed by a licensed professional land surveyor.
 - (c) In a county where there is no elected county surveyor:
 - (i) the county executive or legislative body may, consistent with Section 17-53-313, contract with a licensed professional land surveyor to perform those duties;
 - (ii) all county survey work shall be done by a licensed land surveyor;
 - (iii) the county recorder shall assume and perform all statutory functions and duties of the county surveyor related to the retention and maintenance of survey records;
 - (iv) the recorder's office shall act as the county surveyor's office only for the purpose of accepting, retaining, and managing county survey records;
 - (v) the county shall furnish sufficient office space, furniture, stationery, and record books necessary for the county recorder's office to fulfill its functions and duties under Subsection (1)(c)(iv); and
 - (vi) for purposes of this chapter, "county surveyor" means:
 - (A) for purposes of the retention and management of county survey records, the county recorder; and
 - (B) except as provided in Subsection (1)(c)(vi)(A), the licensed land surveyor under contract with the county to perform county surveyor duties.
- (2) The county surveyor shall execute:
 - (a) all orders directed to the surveyor by any court; and
 - (b) all orders of survey required by the county executive or county legislative body.
- (3)
 - (a) The surveyor of each county shall:
 - (i) advise the county executive and county legislative body regarding all surveying work;
 - (ii) perform or arrange for the performance of all surveying work for the county;
 - (iii) permanently keep at county government offices at the county seat a fair and accurate record of all surveys made, including legal descriptions and geographic coordinates, all surveys received pursuant to Section 17-23-17, and all corner files received pursuant to Section 17-23-17.5;
 - (iv) number progressively all surveys received and state by whom and for whom the surveys were made;
 - (v) deliver a copy of any survey to any person or court requiring the survey after the payment of the fee established by the county legislative body;
 - (vi) ensure that all surveys of legal subdivisions of sections are made according to the United States Manual of Surveying Instructions in effect at the time the survey is completed;
 - (vii) verify the correctness of or establish correct coordinates for all survey reference monuments set in place and shown on all subdivision maps and plats which have a spatial relationship with any section or quarter section corner; and
 - (viii) perform other duties required by law.
 - (b) In arranging for the performance of surveying work for the county under Subsection (3)(a)(ii), a surveyor may comply with Section 17-53-313.

- (4)
- (a) The county surveyor or his designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidences of the government corners remain so that the corners established by government survey can be positively located.
 - (b) The corners shall be reestablished in the manner provided in Section 17-23-13 for establishing corners.
 - (c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to his successor when he vacates his office.
 - (d) Established or reestablished corners shall be recognized as the legal and permanent corners.
- (5) The county executive or legislative body may direct the county surveyor or his staff to perform engineering and architectural work if the county surveyor or his staff is qualified and licensed to perform that work.

Amended by Chapter 241, 2001 General Session

Effective 5/4/2022

17-23-17 Map of boundary survey -- Procedure for filing -- Contents -- Marking of monuments -- Record of corner changes -- Penalties.

(1) As used in this section:

- (a) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.
- (b)
 - (i) "Township" means a term used in the context of identifying a geographic area in common surveyor practice.
 - (ii) "Township" does not mean a metro township as that term is defined in Section 10-2a-403.

(2)

- (a)
 - (i) Each land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line or to obtain data for constructing a map or plat showing a boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary.
 - (ii) A land surveyor who fails to file a map of the survey as required by Subsection (2)(a)(i) is guilty of an infraction.
 - (iii) Each failure to file a map of the survey as required by Subsection (2)(a)(i) is a separate violation.
- (b) **The county surveyor or designated office shall file and index the map of the survey.**
- (c) **The map shall be a public record in the office of the county surveyor or designated office.**

(3) This type of map shall show:

- (a) the location of survey by quarter section and township and range;
- (b) the date of survey;
- (c) the scale of drawing and north point;
- (d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;
- (e) all measured bearings, angles, and distances separately indicated from those of record;
- (f) a written boundary description of property surveyed;
- (g) all monuments set and their relation to older monuments found;
- (h) a detailed description of monuments found and monuments set, indicated separately;
- (i) the surveyor's seal or stamp; and
- (j) the surveyor's business name and address.

(4)

- (a) The map shall contain a written narrative that explains and identifies:
 - (i) the purpose of the survey;
 - (ii) the basis on which the lines were established; and
 - (iii) the found monuments and deed elements that controlled the established or reestablished lines.
- (b) If the narrative is a separate document, it shall contain:
 - (i) the location of the survey by quarter section and by township and range;
 - (ii) the date of the survey;
 - (iii) the surveyor's stamp or seal; and
 - (iv) the surveyor's business name and address.

- (c) The map and narrative shall be referenced to each other if they are separate documents.
- (5) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.
- (6)
 - (a) Any monument set by a licensed professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.
 - (b) If the monument is set by a licensed land surveyor who is a public officer, it shall be marked with the official title of the office.
- (7)
 - (a) If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made.
 - (b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.
- (8) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any land surveyor who fails to comply with the requirements of this section, according to the procedures set forth in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act.
- (9) Each federal or state agency, board, or commission, local district, special service district, or municipal corporation that makes a boundary survey of lands within this state shall comply with this section.

Amended by Chapter 415, 2022 General Session