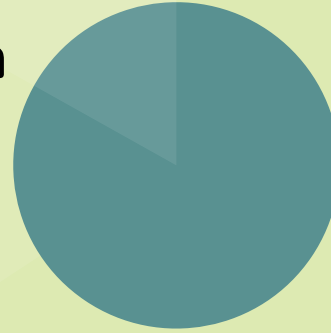


# “Surveying and Plats - why and how?”

Wednesday, OCT 25, 2023 1:30- 2:30 pm



**Adam Thompson, PLS, CFedsS, Regional Vice President of Interstate Engineering and Amber Vogt, Lawrence County Planning & Zoning Director**

*Amber and Adam will discuss the many differences within platting requirements across the state both in the different county offices as well as the register of deeds offices. What basic things can we learn from? How do we make it easier across the board? We want this to be a conversation amongst the state as we know each area differs.*

# What does a surveyor do?

- Responsibilities of a Surveyor
- Role of a Surveyor
- Types of Surveys
- Why do we need a survey?
- Platting Laws
- Case Law





CODIFIED LAWS Chapter 36-18A

Current as of 07/01/20

ADMINISTRATIVE RULES Article 20:38

Current as of 12/21/20

Covering selected provisions of law dealing with  
Professional Engineers, Architects, Land Surveyors, Landscape Architects  
and Petroleum Release Services

**SOUTH DAKOTA BOARD OF  
TECHNICAL PROFESSIONS**

2525 West Main Street, Suite 211  
Rapid City, South Dakota 57702-2439  
Telephone: 605/394-2510  
Fax: 605/394-2509  
<http://dlr.sd.gov/bip>

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# Responsibilities of a surveyor

- (1) Licensees shall maintain interest in the public welfare and be ready to apply their special knowledge, skill, and training for the use and benefit of the public;
- (2) licensees shall be cognizant that their first and foremost responsibility is to the public welfare in the performance of services to clients and employers.

South Dakota Administrative Rule: **20:38:36:01.**

[Administrative Rule 20:38:36 | South Dakota Legislature](http://sdlegislature.gov)  
[sdlegislature.gov](http://sdlegislature.gov)

# Responsibilities of a surveyor

## 36-18A-4. Practice of land surveying defined.

The practice of land surveying includes any of the following:

- (1) Locates, relocates, establishes, reestablishes, lays out, or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of any of the fixed works embraced within the practice of land surveying;
- (2) Makes any survey for the subdivision of any tract of land;
- (3) Determines, by the use of principles of land surveying, the position for any survey monument or reference point; or sets, resets, or replaces any such monument or reference point;
- (4) Determines the configuration or contour of the earth's surface or the position of fixed objects on the earth's surface by measuring lines and angles and applying the principles of mathematics;
- (5) Geodetic surveying which includes surveying for determination of the size and shape of the earth utilizing angular and linear measurements through spatially oriented spherical geometry; or
- (6) Creates, prepares, or modifies electronic or computerized data, including land formation systems and geographic information systems, relative to the performance of the activities in subdivisions (1) to (5), inclusive, of this section.

[Codified Law 36-18A-4 | South Dakota Legislature \(sdlegislature.gov\)](https://legis.sd.gov/CodifiedLaw/36-18A-4)

# Guidelines for the Professional Practice of Land Surveying in South Dakota

*Second Edition*



a publication of the  
South Dakota Society of Professional Land Surveyors, Inc.

[SDSPLS\\_Guidelines\\_Second\\_Edition\\_2016.pdf \(wildapricot.org\)](#)

## Role of a surveyor

1. That real property will be mapped and documented in a clear and concise manner.
2. That newly created parcels of land will be accurately described and depicted.
3. That, in cases of retracement surveys, the client will be informed as to gaps, overlaps, or encroachments with adjoining properties that are known to the surveyor or discovered during the performance of the survey.
4. That all property corner monuments discovered and relied upon or newly placed during the survey are clearly documented.
5. That the precision, resulting accuracy, and documentation of any survey measurements be such that if a relevant property corner monument is destroyed it may be replaced by a qualified professional Land Surveyor within the guidelines recommended herein

**They thought it was a camera**





# Types of Surveys

1. **Subdivision Plats**: Surveys intended to divide tracts into multiple parcels, or to revise the location of property lines, or to separate one or more parcels out of a larger "parent" tract, or to combine one or more parcels, must follow numerous state-legislated requirements, as well as local governmental regulations. In addition, it is often beneficial to follow local custom, if it does not contradict any laws or regulations.
2. **Record of Survey**: A Record of Survey within the purpose and intent of this document is defined as a graphic representation of any parcel or tract of real property whose primary purpose is to show the results of a boundary retracement survey.
3. **Land Title Surveys**: defined as surveys conforming to the most recent effective version of Minimum Standard Detail Requirements For ALTA/NSPS Land Title Surveys, jointly adopted by the American Land Title Association and the National Society of Professional Surveyors. As specified within the ALTA/NSPS minimum standard, any modifications to this standard or elimination of some of the requirements therein prohibits the survey from being labeled or referred to as an ALTA/NSPS Land Title Survey, thereby removing the legal protections covered by the standard.
4. **Improvement Location Exhibits**: An Improvement Location Exhibit is common to the mortgage lending industry; whereby substantial proof is submitted regarding the location of building(s) and other depicted improvements on or within the land covered by a specific legal description.

## Why do we need a survey?

- Before land is developed by construction of roads, fences, buildings, etc.;
- Before land is subdivided or platted;
- Before title in land is transferred;





# Platting Laws

Chapter 11 of South Dakota Codified Law establishes most of the basic requirements for subdivision plats, however, local jurisdictions -- especially in urban areas -- often have extensive, complicated regulations. Before practicing in a specific area, in order to adequately serve the client and the public, the Land Surveyor should study and become familiar with all relevant platting, planning, and zoning requirements of that jurisdiction, and/or consult with another professional Land Surveyor with local expertise.

<https://sdlegislature.gov/Statutes/11>



# Case law

The following topics are the principal focus of this book:

ABANDONMENT	ACQUIESCENCE	ADVERSE POSSESSION
CITY STREETS-ALLEYS	COUNTY-TOWNSHIP ROADS	DEDICATION
DEED VALIDITY	EASEMENTS	ESTOPPEL
LEGAL DESCRIPTIONS	NOTICE	RIPARIAN RIGHTS
STATUTE OF FRAUDS	SURVEY EVIDENCE	VACATION

Although the following topics are involved to some extent in the cases that are included in this book, complete coverage of these and other related legal topics is beyond the scope of this book.

CEMETARIES	CONDEMNATION	COVENANTS
DIVORCE	DOWER	EMINENT DOMAIN
ESCROW	FRAUD	FORGERY
HOMESTEADS	INHERITANCE	LIENS
LEASES	LIS PENDENS	MINERAL RIGHTS
MORTGAGES	PROBATE	TAXATION
TRUSTS	WATER RIGHTS	WILLS

**THE LAND SURVEYOR'S GUIDE  
TO THE SUPREME COURT  
OF SOUTH DAKOTA  
1890 – 2011**

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**A REFERENCE TEXT SUPPORTING  
THE CONTINUING EDUCATION  
OF LAND SURVEYORS**

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**BRIAN PORTWOOD  
PROFESSIONAL LAND SURVEYOR  
2012**

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**IMPORTANT, INFORMATIVE AND INTERESTING CASES  
INVOLVING BOUNDARIES, CONVEYANCES,  
DEDICATION & VACATION ISSUES AND  
EASEMENT & RIGHT-OF-WAY ISSUES**

[https://sdspls.wildapricot.org/resources/Documents/Surveying%20Resources-PDFs/LS\\_Guide\\_to\\_SD\\_Supreme\\_Court\\_by\\_Brian\\_Portwood.pdf](https://sdspls.wildapricot.org/resources/Documents/Surveying%20Resources-PDFs/LS_Guide_to_SD_Supreme_Court_by_Brian_Portwood.pdf)

# Process

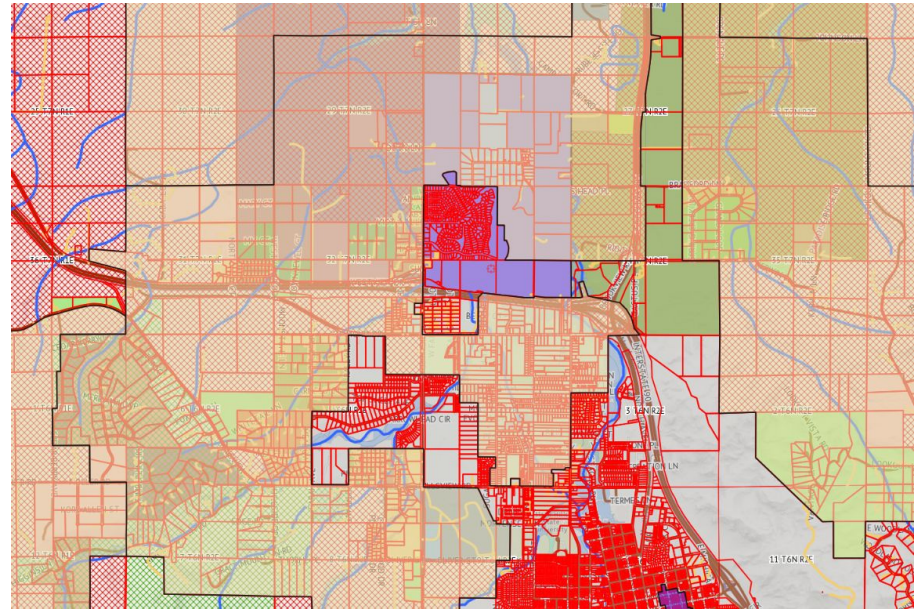
- Where do we start?
- Jurisdiction (multiple)?
- Job of a Plat Reviewer/Planner
- Ordinances
- Examples

# Where do we start?

- Contact local jurisdiction
- Check ordinances
- Does the County/City have zoning?
- GIS <https://explorer.eagleview.com/>

## Jurisdiction (multiple?)

- Federal; State; County; Township; City
  - Other Government Bodies: Road districts; Reservations; Exempt areas; Congressional Actions (small tracts act), Cemeteries, Community Improvement Districts
- Preferences vs. Requirements
  - Know your jurisdiction, staff and governing body





# Job of a plat Reviewer or Planner

Lawrence County, SD  
[www.lawrence.sd.us](http://www.lawrence.sd.us)

- [Ordinances](#)
- [Plat Processes](#)
- [Plat Online Application Process](#)
- [Plat Checklists](#)
- Examples of Good & Bad Plats



# Ordinances

## [SUBDIVISION ORDINANCES:](#)

Procedure and document format are laid out for a reason- follow it!

Who has current sub regs readily available?

Do you utilize them with your reviews?

Does your in office procedure match your ordinances?



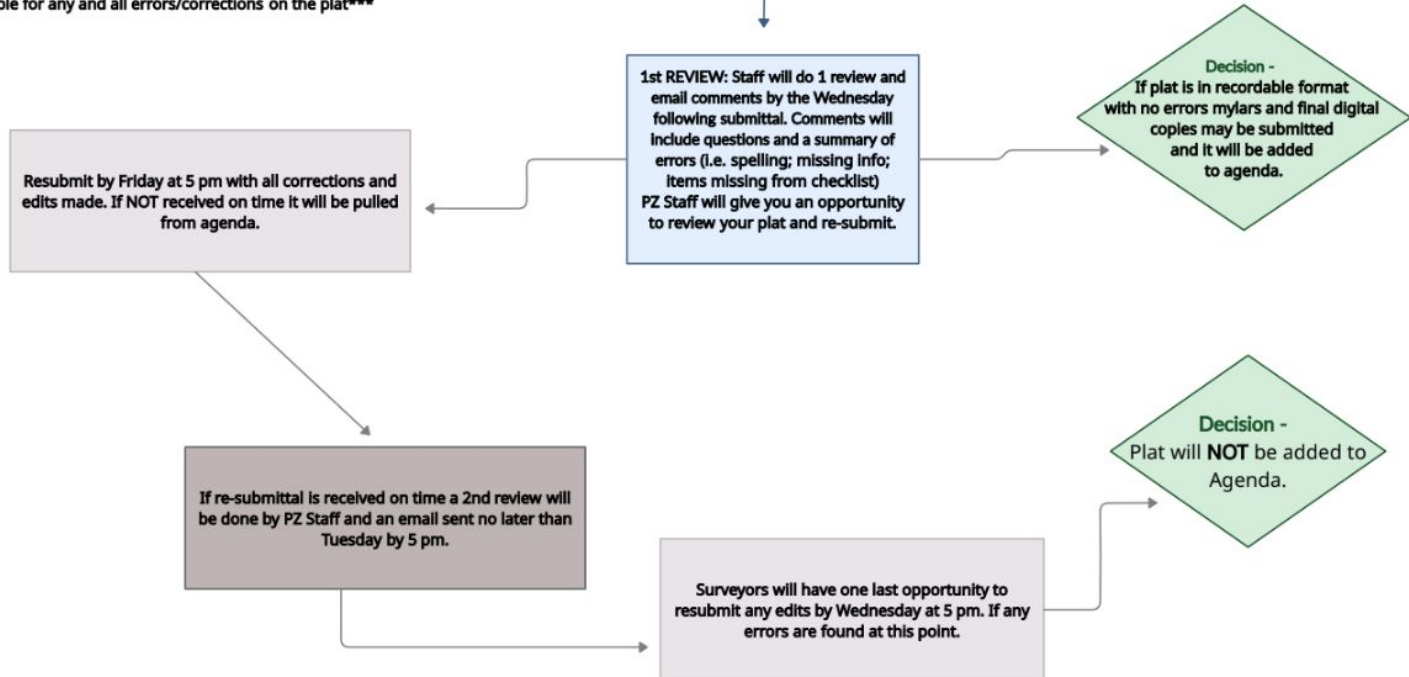
Lawrence County Planning & Zoning  
Plat Submittal Process

All Plats Checklists can be found online at: [www.lawrence.sd.us](http://www.lawrence.sd.us)  
<https://www.lawrence.sd.us/DocumentCenter/View/509/2016-PRELIMINARY-PLAT-CHECKLIST-PDF>  
<https://www.lawrence.sd.us/DocumentCenter/View/510/2016-FINAL-PLAT-CHECKLIST-PDF>

\*\*\*The errors/corrections identified by staff, include, but are not necessarily limited to, those identified. Ultimately the surveyor is responsible for any and all errors/corrections on the plat\*\*\*

Plats Due in Final Form  
22 days prior to monthly PZ  
meeting

\*\*\*Plats submitted at the Plat Submittal  
deadline does not guarantee a place on the  
agenda. Staff will determine placement of a  
plat on an agenda once final review and  
compliance is reached.\*\*\*



## Plat Application & Plat Checklists

Sign in to Sa

### Lawrence County Planning & Zoning - Plat Application and Plat Checklist

go Sherman Street, Deadwood, SD 57732

Ph: 605-578-3871 Fax: 605-722-6221

### INSTRUCTIONS FOR PLAT REVIEW, COUNTY DUTIES & FINAL SUBMITTAL:

- All plats are due by the scheduled deadlines you can find at [www.lawrence.sd.us/212/Platting-Information](http://www.lawrence.sd.us/212/Platting-Information).
- At time of submittal the following must be included:
  - Fees
  - Plat checklists
  - Plat application
  - (1) emailed in PDF form
  - All supplemental data needed for plat (i.e. fire plans; road profiles; septic info; bonding info, etc)
- \*\*\*Plats submitted at the Plat Submittal deadline does not guarantee a place on the agenda. Staff will determine placement of a plat on an agenda once final review and compliance is reached.\*\*\*
- Surveyors are responsible for submitting plats that are in recordable format and meet all platting requirements. Staff can pull or remove a plat from any agenda if it deems that document does not meet the criteria set out in the ordinances. Here is a flow chart created to help explain the plat review process [Plat Process Flow Chart](#)
- After compliance is determined the surveyors must submit (1) mylar of plat (11"x17" or 15"x 26"); (1) paper copy of plat; Electronic CAD drawing file of the plat emailed to the County with closure calculations for all lots/blocks, right-of-ways, and survey ties; and with required signatures in Permanent Sharpie Black Pen ONLY
  - Owners signature, notary signature, and seal
  - Surveyor's signature and seal
  - Signature from Road District if applicable
  - All other signatures will be obtained by the Planning Department
- The Lawrence County Treasurer requires that taxes be paid in full prior to a plat being recorded. Make sure your clients do this or the plat cannot be recorded.
- Plats will be recorded as soon as all signatures are completed and taxes are paid.

### Type of Plat Plus and Fees:\*

-- Select One --

- Fees for plats are as follows:
- Layout Plan = \$100
- Preliminary Plat = \$400 + \$25/each lot
- Final Plat = \$100
- Boundary Plat = \$100 unless submitted with a preliminary)
- Recording Fee = \$60 (in order to record your plat you are required to pay an additional fee for recording)

### Legal Description with Section Township Range\*

### REASON FOR REQUEST:

### Surveyor Name\*

### Surveyor Email Address\*

Please provide preferred contact email

### Surveyor Phone Number\*

### Land Owner\*

### Owner Email

### Owner Phone

### UPLOAD DOCUMENTS HERE

Please upload the documents required for the application in question. Only one document can be uploaded per slot, so please put your documents in one file before uploading. If you have multiple documents you can also email them to [planning.zoning@lawrence.sd.us](mailto:planning.zoning@lawrence.sd.us) but please reference the plat submittal.

### Upload Layout Plan

No fil...osen

### Upload Preliminary Plat

No fil...osen

### Upload Final or Boundary Plat page 1

No fil...osen

### Upload Final or Boundary Plat page 2

No fil...osen

### Upload Fire Plans (if required)

No fil...osen

### Upload Road Profiles (if required)

No fil...osen

### Extra Upload Area

No fil...osen

### Extra Upload Area

No fil...osen



**Lawrence County Planning & Zoning Department  
Plat Checklist**

<b>PRELIMINARY PLAT CHECKLIST:</b>	<b>FINAL PLAT CHECKLIST:</b>
<input type="checkbox"/> Name and legal description of subdivision	<input type="checkbox"/> Name and legal description of subdivision; Name & addresses of the owner and/or developer
<input type="checkbox"/> Name & addresses of the owner and/or developer	<input type="checkbox"/> Graphic scale; North Arrow; Legends; Keys; Preparation Date; Prepared by Statement
<input type="checkbox"/> Total acreage computed to 1/10 of an acre; current zoning; proposed use of all lots; school districts; postal areas	<input type="checkbox"/> Location by section, township, range, County and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close
<input type="checkbox"/> The location of the parcel with respect to surrounding property and streets, and the names of adjoining streets within one hundred (100) feet of the subdivision	<input type="checkbox"/> All easements and rights-of-way which are established by this plat shall be indicated by general note, or geometrically related to the subject lot lines. Easements that traverse across more than one lot shall be geometrically related or tied to the lot lines crossed
<input type="checkbox"/> If plat is a re-plat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated	<input type="checkbox"/> If plat is a re-plat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated
<input type="checkbox"/> The location of existing and proposed streets, alleys, easements and other public rights-of-way, and railroad rights-of-way; buildings, bridges, gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract; also such data as grades, invert elevations and location of catch-basins, manholes and hydrants	<input type="checkbox"/> Location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot line
<input type="checkbox"/> The location and size of existing and proposed sewer systems and water systems if any; the location, size, and material type of proposed sewer and water lines; the source of water supply; storage capacity of any above ground or below ground tanks; appropriate elevation of above ground tanks and below ground tanks existing wells or pumps; proposed location of fire hydrants; all drainage courses, water bodies; and the location of existing catch basins and manholes, if any	<input type="checkbox"/> The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. All property corner markers shall be in accordance with South Dakota Codified Law and South Dakota Administrative Rules. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings, and distances.
<input type="checkbox"/> The dimensions and areas of proposed or existing lots	<input type="checkbox"/> Dedication of all streets, alleys and other public areas not previously dedicated shall be shown on the plat
<input type="checkbox"/> The location and dimensions of all property proposed to be dedicated for public or private use	<input type="checkbox"/> Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use
<input type="checkbox"/> Boundary lines and name and address of property owners of adjoining platted or un-platted land within one hundred (100) feet of the tract	<input type="checkbox"/> All block numbers or letters, lot numbers and lot lines with accurate dimensions in feet and hundredths, and bearings and angles to street and alley lines. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block
<input type="checkbox"/> Blocks shall be consecutively numbered, or lettered in alphabetical order	<input type="checkbox"/> Proposed access to the nearest public road shall be platted
<input type="checkbox"/> Complete topographic map with contour intervals, water courses, marshes, rock outcrops and other significant features; all superimposed on the preliminary plat	<input type="checkbox"/> Whenever a platted lot (s) overlies an existing Mineral Survey(s), the amount of acreage being removed from the mineral survey (s) shall be listed as a notation on the plat
<input type="checkbox"/> A vicinity map to include current and proposed access roads	<input type="checkbox"/> All required plat certificates, seals & signatures (if using a wet stamp make sure it is legible or the plat will not be in recordable format; recommended using a black permanent fine point sharpie for all signatures)
<input type="checkbox"/> Special flood hazard areas as delineated on current effective FEMA FIRM Map	
<input type="checkbox"/> Building setback lines shall be shown on the preliminary plat and no building or portion thereof shall be built between this line and the street line	
<input type="checkbox"/> Location and size of proposed and existing parks, playgrounds, cemeteries, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation	
<input type="checkbox"/> All required plat certificates, seals & signatures (if using a wet stamp make sure it is legible or the plat will not be in recordable format; recommended using a black permanent fine point sharpie for all signatures)	

**LAWRENCE COUNTY MEETING DATES - 2023 CALENDAR**  
 (\*\*Changes may be made at anytime\*\*) <https://www.lawrence.sd.us/212/Platting-Information>

<b>P &amp; Z MEETING DATES</b> <b>* Thursday*</b>	<b>PZ DUE DATES</b> <b>*Wednesday*</b>	<b>CC MEETING DATES</b> <b>*Tuesday*</b>	<b>EXPIRATION DATES</b> <b>(120 Days)</b>
January 5, 2023	December 14, 2022	January 3 & January 24, 2023	5/24/23
February 2, 2023	January 11, 2023	February 14 & February 28, 2023	6/14/23
March 2, 2023	February 8, 2023	March 14 & March 28, 2023	7/12/23
April 6, 2023	March 15, 2023	April 11 & April 15, 2023	8/9/23
May 4, 2023	April 12, 2023	May 9, 2023	9/6/23
June 1, 2023	May 10, 2023	June 13 & June 27, 2023	10/11/23 & 10/25/2023
July 6, 2023	June 14, 2023	July 11 & July 25, 2023	11/8/23 & 11/22/2023
*August 1, 2023 (Tues)	July 12, 2023	Aug 22, 2023	12/20/23
September 7, 2023	August 16, 2023	Sept 5 & Sept 26, 2023	1/3/24 & 1/24/24
October 5, 2023	September 13, 2023	Oct 10 & Oct 24, 2023	2/7/24 & 2/21/24
November 2, 2023	October 11, 2023	Nov 14 & Nov 28, 2023	3/13/24 & 3/27/24
December 7, 2023	November 15, 2023	Dec 12 & Dec 26, 2023	4/10/24 & 4/24/24
January 4, 2024	December 13, 2023		



**PRELIMINARY PLAT  
OF  
LOT 41A OF FRAWLEY RANCH EAST**

BEING ALL OF LOTS 41 AND 42 OF FRAWLEY RANCH EAST  
LOCATED IN GOV T LOT 4 OF SECTION 7, AND THE NW1/4 OF SECTION 18, T6N,  
R4E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

**OWNER / DEVELOPER**

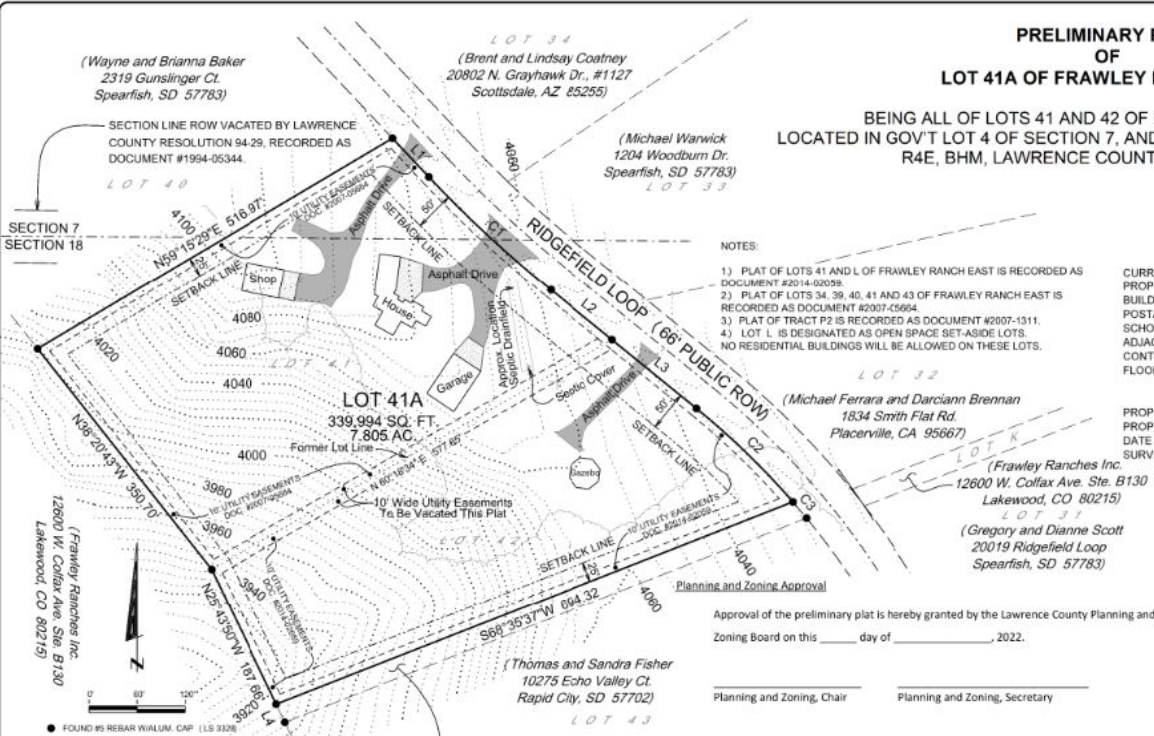
Richard and Patti Peterson  
20032 Ridgfield Loop  
Spearfish, SD 57783

CURRENT ZONING:  
PROPOSED USE:  
BUILDING SETBACKS:  
POSTAL AREA:  
SCHOOL DISTRICT:  
ADJACENT OWNERS:  
CONTOUR LINES:  
FLOOD ZONE:

A1 (AGRICULTURE)  
Residential  
Front 50 feet, Side 25 feet and Rear N/A  
SPEARFISH 57783  
4D-2 (SPEARFISH)  
SHOWN IN PARENTHESES  
Contour Interval: 5'  
Special Flood Hazard Area, Zone X  
FIRM Panel 46081C0225F  
(eff. 4/17/2012)  
PROPOSED SEWER SYSTEM: Septic System  
PROPOSED WATER SYSTEM: Elkhorn Ridge Water Association  
DATE PREPARED: May 10, 2022  
SURVEYOR: William H. Moths, RLS #8476

**NOTES:**

- 1) PLAT OF LOTS 41 AND L OF FRAWLEY RANCH EAST IS RECORDED AS DOCUMENT #2014-02059.
- 2) PLAT OF LOTS 34, 38, 40, 41 AND 43 OF FRAWLEY RANCH EAST IS RECORDED AS DOCUMENT #2007-C5694.
- 3) PLAT OF TRACT P2 IS RECORDED AS DOCUMENT #2007-1311.
- 4) LOT L IS DESIGNATED AS OPEN SPACE SET-ASIDE LOTS. NO RESIDENTIAL BUILDINGS WILL BE ALLOWED ON THESE LOTS.



SECTION 7  
SECTION 18

(Frawley Ranches Inc.  
12600 W. Colfax Ave. Ste. B130  
Lakewood, CO 80215)

(Wayne and Brianna Baker  
2319 Gunslinger Ct.  
Spearfish, SD 57783)

(Brent and Lindsay Coatney  
20802 N. Grayhawk Dr., #1127  
Scottsdale, AZ 85255)

(Michael Warwick  
1204 Woodburn Dr.  
Spearfish, SD 57783)

(Michael Ferrara and Darciann Brennan  
1834 Smith Flat Rd.  
Placerville, CA 95667)

(Frawley Ranches Inc.  
12600 W. Colfax Ave. Ste. B130  
Lakewood, CO 80215)

(Gregory and Dianne Scott  
20019 Ridgfield Loop  
Spearfish, SD 57783)

(Thomas and Sandra Fisher  
10275 Echo Valley Ct.  
Rapid City, SD 57702)

**Line Table**

Name	Length	Direction
L1	66.44	S 43°09'21" E
L2	99.21	S 50°57'35" E
L3	135.87	S 50°57'35" E
L4	25.07	N 25°43'50" W

**Curve Table**

Name	Radius	Arc Length	Arc Delta	Chord Length	Chord Direction
C1	1533.00	208.80	7°48'14"	208.64	S 47°03'28" E
C2	967.00	167.57	9°55'44"	167.37	S 45°59'43" E
C3	967.00	26.42	1°33'55"	26.42	S 40°14'53" E

Approval of the preliminary plat is hereby granted by the Lawrence County Planning and Zoning Board on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

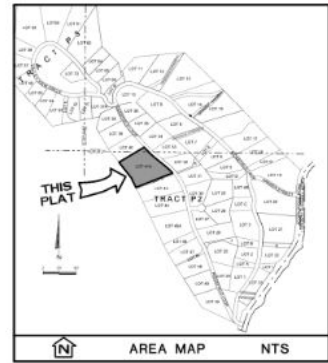
\_\_\_\_\_  
Planning and Zoning, Chair                      Planning and Zoning, Secretary

**County Commission Approval**

Approval of the preliminary plat is hereby granted by the Lawrence County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chairman, Lawrence County Commission      Lawrence County Auditor

Approval of this Preliminary plat shall expire within two (2) years after the certificate of approval is signed by the Planning Director or the County Commission. This plat will expire on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 at 5:00 p.m.



Prepared By:

Surveyed By: WMM Date: MAY 2022  
 Drawn By: WMM Date: 05/10/2022  
 Checked By: WMM Date: 05/10/2022  
 Project Number: WC22-11-067

**INTERSTATE ENGINEERING**

P.O. Box 228  
120 Industrial Drive, Suite 2  
Spearfish, SD 57783  
Office: (605) 642-4772  
Fax: (605) 642-4773  
www.interstateeng.com





**We want to hear from you now**

--

**real life examples & discussion**

**Thank you!**

