

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 197

AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-21.5-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 6.5. "Original survey" means a survey that is executed for purposes of locating and describing real property that has not been previously described in one (1) or more documents conveying an interest in the real property.**

SECTION 2. IC 25-21.5-1-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 8.7. "Retracement survey" means a survey of real property that has been previously described in one (1) or more documents conveying an interest in the real property.**

SECTION 3. IC 25-21.5-9-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 9. (a) This section does not apply to descriptions of lots in new subdivisions.**

(b) Any new or modified real property description prepared by a professional surveyor as a product of an original survey or a retracement survey must include a caption that identifies:

- (1) the name and professional surveyor registration number of the professional surveyor who prepared the description;**
- and**
- (2) the plat of survey produced as a part of the original survey**

SEA 197 — Concur



or retracement survey, including the following information:

- (A) The date of the surveyor's certification.
- (B) The date of the last revision, if any, to the survey.
- (C) Any associated project or job number.
- (D) The name of the survey company, if any.

SECTION 4. IC 32-19-2-2, AS AMENDED BY P.L.57-2013, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. ~~(a)~~ Coordinates based on the Indiana coordinate system of 1927, or the Indiana coordinate system of 1983, or any other coordinate system published by an agency of the federal government or of the state, including the Indiana Geospatial Coordinate System, purporting to define the position of a point on a land boundary may not be presented to be recorded in any public land records or deed records unless the recording document also contains:

- (1) a description of the nearest first-order or second-order horizontal geodetic control monument from which the coordinates being recorded were determined; the method used to relate the coordinates to the National Spatial Reference System; and
- (2) the method of survey for the determination: name and zone of the coordinate system, including the:

- (A) datum;
 - (B) datum realization; and
 - (C) units;
- used.

(b) If the position of the described first-order or second-order geodetic control monument is not published by the National Geodetic Survey (or its successors), the recording document must contain a certification signed by a professional surveyor registered under IC 25-21.5 stating that the subject control monument and its coordinates were established and determined in conformance with the specifications given in IC 32-19-1-3.

(c) The publishing of the existing control stations or the acceptance with intent to publish the newly established control stations by the National Geodetic Survey constitutes evidence of adherence to the FGCC specifications. Horizontal geodetic control monuments shall be permanently monumented and control data sheets prepared and filed so that a densification of the control network is accomplished.

(d) The surveying techniques and positioning systems used to produce first-order or second-order geodetic precision shall be identified. Annotation must accompany state plane coordinate values when they are used to less than second-order precision.

SECTION 5. IC 32-19-3-1 IS AMENDED TO READ AS

SEA 197 — Concur



FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. If coordinates ~~based on the Indiana coordinate system~~ are used to describe any tract of land, ~~which that~~, in the same document, is also described by reference to any subdivision, line, or corner of the United States public land surveys:

- (1) the description by coordinates shall be construed as supplemental to the basic description of the subdivision, line, or corner contained in the official plats and field notes filed of record; and
- (2) in the event of any conflict, the description by reference to the subdivision, line, or corner of the United States public land surveys prevails over the description by coordinates.

SECTION 6. IC 32-19-3-2 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 2: This article does not require a purchaser or mortgagee to rely on a description; any part of which depends exclusively upon the Indiana coordinate system.~~

SECTION 7. IC 36-2-12-10, AS AMENDED BY P.L.57-2013, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) The county surveyor shall maintain a legal survey record book, which must contain a record of all the legal surveys made in the county showing outline maps of each section, grant, tract, subdivision, or group of sections, grants, tracts, and subdivisions in sufficient detail so that the approximate location of each legal survey can be shown. Legal surveys shall be indexed by location.

(b) A landowner desiring to establish the location of the line between the landowner's land and that of an adjoining landowner by means of a legal survey may do so as follows:

- (1) The landowner shall procure a professional surveyor registered under IC 25-21.5 to locate the line in question and shall compensate the professional surveyor.
- (2) The professional surveyor shall notify the owners of adjoining lands that the professional surveyor is going to make the survey. The notice must be given by registered or certified mail at least twenty (20) days before the survey is started.
- ~~(3) If all the owners of the adjoining lands consent in writing, the notice is not necessary.~~
- ~~(4)~~ (3) The lines and corners shall be properly marked, monumented by durable material with letters and figures establishing such lines and corners, referenced, and tied to corners shown in the corner record book in the office of the county surveyor or to corners shown on a plat recorded in the plat books in the office of the county recorder.



~~(5)~~ (4) The professional surveyor shall present to the county surveyor for entry in the legal survey record book a plat of the legal survey and proof of notice to ~~or waiver of notice by~~ the adjoining landowners. The professional surveyor shall give notice to adjoining landowners by registered or certified mail within ten (10) days after filing of the survey.

(c) The lines located and established under subsection (b) are binding on all landowners affected and their heirs and assigns, unless an appeal is taken under section 14 of this chapter. The right to appeal commences when the plat of the legal survey is ~~recorded~~ **entered** by the county surveyor in the legal survey record book.

SECTION 8. IC 36-2-12-14, AS AMENDED BY P.L.84-2016, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) The owner of property surveyed under this chapter may appeal that survey to the circuit court, superior court, or probate court for the county:

- (1) within ninety (90) days if the owner is a resident of the county; ~~and was served with notice of the survey;~~ or
- (2) within one (1) year if the owner is not a resident of the county. ~~and notice was by publication.~~

(b) When an appeal is taken under this section, the surveyor shall immediately transmit copies of the relevant field notes and other papers to the court, without requiring an appeal bond.

(c) The court may receive evidence of any other surveys of the same premises. If the court decides against the original survey, it may order a new survey to be made by a competent person other than the person who did the original survey, and it shall:

- (1) determine the true boundary lines and corners of the lands included in the survey; and
- (2) order the county surveyor to:
 - (A) locate and perpetuate the boundary lines and corners according to the court's findings by depositing durable markers in the proper places, below the freezing point;
 - (B) mark the boundary lines and corners; and
 - (C) enter the boundary lines and corners in the county surveyor's field notes.

(d) A new survey made under this section may be appealed under this section.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 197 — Concur

