

DEKALB COUNTY COMMISSIONERS
ORDINANCE NUMBER 2025-O-5: DCC 4-8-3

ORDINANCE OF THE
DEKALB COUNTY BOARD OF COMMISSIONERS

For DeKalb County Surveyor's Office

**On the Perpetuation and Preservation of Section and Quarter Section Markers and
Monuments in DeKalb County**

WHEREAS an Ordinance is desirable to provide for the perpetuation and preservation of section and quarter section markers and monuments in DeKalb County when development activity threatens and disturbs the integrity of those markers and monuments.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS AND
THE PROVISIONS HEREAFTER MADE, BE ORDAINED BY THE DEKALB COUNTY
COMMISSIONERS AS FOLLOWS:**

IC 36-2-12-10 and IC 36-2-12-11 require the DeKalb County Surveyor's Office to document the location and description of monuments marking all government corners in DeKalb County. It is also the duty of the County Surveyor to check, locate, establish, and reference at least 5% of all section corners shown in the Corner Record Book each year. This ordinance is enacted to require any Developer to perpetuate all government markers or monuments located within or utilized to establish the project's development plan in two ways: 1) Verify and update information for existing corners as found in the Surveyor's Corner Record Book; and 2) Provide sufficient evidence to the County Surveyor to substantiate the position for any corner(s) not currently found in the Surveyor's Corner Record Book. This process may be completed concurrently with the required review by the various commissions, boards, departments, and agencies having jurisdiction over the project, but final approval for the project will not be granted until the requirements of this ordinance are fulfilled.

1. **Definitions:** For this Ordinance, the following words shall have the meaning respectively ascribed to them unless a different meaning is indicated:
 - a) "County Surveyor" shall refer to the person elected by the citizens of DeKalb County, Indiana, to fulfill the responsibilities contained in IC 36-2-12, which include technical authority and responsibility in drainage matters. This includes, but is not limited to, investigations, constructions, or reconstructions of regulated drains, as well as the preparation of plans for new construction projects.
 - b) "Developer" shall mean any individual, corporation, partnership, company, LLC, LLP, firm, association, trustee, municipality, county, authority, estate, public or private entity, or other legal entity or their representatives or agents, successors, and assigns that submit paperwork or plans to build, create, or improve a piece of land.
 - c) "Development" shall refer to the transformation of land and infrastructure to accommodate growing populations and economic activity, involving the concentration of



people and businesses, the construction of housing, commercial spaces, subdivisions, and transportation networks, and the ongoing evolution of infrastructure, governance, and services to meet urban needs.

- d) “Government corners” as used in this ordinance are parts of the Public Land Survey System (PLSS) which include the following: 1) Section and quarter section corners as originally established by deputy surveyors with instructions issued by the General Land Office (GLO) in the 1830’s; 2) Center of section corners (normally established by County Surveyors after the GLO surveys); 3) Closing quarter section corners on township and range lines (normally established by County Surveyors after the GLO surveys); and 4) Significant land corners (e.g. GLO meander corners, intersections of section/quarter section lines with highways & railroads, etc.) These corners are crucial for establishing and preserving property boundaries, preventing land disputes, supporting property ownership, aiding development and infrastructure expansion, establishing public land divisions, and providing control points for mapping and construction projects
- e) “Perpetuation” shall mean the process of locating, restoring, referencing, measuring, marking, monumenting, and preserving the positions of the government corners in DeKalb County. It includes record keeping documenting the methods for reestablishment, significant recovered evidence, coordinates, and dates.
- f) “Review” shall mean the examination of “site development plans” and/or “subdivisions plats” to protect the health, safety, and welfare of the public by verifying compliance with adopted ordinances, rules, standards, and accepted practices.
- g) “Site Development Plans” shall refer to the detailed map/plan and official document outlining the strategy, design, and execution of a project, including the components like site plans, building footprints, utility layouts, primary and secondary plats, and infrastructure.
- h) “Surveyor’s Office” shall mean the Local Surveyor’s Office of DeKalb County, Indiana, as established by the Indiana State Constitution and with responsibilities contained in IC 36-2-12.

2. Plan Review: Review of site development plans, primary plats, and secondary plats for all development projects in DeKalb County shall include the following steps:

- a. A developer shall submit site development plans to the following cities or municipalities: Ashley, Auburn, Butler, Corunna, Garrett, Hamilton, St. Joe, Waterloo, or DeKalb County Development Services according to the applicable county or city ordinances, policies, rules, and procedures.
- b. A developer shall submit site development plans to the DeKalb County Surveyor for review.
- c. A developer shall verify and update information for existing government corners (as found in the Surveyor’s Corner Record Book) located within or utilized to establish the limits of the development.
- d. A developer shall provide sufficient evidence to the DeKalb County Surveyor’s Office to substantiate the position for any government corner(s) not currently found in the Surveyor’s Corner Record Book in accordance with established procedures.

3. Perpetuation and Cost

- a. The Developer shall bear the responsibility and cost of fully perpetuating affected government corners by the following two options:
 - i. The developer shall conduct government corner perpetuation through the development's properly licensed land surveyor and submitting all paperwork to the DeKalb County Surveyor's Office for approval (Note: The Surveyor's Office is available for discussion, consultation, and/or direction on perpetuation of challenging government corners); or
 - ii. The developer shall fund the perpetuation of government corners affected by the development, up to but not to exceed \$5,000 per government corner, through the DeKalb County Surveyor's Office Cornerstone Perpetuation Program Coordinator.
- b. All perpetuation submissions are subject to the review and approval of the DeKalb County Surveyor's Office and the DeKalb County Surveyor's Office Cornerstone Perpetuation Project Coordinator.
- c. Private landowners willing to fund the perpetuation of government corners located on their property may contact the DeKalb County Surveyor's Office and submit a request.

4. Ordinance Violation: Any contractor or person who violates this ordinance shall be subject to the following enforcement procedures:

- a. The County Surveyor or County Surveyor Office Staff are authorized to take such action as is needed to enforce this Ordinance, including, without limitation, the right to obtain a court order authorizing entry on any property where the County Surveyor Staff has reason to believe a contractor or person has violated the ordinance.
- b. The County Surveyor or County Surveyor Office Staff shall have the authority to issue a stop work order on any project not being completed in strict conformance with any provision of this Ordinance.
- c. Upon proof of intentional continual violation of any provision of this Ordinance or any order of the County Surveyor or County Surveyor Office Staff, the County Surveyor may conduct the government corner perpetuation at the contractor or person's expense up to but not to exceed \$10,000.00 per corner.
- d. The County Surveyor and/or County Commissioners are authorized to file suit against any person or entity violating any Order of the County Surveyor or Surveyor Office Staff [that is posted at the site] or any violation of this ordinance. The Suit may be in any court of general jurisdiction for injunctive relief and may be done to obtain such court orders as may be proper for the strict enforcement of this ordinance.
- e. All fines may be imposed jointly and/or severally upon the contractor or person who has violated this. In addition, the violator shall owe the cost of attorney fees and all costs of in pursuing and enforcing this ordinance and collecting these fines.

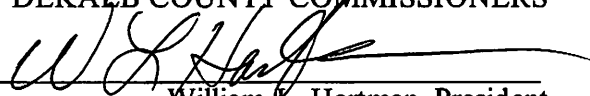
This DeKalb County Ordinance Number 2025-O-5 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 4-8-3 and appropriately indexed in the Code.

READ AND PASSED ON FIRST READING: SEPTEMBER 15, 2025.

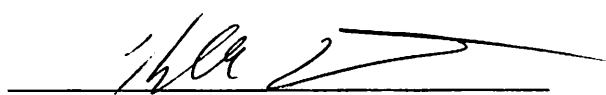
READ AND PASSED ON SECOND READING: OCTOBER 27, 2025.

READ AND PASSED ON THIRD READING: OCTOBER 27, 2025.

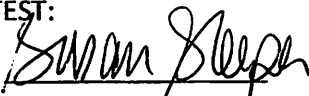
DEKALB COUNTY COMMISSIONERS


William L. Hartman, President


James Miller, Vice President


Kellen Dolley, Vice President

ATTEST:

By: 

Susan Sleeper, Auditor