

RCW 36.80.040

Records to be kept.

CURRENT LAW

The office of county engineer shall be an office of record. The county road engineer shall: Record and has authority over all matters concerning the public roads, highways, bridges, ditches, or other surveys of the county, with the original papers, documents, petitions, surveys, repairs, and other papers, in order to have the complete history of any such road, highway, bridge, ditch, or other survey; and number each construction or improvement project...

...[2016 c 19 § 5; 1995 c 194 § 8; 1969 ex.s. c 182 § 9; 1963 c 4 § 36.80.040. Prior: 1907 c 160 § 4; RRS § 4147.]

RCW 36.80.015

Office at county seat-Records.

CURRENT LAW

The county road engineer shall keep an office at the county seat. **The records under the authority of the county road engineer shall be public records, shall be subject to the control of the county road engineer, and shall at all proper times be open to the inspection and examination of the public.**

[[2016 c 19 § 3](#); [2009 c 105 § 5](#); [1963 c 4 § 36.80.015](#). Prior: [1955 c 9 § 1](#); prior: [1895 c 77 § 10](#); RRS § 4148.]

RCW 58.09.090

When record of survey not required.

CURRENT LAW

(1) A record of survey is not required of any survey:

(a) When it has been made by a public officer in his or her official capacity and a reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection. A record of survey shall not be required of a survey made by the United States bureau of land management. A state agency conducting surveys to carry out the program of the agency shall not be required to use a land surveyor as defined by this chapter;...

...[2010 c 8 § 18004; 1992 c 106 § 1; 1973 c 50 § 9.]

RCW 36.80.050

CURRENT LAW

Highway plat record.

He or she shall ensure that a highway plat record is kept and is publicly accessible, in which he or she shall have accurately platted all public roads and highways established by the board.

[2016 c 19 § 6; 2009 c 549 § 4134; 1963 c 4 § 36.80.050. Prior: 1907 c 160 § 2; RRS § 4149.]

To Create and Establish the Office of **County Surveyor**.

Be it enacted by the Legislative Assembly of the Territory of Washington:

Section 1. That the qualified voters in each organized **county** in this Territory may at the annual election in 1855, and biennially thereafter, elect a **county surveyor**, who shall reside in the **county** for which he shall have been elected, and shall, previous to his entering upon the duties of his office, take and subscribe an oath or affirmation, before the **county** auditor of his proper **county**, to faithfully and impartially discharge the same; and shall give bond to the board of **county** commissioners of the proper **county**, in the sum of one thousand dollars, conditioned for the faithful performance of his duties.

Sec. 2. The said **surveyor** may appoint such number of deputies as he may think proper, who shall severally take an oath or affirmation of office, and for the faithful performance of whose duties the said **surveyor** shall be responsible. The certificate of the **county surveyor**, or of his

deputies, shall be admitted as prima facie evidence in any court within this Territory, but the same may be explained or rebutted by other evidence. And if the said **surveyor**, or either of his deputies, be interested in any tract of land, a survey of which may become necessary by this act, such survey may be executed by any competent person, appointed by the board of **county** commissioners for that purpose.

Sec. 3. It shall be the duty of said **surveyor**, by himself or his deputies, to execute any survey which may be required by any court, or upon application of any individual or corporation, within a reasonable time.

Sec. 4. The said **surveyor** shall keep a correct record of all surveys made by him or his deputies, in a suitable book to be provided by him for that purpose, which he shall transmit to his successor in office; he shall also number such surveys progressively, and shall preserve a copy of the field notes and calculations of each survey, endorsing thereon its proper number; a copy of which, and also a fair and accurate plot, together with a certificate of survey, shall be furnished to the party for whom the survey shall have been made.

Sec. 5. The said **surveyor** and his deputies may demand and receive for their services the following fees, to wit: For a half, or fraction less than one half day's work, two dollars and fifty cents; for every day's work actually employed, five dollars; and for every mile traveled in going to and returning from work, the sum of ten cents; for copy of a plat of land, or certificate of survey, fifty cents; making out a complete report of any road, including field notes, one dollar; if such survey exceeds five miles, two dollars. In all surveys made by authority of the board of **county** commissioners, or any board of trustees, chain-bearers and axemen shall receive, per day, three dollars.

Sec. 6. If the party for whom the survey is made does not furnish the chain-men and markers, then the **surveyor** or his deputies may employ the necessary chain-men and markers, and shall receive for each chain-man and marker so employed, the sum of three dollars per day; and each chain-man and marker, before entering upon the duties assigned them, shall take an oath or affirmation, before the **surveyor** or his deputy, faithfully and impartially to discharge the duties of chainman or marker, as the case may be.

Sec. 7. If at any time the office of **county surveyor** shall become vacant, the board of **county** commissioners may cause such vacancy to be filled by appointment; the person so appointed to give bond, and take and subscribe an oath or affirmation, in the same manner as provided for

1855 LAW

in the first section of this act.

Sec. 8. It shall be the duty of such **surveyor**, whenever directed so to do, by the board of **county** commissioners, to procure a copy of the original field notes of the townships in his **county**, at the expense of the **county**, and have the same recorded, and hand them, as well as all other papers, maps, books and charts belonging to his office over to his successor.

Passed January 19, 1855.

CHAPTER LXXVII
[H.B. NO. 268.]
RELATING TO COUNTY SURVEYORS

1895 LAW

Records kept.

SEC. 5. Each county surveyor shall record in a suitable book all surveys made by him and his deputies, except such as are made for a temporary purpose, and surveys of highways and village plats; and he shall make a complete record of all construction notes, and shall also record the survey of any other surveyor, which shall be made in his county, whenever demanded by any person: *Provided*, The fees for recording the same shall be paid the same as provided for county auditors: *Provided further*, That such survey appears to have been made in accordance with the laws of the state. The record book shall be so constructed as to have one page for diagrams, to be numbered progressively, and the opposite page for notes and remarks;

Diagrams,
what to
contain.

CHAPTER LXXVII

[H.B. NO. 268.]

RELATING TO COUNTY SURVEYORS

1895 LAW

SEC. 8. All field notes, construction notes and plats of surveys heretofore executed for and now in possession of the county, and not heretofore recorded in the surveyor's office, shall be collected by the surveyor, perfected and recorded in his office in the same manner as records of surveys are required to be made by the provisions of this act. ^{Retroactive duties.}

In Cowlitz County then, all surveys done by the County, or other surveyors (as requested) could be recorded from 1855 to 1963. It appears that FM Lane had notes from others going back to 1885, which he turned into maps and filed in our survey record book.

SESSION LAWS, 1907 CHAPTER 160. [S.B. 126.] COUNTY ENGINEER

1907 LAW

CHAPTER 160.

[S. B. 126.]

COUNTY ENGINEER.

AN ACT changing the title of county surveyor to county engineer, relating to the election, powers, and duties of such officer and repealing sections 490 and 491 of Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The county surveyor shall hereafter be designated as county engineer. He shall be a qualified elector of his county, and a competent civil engineer and surveyor. The county engineer of each organized county shall be elected at the general election for the term of two years, and shall give a bond to the people of this State in the penal sum of two thousand five hundred dollars, to be approved by the county commissioners, conditioned for the faithful and impartial discharge of the duties of his office.

County
engineer.

Term.

Bonds.

Prior to 1907, the County Surveyor was typically Engineer in Charge of County projects (see session laws of 1895, Sec. 3). After 1907, the so renamed County Engineer was required to also be a surveyor. The pre and post 1907 duties were virtually the same, with a couple of things added in 1907 regarding the mapping of roads and costing.

According to "Inventory of The County Archives of Washington State" the County Engineer was a surveyor, in charge of all surveys in the County until 1936.

At least here in Cowlitz County, County Engineer and County Surveyor were still synonymous terms until well after WWII (say mid-1950s when we got our first non-surveyor County Road Engineer).

SEC. 7. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 11, 1935.

Passed the Senate March 10, 1935.

Approved by the Governor March 22, 1935.

CHAPTER 167.

[H. B. 238.]

ENGINEERING AND LAND SURVEYING.

AN ACT relating to and regulating the practice of the profession of engineering and land surveying, defining the powers and duties of certain officers; providing penalties for violations thereof and making an appropriation.

Under this law, Engineers could practice surveying on their projects. I read this as any type (including ROW and Boundary).

1935 Law PE/PLS License

The term "professional experience in engineering" whenever used in this act, shall mean experience had by a person, at least eighteen (18) years of age, which required original thought and responsibility and which began, as follows:

"Professional experience in engineering."

(a) In the field, when such person entered a position of responsibility equivalent to that of actual transitman.

In the field.

(b) In the shop, laboratory, office or drafting room, when such person entered a position of responsibility and began actual original designing.

In the shop, office, laboratory, etc.

visions of this act: *Provided*, That this section shall not be construed as prohibiting any person duly registered under this act as a professional engineer in any branch of engineering, from supervising any engineering work of another branch of engineering, or from making any necessary surveys, incidental to the prosecution of his work as a professional engineer, on any project of which he has responsible charge: *And provided further*, That this section

1937 Law –

“County Road Engineer”

County road engineer.

SEC. 4. In the exercise of any of the powers and duties by this act or other law of this state vested in or imposed upon the boards of county commissioners with respect to the establishing, laying out, examining, surveying, constructing, altering, repairing, improving and maintaining of the county roads of any county, the same shall be under the supervision and direction of an engineer who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction.

At the general county election in the year 1938 and thereafter no county engineer shall be elected in

Elective office of county engineer abolished.

The elected office of County Engineer became the appointed Office of the County Road Engineer, under the authority of the County Commissioners.

CH. 187.]

SESSION LAWS, 1937

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any county of the state. The board of county commissioners of each county shall exercise all the powers and perform all the duties that have been, now are, or shall be, by law vested in the county engineer.

The board of county commissioners shall employ a county road engineer who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction, who shall serve at the pleasure of the board of county commissioners and who shall have the supervision, under the direction of the board of county commissioners, of the establishing, laying out, constructing, altering, improving, repairing and maintaining of all county roads of such county. Such county road engineer shall examine and certify to the board of county commissioners all estimates and all bills for labor, materials, provisions and supplies with respect to county roads and perform such other duties as may be required by lawful order of the board of county commissioners of such county. Every county road engineer, before entering upon his employment, shall give an official bond to the county, in such a reasonable amount as the board of county commissioners shall determine, conditioned that he will faithfully perform all the duties of his employment and will account for all property of the county entrusted to his care.

Qualifications and duties of county engineer.

Official bond.

XLIV. COUNTY ROAD ENGINEER

The Legislative Assembly of the Territory of Washington in 1855 provided for the election of a county surveyor.¹ The title of the office was changed to "county engineer" in 1907.² In 1925, to be effective in the general election of 1926, the office of county engineer was abolished in all counties other than class A and class 1, and the duties of the office were assigned to the board of county commissioners, and the board was empowered to employ such assistants and engineers as was deemed necessary.³ As Cowlitz County was in class IV in 1926,⁴ no county engineer was elected. In 1937 the office of county road engineer, to be filled by appointment by the board of county commissioners, was established in all counties.⁵

1942 County Understanding - Extracted From "Inventory of the County Archives of Washington – No. 8 – Cowlitz County

XLVIII. COUNTY ROAD ENGINEER

Structural Organization and Evolution

Establishment. In 1855 the Legislative Assembly created the office of county surveyor,¹ the forerunner of the present office of county road engineer. The title "county surveyor" obtained until 1907, at which time the county surveyor was superseded by the county engineer.² The title was again changed in 1937 to that of "county road engineer,"³ and it has remained so to the present time.

1941 County Understanding - Extracted From "Inventory of the County Archives of Washington – No. 32 – Spokane County

WASHINGTON HISTORICAL RECORDS SURVEY PUBLICATIONS

Inventories of the County Archives of Washington

- No. 1. Adams County, Spokane, 1939
- *No. 2. Asotin County, Spokane, 1939
- No. 3. Benton County, Spokane, 1939
- No. 4. Chelan County, Seattle, 1942
- No. 8. Cowlitz County, Seattle, 1942
- No. 12. Garfield County, Seattle, 1941
- No. 17. King County (Judicial Section), Seattle, 1941
- *No. 21. Lewis County, Spokane, 1940
- No. 22. Lincoln County, Seattle, 1942
- *No. 26. Pend Oreille County, Pullman, 1937
- No. 29. Skagit County, Pullman, 1938
- No. 31. Snohomish County (Historical Sketch and Governmental Organization and Records System, preprint edition), Seattle, 1942
- No. 32. Spokane County, Seattle, 1941
- No. 33. Stevens County, Seattle, 1942
- *No. 39. Yakima County, Spokane, 1940

I believe this to be the last list of which County archive books were actually published before the program ended at the end of 1942.

SESSION LAWS, 1947.

CHAPTER 283.

[H. B. 42.]

REGISTRATION OF ENGINEERS AND LAND SURVEYORS.

AN ACT relating to and regulating the practice of engineering and land surveying; defining terms; providing for the registration of professional engineers and land surveyors; creating and providing for the State Board of Registration for Professional Engineers and Land Surveyors; defining the powers and duties of officials in the administration of the act and the engineering of public works; providing penalties; and repealing chapter 167, Laws of 1935 (secs. 8306-1 to 8306-16, inclusive, Rem. Rev. Stat.; secs. 536-1 to 536-31, inclusive, PPC).

It appears that the legislature was attempting to further separate the two disciplines, and removed the clause about engineers being able to survey their own projects without a PLS license.

1947 Law PLS License

Land Surveyor: The term "land surveyor" as used in this act shall mean a person who, through technical knowledge and skill gained by education and/or by experience, is qualified to practice land surveying as hereinafter defined. "Land surveyor."

Practice of Land Surveying: The term "practice of land surveying" within the meaning and intent of this act, shall mean assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill. "Practice of land surveying."

Attorney General Smith Troy Opinion (8/24/1950)

<https://www.atg.wa.gov/print/3493>

1950 AGO

This was a question of whether or not the County Engineer was required to file surveys made by unlicensed individuals (the licensing law had recently been created). In his analysis the AG quoted from the laws of 1895:

Section 5, chapter 136, Laws of 1895 (Rem. Rev. Stat. 4150) provides:

"Each county engineer shall record in a suitable book all surveys made by him and his deputies, * * * and he shall make a complete record of all construction notes, and shall also record the survey of any other surveyor, which shall be made in his county, whenever demanded by any person: Provided, the fees for recording the same shall be paid the same as provided for county auditors: Provided further, that such survey appears to have been made in accordance with the laws of the state. * * *"

In the Cowlitz County Engineer's Office, there is evidence of private and public surveyors using this provision in the law to record their surveys until at least the late 1950s (via recorded letters and surveys in the "SURVEYORS RECORD BOOK").

[http://leg.wa.gov/CodeReviser/documents/sessionlaw/1951c224.pdf?cite=1951 c 224 § 3.](http://leg.wa.gov/CodeReviser/documents/sessionlaw/1951c224.pdf?cite=1951%20c%20224%20%26%203)

SEC. 2. It is the responsibility of the state to provide a means for the identification and preservation of survey points for the description of common land boundaries in the interest of the people of the state. There is an immediate necessity for the adoption of a system of permanent reference as to boundary monuments. There is now no recognized agency for the establishment of survey points for the definition of land boundaries and a need for such an agency to coordinate and publish dependable surveys now in existence where the record has been obscured.

State's responsibility for preserving survey points.

SEC. 3. The engineering department of the department of public lands is hereby designated as the official agency for surveys and maps. The commissioner of public lands shall appoint an advisory board of five members, the majority of whom shall be registered professional engineers or land surveyors, who shall serve at the pleasure of the commissioner. Members of the board shall serve without salary but are to receive actual expenses not to exceed fifteen dollars *per diem* while actively engaged in the discharge of their duties.

Official agency for surveys and maps designated.

Advisory board.
Members.

Expenses.

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1951 Law DNR PLSO Created



SIGNING OF THE SURVEYS AND MAPS LEGISLATION - 1951

left to right
CAPT. GLENN W. MOORE - C&GS
SENATOR WILLIAM D. SHANNON
CAPT. A. M. SOBIERALSKI - C&GS, Ret.
CARL BERRY SR. - Chairman, ASCE Survey & Mapping Committee
GOVERNOR ARTHUR B. LANGLIE

Powers and duties of agency.

SEC. 4. The commissioner of public lands and his engineering department and the advisory board are authorized to cooperate and advise with various departments and subdivisions of the state, counties, municipalities and registered engineers or land surveyors of the state for the following purposes:

(1) The recovery of section corners or other land boundary marks;

(2) The monumentation of accepted section corners, and other boundary and reference marks; said monumentation shall be adequately connected to adjusted United States coast and geodetic survey triangulation stations and the coordinates of the monuments computed to conform with the Washington coordinate system in accordance with the provisions of chapter 58.20, R.C.W., as derived from chapter 168, Laws of 1945;

(3) For facilitation and encouragement of the use of the Washington state coordinate system; and

(4) For promotion of the use of the level net as established by the United States coast and geodetic survey.

[R.C.W. 58.20 is Rem. Supp. 1945, §§ 10726-a to 10726-i incl.]

Qualifications of employees.

SEC. 5. All employees who are in responsible charge of work under the provisions of this act, shall be licensed professional engineers or land surveyors.

Other agency powers. Establish standards.

SEC. 6. The agency is further authorized to:

(1) Set up standards of accuracy and methods of procedure;

Publish maps and maintain indexes.

(2) Compile and publish maps and records from surveys performed under the provisions of this act, and to maintain suitable indexes of surveys to prevent duplication of effort and to cooperate with all agencies of local, state, and federal government to this end;

Maintain records of surveys.

(3) Compile and maintain records of all surveys performed under the provisions of this act, and as-

1951 Law -- Continued

semble and maintain records of all reliable survey monuments and bench marks within the state;

(4) Supervise the sale of maps and such publications as may come into the possession of the division of surveys and maps. Revenue derived from the sale thereof shall revert to the general fund; and

Supervise sale of maps.

(5) Submit, as part of the biennial report of the commissioner of public lands, a report of the accomplishments of the agency.

Reports.

SEC. 7. If any provision of this act shall be declared invalid, such invalidity shall not affect any other portion of this act which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Partial invalidity.

Passed the House February 27, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 17, 1951.

The Bureau of Surveys and Maps (as the DNR PLSO was known in the early days) wasn't funded until 1956. 1956 was when the first head of the office (Burton Ingalls) was hired.

1963 Law - End of 1895 Recording Law

RCW [36.32.380](#)

Land surveys—Record of surveys.

Except as otherwise provided in this title, the board of county commissioners shall cause to be recorded in a suitable book all surveys except such as are made for a temporary purpose. The record book shall be so constructed as to have one page for diagrams to be numbered progressively and the opposite page for notes and remarks; no diagram shall be so constructed as to scale less than one inch to twenty chains.

[[1963 c 4 § 36.32.380](#). Prior: [1895 c 77 § 5](#); RRS § 4150.]

It appears that the 1895 law language was struck, reworded, and added to the County Commissioners' rules in 1963, when the legislature finished updating the old Remington Revised Statutes. Note the similarity in language to the 1895 law, and the missing language regarding surveys by any other surveyor.

CHAPTER 50
[House Bill No. 284]
LAND SURVEYS--RECORDING STANDARDS

AN ACT Relating to land surveys; providing a method for preservation of evidence thereof by establishing standards and procedures for monumenting and for recording a public record of surveys; adding a new chapter to Title 58 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The purpose of this chapter is to provide a method for preserving evidence of land surveys by establishing standards and procedures for monumenting and for recording a public record of the surveys. Its provisions shall be deemed supplementary to existing laws relating to surveys, subdivisions, platting, and boundaries.

This chapter shall be known and may be cited as the "Survey Recording Act".

NEW SECTION. Sec. 9. (1) A record of survey is not required of any survey:

(a) When it has been made by a public officer in his official capacity and a reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection. A

1973 Law - Auditor's Office Recording

All surveys performed by public agencies (except the BLM) must file with the County Road Engineer's Office or the Auditor's Office. Presumably: WSDOT, BPA, DNR, Cnty Rd Eng, Etc.

Ellingsen v. Franklin County

117 Wn.2d 24 (1991) 810 P.2d 910

CARL ELLINGSEN, ET AL, Petitioners, v. FRANKLIN COUNTY, Respondent. No. 56580-5.

The Supreme Court of Washington, En Banc. May 23, 1991.

1991 Court Case

Plaintiff landowners sued Franklin County to quiet title against the County's claim of a road easement over their property. The County appealed the grant of summary judgment to plaintiffs quieting title free of the County's claim. The Court of Appeals reversed and remanded for trial. *Ellingsen v. Franklin Cy.*, 55 Wn. App. 532, 778 P.2d 1072 (1989). We reverse the Court of Appeals and affirm the trial court judgment quieting plaintiffs' title free of Franklin County's claim of a road easement.

The issue is whether a conveyance of an easement gives constructive notice to a bona fide purchaser when that conveyance is "recorded and filed" in the county engineer's office, but is not recorded with the county auditor? The answer is that "recording and filing" in the county engineer's office does not give constructive notice.

In 1991, the Supreme Court of Washington said that documents “recorded and filed” in the county engineer’s office are not constructive notice to land owners. However, those documents are still binding, assuming there is other constructive notice (say if the road is there). Also, if the road had been created and used in the past, different theories would apply.