

## CHAPTER 2

### **Survey and marking**

#### Section

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41 PC 2-101. 1970 Pohnpei Island Coordinate System.

(1) The system of plane coordinates hereinafter established for defining and stating the position or location of points on the surface of the earth within the island of Pohnpei shall be known and designated as the “1970 Pohnpei Island Coordinate System” and any land description in which it is used shall be designated the 1970 Pohnpei Island Coordinate System.

(2) The plane coordinates of a point of the surface of the earth used in expressing the position or location of such point in this system shall consist of two distances expressed in meters and decimals of meter. One of these distances, to be known as the “X-coordinate,” shall give the position in an east-and-west direction; the other, to be known as the “Y-coordinate,” shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to the coordinates on the 1970 Pohnpei Island Coordinate System of the triangulation and traverse stations as hereinafter established, as those coordinates have been determined by the United States of America Geological Survey Department in cooperation with the government of the Trust Territory of the Pacific Islands.

(3) All positions in the 1970 Pohnpei Island Coordinate System were computed on the Guam Datum of 1963, Clarks Spheroid of 1866 holding fixed the position of station “POHNPEI RM 1” as determined by a direct tie from station “POHNPEI HIRAN 1962” was observed by the U.S. Air Force in 1962 and computed by the U.S. Army. The astronomic position at station “POHNPEI HIRAN 1962” and the astronomic azimuth from “POHNPEI RM 1” to station

“DISTAD ARMY MAP SERVICE 1962” were observed by the U.S. Navy Oceanographic Office in 1962. A laplace correction was applied to the astronomic azimuth by the U.S. Geological Survey. The corrected azimuth was used as the orienting direction for the computations. The horizontal control is a combination of electronic traverse and triangulation using second-order methods. All geodetic coordinates have been converted to plane rectangular coordinates using station “DISTAD” as the point of origin. The coordinates assigned to this station are: X=80,122.82 meters, Y=80,747.24 meters. The origin of the coordinates being on the meridian 158° 12’ 33.4772” east from Greenwich (Longitude) at the intersection of the parallel 6° 57’ 54.2725” north (Latitude). The plane coordinate system is a modified azimuth equal-distance projection in which the geodetic azimuth and grid distance are the same between the point of origin and any other in the projection. The position of said 1970 Pohnpei Island Coordinate System using station “DISTAD” as the origin is located in Kolonia across the street from the District Administrator’s Office marked with Standard Corp of Engineers-U.S. Army tablet stamped “DISTAD 1962” and set in the top of the east side of a large concrete slab.

(4) Any triangulation and/or traverse station established as described in Subsection (3) of this section may be used in establishing connection between a property survey and the rectangular coordinates as defined in this section.

(5) No survey or lands or maps or other documents hereinafter made shall have endorsed therein any legend or other statement indicating that it is based upon the Pohnpei Island Coordinate System unless the coordinates have been established on that system as defined in this section.

(6) Nothing contained in this section shall be interpreted as requiring any purchaser or mortgagee to rely on a description based wholly upon the aforesaid system.

(7) Any person who willfully alters, defaces or removes any marker erected for the purpose of designating any triangulation or traverse station of the Pohnpei Island Coordinate System shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for a period of not more than one year or fined not more than \$100, or both such fine and imprisonment.

Source: PDC §12-1, 3/71; D.L. No. 4L-115-77 §2, 11/8/77

#### 41 PC 2-102. Boundary markers.

Boundary markers, unless otherwise allowed by the Governor, shall take one of the following forms:

- (1) A pile of rocks or stones having a base four feet square and a height of three feet;
- (2) A four-faced concrete marker with a size of 4” x 4” x 24”;
- (3) A single rock of sufficient size that when firmly planted it shall have a vertical protrusion above the ground of at least two feet;
- (4) Any larger rock outcropping into which the mark “X” is carved; or
- (5) Any natural landmark or physical feature of the land, such as a river or stream.

Source: PDC §12-3(a), 3/71

41 PC 2-103. Plantings near boundary markers.

Except for natural landmarks or physical features used as boundary markers, it shall be unlawful for any person to plant any coconut, breadfruit, orange, cacao, mango or other tree of large size within ten feet of a boundary marker, or any banana, sugar cane or taro plants within six feet of a boundary marker, or any other plants of small size within three feet of a boundary marker.

Source: PDC §12-3(b) 3/71

41 PC 2-104. Boundary lines.

Except for boundary lines following natural landmarks or physical features, it shall be unlawful for any person to plant any coconut, breadfruit, orange, cacao, kapok, mango or other tree of large size within ten feet, or any other smaller tree or any plants within three feet, of any boundary line which has been surveyed by the Office of Land Management or its successor in law since January 1, 1966. For purposes of this section, the term “boundary line” shall be defined to be an imaginary straight line drawn between two parcels of land; PROVIDED, that in the case of boundary lines between natural landmarks or physical feature boundary markers, such boundary lines shall follow the course of such natural landmark or physical features.

Source: PDC §12-3(c), 3/71

41 PC 2-105. Exceptions to §§2-103 and 2-104. 41 PC 2-103 and 41 PC 2-104 shall not apply to the atolls of Mwoakilloa, Pingelap, Sapwuahfik, Nukuoro, and Kapingamarangi.

Source: PDC §12-3(d), 3/71

41 PC 2-106. Penalties.

Any person found in violation of 41 PC 2-103 and 41 PC 2-104 shall, upon conviction thereof, be imprisoned for a period not to exceed 30 days, or fined not more than \$50, or both such fine and imprisonment.

Source: PDC §12-3(e), 3/71

41 PC 2-107. Establishment of surveying program.

There is hereby authorized for appropriation from the general fund of Pohnpei a sum to train employees and accelerate the surveying and mapping of lands in Pohnpei State; PROVIDED, HOWEVER, that nothing herein shall prohibit the use of such employees in any manner deemed appropriate by the Governor, or his designated representative, to accelerate the homestead program in Pohnpei State.

Source: PDC §12-4(a), 3/71; D.L. No. 3L-49-73 §1, 5/25/73; D.L. No. 3L-58-73 §33, 5/29/73

41 PC 2-108. Compensation of surveyors.

Compensation, per diem, annual and sick leave shall be as that established for the employees of the state government and shall be administered in accordance with the Public Service System Act, Title 9 Chapter 2, (9 PC 2-\*).

Source: PDC §12-4(b), 3/71; D.L. No. 3L-58-73 §33, 5/29/73

41 PC 2-109. Administration of surveying program.

All sums authorized by this section shall be expended by the Governor solely for the purposes specified in 41 PC 2-107. This program shall be administered by the Governor or his representative who shall make a progress report at each session of the Pohnpei Legislature.

Source: PDC §12-4(c), 3/71; D.L. No. 3L-58-73 §33, 5/29/73