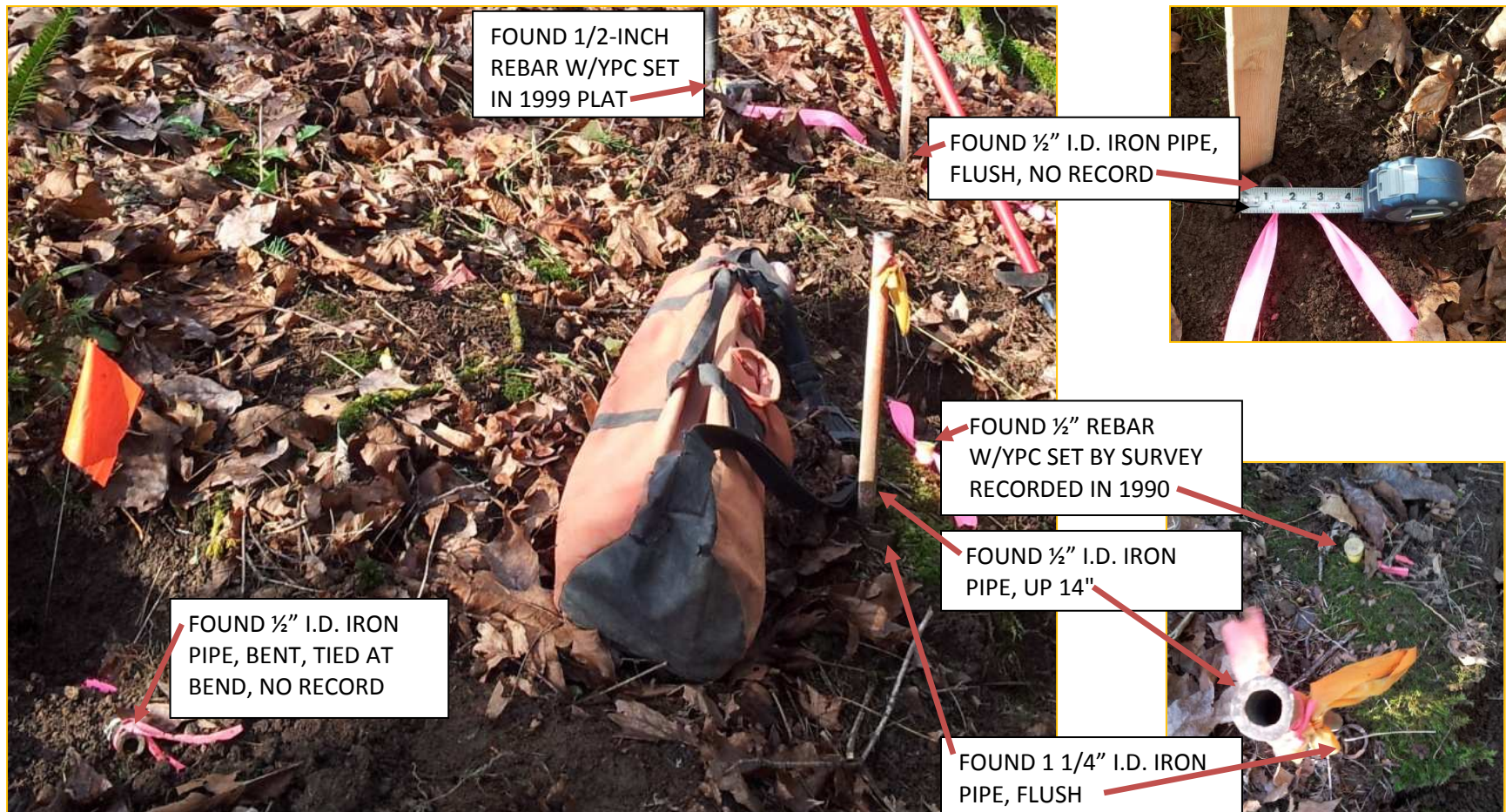


## MONUMENTS OVER MEASUREMENTS

By: Cindy Halcumb, PLS

A 2012 lot line retracement survey along two sides of an open space tract became an extensive endeavor. The Tract was created and monumented by a 1999 Plat. The underlying deed revealed a sectional subdivision description, the Northeast corner being the 1/16 corner along the Southeast Quarter of the Section. The adjoining deeds confirmed the same construction. No written gaps or overlaps were evidenced. Six different monuments were found within eight feet of one another in the vicinity of the corner. The evidence indicates that five of these monuments were in place when the field crew monumenting the 1999 Plat set the sixth corner. This plat did not reference any of the Iron Pipes, and one is up above the surface by over a foot! The plat called out a falling to the 1/2" Rebar set in the 1990 Survey.



This example is being shared to help protect the best interest of the public, property rights and the profession of Land Surveying. Licensed Land Surveyors are servants to the public. Due diligence must be taken in every situation to meet this end. Our tools today report data to the nearest 0.001 of a foot with realistic accuracies closer to 0.01-0.02 of a foot. This is a ridiculously small distance when measuring boundary lines, and yet many champion this ability to measure with an academic sense of pride. Surveyors will report existing monuments to be off by hundredths of a foot. Realistically, in consideration of the widths of the physical boundaries such as fence and tree lines that property owners maintain, this difference is negligible.

With the understanding that monuments can be moved from their intended position with malice, in the majority of cases, existing monuments control. Take due diligence in the discovery phase of every survey to locate all the evidence. If you don't take the time to find it, you cannot hold it. The public record does not reflect the work of all past surveyors, making it imperative to look for monuments regardless of what the existing maps depict. When a past surveyors work is recovered, engage! Take the time to verify relative positions and examine signs of acceptance. Document local occupation lines and talk with the lot owners. While mathematical positions should be calculated, compared and referenced on the survey, make it a rare incident to dispute an existing monument. If a monument has not been knowingly disturbed or ignored, it must be accepted by the subsequent surveyor. A situation with multiple monuments or "porcupined" corners should not exist, and is an embarrassment to the profession.

In "The Judicial Functions of Surveyors" written by Justice Thomas M. Cooley, we find that it is "the Duty of the Surveyor to search for original monuments, or for the places where they were originally located, and allow these to control if he finds them, unless he has reason to believe that agreements of the parties, express or implied, have rendered them unimportant." In *Diehl v Zanger*, Justice Cooley further states that "No rule in real estate law is more inflexible than that monuments control course and distance, - a rule that we have frequent occasion to apply in the case of public surveys"... "its application in other cases is quite as proper, and quite as necessary to the protection of substantial rights."

Do not perpetuate the belief that no two surveyors can ever agree. Protect the best interest of the public, your reputation and that of the profession. Your schonstedt and your patience are your best allies! Do you (or your field crews) bring these tools along for one final search of the area when you plan to set a new corner?