

August 2016

SIDE SHOTS

Professional Land Surveyors of Colorado

Volume 47, Issue 3



**PLSC
GPS Day
2016**

Prst std
U.S. Postage
PAID
Denver, CO
Permit No. 1222

Becky Roland
Executive Director
PLSC, Inc
PO Box 441069
Aurora, CO 80044

Rule of the Month

38-53-104 Monument Records

By Earl Henderson, PLS

38-53-104(1)(a) If a professional land surveyor conducts a survey that uses any monument representing a public land survey monument location, quarter section corner, sixteenth section corner, government land office or bureau of land management (government) lot corner as defined by the nomenclature of the United States public land survey system, of any United States geological survey or United States coast and geodetic survey (also known as the national ocean service/national geodetic survey) monument as a control corner, the professional land surveyor shall submit a monument record describing such monument with the board if the monument and its accessories are not substantially described in an existing monument record previously submitted pursuant to this section or its predecessors. (emphasis added)

(b) If a professional land surveyor establishes, restores, or rehabilitates any public land survey monument corner location or section corner, quarter section corner, or sixteenth section corner as defined by the nomenclature of the United States public land survey system, the professional land surveyor shall submit a monument record. (emphasis added)

I sometimes wonder if anyone has read 38-53-104 recently. But I can be assured that some have because it's disappointing how often I've been asked to write this article. Apparently there are a lot of monuments out there for which monument records should be on file but for which there is either no record or records that are no longer valid or up to date. And although the monument record system was designed to protect the public, the people who benefit most from it are the PLSs, right? That's us. So why are we not helping ourselves? I'll never understand people, that's for sure. But to be fair, many probably don't understand me either.

Haven't we all found ourselves pissed off slightly upset because after researching every possible source prior to our exuberant jaunt into the field, we happen upon a PLSS monument in place that doesn't match the monument record we have in hand. The accessories are no longer there. The monument has been upgraded in the recent past. And the PLS # does not match the most recent monument record on file. We may even have in hand the LSP that the PLS recorded when the monument was upgraded. Or worse yet, no monument record exists

COMM.TECH
Increasing your bottom line
with customized drafting and design software solutions since 1994

products

- AutoCAD LT
- AutoCAD
- Map 3D
- Civil 3D
- Infrastructure Design Suites
- Infrastructure Map Server
- Raster Design
- Design Review
- Subscription

services

- State of the art training facility
- Implementation & customization
- Workflow analysis consulting
- Styles & standards set-up
- License activation support
- License compliance
- Technical support
- Pilot projects
- Transition assistance
- On-site consulting
- Government Specialist



303.530.4976 | www.ctcivil.com

5398 Manhattan Circle
Boulder, CO 80303

Autodesk
Silver Partner
Architecture, Engineering & Construction
Authorized Government Partner

for this particular monument, yet we find a nice shiny monument in place set 1-2 years ago. If you've never had one of these experiences, consider yourself lucky. But if you have, then it has likely happened more than just once, and the first thing that should enter your mind when it happens is, "Have I kept up with depositing my share of monument records?" Because if you have not, then IMHO you have no grounds for your anger or frustration because you are contributing to the problem.

I'll be the next to admit that it's likely I've missed depositing a monument record somewhere that I should have. But it's certainly not my norm. I try to do my due diligence in this matter. We're all very busy and often this check list item gets put on the back burner. The problem is though that the back burner may never get cleaned off. I suggest not putting it there in the first place. Make depositing monument records just as vital a part of every survey as reviewing for the Big 12 items in 38-51-106. And if it's considered a part of the check list prior to delivering and depositing a LSP, then it also remains a part of the budget rather than creating a buildup of out-of-budget work needing done at a later time. And let's face it, that out-of-budget work never gets done. Not in this economy.

Enough ranting. It's time to get down to the nitty gritty. Notice I italicized "uses" and "as a control corner" above for emphasis. I did this to highlight that the corners don't have to be a part of the boundary of the subject property on which you're working. If you use corner monuments outside the boundary of your subject property you shall submit a monument record on those also.

Based on the list included in the statute of which monuments require a current monument record on file, it appears to me that there are far fewer types of monuments that don't require a record than there are those that do. That's a long list. To start with, quarter and sixteenth monuments are specifically included. And most of us believe that any PLSS monument representing a 64th corner or "smaller" doesn't require a monument record. But prior to the quarter and sixteenth this is called out, "a public land survey monument location". Obviously that means township and section corners but if that's all it was intended to mean then why didn't the law just read "township and section corners" the same way they called out quarter and sixteenth corners? I confess I'm not certain. But how do you want to find out? As part of a complaint filed against your license? 38-53-108 allows us to submit monument records on any monument if we want to so why not just do it? It likely takes more time and effort to try to determine if a monument record is required, or find some excuse not to submit a monument record, than it does to just do it.

38-53-104(1)(c) requires that at least two accessories or reference points be established. I suggest more if your intention is to be helpful. Because if one of the two you

set is lost when the corner is lost, then it's highly unlikely that corner will be able to be re-monumented in the same location using the one remaining accessory, if it's even still there.

38-53-104(2) requires that the monument record be submitted "within six months after the date on which the monument was used as control or was established, restored, or rehabilitated." This is important to remember for two reasons. First, the six month limit requirement starts when you were at the monument, not after you deposited your survey. And second, remember that your survey plat isn't required to be deposited for 12 months so you may be required to submit your monument records before you're ready to finalize and deposit your plat. So this "back burner" item may actually be the front burner item if you're not careful.

After the PLSS corners in the list comes a long list of government corners for which a monument record is required to be submitted. I think we all can agree that mining claim corners fall within at least one, if not all, of these categories. So don't forget to submit a monument record on the mining claim corners that you either use or set.

The monument record system is a vital part of the perpetuation of surveyed lines. And it's a vital part of the research for almost any project for budgeting and determination of the history of a parcel or line. The field work often starts with the monument records and the project often ends with them. It's easy to either forget or delay the completion of monument records. And it's also far more likely that once you complete a monument record on a particular monument that you'll never use that monument again yourself than it is that you will use it. But if we rationalize not depositing these records for any reasons, then the system will continue to degrade and eventually it will be far more common to encounter monuments with no current records than those with current records.

I see this much like I see the right to vote in elections. If you choose not to vote, then I don't feel you have any right to complain or criticize. If you choose not to deposit monument records (and let's be clear here, if you fail to deposit monument records for any reason when you are required to, you are making a choice) then you don't have any right to complain about others not doing it or about not being able to easily find a particular monument, or any other aspect of the monument record system. It's true that we get what we deserve. But we also get what we work for. If we put in the minimal amount of work legally required for the monument record system we'll have a much easier and more profitable profession.

It's a choice. ■