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# SIDE SHOTS

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

# Rule of the Month

## 38-51-102 Definitions

### (Subtitled – What the Heck are We Doing?)

By Earl Henderson, PLS

I have often heard fellow PLS's talk about completing a "Monumented Land Survey Plat". Which is why I've often thought about writing this article. There is no such animal in our statutes or rules. I'd say, "look it up", but it's just not there to look up. Before I get into that further though, allow me to digress so you'll understand where I'm coming from, where I'm going to and what I'm doing.

I've noticed that Engineers and Architects and the like have difficulty grasping certain land surveying concepts. It's my opinion that one of the key reasons for their difficulty is the direction of flow of information. An Engineer or Architect produces a set of plans of proposed concepts on paper. These are imagined ideas, designed flawlessly of course, that are then built into a real and tangible object. If any issues or questions come up during the construction of that object, the plans are referred to as the authority and the construction adjusts to the proposed plans. The direction of flow of information is from the plans to the ground. The plans guide what the contractor does. During a retracement land survey the direction of flow of information is in the opposite direction. We first complete a lot of research that we take into the field in order to find evidence. We then measure that evidence, take the data back to the office, analyze it, make decisions and describe those decisions on a map. The proper direction of flow of information is from the ground (evidence) to the map, opposite to the Engineers and Architects. What we do guides what we show on the plat. In fact, as an aside, we really have more in common with lawyers than with Engineers and Architects because we're supposed to be making legal decisions about the evidence we find. We should not be completing calculations from maps and descriptions and simply staking them on to the ground regardless of where they fall relative to anything else (can you say "pincushion"?). But that's an article for another time.

So, keeping in mind the correct direction of flow of information, let's review the definitions of a few terms found in the Colorado Revised Statutes. CRS 38-51-102(11) defines a "Land Survey" as "a series of observations and measurements...for the purpose of locating or restoring any real property boundary." The

definition of a Land Survey is defined in more detail in Board Rule 6.5.1, which I highly encourage you to review. But a Land Survey is an activity we participate in, a physical action we perform. This is clearly something we do. Moving along, CRS 38-51-102(13) defines a "Monumented Land Survey" (notice that the word "plat" is not included) as "...a Land Survey in which monuments are either found or set...". Again, clearly something we do. The distinction between a "Land Survey" and a "Monumented Land Survey" is obviously that there are monuments involved in the latter. I can't remember if I've ever completed a "Land Survey" where there weren't any monuments involved, but I'm now open to the possibility. If you review CRS 38-51-102 you'll see that these are the only two terms that define something we do.

Once we're done though, how do we communicate what we've done to our client and the rest of the public? We all know we show them our results and the decisions we made on a plat. You may be surprised to hear this, but in Colorado there's only one kind of plat and that's a "Land Survey Plat", defined in CRS 38-51-102(12) as "...a plat that shows the information developed by a monumented land survey...". Now I know right now you're thinking to yourself, "Has this dummy never heard of an 'Improvement Survey Plat'?". The thing is, CRS 38-51-102(9) defines an "Improvement Survey Plat" as "...a land survey plat..." just with more details in the definition. So an ISP is a form of LSP, just with more requirements. But those are your two choices on how to document what you did during your retracement survey and communicate it, a LSP or an ISP. You're thinking it again aren't you? I'm purposely leaving an ALTA/NSPS Land Title Survey out of this because it's not defined in the Colorado Revised Statutes. You should definitely review Board Rule 6.12 about ALTA/NSPS Land Title Surveys, but that's as far as I'm going with that for the purposes of this article.

So let's go back to the beginning where I digressed. If you follow the string of the definitions you'll see the progression. First we do, by means of a "Land Survey", and then we document, by means of a "Land Survey Plat". That's the direction of flow of information. We

simply can't document before we do. There wouldn't be anything there to document. The picture, the LSP, shows what we did. But the LSP is not what we did or what we're doing. It is the documentation of what we did. Although the land owner wants to know (or be communicated) what we did via a LSP, what they are most interested in is not the documentation of what we did but the actuality of what we did, meaning understanding where their property corners and lines are on the ground, not on the paper. "The map is not the territory."\*

These may be simple distinctions, but that doesn't make them any less important. Because if you think you're working on a Monumented Land Survey Plat, then you don't understand the definition of what you're doing and how to document what you did. And if you don't know what you're doing then how can you communicate what you've done to your client, the public and your fellow

professionals? You have to know what you're doing to do it correctly, after all, but also how to communicate what you did.

There. I'm done. Now if you'll excuse me, I have something I have to go do.

Be safe out there.

\*We should all thank Alfred Korzybski for this one.

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