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SIDE SHOTS

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2022 Colorado State Plane Coordinate System

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Rule of the Month: CRS 38-51-106(1)(f) and Board Rule 6.13

By Earl Henderson, PLS

A few years ago I wrote an article, published in Side Shots in the May 2012 edition, about this statute. That article skipped over the first sentence of the statute and focused on the remainder as it is written. I am now going to circle back and focus this article on that first sentence. The statute requires that all land survey plats include, "A description of all monuments, both found and set, that mark the boundaries of the property and of all control monuments used in conducting the survey." Seems pretty simple on the surface. The statute is further delineated by Board Rule 6.13 which provides examples of acceptable descriptions and unacceptable descriptions. But if this is so simple, why is this article being written? The answer is that this statute and rule are cited quite often when reviewing survey plats. It's surprising how often. It's even more surprising because it's so simple. So, let's break it down.

The survey plat must show and describe all the monuments, either found or set, that mark the boundaries of the subject property. I don't think many PLS's have difficulty with this. But there are a significant number of PLS's that have difficulty describing the monuments properly as exemplified in BR 6.13. What's even more surprising is how often a description of a monument perfectly mirrors the examples of unacceptable descriptions in BR 6.13.3. "Come on son"! Imagine sitting on the witness stand in front of a judge trying to explain that your survey is superior to that from the opposing side while such a simple aspect of your survey is obviously substandard. Your credibility in the eyes of the judge is likely to be somewhat diminished and your client is likely to be somewhat unhappy. So, I suggest a review of BR 6.13 to ensure that your monument descriptions meet the standard and don't meet the unacceptable standard.

But CRS 38-51-106(1)(f) goes beyond the limits of the subject property of your survey. It also requires that you properly describe "...ALL control monuments used in conducting the survey."(emphasis added) This obviously means all the monuments used beyond the limits of the

subject property that were utilized in determining the corner locations of the subject property. Of course, I'm assuming here that the PLS went beyond the limits of the subject property to find monumentation in order to either re-establish the corners of the subject property or confirm the found monumentation of the subject property. If the PLS set any monuments at the corners of the subject property then the PLS must investigate beyond the limits of the subject property. How else is it possible to determine the line upon which the monument is to be set and the appropriate distance upon that line at which to set it? And of course, I'm making another assumption here that the PLS is not simply relying on the record dimensions to set missing property corner monumentation. If the PLS were doing that they wouldn't be conducting a proper retracement survey but simply "deed staking". But even if the PLS found all the property corners monumented, it is incumbent upon the PLS to investigate beyond the limits of the subject property to ascertain if those monuments were set accurately (notice I did not use the word precisely). If all the found monuments are determined to be the original monuments, thereby defining the corners, the PLS is likely to accept them as correctly marking the corners. But that situation is quite uncommon in this day and age. So as a Professional LS, we should require of ourselves to investigate to the extent that we can determine if the found, unoriginal monuments correctly mark the property corners. Which means investigating beyond the limits of the subject property. Furthermore, take notice of the mention in the statute of the words, "...all control monuments...". The definition of a monument is not limited to rebar with caps, or properly marked stones, or brass caps in concrete. Fences can be determined to be monuments, as can many other physical objects. So, it's important to keep our eyes (and ears) open while conducting the field work.

And finally, it is also important to note that even though you may have done extensive surveying in a particular area and that you have accumulated a significant amount of data and evidence in that area, that you are still required to show on the plat what that evidence is and how it relates to determining the corners of your

subject property each and every time you complete a survey in that area. Your experience, knowledge and data may give you a leg up on your competition. But you're still required to show some leg on your plat. I remember talking with some "old timers" about surveying some of the mountain towns in Boulder County. Back in the day, different PLS's had done enough work to figure out each of the mountain towns so that they each had, in effect, a monopoly on surveying in "their" town. Whenever a call would come in to survey in such a town the client would be referred to the PLS who had the most knowledge about that town. Each PLS would refer to the others in this way and in the end the clients were better served by the PLS with the most experience and local knowledge of the area. But that PLS still had to show on each and every plat they completed in that town just how they obtained their results.

Seven years ago, when first writing about this statute I said, "And let's face it, describing the monuments you've found and set is easy." And that was the extent to which I included this one sentence in the statute. Now you can see, I hope, that it's not as easy or as simple as I may have led you to believe then. And I hope you can also see how important it is to read carefully and fully understand any one sentence in our statutes. Because the implications lead us beyond the limits of our subject property and hopefully result in an accurate and complete survey product with fully and properly described monumentation for our clients.

Be safe out there.



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