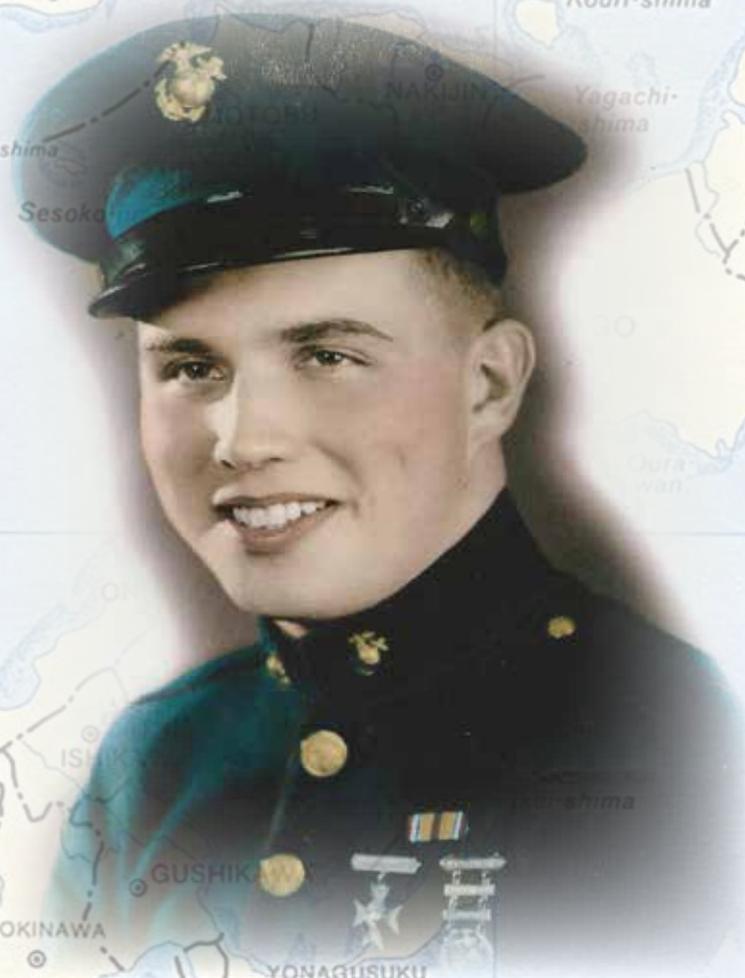


August 2014

SIDE SHOTS

Professional Land Surveyors of Colorado

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Arthur W. Hipp, USMC
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Rule of the Month

6.5.5.2 - Documents Other Than Plats or Improvement Location Certificates Require Statement.

By Earl Henderson, PLS

Rule 6.5.5.2 reads: "If under the terms of a contract or by client agreement (emphasis added) a professional land surveyor performs work other than that which specifically calls for a land survey plat, improvement survey plat, or Improvement Location Certificate ("ILC"), the professional land surveyor must provide a written explanation on the document of the nature and purpose of the document being supplied to the client. Any such explanatory statement shall be provided solely for the purpose of clarifying the nature and purpose of the client's document and shall not be a means by which the professional land surveyor may avoid professional responsibilities as established by Colorado law and the generally accepted standards of practice of land surveying."

Seems pretty straightforward to me. A couple of preliminaries: First, when have you ever provided a document without a "client agreement"? I would

estimate that it has never happened. Point made. Second, why are the words for ILC capitalized but not LSP and ISP? But that's more of an aside really.

Now to the matter at hand, it's fascinating to me how often I see maps that are not intended to represent a Monumented Land Survey (38-51-102(13)) by means of a Land Survey Plat (38-51-102(12)) or Improvement Survey Plat (38-51-102(9)), let alone a map that's not intended to be an Improvement Location Certificate (38-51-102(8)) or Subdivision Plat 38-51-102(20)) with no explanation on them describing the intent of the map. And if that were the end of it then that would be the end of this article. I'd simply say, write a statement on there and I'd be done writing.

We all prepare these documents. I usually call them Exhibit Maps. They have a variety of names depending on their creators. But here's the grind. If it



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looks like a Land Survey Plat, and smells like a Land Survey Plat, then it may be interpreted to be a Land Survey Plat even if the title says something else. Do you want someone else, for instance the AES Board at DORA, to be interpreting if your document is a Land Survey Plat? Because if they do, then they will hold you to that standard, even if that was not your intention. Wouldn't you rather be in control of that interpretation yourself? I would guess that most, if not all of us, would not like to find ourselves in front of the AES Board, or worse a judge, defending a Land Survey Plat that we never intended to be a Land Survey Plat. So..."write a statement on there."

Now there are certain things that could define your work as a Land Survey Plat even if you title it something else and include a statement of intent. For instance, if you show that you set monuments at property corners, your map is likely going to be interpreted as a Land Survey Plat. So you do need to be careful when preparing exhibits that you don't want to be Land Survey Plats. You can, and some do, create maps that are by

definition Land Survey Plats, and title them something else. A Land Survey Plat (just like roses) by any other name would still map the property lines.

So take the reins. Know what constitutes a Land Survey Plat and what doesn't. Make it obvious if what you're creating is not a Land Survey Plat. Otherwise someone other than you might interpret your document as something other than what you intended it to be. And of course, that has never happened before (ILC's) has it?

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