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SIDE SHOTS

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Rule of the Month, Center of Section

By Earl Henderson, PLS

Take a deep breath, because here we go. In truth, I love talking about the center of section. Part of the reason is that it can be so simple but so often misunderstood. I often feel the same way personally, but you aren't my therapist so let's continue. I would be willing to bet that the vast majority of land surveyors in the PLSS think that the center of section is most often found at the intersection of the lines between the 1/4 corner monuments. And yet most often they would be wrong in today's world. I know that is a bold statement and some reading this are going to stop right here and not finish this article. They are certain that I'm nuts. That's okay. As I was recently reminded, Curtis Brown wrote in 1961 in *The Professional Status of Land Surveyors*, "...there is no reason for allowing a professional surveyor to be registered without having superior knowledge. Without superior knowledge we have an inferior profession." What I think he meant by this is that it is incumbent upon us to obtain knowledge beyond that of the public or a mere technician. If you read further you may gain some bit of knowledge that adds to your accumulation of said superior knowledge. If you disagree with me, I suggest you do additional research to back up your opinion and in doing so you will also add to your accumulation of said superior knowledge. Either way you will become a better professional and less of a technician.

But let's return to my point about the center of section. As I see it, there are about two (2) situations in which the center of section is at the intersection of the 1/4 corner monuments. The first is if you have a tax map of the section that looks like this:



In this case you have a property owner that owns the entire section and wants to have the center of section established, for whatever reason, and the section has never been subdivided before. That makes you the original surveyor of the subdivision of this section, so the center of section is at the intersection of the 1/4 corner monuments as best as you can measure. It is incumbent upon you to do the best technical job you can. But, and this is a big but here, if you make an error and place the original center of section monument somewhere other than at the mathematical center, even though your plat shows it at the mathematical center, and especially if the land owner subsequently sells any

one of the four quarter sections, and either land owner now builds a fence to your monument rather than the mathematical center, then the center of section is no longer at the mathematical center but at your original monument's location. That's simple boundary law. The setting of the original monument establishes the location of the corner. You may have goofed. That's okay. We all do sometimes. But the land owners will rely on your monument for generations to come, so all future land surveyors are responsible to recognize that you goofed and adjust to the original corner location. That's one reason we show both record and measured dimensions on our retracement survey plats. But this is a pretty rare situation these days since most of the PLSS has been surveyed and most sections have previously been subdivided by an original land surveyor.

The second situation when the center of section is at the intersection of the lines between the 1/4 corner monuments is if the section were previously subdivided but now there is no evidence whatsoever of the original corner location. This situation is even more rare than the first, in my opinion. You may have noticed that I didn't say that you didn't find any evidence of the corner location. I said there is no evidence. Just because you didn't find it doesn't mean there isn't any out there. Another surveyor with more experience, a better eye for detail, or more drive to look further or deeper, or who likes to talk to people more than you do, may find evidence that you have overlooked. Personally, I don't like to be outdone like that so I tend to go overboard when looking for evidence. But what I've experienced is that in most cases the evidence is clear and either right in front of my eyes or ringing in my ears if I am open to seeing or hearing it. Remember what I said. If there is no evidence of the original survey *whatsoever*.

In every other case, when performing a retracement survey, the center of section is NOT at the intersection of the lines between the 1/4 corner monuments. I know that's hard to swallow for some of us, but that's the law. If it weren't we wouldn't be so fond of the old adage, "Follow in the footsteps of the original surveyor." would we? That saying would be meaningless. The courts have been very clear on this issue in respect to any boundary line, not just the center of section. Even if the said footsteps of the original surveyor don't agree with his/her own plat dimensions, the lines and corners run and set in the field by the original surveyor control over calls and references on the plat and in the notes. So when evidence exists of the original survey, our job as retracement surveyors is to...you guessed it...retrace the

original survey, not recreate the wheel center. Of course we can measure better now than the surveyors could in 1898. Of course we can get closer to the intended location than they could. But this is now and that was then and they did just fine then. We think we're really precise and that the old methodologies were crude. But some day someone else is going to say the same thing about our methodologies.

So what does all this mean in practical terms for us? It means that our duty is to look for, find, and document the evidence that leads us to the lines and corners run and set by the original surveyor as our primary task. Then we can measure those bits of evidence with our newfangled electronic gizmos and describe them with mathematical dimensions to six places past the decimal as we've measured them. But it's important not to get that order of importance reversed. We don't want to mistakenly use the mathematical dimensions to lead us to some calculated corner or line location when the evidence clearly should direct us elsewhere. Our duty, as I see it, is to make decisions about where a property line lies based on a reasonable legal argument. Then measure the locations of the evidence that supports

and conflicts with those decisions. And only after that process is complete do we describe those legal decisions by means of dimensions on a plat. The dimensions describe our legal decisions they don't drive them.

So, now I'm sure you can all see the simple and obvious truth. The center is not at the center. It's at the center.

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