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Doing a Proper Job

I have a better reason for the legal profession insisting on a metes and bounds descriptions for dependent resurveys than clerk mentality or ancient check lists. In his article “Rewriting Legal Descriptions” [Vol. 7, Num. 4], Gary Kent’s example of “*the most egregious example of description rewriting is the preparation of a metes and bound description for a property that is a lot in a platted subdivision of record*” assumes that the platted subdivision of record exists. Subdivision and large format survey plats, even those recorded at the Clerk-of-Court’s office, have been known to cease to exist.

Some examples of the causes of disappearance for such plats of record that have occurred in the United States are fire, earthquake, civil unrest, flood, storm, war (think of the records lost between 1861 and 1865) and vandalism. I have extensive personal experience with the recovery of boundaries where the only evidence of the location of corners was the metes and bounds description attached to the owner’s copy of the deed. All plats of record had been destroyed. (Of the 5,000 large plats in my possession, less than 100 survived hurricane Katrina. The Courthouse didn’t do as well.)

ALTA/ACSM Land Title Survey lenders ask for a metes and bounds description to be attached to the deed documents because of their experience. Have you ever gone to the public records to search for the official plat only to discover that it is not there? Certainly, the metes and bounds description should never be placed on the face of a plat. I agree that such a thing is absurd. A typewritten, adequate and complete metes and bounds description attached to the deed documents is vital. It is insurance against the loss of the plat, an all too common occurrence.

Write a proper metes and bounds description based upon the survey you performed when requested. Do a proper job of it. Make certain that a future surveyor could find all of the corners and bounds of the property if that

description was the only evidence they had, it might very well be.

*Stephen Estopinal, PE, LS
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Categories of Land Systems

In “Rewriting Legal Descriptions” Gary Kent comments “it is important to acknowledge that there are differences in practices between the colonial ‘metes and bounds’ states, the public land states and other states such as Texas and Hawaii.” This statement is similar to statements that appear frequently in surveying literature, and is inaccurate. *All* the states, except possibly Hawaii, are public land states. I leave Hawaii out because I don’t know about the origins of its land titles other than to say none of it was laid out under the U.S. Rectangular Land Survey System. The nineteen states other than Hawaii for which none of their lands were laid out under the U.S. RLSS each had public domains. These nineteen states are the thirteen original states, and Maine, Vermont, West Virginia, Kentucky, Tennessee, and Texas. All the land in these states was, at least in theory, originally owned by the sovereign powers of Great Britain, Spain, Mexico, or the state itself. As such, they are public domain states, and private land titles originated with those governments. When referring to the federal rectangular system, I am always careful to insert the term “federal” or “U.S.” in front of “public land state” or “public land survey system” to make it clear as to which public land system I am referring to.

It is incorrect to allude to “colonial ‘metes and bounds’ states” and the “[U.S.] public land states,” as if all the public land survey systems in the U.S. can be neatly divided into those two categories. My home state of Georgia is a good example. None of the land in Georgia was ever originally owned by the federal government. Georgia was originally claimed by Great Britain. The initial land system in Georgia consisted of townships divided into rectangular-shaped, numbered lots. In time the colony went to a ‘metes and bounds’ system (if you want to call it that)

for surveying land grants. More correctly, it is called the “headright system.” Roughly 5% of Georgia’s area (public domain) had been granted by the crown when the American Revolution ended. After the American Revolution, the public domain vested in the state and public land distribution became the biggest concern of the state government. The state government continued the headright system for the eastern portion of Georgia. Ultimately, as a result of the land granting policies of the crown and state governments, about 30% of Georgia’s public domain came to be laid out under the colonial township and the colonial and state headright systems. Most of the remaining 70% of the public domain of Georgia, which comprises generally the southern, western, and northern parts of the state, was divided, under state authority, into a system of rectangular-shaped, numbered lots of more or less standard sizes. Each of these lots constituted an original land grant.

Texas is a public domain state. All the land in Texas was granted by the governments of Spain, Mexico, the Republic of Texas, or the state of Texas. Significant portions of several states that have the “U.S. Rectangular Land Survey System” were laid out under “metes and bounds”—headright or other systems while they were colonies of Great Britain, France, Russia, Spain, and/or Mexico.

Regarding the main theme of Gary’s article, the custom of writing out metes and bounds descriptions of properties came about in an era in which it was expensive to record plats in courthouses, and difficult to get to courthouses. Before the advent of mechanical copying machines, the only way plats could be recorded was to either file the original or laboriously hand-copy the original into a record book in the courthouse. Since the surveyor or developer often wanted to keep the original plat, and did not want to incur the expense of making hand copies, metes and bounds descriptions were resorted to in deeds as a means of providing a complete description of the land if the plat became unavailable or lost. Since it was often difficult and time-

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consuming to travel to the courthouse to consult plats referred to in deeds, having the full metes and bounds set forth in the deeds made it possible to identify the property there on the spot from the deed in the owner's possession without having to go to the courthouse.

Attorneys are a conservative lot. When something is found to work, they tend to stick with it. As a result, they have had a propensity to retain the custom of writing full metes and bounds descriptions, though, if certain simple procedures are followed correctly, a reference to a plat can suffice.

*Farris Cadle, LS
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The Value of Apprenticeship

Without going into detail, I have comments concerning the view of apprenticeship in Dave Gibson's article "Licensure by Apprenticeship: Effects on the Surveying Profession" [Vol 7, Issue 4]. Basically, apprenticeship has all but disappeared in many professions and has resulted in a lost of knowledge due to the less that knowledgeable and experienced people who are in the profession of "teaching". The value of the apprenticeship is in on the job training with a firm understanding of the basics. Just as all wise and good books and history shows, training through apprenticeship is the best method of learning. For example, many surveyors and attorneys do not really understand what a Metes & Bounds description is. Many have lost the meaning or significance of the evidence that a Metes & Bounds description provides along with the drawings that show the detailed descriptions of the monuments (bounds). Many have washed out that part of the descriptions in favor of just the Metes part of the descriptions, which is of second priority as to evidence.

You can tell a dog to sit until you turn blue in the face or until you place your hand on him and push down to train him how to sit. The "hands on" approach is always best as I have found in the 60+ years I have lived. Apprenticeship with the basics needs to be restored as training

in our profession. In this economy, many need some sort of income to go with the training instead of going into debt with the focus of meeting the educational standards set by those who are not out there in the real world doing the actual work to provide surveying services in the marketplace. The current education system has taken away much from the surveyor in production in order to fund itself rather than production and experience that apprenticeship provides. In my many years of experience I have seen many changes—some good, and some not so good.

*Gary Breisch, LS
Sand Springs, OK*

Gibson Replies

Yes, I understand your view on the value of on-the-job training. It is shared by many that came up that way. But notice it is *training*, not *education*, giving the next generation of survey technicians the detailed knowledge of how to do the field work, dig, push buttons, evaluate visual evidence, etc. However, we have generations of licensed surveyors today who are unhappy "flying the desk", that is, holding office jobs as professionals with their minds really out in the field. I'm talking about the future generations of professionals who are prepared for the office/client/professional side of the business. They will appreciate well-trained technicians. —D.G.

Licensure by Apprenticeship

Court opinions, binding they unfortunately do become, are based on evidence presented by two lawyers whose sole purpose is to win the case—facts from real life are of minor importance to them. As for academia being the "cure all" for surveyors and their employers and profession, I recommend page 19 of the June 2010 *CE News*. Simple pie charts answer the question "Do you think graduating engineers are well prepared for the workforce?" 70% from Academia said Yes; 36% from Practitioners said Yes. It never ceases to amaze me how academia bangs its own drum.

*W. Tom Foster, LS
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Gibson Replies

Unfortunately, courts set legal principles of common law. Every survey principle in Curt Brown's book came from court cases. Yes, we can laugh at the attorneys and courts, but it becomes the law of the land. Unfortunately, the apprenticeship method is causing surveying to be ruled a "second class" group. As for engineering, I recognize a great "learning curve" required for a newly graduated engineer. Of course, that person was straight out of high school, attended four to five years of college, then got a job. Many don't have a day's worth of engineering work experience. What engineering school did was give the person a lifetime background in the theory and methods of engineering. The four years of "internship" is where the person learns the hands-on methods of engineering as practiced. The engineering profession feels that schools would be doing the person and the profession a disfavor to "train" the graduate to walk onto a job and be productive the first day. That's *training*, not education. Engineering is now moving from a four-year degree standard toward a master's degree standard, 30 academic hours past the four-year degree. They would never look back at job training in their academic preparation. The graduate adjusts to the work environment in about three to six months to become productive. —D.G.

Observations on Apprenticeship

I enjoy *The American Surveyor* a great deal and have so for a long time. I couldn't resist sending this note in response to Dave Gibson's article. It seems that for many years there has been resistance in the profession to require higher degrees and continuing education. I don't believe that our profession benefits from being forced into the "new" civil engineering template. In South Carolina, twelve hours of land surveying courses are required to become a surveyor, but only one four-year degree school, the Citadel, still requires surveying. The others have done away with the courses and replaced them with computer classes. This makes sense for civil but not for land surveying.

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So the argument that we must be more “professional” rings a bit hollow to me.

I, like most surveyors in South Carolina attended our two-year college system and received a degree in Civil Engineering Technology. As soon as I walked out the door and into surveying I rapidly began forgetting all the engineering material to where today I can’t design a thing.

I worked four years in the field to learn all the necessary facts that a surveyor should know but that weren’t taught to me in college. I learned to cut line, judge the age of a corner, decide if a fence was the property line, do research, learn all the local laws, and most important, learn to work with others, be honest, and simply take the time to do the job right.

This year I believe that South Carolina is to begin requiring a four-year degree to become licensed and I have mixed feelings about it. As Gibson said, the RLS was the carrot held in front of the most able “trainees”, and they had to spend their four years before the mast. Today there are more surveyors needed but the path to the grail has been closed. So what we get is well trained civil engineers in the office with the AC turned up, running more field crews made up of a lot less qualified men with no hope of ever getting more pay or a higher position. That equates to unqualified at top and bottom.

I was trained in high school as a machinist and it was a hands-on procedure that takes many years of increasingly more demanding jobs. This cannot be taught in college. It has to be felt and sensed. It has been this way for centuries. Land surveying in many ways is like that—while college teaches that a foot is 12 inches, the swamp shows that is not always the case.

Never lose sight of the reason we have a need for surveyors: *land*, and a great need to cut it into smaller pieces for more and more settlers. In Europe I’ve heard that the average surveyor has a master’s degree because there is no *land* to be subdivided.

Is it not true that given a choice of majoring in civil engineering or surveying the money says the former?

One other point and I’ll quit: civil engineering today has specialties in environmental, structural, highways and probably more, but we are told that surveyors should be functional in at least GIS, mapping, and that old bread-and-butter, land surveying.

If we are to be required to be a *profession*, shouldn’t we be trained in pertinent fields like history of land, law of land, hydrology, tree identification, corner identification, etcetera?

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Gibson Replies

I’m not talking about falling back into the civil engineering education world. That’s over. CE (in 1959) decided they didn’t want surveying in their professional scope, and yes, they dropped surveying courses. The land surveying profession must establish new surveying four-year degrees and promote these only. South Carolina has had a good two-year Civil Engineering Technology program at Greenville Tech that fed people into the surveying profession for years. And yes, much in the Civil Tech program would have little application in land surveying. However, I don’t see civil engineers coming back in to manage the land surveying operations of firms. They didn’t study it in college, don’t know it, and usually just don’t care. The subjects such as tree dendrology, land law, land history, hydrology, etc., are long gone from a typical CE degree, but they are standard content in our newer surveying degrees around the country. We’re talking about a new academic discipline in surveying. —D.G.

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