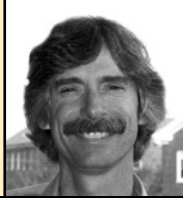


# Reconnaissance



By Gary Kent, LS

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## The Stories They Tell

Over the years of traveling to most of these United States and talking to or otherwise corresponding with hundreds of surveyors in virtually every state, I have come across a wide variety of interesting and humorous documents. Some of them I share off and on in my presentations, others not, but many of them deserve to see the light of day. As Dave Barry famously writes, "I am not making this up."

From one state came a copy of the opinion from a county court, in which the court opined:

"...[the] surveyor[']s confirmation of a corner by computer analysis to within one inch is phenomenal if not preposterous in view of the terrain, the age of the deeds, and the numerous mistakes in the deeds conveying property in this tract."

At least there is one judge who understands what some surveyors apparently do not.

Back in 1980, a surveyor in another state sent this statement in a letter to a client to lay to rest any questions about his survey:

"This survey was made from point to point with the chain being off the ground and this would give the minimum footage around this property. Measurements made on the ground would have been approximately ten (10) acres. We feel that we have done all that we can to correct any error(s) plus or minus with this survey. It will be very difficult to get any other survey to show the same number of feet and same degrees, because of the shifting of the earth and the magnetic pull of the earth."

Gravity...not just a good idea, it's the law!

From a handwritten deed with which the owner apparently wanted to convey everything, including the kitchen sink, the grantor wrapped up with:

"...and including the refrigerator, microwave and kitchen table...."

In 1871, an Indiana county J.C. Gregg surveyor reported this:

"I was called on to survey and divide the East quarter of this section Sept. 1, 1871 by William Brooks. I started to find the Centre of the Section by Cross lines, but was prevented from doing so by the

notwithstanding his Remarkable Record as above Because I have more Confidence in Mosley Brooks Guess than I have in Gregg's Survey." – R.R. Spencer, County Surveyor

Recently I was given a copy of a surveyor's affidavit regarding an addressing issue on a plat that the surveyor obviously felt was entirely trivial. In this document, recorded in 2001, the surveyor stated the following:

"...an absolutely horrible error, unforgivable in its very nature, likely to destroy the harmony of the free world as we know it,

"...[the] surveyor[']s confirmation of a corner by computer analysis to within one inch is phenomenal if not preposterous..."

bull-headedness of old Mosley Brooks who insisted that I should locate said Centre by his guess and the parties submitting to his say we did so. Consequently the whole survey is only guess work. I set the Corners at D & E." – J.C. Gregg

In a subsequent survey of a portion of the same property five years later, the county surveyor R.R. Spencer gave this commentary:

"Surveyed January 20th, 1876 for William and Henry Brooks 20 acres off the South end of Mosley Brooks land (it being 39.42 acres on the East side of the Southeast quarter) and established the Corners at G & F. There being no objections made to the Corners at D & E which were set by J.C. Gregg, I regarded them as correct,

has been discovered by those wonderfully understanding administrators (Policemen) of the Planning Department.... Great shame has befallen me that I failed to recognize this breach, and may my house be cursed forever for suggesting that they simply write the new [address] on their copy of the plat. I submit this document with great trepidation, and the supplication of the unrighteous."

Those from the public lands states never fail to find humor in the wording of many deed descriptions emanating from the metes and bounds states. With apologies to those in the metes and bounds states, since you have to deal with such every day and therefore tend to not find them humorous, we found these:

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“...thence a new line (which roughly resembles a crescent moon)....” [from Kentucky]

“...to the center of the Hanover and Lexington Plank road to within 6 or 8 feet of a spring in a sink hole bearing north to the center of said road....” [from Tennessee]

Of course, the public land states are not immune from the odd or humorous. From Iowa came this [quasi] aliquot parts description:

*“The East third (E1/3) of the West half (W 1/2) of the South three-fourths (S 3/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4).”*

And from a 1968 Indiana deed came this gem:

“...thence a little more East of South 1 chain 35 links; thence a little North of East 1 chain 20 links....”

From an 1860 survey near Bass Lake, Indiana, we find the following comments from surveyor Robert Bender:

*“Cold as Sam Hill when it was surveyed. Next day was the Presidential Election and I voted for one of the Smartest men in the United States which was Stephen A. Douglas.”*

I guess he was probably disappointed in the election results.

Then there was the letter recently sent to a gas company which was trying to negotiate easements for a new gas line (name and location redacted in order to protect the innocent):

*Dear big bullies from big gas company, My name is [\_\_\_\_]. I own land located at Mill Road, just north of [\_\_\_\_]. I understand that you want to build a pipeline underneath my land. I have several questions about this project...*

- 1. Why do we have to have this pipeline?*
- 2. Why does the pipeline have to go underneath my land?*
- 3. How does everybody else feel about this pipeline?*
- 4. Why can't you run this pipeline through a loser state like Michigan where*

*their sports teams stink and there's all types of people dying?*

*5. Are you going to bulldoze my favorite trees down?*

*6. Most important to me, if you do bulldoze and dig everything up. How much money will I get?*

Michigan—any rebuttal?

Then there are those things we come across which would be funny if they weren't real. The following is a part of the survey requirements for a national retail chain:

*[The surveyor shall certify] that no portion of the Demised Premise is located within:*

- *Prime farmland as defined by the USDA (7 CF 657 5)*
- *Habitat for species listed by state or federal agencies as threatened or endangered species*
- *100 feet of any water, wetland (per CF 40, parts 22 & 230-233), or areas of special concern identified by federal state of local rules*
- *Land which was public park prior to land acquisition unless land of equal or greater value has been traded by the public authority*

And finally, there is this lender's certificate:

*I hereby certify to Bank of Nevada, a Nevada corporation, [Borrower], [Name of Co-investor, if applicable], and their respective successors and assigns, and [Name of Title Insurance Co.] that this is a true and correct survey of (land lot, etc. and street address) and shows the true and correct location of the buildings and improvements situated on such land and all easements, rights-of-way, setback lines, and similar restrictions of record affecting the property surveyed. The buildings and improvements do not overhang or encroach upon any easement or rights-of-way of others, and there are no encroachments either way across the property lines.*

And if any of you certified to *that*, the joke, my friends, is on you. *As*