



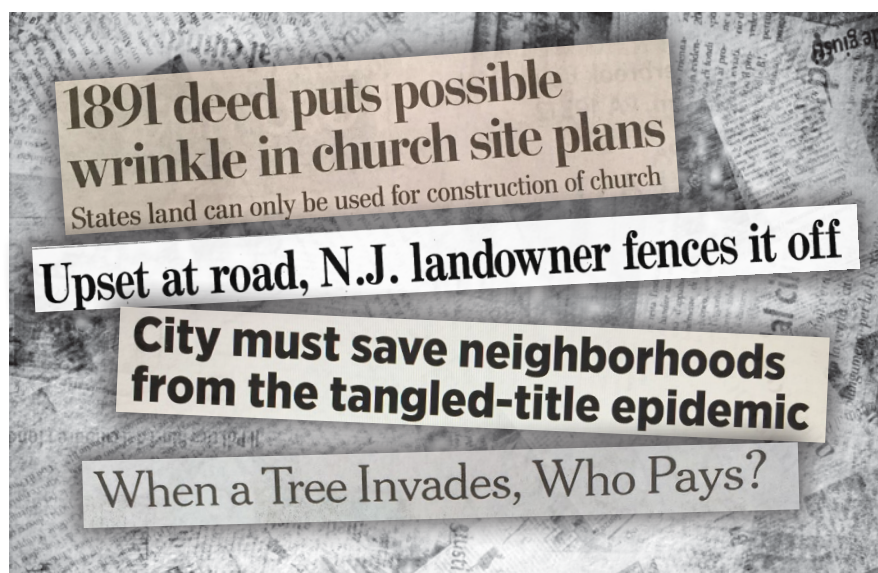
vantage point

Headlines That Make Surveyors Great Conversationalists

Who says surveyors don't matter? I find myself explaining a variety of real property details to neighbors, township commissioners, family members, colleagues, and a host of others when certain headlines generate discussion. The topics of discussion are far ranging. What are the rights of a utility company to expand its facilities within its easements without the additional structures or wires or boxes being considered an additional burden on the landowner's rights? What are the rights of natural gas companies to withdraw water from aquifers for hydraulic fracturing to the point that wells run dry or are tainted? Can a railroad company require a township to pay for track repairs when the township decides to move a road that crosses those tracks? People care about these kinds of matters because they see how they relate to private property rights, to the intricate cost/benefit balances between environmental and business interests, and to the expenditure of taxpayer dollars.

Such headlines provide us with opportunities to show how wide-ranging surveyors' knowledge is, and how we can help people either by providing explanations and answers or guiding them to others with the appropriate expertise. I'll take just four recent examples of news articles that generated a fair amount of discussion in my community, each of which opened some very interesting conversations.

The City of Philadelphia has a long-standing situation referred to as "tangled titles", referring to situations in which where the person living in a house and claiming



ownership is not listed on the deed. Such individuals have invested a lot of time and money into their homes over the years, including payment of taxes. But they do not have the right to sell the properties or to fight anyone else who may claim ownership of the property. Reasons for such situations can be that the owner listed on the deed is deceased or that the present occupants reside there under rent-to-own agreements. Administrative costs for processes to cure these problems may prove to be too much for individuals and families with low incomes. There are fees to file for probate to open a deceased person's estate. City and state transfer taxes must be paid to record a deed to change the owner's name, which in Philadelphia amounts to 4.1% of the property's value. So the headline "City must save neighborhoods from the tangled-title

epidemic" refers to the difficult and expensive legal investigations and filings to clear up thousands of titles – and volunteer work by local attorneys to assist in resolving one complicated case at a time.

The tiny borough of Narberth just down the road from my home has several old churches that no longer house congregations. Some have been "repurposed", but some have been threatened with razing if developer plans are not approved. One church's new owner had plans for residential reuse that were acceptable to some neighbors and abhorrent to others. But suddenly the local news shouted these words: "1891 deed puts possible wrinkle in church site plans." Uh oh, there are restrictions to use only as a church. Not only are the current redevelopment plans now down the tubes, so are any other possible plans

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crafts sentences with an easy authority and avoids rambling and academic incoherence. Yet as an academic he at times succumbs to today's academic temptations. If the book has a weakness it is in its occasional stumbling into cultural correctness and a constant allusion to Thoreau's literary significance. We inevitably judge those in the past by present standards, and Chura, as charming a writer as he is, cannot avoid that failing. Unfortunately, in many sections of the book he writes more for his university peers than for surveyors.

In addition, as a surveyor I would have preferred far more analysis of Thoreau's surveys. Chura does look in some detail at Thoreau's famous Walden Pond survey. But Thoreau performed well over 100 boundary and subdivision surveys. Reproducing and discussing the more interesting of those would have been an obvious addition to a book on Thoreau as a surveyor, but that is not the case. Only one of Thoreau's boundary surveys is illustrated. And the Walden Pond survey, which was not a boundary survey at all but rather a magnificent exercise in horizontal and vertical measurement, is the best we get.

But I quibble. This is a book that should be required reading for every practicing surveyor. Chura's strength is in his emphasis on Thoreau's ethics. That high moral sensibility was characterized by Thoreau's neutrality—that is, he treated client and abutter equally—and his obsession with accuracy regardless of his client's demands.

There is no doubt that Thoreau measured things for the sake of measurement, often obsessively. At times he pursued pure knowledge, clearly for the pleasure of the exercise itself. In this regard Thoreau's surveying at times transcended business. Chura masterfully captures this quality of the man.

Chura's book is unique. Even with the book's occasional shortcomings, there is no similar source on Thoreau as a land surveyor. *Thoreau The Land Surveyor* is recommended as an essential addition to every surveyor's library. ■

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for anything other than a house of worship, whether in the current building or in a new one erected on site. What's a borough to do?

As we move across the Delaware River to Elk Township, we find the headline, "Upset at road, N.J. Landowner fences it off." Each time the township re-paved the public road that this gentleman's property fronted upon, it encroached a little further beyond the stated right of way width onto his presumably unencumbered land. His requests for the township to remove the offending asphalt fell on deaf ears, as did later demands for compensation for taking his private property for public use (based on constitutional protections). Fed up, he decided to fence in his property, for which the deed ran to the centerline of the road right of way. That earned him a lot of attention. After citing him for creating a safety hazard and then facing a day in court, the township did eventually remove the excess black top. Clue to the outcome: there were no prescriptive rights beyond the statutory right of way.

The real estate section of the news (whether on-line or paper) often carries an advice column, and the one most recently attracting my attention addressed rights to remove roots from a neighbor's tree that were running under the writer's driveway, causing it to buckle. The captivating headline read, "When a tree invades, who pays?", referring to the damage to the driveway. Did the writer have the unilateral right to remove the tree roots? The columnist pointed out that the writer had no right to injure or kill a neighbor's tree by cutting roots that were essential to the tree's survival, and noted that an arborist would best be able to identify what roots could be trimmed by how much before repairing the driveway. However, the columnist acknowledged that the roots presented a safety hazard that could cause a trip and fall accident. His final advice was to approach the neighbor with a pitcher of iced tea or a beer and work it out together. ■

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