

# thought leader

## Land Ownership is Too Important to Be Left to Land Specialists

**A** while back I was searching the Internet for an old treatise on land titles. A Google query yielded a book published in 1914. The author was Charles Claudius Kagey and the book was titled “*Land Survey and Land Titles, a book for boys and girls, a reference volume for property owners, a text for students in the laws of real property, a library of elementary principles respecting the division of our land and the laws relating to its ownership*”. The subtitle of this book makes sense once the author reveals he was a teacher before he became a title examiner. He apparently believes public education should offer students the opportunity to learn something about a subject that affects their lives. After skimming through the pages of the book, I got the impression the author had written a book for different ages and interests. The author’s stated aim was “*to help the property owner know and those who contemplate buying a home to understand the simpler rules of procedure for their own protection...that the work may create a better sentiment from the property owner for the abstracter.*”

### PREFACE TO FORMER EDITIONS.

Every citizen should know what constitutes a title to a farm or a town lot, he should understand how land is measured, how it should be described and what protects his property rights.

That a comparatively small number of people in every community thoroughly understand the transferring of real estate titles, and that few land owners realize how their fortunes may be affected by the claims of others, is the conviction of the author after many years experience as a teacher and later as an active abstracter of titles in the business world.

Within recent years the values of real property have increased to such an extent that acquaintance with the simple rules and laws governing the division of land, the methods of its transfer, etc., is not only a desirable item of knowledge to all, but an imperative necessity if any one is to be truly safeguarded.

In view of the great importance of the subject of “Land Surveys and Land Titles,” to every citizen, its study should form a part of every school course.

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Further the machinations of markets which can quickly convert a good fortune in property into one that is less so. Preserving an investment in land requires owners to possess knowledge and exercise vigilance. This would be easier if each parcel of land came with buyers guide and an owner’s manual.

Mr. Kagey’s 100+ year old message remains relevant today—**Land ownership is too important to be left solely in the hands of technical specialists.** It is also too complex for the do-it-yourselfer. A self-reliant person may need to recognize when they need the help of a qualified professional to do what needs to be done. And life in the community is better when neighbors agree on certain matters, such as where one property ends and another begins. In many respects, land ownership is a cooperative

# the American Surveyor

amerisurv.com

May 2017 / Vol. 14 No. 5  
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*The American Surveyor* (ISSN 1548-2669) is published monthly by Cheves Media LLC. Editorial mailing address: 905 W. 7th St., #331, Frederick, MD 21701. Tel: (301) 620-0784.

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Subscriptions prices in the U.S.: Free for qualified professionals. Canada: 1 year \$56.00 US; international subscriptions \$72.00 per year (Airmail), U.S. funds prepaid. Back issues (subject to sufficient stock) are available for \$4.95 + S/H.

New subscription inquiries and all other address changes should be sent to *The American Surveyor*, P.O. Box 4162, Frederick, MD 21705-4162. Fax: 301-695-1538. Subscribe online @ [www.amerisurv.com](http://www.amerisurv.com)



effort which yields mutual advantages for those involved. Cooperation depends on some commonly held knowledge. Surveyors can play a role in informing people so they make good decisions about land ownership, but they need to do this long before these same people encounter the various purveyors of inaccurate or incomplete information. Some of these purveyors are educated and articulate, but don't realize that some of what they know simply ain't so. Replacing misinformation with reliable information can be doubly difficult. First a person has to unlearn something and then learn something else.

The institution of property is based on concepts that perhaps only a professional can understand, but its integrity is influenced by the day to day acts of people who are less informed. For example, each day people go to work in jobs that end up disturbing or destroying boundary monuments—even the inexperienced land surveyor has been known to do this. People prepare documents with words without understanding their meaning—ditto. This is just a sample of well-intended acts that

can have unintended consequences which are costly to correct. In theory, the institution prohibits certain behavior that can degrade its performance. In practice, there are limited ways to prevent it. As a result, adverse effects can accumulate and diminish the institutions capacity to do what it was designed to do—produce certainty at a reasonable cost. Ponder for a moment the social and economic costs that are incurred in resolving boundary dispute brought on by faulty documents or the absence of boundary evidence. This may create work for land surveyors and other professionals, but the net effect represents economic loss.

Surveyors are interested in promoting their profession. There is a lot of interest in using STEM to engage others in discussions about the technical aspects of what surveyors do. As interesting as science, technology and math may be, land and its ownership are likely to be more important in people's lives. This is the notion that prompted Mr. Kagey to do what he did 100+ years ago. The subject matter can be just as fascinating and profitable as STEM, maybe more so because the object lessons

are found everywhere in daily life. Further, there is more to surveying than STEM. While there is a lot of STEM involved in the design and manufacture of a robot, drone or other automated systems that surveyors use, the typical user only uses a fraction of this knowledge to operate the system. Professional surveyors also draw upon knowledge of anthropology, government, history and law in order to do what they do. This greatly expands the pool of people who might have an interest in the surveyors work. So the next time you plan to talk with a group of math students at the local school, see if a civics or geography class may want to hear a presentation about surveying. And don't forget to mention something about land and its ownership. These few seeds of information could cause a person to consider a career in surveying or to learn more about one of the most significant purchases they make in life. ■

**Lee Lovell** is a registered land surveyor in Colorado and Nebraska and has accumulated 34 years of professional experience. He resides in Parker, Colorado where he was part of Western States Surveying for 20+ years.

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