

## Following the Footsteps

### >> Chris Wickern, LS

It has been said that a discussion between three professional land surveyors is apt to yield six different opinions. This seems to be especially true when discussing a mandatory recording act. Some states have them, some states don't, and others have them but don't enforce them, while others only enforce portions of the Acts and overlook the rest. It sure makes working in different jurisdictions interesting.

The opposition to mandatory recording ranges from the practical to the absurd. Practically, a recording act may empower local authorities to act as survey police and "approve or reject" a map submitted by a licensed land surveyor depending on how

the Act is worded. On the other hand, it is absurd to think that mandatory filing and the associated cost will drive clients away. The cost of a boundary survey and recording is an insignificant amount when land is sold, transferred, or subdivided.

For example, let's say a contract is signed in an area with no recording act. The research is started and it is discovered that posts were set for the section corners in the Government Survey of 1843. The County Surveyor's records state that the post no longer exists and a stone was set at the corner in 1885 from ties to bearing trees. That's where the record of footsteps ends. We search for evidence at this corner and discover an open field with a 2" galvanized fence post, set in concrete cut off 0.20' above ground. We also find a cross cut in the

concrete base, a 1/2" reinforcement bar with no cap, a boat spike, a flagged 60d nail, two 5/8" reinforcement bars with two surveyors' registration numbers, and a new fence corner, all within a 4.5' radius. It seems you find multiple corners at one location, or absolutely nothing for two-and-a-half miles. Neither of these is uncommon. In this instance, you have gathered a lot of evidence to evaluate. There are a lot of footsteps at the corner, but nothing that says how the previous surveyors got there, or where they went.

Contact with the surveyors you can identify doesn't always yield information that assists in forming your opinion. Information is not always shared between professionals, and you may be told, "Why should we give you information so you can profit from our work?" or,

The Leica GPS1200



In any language, the Leica System 1200...

The Leica SmartStation



Just...

The Leica SmartRover



Got...

“Sharing information with you breaches our client’s privacy. It increases our liability without compensation,” along with dozens of other reasons not to provide information. This was true in the area where I grew up surveying and I had many of the same concerns.

The first boundary resolution I was part of where a mandatory recording act is enforced involved an unmarked 5/8” reinforcement bar. There were no Records of Surveys or Maps of Record that called this bar as being set. The resolution I presented held the rebar. The surveyor in responsible charge was leery of this monument and leaned toward not accepting it because it was not of record. He had always worked under a recording act, and I had never worked under one. The other corners of the tract were common to, and accepted in, Records of Surveys. This rebar was .25’ out of position and the deed calls were expressed to the whole foot. My experience told me that this is a boundary corner. His experience told him that if it is not of record, then it is just a piece of metal in the ground. Evidence viewed differently because of the evaluator’s experience.

What about following the footsteps of those who surveyed before us? How does one follow the footsteps when the only evidence of supplemental work is squirreled away in Great Grandma’s cedar chest? The answer, of course, is you can’t follow what is hidden and can’t be discovered. The footsteps in the field have been obliterated by time, and past surveys not being recorded are now lost.

Now, working in areas with mandatory recording acts, I see the difference as night and day, and nothing short of astounding. Areas without a recording act force the surveyor into working with an incomplete record – a record one can only hope to partially complete with the evidence found through their own fieldwork. More often than not, the field evidence gathered is in conflict with the record, such as finding multiple monuments at a property corner. If you’re lucky, a surveyor’s cap or tag can be identified, and that surveyor will be willing to share information. With very few exceptions, the surveyors working in areas with such an act wouldn’t have it any other way. The footsteps and all those who retraced those first steps are in the record for all to see and share.

The recording fees are usually small, and don’t compare to the cost of a survey party stumbling around in the field trying to follow footsteps that have been hidden over time because work has not been placed in the record. This small increase has the same effect across-the-board.

I strongly believe in the benefits of mandatory recording. Working in areas without one can be compared to surveying with one arm tied behind your back, and blindfolded. It is also extremely important for surveyors to be an integral part of forming these acts. The last thing I’d want is an unlicensed technician employed by the Recorder’s Office refusing to file my survey. The best way to avoid unintended consequences is for surveyors and their state societies to become involved and help steer the process. *A*

---

**Chris Wickern** has served as a party chief, as an instructor at the Artillery Surveyors Course, and as Brigade Chief Surveyor in the U.S. Army. Licensed in Missouri and Arizona, he is currently the survey manager for Arizona Land Specialists, Inc., in their Sierra Vista office.

## The Leica Reference Station



Even...

Better

## Introducing the world's first GNSS/GLONASS-capable Surveying System



The Leica System 1200 now speaks more languages than ever. Leica Geosystems has just added the Russian-based GLONASS satellite capability to the world’s best-performing GPS system. The result: faster initialization, reduced downtime and unmatched productivity. The System 1200 is also designed to support future GNSS technology like GPS L5 and Galileo. For more information see your Leica Geosystems dealer or call 1-800-367-9453.

- when it has to be **right**

**Leica**  
Geosystems