



BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944

Telephone: (916) 263-2222 Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.pels.ca.gov



February 18, 2010

Kelsoe & Associates, Inc.
268 N. Lincoln Avenue, Suite 8
Corona CA 92882

Attn: Robert Kelsoe

Re: Board Rule 464 Corner Record – Record Information Requirements

In response to your inquiry regarding Corner Record procedures and the application of Board Rule 464, we offer the following:

Question: Is it required to include record information on a Corner Record, specifically in regards to Board Rule 464(d)?

Discussion:

Board Rules, under California Code of Regulations Title 16, Division 5, are adopted by the Board to implement and make specific both the Professional Engineers Act (PEA) and the Professional Land Surveyors' Act (PLSA). In cases, where contradictory language exists between a regulation and a statute, statute language will generally control.

Board Rule 464 provides for the procedures used to implement the use of a Corner Record as required in Business & Professions Code, §8765, 8771, 8773, 8773.1, 8773.2, 8773.3 and 8773.4 (PLSA) and states:

464.

(a) The corner record required by Section 8773 of the Code for the perpetuation of monuments shall contain the following information for each corner identified therein: ...

*... (d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, **together with reference to record information.** Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.*

PLSA Section 8765 states:

8765.

A record of survey is not required of any survey:

(a) When it has been made by a public officer in his or her official capacity and a reproducible copy thereof, showing all data required by Section 8764, except the recorder's statement, has been filed with the county surveyor of the county in which the land is located. Any map so filed shall be indexed and kept available for public inspection.

(b) Made by the United States Bureau of Land Management.

(c) When a map is in preparation for recording or shall have been recorded under the provisions of the Subdivision Map Act.

(d) When the survey is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with those records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated by prior records. For purposes of this subdivision, a “material discrepancy” is limited to a material discrepancy in the position of points or lines, or in dimensions.

It would be reasonable to expect that to comply with 8765(d), one must know the relationship between the survey and pre-existing record information.

PLSA Section 8771 states:

8771.

... (b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor...

It would be reasonable to expect that without the research of the required records, one would not know if all monuments that provided control for the location of subdivisions, tracts, boundaries, roads streets, or highways, had been searched for and existed.

8771. (cont.)

*They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location if any monument could be destroyed, damaged, covered, or otherwise obliterated, and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. **Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.***

PLSA Section 8773 states:

8773.

(a) Except as provided in subdivision (b) of Section 8773.4, a person authorized to practice land surveying in this state shall complete, sign, stamp with his or her seal, and file with the county surveyor or engineer of the county where the corners are situated, a written record of corner establishment or restoration to be known as a “corner record” for every corner established by the Survey of the Public Lands of the United States, except “lost corners,” as

defined by the Manual of Instructions for the Survey of the Public Lands of the United States, and every accessory to such corner which is found, set, reset, or used as control in any survey by such authorized person.

To establish or restore a corner, a Land Surveyor must be able to reference physical dimensions to other corners and/or monuments as it relates to record information.

PLSA Section 8773.1 states that the Board shall implement regulation that describes the content required for a Corner Record. Board Rule 464 is the regulation that provides for this procedure:

8773.1.

The board shall by regulation provide and prescribe the information which shall be necessary to be included in the corner record and the board shall prescribe the form in which such corner record shall be submitted and filed, and the time limits within which the form shall be filed. A corner record shall be a single 8.5 by 11 inch sheet which may consist of a front and back page.

PLSA Section 8773.2 states:

8773.2.

*(a) A “corner record” submitted to the county surveyor or engineer shall be examined by him or her for **compliance with subdivision (d) of Section 8765 and Sections 8773, 8773.1, and 8773.4**, endorsed with a statement of his or her examination, and filed with the county surveyor or returned to the submitting party within 20 working days after receipt.*

The County Surveyor is required to examine the submitted Corner Record for compliance with the above referenced PLSA sections.

Additional research does not reveal any distinction between a Corner Record filed in accordance with Section 8765(d) and/or Section 8773 and a Corner Record filed for monument preservation in accordance with Section 8771.

In cases where the licensed Land Surveyor has the choice by law to file either a Corner Record or a Record of Survey, and chooses to file a Record of Survey in lieu of a Corner Record, must be in compliance with PLSA Section 8764(d) which states that the survey must depict the relationship to those adjacent records:

(d) The relationship to those portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey.

Conclusion:

We are of the opinion that by law Corner Records shall depict the relationship between the submitted survey and record information, where applicable.

Should you require any additional information regarding this inquiry, please do not hesitate to contact me.

Sincerely,

Richard B. Moore, PLS
Senior Land Surveyor Registrar
(916) 263-2271