



**PROFESSIONAL PRACTICES COMMITTEE
OF THE LOS ANGELES CHAPTER**
of
California Land Surveyors Association
1125 E. Broadway, #96 Glendale, CA 91205-1315

October 25, 2010

Mr. Ric Moore, P.L.S.
Senior Land Surveyor Registrar
Board for Professional Engineers and Land Surveyors
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944

RE: Request for Opinion; Monument Preservation

Dear Mr. Moore:

The land surveying community has observed an increase in the mortality rate of survey markers set for right of way control, public and private property boundaries. Various reasons exist for these losses, most correctable being unfamiliarity with the laws regarding monument preservation and what can be done to mitigate the increase in monument destruction.

There may have been some confusion regarding what the responsibilities are on the part of the land surveying community and the public agencies about how to comply with provisions of the Professional Land Surveyors Act (Business & Professions Code §8700 et seq.) when capital improvement projects, infrastructure maintenance and other public projects go to construction.

8771. states:

(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...

There has been confusion in our area that property line monuments, or produced offset monuments are not considered to be controlling. Furthermore, some believe that if there are no referenced documents on file with the County that these monuments do not need to be perpetuated. It is our understanding that surveyors had an option whether or not to file a map (Corner Record) in many instances prior to 1983. In some cases, non-referenced monuments may be the only survey evidence remaining after construction projects have destroyed record monuments.

1. Does the definition of monument include evidence such as: lead & tack, concrete nail with tin, chiseled X, rebar, etc.?
2. Are property corner monuments or offset monuments considered to meet the criteria that "control the location...?"
3. Do non-referenced monuments need to be perpetuated?
4. Does the word "exist" include record monuments that may not be visible from the surface, but could be recovered based upon research (i.e. original tract corner that may be under sidewalks, buried centerline monuments, etc.)?

8771. (cont.)

...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.

Some have stated that they will replace monuments after construction based upon record information without locating and surveying the locations prior to construction. By doing such, there is a good possibility that the other evidence and monuments, not of record – however may have been relied upon by the public, would be destroyed unknowingly.

5. Is an inventory and survey of all monuments within the project area required prior to construction?
6. If existing record monuments have not been located or surveyed prior to construction and if all those monuments are destroyed during construction, how could someone reset their locations after the fact, based upon the record centerline tie sheets?
7. Assuming that there was not record information for given survey monuments, how would someone reset the location of a survey monument in its' previous location if it had not been surveyed prior to destruction?

8771. (cont.)

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.

There appears to be some confusion related to the definition of sufficient controlling monuments. One might interpret that the existing current centerline of street monuments would be sufficient to control the property lines and not retain or replace monuments that define the actual locations of property lines which have been relied upon by the public. It is assumed that property owners would visually rely on monuments at their individual locations and not have to rely upon measuring hundreds or even thousands of feet to be able to show an adjoining property owner what they consider to be the common line between the parties.

8. If there is existing property corner monuments or offset monuments in place prior to construction, would those be required to be replaced after construction?

8771. (cont.)

It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section.

9. What is the difference in the statement “responsibility of the governmental agency or others performing construction work” and who is ultimately responsible?

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10. Can a governmental agency shift the responsibility of monument preservation to a non-licensed individual (i.e. Contractor)?

Additionally, some surveyors are showing this disclaimer on their perpetuation Corner Records ***“The purpose of this record is to document the perpetuation of found monument(s) pursuant to the PLS Act Section 8771. No claim is made regarding the correctness of the position(s) of said monument(s), nor the dimensional relationship to the street centerlines or property boundaries.”***

Currently, no research or review of contractual documentation has been performed to understand the scope of services between the surveyor and the contractor or agency. It is assumed that the when a surveyor uses this disclaimer, that they are only surveying the location of what has been found visibly. It is our assumption that in a situation where property line monuments, or produced offset monuments were not of record, this statement may be applicable for documenting found evidence.

11. What is the purpose of placing this type of disclaimer on a Corner Record if the intent may have been to preserve street centerline monuments?
12. Does using this type of disclaimer relieve the surveyor of his requirement to perform sufficient research and recovery of record survey monuments that may not be visible from the surface?

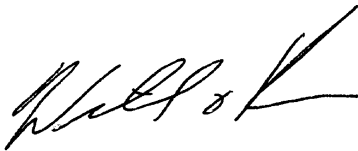
Should you require any additional clarification regarding this inquiry, please feel free to contact me for further discussion.

Here is my direct contact information for discussion and all correspondence:

2920 W. Magnolia Blvd
Burbank, CA 91505
(818) 558-5610 Office
(818) 558-5109 Fax
(818) 216-6358 Mobile

Thank you in advance for your support and guidance on this matter.

Sincerely,



David Hobbs, PLS 7892
Professional Practices Committee Chairman

cc. PPC Committee