

SIDE SHOTS

Volume 37 Number 2

May Journal 2006



PROFESSIONAL LAND SURVEYORS OF COLORADO, INC.
 AFFILIATE - NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
 MEMBER - COLORADO ENGINEERING COUNCIL
 MEMBER- WESTERN FEDERATION OF PROFESSIONAL SURVEYORS
 OFFICERS (2005-2006)



TOM T. ADAMS
 VICE PRESIDENT
 1210 24TH LANE
 PUEBLO, CO. 81006
 O: (719) 546-5454
 H: (719) 296-8262
 F: (719) 546-5410

JOHN B. GUYTON
 PRESIDENT
 WFPS DELEGATE
 FLATIRONS, INC.
 3825 IRIS AVENUE, STE. 395
 BOULDER, CO 80301
 O: (303) 443-7001
 F: (303) 443-9830

ARTHUR W. HIPP
 SECRETARY-TREASURER
 EXECUTIVE DIRECTOR
 9660 WEST 56TH PLACE
 H & O: (303) 424-8156
 F: (303) 940-6061

MARK F. CORBRIDGE
 PAST PRESIDENT
 4901 OTERO DRIVE
 LOVELAND, CO 80538
 O: (970) 203-1552
 F: (970) 203-1443

DIRECTORS (2003-2006)

JOHN C. NOONAN (2005-2006)
 P.O. BOX 3696
 STEAMBOAT SPRINGS, CO. 80477
 H: (970) 879-4224
 O: (970) 872-7700
 F: (970) 871-8009

A. RON PERKINS
 155 N. COLLEGE AVENUE, #100
 FT. COLLINS, CO 80524
 H: (970) 207-9097
 O: (970) 407-9220
 F: (970) 407-9244

GEOFFREY F. STEPHENSON
 522 S. YOUNGFIELD COURT
 LAKEWOOD, CO. 80228
 H: (303) 988-2207
 O: (303) 988-2207
 F: (303) 988-3110

DARRYL A. WILSON
 25532 MOSIER CIRCLE
 ASPEN PARK, CO 80433
 H: (720) 205-7325
 DIRECTORS (2005-2008)

DIANA E. ASKEW
 12322 S. WAMBLEE VALLEY RD.
 CONIFER, CO. 80433
 H: (303) 838-7577
 O: 303.326.-7170
 F: 303.343.-0052

LAWRENCE T. CONNOLLY
 29210 HIGHWAY 160, UNIT D
 DURANGO, CO 81303
 H: (970) 759-4477
 O: (970) 385-6891
 F: (970) 385-6295

GARY D. GABLE
 6538 VIVIAN STREET
 ARVADA, CO. 80004
 H: (303) 422-0199
 O: (303) 843-3468
 F: (303) 843-3468

MICHAEL M. GREER
 7174 UNION ST.
 ARVADA, CO 80004
 H: (303) 279-5452
 O: (303) 271-8787
 F: (303) 271-8706

WFPS DELEGATE (2005-2006)

DAVID C. DIFULVIO
 FARNSWORTH GROUP
 2696 S. COLO. BLVD., S-250
 DENVER, CO 80222
 O: (303) 692-8483
 F: (303) 692-0470

NSPS GOVERNOR (2005-2006)

WARREN D. WARD
 P.O. BOX 653
 FRASER, CO 80442
 H: (970) 887-0462
 O: (970) 725-3347
 F: (970) 887-0463

Dear Fellow Members,

Many thanks to Geof Stephenson and Gene Kooper for their willingness to organize the many contributions to the Bill McComber Memorial Library. The generous donations of material from Dexter Brinker, Doyle Abrahamson, Jason Emery, Dave Pehr, Gary Gable and Charlie Tucker will make the Library a valuable resource. Additional thanks go to Geof, Gene, Heather Robinson, Dan Smith, and Don Hansen for moving Dex's books from Herb's office and to Geof's wife Waunita for cataloguing Dex's books.

Bonna Kay McComber has volunteered her time to begin scanning some of the irreplaceable, rare and/or valuable items that have been donated so they will be available to everyone. Our goal is to eventually have all the Library material available electronically, so members who cannot get to the Library in Aurora can still access and utilize the resources contained in the Library.

The PLSC Board of Directors has generously agreed to make a donation of \$5,500.00 to help fund the Metro State Industrial Advisory Committee's booth and travel to the ACSM Convention in Florida. We wish them a successful convention experience.

Dave Pehr has volunteered to lead some Mentoring sessions on law related topics that should be very informative. The Mentoring sessions are an excellent introduction to a wide variety of topics and I encourage people to take advantage of them as much as possible. Course schedules are included in this issue. The April issue of POB includes an article about our mentoring sessions, it's exciting to have the program get that kind of attention.

The CCPS/MSCD Land Surveyor Refresher Course that ran from January to March was well attended. Average class size was 40-50 persons, most of whom were LSI candidates. The program may be offered annually, scheduled to not interfere with mentoring sessions.

Ed Bristow and I have prepared a letter regarding CRS 38-44-112 "Line of Agreement Surveys" to be sent to County Attorneys and other parties. The letter is included in this issue, and will be submitted to POB for publication in the future. In addition, an article on the PLSC will be submitted for publication to the Colorado Real Estate Journal, that article is also in this issue.

Please submit items for publication to Tom Adams at adams@axint.net, or to me at jguyton@flatsurv.com. When submitting items for publication in Side Shots, please remember that proposals for changes and/or legislation should also go through the committee review process. Committee Chairs are: Ron Perkins - Legislative; Geoff Stephenson - Publications; Gary Gable - Liaison; Tom Adams - Membership; Larry Connolly - Ethics and Fair Practices.

We are currently working on updating the PLSC website, www.PLSC.net. Please contact me about information on the site that needs to be updated, or if you have items that you wish to post. We are also working on updating the format of the site to include a column of links/table of contents on the left for easier navigation, and an updated bulletin board for the public exchange of ideas. At the next Board meeting, I will be discussing adding a list of PLSC members as a surveyor's referral section accessible to the public.

The next Board of Directors meeting is scheduled for June 10th in conjunction with the Four Corners Workshops in Durango. I hope to see you all there.

Sincerely,
 John B. Guyton, PLS



DEDICATED TO THE IMPROVEMENT OF LAND SURVEYING EDUCATION AND PRACTICE.

PROFESSIONAL LAND SURVEYORS
OF COLORADO, INC.

AFFILIATE—NATIONAL SOCIETY OF
PROFESSIONAL SURVEYORS
MEMBER—COLORADO ENGINEERING COUNCIL
MEMBER—WESTERN FEDERATION OF
PROFESSIONAL SURVEYORS

OFFICERS (2006)

JOHN B. GUYTON
PRESIDENT

Flatirons, Inc.
3825 Iris Avenue, Ste 395
Boulder, CO 80301
O: (303) 443-7001
F: (303) 443-9830

TOM T. ADAMS
VICE-PRESIDENT

1210 24th Lane
Pueblo, CO 81006
O: (719) 546-5454
F: (719) 546-5414

ARTHUR W. HIPP
EXECUTIVE DIRECTOR

Secretary-Treasurer
9660 West 56th Place • Arvada, CO 80002
(303) 424-8156 FAX: (303) 940-6061

2006 PLSC CHAPTER
ORGANIZATION

CENTRAL COLORADO PROFESSIONAL SURVEYORS

President Gary Leak O: 720/946-0969
Vice President Gene Kooper O: 303/989-5424
Secretary John Lautenschlager O: 303/841-7436
Treasurer Diana Askew O: 303/592-2837

Directors: Dick Barton, Randy Bloom, Bill Buntrock, Gary Gable,
Mark Hall, James Rihaneck, Georgia Satterlee

NORTHERN CHAPTER - PLSC, INC.

President Steve Lund O: 970/686-5011
President Elect Steve Varriano O: 970/613-1447
Sec'y-Treas. Thomas Donnelly O: 970-667-8010

Directors: Lonnie Sheldon, Mike Lang, Rob Hintz

NORTHWEST 1/4 COLORADO
LAND SURVEYORS

President Ridgway C. Moon O: 970/879-1987
Vice President Gordon R. Dowling O: 970/276-3613
Sec'y-Treas. John Noonan O: 970/879-4224

Directors: James Joy, Tom Effinger, Dave Ginther, Peter Epp
Immediate Past President: Lloyd Powers

SOUTHERN COLORADO PROFESSIONAL
LAND SURVEYORS

President Terry Maw O: 719/593-2593
Vice President Mark Johannes O: 719/633-8533
Secretary Mike Bouchard O: 719/590-9194
Treasurer Daniel Hanten O: 719/542-6672

Directors: Nathan Lira, Cory Sharp, Joseph Alessik,
Shawn Richards, Tom Adams

SOUTHWESTERN CHAPTER - PLSC, INC.

President Parker S. Newby O: 970/247-1705
Vice President Tom E. Au O: 970/3850563
Secretary David O. Freienmuth O: 970/385-6891
Treasurer Lawrence T. Connolly O: 970/385-6891

WESTERN COLORADO LAND SURVEYORS

President Les Doehling O: 970/248-7072
Vice President Wayne Lizer O: 970/241-1129
Sec'y-Treas. Jeff Fletcher O: 970/254-8649

Directors: Patrick Green, Kurt Shepherd, Dennis Shellhorn,
Jon Kobylarz, Steve Hagedorn, Teresa Smithson, Udell Williams

SIDE SHOTS

MAY JOURNAL 2006

Volume 37

Number 2

Letter From The President	2
The Editor Sez	4
Chapter News	6
PLSC Insurance Program	10
Mineral Survey Corner	11
PLSC - Making A Difference	19
McComber Mentoring Program.....	22
PLSC Legislative Committee Report	23
PLSC Board of Directors Meeting Minutes	28
Property Line Agreements Letter	32
Call for Input	36
In Memoriam	33
FEMA Procedure Memorandum No. 41	38
2006 Sustaining Members	39

*Side Shots is the official publication of the Professional Land Surveyors of Colorado, Inc.
and is published quarterly for the betterment of the surveying profession.*

John B. Guyton
President

Tom T. Adams
Vice President

For Editorial Correspondence, write:

ARTHUR W. HIPP

Executive Director and Editor

9660 West 56th Place
Arvada, CO 80002
303/424-8156

*This publication is not copyrighted and articles may be reprinted with due credit.
Statements made and opinions expressed are from the contributors and do not necessarily
express the official views of the Professional Land Surveyors of Colorado, Inc.*

*Deadlines for editorials, articles, pictures and advertising are January 1, April 1,
July 1 and October 1. All material received after the current deadline will appear
in the next issue of Side Shots.*

*We would like to invite anyone who is interested to advertise in our newsletter - Side Shots.
Do you have something you want to sell, trade or buy? Why not use Side Shots for your
next ad. We can also reproduce business cards for advertising. All material must be
sent to Arthur W. Hipp, 9660 W. 56th Place, Arvada, CO 80002, before the editorial deadline
(January 1, April 1, July 1 and October 1).*

Current Advertising Rates:

Business card size or less - Member \$15.00; Non-member \$20.00

One-Half Page - Member \$75.00; Non-member \$100.00

Full Page - Member \$150.00; Non-member \$200.00

Invest In Your Future

By investing in our partnership



The Professional Land Surveyors of Colorado, Inc. (PLSC) recently entered into a Partnership Agreement with Metropolitan State College of Denver.

The agreement will benefit everyone in the real estate and surveying communities who depend on quality surveying work to help their businesses thrive.

As part of the agreement, funding will be provided to Metro on behalf of the school's Surveying and Mapping Program. The funding will help the program to achieve the highest academic standards and ensure quality surveying work in Colorado for years to come.

Please send your donation* to:

Colorado Surveyors
Educational Foundation, Inc.
P.O. Box 2276
Arvada, CO 80001

Or call: Tom Cave at Accurate
Consultants, Inc., (303) 469-2202.

Education is the Future!



THE EDITOR SEZ

The Editor Sez

Well, Spring has finally arrived and I know you are looking forward to a busy (and I hope prosperous) season. Hopefully Mother Nature will provide us with enough moisture to adequately feed our lawns and gardens, replenish our reservoirs and prevent the devastating fires we have had in the past and that other sections of our country are having now. Our weather does change abruptly from day to day, but then that is "Springtime In The Rockies!" All things considered there really is no better place to live.



Art Hipp

Our professional society is actively pursuing some legislative matters, as noted later in this issue. We are also working, as noted later, very successfully on a variety of educational opportunities, such as college level courses and our mentoring program, to train the next generation of surveyors who will be our future leaders. Our thanks and gratitude goes to the many members who are leading and enjoyable Summer session.

AND ONE FINAL AND IMPORTANT NOTICE!!!

If you have not paid your dues for 2006 yet – PLEASE do so at once. If you are delinquent in July you will not receive the July issue of Side Shots and you will not be listed in or receive the Membership Roster for 2006. Please get current-we really don't want to lose you!

***Send Letters
to the Editor:***

**Arthur W. Hipp
9660 West 56th Place
Arvada, CO 80002**

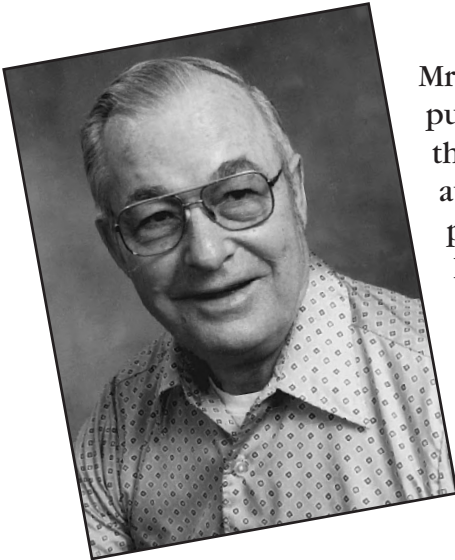
Now Available

A masterful documentation and historical perspective of each initial surveying point for federal public lands in the United States. Published in 9x12 format, Initial Points of the Rectangular Survey System features a 4-color section with more than 130 photos depicting monuments and landmarks.

C.Albert White's second book,

INITIAL POINTS OF THE RECTANGULAR SURVEY SYSTEM

Never before, in the history of surveying, has so much pertinent and interesting material been so meticulously compiled in one publication. (White personally visited EVERY Initial Point.)



C. Albert White

Mr. White's first book, A History of the Rectangular Survey System, published by the BLM in 1983, is considered the definitive work on the U.S. Public Land Survey System. Arguably the most distinguished authority on the history of nineteenth and twentieth century public lands surveying, White began his career with the General Land Office in 1946. Both as BLM and a private surveyor, he applied his zeal to a wide range of activities. White's expertise represents a bridge between the wisdom and experience of the American heritage of land settlement and the contemporary uses of surveying technology.

Published by the Colorado Professional Land Surveyors Educational Foundation, Inc., a non-profit foundation, Initial Points of the Rectangular Survey System is undertaken in the spirit of, and dedication to, Mr. White's remarkable contributions to his field. Net proceeds from its sale will be returned to the educational foundation.

Name _____

Address _____

Number of copies	Price
1	\$89
2-5	\$79
6-10	\$69

Send check to:
Initial Points
c/o The Publishing House,
P.O. Box 215, Westminster, CO 80036-0215.
Tel. 303-428-9529; Fax 303-430-1676

Enclosed is \$ _____ for _____ copies plus \$7 for shipping and
handling for a total of \$ _____.

CCPS

Another year has come and gone. I am honored to step in as the new president of the Central Chapter. I would like to thank the departing directors, John Krieschel and Brad Peterson for their hard work. I would especially like to thank the out going President, Doug Berling. Because of Doug's leadership the CCPS is a better organization and I will miss his leadership and company. The incoming directors are Georgia Satterlee with the Douglas County Assessors Office, James Rihanek at JR Engineering and Bill Buntrock at V3. This year the returning directors are Dick Barton, Gary Bable, Mark Hall, Randy Bloom, John Lautenschlager as Secretary, Diana Askew as Treasurer and Gene Kooper as Vice President. I consider myself very lucky to be associated with this talented and motivated group of professionals. I would like to acknowledge the extraordinary efforts of Gene Kooper and Randy Bloom. With the help of many of you in our community they initiated educational programs that are a tremendous benefit to all of us. Gene Kooper with the help of Gaby Neunzert started the Bill McComber Mentoring program and with the blessings of MSCD, Randy Bloom restarted the PLS, LSIT refresher course at CSM. I am looking forward to this upcoming year and the opportunity to serve with this exceptional group of people.

Gary Leak, PLS
President CCPS

NC/PLSC

Workloads are really picking up, and that can only mean that the Northern Chapter is about to embark on its annual summer sabbatical. Our May 3rd meeting will take place in Loveland at the former A&W. Members are encouraged to drive their firm's best or worst truck for a comparison of setups.

The following chapter officers are preparing to again resume civilian life: Steve Lund-President, Tom Donnelly-Secretary/Treasurer and Chapter Directors Mike Lang and Rob Hinz.

The Northern Chapter is once again sponsoring the Trig Star program with local high schools. Students from Loveland's Mountain View, Estes Park High and Ft. Collins Heritage Christian will compete for chapter awarded prizes. Several members of the surveying community typically give presentations about surveying at the participating schools.

Mentoring sessions are being held bi-weekly in Loveland. Gabby Neunzert is presenting material on a variety of surveying topics including GPS, databases, the GLO, horizontal and vertical curves, and traverses. Sessions have consistently had between twenty to thirty attendees. Gaby is a Colorado surveying legend and his presentations are always thorough, interesting and easy to understand. For additional information, contact me at the email address below.

Preparation is set to begin on the 2007 Spring Technical Session. The Technical Session is usually held in early April in Greeley. The Northern Chapter works hard to provide a quality seminar an affordable price so mark those calendars!

Meetings are held at 6:00 pm on the first Wednesday of the month (September-May) at revolving locations throughout the area. The chapter provides dinner and members frequently bring in current surveys that introduce interesting technical and legal aspects of surveying. Equipment demonstrations are also common. Any surveyor, especially Northern chapter members, who would like to receive meeting notifications via email, please contact me at todonnelly@mcleodusa.net.

In closing, I would like to say I have enjoyed the privilege of working with President Steve Lund of King Surveyors these past two years. Steve is as talented and knowledgeable as any surveyor I have known, as well as being one hell of a bird hunter.

Tom Donnelly
Secretary/Treasurer
NC/PLSC

SCPLS

In February, the Board of Directors met to, among other things, certify the chapter election results and to set the meeting schedule for 2006.

Newly elected Officers are:

President	Terry Maw
Vice President	Mark Johannes
Directors	Nathan Lira
	Cory Sharp
	Joseph Alessi
	Tom Adams

Existing Officers are:

Treasurer	Dan Hanten
Secretary	Mike Bouchard
Director	Shawn Richards

The date for the Southern Chapter's Fall Workshop will be September 8-9, 2006. Look for information in upcoming newsletters. The other important date, some say most important, is Saturday, August 12, 2006. This is the date for the Annual Paul Grout Memorial Golf Tournament at Hollydot in Colorado City. Invitations will be forth coming.

The April Membership meeting will be held in Canyon City at the Bureau of Land Management Office.

The Southern Chapter is finishing up the current Mentoring Program and will begin a new cycle later in the year. Please contact Tom Adams for the current schedule and for the next up coming Mentoring Program. The Chapter feels this has been a very successful program, with acceptable attendance (there is always room for more inquiring minds).

The Southern Chapter looks forward to another year of supporting the Surveying profession.

Sincerely,
Terry R. Maw, PLS
President, SCPLSP

WCLS/PLSC

We held our 2nd meeting of the year on March 8 at the City of Grand Junction's facility. It was a good meeting with Robynn Moore

Continued page 8

vectors precision/trimble

**PU LAST ISSUE PG 7
INCLUDE INFO BELOW!**

Call us today and see how we can help you!!!

VECTORS, INC.

8811 E. Hampden Ave., Ste. 110

Denver, CO 80231

Phone: 303-283-0343

Fax: 303-283-0342

CHAPTER NEWS continued

from Your Way Safety and Sign Company addressing safety issues and requirements for surveyors. It was pretty well attended and it was good to see an interest in safety and surveying.

Our Spring seminar has been scheduled for May 5 with Gary Kent speaking on ALTA/ACSM Land Title Surveys: A general Review of Standards, along with Understanding Uncertainties in Boundary Surveying. There will also be a second tract, in which Teresa Smithson and Tom Sylvester will be teaching a couple of Bill McComber Mentoring classes. These classes will include Triangles, Curves, GPS Basics and GPS Planning. The WCLS looks forward to seeing you there. If you have any questions please contact Jeff Fletcher at 970-254-8649. The cost is \$150.00 before April 28 and \$200.00 at the door. The technical tract is \$75.00 before April 28 and \$100.00 at the door.

Our next meeting will be held on Wednesday, May 10. Pam Fromhertz of the NGS will be attending to discuss and answer any questions concerning the NGS programs and updates.

The Western Colorado Land Surveyors' meetings are having good participation and discussion. Hopefully we will see you at the next meeting.

Sincerely,
Les Doehling
President, WCLS/PLSC
SWC/PLSC

SWC/PLSC

The Southwest Chapter held its second meeting of 2006 on March 14th. Mike Boeckman, BLM Cadastral Surveyor gave a presentation on a unique section breakdown and trespass situation that he recently completed in T 34 N, R 8 W. The presentation covered the details of the section break as well as the depth of research that is required when there is a long-standing trespass by a private individual onto public lands.

Normal business items were discussed along with the upcoming 2006 Four Corners Area Surveying Seminar. The dates this year are June 9th and 10th so please mark our calendars. Schedules and details of the seminar are being sent out at the end of April. The registration form can also be found on the internet at <http://www.plsc.net/communication/calendar.html>.

A "call for corner" was done during the meeting. Mike Boeckman suggested that a historically notable corner somewhere in the Durango area be recognized in a ceremony to help heighten the awareness of the survey profession in the community. This year is the 125-year anniversary for the City of Durango and there are a number of historic related events throughout the year planned in the community. The Chapter felt this would be a good idea so the search has begun!

Respectively Submitted
Parker S. Newby
President, SECPLSC

NW 1/4 CLS

7:20 pm Meeting called to order by President Skidge Moon.

Minutes of last meeting in Steamboat Springs, in December, were reviewed. Several members were unable to attend, so more time than usual was spent in review. Tom Effinger reviewed the process of the Base Station Committee and current status. Continuing work is to be done by Tom, Walter McGill and John Noonan, and an update will be presented at the next Chapter meeting.

Treasurer's report given and reviewed. A brief discussion followed, and the Sustaining Membership Committee was charged with continuing its work to develop something to use to generate funds for the Chapter. Discussion ensued about hosting a workshop/PLSC Board meeting. The past efforts were reviewed and the issue was tabled for further review.

The main topic of the evening followed. The recurring problems in the failed developments of North and South Routt County were discussed at length. The Moffat and Rio Blanco County members related their experiences of a similar nature in their respective areas. All agreed there is a problem and agreed on a common solution, but the Land Surveyors who subscribe to a different approach continue to be a problem and the answer to that issue represents less common ground among membership.

Ending the evening was a round-table discussion about parcels surrounded by National Forest land and the process of timber entries and platting that are involved.

9:40 pm Meeting adjourned.

Respectfully submitted,
John C. Noonan
Secretary-Treasurer
NW 1/4 CLS

One small bump in technology,
one giant leap for surveyors.



©2006, Trimble Navigation Limited.
All rights reserved. Trimble and the Globe & Triangle logo
are trademarks of Trimble Navigation Limited registered
in the United States Patent and Trademark Office. SUR-085

Trimble® R8 GNSS System

Upgraded. Advanced. Perfected. And still able to fit under that shiny white dome. Designed to maximize flexibility and minimize initialization time, the Trimble R8 GNSS System keeps you on top of signal innovations for improved accuracy and field productivity. Combining a tested and proven system design with advanced receiver technology, the Trimble R8 GNSS is a major step forward for the survey industry. In other words, the best just got better.

GNSS Support

Trimble R-Track technology lets you utilize both the modernized GPS L2C and L5 signals and GLONASS L1/L2 signals. More satellite tracking means increased productivity now and into the future.

Proven System Design

It's from Trimble, so you'll always have proven technology, lightweight, flexible communications and rugged construction. As a base or a rover, it offers simple, cable-free operation.

Get Connected

Create a complete Trimble I.S. Rover solution by adding a prism to your rover pole. And, like every Trimble product, the R8 GNSS System fits seamlessly into the Trimble Connected Survey Site.

To discover how far we've come, and how far you can go, visit www.trimble.com/gnss



**FOR MORE
INFORMATION CALL
YOUR TRIMBLE DEALER**

AGA Geodimeter
Denver, CO
303-431-1652

Frontier Precision
Denver, CO
800-652-1522

Vectors Inc
Denver, CO
303-283-0343

PROFESSIONAL LAND SURVEYORS OF COLORADO INSURANCE PROGRAM

Administered by: **Lisa Isom**

Looking for Affordable Insurance?

PLSC - Professional Land Surveyors of Colorado
has Alternatives for Its Members

As surveyors, you either work within the private sector or for a government entity. Those surveyors who work for government entities generally don't have to worry about business or professional liability. But this might not be the case for those surveyors working in the private sector.

Private sector surveyors must absorb insurance costs for their business, as well as, their workers. The financial burden can drain any business and it can break a struggling business, especially one that is small or newly established.

PLSC is aware of this ongoing problem for surveyors; this was the purpose to develop our PLSC Insurance Program many years ago.

Our Insurance Program is offered exclusively with Lisa Isom, Assurance Risk Managers, Inc. with specialized coverage and pricing EXCLUSIVE to you as a member of PLSC.

NSPS Board is excited to announce that they are offering additional enhancements to PLSC members via their Insurance Program. As you know I am always looking for alternatives or enhancements to what we currently offer PLSC members. If you are also a NSPS member, you could have additional options available to access. Here are a few available options within NSPS Insurance Program; Long Term Care, Life Insurance and Disability offered at a discount for members of NSPS.

As you know, our PLSC Insurance Program offers you, as a PLSC member, a comprehensive package to secure your insurable interests at an exclusive pricing structure. It includes full protection to meet your specific needs tailored to any size business.

The coverage consists of Property Coverage; including Personal Property, Building, Surveying Equipment (on and off premises), Computer Equipment, Business Income, Valuable Papers and General Liability and starting at \$500 Annually!

In addition to the Business Package, the program includes Commercial Automobile, Workers Compensation and Professional Liability (E & O) at competitive pricing.

As you can see, the PLSC Insurance Program will prove to be a true BENEFIT for you, and now members of NSPS, while reducing your insurance premium bottom-line.

For more information or to receive a quotation you may contact Lisa Isom direct at Assurance Risk Managers at the following address:

**Assurance Risk Managers
2851 S. Parker Road
Suite 760
Aurora, Colorado 80014**

**Phone: 303-454-9562
Fax : 303-454-9564**



History Has a Way of Repeating Itself

by Gene Kooper

One issue facing today's retrace-ment surveyor is what to do when confronted with multiple monuments that "represent by committee" THE corner. Multiple monuments are often created when a retracement surveyor concludes that the deed description and his/her "precise" measurements are superior to the found pins. Arbitrarily holding the deed dimensions over found monuments is neither a recent practice nor one held strictly by private surveyors.

On June 17, 1899, the Honorable Binger Hermann, Commissioner of the General Land Office sent a letter to Charles C. Goodale, the Colorado Surveyor General that contained a new policy for mineral surveys. In the letter, Mr. Hermann stated that the description in the patent of a mining claim was superior to the found monuments in determining which ground had been patented! For nearly five years the GLO required mineral surveys to show the "paper" position of senior conflicting claims rather than the "true" position as defined by the found monuments.

This policy caused friction (to say the least) in the mining community and finally in early 1904, Congress was asked to pass legislation banning this GLO policy. The Act of April 28, 1904 remedied the folly of holding the patent description over monuments. In 1903, Mr. Hermann

left the GLO and was elected to fill the vacancy created by the death of Mr. Thomas H. Tongue, Congressman from Oregon.

It is rare for a bureaucrat to be afforded the opportunity to vote on legislation rescinding their previous policy. Because of that, I was interested in reading the Congressional debates on the bill. The Jefferson County Library houses microfilm copies of the Congressional Record and I found the following draft of the legislation and a speech given on April 20, 1904 on the House floor by Mr. Franklin E. Brooks who urged passage of the bill. Mr. Brooks served on the House of Representatives,

Mines and Mining Committee and was a two-term Congressman from Colorado Springs, Colorado. As you read his speech, you will observe that politics is not much different today than it was 102 years ago. The economy has always been very important to politicians and likely the real reason the bill was enacted!

A bill (H. R. 13298) to amend section 2327 of the Revised Statutes of the United States, relating to lands.

Be it enacted, etc., That section 2327 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 2327. The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the

lines of the public survey, but need not conform therewith: but where patents, have been issued for claims upon unsurveyed lands, the surveyors-general, in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based and surveyors-general in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly.

The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto.

Mr. BROOKS: Mr. Speaker, the purpose of this bill is to direct and prescribe the practice with reference to determining the relations of patented mining claims to the public domain and ascertaining, in case of controversy, what land the Government has really conveyed. It amends section 2327 of the Revised Statutes, which is the section now in force with regard to this

Continued page 13

NOTHING BEATS EXPERIENCE.

AGA is the most experienced sales and service organization in Colorado. So we'll get your crews up and running fast. And the faster they get efficient, the faster you will realize your return on investment.



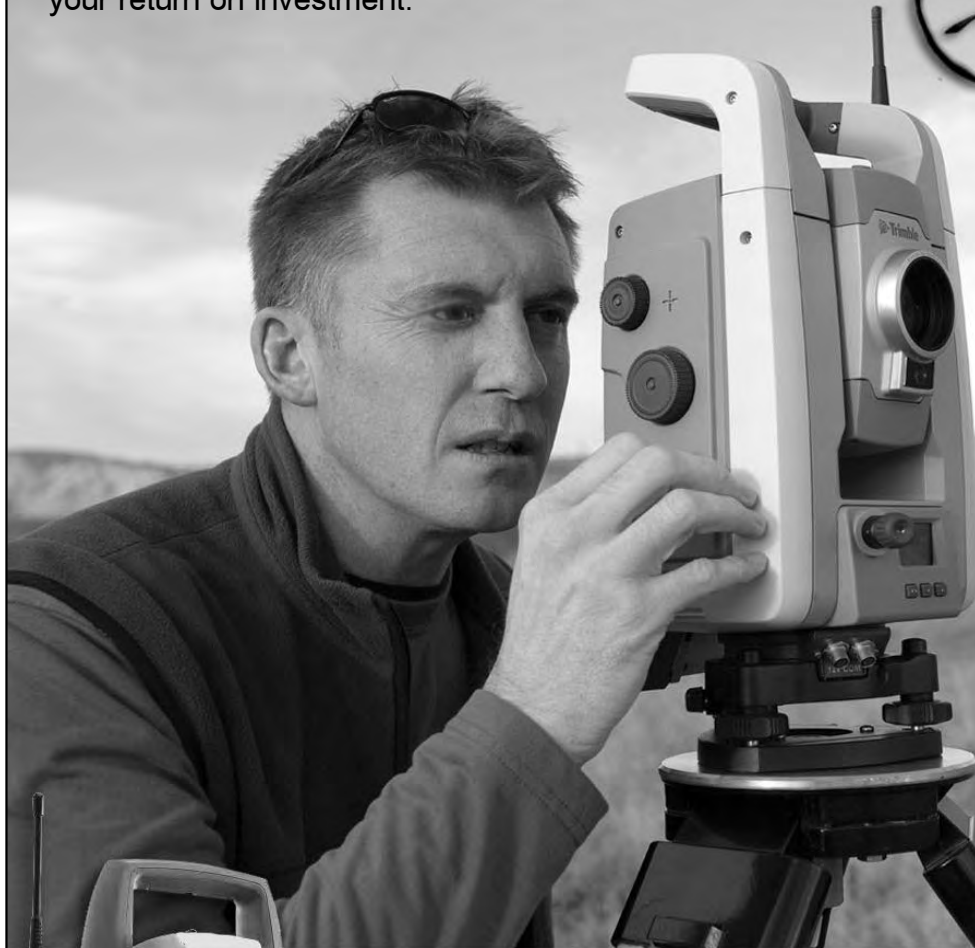
AGA

Advanced Geodetic Applications

14700 W. 66th Place, #10
Arvada, CO 80004

303-271-0077

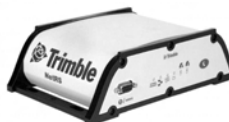
www.agageo.com



With the most experienced service department in the region and in-house support, we have the resources to fulfill our commitment to total customer satisfaction. To further support our customers we offer accessories, training and both short and long-term rentals of the most current systems.

We sell and support the complete line of Trimble surveying solutions

- GPS field surveying systems
- GPS infrastructure solutions
- Robotic and servo-driven total stations
- Digital levels
- TDS data collectors
- Trimble Controllers and solutions



CORNER continued

matter. But in thus amending the statute it does not, in the opinion of its framers and supporters, change the existing law or do anything more than to put in statutory form what the law really is and always has been since the time of the year-books.

[T]he House bill is slightly more specific and seeks more in detail to correct the evils which both bills are designed to remedy. Both bills prescribe that the patented area shall be held and considered to be that ground which is actually marked, defined, and established on the ground and inclosed within the actual monuments, and the House bill merely follows this requirement to its conclusion, and provides that erroneous and inconsistent "calls" and descriptions in the patents shall not prevail as against the actually established physical boundaries of the property patented.

In other words, the "calls" in the

patent, which are the ties or distances to corners of the public survey, may be absolutely accurate, and yet, for some reason or another, the description itself may be erroneous or inconsistent with the actual ground. Thus a patent description may describe accurately a segment of the earth's surface correctly connected with the public survey and still may not be the claim which the miner thought he was patenting?

The evil that these bills seek to remedy is one that can hardly be appreciated in its full extent by those not familiar with the great and growing industry which has been so potent in the wonderful growth and prosperity of our western country, namely, the development of our mineral resources.

The matter, however, has received the consideration of three committees of this Congress and has been made the subject of strong favorable reports from each one. The Senate bill was passed

after an elaborate report from the Senate Committee on Mines and Mining. That bill, when brought to this House, was referred to the Committee on the Public Lands. Meanwhile the House bill, introduced prior to the passage of the Senate bill, was referred to the Committee on Mines and Mining, and the favorable reports of both these committees are now on file in the House. The committees of both Houses have also had the benefit of the views of eminent counsel who have made mining rights and litigation their specialty, and these gentlemen also urge very strongly the adoption of some such measure. I quote from the language of the chairman of the House Committee on the Public Lands:

The general rule of law is that where there is a conflict between the description in a conveyance and an actual, natural, or artificial boundary that the monuments pre-

Continued page 14

"...and I asked the person at Berntsen...

can you get my order to me in a couple of days?

Know what he said...?"



"You'll have them tomorrow."

Berntsen's Quick Response. That's ours too. While we can't guarantee every order will arrive the next day, we're committed to making sure that you get your survey markers as fast as possible, and the best customer service in the industry. We actually monitor our on-time performance on a daily basis to make sure that it's the best in the industry.

At Berntsen, we know that our success is due to great customers like you. That's why we strive to give you the very best on-time delivery. All day, every day.

Wherever you find customers who demand the very best, you'll find Berntsen survey markers & products and on-time delivery.

Berntsen™

Helping you make your mark on the world.

877.686.8561 www.berntsen.com



Metropolitan State College of Denver

Metro Education Ventures-Extended Campus

DISTANCE DELIVERY OF COURSES FOR

LAND SURVEYORS

Now it is possible to pursue or advance a career in land surveying via distance delivery.

- *Select courses individually or as part of the degree completion program.*
- *Enroll year-around; take six months to complete a course.*
- *Take exams close to home or work.*
- *Communicate with your instructor by e-mail or telephone.*

Thirteen Self-Paced DVD Lecture Courses

<i>SUR 1510-4</i>	<i>Surveying I</i>
<i>SUR 2520-4</i>	<i>Surveying II</i>
<i>SUR 2530-4</i>	<i>Route Surveying</i>
<i>SUR 2550-3</i>	<i>Surveying Computations</i>
<i>SUR 3100-3</i>	<i>Survey Data Adjustment/Analysis I</i>
<i>SUR 3150-2</i>	<i>Astronomy for Surveyors</i>
<i>SUR 3220-2</i>	<i>Real Property Descriptions</i>
<i>SUR 3300-3</i>	<i>Photogrammetry</i>
<i>SUR 3540-3</i>	<i>Boundary Law I</i>
<i>SUR 3700-3</i>	<i>Geodesy I</i>
<i>SUR 4320-4</i>	<i>Geodetic Survey Methods</i>
<i>SUR 4510-3</i>	<i>Map Projections and Coordinate Systems</i>
<i>SUR 4540-3</i>	<i>Boundary Law II</i>

*All courses (except SUR 4540) taught by:
Herbert W. Stoughton, PhD, PE, PLS, CP
Head of Metro's Surveying and Mapping Program*

On-line Course

*COM 390F-3 Technical Writing for Engineering Technology
Taught by Leslie Keeler, PhD*

Noncredit LSI Review Course

*Are you preparing for the PSI or PLS exam?
Help is available! Forty (40) hours of videotaped preparation
for LSI and PLS exams.*

*For more information and registration visit our web site:
www.mscd.edu/~surdd or send an email to mscd_surdd@mscd.edu
or call Extended Campus at 803-721-1313.*

CORNER continued

vail over the description in the conveyance. This rule of law, we believe, is applicable to patents as well as in every other kind of conveyance. There is some conflict with this rule of law in the administration of the law in the Land Department, so it is claimed; and it is further claimed that in construing the effect of a patent, where there is a conflict between the monuments and a patent, that the patent is held to control as against the actual location of the monuments as located upon the grant.

In a matter of this kind there should be uniformity between the courts and in the Department. Your committee believe that this bill is only declaratory of existing law; but to secure uniformity of construction your committee believe that this bill ought to be enacted into law.

The difficulty which is thought to justify this legislative action is of comparatively recent origin, but it is growing, and unless something is done very promptly almost incalculable injury will be done to the mining interests of the country and a cloud and uncertainty will be cast over the security of ownership in mining property that will be absolutely ruinous to individuals and work great detriment to those large, progressive, and rapidly growing sections to whose prosperity the mining industries have contributed in so marked a degree.

The mining laws require, in addition to a discovery of mineral and the several acts of location of a claim, the expenditure of a considerable sum of money upon the claim and then a formal survey and location by an officer of the Government – viz, a deputy mining surveyor – as prerequisites to the issuance of a patent.

This surveyor is required to permanently mark by substantial boundaries the ground which the prospector and locator has thus appropriated and for which he is seeking a Government title. The claim then becomes a definite, certain tract of ground, whose boundaries and

extent can be ascertained by the eye or by physical inspection. The act of the survey and the determination of its position is hedged about by many formalities, and it should be and is, under the intention of the law, the conclusive determination of that which the owner claims and holds. Conflicts and intersections with existing claims are required to be set forth, and every possible step is taken to render the location definite and certain. So far all is well. But the laws further require the deputy surveyor to report the results of his work to the surveyors-general in the various States and Territories, and then official maps of the public domain upon which the claims are situated are made from these results, and these become a part of the permanent records of the Interior Department.

These surveys are required to be connected, when situated upon surveyed public domain, with corners of the public survey. It often happens that these surveys, made many years ago and indistinctly marked, are in themselves faulty, and that the corners of the ground are not in the places indicated on the maps. The plats of these surveys, however, as they appear in the offices of the surveyors-general in many cases show these surveys as they hypothetically should be, regardless of the real facts. All the errors which attended the original survey and all the possibilities of error therein become applicable to the survey of a mining claim, or rather to the written description of it, and these errors are aggravated, when transcribed, by the above-mentioned discrepancies, sometimes occurring between the real and the assumed position of the monuments of the public surveys. Add to these difficulties the fact that the deputy surveyors do not always agree in their work; that the surveys are often made, particularly in periods of rapid development and mining excitement, in great haste and in exceedingly ragged and difficult country, and it is not to be wondered at that many and serious

errors do creep in.

In the last few years it has been the practice of the Interior Department to regard the official data collated from various sources and then transcribed upon plats, showing the positions of the boundaries of the public surveys according to the office memoranda with regard thereto and comprised in what are called "extended sheets," as the final authority for the location of a mining claim. When an application is made for patent on supposedly vacant ground and the preliminary surveys are made, the question as to whether or not, the ground is open to appropriation and patent is determined by what is shown upon the plats, regardless of what may be the fact on the ground. In this way it is claimed that in actual cases mining locations which are many feet, sometimes appreciable fractions of a mile, apart are made to show a paper conflict; and, on the other hand, ground which is located, appropriated, and patented, and in actual physical occupation, shows as unappropriated ground, subject to location and patent.

The statement of these conditions is enough to show how great is the hazard and what a disastrous effect this ruling has and is bound to have upon the mining industry of the country.

Time and again have we heard that one of the great causes of our recent national prosperity, which is our common cause of congratulation, is the wonderful increase in the mineral output of the country in the last decade — an output which for the fiscal year ending January 1, 1903, reached the tremendous aggregate, according to the very conservative figures of the Director of the Mint, of \$151,758,000 in gold and silver alone, or nearly three times as much as it was for the corresponding period thirty years ago. The influx of this great amount of precious metals into the avenues of trade and the marts of the world is agreed by all to have been one of

the great determining factors of our national wealth and progress during the last decade.

The further continuance of this source of wealth is absolutely dependent upon the security which the investor has in the safety of the title to his mining property, and anything that Congress may do or fail to do which interferes in any way with this feeling of security is bound to have a prejudicial influence far wider than the particular industry affected. Moreover, not only will the developing of mines and prospects be retarded by the continuance of this uncertainty, but the search for minerals and the discovery of new mines will be even more seriously interfered with.

Hitherto the hardy prospector who has braved all the hardships and inclemencies of a mountain region in his search for wealth at the hand of nature, a wealth, too, that is untainted by any oppression of the sweat shops and the grinding down of labor, a wealth the acquisition of which makes no one poorer but everyone richer, will have little reason to continue in his arduous labors. Hitherto he has had sublime confidence in the protection which the Government has thrown around his little holding so soon as it has given him his title thereto. If, now, this faith is shattered and if he must maintain a constant watch and ward to protect his property, he certainly will find other avenues for his enterprise, and the country must suffer accordingly.

Every consideration of justice, prudence, and wise legislation, every regard for simply self-interest, demands the immediate enactment of this measure.

The measure passed the House with a minor rewording with no recorded dissent.



TECHNOLOGY FOR
INFORMATION AND MEASUREMENT

Serving Colorado Surveyors since 1991!



The #1 Trimble
Dealer
in the Americas!



- GPS
- Total Stations
- Robotics
- VRS
- Supplies
- Stakes & Lath
- Service
- Training
- Support
- Rentals



Here to serve you
in 2005 and years
to come!



TECHNOLOGY FOR
INFORMATION AND MEASUREMENT

321 East 57th Ave
Denver, CO 80216

800-652-1522 or 720-214-3500

PROFESSIONAL LAND SURVEYORS OF COLORADO, INC.

AFFILIATE — AMERICAN CONGRESS ON SURVEYING AND MAPPING

MEMBER — COLORADO ENGINEERING COUNCIL

MEMBER — WESTERN FEDERATION OF PROFESSIONAL SURVEYORS



APPLICATION FOR MEMBERSHIP OR RENEWAL

Name _____
LAST FIRST M.I.

Home Address _____

Employer _____
CITY STATE ZIP CODE TELEPHONE

Business Address _____

E-mail Address _____ Fax Number _____
CITY STATE ZIP CODE TELEPHONE

Class of Membership Desired: Voting _____ Associate _____ Retired _____

* Student _____ Sustaining _____

* Specify School _____

(See reverse side of this form for definition of membership categories)

Colorado Registration Number _____

☐ PLS

☐ PE-PLS

☐ PE

☐ LSIT

List the committees on which you would be willing to serve:

(See reverse side of this form for a list of standing committees)

I hereby make application for membership in the Professional Land Surveyors of Colorado, Inc. and agree to abide by the Constitution and By-Lays of the organization:

Date _____ Signature _____

Amount submitted with this application (there is no initiation fee): \$

☐ Check

☐ Credit Card

If paying by credit card:

Credit Card Name _____

Name on Card _____

Signature _____

Card Expiration Date _____

Amount Paid by Credit Card _____

Return this Application to:

Arthur W. Hipp, PLS
Exec. Dir. PLSC, Inc.
9660 West 56th Place
Arvada, CO 80002

Your choice of PLSC Chapter Affiliation:

(Chapter Membership is "at large" and is not required but encouraged)

Central (CCPS) ☐ \$20

Northern (NC/PLSC) ☐ \$20

Northwestern (NW1/4CLS) ☐ \$20

Southern (SCPLS) ☐ \$20

Southwestern (SWC/PLSC) ☐ \$20

Western (WCLS) ☐ \$20

Please check your Chapter choice(s) and
enclose the appropriate amount.

Are you a member of A.C.S. M.? ☐ Yes ☐ No

May we send you an A.C.S. M. membership application? ☐ Yes ☐ No

PROFESSIONAL LAND SURVEYORS OF COLORADO, INC.

Purpose

The purpose of this organization shall be to improve the profession of Land Surveying in Colorado. (Article II Constitution)

Membership

Voting Member — Any person who is a registered land surveyor in the State of Colorado, and whose registration is in full effect, shall upon payment of \$75 annual dues, be a voting member of P.L.S.C., Inc. and as such shall have full voting and office holding privileges. (Article 1A1 By-Laws)

Associate Member — Any person who is interested in land surveying shall, upon payment of \$55 annual dues, be an associate member of P.L.S.C., Inc., but shall have no voting or office holding privileges. (Article 1A2 By-Laws)

Student Member — Any undergraduate student who is interested in land surveying shall, upon payment of \$15 annual dues, be a student member of P.L.S.C., Inc., but shall have no voting or office holding privileges. (Article 1A3 By-Laws) Individuals holding a Colorado PLS or PE-PLS registration are not eligible for this class of membership.

Retired Professional Land Surveyor — A Colorado licensed Professional Land Surveyor who no longer practices land surveying (including field work, office work and consulting). He/she however may continue to maintain his/her license in effect and shall not be precluded from acting as an expert witness or court appointed commissioner. This is a non-voting classification. The annual dues shall be \$30.00.

Sustaining Member — Any person or firm engaged in a business related to land surveying or interested in the land surveying profession shall, upon contribution of \$200 annually, be a sustaining member of P.L.S.C., Inc., but shall have no voting or office holding privileges. (Article 1A4 By-Laws)

Dues—Dues shall be due and payable as of January 1st for the coming year and shall be delinquent if not paid by April 1st following. Membership rights cease when dues become delinquent. (Article 1B By-Laws)

Standing Committees

Following is a list of the standing committees of this organization: Indicate your interest by checking one or more.

- | | |
|--|---|
| <input type="checkbox"/> Legislation | <input type="checkbox"/> Nominations and Elections |
| <input type="checkbox"/> Liaison | <input type="checkbox"/> Program |
| <input type="checkbox"/> Membership | <input type="checkbox"/> Publications |
| <input type="checkbox"/> Ethics and Fair Practices | <input type="checkbox"/> Survey Monuments and Records Standards |

Meetings

Regular meetings or other sanctioned activities shall normally be on the 3rd Saturday of February, May, August, and November at a place designated by the Executive Board. The February meeting shall be the annual meeting of the organization. (Article VI A & B By-Laws)

Professional Land Surveyors of Colorado - Making a Difference through Standards of Care, Ethics, and Education

by John B. Guyton, PLS

Inseparably linked to Colorado's development, the role of the land surveyor has evolved over the past 150 years. From mineral, rural/ranch and railroad surveys, to precise geodetic positioning for modern land planning, one of the surveyor's vital historic roles has been to report facts. Colorado's nineteenth century surveyors were indispensable in the resolution of boundary disputes relating to overlapping mining claims. This arbiter role remains unchanged for twenty-first century surveyors. Central to our profession from the earliest days of civilization has been reliable disclosure of objective facts; the credibility expected in the surveyor's report. To help promulgate the surveyor's ancient mission locally, we have the Professional Land Surveyors of Colorado, Inc. (PLSC).

The existing professional societies, the Land Surveyors Division of the American Congress on Surveying and Mapping (ACSM) and the Colorado Society of Engineers, were not satisfactorily addressing issues important to surveyors in Colorado, so in 1966 it was decided to form a new society. A group of concerned land surveyors including Dexter Brinker and Warren Andrews, along with other leaders in the land surveying community, met at the School of Mines student union in Golden to form our state society, the PLSC. Their purpose was to help promote standards and laws to protect the public interest, as well as the private property rights of individuals. The original PLSC mission statement was: "Dedicated to the improvement of surveyors and surveying in Colorado". To accomplish this mission, two approaches have been employed; first, to codify and publish minimum standards of care; and second, to lobby for the establishment of formal educational opportunities locally.

Standards of Care:

In the period prior to the founding of the PLSC, there were relatively few Colorado statutes directly governing the practice of land surveying. Some have argued that the disorder created by the lack of standards was exacerbated by a wide range of competency and training among those offering surveying services. How was the public going to be protected from unreliable surveys (the "long tail" of surveying) and what was the best way to promote the surveyors' historic role? The lack of standards of care presented challenges to the courts, and often unnecessarily damaged the parties involved in the development process from commercial lenders to title insurers.

Saddled by a lack of written surveyor standards for competency, the court's results were often unpredictable. This unpredictability often forestalled development because business planners, owners, and developers could not model costs for their projects. Individual homeowners also suffered loss of property value and/or loss of actual land due to improperly performed surveys. One of the first cases I worked on as an Expert Witness

was dismissed due to the lack of a standard defining competence. In my opinion, there was a clear departure from even the lowest of surveyor standards, but the judge felt that she could not rule for incompetence because no record of standards was available. Clearly help was needed. For economic development to proceed unburdened by lack of precedent, a standard of minimum competency for the various kinds of survey activity was necessary in Colorado.

Much of the early legislative effort by the PLSC addressed the establishment of standards of competency and training. The PLSC continues to be relentless in its pursuit of lessening the risks to the public associated with poorly trained surveyors. The PLSC has been instrumental in crafting survey-related legislation in Colorado since 1967. Major legislative items include standardization of procedures for subdividing sections, ways to resolve disputed boundaries, and requiring preparation of monument records; as well as legislation creating Improvement Location Certificates and requiring the deposit of boundary (land survey) plats with county offices in order to place them in the public record. The PLSC also provides input on the rules and policies of the state regulatory agency for surveyors that define minimum standards for professional competency for surveyors and engineers.

An important aspect of the Standards of Care implemented by the PLSC is the establishment of a Code of Ethics. To establish our Code of Ethics, we are guided by history. In the late eighteenth century, inspired by European philosophical currents, rationalism, and empirical method, surveyors became more closely aligned with the ethic of independent inquiry and with reliance on data that can be observed, tested, analyzed, and repeated. The scientific method has come to shape our notion of survey reports. Adopted in February of 1978, the PLSC published a professional Code of Ethics specific to surveyors, outlining ethical standards for dealing with the public, clients, and other surveyors. Members of the PLSC are expected to adhere to the Code in all their personal and professional dealings.

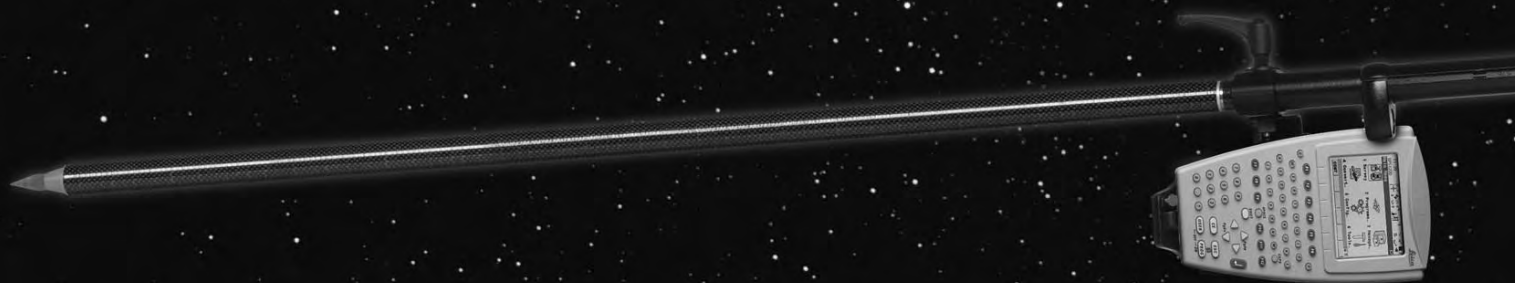
Education:

Active membership in the PLSC is one of the forms of educational opportunity envisioned by our founders and fostered by the PLSC. The six regional chapters of the PLSC offer workshops and seminars to all who care to attend, and the PLSC Inc. presents Technical Sessions annually that contribute to continuing education for surveyors.

In addition to workshops and seminars, there are four regional Chapters of the PLSC's McComber Memorial Mentoring Sessions. Sessions are in Denver, Colorado Springs, on the Western Slope and in Fort Collins. These courses are an excellent way to get an overview

Continued page 22

Leica SmartRover Travel Light



SmartStation



TPS1200



GPS1200



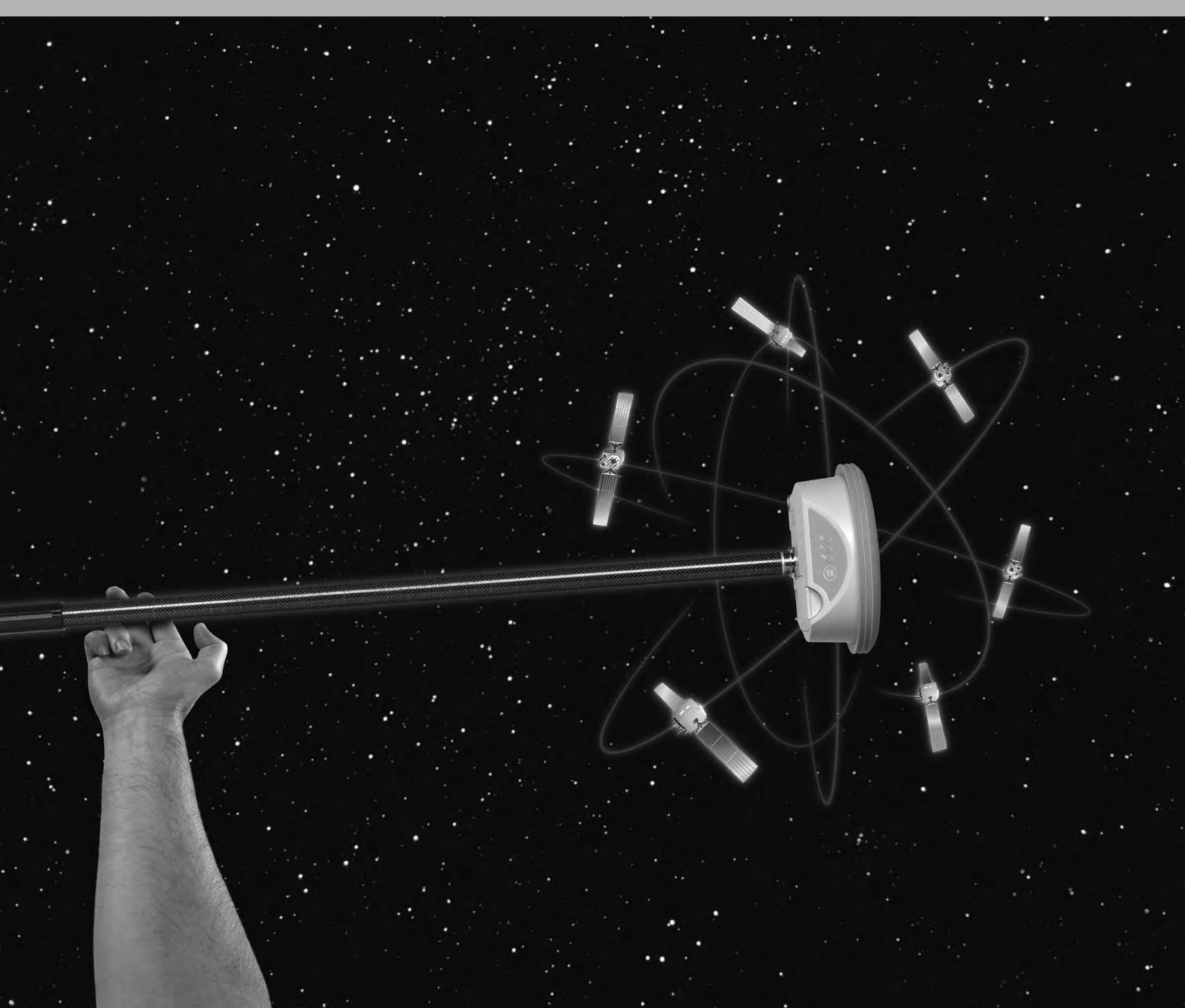
Commonality



Reference Station



Leica Geo Office



Introducing the Leica SmartRover: The world's lightest cable-free RTK GPS System.

Now the world's best-performing GPS system is also the world's lightest. Less weight reduces operator fatigue – and boosts productivity. Best of all, we've dropped weight without reducing performance. You still get the powerful SmartTrack measurement engine that out-performs every GPS system on the market. Count on heavyweight performance from this amazingly lightweight system. Only from Leica Geosystems.

Leica SmartRover

- SmartTrack and SmartCheck for best GPS results
- All-on-the-pole convenience
- WinCE and Bluetooth/MIL spec ruggedness
- Fully compatible with Leica TPS1200 and SmartStation
- To schedule a demo, contact your local Leica Geosystems dealer or call 1-800-367-9453.

Hixon Mfg. & Supply Co.
Fort Collins 800-762-5252
Denver 303-694-0012

- when it has to be right

Leica
Geosystems

MAKING A DIFFERENCE continued

of many survey related topics, and attendees can then determine whether they wish to pursue additional study to become a competent practitioner in those areas. These courses are a great way to boost personal and professional development and to get the next generation of surveyors involved in the PLSC.

The PLSC has also worked with local colleges and technical schools to implement formal local education opportunities for surveyors. From the former Brinker School of Surveying and Mapping (now Westwood Community College) to Metro State College of Denver (MSCD), the PLSC has been actively involved in promoting the surveying programs. In fact, MSCD offers

the only local four year degree in surveying, and the program exists in part due to the PLSC's involvement and lobbying efforts.

It is a privilege to be part of an organization with a long list of distinguished members who have made great contributions to our profession. The PLSC is one of the oldest professional societies for land surveyors in the country, and we have forged a path for others with establishment of legislation, standards and educational opportunities. We continue to work for the betterment of our profession, going forward with a mission "Dedicated to the Improvement of Land Surveying Education and Practice."

McCOMBER MENTORING PROGRAM

Come and join - there is still room !

The cost of admission is \$10 each session

Southern Chapter – Colorado Springs

The Southern Chapter is "moving into more advanced areas of mentoring/training and delving into professional or expert opinion for both licensed surveyors and technicians" according to Tom Adams. The schedule for the next 4 sessions – open to anybody who is interested, is:

April 15 & 19	Multiple monumentation by Doyle Abrahamson
May 17	Beginning Boundary Law by Dave Pehr
May 24	Legal research by Stan Vermilyea

For more information contact: Tom Adams, tom.adams@dot.state.co.us

Cell: 719-251-7980

Office: 719-546-5454

Toll Free: 877-546-6283

Central Chapter – Denver Area

The Central chapter is also shifting to legal topics related to surveying – but still open to suggestions of topics from the audience. The schedule for the next 4 sessions – open to anybody who is interested, is:

April 12	Surveying calculations and Trig. by Gaby Neunzert
April 26	Boundary Law Basics for Field Crews by Dave Pehr
May 10	Multiple Monuments by Doyle Abrahamson
May 24	Legal Research by Dave Pehr and Gene Kooper

For more information contact: Gene Kooper, ekooper@uswest.net, office: 303-989-5424

Northern Chapter – Loveland Area

The Mentoring program for the Northern Chapter has just started. Gaby Neunzert is giving all presentations and again the sessions are open to anybody who is interested with the near term schedule:

April 18	Data bases, NAD'27, NAD'83, HARN'92, etc.
May 2 & 16	The GLO system, also known as the U.S. Land Survey System

For more information contact: Steve Variano, stevev@co.tait.com, office: 970-613-1447

PLSC LEGISLATIVE COMMITTEE REPORT

By Ron Perkins

April 17, 2006

This report is the first installment of what I hope will become a regular feature of *Side Shots*. In the past, the majority of the legislative initiatives concerning land surveyors have been proposed by a few very active members of our profession. Often the initiatives become law before most of our membership is aware of them. Part of the reason is that we land surveyors need to make a living and there is not enough time to be involved in everything. However, part of the problem is also that those of us who are involved have not done a good job of communicating what is going on nor have we solicited new ideas. Dexter Brinker, PE-PLS, a member of the Legislative Committee and long an advocate for the betterment of the profession, suggested we try putting an article in *Side Shots* to improve PLSC members' awareness of what is happening and provide the opportunity for more input. All the committee members thought it was a great idea and here is the first attempt.

First of all, let me tell you what has been going on this year. House Bill 06-1183, composed by the Legislative Committee and endorsed by the PLSC Board of Directors, was approved by the Colorado Legislature and then signed by the Governor on April 5th. The law will go into effect 90 days after the end of the 2006 legislative session. At the latest, that effective date will be August 9th.

HB 06-1183 will modify three existing Colorado statutes: **38-53-104**, concerning the filing of monument records; **38-51-106**, concerning information to be included on land survey plats; and **13-80-105**, concerning the limitation of actions against land surveyors. The reason for the bill was to address concerns with wording in the statutes which was confusing, incomplete or contradictory to the original intent of the statutes. **38-53-104** (1) (a) and (1) (b), strictly interpreted, left a loophole allowing the non-filing of monument records if corners which represented the locations of public land survey monuments were not the original corners set by the GLO or BLM. **38-51-106** (1) (f), previously amended two years ago to require more information about the evidence used to establish or restore a public land survey monument location, did not clearly state the nature of the evidence to be described or the detail expected. **13-80-105** (3) (b) stated the near opposite of what was intended. Instead of requiring notification of the provisions of the surveying liability limitations within 90 days, it required that no notification occur until 90 days had passed. HB 06-1183 is intended to deal with those issues. I have included the text of the bill below. Compare the current statutes to the statutes as they will be when the changes contained in HB 06-1183 are

applied and see whether you think the bill was successful.

Although the PLSC Legislative Committee was not directly involved in the original composition or submittal of the following bills, we did work to have the original bills changed to benefit land surveyors.

HB 06-1295 was a bill to set the salaries of county elected officials. Larry Connolly, PLSC Director, Legislative Committee member and County Surveyor, represented the PLSC and the CACS (Colorado Association of County Surveyors) by serving on the commission which studied the salaries of county officers and made the recommendation for the salaries set by the bill. Previously, although the Colorado Constitution required it, county surveyors' salaries had not been set by the legislature. Now they are. The salaries are minimums, based on the part-time nature of most county surveyors' jobs, but at least there is now a required salary. The Governor allowed the bill to become law without his signature.

HB 06-1196 is a bill that proposes to combine the Board of Examiners of Architects with the State Board of Licensure for Professional Engineers and Professional Land Surveyors. A provision in the bill granted architects and engineers immunity from civil liability when rendering assistance during emergencies or disasters. The Legislative Committee was successful in getting land surveyors included in that provision.

I would like to commend our lobbyists, Peg Ackerman and Steve Balcerovich, for their assistance in obtaining legislative sponsorship for our bill, helping propel it through the House and Senate and keeping us aware of all the bills which might affect land surveyors. Their knowledge of the legislative process and connections in the legislature made our success possible. If you would like to get more detail about what has been happening legislatively this year, you may access our lobbyists' website. The address is www.aic-co.com and you will not need a user name and password to access the site. Those identifiers will only be needed when you use the client login button to get your reports. When logging in, **your user name will be the letters "plsc" and your password will be the word "colorado"**. The words are case sensitive so be certain to use lower case. If you have difficulty getting into www.aic-co.com, try www.ackermaninformation.com.

The second part of this article will concern ideas for next year and beyond that. Since this article is the first, I only have a few ideas which have been submitted by a Legislative Committee member. Elsewhere in this issue of *Side Shots*, you will find an article by Maurice Schumann which outlines some others. Please read his

Continued page 24

COMMITTEE REPORT *continued*

proposals and those here and let me know what you think.

The following suggestions were submitted by Dexter Brinker:

Amend 12-25-208 (1) (b) to read: "Failing to meet the generally accepted standards of the practice of land surveying through act or omission." HOWEVER, NO CAUSE FOR ACTION UNDER THIS SUBSECTION SHALL EXIST IN ANY COMPLAINT WHICH IS BASED ON THE EVALUATION OF CONFLICTING EVIDENCE IF THE ACCUSED PARTY HAS MADE A REASONABLE SEARCH FOR EVIDENCE AND HAS FOLLOWED THE PROCEDURES SET FORTH IN ALL APPLICABLE COLORADO STATUTES. Rationale: Current wording is vague since there are no "generally accepted standards" for the evaluation of conflicting boundary evidence. The PE-PLS Board should be prevented from favoring one licensee over another solely on the basis of the Board's interpretation of such evidence and subsequently disciplining the "loser". Furthermore, such action by the Board would usurp the role of the District Court in dispute cases. (See Article 38-44, Colorado Revised

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 06-1183

BY REPRESENTATIVE(S) Berens, Butcher, Kerr, Massey, and McFadyen;
also SENATOR(S) Tapia.

CONCERNING LAND SURVEYORS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 38-53-104 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

38-53-104. Filing of monument record required. (1) (a) If a professional land surveyor conducts a survey ~~which~~ THAT uses any MONUMENT REPRESENTING A public land survey monument LOCATION, QUARTER SECTION CORNER, SIXTEENTH SECTION CORNER, GOVERNMENT LAND OFFICE OR BUREAU OF LAND MANAGEMENT (GOVERNMENT) LOT CORNER AS DEFINED BY THE NOMENCLATURE OF THE UNITED STATES PUBLIC LAND SURVEY SYSTEM, or any United States geological survey or United States coast and geodetic survey (also known as the national ocean service/national geodetic survey) monument as a control corner, such professional land surveyor shall file a monument record describing such monument with the board if the monument and its accessories are not substantially described in an existing monument record previously filed

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Statutes.) The Board has ample enforcement power for most complaint cases under Section 12-25-208 (1) (e) (I). Note: The "BLM Instructions" are, by reference, part of Colorado law, (See Section 38-51-103.)

Amend 12-25-209 (4) to remove "administrative law judges." Rationale: The Board should be in charge of revoking licenses or otherwise disciplining violators. It is reasonable to assume that most administrative law judges know little about surveys and surveyors.

Repeal 12-25-208 (1) (h) "Failing to report ... known to have violated... etc. Rationale: The intent of this section may be good, but it is totally unenforceable.

If you have comments on anything you see here or in Maurice Schumann's article, please email, call, fax or write to me. Please also submit any ideas you may have for legislation. My address is 155 North College Avenue, Suite 100, Fort Collins, Colorado 80524; my email is pls@verinet.com; and my phones are (970) 407-9220 – office, (970) 407-9244 - fax and (970) 207-9097 – home.

(b) If a professional land surveyor establishes, restores, or rehabilitates any public land survey monument CORNER LOCATION or section corner, quarter section corner, or sixteenth section corner as defined by the nomenclature of the United States public land survey system, such professional land surveyor shall file a monument record.

SECTION 2. 38-51-106 (1) (f), Colorado Revised Statutes, is amended to read:

38-51-106. Land survey plats. (1) All land survey plats shall include but shall not be limited to the following:

(f) A description of all monuments, both found and set, that mark the boundaries of the property and of all control monuments used in conducting the survey. If any such boundary monument or control monument is a public land survey monument or aliquot corner, the professional land surveyor shall describe the physical evidence used to establish or restore the monument. MARKS THE LOCATION OF A LOST OR OBLITERATED PUBLIC LAND SURVEY MONUMENT THAT WAS RESTORED AS A PART OF THE SURVEY ON WHICH THE PLAT IS BASED, THE PROFESSIONAL LAND SURVEYOR SHALL BRIEFLY DESCRIBE THE EVIDENCE AND THE PROCEDURE USED FOR SUCH RESTORATION. IF ANY SUCH BOUNDARY MONUMENT OR CONTROL MONUMENT MARKS THE LOCATION OF A QUARTER SECTION CORNER OR SIXTEENTH SECTION CORNER THAT WAS ESTABLISHED AS A PART OF THE SURVEY, THE PROFESSIONAL LAND SURVEYOR SHALL BRIEFLY DESCRIBE THE EVIDENCE AND PROCEDURE USED FOR SUCH ESTABLISHMENT, UNLESS THE CORNER LOCATION WAS ESTABLISHED BY THE MATHEMATICAL PROCEDURE AS OUTLINED IN SECTION 38-51-103.

SECTION 3. 13-80-105 (3) (b), Colorado Revised Statutes, is amended to read:

13-80-105. Limitation of actions against land surveyors. (3) (b) If any survey is performed ~~which~~ THAT does not require documentation, the limitations set forth in subsections (1) and (2) of this section shall nevertheless apply if, not less MORE than ninety days after the completion of the survey, written notice of the provisions of this article is provided to all persons holding an interest in the property upon which such

PAGE 2-HOUSE BILL 06-1183

survey is conducted.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or item, section, or part of this act within such period, then the act, item, section, or

part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO

PAGE 4-HOUSE BILL 06-1183

HAVE YOU PAID YOUR DUES?

ONE FINAL AND IMPORTANT NOTICE!!!

If you have not paid your dues for 2006 yet – PLEASE do so at once. If you are delinquent in July you will not receive the July issue of Side Shots and you will not be listed in or receive the Membership Roster for 2006.

**Please get current-we really
don't want to lose you!**



GIS: From Behind the Scene to Extreme

September 13-15, 2006

INVESCO Field at Mile High

Denver, CO

**Join PLSC and ACSM at the 19th annual conference
GIS for Surveyors – Spatially Enabling Your Business**

Sponsored by PLSC

Advanced Data Acquisition & Mapping

Sponsored by ACSM

OTHER TRACKS

Public Policy
Imagery and Remote Sensing
Spatially Enabling IT
Vendor showcase

Regional Data Sharing
& Development
Homeland Security & Emergency
Response

Maps in Apps
Mapping Goes Mainstream
Infrastructure & Utilities
Poster Session

**September 15, 2006
Offsite Tours Include:**

**“Fantasies of Flight” at Wings Over the Rockies Air & Space Museum
Georcoaching**

For more information and to register for the conference, visit us online at www.gisinthetrockies.org

ALLEN PRECISION EQUIPMENT

800.241.6223

Nikon DTM-502 Total Station

New Enhanced EDM

- Initial measure in 1 second flat at full $\pm 2\text{mm} + 2\text{ppm}$ accuracy
- Accurate (2mm+2ppm)
- Low-light visibility
- Accurate and stable angle measurement
- Faster, more Accurate distance measurement
- Large, easy-to-read graphic display and ergonomic keyboard
- Available in 1, 2 and 3 second accuracy
- IPX4 all-weather construction
- Memory increased to 10,000 points and up to 32 jobs.
- New multiple point resection program allows observation up to 10 known points, and dynamically updates the solution as each point is added
- New 2 point vertical reference plane program (convenient for building face surveys)



*Special
Financing
Available*



Epoch™ GPS System

**RUGGED • RELIABLE USER-FRIENDLY EPOCH™
10 L1 GPS SYSTEM EPOCH™ 10 L1 GPS SYSTEM**

- Maximum Productivity
- Unique hard-working product
- Delivering Maximum Productivity
- Maximum surveying accuracy for L1 GPS
- Powerful, Easy-to-use software in the field and office

ROBUST, LOW-MULTIPATH EPOCH GPS ANTENNA

- L1 GPS surveying solution
- Powerful and ultra-rugged
- Flexible, multi-use data collector
- Easy-to-use field software

New!



Call
for the
**Best
Quote**
Today



Repair and Service on your Precision Instruments

• Quick Turn Around Time Available • Factory Certified Technicians

www.allenprecision.com

PLSC BOARD OF DIRECTORS MEETING MINUTES

Saturday, February 25th • Tivoli Center, 900 Auraria Parkway
Hosted by the Central Chapter

Dinner 6:00 PM
Meeting 7:00 PM to 9:00 PM

AGENDA

1. Call to Order at 6:00 PM
2. Recognition of Members Present/
Absent

Present:

John Guyton
Tom Adams
Art Hipp
Ron Perkins
Larry Connolly
Diana Askew
Michael Greer
Warren Ward
Geof Stephenson
Darryl A Wilson
Gary D Gable

Absent:

Mark Corbridge
Dave DiFulvio
John Noonan
Lisa Isom

3. Welcome of Guests
Bonna Kay McComber
(speaking – listed under new
business)
Bob Stollard
Gene Kooper
Ronald L. Powers
Paul Suter
Doyle Abrahamson
Dan Smith
Pam Fromhertz
Brian Dennis
Georgia Satterlee
Ben Osborn
Warren and Nancy Andrews
Heather Robinson

4. Additions, Deletions and
Modifications to Agenda
Certified survey technician pro-
gram has been around for the
last couple of years. Capture
attention in the mentoring pro-
gram. Warren is by default the

coordinator for the SCT pro-
gram. Warren is the contact.

5. Approval of Minutes from previ-
ous meeting

6. **REPORTS** (if bracketed, no
request to present a report was
received)

A. Secretary Treasurer – Art Hipp
Hoos fund – Art has received
another \$1500.00 donation
since the last report

B. President – John B. Guyton

C. Vice President – Tom Adams

D. Executive Director – Lisa Isom

E. NSPS Delegate – Warren Ward
NSPS – sliding scale dues is
not going to fly. So far there
have been no increase in the
number of members. Two
states have a combined dues
program. Currently there are
120 members.

F. WFPS Delegates – Dave
DiFulvio / John B. Guyton

1. Brief report from Dave on West
Fed Activities

**WESTFED Report – in Side
Shots**

**Looking for committee mem-
bers**

G. STANDING COMMITTEES

*Per PLSC By Laws, “The
Chairman of each standing commit-
tee shall be a Director of the corpo-
ration and will be appointed by the
President and confirmed by the
Board of Directors”. Please keep
this requirement in mind when nom-
inating a Chair for any standing
committees. Directors must be vot-
ing members of the PLSC.*

1. Nominations and Elections

a. Report requested

b. Volunteers for Committee

Membership

Thomas Case

2. Legislative – Ron Perkins, Chair

a. Report requested on language
in 38-51-106 (1)(f) – Ron/Doyle

Last meeting on Feb 16th

Bill 061183 House bill – Doyle’s
and Dexter Brinker’s – Doyle
made minor changes to
address the public monument
requirements to file a new mon-
ument record (don’t have to file
once it has been remonument-
ed)

58-31-103 LSP language to clar-
ified, the purpose is to more
clearly explain what is to be
presented on the LSP – current-
ly there is a lack of clarity if the
PLS is following the BLM manu-
al, i.e. if we don’t need to
explain if other evidence is
used then it needs to be
explained on the LSP, no need
for a survey report.

13-80-105 limitation of actions
changing one word, mistake in
original statute language said
we had to notify the client of
the limitation of actions after 90
days, now it is before 90 days.

Looking for volunteers

Dexter’s changes to how the
Board can discipline Land
Surveyors was removed by vote
of the committee, the issue will
be revisited at Durango.

Can get on the Ackerman Web
site and review the reports,
available every Monday.
Everyone should review the
current status of legislation.

b. Suggestion from Dexter Brinker
to publish list of proposed legisla-
tive items in Side Shots with short
rationale and name of initiator.

c. Volunteers for Committee

Membership

i. Georgia Satterlee

ii. Gene Kooper

3. Publications – Art Hipp, Chair

Continued page 28

DIRECTOR'S MEETING continued

a. Should Sideshots, the Roster, and the PLSC Web Page be updated with Chapter Boards of Directors
Web page may be updated, check the Web page and send an email, call JB. Do this, be specific.

b. Contributors to Side Shots needed.

i. Send articles/letters etc to Lori Olson lolson@flatsurv.com for collection/submission to the Publishing House.

Sides Shots articles, insignificant addition to the cost of the publication

ii. Send cartoons/puzzles to Tom Adams at Tom@PLSC.NET

Tom is working on puzzles and cartoons for Side Shots

c. Volunteers for Committee Membership:

Thomas Phalin
Brian Dennis

4. Liaison Committee

a. Is there an overall "Liaison Committee" Chair? If not, one could be appointed to coordinate with the sub-committees. Bylaws unclear as to whether an overall chair is needed.

No chair – JB can appoint a chair, no effort to find one. BY-Laws were revisited and it was decided to leave it as a standing committee. Tabled, Paul Suter could be a member but not the chair.

b. PLSC/MSCD Advisory Committee

i. Is there still a need for this committee? Does PLSC input?

PLSC Metro committee special committee PLSC is completely independent and our committee is dissolved.

ii. If committee continues, a new chair is needed

b. GIS in the Rockies – Mike Greer/Dan Smith – report requested

Mike Greer passed out pens with the new Web site. Tract Chairs are both Flatirons (need names from Mike) Call for Papers, March 31st is the deadline.

c. (ACSM)

i. Is this still an active committee?

5. Survey Monumentation and Standards

a. Chair must be appointed.

b. Volunteers for Committee Membership

i. Christopher Caldwell

ii. Ted Harder (Kansas)

iii. Paul Hussong

iv. Douglas Elgin (Wyoming)

v. Gene Daguerre

JB to appoint a person, need input on the purpose of the committee (standing committee). Thoughts included research on range boxes.

Tabled

6. Membership – presenter Tom Adams

a. Should the PLSC offer free memberships to new licensees?

b. Should the PLSC offer free associate membership to LSI?

d. Should a new item be added on the awards list for a free one-year license?

e. More complete information is needed from the Membership files so Roster can be updated/corrected.

i. Renewals difficult with out complete information

f. Chair must be appointed

g. Volunteers for Committee Membership

i. Lisa Isom

ii. Gene Dagerre

Should exam memberships be given for free to new PLS's and LSI's? Go to vote?

Western slope is not in favor of offering an associate membership to LSI's.

Art says it is too expensive to offer free memberships. Follow up on the free membership numbers from the PLSC conference fees.

Should PLSC offer a retired PLS membership rate? Can be discussed in the committee

Tom is the chairman, Ben Osborn, and Brian Dennis are

now the committee members

7. Ethics and Fair Practices

a. Chair must be appointed.

b. Would this be a committee to handle the handling of ILC's?

c. Volunteers for committee membership:

i. Christopher Caldwell

ii. Georgia Satterlee

iii. Paul Hussong

iv. Brian Dennis

v. Terri Weber

vi. Thomas Case

Larry will chair as a volunteer

Randy Bloom wanted to talk about this as well. Christopher Caldwell and Brian Dennis to join the committee.

8. (Executive Committee - JB Guyton, Chair)

SPECIAL COMMITTEES

Per PLSC Bylaws, "The chairman of each Special Committee may be any voting member of good standing of PLSC, Inc. and will be appointed by the President and confirmed by the Board of Directors".

Any member in good standing can be appointed by JB

1. (Trig Star / NCEES Multi Media – Duane Senn)

2. Marketing – Paul Suter – **see written report**

a. Review Latest report from Paul Suter, discuss fee, and retaining him for future work.

b. Motion from JB Guyton to change to 'per task' basis.

c. Also proposed by Dexter Brinker via fax

Paul Suter may be put on a task basis instead of a salary type of wage. Discussion to continue.

Please contact Paul with any item needing press coverage.

3. Electronic Secretary – Lisa Isom.

a. Discuss Lisa's role. Should a contract be made with Lisa?

G. CHAPTERS

1. (Northern – President Steve Young)

Continued page 30

For a Surveyor by a Surveyor



HIXON

Mfg & Supply Co.

Visit us at

www.hixonmfg.com

GPS Training Listed!

Service and Repair

Our technicians are factory certified to perform all levels of service on Leica Geosystems equipment. Call Brock (Denver) or Gene (Ft. Collins) today.



Two Locations!

1001 Smithfield Dr.

Fort Collins, CO

(970)482-0111

(800)762-5252

8745 E. Orchard Rd #520

Greenwood Village, CO

(303)694-0012

(800)475-3422



Sales Service Rentals Training



Leica-Garmin-SECO-Rolatape-Lufkin-Keson-Estwing-Crain-CST

DIRECTOR'S MEETING continued

2. Central – President Douglas Berling (past president) – report requested

a. New Board of Directors being Installed

Central Chapter general update given by Di for Gary Leak – introduced Georgia Satterlee

3. Southern – Tom Adams

a. New Election. Report new Board of Directors.

Calendar of events on the Web page

4. (Northwest 1/4 – President Ridgeway Moon)

5. (Western – President Les Doehling)

Les Doehling said he does not want to change where we have our general meeting.

6. (Southwest – President Parker Newby)

Southwest 4 Corners Conference is on June 9th and 10 – Jeffry Lucas, PLS ESQ, Dexter Brinker Surveying History, NGS

7. UNFINISHED BUSINESS

1. Has anyone had any feedback on this item from the December Meeting?

a. *Fall Technical Session items:*

i. *Should the PLSC change the time or location of the Fall Technical Sessions?*

ii. *Should the Annual 'General Membership' Meeting be held in conjunction with the Fall Technical Session, or should it be a stand-alone meeting each year?*

iii. *Should the Annual 'General Membership' Meeting float to the various Chapter programs during non-election years and/or should the Fall Technical Session be hosted by different chapters?*

For the time being we will leave it in Golden. We may move it in 2007 move because of the lack of classrooms in Golden.

Follow up on contract. General Membership meeting venue worked and will be continued.

By-Laws say the General Membership meeting will be at

the first meeting of the year. We are not following the by-laws.

8. NEW BUSINESS

1. New ALTA Standards effective 1/1/06

a. Verbal report from JB Guyton
New ALTA Standards in Side Shots

2. Mentoring Sessions

a. Report from Gene/Gaby
The Mentoring Sessions in Denver will be started again in March. Dave Pehr "extremely" offered to work toward law type of courses. Western Chapter started with the Spring semester, more rigorous because of the credit. The Northern Chapter will kick-off sessions with Gaby in second week in March.

b. Report on status of POB article – Gene Kooper

Lisa Honer from POB magazine has prepared an article draft, Gene to revise the draft and finalize

3. Line of Agreement Surveys

a. Open letter on this topic being prepared for publication by JB Guyton & Ed Bristow, JD, PLS

b. Report by Warren Ward
Warren talked about boundary line agreements and has had a problem in Grand County. JB wrote a letter, it has been reviewed by Warren and Warren likes it, but it is in the draft stage. Warrens County Clerk refused to record a boundary line agreement and said he was creating an illegal subdivision. Line of agreements only applies to lines that are not in a subdivision (per the County Attorney). Grand County and Eagle County both will not accept Boundary Line Agreements per CRS. Two attorneys are involved. Warren knows about the subdivision and said it was all "screwed up".

4. Proposal to create PLSC Activities Calendar

a. What should be included

i. Events sponsored by each chapter & by PLSC

ii. Events of interest in Colorado

and other states

b. Posted on PLSC.net

Will Mike Greer and Tom Adams to offer ideas for the Web page or Side Shots? Terry Sanders is currently in command of the Web site. The Web site needs some life, please review and send comments to JB and Terry.

5. McComber Library

a. Bonna Kay McComber has requested time to speak regarding the McComber Memorial Fund/Library.

b. Volunteers needed to catalog donations/move them to Library
Dexter Brinker has given us a deadline of 3/31/06 to move his donations from Herb Stoughton's office to the library.

c. Update on Library from Geof Stephenson

d. Nominate Geof Stephenson & Gene Kooper to organize/administer statewide access to the Library – perhaps internet / mail access to items.

The Bill McComber Library has been set up. The books are now catalogued and in place.

An Appraisal has been done on the books currently in the library. Bonna Kay prefers it to be a reference library and she does not want them to be checked out and gain legs. Books need to be insured and protected; some are out of print, autographed and are irreplaceable.

Memorial Fund is intact asking for direction for investments so the fund can fund the library. A match of funds is one of the options to consider. Bill Sandifer in Evergreen has books and material in his garage, Bob Stollard has Billie Swenson alidade.

JB's opinion is that the library would be useful for multiple purposes and could be partially funded from the Scholarship fund. This needs to be worked out with Art. The general funds may not be as available. He would like to see the books

available nationally, for forensic use, court cases, difficult boundaries, etc.

Geof indicated that some of the books could be checked out on a book by book basis.

Bookshelves need to be purchased. The room will hold many more books. Geof will check with Lisa for insurance. Darryl will help move books.

Rare books can be scanned and the book can be checked out via the scanned version.

6. Coordination of follow up with

volunteers for committees

Lisa Isom / Tom Adams

7. Committee to review mis-use of ILC's as discussed at Dec. meeting If not under auspices of "Ethics and Fair Practice" committee, form new special committee & appoint chair

8. CCPS/MSCD Land Surveyor Refresher Course

Report requested from Randy Bloom

Di gave a brief report for Randy. The average class size has been 40 to 50 attendees, most are LSI candidates. The program will likely continue once per year so it does not conflict with the Mentoring Sessions. CCPS saw a drop in the number of technician level registrants this year, likely due to the availability of coursework provided by the Mentoring Sessions and the Refresher Course.

9. New NGS State Advisor Contract

– Report from Dan Smith

Previous director David

Zakawski retired, the new

Director (check the spelling).

Pam is the conduit for the collaboration with the new director.

Pam will be reporting the new adjustment. "G2" is the new acronym for the GPS Users Group, lots of information out there, CDOT has issued a request for information – vendors or manufacturers that have installed GPS reference stations. NGS is moving away

form passive control and more toward CORS stations, which are the next generation of the HARN. They are building a Web site so users can collaborate.

10. Proposal to make the Moos gift and endowment, with only accrued interest to be used for scholarships. (proposed by Dexter Brinker via fax)

Bob Stollard gave a brief history – Letter about Moos in Side Shots. Bob was a good friend of Moos, and said he loved surveying but was not a surveyor. He moved to Cedar Ridge and set up the trust fund.

11. Proposal to Publish Treasurer's report and list of assets in Side Shots. (proposed by Dexter Brinker via fax)

a. Once or periodically?

12 Consider additional office space to house a mini-museum and expanded library space (proposed

by Dexter Brinker via fax)

a. Determine availability/cost of additional space for these items.
b. Publish map in each Side Shots showing location of Library/office.

Tom proposes a ceiling for the Library – By-Laws allow JB to allow discretionary spending. Email votes and motions will be used for this purpose.

If time allows, additional items may be brought up for discussion after Agenda Items are discussed.

9. NEXT MEETING DATE, TIME, PLACE

June 9th and 10th in Durango, next meeting. Vendor special in the ballroom on Friday night.

10. ADJOURN at 9:08 PM



IN REPLY REFER TO:

CO-956
9655.2

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093



www.co.blm.gov

March 31, 2006

Mr. Arthur W. Hipp, Secretary-Treasurer
Professional Land Surveyors of Colorado
9660 West 56th Place
Arvada, Colorado 80002

Dear Art:

This letter is to inform you of official cadastral surveys in Colorado that have been accepted from October 1, 2005, through March 30, 2006, and are now available from the Public Room, Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado, 80215.

The accepted original surveys, resurveys, supplemental plats or remonumentations are listed below by township, range, meridian, group #, type, approval date and number of plats.

Township	Range	Meridian	Group #	Type	Approved	Plats
T. 43 N.	R. 7 W.	NMPM	Tr.51	Suppl. Plat	10/11/05	1
T. 1 N.	R. 71 W.	Sixth	Sec.17	Suppl. Plat	11/01/05	1
T. 43 N.	R. 10 W.	NMPM	Sec.25	Suppl. Plat	11/01/05	1
T. 40 N.	R. 13 W.	NMPM	1420	Plat Only	12/19/05	1
T. 1 N.	R. 71 W.	Sixth	Sec.7	Suppl. Plat	01/18/06	1
T. 1 N.	R. 71 W.	Sixth	Sec.20	Suppl. Plat	01/18/06	1
T. 1 N.	R. 72 W.	Sixth	Sec.24	Suppl. Plat	01/18/06	1
T. 48 N.	R. 3 W.	NMPM	1395	Plat & Notes	01/25/06	1
T. 48 N.	R. 4 W.	NMPM	1433	Plat & Notes	02/21/06	1
T. 49 N.	R. 2 W.	NMPM	1442	Plat & Notes	02/15/06	1
T. 35 N.	R. 18 W.	NMPM	1426	Plat Only	03/16/06	1
T. 11 S.	R. 70 W.	Sixth	1400	Plat & Notes	03/17/06	1
T. 5 S.	R. 74 W.	Sixth	1270	Plat & Notes	03/24/06	1

As other surveys are completed, I will advise you of their acceptance. You may circulate this letter among the membership of the Professional Land Surveyors of Colorado.

Sincerely yours,

Randall M. Zanon
Randall M. Zanon
Chief Cadastral Surveyor for Colorado

PROPERTY LINE AGREEMENTS PER C.R.S. SEC. 38-44-112 DO NOT CONSTITUTE SUBDIVISIONS OF LAND SUBJECT TO REVIEW BY LOCAL AUTHORITIES

by: John B. Guyton, PLS, President, PLSC and President, Flatirons, Inc.
Ed T. Bristow, JD, PLS, General Counsel, Flatirons, Inc.

It is fairly common for property line disputes to arise between neighbors. The reasons for such disputes are numerous, and often simply involve misunderstandings or misinformation on the part of the landowners. However, when the location of the line is disputed, the landowners may certainly agree to the location of the line between themselves. Such agreements are often enforceable under common law, and in many jurisdictions, including Colorado, there are statutory provisions providing for such agreements. The applicable Colorado Statute reads as follows:

Any line or disputed corner or boundary may be determined and permanently established by written agreement of all parties thereby affected, signed and acknowledged by each as required for conveyances of real estate, clearly designating the same, and accompanied by a map or plat thereof which shall be recorded as an instrument affecting real estate, and shall be binding upon their heirs, successors, and assigns.¹

Such agreements provide a quick, low cost solution to property line disputes, and support the public interest in defining land ownership bounds for current and future landowners.²

In the recent past, some jurisdictions in Colorado have refused to allow recordation of such property line agreements, insisting that these agreements constitute "Minor Subdivisions" or "Lot Line Adjustments" subject to local review. There are a few surveyors who hold similar views. The strongest arguments, however, indicate that written Property Line Agreements complying with the requirements of C.R.S. § 38-44-112 are valid and outside of the purview of the local jurisdiction.

The annotations to the Statute cite 11 C.J.S., Boundaries, §64-76

for reference. The discussion in those sections of the treatise provide very useful information in interpreting the law and its application in your State's jurisdiction. Public policy interests provide strong arguments for allowing such agreements. The treatise states:

Where the boundary line between two adjoining landowners is uncertain, they may agree on a division line between them, and when executed each will own up to this line as if it were a natural boundary, or as if their deeds or grants call for it, particularly if the agreement is evidenced by a writing signed by the parties thereto. . . Such an agreement is not against public policy, but rather, is favored by the law as a satisfactory means of preventing spiteful and vexatious litigation, and every consideration of public policy demands that such an agreement, when all requisites therefor are present, be upheld. Unless a written agreement contains apt words of conveyance sufficient to accomplish the transfer of title, there must be doubt or uncertainty as to the true boundary line. . .³

Sec 66 of the pertinent title in the treatise states that "as a general rule, it may be stated that only the owners of adjoining lands or those having vested interests therein are competent to agree on their dividing line." If followed literally, this would preclude the County from becoming involved where two adjoining landowners come to agreement as to the location of the property line between them. The Statute indicates that the agreement must be between "all parties thereby affected". Perhaps a County would argue that, under public policy considerations, it is an "affected party." We have found no instances of this argument being offered, and it seems unlikely that a Court would find in favor of such, as allowing County intervention would be

directly contrary to the goal of providing a quick and low cost solution to boundary disputes.

Property line agreements have historically taken the form of a parol (verbal) agreement. Such agreements are generally not subject to the statute of frauds, because they are not in the form or manner of a "transfer" of ownership.

The reason for this rule is based on the idea that the parties do not undertake to acquire and to pass the title to real estate, as must be done by written contract or conveyance; but they simply by agreement fix and determine the situation and location of the thing that they already own, the purpose being simply by something agreed on to identify their several holdings and to make certain that which they regarded as uncertain. To constitute a valid agreement by landowners, there must be an intent to determine or settle the permanent location of the line.

The agreement must be definite and unconditional, and must concern a boundary line between contiguous tracts.⁴

Where such agreements are solely in the form of parol agreements, there must generally be doubt or uncertainty to the true location of the line.⁵

As stated above, the purpose of such agreements is not to pass title to lands not previously owned, as is done in minor subdivisions or lot line adjustments, but to determine the location of the line defining current ownership.⁶ A property line agreement does not divide land, and therefore does not lie within the statutory definition of subdivision⁷ (i.e., a property line agreement does not create additional parcels). Even though a County has authority to exempt certain divisions of land from the definition of "subdivision" or "subdivided land"⁸, the County has no authority to adopt a definition of "subdivision" in its regula-

tions which is contrary to the express statutory definition found in C.R.S. § 30-28-101(10).⁹ Property line agreements bind the parties to the agreement, and their successors and assigns, but does not bind adjoining who are not parties to the agreement.¹⁰

Generally, there are four requirements for property line agreements to be valid.¹¹

1. There must be uncertainty to the location of the line;
2. All affected parties must agree to the location of the line;
3. The affected parties must "act" as if the agreed line is the true line; and
4. The agreed line must be identifiable on the ground.

In Colorado, there are four more requirements.

5. The agreement must be in writing;¹²
6. The written agreement must be signed and acknowledged by each affected party;
7. The written agreement must be accompanied by a map; and
8. The written agreement must be recorded "as an instrument affecting real estate" in the County¹³ in which the properties are located.¹⁴

Some have suggested using quit-claim deeds as a mechanism to complete the agreement. Boulder County uses this device for the subdivision exemption process where adjustment of the line between two properties described by metes and bounds descriptions is sought.

Some surveyors in Colorado have expressed an interest in using such deeds to finalize the agreement. However, using a deed may indicate a wish to "pass the title to real estate", and may make the agreement subject to County review as a subdivision or resubdivision of land.

In conclusion, written property line agreements pursuant to C.R.S. § 38-44-112 are quick, simple, low-cost solutions to property line disputes, are favored by law and public policy as a means of avoiding costly litigation, and if completed without the use of quit-claim deeds, are outside the purview of the County review process.

EXHIBIT A

Example From Boulder County, Colorado



BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT (this "Agreement") is made and entered into as of the 1st day of March, 2003, by and between Michael John Sherman ("Sherman") and Frederick A. Bickford and David A. Bickford collectively, ("Bickford").

RECITALS

A. WHEREAS, Sherman represents and warrants he is the owner of fee simple title in its entirety to that certain real property commonly known as 1013 Mapleton Avenue, Boulder, Colorado (the "Sherman Property") which is more particularly described on that certain Improvement Survey Plat prepared by Flatirons Surveying, Inc., dated December 6, 2001, and as described in the deed to Sherman recorded in the Boulder County real property records at Reception No. 2037915; and

B. WHEREAS, Bickford represents and warrants they are the owner of fee simple title in its entirety to that certain real property commonly known as 1019 Mapleton Avenue, Boulder, Colorado (the "Bickford Property") which is more particularly described on that certain Land Survey Plat, prepared by Flagstaff Surveying, Inc., dated March 15, 2002, and as described in the deed to Bickford recorded in the Boulder County real property records at Reception No. 2246254; and

C. WHEREAS, the Sherman Property is adjacent to and immediately west of the Bickford Property and the two properties share a common boundary (the "Common Boundary") being the east boundary of the Sherman Property and the west boundary of the Bickford Property; and

D. WHEREAS, the above referenced Improvement Survey Plat of the Sherman Property and the above referenced Land Survey Plat of the Bickford Property each reference discrepancies in the legal descriptions of the Common Boundary contained in historical deeds and surveys of the Sherman Property and the Bickford Property; and

E. WHEREAS, Sherman and Bickford, and their predecessors in interest, have on occasion, with the consent of the other, erected fences in the general area of the Common Boundary and have used certain portions of the other's property in the general area of the Common Boundary; and

F. WHEREAS, pursuant to C.R.S. § 38-44-112, any line or disputed corner or boundary may be determined and permanently established by written agreement of all parties thereby affected, signed and acknowledged by each as required for conveyances of real estate clearly designating the same, and accompanied by a map or plat thereof which shall be recorded as an instrument affecting real estate, and shall be binding upon their heirs, successors and assigns; and

G. WHEREAS, Sherman and Bickford desire to forever settle any question as to the actual location and legal description of the Common Boundary between their respective properties.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated as if fully set forth herein, the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Designation of Common Boundary. Sherman and Bickford mutually agree that the Common Boundary between the Sherman Property and the Bickford Property is as shown on the legal description attached hereto as Exhibit A.

2. Easement for Garage Roof Encroachment. Bickford hereby grants, bargains, sells and conveys to Sherman a perpetual encroachment easement for the roof eave of the one story stucco garage currently located on the Sherman Property as the same overhangs the Common Boundary.

3. Binding Effect. Pursuant to C.R.S. § 38-44-112, this Agreement shall be binding upon and inure to the benefit of each of the signatories hereto and their respective successors and assigns as the same relates to the common boundaries between the land parcel of each such signatory.

4. Miscellaneous.

(a) Recording of Agreement. This Agreement shall be recorded in the Boulder County, Colorado real property records immediately upon execution by the parties hereto.

(b) Integration; Modification. This Agreement contains all of the terms and conditions of the parties' agreements and understandings with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements, representations and understandings of the parties. All other rights with respect to the parties' real property, or otherwise, not specifically addressed herein are hereby reserved. This Agreement may only be modified, amended, changed or terminated, in whole or in part, by a written instrument duly authorized and executed by each of the parties hereto. No consent of any third party shall be required for the negotiation and execution of any such instrument.

(c) Waivers and Modifications in Writing. No amendments, waivers or modifications hereof shall be made or deemed to have been made unless in writing executed by the parties to be bound thereby.

Continued page 34

(d) **Prevailing Party.** If any legal action or arbitration or other proceeding is brought for the enforcement of this Agreement, or because of any alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which it may be entitled.

(e) **Headings.** The headings and captions are inserted for reference only and the same shall not limit or construe the paragraphs or sections to which they apply or otherwise affect the interpretation hereof.

(f) **Counterparts.** This Agreement and any document or instrument executed pursuant hereto may be executed in any number of counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement may be executed by facsimile signatures and all such signatures shall be deemed to be original signatures for all purposes, provided, however, facsimile signatures shall be replaced with original signatures as soon thereafter as practicable.

(g) **Severability.** Invalidation of any of the provisions of this Agreement or of any paragraph, sentence, clause, phrase or work herein, or the application thereof in any given circumstance, shall not affect the validity of any other provision of this Agreement.

(h) **Governing Law.** The Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

(i) **Warranty of Capacity and Title.** By its execution hereof, each party hereto represents and warrants to the other parties that it or its representative signing hereunder has full power and lawful authority to execute this Agreement and bind said party and its respective real property to the terms hereof. Each party represents and warrants that no other person or entity has any interest in the real property affected hereby that would restrict such authority to execute this Agreement or affect the binding nature of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT (this "Agreement") is made and entered into as of the 11th day of February, 2003, by and between Michael John Sherman ("Sherman") and Frederick A. Bickford and David A. Bickford collectively, ("Bickford").

RECITALS

A. WHEREAS, Sherman represents and warrants he is the owner of fee simple title in its entirety to that certain real property commonly known as 1013 Mapleton Avenue, Boulder, Colorado (the "Sherman Property") which is more particularly described on that certain Improvement Survey Plat prepared by Flatirons Surveying, Inc., dated December 6, 2001, and as described in the deed to Sherman recorded in the Boulder County real property records at Reception No. 2037915; and

B. WHEREAS, Bickford represents and warrants they are the owner of fee simple title in its entirety to that certain real property commonly known as 1019 Mapleton Avenue, Boulder, Colorado (the "Bickford Property") which is more particularly described on that certain Land Survey Plat, prepared by Flagstaff Surveying, Inc., dated March 15, 2002, and as described in the deed to Bickford recorded in the Boulder County real property records at Reception No. 2246254; and

C. WHEREAS, the Sherman Property is adjacent to and immediately west of the Bickford Property and the two properties share a common boundary (the "Common Boundary") being the east boundary of the Sherman Property and the west boundary of the Bickford Property; and

D. WHEREAS, the above referenced Improvement Survey Plat of the Sherman Property and the above referenced Land Survey Plat of the Bickford Property each reference discrepancies in the legal descriptions of the Common Boundary contained in historical deeds and surveys of the Sherman Property and the Bickford Property; and

E. WHEREAS, Sherman and Bickford, and their predecessors in interest, have on occasion, with the consent of the other, erected fences in the general area of the Common Boundary and have used certain portions of the other's property in the general area of the Common Boundary; and

F. WHEREAS, pursuant to C.R.S. § 38-44-112, any line or disputed corner or boundary may be determined and permanently established by written agreement of all parties thereby affected, signed and acknowledged by each as required for conveyances of real estate clearly designating the same, and accompanied by a map or plat thereof which shall be recorded as an instrument affecting real estate, and shall be binding upon their heirs, successors and assigns; and

Michael John Sherman
Michael John Sherman
1013 Mapleton Avenue
Boulder, Colorado 80302

STATE OF COLORADO)
COUNTY OF BOULDER) ss.

The foregoing instrument was acknowledged before me this 12th day of February, 2003, by Michael John Sherman.

Witness my hand and official seal.

SAMANTHA R. TANNER
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 03/26/2005

Samantha Tanner
Notary Public
My commission expires: 3/26/2005
Frederick A. Bickford
Frederick A. Bickford
1019 Mapleton Avenue
Boulder, Colorado 80302

STATE OF COLORADO)
COUNTY OF BOULDER) ss.

The foregoing instrument was acknowledged before me this 11th day of February, 2003 by Frederick A. Bickford.

Witness my hand and official seal.



Samantha Tanner
Notary Public
My commission expires: 3/26/2005

EXHIBIT A

PROPERTY LINE AGREEMENT

PORTIONS OF OUTLOT 2 SQUIRES ADDITION TO WEST BOULDER AND OF LOTS 27 AND 28, BLOCK 1, MAPLETON, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.
SHEET 1 OF 2

LINE DESCRIPTION: (SEE SHEETS 2 OF 2)

A LINE DIVIDING TWO PARCELS BEING PORTIONS OF OUTLOT 2 SQUIRES ADDITION TO WEST BOULDER AND OF LOTS 27 AND 28, BLOCK 1, MAPLETON, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ASSUMING THE SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED SEPTEMBER 28, 1995 AT RECEPTION NUMBER 01551101, TO BEAR SOUTH 82°37'00" WEST BETWEEN FOUND MONUMENTS AS SHOWN HEREON, WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF OUTLOT 2, SQUIRES ADDITION TO WEST BOULDER, THENCE SOUTH 82°37'00" WEST, ALONG THE SOUTHERLY LINE OF SAID OUTLOT 2, SAID LINE ALSO BEING THE NORTHERLY RIGHT-OF-WAY OF MAPLETON AVENUE, A DISTANCE OF 100.00' TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED SEPTEMBER 28, 1995 AT RECEPTION NUMBER 01551101, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT "PARCEL OF LAND DESCRIBED IN DEED RECORDED APRIL 18, 2000 AT RECEPTION NUMBER 2037915; THENCE CONTINUING SOUTH 82°37'00" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY OF MAPLETON AVENUE, A DISTANCE OF 4.02', TO A POINT ON AN EXISTING SPLIT-RAIL FENCE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 10°31'39" WEST ALONG SAID SPLIT-RAIL FENCE, A DISTANCE OF 28.97' TO THE END OF SAID SPLIT-RAIL FENCE, ALSO BEING THE CORNER OF AN EXISTING WOOD FENCE; THENCE NORTH 14°37'35" WEST, A DISTANCE OF 108.32' TO THE SOUTHWEST CORNER OF AN EXISTING STONE AND FRAME GARAGE; THENCE NORTH 15°48'35" WEST ALONG THE WEST SIDE OF SAID STONE AND FRAME GARAGE, A DISTANCE OF 16.03' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF A PUBLIC ALLEY, SAID POINT ALSO BEING THE POINT OF TERMINUS.

I, JOHN B. GUYTON, A REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO DO HEREBY STATE THAT THIS PROPERTY LINE DESCRIPTION AND THE ATTACHED EXHIBIT BEING MADE A PART HEREOF WERE MADE UNDER MY DIRECT SUPERVISION AND CHECKING AND ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

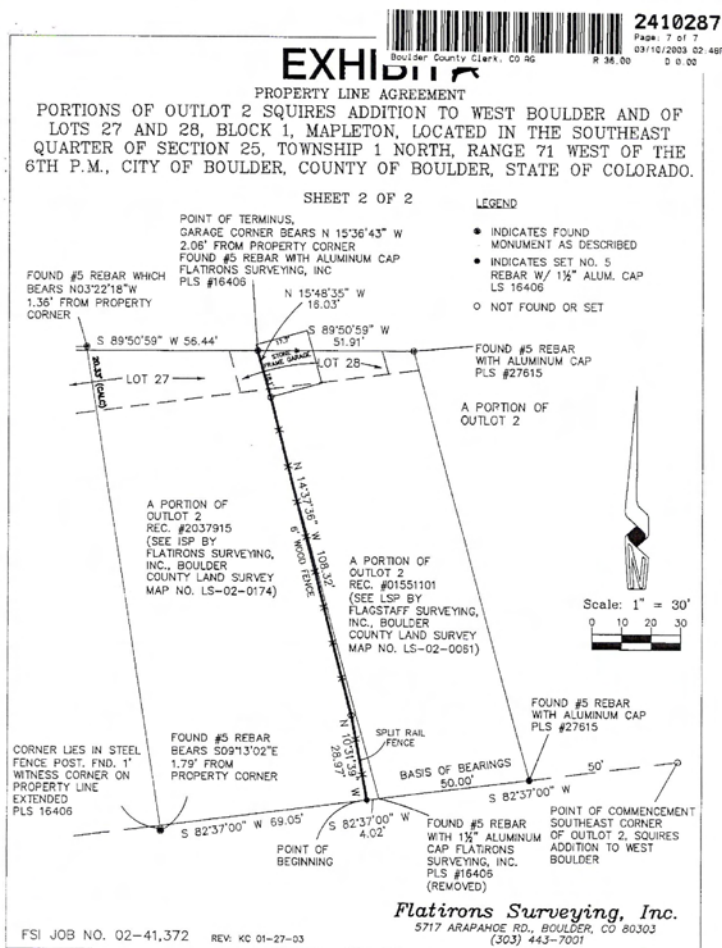
John B. Guyton
JOHN B. GUYTON
COLORADO P.L.S. #16406
PRESIDENT, FLATIRONS SURVEYING, INC.
JOB NO. 02-41,372

NOTE:

REFER TO FLATIRONS SURVEYING, INC. JOB NUMBER 01-39,621 FOR BOUNDARY INFORMATION.

THIS EXHIBIT IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED TO REPRESENT A SUBDIVISION OF LAND IN VIOLATION OF STATE STATUTES.

Flatirons Surveying, Inc.
5717 ARAPAHOE RD., BOULDER, CO 80303
(303) 443-7001



¹C.R.S. § 38-44-112.

²See T.S. MADSON, II, MADSON, ON COLORADO REAL PROPERTY BOUNDARY LAW 69-70 (LSS Pub.Co. 1983).

³11 C.J.S., Boundaries, § 64, Agreement Validity in General (footnotes omitted).

⁴11 C.J.S., Boundaries, § 67(a), Parol Agreement (footnotes omitted).

⁵11 C.J.S., § 67(b), Doubt or Uncertainty as to True Location: In order to establish the validity of a parol agreement establishing a boundary, it is necessary that there shall be doubt and uncertainty as to its true location, . . . It is not essential that the true line be absolutely unascertainable, for it is only where the true location is subsequently ascertained that actions involving disputed boundaries can arise; and if a boundary line which is the subject of dispute and contention is agreed on and adjusted, it cannot be disturbed although the parties afterward learn that the true line could have been found. . . . It is not necessary that an actual interference of boundary lines shall be shown by the title papers, but if the boundaries as shown by the title papers overlap, this will constitute an uncertainty sufficient to support an agreement. The fact that the true location could be determined by a survey or a correct measurement does not prevent an agreement. (footnotes omitted)

⁶11 C.J.S., § 69(a), Conclusiveness and Effect of Agreement, In General: If the requisites for its validity and binding force are present, a boundary agreement between adjoining owners is conclusive as to the location of the boundary and the line agreed on becomes the true line, even though neither party intended to claim beyond the true line. . . . The line is established conclusively, not because the agreement passes title, but because it determines the location of the estate of each and places beyond future doubt the true line of division between them. (footnotes omitted)

⁷C.R.S. § 30-28-101(10).

⁸C.R.S. § 30-28-101(10)(d).

⁹Pennobscot, Inc. V. Bd. Of County Comm'rs, 642 P.2d 915 (Colo. 1982).

¹⁰11 C.J.S., § 69(b), Persons Bound.

¹¹See CORA JORDAN, NEIGHBOR LAW: FENCES, TREES, BOUNDARIES AND NOISE, 2ND ED. 9/5-9/11 (Mary Randolph ed., Nolo Press 1994).

¹²For examples, see herein, EXHIBIT A. See also T.S. MADSON, II, MADSON, ON COLORADO REAL PROPERTY BOUNDARY LAW 76 (LSS Pub.Co. 1983), and also CORA JORDAN, NEIGHBOR LAW: FENCES, TREES, BOUNDARIES AND NOISE, 2ND ED. 9/10 (Mary Randolph ed., Nolo Press 1994).

¹³In the office of the County Clerk and Recorder.

¹⁴For more specific information concerning transfers of title to land which would apply in this case, see Colorado Revised Statutes, Title 38, Articles 30 and 35.

Complete Photogrammetric Services

MAP WORKS

7625 W. 5th Ave. #203E • Lakewood, CO 80226

Phone: 303-445-1856

Fax: 1-877-606-7982

E-mail: mapworks@mho.net

Call for Input

Submitted by Maurice Schumann

Repeal 12-25-218 Immunity in professional review.

Rationale:

Board members are governor appointed (CRS 12-25-106) and are consequently, part of government. Immunity, criminal or suit, from ads harmful to any individual by any government person or entity should not be permitted in any circumstances. CRS 12-25-218 contradicts the intent and spirit of General Provisions, 12-25-201 begin with "In order to safeguard life, health, and property and to promote the public welfare ..." In addition, CRS 12-25-218 spurns United States Constitution First Amendment intent "...the right of the people... to petition the Government for a redress of grievances."

Repeal CRS SS-51-104(5)(a) and (b), requiring Monument Boxes

Repeal (Please fill in for me the other Monument Box CRS requirement)

Rationale:

Survey monuments in paved areas need not be placed a half foot below the roadway surface in monument boxes. Each state region and political subdivision has its own climatic conditions and unique requirements for survey monumentation type. Since conditions are not standard, a "state" standard does not serve the best interest of the people. Current statute "...reasonably permanent markers solidly embedded in the ground" [38-51-104(1)(a)] serves the public sufficiently.

Reenact former 12-25-107(1)(e) and 12-25-207(1)(d) "Publish a complete roster annually ... The roster shall be mailed to each profession-

al ..." and 12-25-207(1)(d))

Rationale:

A part of licensee's fees are used to pay for publication and mailing of an Annual Roster. These monies should not be spent developing proprietary internet content in which only those who purchase or subscribe to these proprietary products and services have the means to view the Annual Roster.

Internet has several distinct characteristics which prevent some from gaining access (or make access very difficult) to the Annual Roster

1. Some regions do not have reliable internet service.

2. Internet service is sporadic and can "go down" at any moment.

3. Internet service is expensive when all components are accounted for including:

a. Education and Training b

b. Computer equipment

c. Connection equipment and service

d. Proprietary computer programs.

Some Annual Roster information is not viewable to those who do not have the "correct program or version."

e. Economics - Buying computers, software, internet service and paying for training exceeds, on a per capita basis, costs of publishing and mailing an Annual Roster.

The printed Annual Roster has several advantages:

Viewing is possible

1. for all with normal vision.

and practical independent of any computer equipment, any software or any service provider.

and independent of computer skills. In addition, viewing a printed Annual Roster saves considerable time. In contrast, when a person wants to view Annual Roster contents on the internet there are time consuming steps which must be undertaken: Computer has to be turned on and booted,

Internet connection has to be established,

Clicking icons or typing of URL codes is necessary,

Reading and interpretation of varying formatted instructions is necessary.

Security issues must be dealt with including passwords, user names, etc.

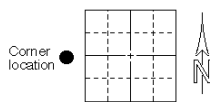
In general, Annual Roster on the internet requires use of special

COLORADO LAND SURVEY MONUMENT RECORD

Department of Regulatory Agencies
Board of Licensure for Professional Engineers and Land Surveyors
1560 Broadway, Suite 1370, Denver Colorado 80202
Phone: 303.894.7788 • Facsimile 303.894.7790 • TDD 303.894.2900 X833

Instructions:

- Report one monument only on this form
- Reproduction of this form is authorized
- All items to be filled in by Land Surveyor using PERMANENT BLACK LETTERING and lines which can be reproduced

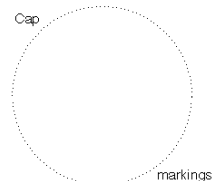


1. Monument type: ☐ Section corner ☐ Quarter corner ☐ Benchmark ☐ Found ☐ Set ☐ Rehabilitated ☐ Other

2. Description of monument found: Date found _____

3. Description of monument established by you to perpetuate the location of this point

4. Sketch showing relative location of monument, accessories and reference points stating whether found or set, show supporting and contradictory evidence where applicable



Dates:

Field work to establish, restore or rehabilitate monument _____
Monument used as Control _____

(Do not fill in)

RECEIVED AT OFFICE OF THE COUNTY CLERK
_____ COUNTY

BY: _____
DATE: _____

Record to be filed by Index Reference Number
Numerically, then Alphabetically, under
appropriate Township, Range, and Meridian

CERTIFICATION

This is to certify that I was in responsible charge of the surveying work described in this record and that to the best of my knowledge the information presented herein is true and correct.

Name (please print): _____

Firm Name: _____

Firm Address: _____

Phone: _____

RevMar 2006

Signature/Date through Seal

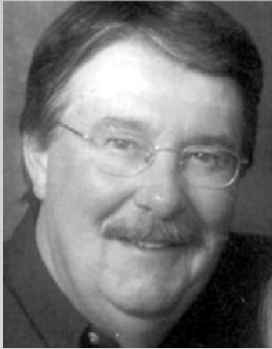
Continued page 38



IN MEMORIAM



LESLIE JOHN "LES" NICHOLS



Leslie John "Les" Nichols, age 62, of Colorado Springs, CO passed away on April 22, 2006 in Colorado Springs, Colorado. He was born on

August 18, 1943 in Phoenix, AZ, a son of the late Leslie Earl and Barbara (McNeill) Nichols. He has been a resident of Colorado Springs for sixty years. He was a licensed professional land surveyor for about 40 years. He was active in the Professional Land Surveyors of Colorado as well as the local chapter (Southern Colorado Professional Land Surveyors), serving as director and newsletter editor. Leslie owned and operated US Surveys Inc and formerly owned Orr/Nichols and Associates. He served in the Navy and was a former member of the Navy Seabees. His passions in his early years were motorcycle and car racing, (he was an avid sprint car fan and former driver and had raced in the Pikes Peak Hill Climb) he later did sprint-car racing with his family and friends. The last several years have been spent racing with his son Nick who drives the No. 75 Mini-sprint and competes with the Colorado 1200 Outlaws. Les was Nick's crewchief, most avid fan and inspiration for his competing and winning. Les also loved hockey and was a 17-year season ticket holder for Colorado College Hockey. He is survived by his wife Carolyn Nichols of Colorado Springs, son, Leslie "Nick" Dean (Angela) Nichols of Colorado Springs, and daughter Lucinda (Bill) Bergen of Colorado Springs, CO along with four grandchildren and a sister, Kathy.

ROBERT H. DICKERSON

Just before the printing deadline for this issue, I received some very sad news. Rob Dickerson, a friend and long time member of the PLSC, passed away last week. Many of us knew and liked Rob, he was a person of unusual merit, integrity and character - a true gentleman. When we needed straight facts without the usual spin, we could call him. Rob was an enormous credit to the profession, and his loss will be felt throughout the industry. I would like to extend my heartfelt condolences to his family and friends on their loss.

- JB Guyton

Robert H. Dickerson of Boulder, CO, passed away at home with family and friends at his side on Wednesday, April 12, 2006, a life cut short from ALS (Lou Gehrig's disease).

Born June 2, 1956, in Billings, Montana, Rob was one of 5 children born to Reid and Phyllis Dickerson. The family resided in Loveland, Colorado, where he graduated from Loveland High School in 1974. Robert continued his education achieving degrees from Metropolitan State College, and a Masters in Civil Engineering (Geomatics) from Purdue University.



As a professional land surveyor and Geodesist, Rob was involved early in the development of GPS technology and most recently with Trimble Navigation, where he was instrumental in the development of Trimble Business Center and Spectra Precision Survey Office. He loved the outdoors and was most happy when he was able to combine his work with a good hike.

Rob was the true quintessential westerner. He loved the outdoors and nature. A rock or mountain was there to climb, a trail to hike or ride, a river to fish or float, snow to slide down, stars to camp beneath. He quietly enjoyed it all yet shared his pleasure with his boys, his wife and all those who knew him. But most of all Rob had a gentle observant sense of humor. He saw life's irony and presented his view in a reserved, succinct, witty and caring way. We will all remember Rob's humor as a most endearing strength.

He is survived by his wife of 25 years, Wendy Bigelson and two sons, Jacob and Samuel Dickerson, all of Boulder; his parents, Phyllis (Reid) Dickerson of Grand Junction, CO; brothers: James (Dot) Dickerson of Fort Collins, CO and David (Vicki) Dickerson of Phoenix, AZ; sisters: Anne (Bob) Pate of Spokane, WA and Kathryn (Don) Lowe of Denver, CO; mother-in-law, Ruth Bigelson of Bethesda, MD; sisters-in-law, Jani (Frank) Drohan of Washington D.C., and Cherie (Martin) Woodard, of Sperryville, VA; brother-in-law, Darshan Singh Kahlisa (Carol) of Reston, VA; three nieces, five nephews and one great-nephew and numerous friends across the country. Contributions may be sent to Compassionate Care ALS, PO Box 1052, West Falmouth, MA. 02574 or to the Educational 529 Fund for Jacob and Samuel Dickerson c/o Wachovia Securities, 1919 14th Street, Boulder, CO 80302.

CALL FOR INPUT *continued*

resources and skills not needed with one which is printed and mailed.

My last proposal for change, and comprehensive change, is the monument record form.

There is one thing I've wanted to see done to the form since I began filling them out nearly thirty years ago. That is: change from the 14-inch paper to the common size 8.5 x 11. The time, effort and other resources needed to deal with 8.5 x 14-inch paper is unmeasurable from a practical standpoint but never-the-less significant. First, one has to keep on hand this different sized paper. Second, a copier, scanner or printer capable of handling this paper is required. A lot of manufacturers now either do not provide them or charge extra for providing 8.5 x 14 paper trays. Some computer programs do not accommodate 8.5 x 14 practically - margin sizes, memory requirements, etc. Third, it requires large size envelopes, file folders and cabinets.

Fourth, the pages do not conveniently fit into three-ring binders. Fifth, a lot of state, county, and municipal governmental agencies are now requiring 8.5 x 11 forms and documents only. It seems to be a national movement. Change has taken place in some areas and going that direction in others.

I'd like the monument record form to be 8.5 x 11 for sheer practicality and economics. If you have the time and interest, please take a look at the attached "gif" file. I've added some subtleties.

I changed all the UPPER CASE to conventional upper and lower case to make reading the form easier. [Note: evidence from studies indicate that three things happen when all upper case letters are used. 1 Comprehension and retention are decreased, 2 More errors are made in what readers interpret from the material, 3 Reading all UPPER CASE decreases reading speed.] I added to item 1, Found, Set and Rehabilitated.

Instead of the item 2 phrase "Description and date of monument found," I replaced it with "Description of monument found. Date found _____."

Index reference was moved to the upper right corner of the page. This is a normally expected location on the page for this kind of information - not at the bottom. Normally, readers expect content and minutiae mid and bottom page.

Area for drawing has not been decreased. There is still as much room to draw the sketch as on the existing form. All other material and items have been rearranged to fit on the 8.5 x 11-inch page.

Perhaps in the next incarnation of the form, these issues can be taken into account. That's that on monument records: Sharing my ideas. I'd prefer to see real change and I do not prefer hanging on to past: this is 2006 not 1806 or 1906. Perhaps this may be communicated to the PLSC community in Side Shots?

Procedure Memorandum No. 41 - North American Vertical Datum of 1988 (NAVD88) Policy



FEMA

Background: Historically, the common vertical datum used by FEMA has been National Geodetic Vertical Datum of 1929 (NGVD29). However, the NAVD88 datum is more compatible with modern surveying and mapping technologies like Global Positioning Systems and Light Detection and Ranging (LIDAR), more accurate than NGVD29, and it is the only official vertical datum for the continental United States (http://www.ngs.noaa.gov/PUBS_LIB/FedRegister?FRdoc93-14922.pdf).

It is important that FEMA accomplish this conversion now for the following reasons:

The old datum, NGVD29, is obsolete and no longer supported by the National Geodetic Survey (NGS).

As time passes it will be substantially more difficult to obtain reliable elevations referenced to NGVD29.

Previously published heights on NGS benchmarks will not be updated. These old heights have greater errors than new NAVD88 heights, are not maintained and become less reliable as they age.

As reference marks are disturbed or destroyed, there will be fewer and fewer NGVD29 reference points available.

Eventually professional surveyors may have difficulty certifying eleva-

tions reference to NGVD29.

Issue: Map Modernization projects are currently being undertaken using either NGVD29 or BAVD88. FEMA wants new flood map projects to use only NAVD88.

Action Taken: The purpose of this memorandum is to communicate FEMA's Flood Hazard Mapping Program policy regarding the NAVD88. This memorandum supersedes the decision making criteria for conversion of vertical datum outlined in Appendix B of the Guidelines and Specifications for Flood Hazard Mapping Partners, April 2003. For areas within the continental United States, all new flood maps and updates that revise the majority of the map panels must be referenced to NAVD88.

When coordinating with communities regarding their flood map updates and at flood map update scoping meetings, FEMA staff and mapping partners should explain the datum conversion to community officials.

If a community opposes conversion to NAVD88, FEMA staff should arrange for a meeting with community officials, FEMA staff and the NGS State Geodetic Advisor or the NGS Liaison to FEMA to discuss the benefits of NAVD88 and the limitations of NGVD29.

If the community still opposes conversion to NAVD88 after meeting with the NGS, then a waiver may be granted to keep the map referenced to NGVD29 provided:

The community CEOs for all jurisdictions included on the flood map provide a letter to FEMA stating that the community wants its flood map to be referenced to NGVD29 and that the community recognizes that funding may not be available in the future to update the flood map to NAVD88 if it is not done for the current map action.

Waivers should be approved by the Regional Mitigation Division Director and coordinated with the Headquarters Regional Engineer.

If you have questions regarding this policy, you may contact Paul Rooney (202-646-3123, Paul.Rooney@dhs.gov).

The NGS Liaison to FEMA is Ronnie Taylor (850-245-2610, Ronnie.Taylor@noaa.gov).

The NGS State Geodetic Advisors can be found at: <http://www.ngs.noaa.gov/ADVLSORS/AdvisorsIndex.shtml>

CO State Geodetic Advisor: Pam Fromhertz; 303-758-9197; pamela.fromhertz@noaa.gov



2006 SUSTAINING MEMBERS

AERO-METRIC ENGINEERING, INC.
4708 South College Avenue
Fort Collins, CO 80525

AEROTEK
2000 S. Colorado Boulevard
Building 2, Suite 150
Denver, CO 80222

AGA GEODOMETER
Paul McDaniel
53 Meadow Lake Drive
Lyons, CO 80540

ALLEN PRECISION EQUIPMENT, INC.
1550 Boggs Road
Duluth, GA 30096

ASSURANCE RISK MANAGERS
Lisa Isom
2851 S. Parker Rd, Suite 760
Aurora, CO 80014

BANNERMAN SURVEYORS, INC.
4997 Highway 90 East
Mariana, FL 32446

CARY AND ASSOCIATES
540 St. Andrews Drive
Longmont, CO 80501-9500

CONTRACT SURVEYORS, LTD.
2133 S. Bellaire St., Ste. 14
Denver, CO 80222

EMK CONSULTANTS, INC.
7006 S. Alton Way, Bldg. F
Centennial, CO 80112

FLATIRON, INC.
3825 Iris Avenue, Ste 395
Boulder, CO 80301

FRONTIER PRECISION
321 East 57th Ave., Unit A
Denver, CO 80216

GORE RANGE SURVEYING, LLC
953 S. Frontage Road West, S. 106
Vail, CO 81657

HIXON MANUFACTURING & SUPPLY CO.
1001 Smithfield Drive
Fort Collins, CO 80524

LEICA GEOSYSTEMS, INC.
8745 East Orchard Road, S-520
Englewood, CO 80111

MERRICK & COMPANY
2450 South Peoria Street
Aurora, CO 80014

O'NEILLS POSITIONING SERVICES
2513 Lexington Street
Lafayette, CO 80026

PLANET-GIS-LLC
P.O. Box 1747
Castle Rock, CO 80104

ROCKY MOUNTAIN LASER/TPI
5385 Quebec Street
Commerce City, CO 80022

SURV-KAP, INC.
P.O. Box 27367
Tucson, AZ 85726

SURVEY & CONSTRUCTION SUPPLY CO.
930 West Byers Place
Denver, CO 80223

SYSTEMS DIVIDENDS, LLC
1238 Promgranate Lane
Golden, CO 80401

TERRY LAND SURVEYING, INC.
P.O. Box 851
Trinidad, CO 81082

TRIMBLE NAVIGATION, LTD.
547 Kellenburger Road
Dayton, OH 45424-1099

TRINITY (Div. of Bank of the West)
475 Sansome Street, 19th Floor
San Francisco, CA 94111

UNDERGROUND CONSULTING SOLUTIONS
2701 W. Oxford Ave., Suite 6
Englewood, CO 80110

VECTORS, INC.
8811 E. Hampton Ave., #110
Denver, CO 80231

WESTWOOD COLLEGE OF TECHNOLOGY
7350 North Broadway
Denver, CO 80221

*These firms support our organization.
Please show them your appreciation
with your patronage.*



TRIMBLE BATTERIES

**TRIMBLE 4800 Lithium-Ion Battery Rebuild
ONLY \$249.99**

BatteriesPlus

AURORA
994 S. Abilene St.
303.745.3333

LITTLETON
8601 W. Cross Dr. Pad #2A
303.973.4000

CENTENNIAL
8202 S. University Blvd.
303.771.7112

WESTMINSTER
10339 N. Federal Blvd. #400
303.438.0009

DENVER
2600 S. Colorado Blvd.
303.504.0101

www.batteriesplus.com

REDUCED PRICING!

TRIMBLE 5700/5800 Replacement Lithium-Ion Battery

- » 2000mAh capacity vs. 1850 OEM
- » Replaces Trimble 52030, 46607, 38403, 29518, Moli1821, Sokkia BDC46
- » **GUARANTEED TO FIT!**
- » NOW ONLY **\$49.99**

TRIMBLE 4800 Rebuilt Lithium-Ion Battery

- » 4000mAh cell capacity vs. 3000mAh OEM
- » Replaces Trimble 31030
- » ONLY **\$249.99**

Cellular & Two-Way Radio Batteries

- » Extremely competitive prices
- » Batteries for all Nextel phones





EXPLORE NEW BOUNDARIES!

Monuments, Caps and Accessories
800-445-5320 • surv-kap.com

© 2005 SURV KAP INC.

Editor
Arthur W. Hipp
9660 West 56th Place
Arvada, CO 80002

PRST STD
U.S. POSTAGE
PAID
WESTMINSTER,
CO, 80036
Permit No. 56