Survey Monument Preservation Protocol for Disasters Cleanups

Committee Chairman: Michael L. Quartaroli, L.S. 4450

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Survey Monument Preservation
In A Disaster Cleanup

Disasters, whether they are wildfires, earthquakes, tornadoes, hurricanes, and floods, are occurring more frequently and are much more severe than before. Land surveyors are the stewards of the nation’s property corners, and as such, are entrusted with maintaining and protecting them. Land surveyors must be included in any disaster cleanup effort for the purpose of preserving survey monuments from being destroyed during the cleanup. A major part of the success of the cleanup and rebuilding process will rely on the successful preservation of the survey monuments marking the location of property corners. FEMA’s definition of “cleanup” and the list of services provided by FEMA must be amended to include survey monument preservation performed by land surveyors prior to or concurrent with debris cleanup.
MONUMENT PRESERVATION
TASK FORCE
Scour State for Monument Preservation Activists, Zealots. People willing to think and work. Task Force to transcend multiple CLSA Administration for consistency.

1. General Education Division
2. City/County/Agency Division
3. Utility Company Division
4. Legislative Changes Division
5. Fence Contractor Division
6. Public Relations

Division 1: Stress that monument preservation does not intend to hinder or slow down the cleanup effort.

Divisions 1, 2, and 3 are to work within current PLS Act parameters. Time is critical. Significant progress can be achieved with current PLS Act Sections.

Division 5: Prepare brochure to handout to contractors. Target fence contractors.

Division 4 can work on improvements to current PLS Act Sections forward thinking.

Divisions 1, 2 and 3 can provide suggestions of how to improve and/or supplement PLS Act. Drawing from their experiences.

Division 6: Monitor new announcements
Follow – up comments after a news story
Issue statements
Watch for community wildfire protection plans. Lobby to include monument preservation. See Sonoma County!!!!
A certain sensitivity must come across in all memos, announcements, suggestions, requirements & notices. Wildfires are devastating, traumatic, & costly. A lot of emotion is involved.

Division 3: Reach out to help Town/County with Franchise Agreements
BEFORE A FIRE STRIKES
WILDFIRE PLANNING & MONUMENT PRESERVATION

1. Standard Franchise Agreement must include Monument Preservation. Update Franchise Agreements to require 8771 compliance.

2. Use Sec. 8771 to the fullest. It is in place, so make it work. Convince County Engineers/Surveyors and City Engineers/Surveyors to include Sec. 8771 compliance requirements in encroachment permits, train staff, and enforce. Get it established, get it operating. Get experience in administrating system.

3. Begin dialog with Forest Service regarding monument preservation during fuel reduction projects. Confirm that County Surveyor will be notified.

4. Fuel reduction projects must adopt 8771 requirements.

5. Request schedule of fuel reduction projects scheduled for the County.


7. Partnering with Caltrans, BLM, etc.

8. Does the County Surveyor and/or City Surveyor have trained staff that can cope with monument preservation?

9. Coordinate Utility Company 8771 compliance requirements.

10. Assemble all record maps of target community to streamline Surveyor research.
   a. Prioritize monuments – isolate areas w/centerline monuments

11. Research other community websites that experienced wildfire for website template ideas.

12. Collaborate with Caltrans, Forest Service, BLM, County, etc.

13. Find and tie out key monuments in each neighborhood. Begin to develop a GIS. Can develop coordinates to search for other monuments.

14. Mark with Tee Post all property corners, control monuments, GLO, BLM, NGS, forest service, County, Caltrans R/W, etc. easily located in and around Community.

15. Recruit local land surveyors to mark monuments known to them with tee posts provided by City/County. Convince local Land Surveyors to become involved.

16. Include monument preservation in City or County website (Statement, Photos, etc.)

17. Be sure to include monument preservation in any proposed Community Wildfire Protection Plan.

19. Does the local City/County Government have authority over utility companies work in the public street/road/highway right-of-way? Identify who has authority over which roads.


21. Plan a Community Control Scheme so very easy for all surveyors to tie to.
   a. Search for funding source.

22. Plan a program to tie out prioritized monuments.

23. Begin an education program with rural homeowners. Mark your known property corners with Tee – Post (disc. w/Phil Danskin). Prepare a handout typical detail (keep 6” away)

24. Begin training permit center staff to be on the lookout for monument preservation situations.

25. Who is trained and knowledgeable about monument preservation?

26. Evaluate & categories various subdivision by age and quantity of monuments.

27. Tee-post w/sign (Discuss with Phil Danskin)

28. Does county have an ordinance regulating fence along County Road right-of-ways?

29. Re-building along county road. Does county have standard easement width?

30. In some counties the local road dept. will step in and require surveyors’ office determine R/W.

31. Each county is different. Some roads may not even have a deed.

32. How can surveyors help?
WILDFIRE MONUMENT PRESERVATION
CLEAN – UP PRIORITIES

1. Local Governments
   - Include monument preservation in Town or County website (Statement, Photos, etc.)
   - Be sure to include monument preservation in any proposed Community Wildfire Protection Plan.
   - County Surveyor could consider:
     i. Waive Record of Survey & Corner Record fees.
     ii. Streamline Record of Survey & Corner Record checking process.
     iii. Facilitate right-to-entry approvals & mandate monument preservation.
     iv. Enforce Sec. 8771
   - All measures set in place in case disaster hits.

2. Utility Companies
   - Standard Franchise Agreement should include Monument Preservation. Develop a standard note to be distributed to all County – Town Surveyors.
   - Do utility companies have a master encroachment agreement/permit with local agencies?
   - Explain 8771(d) Either/Or, Some & All to City/County Engineer to local agency.
   - Use Sec. 8771 to the fullest. It is in place, so make it work. Convince County Engineers/Surveyors and Town Engineers/Surveyors to include Sec. 8771 compliance requirements in encroachment permits, train staff, and enforce. Update Franchise Agreements to include Sec. 8771 Compliance Notice.
3. CAL OES, FEMA, USACE, EPA, etc. Clean – up Companies and Contractors

- Which agency issues permits or approves contract to clean-up?
- Who issues “Right of Entry” permits?
- Do their standards, specifications and contracts include monument preservation or reference to complying with all laws, statutes, ordinances?
- White Paper written for CLSA & NSPS
- Is it safe for surveyors to enter Fire Zone? Does the time of year factor into when it is safe to enter? (Dust, Mud)

4. Landowners

- Landowner Survey Monument Letter
- Announcement/Statement published in newspaper.
- Encourage rural homeowners to mark their property corners with a Tee – Post

5. Fence Contractors

- “Call A Land Surveyor Before You Dig”
- Prepare a brochure to hand out to Contractors.
Factors to Evaluate Intensity of Wildfire Monument Preservation

- Wildfire cleanup is not like cleaning up after a flood, hurricane, tornado, or earthquake.
- Wildfires create a lot of hazardous waste.
- Top 3” – 6” of fire house footprint has to be removed
- Each wildfire community has its own unique circumstances. No two wildfires are alike.
  i. Modern dense subdivisions
  ii. Antiquated rural subdivisions
  iii. Aliquot parcels
  iv. Ranchette parcels
  v. Terrain
  vi. Antiquate townsit
  vii. Developed roads
  viii. Roads predominately underdeveloped easements
  ix. Surveying history of community
  x. Some areas are heavily surveyed
  xi. Other areas are barren
  xii. Some areas have had past fires which may have destroyed monuments.
  xiii. History of surveying determined by how conscientious past surveyors were.
  xiv. Grid – like development vs. meandering, terrain oriented
  xv. Modern minimum parcel size with side/rear fences vs. old larger parcels without fences.
  xvi. Antiquated townsit lots

- Some communities experience little damage to monuments based on unique circumstances.
- Utility companies replace poles. Gas is provided by propane tanks.
- Houses are on well & septic tank
- Community water system
- Underground infrastructure replacement introduces monuments to being in jeopardy.
- Even within a particular fire zone you are going to encounter unique circumstances
• FEMA has the power/authority to circumvent any State, County or Local Laws, ordinances. Therefore, survey monument preservation must be included in FEMA’s definition of “Cleanup”.

• Town or County roads versus private roads or private easements. Clean-up trucks & equipment destroy roads and the monuments in those roads.
COMMUNITY WILDFIRE DISASTER
SURVEY OUTLINE

Preserve a monument at your property corners today to
avoid an expensive boundary survey tomorrow

1. Assemble all Record Maps
   a. Prioritize monuments – isolate areas w/centerline monuments
   b. Concentrate on areas being cleaned
   c. Concentrate on oldest neighborhoods

2. Setup Community Control Scheme so very easy for all surveyors’ to tie to.

3. Tie out prioritized monuments (unknown funding source)

4. Coordinate Utility Company 8771 compliance requirements.

5. Update Franchise Agreements to require 8771 compliance.

6. Adopt A Monument Preservation Policy to control Utility Companies. Advise Town/County Engineer.

7. Find and tie out key monuments in each neighborhood. Begin to develop a GIS. Can provide coordinates to search for other monuments. (unknown funding source)

8. Research other community websites that experienced wildfire for template ideas.

9. Setup website to search for record maps. Keep it updated as data comes in.

10. Recruit local Land Surveyors to be involved.

11. County Surveyor and Town Engineer will be overwhelmed. Town Engineering Office is probably gone(?)

12. Need somebody to oversee, advise, be sure survey control is considered.

13. Need somebody to advise Town Engineer. He/She will have ordinary day to day stuff and may not have a lot of time for wildfire control stuff.


15. Begin an education program with rural homeowners. Mark you known property corners with Tee – Post (disc. w/Phil Danskin). Prepare a handout typical detail (keep 6” away)
16. Develop and implement GIS Control System.
   a. Establish control scheme
   b. All surveys tie to control
      • Record of Survey, Parcel Map, and Maps and Plats
      • This adds cost to the original purpose of the survey. Be prepared for resistance. (Have dense control scheme)

17. Does Town/County Surveyor have a dedicated experienced survey crew?
1. Survey monuments are visible and tangible landmarks that landowners can see and touch, and bring meaning to property boundaries and ownership.

2. Survey monuments are the foundation of land surveying. Survey monuments fix property lines and right-of-way lines on the ground. The ownership of land and consequently the ability to define boundaries is dependent on survey monuments and the perpetuation. Without survey monuments you will have chaos.

3. Survey monuments are physical markers indicating the location of land boundary corners, geodetic control points, or local control points. They enable a surveyor to relate narrative boundary descriptions or improvements, and boundaries drawn on a set of plans to the actual location on the ground.

4. All real properties, such as parcels, lots, rights-of-way, and easements can only be located or staked on the ground by starting from a monument. Legal descriptions of the horizontal and vertical locations of properties and structures all require the location of a monument as their beginning point of reference. The network of survey monuments protects and delineates public and private property, and is critical to the enforcement and enjoyment of real property rights. Survey monuments are important assets belonging to the City and its citizens, and are protected and maintained as such.

5. Survey monuments give an indication of where property boundaries are. Property boundaries and corners are the basis for identifying the extent of land ownership. Ensuring that boundaries and corners are protected means that ownership and location of land parcels are readily identified. This allows land owners to place improvements on their property without encroaching onto an adjoining property.

6. Realizing the importance of survey monuments is the first step in helping to preserve them. Any time work is done close to a property corner a surveyor should be consulted to determine the actual location of the property corner.

7. Very often monuments are used to indicate the position of the right-of-ways for utilities. Costly and dangerous situations could arise if the location of an underground utility is in question due to the loss of a survey monument.

8. Protecting survey monuments marking property corners, Roads & Easement right-of-way lines, Horizontal & Vertical Control monuments. These monuments are the Public’s survey monuments. They are in the Public Domain and must be protected.

9. Protecting the Public’s survey monuments from being destroyed.
10. Vast majority of people do not understand the importance of survey monuments until it relates to the cost of replacing them or needing them in order to get a building permit.

11. It is in the Public’s interest to perpetuate survey monuments.

12. But land surveyors must be included in meetings with landowners, contractors.

13. On the right of entry forms language must exist to state that survey monuments at property corners need to be protected and contractors to be made aware.

14. Whenever a monument is destroyed the location of land boundaries and as a consequence ownership are brought into question. Any time a monument has to be replaced it incurs significant costs in terms of dollars and time. When a monument has been destroyed more often than not a significant amount of work is required to determine its original position prior to replacement.

15. Monument preservation efforts must be incorporated into disaster relief protocol with FEMA, USCE, CAL OES

   Land surveyors need to be included in the initiation of the clean-up process.

   Land surveyors are the stewards of the nation’s property boundaries.

   Need to include NGS Control (Horizontal & Vertical) Monuments.

   Local control monuments.

Survey monuments are typically set by:
   A. Federal Agencies
   B. State Agencies
   C. County Governments
   D. City Governments
   E. Local Districts
   F. Private Land Surveyors

FEMA, USCE, CAL OES are tasked with doing the clean-up and making the area safe for the rebuilding process.

Monument preservation must be described in a positive light. Its purpose is to benefit the landowner.

Monuments and their remains are something that survived the fire and their survival must be respected. They shouldn’t be destroyed by clean-up effort after they survived the wildfire.
Survey monuments are the Public’s survey monuments. Survey monuments are not owned by any governmental agency and they are not owned by private individuals.

Wildfire Monument Preservation Cleanup Protocol must include every agency, everyone involved with the cleanup.

1. CAL OES
2. FEMA
3. Contractor
4. Landowner
5. City/County permitting/controlling cleanup dept.
6. Contractor Licensing Board
7. EPA

Stress that monument preservation does not intend to hinder, or slow-down cleanup effort.

Are clean-up “PERMITS” issued to contractors? Do the permits have conditions, std.’s, and spec.’s?

Who issues “PERMITS”

What is the chain of command once a wildfire strikes? When does this take effect?

NSPS must discuss with FEMA to include monument preservation with cleanup notices.

Clean-Up Process

- Cleanup contractors
- Inspectors
- City/County OES
- Landowner
- Insurance adjusters
- FEMA
- State OES

Cleanup contractors must be made aware to protect surviving monuments.

How are these contractors selected?

Permit and Notices must include monument preservation.

Define cleanup. Clean-up could be different for:

1. Urban Fire
2. Forest Fire
3. Rangeland Fire
4. Debris Flow
5. Landslides
Landslide and debris flow prone areas will have to be treated differently when it comes to monument preservation.

How do clean-up crews know if they are on the correct parcel/lot? Guess by the improvements?

Primary function is to protect the public.

Who benefits from saving/protecting these monuments?

Cleanup notices should include monument preservation notification.

The rights of the adjoining property owners must be protected.

It is the City/Co. surveyor responsibility, duty, to look out for the neighbors by enforcing monument preservation.
FRANCHISE AGREEMENT

SURVEY MONUMENT PRESERVATION STATEMENT

In accordance with State law, the Town/County of ______________ is responsible for ENSURING the protection and preservation of survey monumentation for any land disturbing activity permitted within the Town/County of ______________ jurisdiction.

Legislation changes effective January 1, 2015
Senate Bill No. 1467, Chapter 400

Section 16: Section 8771(d) of the Business and Professions Code (Land Surveyor’s Act):

(d) The governmental agency performing or permitting construction or maintenance work is responsible for ensuring that either the governmental agency or landowner performing the construction or maintenance work provides for monument perpetuation required by this section.

The franchisee shall designate, at franchisee’s expense, a Licensed Land Surveyor, or a Professional Engineer authorized to practice Land Surveying in the State of California, as being responsible for all monument preservation efforts and shall complete the form entitled “Acknowledgement of Monument Responsibility – Pre-Construction” prior to the commencement of any land disturbing activities (including demolition). Prior to final acceptance/approval the form entitled “Acknowledgement of Monument Responsibility – Post Construction” shall be completed by the same Licensed Land Surveyor or Professional Engineer authorized to practice Land Surveying.

Section 8771 mandates that survey monuments at risk of being disturbed or destroyed by permitting construction or maintenance activities shall be located and referenced prior to construction by or under the direction of a Licensed Land Surveyor or Registered Civil Engineer licensed to practice land surveying in the State of California. If any monument is disturbed or destroyed by the construction, it must be reset by or under the direction of the above-mentioned professional surveyor or civil engineer. A corner record or record of survey must be filed with the County Surveyor in compliance with the Land Surveyors Act and Business and Professions Code Section 8771.
SURVEY MONUMENT PRESERVATION STATEMENT

The preservation of survey monuments is required and intended to protect both public and private property rights in accordance with the following State Law:

Section 16: Section 8771 (d) of the Business and Professions Code (Land Surveyor’s Act):

(d) The governmental agency performing or permitting construction or maintenance work is responsible for ensuring that either the governmental agency or landowner performing the construction or maintenance work provides for monument perpetuation required by this section.

The ___________ has modified the Encroachment Permit process to Ensure that there is an individual in responsible charge of the Land Surveying activities within the bounds of the permitted construction zone. The individual shall be a Licensed Land Surveyor or a Professional Engineer authorized to perform Land Surveying in the State of California.

- All construction or maintenance work activity will require an acknowledgement signed by an individual in responsible charge of the Land Surveying activities within the bounds of the permitted construction zone PRIOR to issuance of the permit. PRIOR to final acceptance of the construction activity the Town Designated Surveyor will require another acknowledgement signed by the same designated individual in responsible charge of the Land Surveying activities, stating that all monuments within the bounds of the permitted construction zone have been preserved.

- This monument preservation process may be altered or amended for a specific encroachment permit, including but not limited to obtaining approval from the Town Designated Land Surveyor on the definition of the construction zone.
Monument Preservation:

Pursuant to Senate Bill No. 1467, Chapter 400 and Section 8771(d) of the California Business and Professions Code, the Governmental Agency performing or permitting construction or maintenance work is responsible for ensuring that either the Governmental Agency or landowner performing the construction or maintenance work provides for monument perpetuation. A “Pre-Construction Acknowledgement Form” signed by an individual in responsible charge of the Land Surveying activities within the bounds of the permitted construction is required PRIOR to issuance of the permit. A “Post-Construction Acknowledgement Form” signed by the same designated individual in responsible charge of the Land Surveying activities is required PRIOR to final inspection and issuance of Notice of Completion.
Ensuring Sec. 8771 Compliance

In accordance with State Law the permitting agency is responsible for **ENSURING** the protection and preservation of survey monumentation from being disturbed or destroyed by permitted construction or maintenance work within the permitting agency jurisdiction.

**No permit is issued** unless there is a waiver from the Town/County Surveyor or unless there is an executed Pre-Construction Acknowledgement of Monument Preservation form on file with the permitting agency.

Likewise, at the end of the construction. **No Notice of Completion is to be issued** unless there is an executed Post-Construction Acknowledgement of Monument Preservation Form on file with the permitting agency.
I, ____________________________, a duly Licensed Land Surveyor or a Professional Engineer (Please print) authorized to perform Land Surveying in the State of California, Registration No. ____________, hereby acknowledge and accept all responsibility for the monument preservation as required per Section 8771(a-f) of the Business and Professions Code within the bounds of the construction zone permitted by the Town/County of _________________ Permit No. _________________.

Construction Site Address (Project Name): ________________________________.

I further acknowledge that I am hereby responsible for the Acknowledgement of Monument Preservation prior to final acceptance of the construction activity.

Signature – Land Surveyor Responsible for Monument Preservation

Seal

Date

Optional Additions

• See Separate Exhibit for Defining Limits of Construction Zone.
• Note Client Contact Information
• I agree to provide the Designated Town Surveyor draft copies of all Pre-Construction Corner Record(s) or Record of Survey.
(Single Land Surveyor)
Acknowledgement of Monument Preservation
“Post Construction”
Monument Preservation prior to final acceptance of construction activity
(Same Land Surveyor for Pre & Post)

I, ____________________________, a duly Licensed Land Surveyor or a Professional Engineer (Please print)
authorized to perform Land Surveying in the State of California, Registration No. ______________, hereby acknowledge and accept all responsibility for the monument preservation as required per Section 8771(a-f) of the Business and Professions Code within the bounds of the construction zone permitted by the Town/County of ________________ Permit No. ________________.
Construction Site Address (Project Name):__________________________________________.

I hereby state that all monuments within the bounds of the construction zone are in the original location or have been reset in accordance with Section 8771(a-f) of the Business and Professions Code.

_________________________________________  Seal
Signature – Land Surveyor Responsible for Monument Preservation

____________________________
Date

Optional Additions
• See Separate Exhibit for Defining Limits of Construction Zone.
• Note Client Contact Information
• I agree to provide the Designated Town Surveyor draft copies of all Post-Construction Corner Record(s) or Record of Survey.
Date_____.

Acknowledgement of Monument Preservation
WAIVER

Town/County of ________________
Department of Public Works
__________________________
__________________________

Re: Building Permit No. __________
    Job Site Address: __________

The proposed scope of work is to ____________________________.

My research of all pertinent land survey records indicates that there no monuments in jeopardy of being disturbed or destroyed by the proposed maintenance or construction within or near the bounds of the permitted construction zone.

Town/County Surveyor for ________________________________

Name:__________________________, PLS ________________________

Signature:__________________________

Seal
All permitted Wildfire Cleanup, Repair, or Re-Construction activity will require an acknowledgement form accepting all responsibility for the survey monument preservation as required by Sec. 8771 (a-f) and to comply with Sec. 605 of the California Penal Code; U.S. Code Title 18, Sec. 1858; Sec. 841 of the Civil Code; Sec. 8725 of the Business and Professions Code; and Sec. 732 of the Streets and Highway Code signed by an individual in responsible charge of the Land Surveying activities within the bounds of the permitted Wildfire Cleanup, Repair, or Re-Construction (Cleanup – Rebuild Zone) PRIOR to issuance of the permit. PRIOR to final sign-off of the Wildfire Cleanup, Repair, or Re-Construction activity, the (County/City) will require a second acknowledgement form signed by the SAME designated individual in responsible charge of the Land Surveying activities, stating that all survey monuments within the bounds of the permitted Wildfire Cleanup, Repair, or Re-Construction (Cleanup – Rebuild Zone) have been preserved or reset. This requirement may only be altered or waived in writing by the (County/City) Designated Surveyor in certain situations.

(This should be a standard condition of approval or requirement for all permit applications)
“SURVEY MONUMENT PRESERVATION”
Wildfire Cleanup Permit

The preservation of survey monuments is required and intended to protect both public and private property rights in accordance with the following State and Federal Laws:

1. Sec. 605 Penal Code
   Every person who either:
   Maliciously removes any monument erected for the Re purpose of
   designating any point in the boundary of any lot or Tract of land, or a place
   where a subaqueous telegraph cable lies; or …..

2. Sec. 8725 Business & Professions Code
   ….It is unlawful for any person to practice, offer to practice, or represent
   himself or herself, as a land surveyor in this State, or to set, reset, replace or
   remove any survey monument on land…

3. Sec. 841 Civil Code
   (a) Adjoining landowners shall share equally in the responsibility for
   maintaining the boundaries and monuments between them…

4. Sec. 732 Street & Highway Code
   Any person who willfully injuries, defaces breaks down or removes any
   monument or stake placed, erected or used by the department to designate
   any point in the boundary or survey of any State Highway or purposed State
   Highway is guilty of a misdemeanor.

5. 18 U. S. Code Sec. 1858-Survey marks destroyed or removed.
   Whoever willfully destroys defaces, changes, or removed to another place
   any section corner, quarter-section corner or removed post, or any
   government line of survey, or willfully cuts down any witness tree or ant tree
   blazed to mark the line of any Government survey, or willfully defaces,
   changes, or remove any monument or bench mark of any Government
   survey, shall be fined under this Title of imprisoned not more than six months,
   or both.

The (County/Town) has modified the Wildfire Cleanup Permit process to
Ensure that there is an individual in responsible charge of the Land Surveying activities
within the bounds of the permitted Wildfire Cleanup. The individual shall be a Licensed
Land Surveyor or a Professional Engineer authorized to perform Land Surveying in the
State of California. It shall be at the sole discretion of the (County/Town) Land Surveyor to determine if the permitted Wildfire Cleanup activity warrants the need to fulfill this requirement.
• All other permitted Wildfire Cleanup activity will require an acknowledgement signed by an individual in responsible charge of the Land Surveying activities within the bounds of the permitted Wildfire Cleanup prior to issuance of the permit. Prior to final acceptance of the Wildfire Cleanup activity the (County/Town) will require another acknowledgement signed by the designated individual in responsible charge of the Land Surveying activities, stating that all monuments within the bounds of the permitted Wildfire Cleanup have been preserved.
Survey Monument Preservation Policy Statement

Survey monuments fix or mark property lines and right-of-way lines on the ground. The ownership of land, and consequently the ability to define boundaries, is dependent on survey monuments and their perpetuation. Without survey monuments you have chaos.

The foundation of Survey Monument Preservation is to identify who is in “Responsible Charge”.

Encroachment Permits Issued to Utility Companies

Section 16: Section 8771(d) of the Business and Professions Code (Land Surveyors Act):

(d) The government agency performing or permitting construction or maintenance work is responsible for ensuring that either the governmental agency or landowner performing the construction or maintenance work provides for monument perpetuation required by this section.

The goal of the (County/Town) Surveyor is to ENSURE that all of the responsibility for Survey Monument Preservation is assigned to the designated project land surveyor through the use of the “Acknowledgement of Monument Preservation” form.

Wildfire Cleanup Permits Issued to Cleanup Contractors

The primary underlying fundamental professional function and duty of the (County/Town) Land Surveyor in their official capacity is to protect the Public. Protecting the public means having a permitting process that includes protecting the public’s survey monuments from being destroyed by a cleanup project approved and permitted by the (County/Town). Protecting the Public’s survey monuments conforms with the provisions stipulated in:

1. California Penal Code Sec. 605
2. U.S. Code Title 18, Sec. 1858
3. Civil Code Sec. 841
4. Business and Professions Code Sec. 8725
5. Streets and Highway Code Sec. 732

The goal of the (County/Town) Land Surveyor is to ENSURE that all of the responsibility for survey monument preservation is assigned to the designated project land surveyor through the use of the “Acknowledgement of Monument Preservation” forms.
INFORMATION LETTER TO LANDOWNERS
IN THE FIRE ZONE

Subject: Wildfire Cleanup Process – Property Corners

Dear Property Owner:

The loss of life, homes, personal property, and basic infrastructure (roads, utilities, etc.) of the various communities have been overwhelming. However, due to the resilience of this (County/Town) and its citizens, the cleanup and rebuilding process will begin and a major part of the success of this process will rely on the preservation of the survey monuments marking the location of property corners.

The location of property boundaries, roadways, and utility easements begin with physical placement of the survey monuments or “markers.” These “markers” are usually comprised of rebar or iron pipes in various diameters and lengths and are often buried just below the surface to avoid disturbance. Although often overlooked, these markers are critical to the rebuilding process, especially on the smaller lots or parcels of land where setback limits have to be met along with other (County/Town) building standards.

As we begin the process of cleanup and rebuilding, I, as (County/Town) Surveyor, have a responsibility to make you aware of the need for the preservation of these markers as authorized by:

1. Business and Professions Code Sec. 8725
2. Penal Code Sec. 605
3. 18 U.S. Code Sec. 1858
4. California Building Code Sec. 107.2.5
5. Civil Code Section 841
6. Business and Professions Code Sec. 8771
7. Streets and Highway Code Sec. 732

Therefore, it’s extremely important for you and the contractor doing the cleanup to know where the property corner markers are and to leave them undisturbed. Even the remnants of fences, rock walls, or other evidence of property lines should be left in place to aid the land surveyor in locating or reestablishing property corners. An on-site meeting between you and the contractor as part of the “right of entry” process prior to cleanup is advisable. If you need the help of a land surveyor you should include him or her in the meeting. The contractor is there to help you, so help him protect one of your most important assets as a property owner – the property corner markers. After all, the preservation of these markers is the law in California plus it will help to prevent disputes with neighbors and costly surveys later.

For more information visit the (County/Town) Website and view the “Frequently Asked Questions.”

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January 28, 2013

Ms. Teresa Jones, PE
City Engineer
Department of Public Works
Anytown, CA  90000

Dear Ms. Jones,

RE: PRESERVING SURVEY MONUMENTS

Land is one of California’s most valued and cherished assets. The Legislative Analyst’s Office reports that the assessed value of California’s land is in excess of 4 trillion dollars. The location and configuration of land is derived from land surveys, which employ survey monuments to physically mark the location of property boundaries. Therefore, Survey monuments are vital evidence of property boundaries and critical infrastructure, enabling property to be peaceably enjoyed, further developed, and conveyed with certainty. These monuments are often placed within public rights-of-way and enable public and private property owners to identify the location of public improvements and private land ownership. These monuments are the intellectual property of the public trust and are an invaluable resource for all citizens of California.

Recently the land surveying community has witnessed increased destruction of survey monuments within the public rights-of-way, mainly as the result of public works projects and private developments permitted by public agencies. State law mandates that survey monuments at risk of being disturbed as a result of these improvements shall be located and referenced prior to construction by or under the direction of a licensed land surveyor or registered civil engineer licensed to practice land surveying in the State of California. If any monument is disturbed by the construction, it must be reset by or under the direction of the above mentioned surveyor or civil engineer. A corner record or record of survey must be filed with the County Surveyor per the Professional Land Surveyors Act Business and Professions Code §8771 in both scenarios.

The County Surveyor’s Office is collaborating with the California Land Surveyors Association, County Engineers Association of California’s Survey Policy Committee, and the League of California Surveying Organizations in addressing the preservation of survey monuments. These organizations have
designated representatives to assist you with questions you may have regarding monument preservation and the laws defining monument preservation requirements, along with providing examples of best practices from similar agencies. Their contact information is included below. Additional information pertaining to monument preservation can be found on the California Land Surveyors Association's website at http://www.californiasurveyors.org/moncon-la.html

Your commitment and effort to preserve survey monuments within your jurisdiction is greatly appreciated.

Respectfully,

My Name
County Surveyor
My County
My Address
My phone number
My email

California Land Surveyors Association
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