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IN THIS ISSUE

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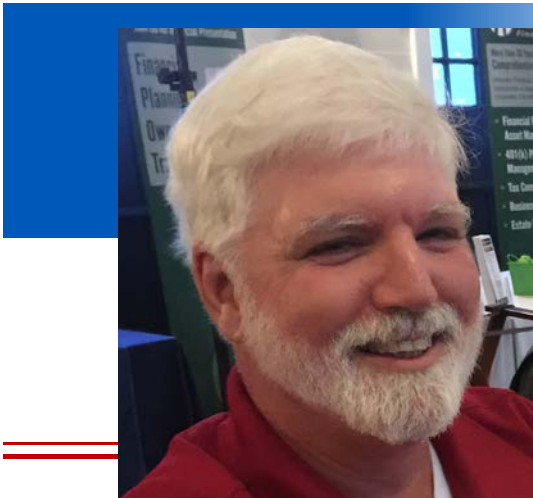
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Cover Photo: Langdale Dam looking west into Langdale, Alabama.
Photo credit: Dean Olson, PLS with Gaskins Surveying and Engineering Company.



PRESIDENT'S REPORT

Phillip O. Brown, PLS

Reflections of the January 2021 Technical Seminar. The 2021 Technical Seminar has come to a close. We went back home after a few days of great speakers and great conversations in the Exhibit room and the halls.

In spite of the COVID virus and other issues we are facing, Ginger has once again put together a great conference, and we can all be proud of the seminar our society hosted. The list of speakers and varied subject matter Grant assembled was well thought out and put together. I think at every conference we all learn something new to take back to our practice that makes us better Land Surveyors.

Adding the online "Go-To-Meeting" component to the conference added to the value of the experience for those who could not attend in-person. I feel offering a hybrid conference can be part of the future. We have learned from this and will continue to explore new ideas on how to make the next one better.

Many thanks to our Sustaining Members who attended and sponsored events. An extra shout-out to Allen Precision and Leica Geosystems for the dinner at Bahama Breeze, Geo-Tronics for the Awards Lunch and eGPS for the Varsity Lunch. No one likes a hungry Land Surveyor!

I look forward to seeing everyone at the Annual Meeting and Summer Convention. We will meet July 15th-17th at the Jekyll Island Club Hotel on Jekyll Island, Georgia.

ATTENTION CHAPTERS:

Joe Priestner of Duncan-Parnell is offering a presentation to local chapters titled "***Monitoring Best Practices and Improved Workflow***". The presentation is approximately one hour and qualifies for (1) PDH. If interested, please contact Joe Priestner at joe.priestner@duncan-parnell.com <http://www.duncan-parnell.com>

FEMA has created an 8-part video series on YouTube for their Community Rating System. Search "***CRS Elevation Certificate Training Series***".

Message from Benny Walden GDOT Location Bureau Chief regarding Priority Build of ORD provided by Bentley:

Priority build 10.09.01.07 fixes an error in the Crossing Feature report whereby incorrect elevations are reported. Bentley will not be providing this version on their software download site but has provided the link below where it can be downloaded in a ZIP file. Once downloaded and unzipped, the file named "OpenRoadsDesignrx64.msi" should be run. Bentley will also provide the software through a service request to Bentley, if that is preferred.

Here is the hyperlink to the Bentley page:

<https://bentley.sharefile.com/dsc4422134ca164ad7ab80c4a4e59f3166>

LABOR DEPARTMENT RESCINDS AAM 212; REVERSES RULE ON DAVIS-BACON FOR SURVEY CREWS

NSPS today announced it won a major victory in its efforts to enhance and promote professionalism in surveying as the Wage and Hour Division of the U.S. Department of Labor has rescinded All Agency Memorandum (AAM) 212.

The Trump Administration released a new document, AAM 235 on December 14. It notes “AAM 212 is rescinded effective immediately.”

AAM 212 was issued by the Obama Administration in 2013. It reversed more than 50 years of accepted policy, dating back to the administration of President John F. Kennedy, that the prevailing wage mandate of the Davis-Bacon Act only applied to members of survey crews as “laborers and mechanics” to the extent they perform activities on a Federally-funded construction project site “such as clearing brush and sharpening stakes”.

Since the issuance of AAM 212, NSPS has been on a nearly 7-year campaign to seek rescission of the policy. It included testimony before Congress, meetings with individual Congressmen and Senators, letters by design and construction trade associations and professional societies and taxpayer groups, earning the assistance of the Small Business Administration (SBA), and longstanding negotiations with the Department of Labor and the Wage and Hour Division.

NSPS argued that application of the controversial Depression-era Davis-Bacon Act was unnecessary and imposed a considerable burden on surveying firms, many of which are small businesses. The Obama Administration’s policy was implemented with no public notice, no opportunity for public comment, no consultation with NSPS, no analysis of its economic impact or effect on small business, and no demonstration of the need.

“Members of survey crews are critical to professional surveyors. They exercise judgment, make decisions in the field, collect data, make calculations, and perform other tasks that are technical and cognitive in nature and anything but ‘laborer and mechanic’ duties,” said NSPS Executive Director Curt Sumner, LS. “AAM 235 recognizes modern surveying and the important role survey crew personnel play. We commend and deeply appreciate the efforts of the Wage and Hour Division, Secretary of Labor Eugene Scalia, and Deputy Secretary Patrick Pizzella for righting this wrong.”

Sumner added, “This important change in policy reaffirms that surveying is a profession and that members of survey crews who support licensed surveyors are an important part of the professional services our members provide. I want to commend our Government Affairs Committee, led by Pat Smith, RPLS, of Texas, and our Government Affairs team of John Palatiello and John “JB” Byrd of John M. Palatiello & Associates, Inc./Miller-Wenhold Capitol Strategies, LLC for their hard work getting us to this victory.”

Submitted by NSPS

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NEWS FROM NATIONAL GEODETIC SURVEY

Need a chapter meeting presentation? Scott Lokken has 30–45-minute presentations he can provide virtually on:

1. NGS History (or mine for that matter, probably a little of both)
2. Datasheets and Submitting recovery information to NGS
3. OPUS, hints and kinks
4. OPUSprojects, what it is and what you can do with it. Sort of a OPUSprojects demo.
5. GPS on BM for the 2022 Transformation tool
6. NSRS Modernization News. Overview and new developments
7. NCAT, NGS Coordinate Conversion and Transformation tool, probably need to talk about another tool or two
8. GNSS best practices, an NGS point of view
9. Geoid models, who, what, when and where

One thing that has been on my mind is the “GPS on Benchmark” for the 2022 Transformation Tool” effort. <https://geodesy.noaa.gov/GPSonBM/index.shtml>

We have until the end of 2021 to get as many of these observations done as possible and Georgia would benefit by completing some observations. This is the last year for the GPSonBM for the transformation tool. After December 31, 2021, NGS will make do with what they have (less than ideal). Locating and observing monuments greatly helps the surveying community.

On the NGS front:

We just released an updated “Home page.” <https://geodesy.noaa.gov/>

Content is essentially the same but rearranged with a different look. The “Advisors” page link, is now under “About NGS”. I think they are doing away with the old ngs.noaa.gov?

Another victim is FTP CORS data link for accessing NCN (NOAA CORS Network) data.

<ftp://geodesy.noaa.gov/cors/>

Chrome, Edge, Firefox and other browsers are evidently phasing out web access via ftp, although users can still get by with dedicated ftp software. BUT, since this is a problem, NGS is moving to an https solution, which will function much the same way.

There are some good things coming in 2021 (planned releases):

- NGS Blueprint for 2022, Part III: Working in the Modernized NSRS will have a new update with Case Studies and MUCH revised material.
- OPUSstatic with a new processing engine using multi constellations. Hopefully with shorter time constraints
- betaOPUSprojects moving to production
- The new OPUSprojects getting the ability to upload RTN vectors (GVX format). The cool part, these RTN vectors can then be bluebooked via the new OPUSprojects, and if bluebooked, can be used in the GPSonBM campaign!

Scott Lokken | Mid-Atlantic Regional Geodetic Advisor | NOAA/NOS/National Geodetic Survey
Raleigh, NC | Email: scott.lokken@noaa.gov



Submitted by Scott Lokken

UNAVCO has a web page with some interesting infographics on “What is Geodesy”

<https://www.unavco.org/education/outreach/infographics/what-is-geodesy-anyway/what-is-geodesy-anyway.html>

There’s 19 of them and are well done, attractive, and informative.

County Surveyor

By

Phillip O. Brown RLS

Sept 30, 2013 rev 10-20-2020

A Short History of the County Surveyor

The office of the County Surveyor can trace its origins back to the Anglo-Saxon England and the division of lands for the king. The purpose of this office was to divide the lands into holdings for the government into parcels called "Shires". The name of "Shires" would later become known as "Counties".

As a footnote, the office of "Sheriff" also gets its origin from this division of land.

sheriff (n.) Late Old English *scirgerefa* "representative of royal authority in a shire," from *scir* (see *shire*) + *gerefa* "chief, official, reeve" (see *reeve*). As an American county official, attested from 1660s; sheriff's sale first recorded 1798. Sheriff's tooth (late 14c.) was a common name for the annual tax levied to pay for the sheriff's victuals during court sessions.

The "**Domesday Book**, England 1086" is the earliest historic record of the "County Surveying".

Domesday Book is a manuscript that records the great survey of much of England and parts of Wales completed in 1086. The survey was executed for William I of England (William the Conqueror). One of the main purposes of the survey was to determine who held what and what taxes had been liable under Edward the Confessor; the judgment of the Domesday assessors was final—whatever the book said about who held the material wealth or what it was worth was the law, and there was no appeal. It was written in Latin, although there were some vernacular words inserted for native terms with no previous Latin equivalent, and the text was highly abbreviated. Richard FitzNigel, writing around the year 1179, stated that the book was known by the English as "Domesday", that is the Day of Judgement. (http://en.wikipedia.org/wiki/Domesday_Book)

The County Surveyor possessed an understanding of Mathematics. This included transporting heavy weight, art of surveying and leveling, Algebra, Geometry, Plane Trigonometry, movement of water, designing architectural plans and for many military purposes. The County Surveyor were "esquires" (a title of respect according to old English law) of the crown and held a high rank in the social order within the medieval England.

The English Office of "County Surveyor" was brought to the new world Colonies in America.

Famous County Surveyors

The first County Surveyor in the New World was George Washington. In 1749, at the early age of 17, he was appointed the "Surveyor General" for Virginia. His office as County Surveyor aided the westward expansion of Virginia.

Another well-known County Surveyor was a self-educated man from central Illinois, Abraham Lincoln. He was appointed "Deputy County Surveyor" in 1833 by the then presiding County Surveyor, John Calhoun. Lincoln borrowed two textbooks in order to teach himself the principles of Land Surveying. He then bought secondhand equipment to start his practice. He fell on hard financial times while holding this office and so decided to pursue a career in law which led to a career in politics.

General Robert E. Lee studied Surveying and Engineering while he was a cadet at WestPoint. He was able to use these acquired skills to help win the Mexican War of 1846 - 1848.

Georgia - County Surveyor

The office of the County Surveyor in the State of Georgia started with the headright system (1777 - 1804).

The "County Surveyor" was initially appointed by the members of the Legislation, and later appointed by the "Justice of the Peace" of each county, then later elected to the office by the voters in each county. The duties of the office were set forth by state law. The law provided that the surveyors were to show that any state grant of land to any citizen was in fact, vacant or unoccupied land and show public notification to the adjoiners that a new land warrant had been taken out, to survey the land and produce a plat of the property for the purpose of recording in both the county office and with the Secretary of State.

County Surveyors were oftentimes charged with the task of locating the center of a county so the Town Commissioners could choose a location for a new town to be centered. Once the site for the town square was chosen, the County Surveyor would then be charged to design the layout of the



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new town.

Currently, the duties of the office of “County Surveyor” are governed under O.C.G.A. §36-7-1 County Surveyor.

County Surveyors are now elected for a term of 4 years. By law, the County Surveyor must be a “qualified” Land Surveyor licensed by the Board of Registration for Professional Engineers and Land Surveyors. Such registration is not required in counties with a population of less than 17,000 occupants, as determined by the most recent United States Census. Any surveyor continually holding the office prior to 1977 to the current date does not require a license. However, this person can ONLY survey within the county in which they were elected.

The County Surveyor must take the “Oath of Office” which reads “I, swear that I will, to the best of my skill and knowledge, discharge the duties of the surveyor of County and that I will not admeasure, survey, or lay out any land, in my capacity as such, or knowingly permit or cause it to be done, without a warrant first obtained for that purpose, so help me God.” O.C.G.A. §36-7-5.

There are no provisions in the law that require the county to furnish the County Surveyor with an office or equipment. O.C.G.A § 36-7-7.

The official shall set reasonable fees for their services O.C.G.A § 36-7-9.

The fees for surveys made by the County Surveyor for private or corporate benefit shall be paid by the person or corporation ordering the survey. The fees for surveys made by order of the county governing authority shall be paid out of county funds. The fees for surveys made by order of court, unless otherwise agreed upon, are to be taxed in the bill of costs and shall have the effect of a judgment lien upon the land surveyed, if not paid by the party bound for costs. O.C.G.A § 36-7-10.

The duties of the office include:
O.C.G.A. § 36-7-8 Duties of Surveyor

It shall be the duty of the County Surveyor:

- (1) To observe punctually and carry into effect all such orders as he may receive from any officer who may lawfully command him;
- (2) To partition lands, to make resurveys, to give plats of all surveys, and to administer all oaths required by law in such cases;
- (3) To survey county lines and district lines and to make other surveys in which his county may be interested whenever required to do so by the county

governing authority;

(4) To execute all surveys required by the rule or order of any court of competent jurisdiction; and

(5) To keep a well-bound book in which shall be entered plats of all surveys made by him with a minute of the names of the chainbearers, when executed, by whose order, and to whom the plat was delivered, if any. Such book shall belong to his office and shall be turned over to his successor; when full, it shall be deposited in the office of the county governing authority.

As you can see, the office has a long and established history that started with the Kings of England in 1086 to the current times, for the division of and ownership of land in the State of Georgia.

Many noblemen have held this position in our profession and society. This profession is not to be taken lightheartedly, for the wealth of our country and State have depended on the division, occupation, stewardship and ownership of the land.

The Question - To Abolish or Keep the Office of County Surveyor?

Michigan

54.251 County Surveyor in counties with a population over 500,000; office abolished.

Sec. 1. The office of County Surveyor in counties with a population over 500,000, according to the latest federal census is hereby abolished.

Texas

August 2012

Wise County, Texas voted to abolish the County Surveyors Office

September 2009

Jones County, Texas voted to abolish the office of County Surveyor.

-Excerpt from Abilene Reporter- News 2009-
Jones County Commissioners are asking voters whether the office of County Surveyor should be abolished. The office has been vacant since 2003, and no funds have been budgeted for a salary for this elected post in years.

“The office would be up for election in 2010,” said Jones County Judge, Dale Spurgin. The County Surveyor is responsible for survey records, reviewing property boundaries and subdivision plans. Spurgin said commissioners had to approve an election by Wednesday in order to participate in a November 3rd election.

“We haven’t had one in years and we haven’t paid anyone to do the job for as long as anyone can remember,” Spurgin said. Spurgin also said on the rare occasion he would need to call a surveyor, he calls a company in Abilene. For some counties, the position is antiquated and not needed.

Taylor County has no County Surveyor. Brown County does, but the county does not fund the position — the surveyor simply bills the county for work upon completion of the survey.

According to the Handbook of Texas, as found online, the Office of the County Surveyor was an elected position created in the Texas Constitution and adopted in 1876.

Georgia

Bibb County has not had a County Surveyor for a number of years. The Crawford County Surveyor office is vacant due to the recent death of the surveyor. Henry County abolished the position around 2004.

In contrast to the typical trend across the country, I found an article dated June 2012 article in the Gainesville Times. Hall County is one of the few counties to still have the non-funded elected office. At the time of printing, Hall County was also contemplating the elimination of the office stating the position was outdated and not needed. The article also stated they estimated a range between 10 to 30 counties out of the 159 within Georgia still have the office in place.

Future of the Office of County Surveyor

Many Local and State Governments across our country are trying to abolish this important position on the grounds “We have NO money to fund this position”. Such a position is poor and not well thought out.

First, the position is not funded per state law. O.C.G.A § 36-7-7. “The County Surveyor may keep his office at his place of abode, if within the limits of the county. The county shall not be required to furnish the County Surveyor with an office of facilities”. The elected County Surveyor must set an independent fee schedule. The position only allows the person to conduct county wide surveying and charge for those services. The money should not be an issue.

Second, the County Surveyor CAN be a very useful position in our local government. Presently, we employ someone to review plats and subdivisions by virtue of the local Planning and Zoning Board. Many of the people who review our work are not Licensed Surveyors, trained in surveying, nor receive any continuing education in regards to laws and rule which govern the requirements of plats for recording purposes. We, the Licensed Surveyors, are being reviewed

by someone without the same credentials we have worked long and hard to obtain, but by a non-licensed person. I personally do not see how this current process protects the public.

I propose that the position of County Surveyor be given the position within the Planning and Zoning Board or another governing body to review ALL plats and subdivisions to be recorded in the State of Georgia.

To grant the power of oversight of a surveyor’s work to a fellow Registered Surveyor will help by way of a “self-policing” and regulation of this profession and will relieve some pressure from the Licensing Board. This position could then be used as a peer review; this in turn will protect the public. The public will know that the survey was first produced by a Registered Land Surveyor, then reviewed by another elected Registered Land Surveyor. This would grant our state a better system of “checks and balances”.

In closing, it should be seen that use of a County Surveyor would be a bargain for cash-strapped counties yet needing quality surveyor services.



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CKIS Transportation Posters Are Here!

In the last issue of the GLS magazine, you were introduced to Sammy, the SAMSOG-sponsored character on the Get Kids into Surveying Transportation poster, and here it is! Can you find Sammy? Several members picked up copies at the Board & General Membership meeting Saturday, 3/13/2021 to distribute to area schools, but we have MORE! Contact Ginger Jones at ginger_samsog@att.net to get posters.



For resources and materials, go to www.getkidsintosurvey.com



FAA Needs to Strengthen Drone Traffic Management System

The Government Accountability Office (GAO) issued a report that found unmanned aircraft systems (UAS), commonly known as “drones”, have potential to provide significant social and economic benefits in the U.S. FAA is tasked with safely integrating UAS into the national airspace. An Unmanned Aircraft System Traffic Management (UTM) will be a traffic management system where UAS operators and service providers are responsible for the coordination and management of operations at low altitudes (below 400 feet), with rules established by FAA. The FAA Reauthorization Act of 2018 included a provision for GAO to review infrastructure requirements for monitoring UAS at low altitude. GAO reviewed relevant statutes, regulations, and agency documents; assessed FAA’s efforts against internal controls for communicating quality information and GAO’s work on results-oriented practices and performance measures; and interviewed 19 UAS industry and public stakeholders selected to achieve a range of perspectives. GAO recommends that FAA provide stakeholders with additional information on the timing and substance of UTM testing and implementation efforts using FAA’s UTM website or other appropriate means and develop performance goals and measures for its UTM implementation plan.



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ALTA/NSPS 2021

NSPS

As our readers know, the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys became effective on February 23rd. We have received the first inquiry.

Question: *I’m wondering if you can explain Table A, item 11B in more detail under the 2021 ALTA standards. I’m curious what is meant by a “private” utility locate request? Is that meant to mean just using the 811 system to get them to mark utility lines, or does that mean hiring a private utility locator?*

Committee Response: *Because in most parts of the country an 811 locate request is an exercise in futility, the Committee dropped it and added the “private locate request.” The intent is the hiring of a private locator. If the item is checked, you would need to discuss with the client who is to make the request and who is paying for the service. Keep in mind, however, that the wording of Table A items is always negotiable, so if in your area an 811 locate request is actually fruitful, you could modify the wording of 11(b) and replace “private” with “811” and handle it that way.*

As additional inquiries arrive, they will be added to the NSPS website.

To see the current questions, and responses visit: <https://www.nsp.us.com/page/2021FAQs>.

Surveyor Says! The NSPS Podcast – Episode 64

Continuing our journey in the “Future Focus” series, this episode features a conversation with Emily Soloby, founder of “Hazard Girls” community and podcast along with a new line of safety boots for women through her “Juno Jones” apparel line. Emily recently hosted our NSPS Vice President, Amanda Allred on “Hazard Girls” and our common interest in promotion of women in non-traditional roles led to inviting her onto our podcast. Tim Burch recently talked with her about what encouraged her to start both “Hazard Girls” and “Juno Jones” and how she is using these platforms to broadcast the message of career development across all professions and occupations.



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NSPS is proud to welcome the Juno Jones company as a new sustaining member!

NSPS Celebrates 40 years #nsps40thanniversary

The American Congress on Surveying and Mapping was formed in 1941. Two Divisions were dedicated to the surveying profession: Property Surveys Division and Land Surveys Division. In 1946, the ACSM Technical Standards for Property Surveys document was created and became a background for what eventually became the Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys. As the largest of the four Member Organizations in ACSM, eventually NSPS became an independent entity, resulting in joint membership agreements with 48 of the state societies as well as with the society in Washington, DC. Congratulations to all who contributed to the creation of NSPS, and “thank you” to each and every NSPS member for your continued support and dedication to Surveying.



NSPS is updating our Database!!

Members – please take a moment to use the Sign In box on the NSPS homepage to update your membership profile. Please include your birth date. If you have forgotten your username and password, contact NSPS via email at info@nsps.us.com.





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January 20, 2021

Ms. Ginger Jones
SAMSOG
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Boundary Retracement—Sequence of Events is Critical for Surveyors and Attorneys.

By Kristopher M. Kline

“No human transactions are unaffected by time...” Rhode Island v. Massachusetts: 45 U.S. 591 (1846)

Proper analysis of property title disputes should include consideration of all relevant actions of the parties in light of the appropriate legal principles. Natural and artificial physical alterations of the land itself also may affect property titles and must be placed in their proper perspective.

However, merely knowing what events occurred will not always provide sufficient information to correctly solve the problem – the specific sequence of events must be determined as well. For most retracements, actions of property owners and occurrence of natural events can be placed into at least four general categories.

1. Initial definition of the title and creation of associated boundary lines: Depending on the specific situation, this phase may include early negotiations, the making and delivery of a deed, actions surrounding the initial transaction, and actions by the original parties immediately subsequent to the transaction. The physical characteristics of the land at the time of the execution of the controlling document should also be considered.
2. Subsequent acts by the original parties long after the original transaction: At this point on the timeline, memories have faded and original monuments may be obscured or destroyed.
3. Actions on the land by successors in title or third parties: These acts may reflect an attempt to maintain, perpetuate or (possibly) violate the rights created by previous parties.
4. Natural or manmade alterations to the land: In addition to the actions of the parties occupying the land, natural changes to the land (sudden or gradual) may affect property titles and limits of ownership. Examples include: accretion, erosion and/or avulsion along watercourses and shorelines; rockslides or other major events that impede existing land use; shifting of sand dunes in coastal areas; construction of roads, bulkheads, buildings and other infrastructure. Relevant artificial structures may be located some distance away from the subject parcels.

Actions Surrounding the Original Conveyance

The “Common Grantor Doctrine” is an interesting principle often associated with the first category listed above. Many (but not all) state courts agree that, where grantor and grantee divide a tract of land and perpetuate the proposed line with physical monuments preparatory to the sale, the line marked may supersede the description in the deed because the lines marked represent the clear intent of the parties.

The Nebraska decision **Huffman v. Peterson: 272 Neb. 62; 718 N.W.2d 522 (2006)** states the principle: *“The common grantor rule provides that where conveyances from a common grantor to adjoining landowners describe the premises conveyed by lot numbers, but adjoining owners purchase with reference to a boundary line then marked on the ground, the boundary line, as marked on the ground by the common grantor, is binding upon such adjoining land-owners and all persons claiming under them irrespective of the length of time which has elapsed thereafter. ... This equitable rule is designed to ascertain the intention of the parties with respect to the location of premises described by lot number in a conveyance which is executed by a grantor who conveys only part of an area of land owned by him.”*

In this example, the monuments upheld by the court were a Cottonwood tree and a metal “T-post.” At the time of the division, no survey was performed by a licensed professional and the significance of the purported monuments was hotly contested in court. However, Huffman testified that he walked the land with the grantor and they agreed that those markers would define the boundary location.

Note that similar examples can be found in Arizona, Idaho, Michigan, New York, North Carolina,

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Later Actions by Landowners

While acts performed long after the original conveyance may not serve to define the original intent of the parties, they may be sufficient to prove a parol agreement where the original monuments have been lost and significant ambiguities exist. A parol agreement generally cannot supersede an existing record boundary line unless a bona fide dispute exists regarding the location of the boundary line. However, extrinsic evidence can be used to clarify a boundary location in situations where the original monuments have been lost.

It is important to differentiate between actions that purport to prove the original intent of the parties and those that may prove a later agreement affecting the location of a disputed line. There are also several ways that the original titles could be altered by operation of law.

Salazar v. Terry: Colo. 911 P.2d 1086 (1996) is an interesting Colorado decision that considers actions by subsequent property owners in the context of the specific timeframe of events on the land over many years. In this instance, two adjoining government parcels were separated by an ancient fence that was clearly at variance with the original government line. The fence was never called for in any legal description for either parcel, but was described as a substantial fence originally built in 1888.

Judge Mullarkay includes an unsurprising outcome from the lower court: *“Pursuant to section 38-44-109, 16A C.R.S. (1982), the trial court concluded that this acquiescence established the fence as the legal boundary.”* This would have been the end of the story if both parcels had not been merged for fifteen days in 1977. The Appeals court concludes that the lower court failed to consider the effect of the doctrine of merger on an appurtenant fence after both tracts come under single ownership.

While the fence in question was clearly sufficient to prove acquiescence under the statute cited above, its significance was eliminated by common ownership of both parcels. After the tracts were re-divided by descriptions calling for government monuments and lines, a new acquiescence could be initiated, but would have to run for the 20-year requirement found in Section 38-44-109.

Actions Contrary to Record Boundary Lines

Adverse possession claims generally follow a specific timeline by virtue of the duration mandated in the appropriate local state statute of limitations for real property. Several rulings point out unsuccessful attempts to apply various elements of adverse possession law at inappropriate points in the progression of the claim.

It is a common mistake to attempt to “convert” adverse use to permissive use several years after the initial entry by granting verbal permission to the adverse claimant. Courts in several states have emphasized that the primary goal of the record owner at this point in time should be the ouster of the offending party.

Even less effective are attempts by the record owner to extract permission from the adverse claimant after the statutory time requirement has been fulfilled. These attempts generally fail because the title vested in the adverse claimant before the permission was even considered. As with land titles based on other legitimate conveyances, vested title obtained by adverse possession cannot be lost by parol statements. In other words, permission has no effect after title has passed to the adverse claimant.

The relevant concepts are described in the recent Mississippi decision **Conliff v. Hudson: 60 So. 3d 203 (2011)**. Hudson possessed the disputed land for over 20 years – a span well beyond that required by the 10-year Mississippi statute of limitations. When discord finally arose, Hudson signed a lease agreement for the disputed strip. Conliff claimed that the lease was conclusive proof of permissive use and that any adverse claim failed.

The court thought otherwise, and explained the appropriate principles to the unfortunate Conliff: *“It is well-settled Mississippi law that once the elements of adverse possession have been satisfied, a full and complete title is vested in the adverse possessor. ... land acquired by adverse possession cannot be lost by mere abandonment. Once title has been acquired by adverse possession, “it is not relinquished merely by the new owner’s indicating a belief in the former owner’s title.”*”

The Mississippi court clearly indicates that the permissive/adverse character of the initial entry is critical,

but once the claimant is established as an adverse user, the record owner needs to do more than grant permission: *“Once adverse possession has begun, the record title owner cannot stop the running of the period merely by granting permission.”*

Washed by the Tides of Time

When considering riparian boundaries along meandering rivers and streams, the shifting of the watercourse by processes of accretion, erosion and avulsion must be tracked with careful attention to the precise sequence of changes.

The U.S. Supreme court ruling **Nebraska v. Iowa 143 U.S. 359; (1892)** provides a summary of the relevant principles: *“It is settled law, that when grants of land border on running water, and the banks are changed by that gradual process known as accretion, the riparian owner’s boundary line still remains the stream, although, during the years, by this accretion, the actual area of his possessions may vary. ... It is equally well settled, that where a stream, which is a boundary, from any cause suddenly abandons its old and seeks a new bed, such change of channel works no change of boundary; and that the boundary remains as it was, in the center of the old channel, although no water may be flowing therein. This sudden and rapid change of channel is termed, in the law, avulsion.”*

While these principles are fundamental and generally known to land use professionals, real problems arise when the record suggests that accretion occurred for many years followed by an avulsion. In such a scenario, the original measurements along the old river bed may not reflect the present limits of ownership. Determining the date at which the avulsion precluded subsequent changes to the original river boundary will be an exercise in research. The results of these conflicting forces can be seen in the torturous mapping of state boundaries along the Mississippi, Ohio, Lower Wabash and Red Rivers.

It is critical to remember that shoreline changes that do not occur until many years after the original survey cannot be considered “surrounding circumstances” to prove the intent of the original parties. Subsequent accretion or erosion can certainly affect the extent of ownership, but it is a mistake to assume that the original surveyor could (or should) accurately anticipate the shape of a future shoreline.

Appropriate information sources to provide the documentation necessary to develop a timeline for a subject parcel will vary depending on jurisdiction, location and specific circumstances. Photographs, record documents, insurance maps and historical resources should provide the means to determine the sequence of events. Without a complete chronology, land use professionals are reduced to guesswork.

Kristopher M. Kline is a surveyor, author, instructor and consultant living near Asheville, North Carolina. President of 2Point, Inc., he can be reached at kristopherkline1@gmail.com. More information on Kline’s continuing education courses and books can be found at www.2Point.net.

The Surveyors Educational Seminars website is currently updated with new course outlines for 2021. Information on classes—presented by Kline and by Donald A. Wilson—may be found at <http://www.surveyorsed.com>

Additional articles can be found at <https://www.2point.net/blog>



FROM EXECUTIVE DIRECTOR

Ginger Jones

THANK YOU ATTENDEES, GUESTS, SPONSORS, AND SPEAKERS FOR MAKING THE 2021 TECHNICAL SEMINAR A SUCCESS.

Attendance was lower than usual mostly because COVID 19 was still an issue. In spite of that however, more than 50 individuals attended some part of the meeting in-person and 25 attended virtually.

Thank you SPONSORS [Allen Precision Equipment](#), [Carlson Equipment & Software](#), [eGPS Solutions](#), [Geo-Tronics](#), and [Leica Geosystems Solutions Center](#). Your support made the seminar enjoyable and continued traditions established LONG ago! Thank you SUPPLIERS/VENDORS for purchasing a booth: [Allen Precision Equipment](#), [Carlson Software & Equipment](#), [Construction Laser Inc.](#), [eGPS Solutions](#), [Geo-Tronics](#), [GPI Geospatial, Inc.](#), [Hayes Instrument Company](#), [Leica Geosystems](#), and [Remote Mapping Group](#). And thank you Georgia Southern University for your support. I would like to express sincere appreciation to Grant Shepherd for planning the program, Dean Olson and Dan Collins for assisting with registration, and Dean Olson and Frank Gaddy for facilitating the online portion of the meeting.

The Surveying and Mapping Political Action Committee (SAMPAC) "rifle raffle" was postponed, and the drawing will be held at the Annual Meeting & Summer Convention. Purchase your tickets at samsog.org for \$10 each (you do not have to be present to win).

The Surveying and Mapping Education Foundation (SAMSEF) equipment raffle has also been postponed until the Annual Meeting. Duncan-Parnell has donated a Spectra Geospatial SP 85 GNSS Single Receiver Kit including a Ranger 7 Data Collector, QWERTY Survey Pro Standard, TSC7 Pole Mount, Rover Rod, BiPod, Pole Bag, and a 12-month subscription of VRSNOW Georgia real-time correction service: a total value of \$22,000. Tickets are \$50 each and can be purchased at samsog.org in the "Store".

SAMSOG HAS A NEW MAILING ADDRESS: P.O. BOX 1113, LAGRANGE, GA 30241

The phone number and my email address has not changed.

Membership dues expire 6/30/2021. I know it's early, but June will be here quick!

Please note the 2021 Annual Meeting and Summer Convention information below and remember, Chapter Representatives are voting positions.

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Ginger Jones

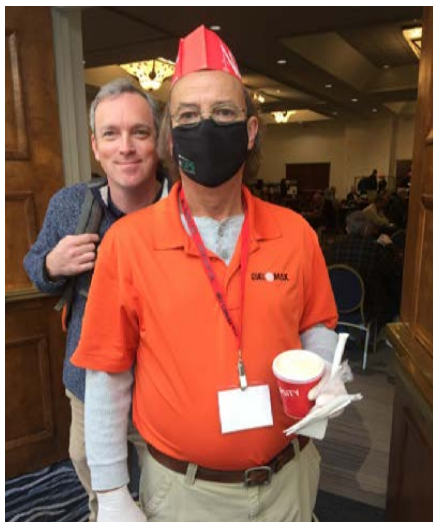


2021 TECHNICAL SEMINAR

Recap!



David Anderson, SAMSOG Director and Young Surveyor Representative, held a Young Surveyors meeting in conjunction with the 2021 Technical Seminar in Duluth, Georgia. Among other items discussed, attracting young people to the profession topped their list. Pictured left to right: Bryan Hunnicutt, Chayce Bell, Caleb Sears, David Anderson, Dusty Knight, and Alex Williams.





2021 SAMSOG PLAT CONTEST WINNERS

ALTA Plats

1st Place: Jason Woods
Harris Gray, LLC
West Point, GA

2nd Place: Shane Rowsey
Donaldson, Garrett & Assoc.
Macon, GA

Boundary Plats

1st Place: Robyn White
Patton Land Surveying
Gainesville, GA

2nd Place: Jason Woods
Harris Gray, LLC
West Point, GA

Topographical Plats

1st Place: Chris Patton
Patton Land Surveying
Gainesville, GA

2nd Place: Jason Woods
Harris Gray, LLC
West Point, GA

Subdivision Plats

1st Place: Robyn White
Patton Land Surveying
Gainesville, GA

2nd Place: Shane Rowsey
Donaldson Garrett & Assoc.
Macon, GA

Miscellaneous Maps

1st Place: Shane Rousey
Donaldson, Garrett & Assoc.
Macon, GA

2nd Place: Chris Patton
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GIS Maps (No entries)



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Pat Davis

Pat Davis passed away on Monday, January 18th at Northside Hospital in Lawrenceville, GA after suffering a stroke. He was a beloved friend and employee of eGPS Solutions, Inc. He was a brilliant technician, Registered Land Surveyor in North Carolina, and Licensed Remote Pilot. Many eGPS customers received expert technical support and training from him and had close relationships with him.

He will always be remembered for his expertise in surveying, GPS systems, computers, software, and his passion for innovation. He was a committed Christian with a fierce love of the Lord. He set a high standard for himself and modeled the Christian walk to everyone who knew him.



Gary Wayne Witherington, PLS #1930



Gary Wayne Witherington, PLS 1930 age 72, of Hampton, Georgia passed away Thursday, December 31, 2020 at his residence. He was a self-employed professional land surveyor and longtime member of the Survey and Mapping Society of Georgia serving as President from 1991 to 1992. Gary's son, Jeremy Witherington, is following in his father's footsteps and is a licensed Surveyor in Training. Jeremy will be eligible to sit for the PLS exam in 2 years.

Contributions in memory of Gary can be made to the Surveying and Mapping Society Education Foundation.

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Chayce Bell, PLS 3465
Buck Coulter, PLS 3471
Brian Ellington, PLS 3454
Irving Hoffman, PLS 1771
Jonathan Murphy, PLS 23207
(South Carolina)
Chris Pesnell, PLS 3456

Alex Carey
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Associate

Randy Compton
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Zac Miller
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Affiliate

Woody Siddall
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Affiliate

Avery Jackson
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