Mark Your Calendars!

Exhibitor Booth space is NOW AVAILABLE at the 2011 Convention & Technology Exposition! Just go to http://tsps.org/news/item/611 ... view the Floorplan, and call 512-327-7871 with your pick.
(see ad & sponsorship opps on pages 2 & 3)

A publication of the Texas Society of Professional Surveyors
June-July 2011

Ray Wisdom Auctioneer Shane Neally (standing, right) points out a prospective bidder during last month’s auction at Richard Moya Park in Austin. (More photos page 4)

Kwan's Focus on Board is to Serve

Gov. Perry’s recent appointments to the Texas Board of Professional Land Surveying included former TSPS Secretary Treasurer Mary Chruszc- zak. But also named was Houston's Paul Kwan, marking his third appointment to the state licensing board.

He was first selected to serve in 1994 by Gov. Ann Richards, and then again by Gov. Perry in 2006 before the most recent appointment. One overriding mission has remained constant to Kwan.

"Our main goal is to protect," he said. "It is definitely about putting back in the profession. But you're on the other side of the table, and your

See KWAN, Page 6

Ray Wisdom Auction Stuffs TSFI Scholarship Coffers with $6,900!

The annual Ray Wisdom Auction, held June 25 at Richard Moya Park in Austin, raised over $6,900 for TSFI and student scholarships! Give yourselves a pat on the back if you assisted in that effort because the proceeds are going to the future of this profession. Big thank you to Shane Neally who served as this year's auctioneer, Tom and Sally Staudt and the Austin chapter for picking up the food and drinks, to Butch Holland and Joe Higle who gave us sound, to everyone and every chapter who donated items for the auction and to Mickey Nowell who helped orchestrate the whole event.

Paul Kwan's Focus With Third Appointment to Licensing Board is to Serve Surveyors and Public

Sponsorship and Advertising Opportunities at 2011 Convention

Violations, Encroachments and Variances

Locating Original Corners Seminar Sept. 8-10, 2011

Acquiescence

Coming Events

Sustaining Members

Classified Ads

TSPS New Members – May & June

Exhibitors - Are You Ready?

Business Before Pleasure ...
Second Quarterly Board Meeting

Texas Society of Professional Surveyors
2525 Wallingwood Dr. #300
Austin, Texas 78746
The 60th Annual TSPS Convention & Technology Exposition will be held Oct. 5-8 at the Embassy Suites Dallas-Frisco Hotel, Convention Center and Spa. With the Expo slated for Friday and Saturday (Oct. 7-8), exhibitors should mark their calendars now to join us in Frisco!

2011 Technology Exposition Information: The Exhibitor’s Prospectus is being mailed and is posted online now ... Sustaining Members received their brochures first, giving them first choice of prime booth space at the Expo. Be a TSPS Sustaining Member and earn those Exhibitor benefits! Go to http://www.tspso.org/membership and sign your business or company up as a Sustaining Member.

Regular convention attendee information (CEU course offerings, special events, accomodations info and more) will follow the exhibitor information in a couple of weeks.

Join TSPS at the 60th TSPS Convention & Technology Exposition, and pick up as many as 12 CEUs (including Ethics and Surveying Act CEU courses). Registration to be announced as event approaches.

The TSPS Technology Exposition is the largest land surveying Expo in the Southwest! Meet with surveyors from across Texas and the U.S. at this year’s event in Frisco, Texas Oct. 7-8. (Photos from 2010 Tech Expo in Houston)
Exhibitor Non-Exhibitor

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(Ads will be inserted in The Texas Surveyor magazine and in Metes and Bounds)

Purchased ads will run in the Sept. Texas Surveyor magazine (pre-convention), the Oct. Metes and Bounds electronic newsletter, the Exhibitor Program (given to each attendee to TSPS Convention & Technology Exposition attendee), and the Nov. Texas Surveyor magazine (post-convention). Review the above insertion rates, and call or email Doug Loveday (DougL@tsps.org), TSPS Comm Dir., with your advertising order. An invoice will be prepared and emailed or faxed to you.

### Sponsorship Application

**Embassy Suites Dallas-Frisco Hotel, Convention Center & Spa**

**Frisco, TX • Exhibition Dates – Oct. 7-8, 2011**

**Name (Company, Individual, etc.):**

**Address:**

**City:**

**State:**

**Zip:**

**Phone:**

**Fax:**

**Email:**

**Contact Name:**

**Title:**

#### Sponsorship Opportunities:

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<td>David A Vilbig, Pres. of Vilbig &amp; Assoc., Inc.</td>
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Deadline for Ads:

**August 22, 2011**

(Call 512-327-7871 for deadline extension required.)

Be a TSPS Sponsor!

To reinforce your exhibit message, consider sponsoring one of the many social and educational events at 2011 TSPS Annual Convention & Technology Exposition!

**Why sponsor a TSPS Convention & Technology Exposition event or speaker?**

- **Enhance your visibility** at the top surveying Expo in the Southwest!
- Gain a more **powerful presence** and achieve higher awareness with surveyors and the surveying technical community.
- **Separate yourself from the crowd** – TSPS sponsorship opportunities provide exclusive exposure at events and through promotional materials.

Fill out the Sponsorship Form (right) and mail with your completed Exhibitor Contract or fax Sponsorship form directly to the TSPS office at 512-327-7872.

For questions or additional information about being a TSPS sponsor, contact the TSPS office at 512-327-7871.

Thanks in advance for your generous support!
Business Before Pleasure ... and Barbecue

Following an abbreviated morning of committee work, directors held their Second Quarterly Board meeting June 25 in Austin.

Regular business, along with spirited discussion and debate on committee and chapter reports, ensued. Following are several submitted reports of that were of special interest at the June meeting:

Committee: Governmental Affairs
Chairman: Patrick Smith

The Governmental Affairs Committee continues to represent TSPS at the Texas Legislature and maintains ongoing dialogue with other state agencies and professional associations, as necessary, to promote and protect the interests of the surveying profession in Texas.

This report is being made subsequent to the end of the 2011 82nd Regular Session of the Texas Legislature, which turned out to be an extremely volatile session due to State Agency Consolidation activities by the Texas House of Representatives.

The easy news first. The only initiative undertaken for this session was the introduction of the GIS Disclaimer legislation that was not passed last session. HB 1147 was introduced on the House side by Representative Wayne Smith and SB 442 was introduced on the Senate side by Senator Jeff Wentworth. Both bills were heard in committee, passed out without any changes and sent to the other side of the Legislature for concurrence. Subsequent to that concurrence HB 1147 was signed by the Governor on May 27, 2011 with an effective date of September 1, 2011. The final version of HB 1147 can be viewed at http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=82R&Bill=HB1147

The real action started at the beginning of the session during the Governor’s mandate message to the Legislature when he stated his intention of suspension (de-funding) of the operations of TBPLS.

This resulted in the filing of three House bills relative to consolidation of state licensing agencies (surveyors, engineers, architects & geoscientists). Those bills were HB 2480 by Representative Geren, HB 2543 by Representative Smith and HB 3166 by Representative Callegari.

See GOVERNMENTAL AFFAIRS page 5
Committee Reports Cont.

Committee: Education
Chairman: Jim Gillis

Sub-Committee Report Summaries:

Course and Speaker Development

Last Year was very busy for Course and Speaker Development with 5 new courses presented for the first time at Symposium. All but one of those have been completed.

This year the committee has reduced the number of new courses to the following: A four hour course on “Professionalism” and a four hour course on “Laser Scanning”.

Certified Surveying Technician (CST)

This sub-committee continues to assist those interested in becoming Certified Surveying Technicians and those interested in upgrading their CST level.

Seminars & Symposium Subcommittee

Symposium 2011 in San Marcos, attended by 243 people, was a great success, given the terrible weather conditions and with I 35 shut down Friday morning. Heart of Texas boundary seminar was held at Wulff Creek Ranch in Brady, Texas, March 3-5, 2011, and was its usual great success. A Professional Ethics Seminar was conducted April 9 by Chapter 4 with 58 in attendance. West Area created and conducted a new boundary seminar entitled High Plains Experience May 12-14 with 22 in attendance.

Other Education Committee Business:

The new “Course and Speaker Development Policy” was approved by Board of Directors on February 5. Over the last few months there has been some negative feedback from various quarters concerning the TSPS Seminar Fee Schedule, in that some of the fees are considered too high. This fee schedule was created in 2005 and slightly revised since then, and was not used very much at all until recently, whereupon we have determined that it may be in the best interest of TSPS to modify the fee schedule to make it more compatible with the finances of those chapters wishing to put on these seminars. We expect to present a new fee schedule to the Board of Directors shortly. (see www.tsps.org for revised Education Committee policies)

Strategic Planning & Third Quarterly Meeting

The Waco Hilton Hotel will host 2011 Strategic Planning and the Third Quarterly Meeting Aug. 26-27. Join your fellow TSPS members to help formulate strategies, short and long term, to advance the interests of land surveying in Texas and TSPS.

President-Elect Davey Edwards will lead the Strategic Planning meetings Friday, Aug. 26. Saturday morning on the 27th will be busy with committee meetings and the Chapter Presidents Forum, with the Third Quarterly Meeting slated for 1-5 p.m. that afternoon. See you in Waco!

We are still encouraging each chapter president to host at least one TSPS branded seminar each year, now that we have enough completed seminars that can be offered at various locations. All directors are asked to help encourage the presentation of seminars in their area as well.

In conclusion I again wish to state the following Objective of TSPS as laid out in its Constitution:

“The Texas Society of Professional Surveyors shall be a non-profit organization incorporated under the laws of Texas; to aid and contribute to the education of its members and the general public in attaining high surveying standards, both technical and ethical; and to provide a central headquarters and a closer association of its members.”

Respectfully Submitted by:

Jim Gillis, Chair
Zoning Setbacks and ALTA/ACSM Land Title Surveys

(Reprinted with permission from ACSM Bulletin no. 250 (April 2011), p. 21.)

By Gary Kent

Q: A client of mine has recently obtained an ALTA/ACSM Land Title Survey for a property they are looking to purchase. The building on the property is less than ten years old. The local municipality granted a significant setback variance for the building when it was built. The codified setback is 50 feet and the building was granted a setback of 32 feet. The surveyor who recently completed the land title survey was not aware of the zoning proceedings that took place when the building was built and hence was not aware of a setback variance being granted. On his survey, he described the encroachment into the building setback as a violation of the zoning ordinance applicable to this site rather than an exception (based on the granted setback variance). This rattled my client a bit... is it a standard of practice for ALTA/ACSM Land Title Surveys to identify this type of encroachment as a violation without first investigating whether a variance may have been issued that would more appropriately describe the setback encroachment as an exception? We’ve resolved the matter, but I am curious about ALTA standards with regard to setback encroachments and variances granted for such.

A: One of the issues that surveyors consistently overlook, ignore, or simply don’t realize is that a “violation” (of anything, not just setbacks) is not a matter of survey. Lenders often want the surveyor to certify that there are “no violations” of setbacks. I constantly suggest to surveyors that they should never make such statements or certifications. The survey issue is that the building is 32 feet from the boundary line. Whether that is a violation of the setback is not a matter of survey—it is a legal and/or administrative determination.

The same exact situation exists with the term “encroachment.” There are some who claim that a building that is a foot over a boundary line is an encroachment. Perhaps it is, but that is a legal determination, not a survey determination. The survey determination is that the building is a foot over the line. Is that an encroachment? As a surveyor, I have no idea. Surveyors should avoid making statements or certifications about “violations” and “encroachments” (and, for that matter, whether something is in “compliance”) because those are not survey issues.

One of the sources of the problem you describe is that zoning proceedings like you mention seldom, if ever, appear in the public records or in the title commitment. And the ALTA/ACSM Standards, properly, put no burden on the surveyor to research such information. The current 2005 ALTA/ACSM Standards do not require that surveyors do anything on setbacks other than list the requirements on the face of the plat or map. The new 2011 ALTA/ACSM Standards (effective 2/23/2011) take that a step further and say the surveyor only need list those requirements as provided by the title company.” Why is this? Because ALTA feels that is how this issue should be addressed on the survey side; they recognize that it is an issue for title companies to grapple with, not surveyors.

I believe another primary disconnect on these issues is that lenders’ attorneys are not familiar with the ALTA/ACSM Standards. They think in order to obtain a 3.1 zoning endorsement from the title company (which insures that there are no violations of the setbacks, among other things), the surveyor must provide a certification to that effect. That simply is not true. The 3.1 endorsement is an important but fairly risky endorsement. Thus, title companies do their own research into what the applicable setbacks are and make their own determination as to violations or compliance. They do not need the surveyor to make the determination; they will do it themselves.

Have a question? Contact Gary Kent, PLS, at gkent@schneidercorp.com. Phone: 317.826.7134. Gary Kent will be presenting at the TSPS Convention in October.
Locating Original Corners Seminar

This 2 1/2 day, hands-on seminar takes place in a beautiful setting on the pristine Frio River near Garner State Park at the 5,000 acre historic Annandale Ranch in the Texas Hill Country. This unique interactive experience is presented and led by some of the state’s most highly experienced practicing Licensed State Land Surveyors with a combined surveying experience of more than 175 years.

Participants who attend will:

♦ Participate in the determination of the gradient boundary of the Frio River
♦ Capitalize on techniques for determining corner search positions learned over years of experience
♦ Appropriately apply the field evidence to final original survey construction to legally establish missing or obliterated corners
♦ Review landmark court cases that were the basis for the current dignity of calls in regard to retracing original survey corners.
♦ Examine ancient trees in search of survey witness marks called for in the original survey field notes.
♦ Seek and find original rock mounds set in the 1800s that remain virtually undisturbed and in their original position.

Accommodations

Accommodations are provided by Neal’s Lodges in Concan, Texas. Contact Neal’s Lodges directly at (830) 232-6118 to reserve your cabin. All cabins are reserved and paid for on an individual basis by each attendee. Attendees will receive a 30 percent discount on cabin rates by mentioning the TSPS seminar. Check them out at www.nealslodges.com for more details and directions.

Schedule of Events

Thursday, September 8, 2011
12:00pm - 1:00pm Registration
1:00pm - 5:00pm Intro, LSLS panel, & field exercises

Friday, September 9, 2011
7:00am - 8:00am Breakfast
8:00am - 5:00pm Field exercises and discussion
12:00pm - 1:00pm Lunch

Saturday, September 10, 2011
7:00am - 8:00am Breakfast
8:00am - 12:00pm Field exercises and discussion

About the Speakers

Jerry Goodson - RPLS/LSLS, Past Member TBPLS, Past Chairman of ACSM, Past President NSPS, Past President TSPS, 32 years as Lampasas County Surveyor

D.G. (Greg) Smyth - RPLS/LSLS, Past President TSPS, Chairman TBPLS, President D.G. Smyth & Co., Inc.

Ben Thomson - RPLS/LSLS, Professional Engineer, Commissioner’s Appointee to the Texas Board of Professional Land Surveying, Retired Senior Surveyor Texas General Land Office.

Bill O’Hara - RPLS/LSLS, TSPS Surveyor of the Year 2004, Land Commissioner’s Designee on TBPLS, Director of Surveying Division for Texas GLO.

Davey Edwards - RPLS/LSLS/CFedS, TSPS Young Surveyor of the Year 2006, past President of Chapter 2, Partner in Edwards Surveying, LLC.

Paul Carey - RPLS/LSLS, Pres. Chapter 22, member EduCom & Nominating Committee, Chair Awards Committee, TSPS Course Developer/Speaker, President of Medina Valley Surveys, Inc.
Acquiescence

By Knud E. Hermansen and Robert A. Liimakka

Acquiescence, similar to the doctrines of estoppel and practical location, is an equitable doctrine that will fix the location of a common boundary in a location that may differ from the location where a surveyor would place the common boundary based on the rules of construction.

The doctrine of acquiescence is known in some jurisdiction as a consentable boundary. Some states have equated it to a boundary by implied agreement. The motivation for a court recognizing a boundary different from the record is to let boundaries that appear to have been settled be settled. A person that sleeps on their rights should not be allowed to demand with passion what they have for so long ignored with indifference.

The doctrine of acquiescence generally requires three conditions exist. First, the record boundary must be vague or unknown. The purpose for this element is to prevent persons from usurping the legal requirement that parties alter the location of their record boundaries by written instrument. By requiring the boundaries be vague or unknown, the legal fiction is created that the parties-in-interest have not altered the location of their deed boundaries. Rather, the parties-in-interest have fixed a definite location for the boundaries described in their respective deeds. This fiction survives even though a surveyor would place the boundary with some confidence in a different location than where the boundary location has been historically recognized.

A second condition requires one party act by fixing the boundary in a location by definite monumentation or occupation that appears and is accepted as marking the boundary. The boundary so fixed by the one party cannot be based on fraud or deceit. In other words, the party in placing the monuments or barriers must have reasonably believed the objects are placed on the common boundary.

The third condition requires that the non-acting party recognize the barriers or monuments as marking the boundary. Recognition is sufficient if the individual does not contest the location.

The fourth and final condition is that the three conditions exist for some length of time that a reasonable person would have been expected to object or act had they disagreed. A long length of time is not crucial if the location of the record boundary is otherwise vague or difficult to locate and the location of the monuments or barrier is reasonable to the location of the record boundary.

The following situation may be give rise to a boundary by acquiescence: Bill and Jane live next to each other in an old subdivision. Bill does his best to locate the common boundary he shares with Jane in order to build a rock wall. He makes measurements and sets stakes, eventually building the rock wall along a line between the stakes. Jane watches Bill make the measurements to locate the boundary and observes Bill construct the wall. For many years thereafter, Jane and Bill respect the wall as marking the common boundary. Twelve years later, Jane needs a survey of her property in order to build a garage. In performing the survey for Jane, the surveyor gathers considerable site and record information. Most of the original monuments have disappeared. The surveyor prorates the distances between found monuments that are located several hundred feet away with the following results shown in the diagram (see below):

In the above situation, the court would be reluctant to adopt the boundary established by prorated distances over the location of the stone wall that has been accepted as the boundary for some length of time. The wall is located within reason to the record boundary. It has been accepted as the boundary for over 12 years. The upheaval and disruption in the neighborhood that would result with adopting lines that differ from the long standing occupation flies in the face of equity.

It is reasonable for a surveyor to adopt an occupation line as the boundary where the record boundary location is vague, difficult to fix, or a reasonable location of the record boundary is on or near the occupation line. Justice Cooley remarked on this very situation in the late 19th century using these words.

Occupation, especially if long continued, often affords very satisfactory evidence of the original boundary when no other is attainable; and the surveyor should inquire when it originated, how, and why the lines were then located as they were, and whether a claim of title has always accompanied the possession, and give all the facts due force as evidence. Unfortunately, it is known that surveyors sometimes, in supposed obedience to the state statute, disregard all evidences of occupation and claim of title, and plunge whole neighborhoods into quarrels and litigation by assuming to establish corners at points with which the previous occupation cannot harmonize. It is often the case when one or more corners are found to be extinct, all parties concerned have acquiesced in lines which were traced by the guidance of some other corner or landmark, which may or may not have been trustworthy; but to bring these lines into discredit when the people concerned do not question them not only breeds trouble in the neighborhood, but it must often subject the surveyor himself to annoyance and perhaps discredit, since in a legal controversy the law as well as common sense must declare that a supposed boundary long acquiesced in is better evidence of where the real line should be than any survey made after the original monuments have disappeared. Thomas M. Cooley, Chief Justice, Supreme Court of Michigan, 1864-1885 in The Judicial Functions Of Surveyors.

Where the surveyor is convinced the location established for the record boundary is different from the markers or barriers acquiesced to by neighbors, the surveyor should report both locations to the client. In reporting both locations, the surveyor would be wise to inform the client that the acquiesced boundary may in fact be determined to be the ownership boundary based on the doctrine of acquiescence.

The surveyor may want to consider wording such as the following in a letter or report to the client when accepting monuments or barriers by the doctrine of acquiescence:

I have established your common boundary to coincide with a stone wall that exists between you and your neighbor. While the stone wall does not coincide with the measurements that were proportioned between existing

See ACQUIESCENCE, Page 15
Coming Events

JULY

July 24-29
Surveying I: The Basic Course & Surveying II: The Advanced Course
Texas A&M University – Corpus Christi
Corpus Christi, Texas
Surveying I: The Basic Course will be July 24-27 (Learn more about this newly restructured course, lodging, instructors, requirements and registration at http://outreach.tamucc.edu/surveying/index.html). Surveying II: The Advanced Course will be July 27-29 (Learn more about this newly restructured course, lodging, instructors, requirements and registration at http://outreach.tamucc.edu/surveying/surveying2.html). RPLSs can earn 16 CEUs.

AUGUST

August 5-6
Llano Estacado Chapter & Permian Basin Chapter Golf & CEUs
Inn of the Mountain Gods Resort & Casino
Mescalero, New Mexico
The 2011 NMPS/TSPS Golf & CEUs golf tourney and seminar will be Aug. 5 & 6 in Ruidoso, NM. The Golf Tournament will be held Friday at the Cree Meadows Golf Course in Ruidoso, NM, with a 1 p.m. scheduled start. Education sessions are Saturday, Aug. 6 at Inn of the Mountain Gods Resort and Casino in Mescalero, NM: Deadline for NMPS rate at Inn of the Mountain Gods Resort and Casino is July 5th. (Reservations: 800-545-9011)
Morning Session:
Forensic Surveying (4 CEUs)
Afternoon Sessions:
Creation and Termination of Easements (2 CEUs – approval pending)
Water Wars (2 CEUs – approval pending)
View a registration form and brochure in the Calendar of Events section on the main page of www.tsps.org.

August 6
TSPS Chapter 2 Two-In-One Seminar
Carter Burgess Plaza
777 Main Street
Fort Worth, TX
An Expedition through the Act & Rules (4 CEUs)
Instructors: Paul Carey and Joe Breaux
Professional Ethics (4 CEUs)
Instructor: Fred Crawford
TSPS Member: $210 RPLS / $100 for Paraprofessionals
Non-Members: $260 RPLS / $150 for Paraprofessionals
($50 added to walk-in – no half-day price available)
Price includes course materials, personalized instruction, valet parking and snacks – lunch on your own. Seating limited, register now online at www.tsps.org.

SEPTEMBER

September 27
Locating Original Corners Boundary Seminar
Neal’s Lodges
PO Box 3
Concan, TX 78838
(830) 232-6118
Instructors: Jerry Goodson, RPLS, LSLS; Greg Smyth, RPLS, LSLS; Ben Thomson, RPLS, LSLS; Bill O’Hara, RPLS, LSLS; Davey Edwards, RPLS, LSLS; and Paul Carey, RPLS, LSLS.
16 CEUs
This 2 1/2 day, hands-on seminar takes place in a beautiful setting on the pristine Frio River near Garner State Park at the 5,000 acre historic Annandale Ranch in the Texas Hill Country. This unique interactive experience is presented and led by some of the state’s most highly experienced practicing Licensed State Land Surveyors with a combined surveying experience of more than 175 years.
You can register online and view a brochure/registration form in the Calendar of Events sections on the main page of www.tsps.org.

OCTOBER

October 5-8
60th TSPS Convention & Technology Exposition
Embassy Suites Dallas-Frisco Hotel & Convention Center
7600 John Q. Hammons Drive
Frisco, TX 75034
1-972-712-7200
1-972-712-7221 fax
Join TSPS at the 60th TSPS Convention & Technology Exposition, and pick up as many as 12 CEUs (including both Ethics and Surveying Act courses). Registration TBA as event approaches.
2011 Technology Exposition Information: Exhibitor’s Prospectus has been mailed to Sustaining Members, who receive their first, giving them first choice of prime booth space at the Expo. Be a TSPS Sustaining Member and earn those Exhibitor benefits! Go to www.tsps.org/membership and sign your business or company up as a Sustaining Member.
Regular convention attendee information (CEU course offerings, special events, accommodations info and more) will be mailed and posted online soon. Help your surveying association celebrate its 60th year at 2011 Convention & Technology Exposition.
Coming Events

Continued from page 9

NOVEMBER

November 18

TSPS Chapter 18 Seminars (2 4-hour Classes)
Abilene Civic Center
1100 North 6th Street
Abilene, Texas 79601

An Expedition Through the Act & Rules
Instructor: Paul Carey & Joe Breaux
4 CEUs

Professional Ethics
Instructor: Fred Crawford
4 CEUs

Registration Information TBA

DECEMBER

December 3

TSPS December Seminars - Last Minute CEUs

An Expedition Through the Act & Rules (4 CEUs)
Instructor: Paul Carey
Houston, Texas

RPLS Boundary Retracement (4 CEUs)
Instructor: Paul Carey
Austin, Texas

Practical Application of Advance Survey Technology
(8 CEUs)
Instructor: Bob Hysmith

Watch TSPS publications and http://tsps.org for more details on the courses, locations and registration.

FEBRUARY

February 24-25

TSPS 2012 Symposium
South Shore Harbour Resort & Spa
2500 South Shore Blvd
League City, TX 77573
800-442-5005

The TSPS 2012 Symposium will be held on the shores of Clear Lake at the beautiful South Shore Harbour Resort & Spa in League City. Conveniently located between Houston and Galveston, South Shore Harbour is the perfect location for TSPS members (and non-members) to earn their 2012 CEUs and bolster their education in paraprofessional course offerings.

Watch your mail later this Fall for your official 2012 Symposium brochure and also the TSPS website at http://www.tsps.org for registration details.

Thanks TSPS
Sustaining Members

Allen Precision Equipment
ANCO Insurance
Berntsen International, Inc.
Courthouse Research Specialists
Easy Drive
EngineerSupply.com
G4 Spatial Technologies
G&R Surveying, LLC
GeoShack
Hugo Reed & Assoc (Robby Christopher)
Leica Geosystems Inc
Midwest A&E Supply
Martin Instrument
Miller Surveying, Inc.
Pate Engineers Inc (Rocky Bradshaw)
Professional Plotter Technology Corp
SAM, Inc. (Samir Hanna)
Silicon Benefits
SmartGeoMetrics
Stewart Geo Technologies
Surv-Kap, LLC
Tractbuilder, LLC
Western Data Systems

Haven't renewed your Sustaining Membership? Do so now to be listed in the May issue of The Texas Surveyor and to be first in line for booth space at the upcoming 60th TSPS Convention & Technology Exposition! Sustaining Members receive first opportunity to reserve the best booth space in the Expo Hall, discounts on advertising in TSPS publications and recognition in publications for your Sustaining Member status. Sign your business up today for a Sustaining Membership and be positioned for success at TSPS Convention and throughout this year! Visit www.tsps.org or call 512-327-7871 for more information.
INSTRUMENT MAN - Austin, TX

Applicants must have 1-4 years experience in the surveying field and must have experience in topographic surveys, ALTA and boundary surveys, and some construction staking experience.

Halff Associates fosters a work environment that allows for professional and personal growth. We offer excellent benefits including medical, dental, prescription, life, long-term disability insurance, as well as a 401k and ESOP plans, 529 College Savings Plan, Flexible Spending, and Employee Assistance Plans. Competitive salary commensurate with experience. We are an Equal Opportunity employer.

Please apply online at http://www.halff.com.

MULTIPLE POSITIONS AVAILABLE

Percheron Surveying, LLC is accepting applications for the following positions:

- Survey Technician:
  Must be able to produce boundary surveys, plan profile drawings, and well location surveys in AutoCad based Carlson software.
- Party Chief
- Instrumentman
- Rodman

All field work is out of town and will require individuals able to travel.

Favorable background check, including driving record, is required. Please forward resumes to smcglaun@percheronsurveying.com.

SURVEY PARTY CHIEFS

Focus Corporation, a market leader in quality engineering and land surveying services with offices in major centres through Western Canada, has immediate openings for Survey Party Chiefs.

This opportunity is open to candidates who possess a surveying diploma/degree. Applicants should have sound knowledge of all surveying field procedures preferably in the oil and gas industry. Additional requirements include a valid driver’s license along with experience in the operation of ATV’s, snowmobiles, and chainsaws. Candidates must meet Focus safety requirements as well as the qualifications needed to work under the NAFTA agreement.

If you are interested in joining a dynamic progressive company, please visit our careers website at http://www.focus.ca and click on the opportunity link.

See CLASSIFIEDS, Page 13
When was the last time you stopped by the TSPS online store? Have you seen the latest logo items, like our field shirts and women’s line of apparel?

Wearing TSPS logo items is a great way to show support for your land surveying association. It’s a great conversation starter with the general public.

How about TSPS publications? Many people purchased the First Edition of Ken Gold’s *Decisions* but do not have a copy of his Second Edition, a must-have resource of more than 680 pages. You can pick up a copy online at [http://tsps.org/resources/tsps-store](http://tsps.org/resources/tsps-store) or print an order form and fax in your order to the TSPS office.

**Cost – $145.00**  
**Student Cost – $115.00**

*Decisions* is resource for Registered Professional Land Surveyors, paraprofessionals, students, Land Title Agents and Title Attorneys. Here’s a look at chapters titles in the book:


Visit [http://tsps.org/resources/tsps-store](http://tsps.org/resources/tsps-store)
From page 11

Sr. Survey Technician (SIT)
Westwood Professional Services, Inc.

Westwood Professional Services, Inc., a leader in energy and land development, is seeking fulltime Sr. Survey Technicians (SIT) to be based in our Midland and Dallas, TX operations. Westwood provides a complete suite of services for energy and land development projects throughout the country.

Responsibilities:
This position will assist Registered Professional Surveyors with drafting, deed research and sketch preparation, boundary analysis, easement and exhibit document preparation with legal descriptions, labeling and computing survey points, coordinate field personnel, process raw field data through Trimble and other aspects of land surveying. Candidate will also work with office leader with survey proposals and producing survey bids, etc.

Qualifications:
Position requires 3-5 years of land surveying experience. A SIT (surveyor-in-training) registration is a huge plus. Experience and understanding of the energy development business is preferred. Knowledge of all types of surveys such as ALTAs, boundary, and topographic surveys along with construction staking and GPS experience. Must be able to adapt and perform in a fast-paced environment.

Westwood offers and excellent work environment and benefit package including 401(k) and Profit Sharing. Pay will be commensurate with experience.

Interested candidates should submit a resume and cover letter with salary expectations to:
Westwood Professional Services, Inc.
Attn: HR
7699 Anagram Drive
Eden Prairie, MN  55344
Fax: 952-937-5822
Or respond to: careers@westwoodps.com

SURVEY SUPERINTENDENT

CITY OF FORT WORTH
SURVEY SUPERINTENDENT

THE CITY OF FORT WORTH, DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS is seeking a Survey Superintendent to lead the Survey Services Division. The candidate will supervise, assign, review and participate in the work of employees responsible for performing boundary, preliminary construction and as-constructed surveying.

The ideal candidate is a highly motivated individual who has a strong background in construction and land surveying; project management; strong interpersonal and leadership skills; and excellent communication skills. A thorough understanding of local government surveying is a plus.

Requirements include a Bachelor’s degree from an accredited college or university with major coursework in land or construction surveying or related field with six (6) years of responsible construction and land surveying experience including a minimum of two (2) years of construction survey and a minimum of two (2) year of supervisory/management experience. The possession of license as a Registered Professional Land Surveyor (RPLS) in the State of Texas is required. GPS, CAD and GIS experience preferred.

Candidates must possess a valid Class “C” driver’s license and an acceptable driving record.

Interested candidates should apply to http://www.fortworthgov.org. Click on the “Jobs” link.

OFFICE/FIELD STAFF POSITIONS

Marshall Lancaster & Associates, Inc., a Dallas area surveying firm, has immediate openings for Office and Field Staff. We are interviewing for the following positions:

Survey Project Manager:
Supervision of field and office technical staff. Responsible for technical services and budget management. Experience with commercial, industrial, retail, transportation, and municipal development projects. Ability to operate or learn Trimble Business Office, C&G Autocad, and Carlson Survcadd.

Survey Office Technician:

Party Chief:
Experience with or the ability to operate Trimble robotic total stations and GPS systems. Responsible for field production and varying degrees of client coordination.

Visit our employment section at http://mla-survey.com or fax resume to 817-282-2231.

See CLASSIFIEDS, Page 14
SURVEY CREW CHIEFS & SURVEY TECHNICIANS

Growing New Mexico firm has IMMEDIATE openings for Survey Crew Chiefs and Survey Technicians - Construction Survey and Trimble GPS experience required. Survey work includes ALTA and other boundary surveys, cross country route surveys including right of way and easement delineation, horizontal and vertical control networks, engineering design surveys, topographic surveys and construction staking. Please email resumes to aa@pettigrew.us.

SURVEY PROJECT TECHNICIAN

T. Baker Smith is looking for a Survey Project AutoCAD Technician. Primarily responsible for providing technical support to Project Manager by calculating, analyzing, organizing, coordinating, and researching information, preparing drawings, and generally providing assistance with any other tasks necessary to complete the project. Must have ability to operate AutoCAD and other related computer software, attention to detail, and excellent written and verbal communication skills. Experience in Oil and Gas field is desired. GIS experience a plus.

Requirements:
An Associate’s degree from an accredited college or from a vocational-technical college in a related field plus one to three years related work experience in the area of work specialization; OR any equivalent combination of education and experience. Ability to operate AutoCAD and other related computer software and equipment, and basic understanding of computer hardware and software, accuracy, attention to detail, and excellent written and verbal communication skills.

T. Baker Smith has provided professional land and offshore surveying, engineering, marine positioning and environmental services to private, public, and industrial clients in Texas, Louisiana, the entire Gulf Coast, and beyond for nearly a century. Our excellent compensation package includes, but not limited to base salary, profit sharing, 100% match 401K, and health benefits. For more information visit http://www.tbsmith.com. Email humanresources@tbsmith.com.
T. Baker Smith is an equal opportunity employer.

RPLS NEEDED - ARLINGTON, TEXAS

RPLS needed in Arlington Texas. Firm in business 19 years and still growing. Great pay and benefits. email kristi@alslandsurveying.com, call 817-478-6802, or come by 4304 Tate Springs Road Suite 100, Arlington, TX 76016.

TECHNICAL PROFESSIONAL WITH SURVEYING SKILLS

GeoShack is seeking a technical professional with surveying skills to support our Surveying and Machine Control sales specialists and our customers. Experience with GPS, Total Stations, and data management are important facets of the job. Work will include troubleshooting, training, and customer interaction engaged in highway and construction projects. Please send resume to jobs@geoshack.com.

PARTY CHIEF

Adams Surveying Company LLC, Located in McKinney Texas, is now interviewing for a Party Chief. Must have excellent written and verbal communication skills, operate Trimble Robotic and GPS instruments. Computer experience a must, prefer Strong skills with TerraModel, or Carlson Survey. Construction staking, topographic and Boundary surveying experience a must.

Please submit resume padams@adamssurveyingcompany.com or fax to 214-295-9844.

SURVEY CREW STAFF

Westwood Professional Services, Inc. a leader in land and energy development is searching for a Survey Crew Chiefs and Survey Instrument Staff for Texas survey field work. These positions would report out of our Dallas office but will primarily work in Southern Texas. Primary duties include preliminary and as-built pipeline surveys. Candidates must have land surveying field experience and crew chiefs need two years experience in a crew chief position. Knowledge of TX boundary surveys is required. Experience in pipeline surveying is a plus. Candidates must be willing to travel for extensive periods of time. Pay will be commensurate w/exp.

If you meet these qualifications, mail or e-mail your resume and a cover letter, with salary requirements to:

See CLASSIFIEDS, Page 15
monuments found beyond your common boundary, it is my opinion that the small difference between the measurements prorated and the measurements made to the wall is insufficient to overcome the equity that courts often find compelling when recognizing occupation lines that were allowed to exist for some time. The courts are often persuaded to leave things settled when it was believed by the parties to have been settled some time ago. You are, of course, at liberty to reject my opinion and advocate that your boundary be the prorated line. Your neighbor may do so as well. In each case, I will be willing to explain both the proration method I used and my belief that the stone wall is ultimately the monument to the common boundary.

Where the surveyor has come to the conclusion that the location of the record boundary is different from monuments or boundaries that were believed to be the boundary, the following example may be used to illustrate the surveyor’s opinion as communicated to the client:

I have determined the common boundary to be a line fixed between two monuments. The line was established by dividing the excess distance measured between the two nearby monuments in proportion to the distances shown on the original subdivision plan between the two monuments. It is not unusual to discover that the actual distance measuring in the field is different from the distance shown on the plan, especially given the age of the original survey. The current surveying technology and education of the surveyor far exceed those of the earlier surveyors.

My opinion places the common boundary in a location different from the wall that exists near this boundary. Although the method I have used to reestablish the common boundary was established by the court as a rule of construction, I feel compelled to warn you that the same court will often adopt occupation lines such as the wall to be the ownership boundary contrary to the record measurements. While I am confident in the methods I have employed in fixing your boundary I would be foolish to predetermine where a court would place the boundary if asked to choose between the boundary I have established and the existing stone wall. I believe you would be wise to consult with legal counsel before taking any action in regard to moving the wall or asking the neighbor to do so.

Acquiescence is similar to the equitable doctrine of practical location. The major difference is that practical location requires the parties-in-interest all participate, while acquiescence requires only one party act while the other parties-in-interest acquiesce to the acts of the one party.

Knud is a professor in the Surveying Engineering Technology program at the University of Maine. He is also a consultant on boundary disputes, alternate dispute resolution, land development, real property law, and access law. Rob is a professor in the Surveying Engineering Program at Michigan Technological University. He is a professional surveyor and holds a MS in Spatial Information Science and Engineering from the University of Maine, Orono and is currently working on a doctorate in civil engineering.