


BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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January 5, 2011

Mr. David Hobbs
 Professional Practices Committee Chairman
 California Land Surveyors Association - Los Angeles Chapter
 2920 W. Magnolia Blvd
 Burbank CA 91505

Re: Request for Opinion - Monument Preservation

Mr. Hobbs,

In response to your inquiry regarding the applicability of Business and Professions Code, Section 8771(b) as it relates to the responsibilities on the part of the land surveying community and government agencies, we offer the following:

8771. states:

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall...

1. *Does the definition of monument include evidence such as: lead & tack, concrete nail with tin, chiseled X, rebar, etc.?*

Any object that is represented as physically marking the limits of real property or physically representing the alignment or limits of a road, street, highway or easement could be considered a monument as it pertains to the location of subdivisions, tracts, boundaries, roads, streets or highways as referenced in this section of code.

Any physical object that is considered as being representative of horizontal or vertical survey control for the purposes of being utilized as a basis for land surveys could be considered a monument as referenced in this section of code.

2. *Are property corner monuments or offset monuments considered to meet the criteria that “control the location...”?*

Yes. See answer to Question 1 above.

3. *Do non-referenced monuments need to be perpetuated?*

Yes. Section 8771(b) does not distinguish between monuments that are “referenced” or noted on record documents and those that are “not referenced” or not depicted on record documents.

4. *Does the word “exist” include record monuments that may not be visible from the surface, but could be recovered based upon research (i.e. original tract corner that may be under sidewalks, buried centerline monuments, etc.)?*

Records research is required in addition to a field inspection to properly determine the existence of monuments. Without conducting research of the required records, field inspection would not be able to adequately determine the existence of all monuments in accordance with Section 8771(b).

8771. (cont.)

...be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.

5. *Is an inventory and survey of all monuments within the project area required prior to construction?*

Yes. See answer to Questions 3 and 4 above.

6. *If existing record monuments have not been located or surveyed prior to construction and if all those monuments are destroyed during construction, how could someone reset their locations after the fact, based upon the record centerline tie sheets?*

During the performance of all land surveys, the responsibility for determining the use of the best available pertinent evidence and procedures rests solely upon the licensed land surveyor conducting the survey.

7. *Assuming that there was not record information for given survey monuments, how would someone reset the location of a survey monument in its' previous location if it had not been surveyed prior to destruction?*

See answer to Question 6 above.

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

Yes.

8771. (cont.)

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

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

If the project involves a government agency, the government agency or contractor is responsible for preserving existing monumentation.

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

A government agency can include the tasks for preserving existing monuments within the scope of a contract (see answer to Question 9 above) as long as the land surveying activities (records research, field inspection, determination of monuments, survey, etc.) as referenced by Section 8771(b) are conducted by or under the responsible charge of a licensed land surveyor. But as noted in the answer to Question 9 above, the government agency is responsible for preserving existing monumentation thereby protecting the public's interest.

Additionally, some surveyors are showing this disclaimer on their perpetuation Corner Records:

“The purpose of this record is to document the perpetuation of found monument(s) pursuant to the PLS Act Section 8771. No claim is made regarding the correctness of the position(s) of said monument(s), nor the dimensional relationship to the street centerlines or property boundaries.”

11. What is the purpose of placing this type of disclaimer on a Corner Record if the intent may have been to preserve street centerline monuments?

Being that the Board is not the source of this “disclaimer”, we offer no explanation for the intended purpose. We suggest that you inquire with the sources that prepared this language.

12. Does using this type of disclaimer relieve the surveyor of his/her requirement to perform sufficient research and recovery of record survey monuments that may not be visible from the surface?

No. See answer to Question 4 above.

Should you require any additional information regarding this inquiry, please do not hesitate to contact me.

Sincerely,

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