



BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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August 27, 2004

Mr. Roger A. Frank, P.L.S., Chairman
Joint Professional Practices Committee
of the Orange County Chapters of the
California Land Surveyors Association
and Consulting Engineers and Land Surveyors of California
In Cooperation with the Orange County Surveyors Office
5150 E. Hunter Avenue
Anaheim, California, 92807

SUBJECT: Response to your letter of June 21, 2004

Dear Mr. Frank,

We are in receipt of your letter of June 21, 2004. Therein, you have asked for an opinion regarding Business and Professions Code (B&P), Professional Land Surveyors Act (PLSA), Section 8771(b) and the need, or lack of need, for Records Research and References to Records for each existing controlling monument.

The answers to your questions contained herein are based only on the information you supplied. If additional information is provided that would alter any aspects of the information provided herein, then the answers to your questions may have need of modification based on that additional information, or circumstances, regarding this matter.

As stated in your letter, there are two schools of thought in the Orange County area on whether B&P, PLSA Section 8771(b) requires:

1. That records research be conducted prior to recon, recovery, setting and measuring the ties to preserve the existing monumentation position, prior to construction activities.
2. That references to record be shown for the existing monumentation being tied out along with references to record for any existing tie points being used if those tie points have record reference from previous surveys or ties.

You further state that the two opinions/interpretations are as follows:

No Research or References to Records Required for Monument Preservation Corner Records:

1. The aim of the Act is to preserve the physical location of the existing monumentation. Records research and referenced to record would have no bearing on this act of

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Page 2

preservation.

2. The Act does not indicate a need for research or for references to record for the preservation required by 8771(b).
3. The effort involved in records research and review adds considerably to the costs of the monument preservation activity.
4. Only those monuments visible within the construction zone need to have corner records filed prior to construction.

Research and References to Records Required for Monument Preservation Corner Records:

1. The Act states, "When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide survey control...", that the preservation activity defined in 8771(b) must take place. Without records research, a practitioner cannot know which monuments fall within the above category.
2. Some monuments, which fall within the above definition, may not be visible from inspection. They may be below the surface of the street, but still could be destroyed by the impending construction. Simply tying out the monuments "visible" within the street does not comply with the Act, and again, without records research, these monuments and their physical position will not be known and will subsequently be destroyed.

Our response is as follows:

With regard to the stated opinions/interpretations under "No Research or References to Records Required for Monument Preservation Corner Records:

No. 1. It is our opinion that records research is required to determine which monuments may exist marking the boundaries of lots or parcels, property corners, roads, streets, or highways, rights-of-way and easement lines as shown on filed, and/or recorded maps and documents such as Subdivision Maps, Tract Maps, Records of Survey, Corner Records, City Engineer Tie Books, etc. prior to recon, or inspection, to find and locate such monuments. Without records research, the licensed land surveyor performing the recon, or inspection, would have no way of determining what type of monuments were originally set, or where the positions of such monuments were intended to be.

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August 27, 2004

Page 3

No. 2. The act does indicate a need for record research and references to record where applicable by stating in part "When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide survey control...." The monuments shall be reset, or permanent witness monuments be set to perpetuate their location. Since monuments, survey control, boundaries, property lines and property corners are also shown on Records of Surveys and Corner Records, record research is also required to ensure that these corners are also found and perpetuated when they still exist.

No. 3. Costs related to the perpetuation of monuments is not an issue stated in the act, and in fact, if the monuments were destroyed, then the costs for replacing them, if possible, would become the burden of the property owners, not the individuals responsible for their destruction. In fact, once certain monuments have been destroyed, there is no method remaining to reposition their locations because monuments for that purpose may have also been destroyed in the process of construction, etc.

No. 4. As mentioned in No. 1-3 above, monuments of record, and monuments visible within the construction zone, must be perpetuated and a Corner Record, or Record of Survey, appropriate document used determined by the Professional Land Surveyor, or pre-'82 Civil Engineer performing the services, be prepared and filed with the County Surveying Department for that purpose.

With regard to the stated opinions/interpretations under "Research and References to Records Required for Monument Preservation Corner Records:


No. 1. We agree with this statement.

No. 2. We agree with this statement.

We also to bring your attention the fact that a Corner Record, or Record of Survey, may be used as deemed appropriate by the Professional Land Surveyor, or pre-'82 Civil Engineer performing the services for the monument perpetuation and documentation.

We trust that this information answers your questions and addresses your concerns. If you require any further information, or amplification, on any of the data contained herein, please contact us at your convenience.

Sincerely,


Cindi Christenson, P.E.
Executive Officer