



**PROFESSIONAL PRACTICES COMMITTEE  
OF THE LOS ANGELES CHAPTER  
of  
California Land Surveyors Association  
1125 E. Broadway, #96 Glendale, CA 91205-1315**

**October 25, 2010**

Mr. Ric Moore, P.L.S.  
Senior Land Surveyor Registrar  
Board for Professional Engineers and Land Surveyors  
2535 Capitol Oaks Drive, Suite 300  
Sacramento, CA 95833-2944

**RE: Request for Opinion; Monument Preservation**

Dear Mr. Moore:

The land surveying community has observed an increase in the mortality rate of survey markers set for right of way control, public and private property boundaries. Various reasons exist for these losses, most correctable being unfamiliarity with the laws regarding monument preservation and what can be done to mitigate the increase in monument destruction.

There may have been some confusion regarding what the responsibilities are on the part of the land surveying community and the public agencies about how to comply with provisions of the Professional Land Surveyors Act (Business & Professions Code §8700 et seq.) when capital improvement projects, infrastructure maintenance and other public projects go to construction.

**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...*

There has been confusion in our area that property line monuments, or produced offset monuments are not considered to be controlling. Furthermore, some believe that if there are no referenced documents on file with the County that these monuments do not need to be perpetuated. It is our understanding that surveyors had an option whether or not to file a map (Corner Record) in many instances prior to 1983. In some cases, non-referenced monuments may be the only survey evidence remaining after construction projects have destroyed record monuments.

1. Does the definition of monument include evidence such as: lead & tack, concrete nail with tin, chiseled X, rebar, etc.?
2. Are property corner monuments or offset monuments considered to meet the criteria that "control the location..."?
3. Do non-referenced monuments need to be perpetuated?
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.)?

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.*

Some have stated that they will replace monuments after construction based upon record information without locating and surveying the locations prior to construction. By doing such, there is a good possibility that the other evidence and monuments, not of record – however may have been relied upon by the public, would be destroyed unknowingly.

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

8771. (cont.)

*Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.*

There appears to be some confusion related to the definition of sufficient controlling monuments. One might interpret that the existing current centerline of street monuments would be sufficient to control the property lines and not retain or replace monuments that define the actual locations of property lines which have been relied upon by the public. It is assumed that property owners would visually rely on monuments at their individual locations and not have to rely upon measuring hundreds or even thousands of feet to be able to show an adjoining property owner what they consider to be the common line between the parties.

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

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?

October 25, 2010  
Request for Opinion; Monument Preservation  
Page 3

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

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."*

Currently, no research or review of contractual documentation has been performed to understand the scope of services between the surveyor and the contractor or agency. It is assumed that the when a surveyor uses this disclaimer, that they are only surveying the location of what has been found visibly. It is our assumption that in a situation where property line monuments, or produced offset monuments were not of record, this statement may be applicable for documenting found evidence.

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

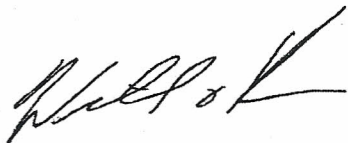
Should you require any additional clarification regarding this inquiry, please feel free to contact me for further discussion.

Here is my direct contact information for discussion and all correspondence:

2920 W. Magnolia Blvd  
Burbank, CA 91505  
(818) 558-5610 Office  
(818) 558-5109 Fax  
(818) 216-6358 Mobile

Thank you in advance for your support and guidance on this matter.

Sincerely,



David Hobbs, PLS 7892  
Professional Practices Committee Chairman

cc. PPC Committee

**Mark Price Immediate Past President Los Angeles Chapter CLSA  
Response to LA Ch PPC Request for Opinion**

**LCSO and CLSA Members**

**History:**

LA Ch CLSA PPC in two incidences investigated municipalities for not perpetuating survey monuments. In their investigation they found that these cities were not perpetuating property corner markers. LA Ch CLSA PPC's view is that all survey markers are to be tied out and reset and Corner Records filed. This includes markers where no records exist including markers such as cut "X"s. PPC also feel that areas that have been constructed were there was a possibility of property corner markers, that the City could be liable for re-setting property corners.

LA Ch CLSA PPC brought both cases to LA Ch Excom Board and in both cases Excom decided that the PPC was not to pursue the issue. Last year as LA Ch President one of these cases was submitted to me and I was the driving force to stop the PPC from following through.

I personally feel that 8771 does not include property corners.

8771 title **Monuments - Number, Durability, and Placing - Resetting When Records Exist - Manner – Limitations and Prohibitions**

References **Resetting When Records Exist** this indicates only points of record. I feel that this excludes all points of non-record.

**(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 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.**

**monuments exist that control the location** I feel this describes Centerline, Some Tract, and Public Lands Monuments or monuments use to establish property corners. This sentence is not describing "controlling monuments" it is describing what controlling monuments control.

**Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.**

**Sufficient controlling monuments shall be retained or replaced in their original positions to enable** I feel that this also describes Centerline, Some Tract, and Public Lands Monuments or monuments use to establish property corners not the actual property corner.

The PPC and Excom are in total agreement on Centerline monuments. I feel that 8771 should go into more detail on the perpetuation of these monuments and even establishing monumentation when monuments have been lost or never existed.

I'm not saying that it isn't a good idea to perpetuate all existing property corner markers but I feel that it is not practical. I also don't feel that it is required by law. I feel that just because a surveyor decided to set his clients property marker in the sidewalk that the city should not be responsible for that marker for all of eternity. When replacing the original surveyors tag with a City tag what responsibility does that place on the City for the location of the point? Without a full boundary survey the City can't guarantee the correctness of that point. Even with a disclaimer the City may have some financial liability.

As the Survey Supervisor (City Surveyor) for the City of Glendale I want to make sure that Centerline Monumentation is perpetuated and or improved. I feel that this is covered in 8771 and it is a financially equitable to Glendale citizens. If the City is going to be responsible for every possible survey marker there needs to be an instrument in place describing how this work is to be done and where the financial responsibility falls.

Thanks Mark Price

the licensee's records.

(c) Including a statement that the licensee is licensed by the Board for Professional Engineers and Land Surveyors either on letterhead or on a contract for services. If said statement is included on a contract for services, it shall be placed immediately above the signature line for the client in at least 12 point type.

(d) Posting a notice in a public area of the premises where the licensee provides the licensed services that states the named licensee is licensed by the Board for Professional Engineers and Land Surveyors. Said notice shall be in at least 48 point type.

[Added effective March 10, 2000]

#### **464. Corner Record.**

(a) The corner record required by Section 8773 of the Code for the perpetuation of monuments shall contain the following information for each corner identified therein:

(1) The county and, if applicable, city in which the corner is located.

(2) An identification of the township, range, base, and meridian in which the corner is located, if applicable.

(3) Identification of the corner type (example: government corner, control corner, property corner, etc.).

(4) Description of the physical condition of

(A) the monument as found and

(B) any monuments set or reset.

(5) The date of the visit to the monument when the information for the corner record was obtained.

(6) For Public Land Corners for which a corner record is required by Section 8773(a) of the Code, a sketch shall be made showing site recovery information that was used for the corner. For other kinds of corners, a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.

(7) A reference to the California Coordinate System is optional at the discretion of the preparer of the record.

(8) The date of preparation of the corner record and, as prescribed by Section 8773.4 of the Code, the signature and title of the chief of the survey party if the corner record is prepared by a United States Government or California State agency or the signature and seal of the land surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.

(9) The date the corner record was filed and the signature of the county surveyor.

(10) A document or filing number.

(b) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.

(c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

(d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.

(e) When conducting a survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with these records are found and where sufficient monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of a different character than indicated by prior records. Such corner records may show one or more property corners, property controlling corners, reference monuments or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.

(f) The standard markings and standard abbreviations used by the Bureau of Land Management (formerly the General Land Office) of the United States Department of the Interior shall be used in the corner record.

(g) The corner record shall be filed on a form prescribed by the Board. The approved form is BORPELS-1297.

#### **465. Records of Survey - Public Officers.**

A public officer who has performed a survey which is subject to the requirements of Section 8762 of the code, shall file a record of survey map or comply with Section 8765(a) of the code. In either event, the public officer shall file the information required by Section 8765(a) of the code relating to his or her survey within the time limit provided for in Section 8762 of the code.



## BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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February 18, 2010

Kelsoe & Associates, Inc.  
268 N. Lincoln Avenue, Suite 8  
Corona CA 92882

Attn: Robert Kelsoe

Re: Board Rule 464 Corner Record – Record Information Requirements

In response to your inquiry regarding Corner Record procedures and the application of Board Rule 464, we offer the following:

**Question:** Is it required to include record information on a Corner Record, specifically in regards to Board Rule 464(d)?

**Discussion:**

Board Rules, under California Code of Regulations Title 16, Division 5, are adopted by the Board to implement and make specific both the Professional Engineers Act (PEA) and the Professional Land Surveyors' Act (PLSA). In cases, where contradictory language exists between a regulation and a statute, statute language will generally control.

Board Rule 464 provides for the procedures used to implement the use of a Corner Record as required in Business & Professions Code, §8765, 8771, 8773, 8773.1, 8773.2, 8773.3 and 8773.4 (PLSA) and states:

**464.**

*(a) The corner record required by Section 8773 of the Code for the perpetuation of monuments shall contain the following information for each corner identified therein: ...*

*... (d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, **together with reference to record information.** Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.*

PLSA Section 8765 states:

**8765.**

*A record of survey is not required of any survey:*

*(a) When it has been made by a public officer in his or her official capacity and a reproducible copy thereof, showing all data required by Section 8764, except the recorder's statement, has been filed with the county surveyor of the county in which the land is located. Any map so filed shall be indexed and kept available for public inspection.*

*(b) Made by the United States Bureau of Land Management.*

*(c) When a map is in preparation for recording or shall have been recorded under the provisions of the Subdivision Map Act.*

*(d) When the survey is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with those records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated by prior records. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.*

It would be reasonable to expect that to comply with 8765(d), one must know the relationship between the survey and pre-existing record information.

PLSA Section 8771 states:

**8771.**

*... (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 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...***

It would be reasonable to expect that without the research of the required records, one would not know if all monuments that provided control for the location of subdivisions, tracts, boundaries, roads streets, or highways, had been searched for and existed.

**8771. (cont.)**

*They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location if any monument could be destroyed, damaged, covered, or otherwise obliterated, and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. **Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.***

PLSA Section 8773 states:

**8773.**

*(a) Except as provided in subdivision (b) of Section 8773.4, a person authorized to practice land surveying in this state shall complete, sign, stamp with his or her seal, and file with the county surveyor or engineer of the county where the corners are situated, **a written record of corner establishment or restoration to be known as a "corner record" for every corner established by the Survey of the Public Lands of the United States, except "lost corners," as***



*defined by the Manual of Instructions for the Survey of the Public Lands of the United States, and every accessory to such corner which is found, set, reset, or used as control in any survey by such authorized person.*

To establish or restore a corner, a Land Surveyor must be able to reference physical dimensions to other corners and/or monuments as it relates to record information.

PLSA Section 8773.1 states that the Board shall implement regulation that describes the content required for a Corner Record. Board Rule 464 is the regulation that provides for this procedure:

**8773.1.**

*The board shall by regulation provide and prescribe the information which shall be necessary to be included in the corner record and the board shall prescribe the form in which such corner record shall be submitted and filed, and the time limits within which the form shall be filed. A corner record shall be a single 8.5 by 11 inch sheet which may consist of a front and back page.*

PLSA Section 8773.2 states:

**8773.2.**

*(a) A "corner record" submitted to the county surveyor or engineer shall be examined by him or her for **compliance with subdivision (d) of Section 8765 and Sections 8773, 8773.1, and 8773.4**, endorsed with a statement of his or her examination, and filed with the county surveyor or returned to the submitting party within 20 working days after receipt.*

The County Surveyor is required to examine the submitted Corner Record for compliance with the above referenced PLSA sections.

Additional research does not reveal any distinction between a Corner Record filed in accordance with Section 8765(d) and/or Section 8773 and a Corner Record filed for monument preservation in accordance with Section 8771.

In cases where the licensed Land Surveyor has the choice by law to file either a Corner Record or a Record of Survey, and chooses to file a Record of Survey in lieu of a Corner Record, must be in compliance with PLSA Section 8764(d) which states that the survey must depict the relationship to those adjacent records:

*(d) The relationship to those portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey.*

**Conclusion:**

We are of the opinion that by law Corner Records shall depict the relationship between the submitted survey and record information, where applicable.

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

Sincerely,

Richard B. Moore, PLS  
Senior Land Surveyor Registrar  
(916) 263-2271