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Role of the Professional Land Surveyor

An Old and Honorable Profession

Land surveyors are members of an old and honorable profession. The process of locating, identifying and describing land has been of critical importance since the dawn of history. The earliest records of the Egyptians, Chinese and Romans contain references to methods for establishing and re-establishing property corners and boundaries. A reference in the *Old Testament*, (Deuteronomy 27:17), states "Cursed be he that removeth his neighbor's landmark."

Land has always been considered one of the most stable and valuable commodities and its ownership and transfer has been the subject of extensive regulations. Because of the many methods of descriptions now in use and the historical variations in original surveys, one must have an understanding of the types of descriptions acceptable for use in land transfer documents. Various methods and forms of property descriptions are in use throughout the country: metes and bounds, the US rectangular grid or public lands survey, the state coordinate system, and many others.

Surveying is, by definition, a science of applied mathematics. Land surveying does not include surveys for engineering stakeout for construction of buildings, highways, bridges, airports, utility lines, and the like. However, land surveys are usually needed in conjunction with such projects.

A land surveyor is not merely a technician with a tape measure. He or she is a person not only trained in mathematics, but is also learned in engineering and the law. The surveyor is required to make decisions based upon training, education, experience and professional judgement.



A good knowledge of the specific laws and principles that govern boundaries and general real estate is also required.

The practice of land surveying is based upon law and is not an exact science. The surveyor must be familiar with the legal terminology pertaining to ownership, rights, duties, zoning, acquisition, contracts, mortgages, deeds, etc. Specific boundary law knowledge is required for evaluating evidence and the procedures for boundary line analysis must be followed.

The surveyor is a detective with measuring skills, whose responsibility it is to discover the intent of the original parties at the time the property description was first written. The surveyor must, by law, meet specific standards and pass an exam administered by the state in order to be licensed as a Professional Land Surveyor and be qualified to perform property surveys.

The Surveyor and The Lawyer

Many law schools overlook much of the legal principles that are important in land surveying. Much of the formal education for land surveyors also neglect training in areas of the law. It is clear then, that these two professions need to know more about each other in order to work more closely together and communicate on a professional level.

There are four areas in which surveyors should work with lawyers: perform land surveys for a real estate transactions, act an expert witness in lawsuits, serve as a source of information about local land, and assist in interpreting land descriptions.

Surveyors' Obligations To Clients

A surveyor's first obligation is to the client. All communications between the surveyor and the client are confidential, unless required otherwise by law. The client determines the extent of the survey, which may be to have a complete survey or only a part thereof. All services and work performed should meet or exceed the minimum standards for the type of survey ordered. The client should be provided with an accurate survey or resurvey of their property shown on a clearly legible plat. The plat should include property lines and corners, fence lines, encroachments, easements and improvements (if requested).

To the Public

A certain trust and duty to the public is required of a Professional Surveyor. The professional surveyor must accept liability for the services provided. The surveyor acts as a quasi judicial figure, who arrives at a solution

that fairly and impartially protects the interests of all parties, not just the client, concerned with that property line.

To the Profession

A surveyor's obligation to the profession is to only undertake assignments for which he is qualified by reason of education or experience to perform. He shall not affix his seal or signature to any plan or document dealing with subject matter for which he is unqualified.

General Land Surveying Principles

Although the procedure for most surveys is similar, the following procedure is most pertinent to a metes and bounds land survey.

Obtain Records. Most surveys are, in fact, resurveys of all or part of a track of land that has been previously surveyed or for which, at least, a property description has been prepared. Courthouse research is usually the first step in obtaining information on the property to be surveyed.

The surveyor's duty is to perform a search of the property description rather than a search of the title. After obtaining the names and deed references for the subject and adjoiner properties from tax maps and files in the Assessors office, the surveyor reviews the actual deeds and any plats recorded in the County Clerks Office. The research of the description is not confined to the subject parcel, but rather involves all parcels that are contiguous with the subject. The search of the adjoining parcel descriptions and plats determines if they call for the same points as the subject deed. Additional relevant information is obtained from any other information source available. Inadequate or incomplete research will undoubtedly result in problems.

Usually a rough plot of the subject property and adjacent properties, based on deed information, is performed to establish a general relationship between all common corners, if possible. A mathematical closure of the subject parcel is performed to determine the accuracy of the bearings and distances shown between the corners called for in the subject deed. The amount and direction of this closure is an indication of the quality of the property description.

Many times title commitments and reports are furnished to the surveyor to help in the performance of the survey. Title commitments set forth certain conditions, which must be met before the insurance company will issue a title insurance policy. The title report is an

