

17-23-17 CLARIFICATIONS

Record of Survey (ROS)



April 13, 2013 UCLS board

The Legislative committee has prepared the following statement concerning 17-23-17. We propose that this document be accepted by the Executive Board as a clarification and interpretation of the existing code. It is in no way changing the current law. Rather, it addresses questions frequently asked about the meaning or intent of the existing code with common practices. We are presenting this draft statement to give Utah Surveyors an opportunity to comment on this position paper as the Executive Board considers acceptance.

(2)(a)(i) *Each land surveyor making a boundary survey of lands within this state to establish or reestablish a boundary line or to obtain data for constructing a map or plat showing a boundary line shall file a map of the survey that meets the requirements of this section with the county surveyor or designated office within 90 days of the establishment or reestablishment of a boundary.*

A ROS is required whenever a land surveyor is making “a boundary survey of lands within the state to establish or reestablish a boundary line.” The portion of the code that states “...or to obtain data for constructing a map or plat showing a boundary line” is secondary to the first statement. It is implied that the surveyor is, first and foremost, making a boundary determination. The act of obtaining data for constructing a map on its own does not trigger the requirement to complete a ROS.

A ROS is required whenever:

- The surveyor determines and delivers information representing a boundary location in plat or description form such that it may be relied upon by others to improve real property; or
- The surveyor sets any type of monument that represents the lines or angle points of a boundary right.

Boundary determination is independent and not affected by payment from the client.

The time requirement to file the ROS “within 90 days” begins:

- Whenever (after the examination of record, measured and parole evidence) the surveyor presents a map, description, or other document showing the location of the boundary in relationship to existing surveyed monuments and indications of ownership or whenever monuments are placed to identify or reference the location of a boundary on the ground.

Filing a ROS limits the surveyor’s exposure to liability – 78B-2-226. An action against a surveyor for acts, errors, or omissions in the performance of a boundary survey filed pursuant to Section 17-23-17 shall be brought within five years of the date of the filing.

(2)(b) *The county surveyor or designated office shall file and index the map of the survey.*

The county surveyor or designated office is required to file and index these maps (collecting them in a pile or drawer is not sufficient). Maps are indexed by location. Therefore, the quarter section, township, range, and meridian shall be in the title block of the map. If the survey is located in the entire section or multiple sections then it is acceptable to only list the section or sections affected; all four of the quarters of a section are implied.

When a survey is located in a town site or a subdivision the quarter section still needs to be determined and provided in the title block of the map (in addition to the lot and block references) to facilitate a common method of indexing all ROS maps.

Each ROS should be filed and indexed with, at a minimum, the following information;

- The file or index number,
- The name of the surveyor who signed and sealed the map and the company name,
- The name of the client as contained on the map,
- The quarter section or section in which any part of the survey resides,
- The date the map was filed, and
- The number of pages the map contains

(3)(b) & (4)(b)(ii) *the date of the survey;*

The date the surveyor signs/seals the ROS satisfies this requirement.

(3)(d) *the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;*

Statute requires “the distance and course to two or more section corners or quarter corners ... or to identified monuments in a recorded subdivision.” The basis of bearings on a ROS is the starting place of the survey so that other surveyors can retrace and “follow in the footsteps” of the surveyor. The intent of this requirement is to provide a minimum of two monuments that exist on the ground.

It is required that the basis of bearing be defined and described in the narrative of the ROS. The basis of bearing should also be identified and noted graphically along the line between two monuments where applicable.

Examples of Basis of Bearing in the narrative are as follows:

- ASSUMED
 - a. The Basis of Bearing for this survey is between two recovered monument as depicted and described on this plat.
- REFERENCE
 - a. The Basis of Bearing for this survey is [N00°00'00"E, 2640.00'] along section line between recovered monuments the E 1/4 corner and the NE corner of Section XX, TXXS, RXXE, SLM, [BLM Cadastral Survey Plat, County Plat].
 - b. The Basis of Bearing for this survey is the centerline of Surface Street between recovered monuments at ABC Ave and XYZ Ave. as shown of the <plat of record or deed>.
- GPS or STATE PLANE
 - a. The Basis of Bearing for this survey is Utah State Plane Coordinate System NAD83-(2011), [North Zone-4301, Central Zone-4302, South Zone-4303] [US Foot, International Foot, Meters] as determined by: [OPUS Observation, Occupation of NGS Control Station PID, or GPS Static Post-Processing from the following NGS HARN Stations] and is shown on this plat between recovered monuments 'X' and 'Y'.
- MULTIPLE MONUMENTS (add to above statements for larger surveys)
 - a. Any of the lines between recovered monuments shown hereon may be used as a basis of bearing for future retracement surveys.

(3)(f) a written boundary description of property surveyed;

The intent of this requirement is for the surveyor to re-print the record legal description of the subject parcel citing the source (Deed book/page, Title Report, etc.). Additional descriptions may be provided for new boundaries established, such as:

- Boundary line agreements
- Minor land divisions
- Easements
- Overall boundary of combined parcels

"As-surveyed" descriptions should be avoided. "Record" vs. "Measured" calls along the measured lines is the recommended form of disclosure where differences are observed.

(3)(h) a detailed description of monuments found and monuments set, indicated separately;

A detailed description should include:

- Type (brass cap, aluminum cap, rebar/cap, iron pipe, nail, spindle, RR spike, stone, etc.)
- Condition (bent, illegible, etc.)
- Accepted/not accepted
- Marking (notches, grooves, blazed, pits, mounds, etc.)
- Reference the corner file or tie sheet if available
- Stamping (BLM, GLO, License #, Company Name, Year, etc.)

(7)(a) If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories, the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made.

(b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.

It is required that if a surveyor finds or makes changes to section corner monuments "the surveyor shall complete and submit to the county surveyor or designated office a record of the changes made" within 45 days of the corner visit. This record may be delivered in any of the following forms:

- by identification on a filed ROS
- by corner file record per 17-23-17.5 (required if changes or additions are made to the made to the monuments or its accessories)
- by email or letter explaining the findings

LEGIBILITY

ROS maps are a public resource; their reproduction and use by the public needs to be considered. Copies and half size reductions should remain legible. It is recommended that:

- text size be a minimum of 0.10 of an inch (10 point font) in height when at all possible,
- text overlaps on other text, hatching, or lines should be avoided, and
- use of gray scale and color on plats remains visible on copies,
- drafting standards which define line type, weight and scale should be employed. ◀