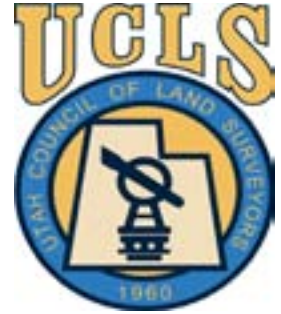


The UCLS Newsletter



Volume 4 Issue 12

April 2016

Who is it



Do you feel lucky? Go ahead - make my day! Do you recognize this no-nonsense surveyor? He has been approving and installing pre-cast monuments for over 38 years and remembers each and every one of them. Correctly identify this outstanding surveyor and you will be eligible for a free lunch at your next chapter meeting. Answers may be emailed to Susan at srmerrill@ucls.org. The

earliest received date and its time of response will determine the winner.

In this issue: The Utah Professional Engineers and Professional Land Surveyors Licensing Board provide valuable information regarding as-built or as-constructed drawings. Additionally, their investigators have summarized the allegations received and the actions imposed for the first quarter of the year.

The UCLS Workshop and convention committee submitted the results of the conference questionnaire and we share important guidelines for the new ALTA/NSPS Land Title Survey Standards.

Finally, you will be entertained by trivia, another dastardly deed, and our monthly north arrow competition.

We invite you to share charismatic photos of yourself and/or a coworker, panoramic images of Utah's scenic wonders, or pictures of survey related tools and equipment. Additionally, we need interesting and unique descriptions or survey related stories to share with our membership. Remember, if you do not participate you have no right to complain. Please let us know your thoughts, recommendations, suggestions, or complaints.

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is published monthly by the

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**"To succeed - jump as quickly at opportunities as you do at conclusions."
-Ben Franklin**

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MEMORANDUM

TO: Officials of Recognized Jurisdictions
Professional Engineers and Professional Land Surveyors Licensed in Utah

DATE: January 20, 2016

FROM: The Utah Professional Engineers and Professional Land Surveyors Licensing Board

SUBJECT: “Record”, “As-Constructed” or “As-Built” drawings

The Utah Professional Engineers and Professional Land Surveyors Licensing Board (“Board”) desires to clarify its position as it pertains to stamping or sealing drawings documenting construction.

The board is aware that there are situations in which the licensed professional may be required by a government official to prepare and seal “*Record*”, “*As-Constructed*” or “*As-Built*” drawings representing what has been constructed, including instances when the licensed professional did not oversee the construction or have significant on-site presence.

Utah Code Annotated Subsection 58-22-602(2) states that any “final plan, specification and report” shall bear the seal of the **professional engineer** or **professional structural engineer** in responsible charge when “filed with public authorities”. The Board believes that “*Record*”, “*As-Constructed*” and “*As-Built*” drawings do not fit within the definition of “final plan” and are not required by law to be sealed. The Board does not consider *documentation* of what was constructed to be the “practice of engineering”, as defined in Utah Code Annotated Subsection 58-22-102(9)(a). Further, the Board believes that a professional engineer should not be required to seal documents that reflect construction changes initiated by others (due to site conditions or other cause) because doing so might imply that the changes were part of the engineer’s design.

In the event that an engineer has significant on-site presence and can attest to the as constructed conditions, or can completely verify as constructed conditions (because they are visible), the Board believes it is acceptable for the professional engineer or professional structural engineer to choose to affix their seal to a document that displays that information.

Utah Code Annotated Subsection 58-22-602(3) states that any “final plan, map, sketch, survey, drawing, document, plat and report” shall bear the seal of the **professional land surveyor** in responsible charge when “filed with public authorities”. The Board believes that “*Record*”, “*As-Constructed*” and “*As-Built*” drawings fit within the definition of “final plan, map, sketch, survey, drawing, document, plat and report” and are required by law to be sealed. The Board considers the preparation of a formal drawing, showing elements which have been constructed, based on field measurements, to be the “practice of land surveying” as defined in Utah Code Annotated Subsection 58-22-102(11). In the event that the surveyor shows features on the drawing which cannot be precisely measured or located, such as buried utilities or information provided by other parties, notes should be added to the drawing which identify the sources of information for the features shown.

Utah Administrative Code R156-22-502 defines “Unprofessional Conduct”, as conduct that includes “submitting an incomplete final plan, specification, report or set of construction plans to a client, when the licensee represents, or could reasonably expect the client to consider the plan, specification, report or set of construction plans to be complete and final”. A licensee may be disciplined for unprofessional conduct in the event that drawings are sealed when the licensee did not have direct responsible charge of the preparation of those drawings, or when information shown on the drawings could not be verified, including instances of “*Record*”, “*As-Constructed*” or “*As-Built*”, drawing preparation.

Utah Professional Engineers and Professional Land Surveyors Licensing Board

Wm. Chris Barker, PSE, Chair
C. Scott Bishop, PLS
Thomas Dale Colvin, PE
Paul J. Hirst, PE
Blaine D. Leonard, PE
Scott Marsell, Public Member
Jeffrey J. Richards, PE

Results from the 2016 UCLS Convention Questionnaire

Contributed by: Todd Jacobson

Please mark one of the following options for the location of the 2017 Convention

- Nevada Association of Professional Surveyors (NALS)

- Western Federation of Professional Surveyors (WFPS)

Combined with NALS & WFPS, Convention in St. George - 44

Combined with NALS & WFPS, Convention in St. George, Banquet Dinner in Mesquite, NV - 17

Combined with NALS & WFPS, Convention in Mesquite, NV - 9

Combined with NALS & WFPS, Convention in Las Vegas, NV -30

Keep the convention as is, with member of the UCLS only, located at...

Dixie Convention Center, St. George Utah - 81

Somewhere in northern Utah - 15

Please mark one of the following options for the date of the 2017 convention (if combined with NALS and WFPS they will ask the UCLS to consider changing the date)

February -156

March -23

April -2

Other: _____

Doesn't matter to me when it's held -29

Do you like the current time frame of the Convention?

Yes- currently begins Wednesday @ 1:00 pm, ends Friday @ 5:00 pm -143

No - change to begin Wednesday @ 8:00 am, end Friday at 12:00 noon -57

Other- _____

Would you be interested as an individual (or firm) to present a project you worked on in the past and explain the how's, and why's of completing that project?

Yes - I think this would be a great way for others to see how the project was worked on and completed

-21

No - I don't want others knowing my secrets -119

What year were you born?

1973 is the average, which make the age 53 years old.

We had approximately 200 people respond to this questionnaire. Just an FYI the oldest person to respond is 88 years old (or will be sometime this year). The youngest to respond is 30 years old (or will be sometime this year). There is one other person that filled out the questionnaire that is 24 years old but is currently not licensed.

CONGRATULATIONS!

Salt Lake County Surveyor's office shows precision and accuracy as they win gold in Corporate Games of Dart Tournament

With stunning accuracy and detailed precision, the Salt Lake County Surveyor's office brought home the Gold Medal in the Corporate Games Dart Tournament. Kent Setterburg, Mark Murphy and Bryon Goff grabbed the medal in the double elimination tournament without a single game lost.

"We really truly kicked their ass" said Setterburg as he spun the brilliant medal around as it hung on his chest.

"This just goes to prove that surveyors know how to shoot a straight line." Echoed Murphy.

"This is the Seventh Gold Medal that Setterberg has won for me." Cheered Goff as he drank down his sixth shot of tequila of the evening. "Even highly intoxicated, I was just barely able to throw hard enough to hit the board, and we still won it all."

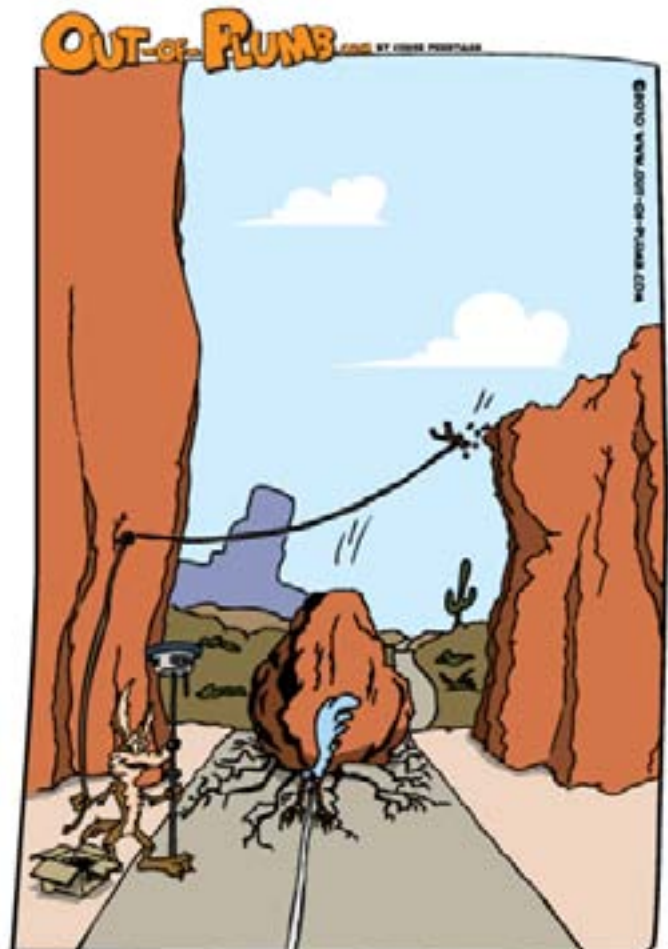
The Corporate Games are held twice per year. The Tournament this year was at Scofy's Club on 900 East and 7200 South in Midvale. These surveyors were both accurate and precise!



What? Why?

1. How do you catch a unique rabbit?
Unique up on it.
2. How do you catch a tame rabbit?
Tame way, unique up on it.
3. How do crazy people go through the forest?
They take the psycho path.
4. How do you get holy water?
You boil the hell out of it.
5. What do Eskimos get from sitting on the ice too long?
Polaroids
6. What do you call a boomerang that doesn't work?
A stick
7. What do you call cheese that Isn't yours?
Nacho cheese
8. What do you call santa's helpers?
Subordinate Clauses
9. What do you call four bullfighters in quicksand?
Quattro Sinko
10. What do you get when you cross a snowman with a vampire?
Frostbite
11. What lies at the bottom of the ocean and twitches?
A nervous wreck
12. What's the difference between roast beef and pea soup?
Anyone can roast beef
13. Where do you find a dog with no legs?
Right where you left him
14. Why do gorillas have big nostrils?
Because they have big fingers
15. Why don't blind people like to sky dive?
Because it scares the dog
16. What kind of coffee was served on the Titanic?
Sanka
17. What is the difference between a Harley and a Hoover?
The location of the dirt bag
18. Why did Pilgrims' pants always fall down?
Because they wore their belt buckle on their hat
19. What's the difference between a bad golfer and a bad skydiver?
A bad golfer goes, "whack, dang!" a bad skydiver goes, "Dang! Whack."
20. How are a Texas Tornado and a Tennessee divorce the same?
Somebody's gonna lose a trailer.

Editor's Note
This space is dedicated to Philip
Philip who - you might ask?
To Philip Space



WHAT WOULD HAVE HAPPENED IF ACME HAD MADE
HIGH-END GPS WITH CENTIMETER ACCURACY.

March Where Is It?

Corbin Van Nest was the first to respond and correctly identify the location of the famed Escalante Crossing of the Green River near the town of Jensen Utah in Uintah County.



**Hill across from Escalante Crossing
N. 40° 25' 44.81 W. 109° 19' 58.13**

Here it has meadows abounding in pasturage and good land for raising crops, with facilities for irrigation. It must be somewhat more than a league wide and its length may reach five leagues. The river enters this meadow between two high cliffs which, after forming a sort of corral, come so close together that one can scarcely see the opening

through which the river comes. According to our guide, one can not cross from one side to the other except by the only ford which there is in this vicinity. This is toward the west of the northern crest and very close to a chain of hills of loose earth, some of them lead colored and others yellow. The ford is stony and in it the water does not reach to the shoulder blades of the horses, whereas in every other place we saw they can not cross without swimming. We halted on its south bank about a mile from the ford, naming the camp La Vega de Santa Cruz. We observed the latitude by the north star and found ourselves in 41° 19' latitude.

Professional Engineer and Professional Land Surveyor Case Report

Closed Cases January 15 - March 16, 2016

Copied from the March 03, 2016 DOPL Licensing Board Meeting

Profession	Allegations	Actions
Land Surveyor	Pro Outreach Conference in St George, had a table answered questions and presentation	Attended
Land Surveyor	Subject signed an affidavit in District court that he had been doing surveyor work for 30 years and is not a licensed to do the work in the State of Utah nor did he list an exemption to the licensure	Citation Issued
Structural Engineer	The subject; a licensed Professional Structural Engineer recently passed away and his professional engineer stamps appear to have been lost or stolen	Intelligence filed/license flagged and will expire
Engineer	The subject advertised for a chief maintenance person but used the term "chief engineer" in the job description	Voluntary Compliance
Land Surveyor	Allegation of a Land Surveyor that did not submit a survey on time to the surveyor's office. Investigation found the survey had not been submitted on time.	Letter of Concern
Land Surveyor	A jurisdiction was allowing lot line adjustments be filed and action taken without being properly surveyed.	Letter of Concern

Spring Did You Know?

- The first day of spring is called the vernal equinox. The term vernal is Latin for “spring” and equinox is Latin for “equal night”
- The fall and spring equinoxes are the only two times during the year when the sun rises due east and sets due west.
- On the first day of spring, a person at the North Pole would see the sun skimming across the horizon, beginning six months of uninterrupted daylight. A person at the South Pole would see the sun skimming across the horizon, signaling the start of six months of darkness
- The first spring flowers are typically lilacs, irises, lilies, tulips, daffodils, and dandelions.
- The early Egyptians built the Great Sphinx so that it points directly toward the rising sun on the spring equinox.
- The myth that it is possible to balance an egg on its end on the spring equinox is just that; a myth. Trying to balance an oval-shaped object on its end is no easier on the spring equinox than on any other day.
- According to Greek myth, the return of spring coincides with the return of Persephone, the daughter of Demeter, who is the goddess of plants and fertility.
- For the Japanese, the opening of the cherry blossom, Japan’s national flower, in March or April signals the start of spring.
- The days are longer during the spring and summer months because the earth’s axis is tilted toward the sun during the time period and away from it during the winter.
- The ailment known as “spring fever” is, according to medical experts, more than just a mood. In fact, a person’s body makeup often changes during spring because of variations in diet and levels of physical activity.
- Most baby animals born in the spring instinctively know how to get along in the world. Even baby birds are born knowing how to sing, however, it takes them 10 to 60 days to learn to sing the specific notes associated with their individual species.



Salt Lake County Job Description

Chief of Party 27/29

DEPARTMENT: Surveyor's Office

DIVISION: Administration/1350/1351

JOB CODE: 660-1/2 **GRADE:** 27/29

FLSA STATUS: Non-Exempt

SAFETY SENSITIVE: No

EFFECTIVE DATE:

JOB SUMMARY

Provides direct supervision of field crew staff and daily management of projects and activities under the direction of the Field Operation Manager or designee.

MINIMUM QUALIFICATIONS

GRADE 27

Bachelor's degree from an accredited college or university in Surveying, Drafting, Pre-engineering or Geographic Studies plus one (1) year of experience in a related field; OR five (5) years of experience in a related field; OR an equivalent combination of education and experience.

Must have or be able to obtain a valid Utah driver's license in order to operate a county vehicle.






GRADE 29

Bachelor's degree from an accredited college or university in Surveying, Drafting, Pre-engineering or Geographic Studies plus three (3) years of experience in a related field; OR seven (7) years of experience in a related field; OR an equivalent combination of education and experience.

Must possess a Utah State Land Surveyor License for Grade 29.

For more information and to complete a job application – please visit the Salt Lake County Human Resources Department at 2001 South State Street, Suite -700, Salt Lake City, UT 84114 or log on to their website at <http://slco.org/human-resources/jobs/>

Which North Arrow belongs to which company?

	A	B	C	D	E	
1 Wasatch Civil	    					1 = _____.
2 Peatross Land Surveying		2 = _____.				
3 Summit Engineering		3 = _____.				
4 Fish and Wildlife Service		4 = _____.				
5 Robinson, Biehn & Biehn		5 = _____.				

Answers on page 10

The only thing we have to fear, is fear itself ... and land surveyors working on the lot next door.

New 2016 ALTA/NSPS Land Title Survey Standards

Gary Kent - Committee Chair

Two years of concentrated effort by their respective committees culminated in the adoption of the new 2016 *Minimum Standard Detail Requirements for ALTA/NSPS Land title Surveys* by the American Land Title Association on October 8th and the National Society of Professional Surveyors on October 9th. The new standards became effective on February 23rd.

The officially adopted 2016 Standards can be found at <http://www.nspis.us.com/> under the "Resources tab." Also found there is a "red-line" version of the 2011 Standards showing the deletions and additions that resulted in the 2016 version. The Standards can also be found at <http://www.alta.org/forms/> (click on "Most Requested").

Frequently Asked Questions

Why the change in names from ALTA/ACSM to ALTA/NSPS?

ACSM (the American Congress on Surveying and Mapping) was essentially merged into the National Society of Professional Surveyors (NSPS) several years ago. The successor organization is NSPS. The committees felt that it was appropriate that the name of the new Standards reflect the organizations that developed, adopted, and are responsible for them.

The effective date of the new 2016 ALTA/NSPS Standards was February 23, 2016. What about the transition period?

It is suggested that any Land Title Survey being conducted pursuant to a contract that was executed before February 23rd be performed to the 2011 Standards. Any contract executed on February 23rd or after would have to be performed pursuant to the 2016 Standards. On the other hand, if the contract was executed on a date prior to the 23rd, but it is obvious to the surveyor that the survey will not be delivered until the 23rd or after, it would be logical, although not required, to perform the survey pursuant to the 2016 Standards.

There might be some exceptions to the effective date - depending on the attorney's attitude - related to HUD surveys. HUD Multi-Family has not released new requirements yet (in 2011, HUD Multi-Family did not release new requirements until June), and if the attorney insists that the survey must be completed using the 2011 Standards until HUD recognizes the 2016 Standards, surveyors may have to comply.

How do I deal with an "update" to a 2011 ALTA/ACSM Land title Survey?

If the contract to conduct the "update" is executed after February 23rd, it would have to be performed pursuant to the 2016 Standards. However, if the "update" is simply a follow-up on a survey related to a conveyance that had been anticipated to close before February 23rd, the surveyor could probably logically conduct the update pursuant to the 2011 Standards. This logic should not extend to "updates" unrelated to the initial conveyance or updates that take place substantially after February 23rd.

As an aside, notwithstanding the innocuous-sounding word "update," an update is actually a new survey. The only difference is that the surveyor happens to have surveyed the property previously, so the client may see a reduced fee of time frame depending on a number of factors (e.g., how long has it been since the initial survey? And how many changes have affected the property since?)

I see that in Section 4 of the 2016 Standards, there is essentially an acknowledgement that the documents to be provided to the surveyor may not be forth coming. If they are not, the surveyor need only conduct that research otherwise required by "the statutory or administrative requirements of the jurisdiction where the property being surveyed is located" (or pursuant to the contract). I am from a state that does not have any mandatory standards adopted by its regulatory Board or in its statutes. What responsibility do I have for the research if it is not forthcoming?

Where there are no mandated standards, the practice of surveying would typically be defined by the standard of care exercised by competent surveyors working in the same area under similar circumstances and on similar projects. So, a surveyor should be familiar with how other surveyors in his or her area deal with research on land title and boundary surveys and do the same.

Why is observed evidence of utilities now mandatory on a Land Title Survey pursuant to Section 5.E.iv. rather than optional as it was in Table A item 11(a) of the 2011 Standards?

This change was made to address a conundrum. Pursuant to the 2011 Standards, if a client did not request Table A item 11(a) or 11(b), the surveyor had no responsibility to locate and show evidence of utilities. But if that utility evidence could be considered evidence of an easement, the surveyor did need to locate and show it pursuant to Section 5.E.i through iv. The committees felt that most evidence of utilities could also be considered evidence of easements, so to eliminate future problems and questions in that regard, locating and showing observed evidence of utilities was made mandatory for 2016.

The 2016 Standards say the surveyor needs to be provided with the most recent title commitment "or other title evidence satisfactory to the title insurer." Why not simply require a title commitment?

Title companies have other products that are sometimes requested by clients that fall short of commitments and policies, but that are acceptable to the client. In addition, in some cases, and in at least one state, abstracts are still used on a regular basis. Since the Standards were developed expressly to address title company needs, the standards - starting in 2011 - required that title evidence be provided to the surveyor. But sometimes, the title company may accept or produce something less than a title commitment, so the standards need to reflect that fact.

The date of fieldwork is obvious, but what is the date of the Plat or Map?

That is the date that the survey will be identified by. Many surveyors date the plat or map as of the date they signed it. Others backdate it to the date of the fieldwork. The committees feel this decision is best left to the surveyor. In some states, the date of the plat/map must be the same as the date of the fieldwork.

Former Table A item 18 (Observed evidence of site use as a solid waste dump, sump or sanitary landfill) has been removed. Why?

This item was initially developed as a Table A item prior to the ubiquitous use of Phase One Environmental Assessments in commercial transactions. This is the type of thing that a Phase One ESA was developed to identify. The committees felt that, in the light of the near universal use the Phase One ESA, there was no need for the surveyor to look for this sort of evidence. Of course, whether a surveyor not trained in environmental matters would recognize such uses was questionable anyways and clients might have been placing unwarranted faith in this item. In the 2016 Standards, Table A item 8 now asks that the surveyor locate and show observed "substantial areas of refuse."

MORE TO FOLLOW IN NEXT MONTH'S NEWSLETTER

Declaration of Homestead

Through this Writ regarding matters of Truth and Fact:

i declare, with God as my witness, the absolute gift of unique DNA/allodium and living spirit delivered exclusively to me more than fifty-three years ago when two separate essential states - sperm and ovum - became united through a lawful and private physical union of unconditional love and labor between my true genetic father and mother as fully expressed within the nonconventional Notice of Paramount Claim upon My ϕ Private Nature ϕ Divine Proportion ϕ Manifest Essence ϕ - experienced from the beginning by me alone upon a private spirit-filled dwelling within the johnny/Fritts-evelyn/Lacy Homestead not entrusted or subject to any other as clearly evidenced by "historical" Tarrant Texas record(s) #142-63-014168 Registrar's file #423 and fully authenticated certificate of live birth #15016775-2.

Prepared by: garyon without prejudice
For return to: Steven Fritts/Private Cause
p o. box 2424
Salt Lake City, Utah (84110) without prejudice

Declaration of Homestead

See: other side

12240358
10/15/2016 1:28 PM #12, Ord
Book - 1543; Pg - 320-323
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
JEDON PRINTS
PO BOX 2424
S.C. J 84110
BY: 104, 02/17/16 - M J P.

Steven

brenda
attestor

bill
attestor



NOTICE
Recording places this document into the public record.
In no way does recording authenticate, validate,
or endorse the contents of this or any document.
RECORDER'S NOTE

Answers to North Arrow Question 1=C; 2=B; 3=E, 4=D, 5=A