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OFFICIAL PUBLICATION OF THE UTAH COUNCIL OF LAND SURVEYORS

In conjunction with the National Society of Professional Surveyors, and The Western Federation of Professional Surveyors

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Thoughts/Notes from the Chair

BY DANIAL L. PERRY, MBA, PLS 2017 UCLS CHAIR

Over the years as I, like many of you, have watched surveying continue to shrink and in some cases even become marginalized as a profession I am deeply saddened and concerned. Title companies continue to push us into making decisions about legal description or in some cases the boundary opinions we have rendered. Construction companies continue to take over more and more surveying functions, etc. Most, if not all these issues have their roots in the introduction of new technology. Unfortunately, surveyors are historically, very slow technology adopters compared to other professions. According to my own master's degree, research on this topic it takes, on average, about fifteen years to fully adopt a new technology into the surveying profession. Just take a minute to reflect on your own career and analyze how long it took you from the time you first started reading about a new technology in trade magazines to when you implemented the Total Station, GPS, Robotic Total Station or 3D Laser Scanning technology into your everyday workflow - yep about fifteen years. Of course, we must be concerned with accurate measurements, and there are legitimate and valid reasons to be slow adopters. But at the rate of new technologies being introduced just into the surveying and related professions and then comparing that rate to our average adoption rate- we are falling behind approximately five years for every year that passes. Look at Geographic Information Systems (GIS). We have been almost entirely pushed out of that discipline. Almost ALL maps today are NOT made by surveyors as they once were, but instead are being made by GIS specialists possessing non-surveying degrees. We see the problems this marginalization has caused our profession. But, essentially, it's already too late to get mapmaking back into land surveying, that ship has sailed.

The fact is; we are falling behind technologically and professionally on

almost every important aspect within the surveyor's purview. I teach a surveying and engineering business management course at UVU in the Geomatics Program where we initially discuss a book called "Surfing the Edge of Chaos" by Richard Pascale, Mark Milleman, and Linda Gioja. They address the concept that we must always be changing (rate and intensity varying) otherwise, we simply become obsolete and irrelevant. This obsolescence is real and it is accelerating in many disciplines but especially in surveying. There are actions we can take as a profession that will at least reduce this rate if not eliminate it entirely. It is in this backdrop that I have been watching the UCLS organization over the past ten years since I have been a member serving on the Education and History committees and now as your Chair.

While I think the UCLS organization is terrific, has great potential, and currently represents a large majority of the professional surveyors in the State of Utah, I have on the other hand received a lot of input from many reliable and concerned members which leave me asking many questions all of which relate to RELEVANCE. If we don't stop now and address this critical issue, we may end up with two professional organizations, like they now have in Arizona. I personally really, really don't want that to happen.

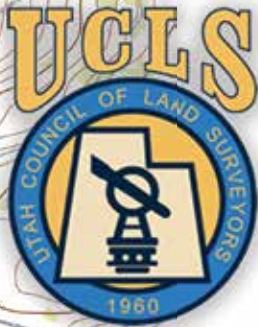
One of the first steps to ensuring RELEVANCE is honest self-evaluation. This is essentially what I proposed to the UCLS Board of Directors the last day of our annual conference in February. Shown herein is a copy of the document 2030 Initiative: "A Foot in the Past, an Eye to the Future" (by the way, this was a phrase I took from Marc

Cheves, editor and owner of American Surveyor magazine) that no doubt each of you have seen because it was the topic of every UCLS Chapter meeting in March and April.

So, I want us to ask the hard questions. What is the purpose of the UCLS organization? Are we really meeting the needs of our members? What are those needs? What should the UCLS be doing for its members? Why aren't more members participating in committees or in leadership positions? (Everyone is busy, yet we all love this profession!) If we are doing well in meeting needs- then how well are we doing? How do we go about accomplishing our "mission" or the purpose of our existence, if we are not perfectly clear about relevant purposes? Knowing the answers to these and many other questions will also help the Board develop decision-making criteria, which will have a direct impact on the effectiveness of this organization.

We really do want your involvement in this Strategic Planning process we are undertaking in 2017. While each board member you have voted for is trying their best to represent your interest, we are better able to do so when we hear what you have to say. I hope you took the opportunity to engage in the discussion process in your chapter meeting. However, if you still have more to say or have some additional ideas about; what UCLS should be about, and/or what we should be doing for you as a member, then please email or talk to any member of the board. Keep in mind we will also be conducting several polls/questionnaires' throughout 2017 so please continue to give us your feedback.

WE ARE LISTENING! ◀



“A Foot in the Past, an Eye to the Future”

- A. Assess the Purpose and Value of the Utah Council of Land Surveyors (UCLS) – taking a proactive role**
- B. Review and possibly redefine the “Vision” OR “Mission” of the UCLS**
 - a. Develop a series of questions to assist in making this determination.
 - i. Such as:
 1. What will the surveying profession look like in 2030 in terms of...?,
 2. What will be our role as surveyors be in future society?
 3. What will the needs of the members be?”
 4. What is the place of the UCLS in the profession?
 5. What services will or should be performed?
- C. Establish criteria for Self-assessment and Valuation of the entire organization**
 - a. Relevance to Mission/Vision
 - b. Relevance to the Future
 - c. Involve as many individual members as feasible and reasonable (participation is critical)
 - d. Rely heavily on polls and questionnaires
- D. Assess and Value ALL By-laws and Policies based on this criterion**
 - a. Organization and Governance
 - i. Committees
 - ii. Representation and Voting
 - iii. Conformity to surveying laws and regulations as they relate to governance (not including the non-profit laws)
 - b. Operations
 - i. Policies
 - ii. Continuing Education, Conventions, Fall Forum
 - iii. Board Meetings, etc.
 - c. Etc., etc.
- E. Self-Assessment and Valuation Outcomes**
 - a. Strategic Plan for the UCLS to meet the Future
 - b. Protocols for decision making by the UCLS board (must be based on the self-assessment)
 - c. Implementation and Action plan based on the self-assessment and current organizational demands/needs
 - i. Scheduled deadlines/milestones
 - ii. Assigned resources
 - iii. Recommended changes to the UCLS organization, by-laws, and policies
 - iv. Determine specific areas of focus for the future

This initiative does not mean everything that has been done over the past 50 years has been a waste of time and must be thrown out. Quite to the contrary. Because the profession is sustaining so much loss on so many levels, it is time to stop and evaluate or assess what, why, and how we are doing as a profession and as an organization. We must put the UCLS organization to the test of the future. We must be relevant. As your Chair in 2017, I do NOT believe that I know all or any of the questions to ask or the answers to those questions. But I do believe this Initiative MUST involve every single member of this organization. Anyone who wants to speak their mind and share their thoughts and ideas is welcome.

Utah Council of Land Surveyors Executive Board 2017



UCLS Executive Board 2017

Back Row - Left to Right:

Jim Kaiserman	Timpanogos Chapter Rep
Val Schultz	Golden Spike Chapter Rep
Rick Snyder	Color Country Chapter Rep
Harold Marshall	Book Cliffs Chapter Pres
Gary Christensen	Salt Lake Chapter President
Brad Daley	Timpanogos Chapter Pres
Brock Slaugh	Book Cliffs Chapter Rep
Brian Mitchell	Salt Lake Chapter Rep
Steve Dale	NSPS Director

Front Row - Left to Right

Todd Jacobsen	Color Country Chapter Pres
James Coutts	Chair Elect
Dan Perry	State Chair
Dale Robinson	Past Chair

Absent

Michael Nadeau	West Fed Representative
Andy Hubbard	Golden Spike Chapter Chair

PAST UTAH COUNCIL OF LAND SURVEYOR CHAIRS'

1961	Robert Jones	1981	Ed Patience	2000	Jim Pitkin
1962	Hooper Knowlton, Jr.	1982	Phil Engle	2001	Marc Brown
1963	Charles V. King	1983	Robert Smeltzer	2002	Dale Bennett
1964	Richard Sorensen	1984	Marty Risley	2003	Lenard Barney
1965	Lamar Smith	1985	Dan Schoell	2004	Steve Keisel
1966	Jay Anderson	1986	Boyd Olson	2005	Matt Clark
1967	C.C. Bush	1987	Phil Engle	2006	David Balling / Lenard Barney
1968	Arnold W. Coon	1988	Randall Williford	2007	Lenard Barney
1970	Glen Austin	1989	Martin Moore	2008	Ken Hamblin
1971	Gale Day	1990	Martin Moore	2009	Fran Eickbush / Jerry Allred
1972	Don S. Miligan	1991	Bob Knox	2010	Jerry Allred
1973	C. James Schuchert	1992	John B. Stahl	2011	Michael Nadeau
1974	M. Carl Larsen	1993	Darryl Fenn	2012	Brad Mortensen
1975	Alden N. Brewer	1994	Ron Whitehead	2013	Ernest Rowley
1976	Paul Gini	1995	Ron Whitehead	2014	Kenneth Hamblin
1977	Sid Busby	1996	Keith Russell	2015	Scott Woolsey
1978	Dean Mortensen	1997	Randall Williford	2016	Dale Robinson
1979	Thomas W. Harvey	1998	Robert Knox		
1980	Lee Robinson	1999	Dan Knowlden		

Utah Council of Land Surveyors

Standards and Ethics Committee

Update for Foresight, April 13, 2017

The Standard and Ethics Committee meets the fourth Thursday of each month at 5:30pm at Dominion Engineering, located at 5684 Green Street in Murray. We would like to extend an invitation to all those that want to be involved with the committee to attend. If you are unable to attend because of travel distance to the meeting or other reasons please let me know. We are in the process of setting up a video or telephone conference system that we can link everyone in on the meetings.

As you may know we have the DOPL investigators attend our meeting and review with them any cases they have questions on. We also allow time for questions or concerns of surveyors and others that use survey services and if possible address the concerns or issues that are brought before our committee. This often times results in very interesting discussions that can benefit all those that attend.

This year we will Continuing work on the Condominium Plat Standards and as a committee we have a goal to complete them for review and approval of the UCLS membership.



Evan J. Wood, PLS
Committee Chair

Utah Council of Land Surveyors

Publication Committee

April 24, 2017

Publishing ten newsletters and two Foresight magazines each year is the goal of the Utah Council of Land Surveyors Publication Committee. Furthermore, the principal duties of the Publication committee shall be to prepare and mail newsletters and other announcements to the membership of the Corporation.

How are we doing? What does the membership of UCLS want? Please let us know your thoughts and desires so that we might better meet your expectations.

Did you know that participating in, and/or contributing to, the publication committee provides an easy opportunity to augment your continuing education requirements?

R156-22-304. Continuing Education for Professional Engineers, Professional Structural Engineers and Professional Land Surveyors.

In accordance with Subsection 58-22-303(2) and Section 58-22-304, the qualifying continuing professional education standards for professional engineers, professional structural engineers and professional land surveyors are established as follows:

- (c) a maximum of five hours per two year period may be recognized for preparation of papers, articles, or books directly related to the practice of professional engineering, professional structural engineering or professional land surveying and submitted for publication; and
- (d) a maximum of ten hours per two year period may be recognized at the rate of one hour for each hour served on committees or in leadership roles in any state, national or international organization for the development and improvement of the profession of professional engineering, professional structural engineering or professional land surveying but no more than five of the ten hours may be obtained from such activity in any one organization;


The publication committee chair has primarily collected the content published in the newsletter and Foresight. Unfortunately, the resources of the publication committee chair are limited and therefore the published content is often lacking. We invite you to share charismatic photos of yourself and/or a coworker, panoramic images of Utah's scenic wonders, and pictures of survey related tools and equipment. Additionally, we need interesting and unique descriptions or survey related stories to share with our membership.

Thanks,

Steve Keisel
UCLS Publication Chair

From the Convention Chair

BY TODD JACOBSEN

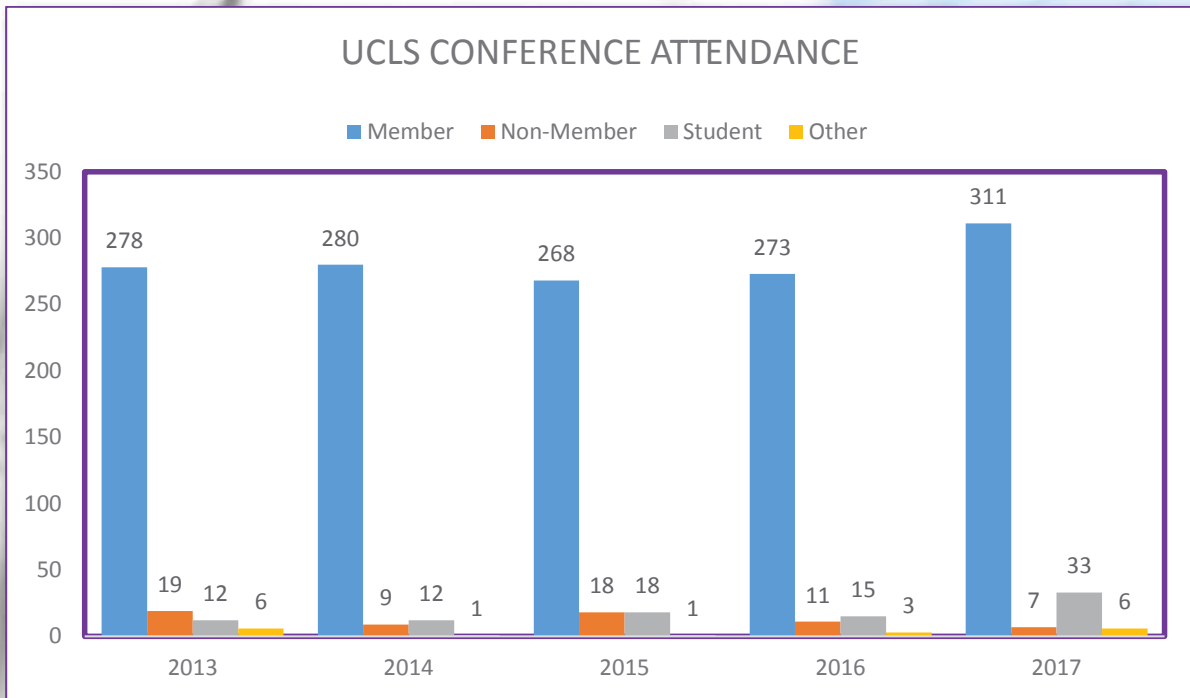
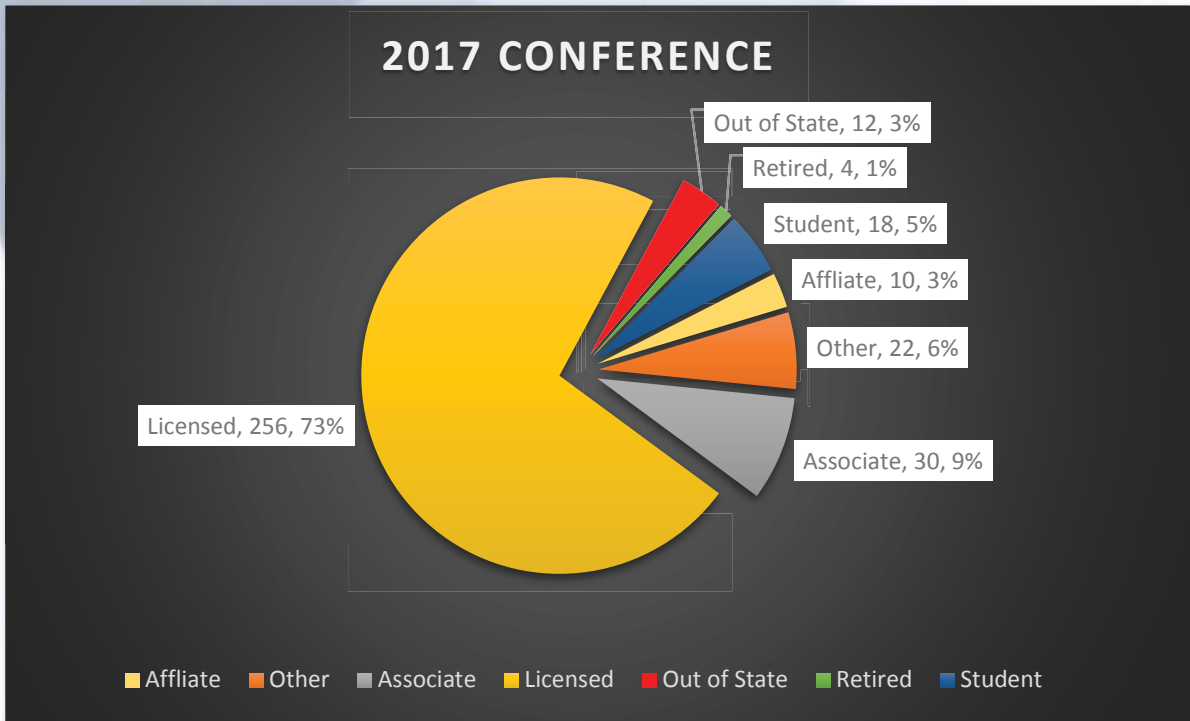


I hope that all of you enjoyed this past convention that was held February 22 – 24, 2017. I heard a lot of good feedback and also got a few critiques as well. I enjoy the critiques because that means there is something to improve on. All in all I understand that in one way shape or form everyone got something out of this convention and enjoyed your time in St. George. As you know we as a convention committee tried a few different things this year, the biggest was the app and the scanners. Some people didn't care for the app but for the most part I believe that it was well received. It had a good layout, it was easy to use, and we had a lot of information on it. This information is still accessible to you if you want to go back and refer to it until February of next year. I believe that the speaker's presentations, at least the ones were given to me, are all now available on the UCLS website for you to enjoy as well. As far as the name badges and scanners went, I know we had a small hiccup at the beginning of the convention but it quickly got worked out. These scanners made it much easier and quicker for you to keep track of which sessions you attended and for our secretary to issue your certificates at the end of the convention. Please note that although we provided this service it is still your responsibility to keep track of your own hours. If you feel you got scanned too many times, or simply not enough, please feel free to change the hours that were given to you by letting Susan know. Or if you simply feel that a session you attended didn't meet your expectations as a surveyor you don't have to count that either. As for the scanners there were a few hiccups by maybe now that we have gone through it once next time will be better.

If you haven't heard already the Executive Board has voted to combine our convention with the Arizona Professional Land Surveyors Association, Nevada Association of Land Surveyors, and the Western Federation of Professional Land Surveyors for the 2018 Conference. It is looking good that the National Society of Professional Surveyors will also be joining us as well as their board is in discussion to see if they want to join us in Las Vegas as well. The NSPS is bringing their student competition to this conference. If you have a certain presenter or activity that you would like to hear from or be a part of please let one of the conference committee members know. This conference will be held February 21-24 and will most likely be held at the Luxor. As the planning is starting we as a combined conference committee are all trying to work together, each making compromises to see that all aspects of each other's conferences are being met. I know that not all of you will attend this big show but we hope that you at least consider coming to this as a once in-a-lifetime event. As this planning starts coming together and I know more information I will do my best to keep you informed of what the plans will be.

Thanks for letting me serve you. It is fun to see things get planned and come together and to get to know you. We have a great bunch of professionals and nonprofessionals in our industry.

Let's keep up the good work and remember to always work "Together Towards Tomorrow." ◀











UCLS Welcomes the Following New Members

J. Darrel Armstrong	Swearingen Engineering & Surveying	Paige Gardiner	Electrical Consultants, Inc
David Avery	Baseline Surveying	Ryan Herbst	Ensign Engineering & Land Surveying
Bart Jensen	Cook-Sanders Associates	Jason Higgins	Wallace Morris Kline Surveying, LLC
Scott Bartlett	SITLA	Jared Howland	Ensign Engineering & Land Surveying
Mitch Batty	Timberline Engineering & Land Surveying	Aaron Inabnit	Meridian Engineering, Inc.
Lyle Bissegger	Galloway & Company	Austin Ishino	Student
Gregory Borchard	Borchard Surveying & Mapping Inc.	John Jenkins	Jones and Demille Eng.
Paul Buchele	UELS	Mason Jensen	Silverpeak Engineering
Heather Butler	Diamond Land Surveying	Brandon Jensen	Savage Albrecht Engineering
Marshall Byrd	Perigee	Allen Johnson	Al's Pin Pounders, L.L.C.
Craig Carter	Gardner Engineering	Dustin Mann	Electrical Consultants Inc.
Lloyd Cheney	Bountiful City	Skip McDonnell	Electrical Consultants, Inc.
Jason Christensen	Canyon Fuel - SUNFCO Mine	Tyler Nielson	Wasatch County Surveyor
Nathan Christensen	Galloway & Company	Tyler Nielson	Gardner Engineering
Andy Cofran	Diamond Land Surveying	Kurt Orban	Wallace Morris Orban Surveying
George Corry	Electrical Consultants, Inc	Karey Rowley	Ensign Engineering
Keven Crowther	Electrical Consultants Inc.	William Sanders	Civil Science
Robert Curtis		Jacob Savage	Savage Albrecht Engineering
James Darling	Spanish Fork City	Erick Shosted	UDOT
Carmelita Delgado	Electrical Consultants, Inc.	Kevin Taylor	Electrical Consultants, Inc
Michael Doxstader	Boundary Consultants	Mark Velasquez	UDOT
Roger Fish	Ensign Engineering & Land Surveying	Kevin Wallace	Wallace Morris Surveying
Daniel Francetic	Entellus Inc	Tucker Weight	Weber County
Daryl Friant	Utah Department of Transportation	Randall Williford	Retired
		Darrell Woodruff	Weber County

UCLS Congratulates the Following New Licensed Surveyors



Adam Svend Allen	Tooele, UT
Damien Blevins	Farmington, UT
Buckley Blew	Fayetteville, AR
Paul Buchele	Vernal, UT
Thomas G. Carlson	Lakewood, CO
Lloyd Neil Cheney	Syracuse, UT
Stephen Collier	Washington Terrace, UT
Aaron Inabnit	Layton, UT
Robert Law	Riverton, UT
Mark Edward Meade	Lexington, KY
Brandon Moser	Lakewood, CO
Michael Ray	Nowata, OK
James Bradley Richards	Lakewood, CO
Terry Lee Rowe, Jr.	Spring, TX
Joseph Matthew Solomon, Jr	Albuquerque, NM
Phillip Carey Williams	Providence, UT

Utah Council of Land Surveyors 2017 Lifetime Achievement Award

JOHN B. STAHL

BY MARK GREGERSEN



John Stahl is from Glasgow, Montana. He earned an Associate of Applied Science in Land Surveying from Flathead Valley Community College in Kalispell, Montana. The map shows these places

are about 50 miles from the Canadian border. John transplanted to Utah. He started his own business in 1988 and is the owner of Cornerstone Professional Land Surveys, Inc., A Professional Corporation.

For decades, John has devoted his time as an adjunct professor of land surveying at Salt Lake Community College. I met John in 1997 when I enrolled in his boundary law class. As an attorney, I was intrigued to learn about boundary law because it was not taught in the law school where I attended. John taught us how monuments on the ground can control over distances recited in a deed. Those who have studied under Mr. Stahl know he is an impassioned and knowledgeable teacher. Hundreds of surveying students have benefitted as he has insightfully taught a new generation of surveyors the principles of boundary law.

John lives in Sandy, Utah, with his wife Becky. I recall attending a barbecue at his house. His pet dogs hoped we would share

meat and his house-trained rabbits hoped we would share chocolate.

Land surveyors are on the front lines in protecting our citizens' property rights. Over the years, many of us have sought John's input on important matters that affect the profession of land surveying.

John has delivered presentations at the surveying conventions in several states, served as state chair of UCLS, and served as our delegate to the Western Federation of Professional Surveyors. He was the 2009 recipient of the UCLS surveyor of the year award, and is a Certified Federal Surveyor.

John has made significant contributions to the professions of surveying and of law, by sensibly applying legal principles to boundary matters, to follow the footsteps of the original surveyor. He has qualified as an expert in a wide variety of boundary cases. He has been recognized by various courts as having shed light on challenging boundary questions. His impact has been felt on 1) outcomes of trial courts, 2) development of boundary law in the Utah courts of appeal, and 3) on those cases which never went to court because John was instrumental as a peacemaker.

Although we pause to recognize a life of great achievement, John Stahl is far from finished with what he has yet to achieve. ◀



Past Lifetime Achievement Award Winners

2017 Thomas W. Harvey
2017 John B. Stahl
2016 Ken Hamblin
2015 Phylip Leslie
2014 Max Elliott
2013 Robert W. Knox
2012 Richard Sorenson

2011 Dean Hill
2010 Lawrence Kay
2009 Val Schultz
2008 Bud Rhodes
2007 Jack Balling
2006 Clyde Naylor
Vaughn Butler

Utah Council of Land Surveyors 2017 Lifetime Achievement Award

THOMAS W. HARVEY

BY JAMES COUTS



Mr. Harvey has spent over 60 years in the surveying profession, which is double the time requirement for the Lifetime achievement award. During that time, Mr. Harvey has done as much as anyone for the profession in the state of Utah, including serving as the UCLS Salt Lake Chapter President, helping create the Foresights newsletter, and serving as a founding member of the Western Federation of Professional Surveyors.

At 80 years old, only a handful of living surveyors have been licensed longer in the state of Utah than Mr. Harvey. These include previous UCLS lifetime achievement award winners Dean Hill and Max Elliot.

While at Bush and Gudgeon, his survey crews were the “proving ground” for so many young surveyors. A significant number of Utah Surveyors can trace their “mentor lineage” back to Tom Harvey. Today, a fourth generation of surveyors is still being affected by Mr. Harvey, his colleagues, pupils, and protégés, and their colleagues, pupils and protégés.

In addition to his individual service to the surveying community, and more specifically the UCLS, he has supported and encouraged his employees to participate in the UCLS as well.

Mr. Harvey’s age has diminished his own participation in the UCLS and the greater surveying community in recent years, but his employees have served on nearly every UCLS committee, as committee chairs, and as chapter presidents. The lasting effects of his lifetime

of surveying will be felt for many years through his leadership and mentoring of young surveyors throughout his career.

In order to keep this article a secret, Mr. Harvey was not consulted or interviewed, and the dates used have been compiled from the memories of many long-time associates, peers and friends.

General Experience and Qualifications

Mr. Thomas W. Harvey is currently the executive Vice President of Electrical Consultants, Inc. He oversees the Surveying and Land Services Departments activities. He has more than 60 years of experience in the surveying industry.

He has served as the UCLS Salt Lake Chapter President, during which time he helped create the Foresights Newsletter. Mr. Harvey was also a founding member of the Western Federation of Surveyors. He is currently licensed in five states, including Utah, and continues to work regularly on survey projects providing expertise on many levels, but especially on cost proposals.

Mr. Harvey was born in 1937 and began working for Bush and Gudgeon in 1953 when he was 16. Working as a rear-chainman in those times was difficult with crews of three and four or more members still being commonplace. It was hard work, but Tom excelled at surveying and was running his own crew by the late 1950s and early 1960s. Tom moved into the office in the late 1960s and began to oversee the duties of multiple crews.

In 1973, Mr. Harvey received his first of many surveying licenses. There are now fewer than 20 other surveyors

with current licenses in the State of Utah who have had a license as long as Mr. Harvey has had. Tom later became licensed in Nevada, Alaska, Wyoming, and Idaho. He maintains each of those licenses to this day.

In the mid-1970s, Mr. Harvey began to market heavily to Utah Power and Light and Mountain States Fuel. He was one of the surveyors to receive regular work from these utilities, and he was awarded what would now be called an On-Call Contract or Master Services Agreement. With the amount of work that Mr. Harvey brought into Bush and Gudgeon, they started an Energy Division. Mr. Harvey managed the Bush and Gudgeon Energy Division for almost 15 years.

His ability to market kept the Energy Department busy for many years. Eventually it grew to where Mr. Harvey was managing 19 crews. An anecdote I have heard many times at UCLS conventions is that in the 1980s you couldn’t find a survey crew in Utah that didn’t have at least one person on it who had gotten their start at Bush and Gudgeon. For a time, they were the “proving ground” for surveyors, and Tom Harvey played a major role in mentoring these surveyors.

In 1988, Tom Harvey left Bush and Gudgeon and purchased Intermountain Aerial with an old friend. During his time at Intermountain Aerial, he continued working with the telecommunications side of surveying and worked on contracts with MCI that took his survey crews to all 50 states. Intermountain Aerial continued to work on power delivery projects as well, and he mentored an entirely new group of surveyors.

In 1996, ECI brought Mr. Harvey in to start the survey department at their

fledgling Salt Lake City Office. What began as a department of two people has grown to over 20. He currently oversees a survey group that includes nine professional land surveyors licensed in 21 states.

Employment History

- Survey Manager, Electrical Consultants, Inc., Salt Lake City, UT, 1996 to present
- Vice President, Intermountain Aerial Surveys, Salt Lake City, UT, 1988 to 1996
- Survey Manager, Energy Dept. Bush and Gudgell, Salt Lake City, UT, 1975 to 1988
- Surveyor/Survey Crew Member, Bush and Gudgell, Salt Lake City, UT, 1953 to 1975

Active Registration

- Registered/Professional Land Surveyor: Utah #3824: 1973,
- Nevada #4078: 1975, Alaska #3882: 1975
- Wyoming #602: 1977, Idaho #3578: 1978
- International Right-of-Way Association: 1983
- Utah Council of Land Surveyors: Member and past President ◀



UCLS President's Message - 1978



President's Message by Thomas W. Harvey President, Utah Council of Land Surveyors

Is a Surveyor a professional or technician?

We hope that this publication will direct all surveyors in their thinking towards a high level of professionalism.

This magazine is a beginning of a campaign to educate the design profession, including the surveyor, perhaps giving encouragement to those who struggle in an old profession attempting to reach new heights.

Many design professionals view surveying much like they do the business of undertaking - only necessary as a last resort. The design professional (particularly a civil engineer) views the surveyor and surveying as an unfortunate part of engineering curriculum, hopefully never to be heard of or seen again. The architect probably looks at the surveyor as an unnecessary commodity because he thinks he has to rework that which he paid the surveyor for originally.

The foregoing is a facetious statement, but unfortunately with some ring of truth. An intensive educational program is necessary if we are going to change attitudes. It must begin within our own profession. Secondly, other design professionals must learn of the benefits of careful surveying and the general clientele whom we serve must begin to more fully appreciate the worth of surveying.

No one magazine or one plea for recognition is going to make any significant change. This issue hopefully will stimulate the professional surveyors to consider a current involvement in the upgrading process. The Utah Council of Land Surveyors invites you to join the organization and support us in our educational process.

Hopefully it will begin a movement which will bring to the forefront of all who are concerned a renewed and consistent attention to all aspects of the profession which will warrant and justify the term "PROFESSIONAL".

Thomas W. Harvey

Utah Council of Land Surveyors 2016 Surveyor of the Year Award

DALE ROBINSON

BY DAN PERRY

Dale grew up in Millard County on the family farm. He began working as a surveyor in the summer of 1984. He graduated with a degree in Geography from Utah State University in 1990 and began working as a surveyor full time, first with CJ Schuchert, then with CRS Engineers, before finding his home at Sunrise Engineering in 1993.

He received his license in 1994 and also became a member of the Utah Council of Land Surveyors the same year.

He has served as the Legislative Committee Chair, Salt Lake Chapter Rep, and is currently the State Past-Chair.

Dale's ancestry includes many notable pioneers. These include John Alden, the noted leader who came to America on

the Mayflower, and Joseph Lee Robinson, who crossed the plains with Brigham Young and helped to settle Farmington, Utah and Parowan, Utah.

His grandfather, Joseph L Robinson, installed the first irrigation wells in the unincorporated community of Flowell, Utah, where he grew up. His maternal Grandfather, Charles Christensen, ran 5,000 head of cattle on the open ranges of Utah and fought in World War I in the 177th Division, later known as "The Lost Battalion."

His father, Ralph Robinson, managed the first rural electrical cooperative, Flowell Electric Assn, that brought electricity to the farms of East Millard County.

Dale has applied the pioneer spirit to his effort at Sunrise Engineering and within the profession of land surveying. ◀



L – R: Alden Robinson, PE (ret), Sunrise Engineering Founder; Dale Robinson; and Dan Perry

PAST SURVEYOR OF THE YEAR

2016	Dale Robinson	2009	John Stahl	2002	Robert Knox
2015	Scott Bishop	2008	Dan Knowlden, Sr.	2001	Nelson Marshall
2014	Danial Perry	2007	Keith Hafen	2000	Richard Kimball
2013	Darryl Fenn	2006	Walt Cunningham	1999	Martin Moore
2012	Arthur LeBaron	2005	Ernest Rowley	1998	Robert Jones
2011	Steve Keisel	2004	Ron Whitehead		
2010	Jerry Allred	2003	Dale Bennett		

2016 NSPS Year-End Activity Summary Report

BY STEVE DALE – NSPS DIRECTOR, UTAH

National Association of Realtors

NSPS contacted the National Association of Realtors (NAR) about its Code of Ethics, stating “NSPS urges the National Association of Realtors to add the following language to Article 13 of its Code of Ethics and Standards of Practice document:

REALTORS(r) shall not engage in activities that constitute the unauthorized practice of Land Surveying and shall recommend that counsel of a professional land surveyor be obtained when the interest of any party to the transaction requires it.

The NSPS-proposed statement is similar to an existing statement in the NAR Code of Ethics related to activities that may constitute the unauthorized practice of law. After further interaction, and NSPS responding to an NAR request for examples of the types of activities we are concerned about, the NAR Interpretations and Procedures Advisory Board responded that it sees no reason to add the NSPS proposed statement, adding that it feels confident that NAR’s overall Code of Ethics language is sufficient when it comes to “surveying activities.” Of course, NSPS disagrees with this and plans to readdress the issue.

Certified Floodplain Surveyor (CFS)

There is rekindled interest for expanding the use of a joint NSPS/ASFPM Certified Floodplain Surveyor certification program to other states. The program is currently available only in North Carolina. Recent discussions about the expansion of the program will be continued during the Tennessee Association of Professional Surveyors conference in March between NSPS Executive Director Sumner, members of the group (including the North Carolina Society of Surveyors) operating the CFS program in North Carolina, and some individuals in Tennessee to discuss possible implementation of the program there. Several of the state surveying societies have invited representatives of the group operating CFS in North Carolina (including NSPS Past President (2001) Gary



Thompson) to make a presentation on how the program works.

NAD 22

NSPS representatives worked with NGS and representatives from other groups to develop template legislation for use by the respective state legislatures to revise/amend their state laws dealing with datums when NAD 22 becomes effective. The template can be accessed from the NSPS website, http://www.nsp.us.com/resource/resmgr/NGS/Template_Draft_-_Final.docx.

Workforce Development

During its Spring 2016 meetings, NSPS established a Workforce Development initiative. Its purpose is to work in concert with the activities of the Future of Surveying Task Force and the respective state surveying societies to develop a program that will create the framework for insuring the perpetuation of the surveying profession. Three state societies (Maryland, Oklahoma, and Virginia) have already initiated Workforce Development initiatives through their respective state governments/agencies. A page (<http://www.nsp.us.com/page/WorkforceDev>) has been set up on the NSPS website where information about NSPS and state society efforts can be viewed.

Future of Surveying Task Force

During a meeting of the Task Force, June 10 – 11 in Baton Rouge, NSPS took the reins as the “lead organization” for future activities of the group. The Task Force was originally initiated with NCEES support. It was surprising, and very rewarding, that from among the 18 organizations participating in the initial Forum meeting in January 2016, a total of 16 of those

organizations sent representatives to this second meeting. NCEES funded travel for all groups to the initial meeting, but each organization was responsible for the expenses of its representative for the second meeting. Continued participation under this circumstance is indicative of the importance of this effort, and the dedication of so many organizations to the cause. Among the topics discussed were the results from a questionnaire, prepared at no cost for NSPS and the Task Force by Gavin Schrock and xyHt magazine. Over 2,200 surveyors from across the country responded. Three committees were formed to focus on critical issues that need to be addressed. NSPS is also working to have the Young Surveyors Network become more active in this effort.

The NSPS 2017 budget includes money to fund the cost for the facilitator who worked during the first two meetings to provide that service again during a Spring/Summer 2017 meeting of the Task Force. After the June 2016 meeting of the Task Force, three additional state societies (Maryland, Oklahoma, and Virginia) began Workforce Development initiatives that are working in concert with the work of the Task Force through their respective state governments or agencies.

Davis Bacon Act

NSPS recently sent a letter (http://www.nsp.us.com/resource/resmgr/Davis-Bacon/NSPS_letter_to_Dept_of_Labor.pdf) to the Department of Labor (DoL) about the application of Davis Bacon prevailing-wage rates to the members of survey crews. The letter suggests that a recent statement by DoL related to the

classification of air-balance engineers also “accurately describes the standing and circumstance of a survey crew member,” although admittedly in the performance of a different activity. The NSPS letter also requested that DoL issue a revised All Agency Memorandum reflecting this fact. In its response dated 11/28/16, DoL rejected the NSPS proposal, stating “the Department believes that its current guidance is accurate and that no additional action is necessary.” With the potential impact on federal agency leadership as a result of the recent elections, NSPS will revisit this issue.

Visit <http://www.nsp.us.com/?page=DavisBacon> for information on the history of this topic.

NSPS Foundation Issues \$29,000 in Scholarships

Two new scholarships were initiated in 2016. One was created through the New Jersey Society of Professional Surveyors in the name of well-known Surveyor/Attorney/Instructor Walt Robillard. The other was initiated through NSPS, and resulted from a gift of \$130,000 from the estate of Dr. Ing. Desider E. Slavoj. Learn more about the scholarship program at <http://www.nsp.us.com/?page=Scholarships>. The Foundation is currently working on a Support Program through which individuals and companies can support its activities.

NSPS Workshop Database

NSPS is nearing completion of the first edition of a workshop speaker database to be shared with the respective state societies for use in planning for their conferences and other educational activities. The list will include primarily those speakers who can be available on a national basis. More than 30 speakers have responded positively to the inquiry sent by NSPS. NSPS hopes to also coordinate with other national organizations that provide workshops to their respective members, but could also be pertinent to surveyors.

NSPS Outreach to American School Counselors Association (ASCA) Inspires Activity

The success of the team from NSPS (led by President Cavell) which attended the national ASCA conference in New Orleans in early July has spurred similar participation by NSPS members and their respective states societies. NSPS will continue this effort and is

encouraged that several state societies are following its lead on this. NSPS has developed a series of brochures to be used for this outreach, in conjunction with state-society-developed materials.

NSPS Encourages More Participation in the National TrigStar Competition, the NSPS Map/Plat Competition, and the NSPS Journalism Competition

The 2016 national TrigStar competition included participation by 38 state winners. The TrigStar Committee continues to work for broader participation among the state societies. The recently initiated NSPS \$5000 TrigStar scholarship (see <http://www.nsp.us.com/?page=TSScholarship> for more information) seems to have served as an incentive. Any graduating high school student is eligible to apply for the scholarship if they have competed in TrigStar at any time during their high school years and can demonstrate proof of acceptance in a college program providing education applicable toward achieving licensure.

The 2016 NSPS Map/Plat competition drew 43 total entries among its five categories. Results are posted on the NSPS website (<http://www.nsp.us.com/?page=MapPlat>). The respective state surveying societies are urged to submit the winning plats from their annual competition.

The NSPS Journalism competition among the respective state societies continues to draw participation with eight state societies presenting entries in the four categories in 2016.

The results are posted on the NSPS website (<http://www.nsp.us.com/?page=Journalism>).

NSPS Social Media Update Members are encouraged to take advantage of the extensive NSPS social media outlets.

In addition to the very popular weekly email newsletter, NSPS News & Views (which is sent via email) and the weekly web radio show, NSPS Radio Hour (accessible at <http://www.nsp.us.com/?page=RadioShow>), members

can also get current information and participate in conversations by searching National Society of Professional Surveyors on Twitter, Facebook, LinkedIn, and YouTube accounts.

Recent Memoranda of Understanding by NSPS

1. Young Surveyors Network (signed during the NSPS 2016 Fall meetings)
2. United States Institute of Building Documentation (USIBD) (signed October 2016)
3. Utility Engineering and Surveying Institute (American Society of Civil Engineers) (approved for signature)

Direct Point Positioning Survey Procedure (DPPS) – BLM/Alaska

An NSPS Committee, chaired by Tim Kent, has submitted its final report related to the effect of the DPPS process proposed by BLM for the establishment of boundary line markers and for the remaining lands to be ceded to the State of Alaska as a result of Alaska statehood over 50 years ago. The DPPS process, as proposed by BLM, would use calculated GPS positions rather than monuments placed in the ground, as was initially required in the statehood agreement. The Committee is now in the process of developing a response in opposition to a statement by a BLM official stating that the Committee found “no fundamental technical issues” related to BLM’s proposed approach (<http://www.nsp.us.com/page/BLMDPPSAlaska>).

Should Hydrographers Be Licensed as Surveyors

In case the issue is presented to the Oregon legislature in the Spring of 2017, Professional Land Surveyors of Oregon Lobbyist Darrell Fuller has requested a position statement from NSPS regarding the question of whether hydrographers must be licensed to provide services in the state. A committee has been looking at this issue for some time, and is finalizing a position for NSPS to decide upon. ◀



Steve Dale
NSPS Director



Proposed Direct Point Positioning Survey (DPPS) in Alaska

BY STEVE DALE – NSPS DIRECTOR, UTAH

On November 14, 2016 the National Society of Professional Surveyors (NSPS) issued a report about the proposed use of a new survey procedure known as Direct Point Positioning Survey (DPPS), which is proposed for surveys of certain lands to be conveyed to the State of Alaska under the Statehood Act. The report was prepared pursuant to a letter from Gerald Jennings, Chief of the Survey Section for the Division of Mining, Land & Water, Department of Natural Resources, State of Alaska (DNR) to the National Society of Professional Surveyors (NSPS) requesting an analysis and comment on this proposed procedure. The following is a summary of the NSPS report (go to the November 23, 2016 News and Views to view the full report).

DPPS is a method of survey and documentation that will use direct survey-derived geographic coordinates to report measurements on the official survey record. BLM proposes to use DPPS methods to fix corners by geographic coordinates referenced to the National Spatial Reference System (NSRS) geodetic datum. Physical monuments will be set at angle points on the perimeter of large tracts of state selected lands. Unmonumented corners are fixed in the official record by reporting each corner's survey-derived geographic coordinates.

The NSPS analysis and comment committee comprised the following professionals:

- Dave Doyle, Geodesist (Maryland)
- Timothy Kent, PLS (Washington)
- John Kerr, PLS, CFedS (Alaska)
- John Matonich, PLS (Michigan)
- Glen Thurow, PLS, CFedS (New Mexico)
- Karen Tilton, PLS, CFedS (Alaska)

Also contributing were the following professionals:

Curt Sumner, PLS, NSPS Executive Director
Jon Warren, PLS, NSPS Past President

NSPS requested participation and comment from the National Geodetic Survey (NGS) on the DPPS proposal. NGS determined that a formal but separate response was more appropriate and that response will be forthcoming at a later date.

The thrust of this requested analysis and comment surrounds the methodology and expense to define the remaining lands to be selected by the State of Alaska. The Federal Government has patented or interim conveyed approximately two-thirds of the state-selected lands. A portion of the remaining lands to be identified are those that are proposed to be surveyed by the DPPS method. The committee was provided numerous documents over the past year pertaining to all aspects of surveying the federal interest lands before patenting the same to the State of Alaska. These included historic documents along with other technical papers and also comments from some private surveyors in Alaska. The committee

examined the impacts of BLM's DPPS proposal with regard to:

- Past agreements between BLM and the State of Alaska regarding the survey of state selected lands;
- Widely accepted principles of boundary law and the hierarchy of evidence for monuments;
- Survey procedures of state lands after patent using DPPS methods;
- The technical and training requirements needed to properly use DPPS now and in the future.

The DPPS method is a substantial departure from established federal survey practice in Alaska, which may be unfamiliar to surveyors in other states. Therefore, some background discussion is necessary to understand the context of the DPPS discussion.

Alaska Statehood and the MOU, History and Background

While it is important to understand how the lands of other states were patented and surveyed, it is essential to look at the process in place when Alaska was granted statehood. The Manual of Instructions for the Survey of Public Lands of the United States 1947 was in effect when Alaska was granted statehood. This Manual directed that survey monumentation would be placed at intervals of every half mile around the exterior boundaries of townships. Given the size of the total acreage to be conveyed (102 million acres), this obviously created a tremendous federal obligation.



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Congress considered this obligation when crafting the Alaska Statehood Act. Sec. 6 (g) of the Act outlined the minimum size requirements for state selections and mandated that the Secretary of the Interior survey the exterior boundaries of the selection without interior subdivision.¹ The historic documents provided to the committee indicate that immediately after statehood in 1959, the survey requirements for state selected land were a subject of vigorous dispute between the BLM and the State of Alaska. In 1960, the BLM surveyed and platted the boundaries of seven state selections comprising all or portions of Townships 23 and 24 North, Ranges 4, 5 and 6 West, Seward Meridian as part of Group 100, Alaska. The State of Alaska protested the survey and patent as a violation of Section 6(g) of the Alaska Statehood Act.

As recently as the 2012 memorandum of understanding (MOU) between BLM and DNR, the BLM stated “Regardless of the platting method it uses, the BLM agrees to monument the boundaries of lands it conveys to the State. Monuments will be placed on an average of every two miles along the perimeter of the selection and at angle points.”

The historic documents are clear as to the surveying and monumentation methods to be used for state-selected lands: “... in units of full townships and monumentation at an average of two miles around the perimeter.” This practice did not arise from MOUs with the State, but from House Report 551 in 1963.

BLM has stated that “... a cadastral survey completed using DPPS methods meets the Federal Government’s survey obligations for SOA selected lands under the Alaska Statehood Act.” In fact, the DPPS proposal before us looks very much like the methods and practice that led Alaska to protest plats prepared by BLM in 1960. BLM proposes to use DPPS methods to survey and plat as much as 20 million acres of the State’s remaining entitlement. The committee considered the implications of DPPS methods on commonly accepted survey and boundary law principles and on the institutions that will enforce these principles: state courts.

Coordinates as Monuments

It is important to note the legal definition of “corner” in relationship to “monument”. A corner is a point on the surface of the earth.

In the current discussion, a corner refers to a subdivision point within the PLSS. A monument refers to the physical evidence of a corner’s location.

Courts of competent jurisdiction have generally held that in order for a conveyance to be valid it must contain sufficient certainty of location. Surveying technology has outpaced the court’s acceptance of methodology that is at odds with the currently established priority of evidence. Courts have long recognized the current ranking, which places monuments, natural and artificial, at the top. Coordinates are often ranked near the bottom. DPPS would fundamentally change this ranking.

Survey for Conveyance of State Lands Originally Platted by DPPS Methods

Once the DPPS plat is recorded and the lands are conveyed to the State of Alaska, surveys are performed under the authority of the State of Alaska.

Current State of Alaska statutes and regulations related to survey methods are appropriate where monuments exist, at a

minimum, on the township exterior. These statutes and regulations do not provide methods for a “coordinate only” survey corner. The State of Alaska will need to develop rules and regulations to accommodate the DPPS environment.

Technical Capacity to Reestablish a Point in Space

Using GNSS methods, surveyors with the proper education, experience, equipment, and budget can reestablish a point in space that exceeds the requirements for establishing original corners, even over the long distances between CORS stations and the Group 948 lands.²¹ It will be more cost effective and accurate to reestablish these points from record DPPS monuments on/near the Group 948 lands. The ability to do so will become easier and less costly as technology and the NSRS evolve.

It is expected that at some point after NSRS 2022 is rolled out and functional, surveyors will have the ability to obtain real-time positions that are sufficiently accurate²³ to establish original corners without the need for ground control (assuming that it is possible to accurately model tectonic movement and that there are no seismic events resulting in significant displacement).

Currently, using CORS data makes every survey a two (or more) trip survey. CORS data is not accessible at the Group 948 site nor at most any other remote site in northern Alaska. Satellite phone coverage does not provide a reliable method of accessing data and there is no cell phone coverage in the area. Additionally, some CORS data is not available for months after being logged.

Ability to Reestablish a Point on the Ground

One of the core objectives in boundary surveys is to return to the same (original) position each and every time. The BLM has recognized that the undisturbed original monument is the best evidence of the original position; this position is the basis for many legal decisions by the Interior Board of Land Appeals (IBLA) as well as State and Federal courts. There is significant effort invested in proactively



perpetuating the original position. Efforts include instructions on establishing accessories (including quantity, location, type, character, description, and notation), field work to establish accessories to the original corner position, and the inclusion of accessory information in the field notes.

For non-DPPS surveys, the original positions of original cadastral corners that are lost or obliterated are reestablished from nearby evidence per a court-tested set of defensible rules.

Local seismic activity will be more difficult to model as there are currently insufficient markers (monuments or other uniquely identifiable physical objects) to identify how much the land has moved as the result of a specific seismic event.

Currently, accomplishing a survey in this area requires significant travel in challenging terrain. Alaska Land Surveyors have extensive experience

working in this environment and this experience has shown that, although expensive, helicopter access is the most cost-effective approach.

Efficiency in Process

The current BLM methods of surveying and monumenting a number of townships at a time has evolved into a highly efficient system. Crews mobilize, establish logistics and survey systems, and execute surveys consistently and efficiently. Crews have expertise as this is their focus.

- One mobilization for lots of monumentation
- Consistent methods throughout those townships
- Low cost per monument

This is something that BLM has done very well over the years. All surveyors working in these townships know what to expect – things are consistent. This is in

contrast to the scenario that is likely to unfold when the state surveys parcels on an ad hoc basis as needed.

- Multiple mobilizations for a few monuments at a time
- Multiple surveyors with varying levels of experience with DPPS
- Much lower efficiency resulting in much greater cost per monument

Surveying for Conveyance or Long Term Lease

At some point the State will convey land into municipal and private ownership/leases. Alaska Statute AS 38.04.045 requires that lands be surveyed before the issuance of a long-term lease or patent. Even if AS 38.04.045 were rewritten to accommodate conveyance of land without monumentation, end users will, for the foreseeable future, need monuments to ensure that improvements are constructed within the bounds of lands for which they have the appropriate rights.

From a land management perspective, building a set of rules and regulations to support a new paradigm where coordinates (currently the lowest item in the hierarchy of boundary evidence) are the highest form of evidence of the corner position is daunting. The prevailing principal of boundary law holds that the original undisturbed monument and its accessories are the highest form of evidence of boundary location. There are hundreds of thousands of attorney hours and there are thousands of cases that were held before the IBLA and state and federal courts which establish the rules and precedence that dictate how evidence is evaluated and weighted when reestablishing corners. These cases and existing law form a body of knowledge that is the basis of professional competency testing, reference books, college

courses, and ongoing court decisions. None of this exists for the DPPS model.

The State would be best served to put monuments in the ground as soon as land is put to use and to hold those monuments as outlined in the current body of boundary knowledge and law.

Our review of DPPS demonstrates that a higher level of expertise, not just for surveyors but for state courts, land managers and users will be required in order to understand its impact on state owned lands. While the cost savings to the federal government is obvious, is it equitable for one state to bear the costs of this experiment?

Equity of Using DPPS methods only in Alaska

As mentioned previously, the Manual of Instructions for the Survey of Public Lands of the United States 1947 was in effect when Alaska was granted statehood. The manual directed that survey monumentation would be placed at intervals of every half mile around the exterior boundaries of townships. Given the size of the total acreage to be conveyed to Alaska (102 million acres), the survey procedure required by the 1947 Manual and used in the lower 48 states created a tremendous federal obligation.

Because of this obligation and a fundamental disagreement on the procedure for state surveys, a compromise was reached between the Department of the Interior and the State of Alaska in 1963. This settlement, brokered by Alaska's Congressional delegation and confirmed by both houses of Congress, directed BLM to survey state selected lands by single township, with perimeter monumentation every two miles around the individual township boundaries. This is still significantly different than the system in

place in the lower 48 states, but was agreed to by the State of Alaska.

The current proposal of Direct Point Positioning Survey (DPPS) is even further from the 1947 manual. It is proposed to be used only in Alaska at this time and no other states with any existing federal survey obligations.

Committee Recommendation

The committee has reviewed multiple documents, both very technical and legal in nature, and concludes that the proposed DPPS method fails to protect the rights of the citizens of the state of Alaska through the lands managed by the Department of Natural Resources. It also fails in the fundamental surveying principle across America in which monuments, once established on the ground, control the location of the parcel of land.

The in-depth review of the technical aspects of the DPPS process cannot be replicated with the data supplied with the survey.

Recent NSPS Actions About DPPS

The BLM at this point is still proposing to use DPPS for surveys in Alaska. At the March 17, 2017 NSPS Board of Directors meeting, Steve Dale of Utah presented a motion from the Western States Directors Council of NSPS, which was seconded by Paul Burn of Nevada, stating the following: Therefore, I move for the NSPS Government Affairs Committee without delay draft a position paper restating NSPS opposition to the BLM DPPS method of Public Land Surveys in Alaska and elsewhere. The motion received unanimous approval of the NSPS Board of Directors. ◀



Steve Dale
NSPS Director



Western Federation of Professional Surveyors Report

BY MIKE NADEAU, WFPS REPRESENTATIVE

The last Western Federation of Professional Surveyors (WFPS) Board of Directors meeting was held on February 25, 2017 in Bozeman, Montana. Delegates from 10 of the 13 western states were in attendance including myself, representing as Utah's delegate. Following is an update of what WFPS is currently working on.

Developing and Maintaining Programs to Promote the Profession

WFPS is committed to promoting the land surveying profession. To that end, WFPS is currently developing the following programs:

• Youth Outreach – Land Surveying as a Career

WFPS has budgeted funds to develop an after school/community program. The program will include 10 hours of curriculum that can be used by state associations and their chapters to promote land surveying as a career. The initial outline of the program is complete.

• WFPS Scholarship Modification

WFPS is currently modifying its scholarship policy to allow awarding to students enrolled in a two-year Associates Degree Survey program. This will ensure that all students in all 13 states represented in WFPS will have an equal opportunity to be awarded a scholarship.

• Public Awareness – Elevator Pitch Contest

The winner of the Elevator Pitch Contest was Richard Heiren of Alaska. Richard generously donated the \$100 reward to the WFPS Scholarship fund. Here is what he came up with:

*"3 of the 4 presidents on Mount Rushmore were Land Surveyors.
A land surveyor contributes to the way we live today.
The place you call home sits on property a land surveyor measured.
The road you drive on to get to that home was laid out by a land surveyor.
The switch you flip on for lights has electricity delivered in a power line that was laid out by a land surveyor.
The faucet you turn on has water delivered in a pipe laid out by a land surveyor.
The cell phone you talk on utilized a cell tower laid out by a land surveyor.
If you have a question about land – surveyor is a good place to start."*

WFPS will be writing an article which will include several of the submissions received. Once developed, I will be sure to include it in a future edition of Foresights.

Providing Resources to Benefit State Associations

WFPS is dedicated to providing resources to state associations. Following are a couple of the resources currently being developed:

• Speakers Bureau

This new resource developed by WFPS will provide state associations the ability to search for a speaker by name, geographic location, or by topic. The database will include a photo of the speaker, a bio, price range, and testimonials. The search engine is available on the WFPS website – WFPS.org State associations are encouraged to submit recommendations for the speaker's bureau.

• Webinars

WFPS is developing a webinar program to provide educational opportunities and a service to the western state surveying associations. This program will provide the western state associations' non-dues revenue and an opportunity to provide a valuable service to their members. More information regarding this program will be available in the coming months.

Serving as a Regional Voice

WFPS serves as a regional voice for the surveying profession. WFPS has a long history of assisting state associations by providing support on legislative issues. This includes letters of support and resolutions for topics such as continuing education, four-year degree, and definition of surveying.

At the February Board of Directors meeting, WFPS developed the following resolution regarding "Direct Point Position Survey" or DPPS as currently proposed by the BLM (Don't know what DPPS is? Check out this link <https://www.blm.gov/press-release/blm-dramatically-speed-completion-alaska-statehood-land-transfer>)



WFPS RESOLUTION 2017-01

Direct Point Position Survey

WHEREAS, the Western Federation of Professional Surveyors (WFPS) is a regional Association representing Land Surveyors in the 13 western states; and

WHEREAS, twelve of the thirteen WFPS member states use the Public Land Survey System as the basis for land division; and

WHEREAS, WFPS is committed to the protection of the public, which, in part, is accomplished by Land Surveyors monumenting land that is to be parceled or subdivided, including monuments related to the Public Land Survey System; and

WHEREAS, the Direct Point Positioning Survey proposed by the Bureau of Land Management, will greatly reduce the monumentation set to memorialize the Public Land Survey System; and

WHEREAS, coordinate location used in boundary control is last in the Order of Importance, and original monuments will hold in determining property corner location; and

WHEREAS, Direct Point Positioning Survey, will cause dispute between private property owners due to the lack of original monumentation set in the ground; **NOW, THEREFORE BE IT**

RESOLVED, that WFPS opposes the use of Direct Point Positioning Surveys as a substitute for physical monuments.

ADOPTED BY THE WESTERN FEDERATION OF PROFESSIONAL SURVEYORS BOARD OF DIRECTORS, FEBRUARY 25, 2017

Western Regional Conference

WFPS is going to combine with Utah (UCLS), Nevada (NALS) and Arizona (APLS) for a joint Western Regional Conference that will be held in April of 2018 at the Golden Nugget in Las Vegas, NV. More information and final dates will be available the Regional Conference in the future.

NEW! WFPS Website

WFPS has launched a new website. Visit us today! WFPS.org

As always, I challenge the UCLS members to bring up surveying issues that can be brought to WFPS on a regional platform. As your representative, I represent you, so please don't hesitate to contact me at MikeNadeau.UCLS@gmail.com.

Michael Nadeau, PLS/CFedS

About WFPS

The Western Federation of Professional Surveyors (WFPS) was formed in 1979. The Board of Directors includes two Delegates from each of the 13 western states. WFPS serves as a regional voice for land surveyors and meets quarterly to discuss practice issues affecting western state surveyors. For more information about WFPS and the state associations, visit WFPS.org



Michael Nadeau
WFPS Rep

The Re-Monumentation of the Tri-State Monument for Arizona, Nevada, and Utah

BY TODD E. JACOBSEN, PLS
UCLS, COLOR COUNTRY CHAPTER PRESIDENT

During the Utah Council of Land Surveyors (UCLS) 2016 Convention that was held at the Dixie Convention Center in St. George Utah, Daniel W. Webb approached several UCLS board members and hinted that UCLS should consider re-monumenting the Tri-State Monument located at the northwest corner of Arizona, the southwest corner of Utah, and the easterly state line of Nevada. He works for the Bureau of Land Management (BLM) and is the Chief Cadastral Surveyor, Utah State Office. In the past, the UCLS and the BLM worked together to re-monument several other monuments over the years. The last two were 1) the Uintah Special Meridian (USM) Initial Point in 2009 and 2) the Tri-State corner located at Idaho, Nevada, and Utah in 1999.

During its June 11, 2016 board meeting, the UCLS Executive Board discussed this re-monumentation project and unanimously approved moving forward with it. Since the project location is located within the boundaries of its Color Country Chapter, this project was assigned to them to take to task. Todd E. Jacobsen, PLS and Color Country Chapter President, sent a formal email to the BLM Arizona, Nevada, and Utah Cadastral Survey Chiefs outlining and requesting BLM's involvement. He also sent emails to the Arizona Professional Land Surveyors (APLS) and the Nevada Association of Land Surveyors (NALS) association boards seeking their assistance in the project as well.

On July 6, 2016, shortly after this assignment was given, Todd, Bob H. Hermandson, PLS and Color Country Chapter Vice President, and Michael Draper, PLS and UCLS Color Country member, visited the site to get a feel for what it looked like, what condition it was in, and what needed to be done to make this project work. After some thoughts and discussion it was decided that we needed to hold a chapter luncheon and start discussing the details and answer what, why, how, and who for making this project happen.

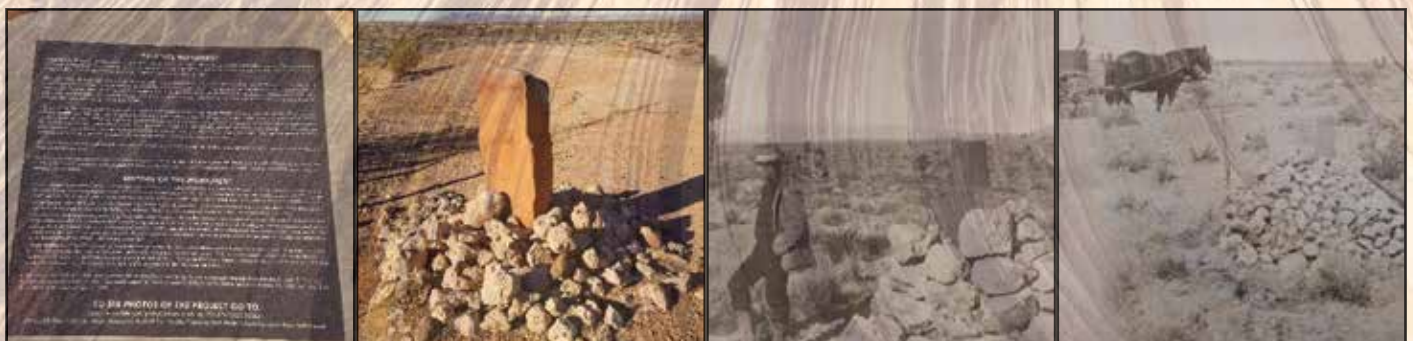
Note: At this point, the existing monument was a red sandstone shaft that (according to survey notes) had a shaft six feet long, 16 inches broad and 12 inches thick. From the top down it was dressed (or smoothed out) 8 inches and was marked with letters 1½ inch square engraved deeply in the stone. There are four sides (or faces) to this monument, as follows:

- NEVADA on the N.W. face
- UTAH on the N.E. face
- ARIZONA on the S.E. face
- INTL. MONT 37 N. L. 1901 on the S.W. face

Also according to the survey notes, there was a raised mound of stones with a 5½ foot base and 2½ feet high that surrounded the shaft. The stones were mostly still there. The monument stood about 3 – 3½ feet above the ground.

This monument was set in 1901. When seen on this outing, it showed signs of weathering and some graffiti (engravings from some of its visitors), but all in all it was still in decent condition.

The Color Country Chapter began to hold several luncheons where a number of designs of the new monument were presented and those who attended discussed the types of tools and materials that would be needed. We were sure that we wanted to complete this project before the next UCLS convention that was to be held in February of 2017 so we could hold a ribbon-cutting type ceremony in conjunction with the convention. Since the BLM, APLS, and NALS organizations were too far away for attending these luncheons to be practical, Todd kept in touch with them via emails and phone calls and kept everyone up to date on the plans for the re-monumentation project. During this same time, the BLM was also busy doing its own planning for a proposed re-survey of the State lines. They were also busy performing records research, which resulted in a number of excellent pieces of information to aid us in this project.



Just about August of 2016, plans started coming together and a fundraiser was organized. Collaboration efforts formed to involve the BLM, APLS, NALS, and UCLS. Cost estimates for products and material were prepared. Cost estimates came in at roughly \$8,000. A fundraiser was started and the APLS, NALS, and UCLS associations kicked off the fundraiser with large donations. Individual surveyors and surveying companies soon started sending in their donations. This fundraising effort was complete in only a few short months after we received donations from surveyors and surveying companies located in Arizona, Michigan, Nevada, Utah, Washington, Wisconsin, and Wyoming. In all, donations totaled \$8,675.00.

The list of materials purchased for this project is as follows:

- Three 15-foot flagpoles, one for each state, and one 20-foot flagpole for the flag of the United States of America. In addition, we bought four solar LED lights, wayfinding signs and additional flags. The total was \$3,715.
- A granite stone (48-inch diameter, 1½-inch thick) for \$700. This was a partial donation by Southwest Marble & Granite.
- Engraving the design on the granite stone: \$800. This was a partial donation by Kenworthy Signs & Monuments.
- Materials (nine bags of ready-to-use concrete mix, silicone, fencing materials, and thin set) for \$283
- Two basalt boulders with laser-engraved black tiles for \$500
- Commemorative medallions and easels for \$2,680

In addition, other materials were donated for this project:

- Sixty bags of ready-to-use concrete mix, one 42-inch diameter x 3½-foot-long sonotube, four 24-inch diameter x 3½-foot-long sonotubes, two tarps, rebar cages for the concrete, and sand. These were donated by Clyde Companies.
- Flags were donated by James A. Olschewski. He is a PLS, CET, SR/WA, and UCLS member.
- A stainless steel center pin for the monument that was donated by Adam Allen. He is a PLS and UCLS Member.
- There were also hundreds of hours of service completed by many men who wanted to be part of this impressive accomplishment.

Those who donated their time, money, or materials all received a commemorative medallion to display.

The first step in this re-monumentation project was to perform a retracement survey, which was performed by the collaboration of the three states' BLM offices (AZ, NV, and UT). On Friday, November 4, 2016, representatives from the three BLM offices, along with members of the three state professional land surveyor societies of the APLS, NALS, and UCLS met to perform the retracement survey. There were approximately 25 people in attendance that day. To start, Dan Webb presented a brief history of the surveys that had been performed over a hundred years ago (a brief history can be read at the end of the article). After the history presentation, three survey groups were formed, one group heading north on the Nevada and Utah State lines, one group heading east on the Arizona and Utah State lines, and one heading south on the Arizona and Nevada State lines.

The crews to the east and south went out a mile looking for and tying in old survey markers, while the crew to the north went about 1½ miles looking for old survey markers as well as evidence of the 1870 Survey mentioned in the history below. This re-survey took most of an eight hour day but was very rewarding. Each crew used survey-grade GPS equipment that gives sub-centimeter accuracy. The measurements and descriptions will become part of the Public Land Survey System Plat and the field notes that are recorded for land managers and public use.

The Bureau of Land Management's Cadastral Survey Program is one of the oldest and most fundamental functions of the United States Government, with origins in the Land Ordinance of 1785. Cadastral Surveys are the foundation of our national land tenure system; creating, reestablishing, marking, and defining land boundaries.

After completion of the retracement survey, crews like those mentioned above went out on January 27, 2017, to record and remove the original Tri-State Monument set in 1901, and prepared the ground and poured concrete for the new monument and flag poles you see there today. As the 1901 monument was carefully being dug out we were anxious to see what was in the ground beneath the monument. When Carpenter's astronomical observations determined that the 1870 monument set by James was set 111.51 chains to far north, he indicated that he destroyed the corner set by James. The survey crew that headed north on the Nevada and Utah State line from the November 4, 2016 survey



looked unsuccessfully for evidence of this destroyed monument. But after removing the 1901 monument set by Carpenter, we were ecstatic to find that he actually inverted the 1870 stone and reshaped the bottom end (now the top) to what you see in the photos. We decided to take the old survey monument, set in 1870 and 1901, and display it nearby at the Washington County Administration Offices located in St. George, UT. If you would like to see this original monument, please go to these offices, which are located at the corner of Tabernacle Street and 200 East Street in St. George, UT.

After allowing the concrete to set, another crew went out on February 3, 2017 to set the 48-inch diameter by 1½-inch thick granite stone monument on its 42-inch diameter by 3½-foot-high concrete base. A combination of thin-set mortar and silicone was used to secure the stone to the base. The 42-inch diameter base was formed using sonotube with 1 to 1½ feet sticking above of the ground. In the middle of this concrete base is a 24-inch diameter sonotube filled with dirt and rocks. We did this to cut back on the number of bags of ready-to-use concrete mix we needed to purchase while still giving it the strength and stability we felt it needed to last. The 1901 rock mound was then restacked around the new monument. The concrete bases for the flag poles were also poured, the fencing near the monument was fixed, and the area was cleaned up.

On Thursday, February 23, 2017, we had the top of the 1870 monument that was set by James on display. This was during the 2017 UCLS Convention that was held February 22 – 24. Many people had the opportunity to see it.

On Saturday, February 25, 2017, the day after the closing ceremonies of the 2017 UCLS convention, a group of about 50 people headed out to the Tri-State Monument site, where a ribbon type cutting ceremony was held. The UCLS invited members from the BLM, APLS, NALS and others to this small ceremony. Several news agencies were also there to report. After installing the flag poles in their bases and also placing commemorative plaques with the corner history and the re-monumentation participant's names, Todd Jacobsen and Dan Webb said a few short words. Flags were then raised to signify the completion of this magnificent occasion. It was an exciting moment as we all shared in this occasion with families and friends. Surveyors were ecstatic, and they brought their wives and children to share in this stirring event. As I like

to tell people, the surveyors were as geeked out about this as surveyors get. What a thrilling project it was. It was awesome to see so many people get involved to make this happen. I don't suppose that I'll ever be a part of anything this big again, so I'll cherish this for a long, long time

In about a year's time we went from the idea being suggested to a few UCLS Executive Board members, to planning and raising funds, to performing a re-survey, to recovering the 100-year-old-plus monument that was set by Carpenter, to completion of the new replacement monument. We hope it will last another 100 years.

About the Flags: It is estimated that the flags will last about six to eight months before they will need to be replaced because of wear by the wind, rain, and sun. With the few dollars that were left from the fundraiser, we purchased five sets of flags so that we can continue to fly immaculate flags for a few years to come. At the top of each flag pole is an LED solar light to light the flags properly at night.

Directions to the Monument:

- If you are traveling from St. George, UT, take I-15 south-bound towards Las Vegas, Nevada. After approximately a half hour's drive, take Exit 8 to Beaver Dam/Littlefield. Beaver Dam/Littlefield is located in Arizona. Turn right and head north. After traveling approximately 400 feet, turn left onto Rincon Road.
- If you are traveling from Las Vegas, Nevada, take I-15 north-bound towards Salt Lake City, UT. After approximately an hour's drive, take Exit 8 to Beaver Dam/Littlefield Turn left and head north. Beaver Dam/Littlefield is located in Arizona. After traveling approximately 1100 feet, turn left onto Rincon Road.

Once you are on Rincon Road, travel on Rincon Road in a southwesterly direction for approximately ¾ of a mile. At the turn in the road, take the dirt road in a westerly direction (do not stay on the pavement). Follow the yellow wayfinding signs for approximately 18 miles to the Tri-State Monument.

Recommended vehicles: Any sturdy vehicle such as a truck, SUV, or Jeep will get you all the way to the site, but once you're off Rincon Road, it would be fun to get there by using any off-road vehicle such as an ATV or UTV.



History of the Monument:

1870: Under a General Land Office Contract dated August 16th, 1870, Isaac P. James, Astronomer and Surveyor, surveyed the Eastern Boundary of the State of Nevada. The survey was commenced October 17, 1870 and completed December 26, 1870. During the survey Mr. James established the corner of Utah, Arizona, and Nevada at the 37th Parallel North Latitude, at mile 298 and 56.00 chains from his Initial Point to the north on the Central Pacific Railroad.

1900 thru 1901: Under a General Land Office Contract dated October 13th, 1900, Howard B. Carpenter, U.S. Surveyor and Astronomer, was directed to survey the boundary line between the State of Utah and the Territory of Arizona. The survey was commenced March 24, 1901 and completed July 1, 1901.

Local people living on the Virgin River, near where it is crossed by the line between Nevada and Arizona, told Mr. Carpenter that old corners on the line were still in existence and that the sandstone shaft erected by Mr. James in 1870 to mark the 37th parallel was still standing. Mr. Carpenter proceeded out from St. George, Utah and Beaver Dam wash, in Arizona and found the 1870 James state line corners. After astronomical observations, he determined that the "James Monument was 111.51 chains too far north. Therefore pursuant to instructions I destroy the James corner and proceed to establish the initial corner at the intersection of the 37th Parallel with the James line."

"At the intersection of the 37th parallel north latitude with the James line I set a red sandstone shaft 6 ft. long 16 ins. broad and 12 ins. thick, dressed 8 ins. down from the top, diagonally in the ground, for the Initial Monument, marked with letters 1 1/2 ins. square deeply graven in the stone NEVADA on the N.W. UTAH on the N.E. ARIZONA on the S.E. and INT'L. MONT. 37 N. L. 1901 on the S.W. faces. Raised a mound of stone 5 1/2 ft. base 2 1/2 ft. high around the shaft and dug pits 36X36X18 ins. N. E. and S. of corner 6 ft. dist. No trees within limits."

FUNDRAISER = \$8,225.00

Project costs were:

- \$700.00: granite stone
- \$3,235.10: flag poles, wayfinding signs, solar LED lighting, flags
- \$283.42: ready mix, silicone, fencing, thin set, and so on.
- \$800: monument engraving
- \$500: stones with plaques on them (two stones, two plaques)
- \$160.05: paperweight stands
- \$2,520: paperweights

The total spent was \$8,198.57.

In addition to the 1870 and 1901 state boundary line surveys, Public Land Survey System surveys adjoining the State lines are:

- Arizona, T. 42 N., R. 16 W., GSRM, approved January 25, 1922 (Davis).
- Nevada, T. 11 S., R. 71 E., MDM, approved December 2, 1881 (Myrick). This survey was suspended August 18, 1964.
- Utah, T. 43 S., R. 20 W., SLM, approved April 2, 1938 (Nelsen & Winwood). ◀

To see additional photos of the project, go to

<https://www.flickr.com/photos/blmutah/albums/72157672626330643>
(BLM Utah flickr write-up; album by BLM Dan Webb;
Photos by BLM Public Affairs Specialist Ryan Sutherland)

By: Todd E. Jacobsen, PLS

UCLS, Color Country Chapter President

City Surveyor, City of St. George

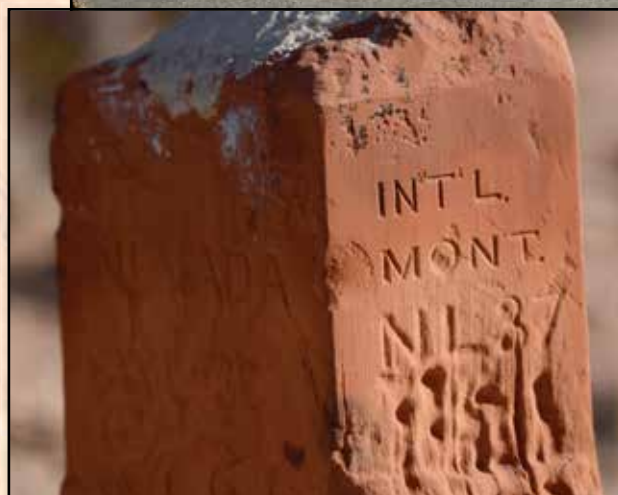
History provided by: Daniel W. Webb

BLM, Utah State Office (UT925)

Division of Lands & Minerals

Chief, Branch of Geographic Sciences

Chief Cadastral Surveyor, Utah



UTAH COUNCIL OF LAND SURVEYORS MEMBERSHIP APPLICATION

Return this application with fees to the Utah Council of Land Surveyors, P.O. Box 1032, Salt Lake City, Utah 84110

Name of Applicant: _____	Send Mail To: <input type="checkbox"/> Business <input type="checkbox"/> Home (check one)
License Number: _____	Business Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Phone: _____	Phone: _____
E-Mail: _____	Fax: _____

I hereby make application for membership in the Utah Council of Land Surveyors and agree to abide by the By-Laws of the organization:

Date: _____ Signature: _____

Check membership applied for:

- | | |
|---------------------------------------|----------|
| <input type="checkbox"/> LICENSED | \$125.00 |
| <input type="checkbox"/> ASSOCIATE | \$60.00 |
| <input type="checkbox"/> OUT-OF-STATE | \$60.00 |
| <input type="checkbox"/> RETIRED | \$50.00 |
| <input type="checkbox"/> AFFILIATE | \$50.00 |
| <input type="checkbox"/> STUDENT | \$30.00 |
| <input type="checkbox"/> SUSTAINING | \$130.00 |

Membership Dues	\$ _____
New Member dues include a CD containing member information	
Optional: Membership Binder	\$ 40.00
(includes all of the information on the CD in printed form)	
Total Enclosed	\$ _____
<i>Monies paid to UCLS may be deducted as a Business Expense</i>	

Chapter with which you wish to affiliate:

- Book Cliffs Color Country Golden Spike Salt Lake Timpanogos

The following is a list of the standing committees of this organization. Check any committee on which you would be interested in serving:

- | | | |
|--------------------------------------------------|-----------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Legislation | <input type="checkbox"/> Education | <input type="checkbox"/> Publication |
| <input type="checkbox"/> Workshop and Convention | <input type="checkbox"/> Standards and Ethics | <input type="checkbox"/> Testing |
| <input type="checkbox"/> Public Relations | <input type="checkbox"/> Historical | <input type="checkbox"/> Membership |

Licensed Member must be individuals who are licensed as land surveyors in accordance with the laws of the State of Utah and who otherwise have met the membership requirement set forth herein and/or modified by the Board of Directors from time to time. Only Licensed Members shall have the rights of voting members under the Act;

Associate Members must be employed by a licensed land surveyor or employed by a firm or agency engaged in the practice of land surveying and must intend to make their livelihood in the land surveying profession;

Affiliate Members must be employed by a private firm or public agency that is engaged in an activity related to the surveying profession. Affiliate Members are those persons who do not desire to become professional land surveyors but are interested in being associated with the land surveying profession;

Student Members must be enrolled in a college or university in pursuit of a major in surveying or a related field;

Retired Members must (i) be or have been Licensed Members or Associate Members of the Corporation in the past, (ii) be over the age of 60, and (iii) no longer be participants in the business of land surveying;

Out-of-State Members must have their full-time residence outside of the State of Utah and desire to receive the informational benefits of the Corporation;

Sustaining Members must be individuals or entities that are engaged in the (i) manufacture or distribution of surveying instruments or equipment, (ii) compilation or reproduction of maps, or (iii) performance of services for land surveyors from a commercial standpoint.

The ART and ACCURACY of Writing Legal Descriptions

BY STEVE V. KEISEL, PLS

Fellow Surveyors and surveyor-want-a-bees, please accept my sincere apologies for the no-show at our UCLS conference. I was really looking forward to participating in the ethics panel discussion and also sharing my thoughts on legal descriptions. Unfortunately, unforeseen health issues and a commanding – I mean caring spouse changed my plans. However, I do wish to share my “Art and Accuracy of Writing Legal Descriptions” presentation by publishing it in the Foresight.

Are surveyors creatures of habit? No – I am not talking about coke-drinking, rough-talking, hard-working, protector of boundaries type of surveyor habits. I am specifically interested in knowing how you prepare legal descriptions.

Obviously, some of us are older and may be set in our ways on how we prepare descriptions. We might have developed our own particular way – or style – of writing descriptions. Often our ways – or styles – were influenced by the ways – or styles – taught to us by our mentors. Many of the documents we use are clones of those that we were trained upon. We rarely question our ways – or styles – and continue doing whatever we are doing in the way we have always done it. We do it because they did it and they did it because that was the way it was always done. Go back a few generations and you may see reasons as to why old habits were perpetuated. After all, it is easier to use the wheel than to reinvent it – Right?.

Part of this article is to prompt you to think about your “wheel.” I know, and hear it loud and clear “if it ain’t broke, don’t fix it!” However, a better question might be “is the wheel really broke” or perhaps “is the wheel just a bit rusty?”

Disclaimer 1: Nearly every bad and/or good example referenced in this presentation is mine. I became a surveyor and did surveyor things by following the examples of my peers. There is no intent to make fun of any person, live or dead.

Disclaimer 2: I am not an attorney and therefore the information and/or opinions I share are my own and should not be construed as offering legal advice.

Disclaimer 3: I am human and therefore not perfect. You may find grammatical errors and inconsistencies throughout this presentation.

WHAT IS A LEGAL DESCRIPTION?

- A legal description should be clear and concise
- A legal description identifies a unique piece of land with only one location...
- A description is called legal because it must stand up under law
- A legal description may be part of a legal document
 - o Is the description consistent with the legal document?
 - o Are we practicing law?

In the Preface of “Boundaries and Landmarks,” A.C. Mulford writes in 1912, “It is far more important to have faulty measurements on the place where the line truly exists than an accurate measurement where the line does not exist at all.”

Our goal – our purpose – yea even our professional responsibility is to safeguard the health, safety, and welfare of the public! The intent of this article is to focus specifically on those written descriptions that we prepare and interpret.

How many times have you heard a co-worker or peer say, when interpreting a legal description, “obviously they intended to follow the fence,” or “clearly this is an aliquot parcel of land?” The truth is, oftentimes the intent of the instrument is not obvious or clear.

A distinction should be made between the written intent expressed in the instrument and the intent of the parties, which may or may not have been included in the instrument. Curt Brown stated in his 1954 “Boundary Control for Surveyors” book “where a surveyor is trying to determine the intent of an instrument; the intent must be gathered from the written language of the instrument itself.

What are the parts of a Legal Description?

- Preamble or Caption
- Body
- Qualifications
- Basis of Bearing
- Sign, Seal and Date - Utah Code 58-22-602 (3)
 - o Any final plan, map, sketch, survey, drawing, document, plat, and report shall bear the seal of the professional land surveyor licensed under this chapter when submitted to a client or when filed with public authorities.

09-020-24

4. The description on the quit claim deed was as follows:
All of Lot 23, Glen Oaks Subdivision

5. On the very next morning after the document was recorded, namely April 24, 1984, Virginia J. Matton again came into the Davis County Recorder's Office, indicating that she wished to add an address to the quit claim deed for taxation purposes. She then said that she wished to take the document back and did not wish to have it recorded. I told her that it had already been recorded, and she was too late in her inquiry. At that time, she took the document, tore it up and began to eat it. It was not possible to retrieve the document.

DO-OVERS

Occasionally, we find descriptions that invite the “What was he thinking” or “I bet he wishes he should have done that differently” thoughts. We have all prepared documents that suggest do-overs should be part of description writing. Rather than recording an affidavit of correction, the owner of a parcel of land in Davis County took action to amend a deed by consuming the document.

As noted, the clerk states that it was not possible to retrieve the document, however, how much nutrient can there be in one Quit-Claim deed?

SPELLING

10 yr go – i can't spel servaer – now i art 1.

Is this the language of a professional? Be honest – what was your first impression of the scribe of the above sentence? Nothing validates and/or invalidates the quality of a document than poor spelling.

This partial description is from a Trustee Deed recorded in Weber County. The description may be clear and concise and described only one unique piece of land? However, how confident are you in quality and accuracy of the description.

Does poor spelling equate to unfavorable impressions?

Technology has blessed us with amazing tools and applications that protect us from being stupid and lessens the potential impact of embarrassing spelling errors.



... I do hereby ackledge have given granted bargained sold and these presents do give grant bargain sell alien enfeoff convey and confirm unto the said _____, heirs and assigns forever a surtaing piece of land in aforesaid place the same being in part of the forty eaker lot Number fourty two in the third range of the second division of fourty acre lots all that part of the said lot that lias northsley of the rod that leeds from the provence rods to house where he now lives suppose the same to be about six acres be the same more or less excepting two rods left for a rode on the south side next to land...

ODE TO THE SPELL CHECKER

EYE HALVE A SPELLING CHECKER, IT CAME WITH MY PEA SEA.
IT PLAINLY MARQUES FOUR MY REVUE MISS STEAKS EYE KIN KNOT SEA
EYE STRIKE A KEY AND TYPE A WORD AND WEIGHT FOUR IT TWO SAY
WEATHER EYE AM WRONG OAR WRITE IT SHOWS ME STRAIT A WEIGH.
AS SOON AS A MIST ACHE IS MAID IT NOSE BEE FORE TWO LONG.
AND EYE CAN PUT THE ERROR RITE ITS RARE LEA EVER WRONG.
EYE HAVE RUN THIS POEM THREW IT I AM SHORE YOUR PLEASED TWO NO,
IT'S LETTER PERFECT AWL THE WEIGH MY CHECK TOLLED ME SEW.

LONG SENTENCES

"ALL that certain lot or parcel of land described in that certain deed dated April 1, 1979, by and between Horace A. Gray, Jr., et ux., et al., to Donald P. Chamblee and Rebecca V. Chamblee, husband and wife, said deed having been duly recorded in the Recorder's Office of the County of Washington, in Deed Book 43, page 258 and therein described as follows: "All that certain lot or parcel of land, lying and being situate on the West side of Grande Avenue, in the Town of Bingham, and bounded as follows: Beginning at an iron pin on the inside edge of the sidewalk on the West side of said Grande Avenue, the said iron pin being the point of beginning of the description of the H.A. Gray, Sr., deceased, home place as described in the deed from Pearl F. Gray to Charles D. Townes and Mary C. Townes, dated July 1, 1946, and recorded in said County Recorder's Office in Deed book 42, page 266, and as shown on a map filed therein with in Plat Book 5, page 82, reference to which is here made, and thence running along a curved line as shown on said plat as being the north boundary of the said H.A. Gray, Sr. home place, to an iron pin shown on said plat as designating the corner of the H. A. Gray, Jr. and Wilcox property lines, thence N. 83° 15' E. along the Southern boundary of the Wilcox line to the inside edge of the sidewalk on Grande Avenue, thence Southwardly along the inside edge of said sidewalk approximately 175 feet to the iron pin, the point of beginning. This being the same triangle shaped property conveyed to Horace A. Gray, Jr. by deed from Edmonia B. Wilcox, et als., dated April 13, 1936, and recorded in said Recorder's Office in Deed Book 34, page 576, the North and East boundary lines remaining the same as shown in said deed purchased by Townes, et al, being adjusted, marked off, agreed upon and designated as shown on the said plat filed in Plat Book 5, page 82, and is accordingly so charged and established as the correct third line of said triangle, reference to all of which is here made for a further and better description of the property hereby conveyed."

GRAMMAR

- ✓ If you begin a statement with a capital letter and end it with a period, it should be a sentence.
- ✓ Sentences require a subject and a verb. Make sure you know which is which
- ✓ READ THE DESCRIPTION
- ✓ PAY ATTENTION
- ✓ THINK ABOUT IT
- ✓ VALUE YOUR REPUTATION!

• Grammar Points:

No, I am not going to diagram a sentence, but knowing how is certainly helpful. Spelling does make a difference. Spell check can catch misspellings, but it cannot catch actual words used in the wrong place. (See ode to spell checker.) You must READ the stuff you produce. Yes, it takes time to do that, but it certainly is a good shield to keep the egg off your face.

• Singular vs Plural

"Each" is singular;
Containing 1.00 acre – not 1.00 acres
Thence North 7.25 rods – not North 7.25 rod
hands of said Grantors – not hand of said Grantors
Grantors Grant – not Grantors Grants

• Present or Past Tense

... plat of which is made by Joe Surveyor & Assoc., dated...
... deed found recorded in Book 12345 ...
... along centerline of dedicate Right of Way ...

• Is it a Lot, Parcel, or Tract?

A Lot has defined boundaries identified by a plat, a Parcel is a quantity of land identified for taxing purposes; and a Tract is an area that is not definitely bounded. Yes there is a difference!

• Looooong Sentences or sooooo boring

If you use more words can you charge more money? Do longer sentences improve the description? For example:

- o ... a distance of four hundred and thirty-six one hundreds feet or 400.36';
- o ... North 89 degrees 17 minutes 36 seconds East or N. 89°17'36" E.
- o ... as shown on that record of survey plat by Bill Whatshisname, of Another Surveying Company, 1234 West 200 South, Whata City, Utah 84115 or as shown on that plat filed as #12345 in the office of the County Surveyor;

• CAPITALIZATION

o Why are some words capitalized and others not?

Proper nouns such as an Exhibit Reference, Point of Beginning / Terminus, Cardinal Directions, Bearings, Book / Page, Person / Place / Document should begin with a capital letter.

o Speaking of capitalization - Why would anyone feel the need to use capital letters for an entire description? The description appears to scream – LOOK AT ME! Am I the only one who feels this way?

UNIT 176H, IN BUILDING 38, CONTAINED WITHIN THE WAYLAND STATION AT OLD FARM, A PROSWOOD OPEN SPACE COMMUNITY (PHASE NO. 3), A UTAH CONDOMINIUM PROJECT AS THE SAME IS IDENTIFIED IN THE RECORD OF THE SURVEY MAP RECORDED ON MARCH 10, 1977 IN SALT LAKE COUNTY, AS ENTRY NO. 2917095, IN BOOK 77-3 AT PAGE 69 (AS SAID RECORD OF SURVEY MAP MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED) AND IN THE DECLARATION RECORDED ON MARCH 10, 1977 IN THE SALT LAKE COUNTY, AS ENTRY NO. 2917096 IN BOOK 4458 AT PAGE 1138 (AS SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED.)

• ABBREVIATIONS

WHEREAS, the deed for the Canal Property was obtained from the Utah Lake Irrigation Company by the Draper Irrigation Company pursuant to a Deed recorded with the Salt Lake County Recorder on April 14, 1921 as Entry No. 448514 in Book 9R of Deeds at Page 331 (the "DIC Deed"); and

WHEREAS, the original Canal Property was obtained by the Utah Lake Irrigation Company pursuant to Warranty Deeds recorded with the Salt Lake County Recorder on November 25, 1914 as Entry No. 333728 in Book 7K of Deeds at Page 539 (the "ULIC Deed"); and

WHEREAS, the City Deed, the DIC Deed, and the ULIC Deed consistently describe and convey a strip of land 3 rods (49.5 feet) wide lying 1 rod (16.5 feet) on the right or southeasterly side and 2 rods (33 feet) on the left or northwesterly side of the canal channel; and

Abbreviating words may sometimes cause confusion and incorrect interpretations of the description. Additionally, the use of abbreviated words might be an embarrassment as noted on the boundary line agreement

• WHAT ABOUT WORDS & PHRASES

- o Thereunto / Hereunto – Who really talks like this?
- o To have and to hold – Makes me think of a wedding ceremony.
- o Herein / Hereby / Herewith – Doesn't in / by / and with, mean the same thing?
- o Of Record / Duly Recorded – Is a "duly recorded" record superior to an "of record" record?
- o Witnesseth - When was the last time you used witnesseth in your daily vocabulary?
- o Conveyed / Described – A description does not convey property
- o Thence Running – Brings up mental images of an Olympic torch bearer.
- o Adjoining / Adjacent / Contiguous / Coincident – There is a difference. Is it close enough?
- o In / On a line – UDOT says in a line and I tend to agree.
- o Parallel / Concentric – Parallel to a line and concentric with a curve
- o Prolongation / Continuation - a straight line is prolonged and a curve is continued.
- o Either Side / Each Side – Either means one side or the other
- o Tangent / Non Tangent – Curves are tangent unless otherwise noted
- o North / Due North / True North – Which is it?
- o Navigable / Non Navigable – Legal question
- o Rivers Thalweg / Centerline
- o Of record / recorded - Is there a difference?
- o Found recorded?" Could that mean it could be recorded but not found?

A tactic often used by attorneys when litigating boundary dispute cases involves the extreme simplification of a boundary situation, whereby all of the complex issues associated with the problem are distilled down to a simple analysis of two or three lines from a single legal description taken from one deed. This may stem from a genuine desire to avoid time-consuming explanations to a jury made up of laypeople – or to discredit the professional knowledge of the surveyor who prepared the description.

Lawyers will ask you for your definition of every word that could result in ambiguity in your work. If your word(s) can be shown to be ambiguous opposing counsel may try to discredit your entire description.

• REFERENCE TO OTHER PLATS

Sometimes other parcels are on the same plat - one needs to be certain to identify this parcel by using references on the plat. Common errors arise from incorrect references to prior plats, either by name, by date, or by deed book and page; and from referring to a plat "recorded herewith" which is not....or "recorded therewith" which is not

If you cannot find the referenced plat, your description is worthless.

If you attach a plat, refer to it in your description.

If you attach a plat, make sure it is the right plat.

If the recorded plat is clearly readable, consider whether recopying the metes and bounds is a good idea. If you do use both, make sure they match. This means you actually have to read the description and compare it to the plat!

Oftentimes, a single page of a multi-paged document may need to be amended. To insure the correct document is inserted, each page should reference the preparer of the document and the date it was created or revised. Additionally, the inclusion of project numbers, parcel numbers, and company names have proven beneficial.

• ACCURACY – REALLY?

ONE SQ FT IN THE NW COR OF THE N 4.5 ACRES OF THE FOLLOWING: W/2 OF SE/4 OF NW/4 OF SW/4 OF SEC 2, TWP 14N, R12W, SLM.

Beginning at the Southwest Corner of Section 18, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 0°04'01" East along the Section line approximately 561.00 feet; thence South 89°55'59" East approximately 331.7854 feet to the West right-of-way line of the Denver and Rio Grande Western Railroad; thence Southwesterly along said West right-of-way line along the arc of a 5779.65 foot radius curve to the left (radius point bears South 71°29'51" East) approximately 548.9218 feet to the North right-of-way line of 6200 South Street; thence South 0°04'01" West approximately 33.00 feet to the Section Line of said Section 18; thence North 89°55'59" West along the said Section Line approximately 182.56 feet to the point of beginning. (Contains approximately 2.7967 acres.)

• INTENT OF THE DESCRIPTION

Consider the intent of the following three descriptions:

1. Beginning at the southwest corner of said parcel; thence North 100 feet; thence East 150 feet; thence South 100 feet; thence West 150 feet to the point of Beginning
2. Beginning at the southwest corner of said parcel; thence North 100 feet along the west boundary line of said parcel to an existing fence line; thence East 150 feet along said existing fence line to the west right of way line of Main Street; thence South 100 feet along said right of way line to a rebar and cap stamped 223311; thence West 150 feet along the south line of said parcel to the point of Beginning
3. Beginning at the southwest corner of said parcel; thence N. 24°15' E. 126.9 feet to the northeasterly boundary of said entire tract and south line of said Section 10; thence N. 0°05'30" W. 521.75 feet along the east boundary of said entire tract, east line of said Section 10, and the west boundary of the Joe Timmons parcel as defined by an existing chain link fence line;...

Each of the above three description refer to the same parcel of land. However, the language used, and/or not used, introduce questions and inconsistencies. The intent of the description is not obvious and therefore boundary conflicts are created. Oftentimes it is us "surveyors" who create the boundary problems.

• OWNERSHIP

Utah Code 58-22-602 (3) requires the surveyor to sign and seal the descriptions they prepare. Oftentimes, the description is inserted into a package of documents that may, or may not be under his/her control. Unfortunately, descriptions can be digitally replicated, altered, and amended without the knowledge of the surveyor. Therefore, appropriate measures should be taken to document the information that was submitted.

• QUALITY CONTROL

- ✓ Read – Review – Then read again. Does it make sense?
- ✓ Use Spelling and Grammar Checks
- ✓ Validate using coordinate geometry software
- ✓ Another set of eyes will often see errors and inconsistencies
- ✓ Establish standards and follow guidelines
- ✓ Take pride in your work. The document you prepare will be around a lot longer than you will

The most dangerous phase in the English language may be “we’ve always done it this way.”

As we perfect our descriptions, we need to ensure we are getting external feedback from our peers, co-workers, the public itself and even government bodies. The lines of communication need to remain open and we need to be able to accept constructive criticism in order to improve the art and accuracy of our descriptions.

Surveyors should always strive to avoid putting their clients, or their clients’ successors in the position of having to resort to litigation to determine the intent of a description.

BEGINNING on a crooked chestnut root jutting out of the gully; thence following the meanders of the gully to an old oak tree where Jim Lambdin was killed; thence down the hill to an old junk car sticking out of the bank of the creek; thence around the back of the field and passing the hogpen to an old broken axelrod driven into the ground by the outhouse; thence a straight line to a big sinkhole; thence a straight line to a small sinkhole; thence running around the holler to a point in the line of Marlow, the same being in the old Hefferman line; thence running up the holler, passing an old doghouse and barn to a large rock on the crest of the ridge; thence along the crest being the old Lover's Lane to a Hornybeam tree, now fallen; thence with the old line back to the beginning, and containing 30 acres more or less.

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United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Utah State Office
440 West 200 South, Suite 500
Salt Lake City, UT 84101
<https://www.blm.gov/utah>

JAN 24 2017

IN REPLY REFER TO:
9630(UT-925) P

Chair, Utah Council of Land Surveyors
Attention: UCLS Publication Committee Chair


This letter is to inform you of official cadastral surveys in Utah that have been accepted in 2016, and are available from the Public Room, Bureau of Land Management, Utah State Office, 440 W 200 S, Suite 500, Salt Lake City, Utah, 84101. These records are also made available at the BLM internet web site:

<http://www.blm.gov/ut/st/en/prog/more/cadastral.html>

Group No.	T. & R.	Meridian	Surveyor	Approved	Plat No.
1	1268	T15S R3W	SALT LAKE	May	1/15/2016 937 F
2	1256	T26S R18E	SALT LAKE	Burkhardt	1/19/2016 2406 B
3	1204	T22S R4W	SALT LAKE	Batty	1/20/2016 1201 B
4	S-336*	T21S R19E	SALT LAKE	(Supplemental)	1/22/2016 1169 A
5	1241	T9S R4W	SALT LAKE	Kurchinski	1/25/2016 696 B
6	1271	T24S R9W	SALT LAKE	May	1/25/2016 1267 A
7	1257B	T32S R6W	SALT LAKE	Davis	2/22/2016 1518 D
8	1265	T19S R11W	SALT LAKE	Baugh	2/24/2016 1072 A
9	1277	T10N R15W	SALT LAKE	May	3/23/2016 140 C
10	1264	T10S R3W	SALT LAKE	May	3/25/2016 755 H
11	1266	T26S R22E	SALT LAKE	Burkhardt	3/29/2016 1321 K
12	1280	T8S R7W	SALT LAKE	Batty	4/18/2016 674 C
13	1270	T31S R10E	SALT LAKE	Murdoch	4/22/2016 2025 B-C
14	1294	T26S R22E	SALT LAKE	Burkhardt	4/29/2016 1321 L
15	1287	T23S R19W	SALT LAKE	May	5/24/2016 1213 C
16	1261A	T40S R5W	SALT LAKE	Davis	5/31/2016 1729 E
17	1285B	T13N R13W	SALT LAKE	Batty	6/1/2016 75 D
18	1291	T20S R16E	SALT LAKE	Burkhardt	6/17/2016 1108 G
19	1259A	T36S R5W	SALT LAKE	Davis	6/30/2016 1628 G
20	1259B	T36S R6W	SALT LAKE	Davis	6/30/2016 1629 B
21	1292	T17S R2W	SALT LAKE	Batty	7/14/2016 1011 C
22	1179	T14N R16W	SALT LAKE	Batty	7/25/2016 31 C

23	1272	T24S R9W	SALT LAKE	May	9/16/2016	1268	B
24	1274	T25S R9W	SALT LAKE	May	9/16/2016	1289	C
25	1273	T24S R10W	SALT LAKE	May	9/19/2016	1269	C
26	1269	T28S R10W	SALT LAKE	Davis	9/28/2016	1401	B
27	1284A	T29S R8W	SALT LAKE	Davis	9/30/2016	1419	C
28	1284B	T29S R9W	SALT LAKE	Davis	9/30/2016	1418	F
29	1288A	T26S R1E	SALT LAKE	Davis	9/30/2016	1332	D
30	1288B	T27S R1E	SALT LAKE	Davis	9/30/2016	1365	A
31	1288C	T27S R1W	SALT LAKE	Davis	9/30/2016	1364	B
32	1306	T41S R21E	SALT LAKE	Burkhardt	9/30/2016	2000	B-C
33	1307	T42S R21E	SALT LAKE	Burkhardt	9/30/2016	2516	
34	1324	T43S R14E	SALT LAKE	Burkhardt	9/30/2016	2256	C
35	S-337*	T4S R1W	SALT LAKE	(Supplemental)	12/16/2016	520	H
36	603B	T35S R3E	SALT LAKE	Baugh	12/21/2016	1611	D
37	1308A	T42S R7W	SALT LAKE	Davis	12/22/2016	1782	D
38	1308B	T43S R7W	SALT LAKE	Davis	12/22/2016	1803	B

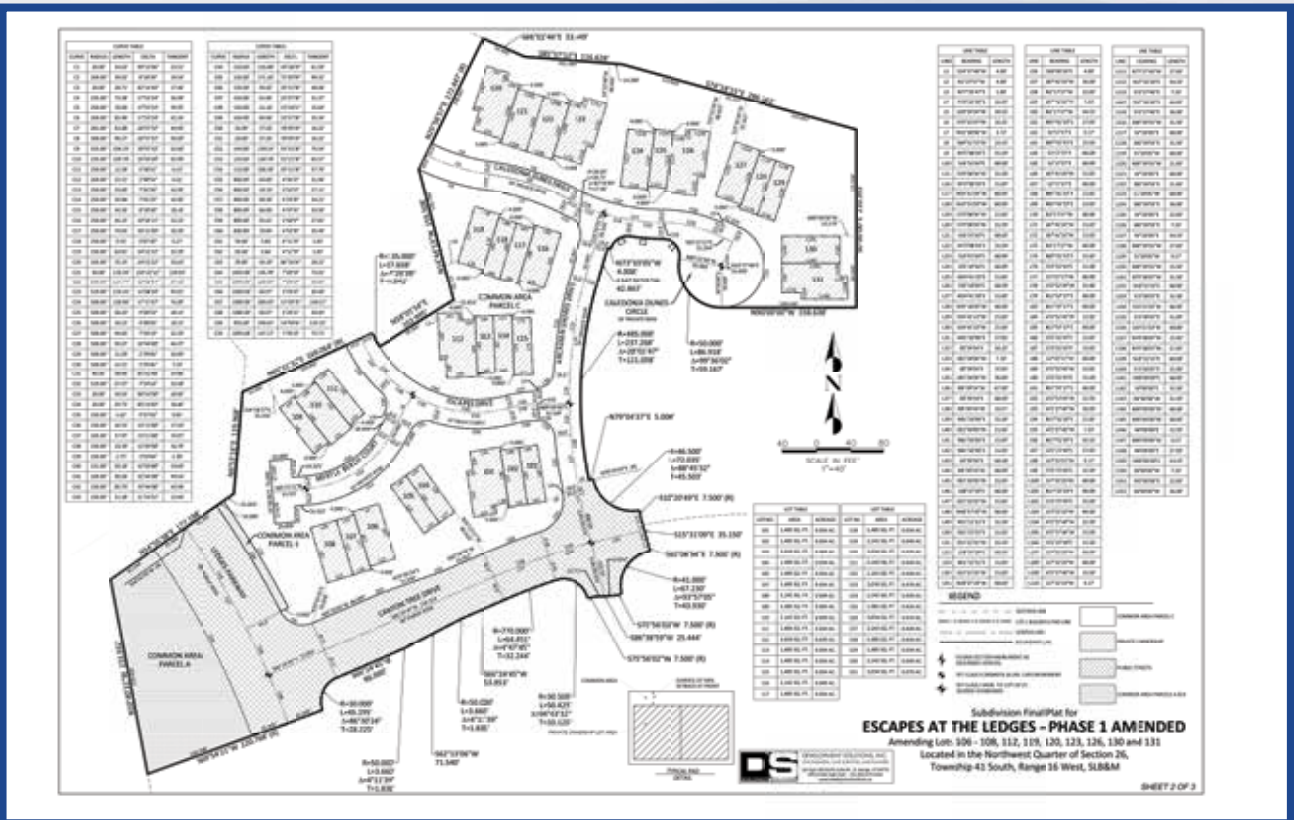
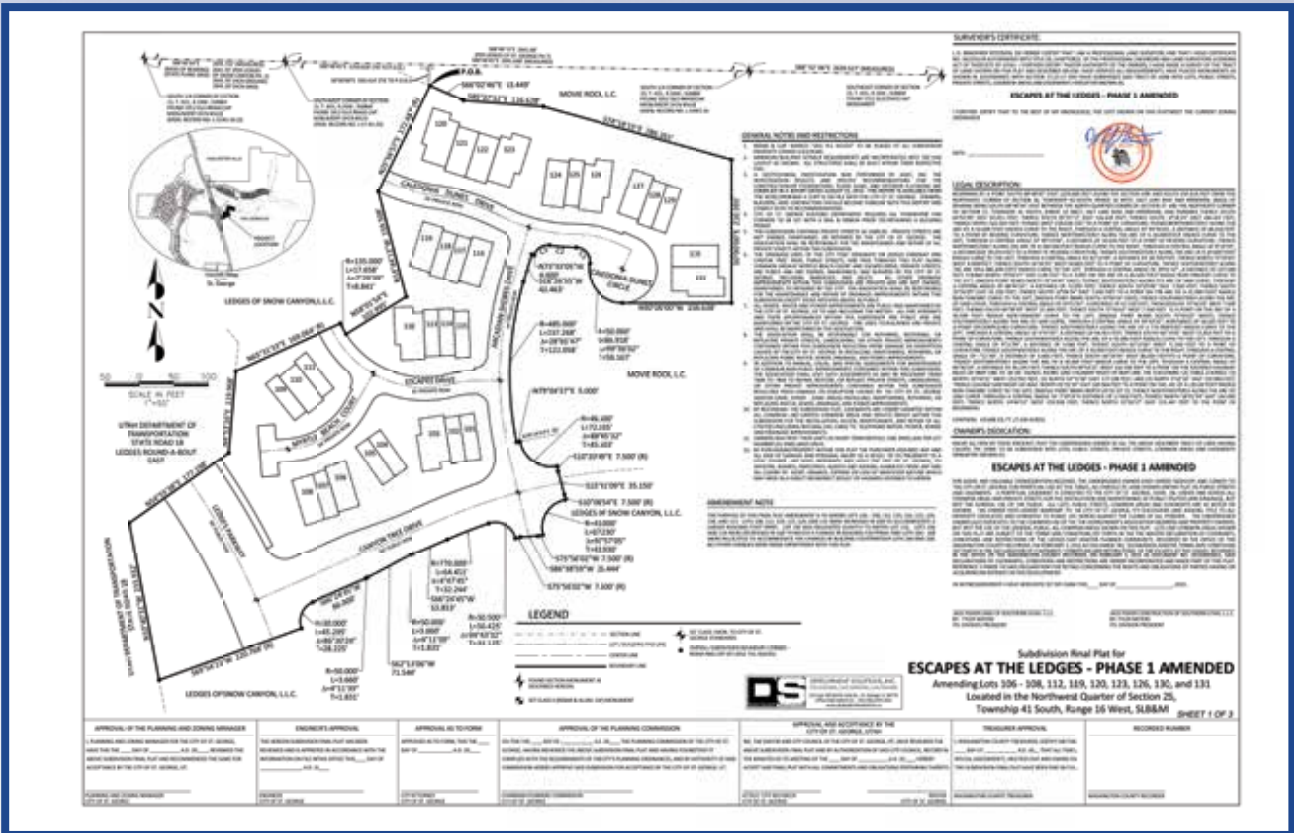
Note: The use of an asterisk [*] denotes "Plat Only" townships. There will not be a set of field notes for these townships.


 Chief Cadastral Surveyor for Utah

- Central Files UT-950
 - Reading Files UT-920
 - Branch File UT-925
- Date: January 24, 2017

2017 UCLS PLAT COMPETITION

FIRST PLACE SUBDIVISION Brad Peterson - Development Solutions, Inc.



STATE OF IDAHO CORNER PERPETUATION AND FILING RECORD

N-15

RECORD OF ORIGINAL CORNER AND SUBSEQUENT HISTORY:

Date of survey: November 1898 Surveyor: Oscar Sonnenkalb
 Set a basaltic stone, 14x9x8 ins., 9 ins. in the ground for 1/4 sec. cor., marked 1/4 on the N. face; raised a mound of stone, 2 ft. base, 1 1/2 ft. high, N. of cor., Pits impracticable.

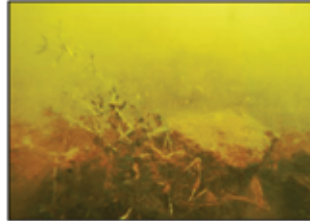
INSTRUMENT NUMBERS OF RECORDED CP&F's OR FILING DATA:

None found in county data.

DESCRIPTION OF CORNER EVIDENCE FOUND

The original marked stone was found submerged in the reservoir, and located approximately 100 feet west of the easterly shoreline. The stone was set on the south side of a raised mound of stones in five feet of water. The stone measured 15 inches X 9 inches X 8 inches and was set 4 inches in the soil and cobblestone at the bottom of the reservoir..

SUBMERGED MOUND OF STONES

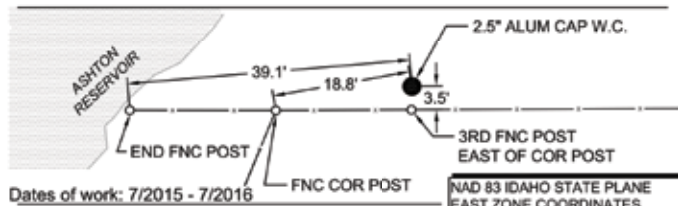


ORIGINAL STONE



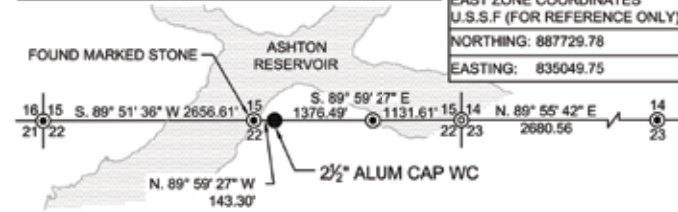
DESCRIPTION AND SKETCH OF MONUMENT AND ACCESSORIES ESTABLISHED TO PERPETUATE THE LOCATION:

2 1/2" magnetically detectable aluminum cap on a 30" aluminum stake, pounded to refusal at 8" above grade set 143.30 feet east along the section line from the found corner as a witness to the quarter corner common to Sections 15 and 22. Constructed mound of stones around monument. Ties shown hereon to the existing fence are considered temporary as the owner has informed this surveyor of the intent to move and reconstruct the fence in the summer of 2017. A new corner record with permanent ties will be filed at that time.



Dates of work: 7/2015 - 7/2016

NAD 83 IDAHO STATE PLANE EAST ZONE COORDINATES U.S.S.F (FOR REFERENCE ONLY)
NORTHING: 887729.78
EASTING: 835049.75



6' EASTERLY OF ALUM CAP
LOOKING WESTERLY

NOTE: Please see filed CP&F for the description of each corner shown above. Bearings and Distances are NAD 83, Idaho S.P. East Zone, U.S.S.F. Grid. See filed Record of Survey for Basis or Bearings.

SURVEYORS CERTIFICATE

The field work was performed and corner record prepared by me or under my direction in conformance with the Corner Perpetuation Act.

JAMES COUTTS
 PLS No. 14107
 Electrical Consultants Inc.



MARKS ON MONUMENT SET

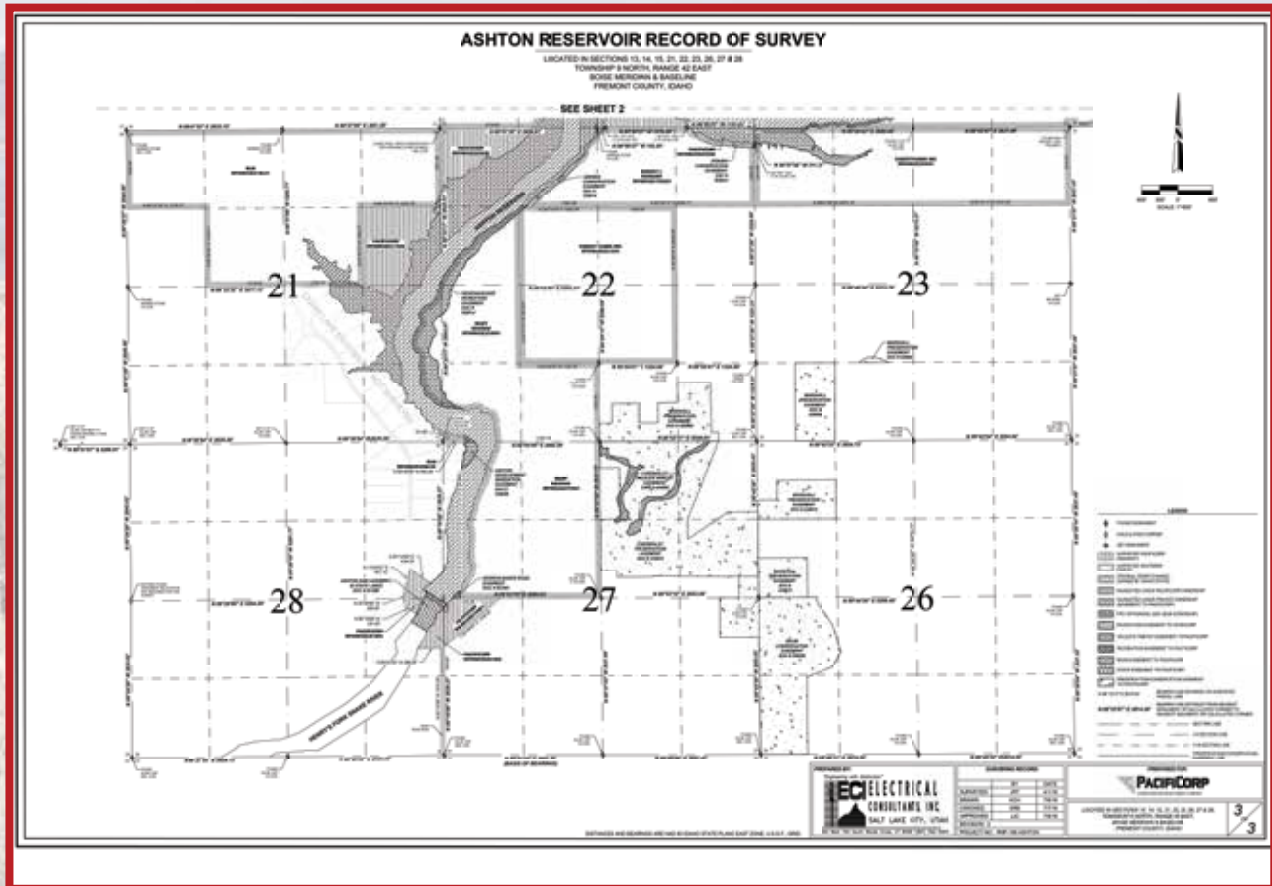
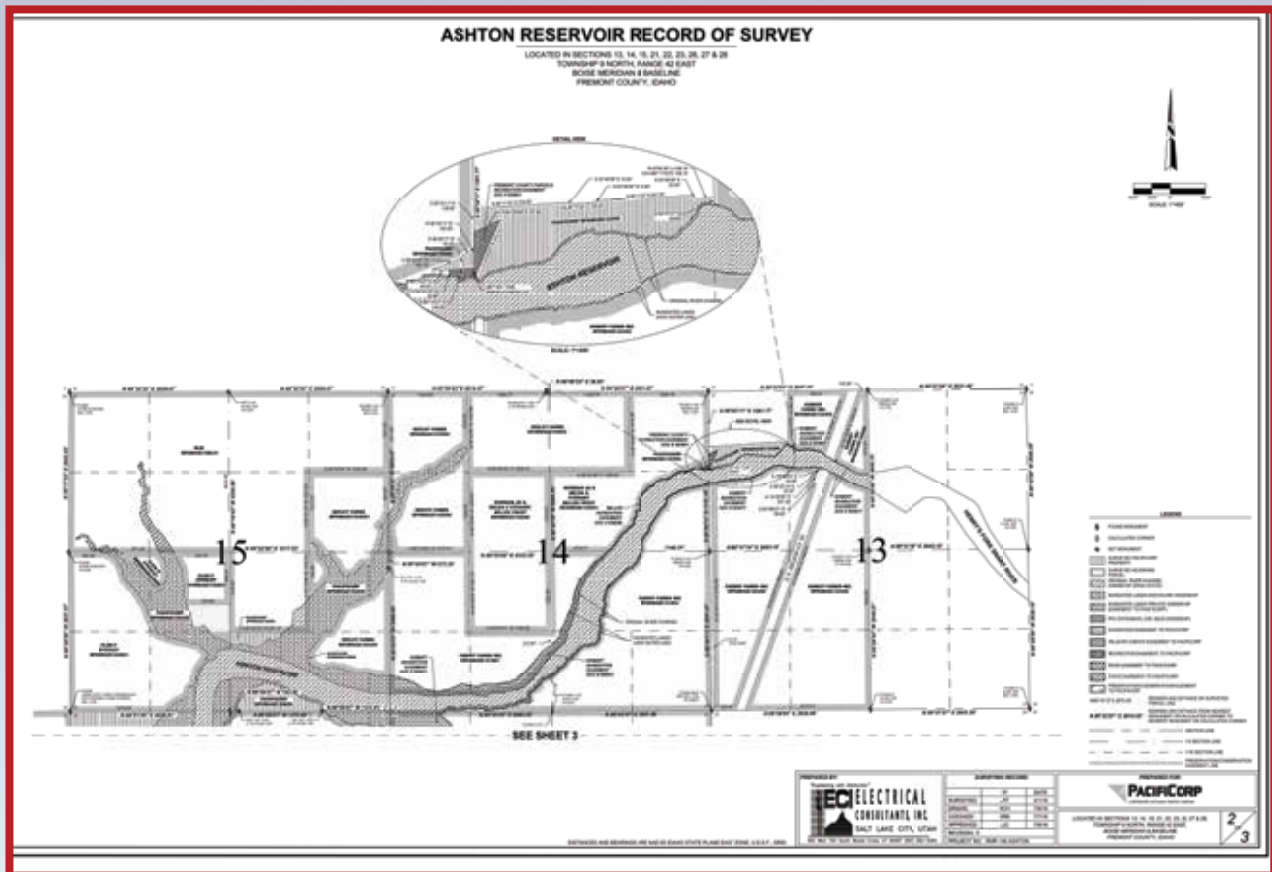


FOR COUNTY USE ONLY



FREMONT COUNTY
 SECTION 22
 NORTH 1/4 CORNER
 TOWNSHIP 9 NORTH
 RANGE 42 EAST
 BOISE MERIDIAN

CROSS INDEX No. **N-15**



2017 UTAH LEGISLATIVE SESSION — PASSED BILLS

<https://le.utah.gov/asp/passedbills/passedbills.asp>

HB0003 CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

- ▶ provides appropriations for the use and support of higher education and certain state agencies;
- ▶ provides appropriations for other purposes as described; and
- ▶ provides intent language

HB0030S01 HISTORIC PRESERVATION AMENDMENTS

This bill addresses administrative decisions and appeals related to land use applications in historic preservation districts or areas.

- ▶ defines terms;
- ▶ authorizes a legislative body to designate a historic preservation authority to make administrative decisions on land use applications related to historically significant real property;
- ▶ requires the establishment of an appeal authority to review decisions of a historic preservation authority; and
- ▶ makes technical and conforming changes.

HB0032 ASSESSMENT AREA ACT AMENDMENTS

This bill modifies provisions of the Assessment Area Act.

- ▶ clarifies the required contents of a notice of a proposed assessment area designation;
- ▶ provides that a local entity that levies an assessment for economic promotion activities shall assess each benefitted property; and
- ▶ makes technical and conforming changes.

HB0036S02 AFFORDABLE HOUSING AMENDMENTS

This bill modifies provisions related to housing and community development.

- ▶ defines terms;
- ▶ creates the Economic Revitalization and Investment Fund;
- ▶ establishes requirements for the distribution of money from the fund;
- ▶ modifies state low-income housing tax credit provisions; and
- ▶ makes technical and conforming changes.

HB0037S01 STATE CONSTRUCTION CODE AMENDMENTS

This bill amends provisions related to the state construction code.

- ▶ amends a provision related to residential installation of electrical outlets;
- ▶ amends a provision related to drainage systems;
- ▶ amends a provision related to the installation of passive radon controls; and
- ▶ amends a provision related to natural gas-fired water heater emissions.

HB0038 STATUTORY REQUIRED REPORTS AMENDMENTS

This bill modifies provisions regarding statutory related reports.

- ▶ clarifies that various reports are to be written;
- ▶ clarifies the Business and Labor Interim Committee's study requirements;
- ▶ changes dates when certain reports are due;
- ▶ deletes obsolete language;
- ▶ provides that certain reports go to staff of committees; and
- ▶ makes technical changes

HB0051 OFF-HIGHWAY VEHICLE AMENDMENTS

This bill amends provisions of the Motor Vehicle Code relating to off-highway vehicles.

- ▶ modifies provisions relating to off-highway vehicles and safety requirements;
- ▶ modifies provisions relating to safety courses; and
- ▶ makes technical changes

HB0070 COMMON AREA ASSESSMENT AMENDMENTS

This bill amends a provision related to assessment of property by a county assessor.

- ▶ allows a county assessor to consider that a property is a common area or facility when assessing the fair market value of the property.

HB0080 STATE TECHNOLOGY GOVERNANCE AMENDMENTS

This bill amends provisions related to state technology governance.

- ▶ eliminates divisions within the Department of Technology Services;
- ▶ assigns duties formerly assigned to divisions within the Department of Technology Services to the Department of Technology Services and the chief information officer within the Department of Technology Services;
- ▶ directs the chief information officer within the Department of Technology Services to appoint a chief information security officer; and
- ▶ defines terms.

HB0082S01 STREET-LEGAL ALL-TERRAIN VEHICLE AMENDMENTS

This bill amends provisions related to the operation of a street-legal all-terrain vehicle.

- ▶ amends provisions in the Traffic Code relating to operation of a street-legal all-terrain vehicle; and
- ▶ makes technical corrections

HB0094S01 OCCUPATIONAL & PROFESSIONAL LICENSURE REVIEW COMMITTEE AMENDMENTS

This bill modifies the Occupational and Professional Licensure Review Committee Act.

- ▶ defines terms;
- ▶ modifies the responsibilities of the Occupational and Professional Licensure Review Committee;
- ▶ makes technical changes

HB0118 AUTHORITY OF STATE ENGINEER

This bill clarifies the duties of the state engineer.

- ▶ states that the state engineer shall make rules regarding the duty of water; and
- ▶ makes technical changes

HB0152 TRANSPORTATION FUNDING REVISIONS

This bill modifies the Transportation Code by amending provisions relating to the Local

Highway and Transportation Corridor Preservation Fund.

- ▶ authorizes money in the Local Highway and Transportation Corridor Preservation Fund to be used for construction, maintenance, and operation of class B and class C roads or survey monument restoration or repair with limitations in a county of the third, fourth, fifth, or sixth class; and
- ▶ makes technical and conforming changes.

HB0170 SMALL CLAIMS AMENDMENTS

This bill modifies provisions regarding a small claims court.

- ▶ addresses jurisdictional limits for small claims court;
- ▶ modifies a provision regarding a motor vehicle accident; and
- ▶ makes technical changes.

HB0195S01 DISSOLUTION OF LOCAL DISTRICTS

This bill modifies the procedure to dissolve a local district.

- ▶ reduces the threshold petitioners must reach to initiate a dissolution;
- ▶ modifies provisions regarding:
 - procedural and public hearing requirements for an administrative body;
 - required notice to the lieutenant governor regarding a dissolution;
 - recording a certification from the lieutenant governor;
 - payment of the costs of dissolution and the dissolved local district's debts and liabilities; and
 - distribution of remaining assets of a dissolved local district; and
- ▶ makes technical and conforming changes.

HB0196S01 DIVISION OF REAL ESTATE AMENDMENTS

This bill amends provisions related to reporting and licensing requirements under the jurisdiction of the Division of Real Estate.

- ▶ defines terms;
- ▶ changes the citation period following the occurrence of a violation;
- ▶ exempts a loan processor or loan underwriter who is not a mortgage loan originator when employed by, and acting on behalf of, a person or entity licensed under this chapter;
- ▶ modifies quarterly reporting requirements;
- ▶ permits the commission of powers and duties under certain circumstances;
- ▶ provides licensing standards and practice requirements for a branch broker, property management sales agent, and dual broker; and
- ▶ makes technical changes.

HB0202S01 TRESPASS AMENDMENTS

This bill modifies criminal trespass provisions.

- ▶ defines terms;
- ▶ enacts provisions related to trespass by a long-term guest in a residence; and
- ▶ provides for a penalty

HB0210 FLASHING BRAKE LIGHT REVISIONS

This bill revises provisions related to continuously flashing light systems for supplemental stop lamps.

- ▶ revises the definition of "continuously flashing light system";
- ▶ removes the provision regarding the lock-out period after the release of the brake as relating to continuously flashing light systems; and
- ▶ makes technical changes

HB0217S03 LIVESTOCK HARASSMENT

This bill prohibits the harassment of livestock.

- ▶ prohibits a person from intentionally, knowingly, or recklessly chasing, actively disturbing, or harming livestock through the use of:
 - a motorized vehicle or all-terrain vehicle;
 - a dog; or
 - an unmanned aircraft system; and

- ▶ describes the penalties for violating the prohibition on harassment of livestock.

HB0232 LAND USE AMENDMENTS

This bill modifies county and municipal land use provisions.

- ▶ enacts and modifies definitions applicable to county and municipal land use provisions;
- ▶ addresses a provision relating to the imposition of stricter requirements or higher standards than required by state law;
- ▶ enacts a provision directing a land use authority on how to interpret and apply land use regulations and specifying the nature of a land use authority's land use decision;
- ▶ addresses provisions relating to the preparation, recommendation, and enactment of land use regulations;
- ▶ addresses a provision relating to the authority to adopt and amend land use regulations; and
- ▶ addresses provisions relating to appeals of land use decisions

HB0238S01 PAYMENT OF WAGES ACT AMENDMENTS

This bill modifies provisions related to the payment of wages.

- ▶ modifies the definition of "employer" under Title 34, Chapter 28, Payment of Wages;
- ▶ requires that an employee file certain wage claims with the Labor Commission; and
- ▶ provides a private cause of action against an employer for certain wage claims.

HB0240S02 COMMON AREA LAND USE AMENDMENTS

This bill modifies provisions related to common areas and land use.

- ▶ addresses ownership, conveyance, and modification of a parcel designated as a common area or a common area and facility on a recorded plat;
- ▶ reduces the percentage of landowners required to approve certain conveyances;
- ▶ amends requirements for recording a certain subdivision plat; and
- ▶ makes technical and conforming changes

HB0265S03 SAFETY INSPECTION AMENDMENTS

This bill modifies provisions relating to motor vehicle safety equipment and inspection programs and increases motor vehicle registration fees.

- ▶ repeals the requirement that certain vehicles obtain a safety inspection certificate in order to be registered and to operate on a highway;
- ▶ repeals a provision making a seat belt violation a secondary offense;
- ▶ increases registration fees for certain vehicles;
- ▶ creates the Motor Vehicle Safety Impact Restricted Account and allows expenditure of the funds by the Utah Highway Patrol to:
 - hire new Highway Patrol troopers;
 - pay overtime for Highway Patrol troopers; and
 - acquire equipment to improve motor vehicle safety impacts and enforcement; and
- ▶ makes technical changes.

HB0273S01 CONSTRUCTION TRADES LICENSING PENALTY PERIODS AMENDMENTS

This bill amends a provision related to unlawful conduct for a person licensed in a construction trade.

- ▶ prohibits the division from treating unlawful conduct by a licensee as a subsequent violation of a previous unlawful conduct violation if a certain amount of time has passed since the previous violation; and
- ▶ allows the division to treat multiple of the same type of unlawful conduct violation as separate violations

HB0313S02 LICENSURE CHANGES

This bill modifies the Utah Construction Trades Licensing Act (the act).

- ▶ defines terms related to certain electrical contractors, plumbing contractors, and prelicensure course providers under the act;
- ▶ modifies the testing and work experience requirements for licensure as a specialty contractor under the act;
- ▶ modifies continuing education requirements for certain contractors; and
- ▶ makes technical changes

HB0115S01 INCORPORATION FILING AMENDMENTS

This bill relates to the process by which a town is incorporated.

- ▶ amends definitions;
- ▶ reorders the requirements that individuals must meet to file a town incorporation petition;
- ▶ requires the sponsors of a town incorporation petition to:
 - file an application with the lieutenant governor; and
 - conduct a public hearing before collecting signatures for the petition;
- ▶ requires that at least 50% of the voting-eligible population of a proposed town be registered voters;
- ▶ expands a provision to allow certain property owners to remove property from a proposed town incorporation;
- ▶ creates standards and process that the lieutenant governor may reject a town incorporation petition;
- ▶ modifies requirements related to the selection of a feasibility consultant;
- ▶ provides repeal dates for certain provisions that this bill makes obsolete; and
- ▶ makes technical and conforming changes

SB0053 LIS PENDENS AMENDMENTS

This bill addresses certain lien actions and general lis pendens requirements.

- ▶ addresses lis pendens requirements.

SB0081 LOCAL GOVERNMENT LICENSING AMENDMENTS

This bill modifies provisions related to a municipality's or a county's authority to license a business.

- ▶ amends provisions authorizing a municipality or a county to license a business;
- ▶ prohibits a municipality or a county from requiring a license or charging a fee for certain home based businesses; and
- ▶ makes technical and conforming changes.

SB0092 WORKERS' COMPENSATION FUND REVISIONS

This bill repeals the statute creating the Workers' Compensation Fund and makes conforming amendments.

- ▶ repeals the statute creating the Workers' Compensation Fund;
- ▶ removes statutory references to the Workers' Compensation Fund;

- ▶ addresses the obligation to write workers' compensation insurance and residual market mechanisms;
- ▶ provides for the Workers' Compensation Fund's transition to a mutual corporation;
- ▶ modifies membership on the workers' compensation advisory council;
- ▶ addresses methods to obtain workers' compensation insurance;
- ▶ amends the provision addressing penalty for failure to obtain workers' compensation;
- ▶ modifies the provision addressing exemptions for employees temporarily in state;
- ▶ addresses continuing education requirements for contractor licensees; and
- ▶ makes technical and conforming amendments.

SB0096 UNSECURED LOAD AMENDMENTS

This bill defines an unsecured load on a highway and creates new penalties for operating a vehicle with an unsecured load on a highway.

- ▶ defines unsecured load;
- ▶ creates new penalties for certain violations;
- ▶ instructs the department, when possible, to educate the public regarding unsecured loads; and
- ▶ makes technical changes.

SB0109S06 SMALL EMPLOYER RETIREMENT PROGRAM

This bill enacts provisions relating to tax credits for small employers.

- ▶ defines terms; and
- ▶ establishes an income tax credit for certain small employers that offer employees access to a qualified retirement plan

SB0111S03 UNMANNED AIRCRAFT AMENDMENTS

This bill modifies and establishes provisions related to unmanned aircraft.

- ▶ defines terms;
- ▶ reorganizes existing code related to unmanned aircraft;
- ▶ preempts local laws related to unmanned aircraft;
- ▶ exempts unmanned aircraft from registration with the state of Utah;

▶enacts provisions related to operation of unmanned aircraft by law enforcement, including:

- data collection, reporting, retention, and use;
- use of an unmanned aircraft for law enforcement operations; and
- use of data obtained by an unmanned aircraft operated by a civilian;

▶establishes certain safety requirements and limitations for the operation of an unmanned aircraft;

▶prohibits use of an unmanned aircraft equipped with a weapon;

▶prohibits a person from:

- committing trespass with an unmanned aircraft;
- committing a privacy violation with an unmanned aircraft; or
- committing voyeurism with an unmanned aircraft;

▶ establishes criminal penalties; and

SB0133S01 PROCUREMENT PROCESS AMENDMENTS

This bill modifies provisions relating to the procurement process.

▶ requires a request for proposals for a construction project to require offerors to include in a proposal the offeror's safety plan for the company and for the specific site; and

▶ requires the evaluation criteria of a request for proposals for a construction project to include the existence and quality of an offeror's safety plan for the company and for the specific site.

SB0138S02 METRO TOWNSHIP AMENDMENTS

This bill modifies provisions related to metro townships.

▶defines terms;

▶modifies the authority of a metro township that is included in a municipal services district to enact certain ordinances;

▶addresses the budget of a metro township that is included in a municipal services district;

▶ includes metro townships as a specified local body in the Open and Public Meetings Act for purposes of written minutes and audio recordings of a public meeting of a metro township council;

▶requires a municipality located within a municipal services district to remit to

the municipal services district certain funds that the municipality receives;

▶modifies provisions regarding the local sales tax distribution for metro townships; and

▶makes technical and conforming changes

SB0140 ANNEXATION OF ISLANDS WITHIN CITIES

This bill addresses municipal annexation of unincorporated islands.

▶clarifies provisions regarding municipal annexation of certain unincorporated islands;

▶modifies annexation procedures to allow a municipality to annex certain unincorporated islands without allowing or considering protests under certain circumstances;

▶provides for a recommendation of annexation from a county legislative body; and

▶makes technical and conforming changes.

SB0181S01 HIGH PRIORITY TRANSPORTATION CORRIDORS AMENDMENTS

This bill modifies provisions related to certain required notices regarding land use applications affecting high priority transportation corridors and canals.

▶modifies the circumstances under which a municipality or county is required to notify the Department of Transportation or a canal owner or operator when the municipality or county receives a land use application that relates to land located within the boundaries of a high priority transportation corridor or canal, respectively;

▶removes notice to the department or a canal owner or operator as a condition to rights vesting in a land use application; and

▶makes technical and conforming changes

SB0184S01 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

This bill modifies provisions of the Professional Engineers and Professional Land Surveyors Licensing Act

▶defines terms;

▶provides rulemaking authority to the Division of Occupational and Professional

Licensing (DOPL) related to defining unprofessional conduct under the act;

▶modifies DOPL's citation authority to include unprofessional conduct under the act; and

▶makes technical changes.

SB0187S01 CONSTRUCTION TRADE AMENDMENTS

This bill amends provisions related to the construction trade.

▶defines terms;

▶provides a maximum rate of interest for a lien filed against project property by a person without privity of contract with the owner-builder; and

▶provides the director of the Division of Occupational & Professional Licensing discretion to determine if a claimant has met requirements to recover from the Residence Lien Recovery Fund.

SB0203 REAL ESTATE TRUSTEE AMENDMENTS

This bill amends provisions related to real estate trustees.

▶provides that an entity in good standing that provides licensed professional legal services, employs an active member of the Utah State Bar, and maintains an office in the state may act as a real estate trustee under certain circumstances;

▶provides that a claimant may file a petition for adjudication of priority to trustee sale funds if the claimant pays the court clerk a filing fee; and

▶modifies the number of days in which a person may contest a petition for adjudication of priority to trustee sale funds

SB0241S02 LOCAL GOVERNMENT PLAN REVIEW AMENDMENTS

This bill addresses review of construction plans by local governments.

▶establishes a time period within which a county, city, or town shall review certain construction plans;

▶provides that if the county, city, or town does not act within the time period, under certain circumstances the authority to review does not apply;

▶provides repeal dates; and

▶makes technical changes. ◀



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