

HOOSIER SURVEYOR

QUARTERLY PUBLICATION OF THE INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS, INC.

AFFILIATED WITH THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC.

VOLUME 42 • NUMBER 3 • WINTER 2016



ISPLS, INC.



RECOGNITION OF THE 2015 ISPLS PRESIDENT

Bernie Guerrettaz, left, Bloomington, the outgoing President of ISPLS, receives the Past President's gavel plaque from the incoming President, Rich Hudson, Valpairaso, at the January 2015 Annual ISPLS Convention held at the Indianapolis Marriott East Hotel in Indianapolis.

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L to R: Don Williams, Crown Point; Alexander Fabian, Munster; Don West, Carmel; Rich Hudson, Valparaiso; Eric Banschbach, Indianapolis; Brent Friend, Franklin; Bryan Catlin, Clayton; Bernie Guerrettaz, Bloomington; Perry Cloyd, Hope; Norman Hiselman, Avon; Vincent Barr, Franklin; Dave Myers, Terre Haute

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EDUCATION

Chair: Austin Yake

SCHOLARSHIPS

Chair: Luke A. Jahn

GOVERNMENT AFFAIRS

Administrator:
 Bernie Guerrettaz

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Robert Jason Coyle

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 Alternate: Don Bengel

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Co-Chair: Past President
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Chair: Don West

TRIG STAR

State Coordinator:
 Tony Gregory

HOOSIER SURVEYOR

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EDITOR'S NOTES

Deadlines for copy for various planned issues of the Hoosier Surveyor are as follows:

- Winter - February 1
- Spring - May 1
- Summer - August 1
- Fall - November 1.

The Hoosier Surveyor is published quarterly by the Indiana Society of Professional Land Surveyors to inform land surveyors and related professions, government officials, educational institutions, libraries, contractors, suppliers and associated businesses and industries about land surveying affairs.

Articles and columns appearing in this publication do not necessarily reflect the viewpoints of ISPLS or the Hoosier Surveyor staff, but are published as a service to its members, the general public and for the betterment of the surveying profession. No responsibility is assumed for errors, misquotes or deletions as to its contents.



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ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

By Andrea Wade, ISPLS Administrative Assistant

October 24, 2015

The ISPLS Board of Directors met on Saturday, October 24, 2015 at Vincennes University, 1300 Chestnut Street, Vincennes, Indiana. President Bernie Guerrettaz called the meeting to order at 10:05 am EST. All board members were in attendance with the exception of Todd Bauer, Rich Hudson, Jim Tibbett, and Don Williams. Others in attendance at the Board of Directors meeting were Bill Clark, Austin Yake, and Acting Dean of Vincennes University, Dean Ackerman.

Don West read the ISPLS Mission Statement and Brent Friend read the ISPLS Vision Statement. Both statements were also printed in the agenda. There was one adjustment made to the agenda. The date was revised and a discussion of communication methods for the Board of Directors meetings was added. A motion to approve the agenda, as amended, was made by Perry Cloyd and seconded by Eric Banschbach. The motion passed by voice vote.

The September 19, 2015 Board of Directors meeting minutes were presented for review. A motion to approve the minutes was made by Perry Cloyd and seconded by Eric Banschbach. The motion passed by voice vote.

The written financial reports (Balance Sheet, Budget, Income/Expense, etc.) dated September 30, 2015 were presented for board review by Dennis Grumpp with assets totaling \$293,113.94. Dennis also reviewed the income and expense report, the investment report, the profit and loss budget versus actuals report, and the 2015/2016 budget spreadsheet. There was a question regarding a difference of \$187.55 in total current assets between August 31, 2015 and September 30, 2015. Jason planned to investigate the source of the difference. A motion to accept/receive the financial reports was made by Perry Cloyd and seconded by Bryan Catlin. The motion passed by voice vote.

Jason Coyle presented the Executive Director's report. Highlights from the written report included: Membership renewals seemed to be on track. Chapter and NSPS dues were sent on 10/01/2015. The 990-N e-postcards for the chapters were filed the week of October 18, 2015. The Initial Point chapter meeting is Thursday, October 29, 2015 and Jason plans to speak at the meeting. Jason and Andrea have been working on the convention and membership renewals. A PS Exam Review class was held by Tony Gregory and Glen Boren on September 26, 2015 with nine attendees. The Hoosier Surveyor went out 10/08/2015. A CST exam date may need to be set up. There was a discussion about utility marking, Indiana 811, and the Central Indiana Damage Prevention Council. The hours worked on behalf of ISPLS are higher than Banning Engineering anticipated but they hope they are getting past the learning curve. There was question about the dates for submitting articles for the Hoosier Surveyor. Officers and Directors insurance is still being looked into.

A convention report was given by Jason Coyle. The convention mailer will be coming in a few weeks. It will be mailed to all 909 surveyors on the Indiana Professional Licensing Agency list.

Committee Reports:

The Membership Committee has made an initial draft containing member benefits for the ISPLS website. The Board of Registration met October 2, 2015 and Jacob Hoffman will have a report in the Hoosier Surveyor. Banning Engineering is going to meet with Gary Kent of Schneider Engineering to discuss route surveys for utilities. Eric Banschbach with the Geodetic Control Workgroup Committee reported that the Height Mod consultant is working and INDOT is doing recon. The new county geodetic coordinate systems are moving forward, and EPSG has included the systems in their database and the coordinate systems should start being available in commercial software.

The Education Committee reported that the technician program for the convention has been approved. Luke Jahn with the Scholarship Committee reported that the Foundation would like the committee to look into marketing for scholarships. Don West with the Past President's Council has sent out an email containing feedback about moving the day of the Board of Directors meetings, the future of the profession, and to have the Past Presidents become more active.

(Continued on page 5)

(Continued from page 4)

Eric Banschbach and Perry Cloyd provided an update of recent activity on behalf of the Indiana Professional Land Surveyors Foundation. The Benchmark Scholarship is being set up to honor someone on an annual basis. Potential Pipeline Safety/Indiana 811 training is moving forward. The Foundation has begun discussing estate planning/giving possibilities (perhaps asking for 1% of a surveyor's assets to be contributed from their estate).

Chapter Reports:

The Central Indiana chapter reported the golf outing had a good turnout, and the next meeting will be in November. The Initial Point chapter is having a meeting on Thursday, October 29, 2015. Glen Boren presented one hour of continuing education on a court case for the Northwest chapter.

Unfinished Business:

There was a general discussion of proposed revisions to the Request for Proposal for Association Management Services and cover letter. E-mail addresses, dates, and a timeline were also discussed. The Request for Proposal will go out to 3 or 4 association management companies and firm members of ISPLS. The general membership will be notified by e-mail and the Request for Proposal will be posted on the ISPLS website. David Ayala is going to submit a report about the Indiana Department of Homeland Security policy of not accepting Applications for Construction Design Release signed by a Surveyor. The Board will discuss the matter at that time.

New Business:

An update on the Vincennes University Surveying Program was given by Bill Clark and Austin Yake. In May 2015 there were 8 graduates. They are all employed at salaries between \$32,240 and \$41,600 (average \$36,400). The class of 2016 has 9 full-time students and 3 part-time students. Most of the students continue to come from southwest Indiana. The Vincennes University 2 year graduation rate is 28% even with reduced hours.

Bill had questions about the direction of the surveying profession. The classes are now based on registration requirements, but Bill sees a need to add another Instrumentation class (for using data collectors, GPS, drones, etc.) and a 3D software class. He is considering adding a third year curriculum to cover property surveying, surveying law, subdivision design, instrumentation, 3D software, and two project based classes. The current two year program would remain and the third year would provide the courses needed to sit for registration, and the fourth year of on-line courses would allow a B.S. to be earned.

It's been asked to consider using internships for lab credits, but it is unclear how that would work. The program could use support/help with attracting and recruiting students. Bill is preparing to approach the Board of Registration about changing the classes required for licensure. He had questions about who to coordinate with at ISPLS: the past-presidents council, young professionals, or the Board of Directors. Bill plans to get his ideas together about the proposed changes.

Options for remote participation at the Board of Directors Meetings will be discussed at a future meeting.

The next Board of Directors meeting will be held December 12, 2015 at Banning Engineering.

The meeting adjourned at 3:38 pm EST.

December 12, 2015

The ISPLS Board of Directors met on Saturday, December 15, 2015 at ISPLS Headquarters, Plainfield, Indiana. President Bernie Guerrettaz called the meeting to order at 9:03 am EST. All board members were in attendance with the exception of Todd Bauer and Don Williams. The Board of Directors meeting included two guests. Tony Gregory was present via conference call, and Doug Herendeen joined the meeting at 10:55 am EST.

The ISPLS Mission and Vision Statements were printed in the agenda. There were no adjustments to the agenda. A motion to ap-

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(Continued from page 5)

prove the agenda was made by Eric Banschbach and seconded by Jim Tibbett. The motion passed by voice vote.

Tony Gregory with NSPS and Trig-Star provided a written and oral report. Highlights included: A new NSPS website is coming. He encouraged everyone to sign up for the NSPS News and Views e-mail newsletter if you are not currently receiving it. There is ongoing work with NCEES and ABET. There is an issue with establishing the boundaries of shellfish beds in North Carolina. Oregon is looking to eliminate the need for licensed surveyors in hydrographic surveys. The BLM is proposing to use geographic coordinates to define the corners of new public lands subdivisions without setting monuments in Alaska, and NSPS has a committee working on that issue. LightSquared is becoming active again. NSPS expects a budget surplus this year. The Government Affairs committee has been active. The 100% NSPS membership program is now in 47 states. New ALTA standards will take effect February 23, 2016. TrigStar will be discussed at a meeting in July, and the program is growing and webinars are going to be created for teachers. 39 states currently participate in the TrigStar program, and Tony encourages more ISPLS chapters to participate in the program.

The October 24, 2015 Board of Directors Meeting minutes were presented for review. A motion to approve the minutes, amended to add two more points about the Vincennes University surveying program, was made by Brent Friend and seconded by Dennis Grumpp. The motion passed by voice vote.

The written financial reports dated November 30, 2015 as well as some amended reports from October were presented for board review. Dennis Grumpp reviewed the balance sheet with assets totaling \$316,549.41. Dennis also reviewed the income and expense report, the investment report, the profit and loss budget versus actuals report, and the 2015/2016 budget spreadsheet. A motion to accept/receive the financial reports was made by Rich Hudson and seconded by Jim Tibbett. The motion passed by voice vote.

Jason Coyle presented the Executive Director's report. Highlights from the written report included: The Membership report. There will be six sessions on Thursday and seven on Friday at the upcoming convention, and has made room scheduling more complicated. There are 22 job openings on the website. There will not be a formal spouses program this year but a hospitality suite and banquet ticket will be provided. The Hoosier Surveyor went out December 11, 2015. The LTAP Stormwater conference is coming up. Dave Myers will speak at Road School. A tentative 2016 calendar was distributed.

Official Business Conducted via E-Mail:

Interviews for management of ISPLS were set up. A slate of Board of Directors nominees was approved. There was information about the Benchmark Scholarship memorializing different surveyors each year.

Committee Reports:

Eric Banschbach reported from the Geodetic Control Workgroup that there was a meeting about the new coordinate system the week of December 6, 2015. The Height Mod is progressing and transitioning from the Vincennes District to the Seymour District. The By-Laws Committee is compiling comments on definition of "member in good standing". Don West with the Past President's Council reported that communication is continuing.

Perry Cloyd on behalf of the Foundation provided an update of recent activity. The Foundation is meeting on December 14, 2015. They are working on an 811 seminar. There is \$600,000.00 in IURC grant money available and another \$600,000.00 coming for education. There is a \$7,500.00 cap on committee approvals; otherwise Department of Administration approval is needed. Multiple programs can be submitted at once. Bloodhound and Underground Detective are possible presenters. An Avyon microdrone md4-200 UAV (and training) was donated for the Foundation Raffle at the convention.

Chapter Reports:

The Central Indiana chapter elected Jason Coyle as their president for 2016. The Northwest chapter presented a Service Award to Joel Janowski. The Southwest chapter held a meeting in November, and the next meeting will be at the ISPLS convention.

Unfinished Business:

(Continued on page 7)

There was a brief discussion of a potential change of course requirements to set for registration to be presented to the Board of Registration as discussed during the advisory meeting at Vincennes University.

Convention Report:

Doug Herendeen presented the technicians program for approval. A motion to approve the technician program for the 2016 ISPLS Convention was made by Jim Tibbett and seconded by Eric Banschbach. The motion passed by voice vote with Perry Cloyd abstaining.

The gifts this year will be a flashlight/laser and a pocketknife. A Vera Bradley handbag will be the spouses' gift. There will be a convention committee meeting at the hotel next Wednesday, December 16, 2015. Some potential sites for future conventions were looked at along with their floor plans to see how the programs and exhibits would be used in those spaces. Potential additional activities such as a turkey shoot or water park visit were discussed. Suggestions for sites for future conventions should be directed to Doug Herendeen.

New Business:

Todd Bauer has submitted a letter resigning from the Board of Directors. A motion to appoint Don West to serve out the last year of Todd's term was made by Bryan Catlin and seconded by Dennis Grumpp. The motion passed by voice vote.

A speaker for the Purdue Road School was discussed as noted earlier in the minutes.

Open Floor:

Jason Coyle requested that PowerPoint slide content for the Thursday business meeting at the convention be forwarded to him earlier than it has in the past.

Association Management:

Available members of the board met Thursday, December 10, 2015 with Mattison, Raybourn, and Banning Engineering to discuss their proposals for providing association management services. The board went into Executive Session to discuss what steps to take next in pursuing association management services.

The next meeting will be January 13, 2016 at the ISPLS Convention.

The meeting adjourned at 4:28 pm EST.

January 13, 2016

The ISPLS Board of Directors met Saturday, January 13, 2016 at the Marriott East, Indianapolis, Indiana. President Bernie Guerrettaz called the meeting to order at 7:58 am EST. All board members were in attendance with the exception of Sean Suttles. Guests of the Board of Directors meeting included: Chuck Coyle, Doug Herendeen, Brian Haggard, David Myers, Norman Hiselman, Vincent Barr, Alex Fabian, Jacob Hoffman, and Don Bengel. Don Williams read the ISPLS Mission Statement and Perry Cloyd read the Vision Statement. Both statements were also printed in the agenda.

There were no adjustments made to the agenda. The board reviewed the meeting minutes from the December 12, 2015 Board of Directors meeting. A motion was made by Don Williams and seconded by Eric Banschbach to accept the minutes as presented. The motion passed by voice vote.

Official Business Conducted via E-mail:

A motion was made by Bryan Catlin and seconded by Perry Cloyd to accept the Board of Directors election results reported by Mark Gardner, Nomination Committee Chair. The new members elected to the ISPLS Board of Directors are, Vincent Barr, Alexander Fabian, and Norman Hiselman. The ballots from the election are to be destroyed. The motion passed.

A motion was made by Don West and seconded by Dennis Grumpp to have the candidate with the next highest vote total in the Board of Directors election, David Myers, fill the opening on the Board of Directors resulting from the election of Bryan Catlin to president-elect. The motion passed.

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There was a vote on which proposal to accept for Association Management Services for ISPLS.

There was a general discussion of a transition period to the Association Management Company, contract dates, and a desire to have a contract renewal in place by the annual conference.

A written report from Ensign CPA Group was presented. The report included consolidated financial statements with independent accountants' review for the year ending June 30, 2015 and 2014. Another financial report year ending June 30, 2015 was also presented and reviewed by Todd Ensign. Todd asked for suggestions about future reports including; adding definitions to the report and possibly presenting the annual report in August. Todd did recommend that the Foundation increase public support of the Foundation or change their tax classification to a support organization. The board then discussed those options recommended by Todd.

Jeff Dowden presented and reviewed a written Wallington Annual Report dated January 13, 2016 which was current as of December 31, 2015. There was a board discussion of the stock/bond allocation. Consensus of the Board of Directors is to continue the 50/50 split with a maximum change of 20%. Jeff also did a brief review of the Foundation assets as the reports are very similar.

President Guerrettaz recognized and thanked Banning Engineering for providing management services for 2015. There was further discussion about transitioning to an association management company with a contract to start March 1, 2016 or April 1, 2016. A motion was made by Jim Tibbett and seconded by Perry Cloyd to have the association management company contract in place by April 1, 2016 for the first 12 month period, and to review the contract at the February Board of Directors meeting. The motion passed by voice vote.

Written financial reports dated December 31, 2015 were presented to the board for review. Dennis Grumpp reviewed the balance sheet with assets totaling \$409,353.46. Dennis also covered the income and expense report, investment report, the profit and loss versus actuals report, and the 2015/2016 budget spreadsheet. Dennis made farewell remarks as he is leaving the Board of Directors. He expressed thanks for the opportunity to serve as Treasurer and thanked Jason and Brent. Bernie then thanked Dennis and Jason for their service to the Board as well. A motion to accept/receive the financial reports was made by Eric Banschbach and seconded by Jim Tibbett. The motion passed by voice vote.

Jason Coyle gave a brief executive director's verbal report. The Hoosier Surveyor has been sent out. There was a brief update on convention matters. Jason reported that there were 542 registrants, 30 exhibitors booths, 18 speakers, 6 classes on Thursday (morning and afternoon), and 7 classes on Friday (morning and afternoon).

Committee Reports:

Brent Friend with the Membership Committee presented 21 new members for approval. A motion to accept the 21 candidates for membership was made by Brent Friend and seconded by Jim Tibbett. The motion passed by voice vote.

Perry Cloyd noted that the foundation needs two new members. A motion to nominate Don West and Doug Herendeen to the foundation Board of Directors was made by Perry Cloyd and seconded by Bryan Catlin. The motion passed by voice vote. The Foundation has also received financial approval from the Indiana Utility Regulatory Commission for five free educational meetings/seminars.

New Business (functioning as the Reorganization Meeting):

Dennis Grumpp thanked Bernie for his guidance of ISPLS over the last year during a time of transition. President-elect Rich Hudson thanked the outgoing and incoming board members as well as Bernie Guerrettaz and Jason Coyle for their services. A tentative calendar was proposed Board of Directors meeting dates was presented. There was discussion about possibly having Friday meetings.

(Continued on page 9)

Rich Hudson presented his executive committee members and liaison to the Board of Registration as follows:

Perry Cloyd: Vice President
Alex Fabian: Secretary
Brent Friend: Treasurer
Board of Registration Liaisons: Jason Coyle & Jacob Hoffman

A motion to accept the slate of executive committee members and board of registration liaisons was made by Bernie Guerrettaz and seconded by Don Williams. The motion passed by voice vote.

The meeting adjourned at 11:53 am EST.

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BOARD OF REGISTRATION FOR LAND SURVEYORS

MEETING HIGHLIGHTS - OCTOBER 2, 2015

By Jacob T Hoffman, E.I., P.S.

The Board of Registration for Professional Surveyors (Board) met Friday, February 12, 2016, at 9:13 am EST. The meeting was held at Indiana Government Center South, 302 W. Washington Street, Conference Room 1, Indianapolis, Indiana. Members of the Board present at the meeting were Ross Holloway, Gary Kent, Christine Arnold, and Doug Lechner.

Natalie Stidd, Deputy Attorney General, supplied the Board with a report of Consumer Complaints and Litigation Cases. Below is a summation of that report:

Christine Arnold reported that the Board had received a notice from Mr. John Stephens stating that he was resigning from the Board. Ross Holloway volunteered to take over the oversight of Mr. Stephens's Probationary Reports.

The Board continued with Probationary Reports for J. Bernard Feeney, Michael Sadlon, Ronald Morrison, and Steven Williams. There was substantially nothing to report concerning these individuals since they had not prepared any surveys. Mr. Kent reported that Mr. Williams had informed him that he was retiring from the profession. Mr. Kent stated that he would send Mr. Williams an email informing him that his retirement would not relieve him from his obligation to report to the Board quarterly unless he surrenders or asks to have his license removed.

The Board discussed the applications that were reviewed and reported as to whether they were approved or denied. The following applications were approved:

Leslie Dean Baker – Professional Surveyor by Comity
Joel J. East – Professional Surveyor
Scott Allen Martin – Surveyor Intern by Comity
Branislav Olujic – Professional Surveyor
Eric J. Poreda – Professional Surveyor by Comity
Russell Olsen – Professional Surveyor by Comity

The Board then turned their attention to the discussion items on the agenda. The Board discussed the state exam changes that will occur after April's exam when NCEES will no longer administer the Indiana State Specific Land Surveying Exam. The PLA stated that they would look into options for proctoring and location hosting for the exam and the discussion was tabled until the next meeting. The Board discussed the current policy for applicants reviewing the results of the exam. Mr. Kent stated that due to exam security concerns the applicants are not allowed to review the results of the exam. Mr. Kent further stated that if during the exam the applicant finds a questionable question then they need to make note of the question and could appeal the question during a Board meeting. Mr. Holloway volunteered to work with Mr. Kent on writing some policies on the exam concerning reviewing the results, grading the exam, and when the exam would be offered. The Board discussed continuing education courses on FEMA Elevation Certificates and FEMA Flood Regulations. A motion was made by Mr. Kent and seconded by Mr. Holloway to allow training on FEMA Elevation Certificates and Flood Regulations to fall under mandatory continuing education topics pursuant to

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865 IAC 1-15-6(2). The motion passed with a voice vote. Mr. Kent reported that he has been meeting with Chuck Bevington to discuss possible changes to the continuing education rules and would propose some simple changes to the rules during the next Board meeting.

The meeting was adjourned at 9:56 am.

The next scheduled meeting is Friday, April 15, 2016 at Indiana Government Center South, 402 W. Washington Street, Room W064, Indianapolis, Indiana 46204.

Consumer Complaints			
Year	Consumer Complaints at Beginning of Year	Consumer Complaints Opened During Year	Consumer Complaints Closed During Year
2011	33	4	15
2012	22	13	25
2013	10	16	16
2014	10	20	6
2015	24	5	10
Complaints Currently Open as of October 1, 2015			19
Average Age of Open Complaints: 11.54 months			
Date of Oldest Open Complaints: December 18, 2013			

Litigation Cases			
Year	Litigation Cases Open at Beginning of Year	Litigation Files Opened During Year	Litigation Files Closed During Year
2011	8	5	3
2012	10	2	4
2013	8	1	4
2014	5	1	4
2015	2	1	2
Cases Currently Open as of October 1, 2015			1
Average Age of Open Cases: 8.65 months			

Action Taken	2011	2012	2013	2014	2015
Admin Complaints Filed	0	5	1	2	0
Cease & Desist Orders Filed	0	1	0	0	0
Summary Suspensions Filed	0	0	0	0	0
Civil Litigation	0	0	0	0	0
Judicial Review	0	1	0	0	0

INDIANA PROFESSIONAL LAND SURVEYORS FOUNDATION, INC.

Report from Chuck Coyle to the ISPLS Membership - March 15, 2016

Spring is in the air! What a first quarter of 2016 we have enjoyed! At least here in south-central Indiana we have enjoyed a rather mild winter... I've only dealt with snow on a couple of occasions, and only used the snow blower once. On another bright note it seems that work has been pretty plentiful. Every surveyor that I have inquired of has indicated that they are very busy. I know for myself, I am covered up!

All-in-all I thought we had a GREAT convention this past January; from a Foundation standpoint we had an awesome response to the raffle again this year. Once again we were able to obtain a couple of nice firearms, the 44 Mag., Henry "Big Boy" Rifle in the in the "Golden" finish, and a 20 Ga., C-Z Canvasback Over / Under Shotgun, from the Outdoorsman Sport Shop in Greenwood. We also raffled a 16GB Apple iPad Air and a GoPro HERO+ LCD Camera. And then under a separate and special raffle we were able offer an Avyon Microdrone package that had a retail value of over \$19,000.00. This was offered to the Foundation by Avyon, who also participated as one of our exhibitors this year.



The Foundation has also been busy organizing a "free" informational seminar regarding "Pipeline Safety". We have been able to organize this in cooperation with the Indiana Utility Regulatory Commission, (IURC), and is a full day seminar that highlights the Indiana law regarding "Indiana 811" and our responsibility to obtain utility locates. The afternoon session will include location information from Blood Hound, Inc. Lunch is provided, "free", and attendees will receive 6 CEU, (elective), for being in attendance. This first presentation will be held in Indianapolis on March 18th, and we are in anticipation of making additional presentations in the 4-corners of the state. You might ask, "How can the Foundation provide this for free?" Simple... we prepared a grant request to the IURC, and they granted our request... and were happy to do so! These grants are paid out from fines that contractors pay for tearing up underground utilities... I guess we can "Thank a Contractor!"

Since the convention the Foundation has paid out 4-Scholarships to students at Purdue-Calumet. These were made in conjunction with the Central Indiana Chapter, who also contributed in the funding. This is exciting to me because we are having participation and cooperation between Chapters and the Foundation... I think this is what our Society should be all about.

In other cooperative actions, we now have 2-chapters that have entered into the MOU's with the Foundation to invest a portion of their chapter funds with the Foundation. Hoosier Hills Chapter entered into an agreement last fall, and the Central Indiana Chapter made the investment at the beginning of this calendar year. I have attended one other chapter meeting recently, and they too are considering if this is the right time and opportunity for them. If your chapter would like to have more information or have a presentation made at one of your chapter meetings, just let me know!

Going back to Scholarships for a moment... Your Foundation has created a NEW Scholarship to be offered this year: The Indiana Benchmark Scholarship is available to any Indiana resident that is enrolled in an approved "Surveying" program "anywhere". Yes, that's right, they can be attending any school; in-state or out-of-state. This Scholarship will also be named in honor of a different Surveyor each year. We had several distinguished nominees to choose from, but this year's honoree is Robert "Bob" Vollmer, who well into his nineties, is still employed by the State of Indiana, and actively surveying... Thank you for your contribution to our profession Bob!

As you may remember, your Foundation has a process to provide Grants for "special" projects or contributions that benefit our profession. If you have a great idea that will benefit our profession then you too can apply for a Grant. Applications are available from any Foundation Board member or by contacting the ISPLS Executive Director... Let's share our ideas together!

I'd like to take the opportunity to offer a challenge to all of our membership, and that is to consider making a personal financial contribution to the Foundation. I've outlined some things that the Foundation is actively engaged in to promote our Profession, and I hope you will take notice and advantage of some of the things that we have going on. As you probably know, but let me remind you again, our Foundation is a Tax Exempt 501(c) 3 organization. What that means to you is that any contribution that you personally make can be itemized and utilized as a tax deduction, 100%, on your Tax Filings. We will be having membership renewal in just a few months... why not make a contribution of \$20 in addition to your membership fee? How about our "Life Members" that receives a "free" membership... in lieu of paying dues how about making a contribution to the Foundation? Let me challenge you yet in another way... how about leaving a portion of your estate to the Foundation? I can tell you that for me this is not just a

(Continued on page 13)

(Continued from page 12)

suggestion, but I have directed my attorney to include 1% of my estate at my passing and the passing of my wife. My wife even agreed to include that same condition in her estate planning. Some may say, "Only 1%?" Well, I guess if your estate is only worth \$100 in total, then a single buck is not much, but if your estate is three-quarters of a million then your 1% is \$7,500. Now some are probably saying, "Wow, that much?" I guess it is all depends on your own situation and circumstances. I'm only asking each of you to give it some thought.

This year the Foundation has meetings scheduled for the 2nd Monday of every month. Contact a member if you'd like to attend. Thank for your support and remember to be safe out there!

Regards,
Charles M. "Chuck" Coyle, 2016 IPLSF President

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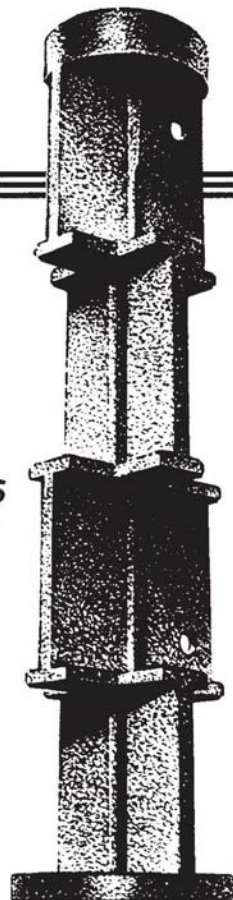
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INDIANA-MICHIGAN STATE LINE COMMISSION - MEETING HIGHLIGHTS

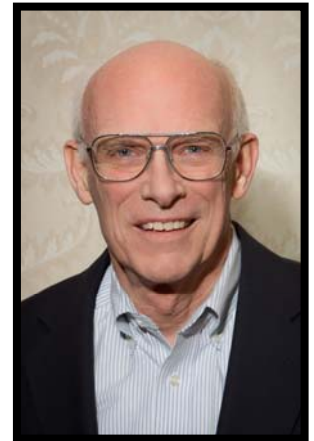
By Mike Davis

The Indiana-Michigan Boundary Line Commission's next scheduled meeting is set at 11 a.m. on Tuesday, April 12, in the St. Joseph County Parks and Recreation Building, 602 E. Main St., Centreville, Mich.

The group, which canceled its Jan. 12 session, last met on Aug. 11.

Since then, Chris Beland, the director of Michigan's Office of Land Survey and Remonumentation, announced that he would be leaving that position in February. According to his LinkedIn profile, he is now senior project manager at PEA, a firm in Lansing, Mich., which offers civil engineering, land surveying and landscape architecture consulting. Beland and his staff had been attending the commission's meetings and serving in an administrative role.

Commission members attending the Aug. 11 meeting were John McNamara, chairman, Indiana; David Mostrom, vice-chairman, Michigan; Brad Cramer, Anthony Hendricks, Rex Pranger and Michael Ruff, Indiana; and John Kamer and Chris Marbach, Michigan. Those not present were Edward Reed and Michael Lodzinski, Michigan.



The following report is based on draft minutes provided by the Office of Land Survey and Remonumentation.

Hendricks said proposals were received from three firms — Abonmarche, State Line Group and DLZ — to survey and monument the state line within LaPorte County's boundaries. They ranged from \$4,800 to \$5,500 per monument, which Hendricks said was lower than anticipated.

McNamara said the three groups also submitted proposals for Indiana's St. Joseph County, and they ranged from \$4,200 to \$4,500 per monument. Based on these proposals, the cost of surveying and monumenting the entire boundary between the two states would be an estimated \$800,000.

Following a discussion of how to split the costs between Indiana and Michigan, and what the commission's role would be in moving the project forward, Beland noted that Michigan still has its original \$200,000 appropriation and has authority to get \$300,000 more. Hendricks made a motion that Indiana be asked to reinstate previously approved funding of \$200,000 and appropriate an additional \$300,000 to finish the project. The motion was unanimously approved.

In a budget discussion, Beland said Michigan counties wanted to, they could start using State Survey and Remonumentation grant money to get started on the project. McNamara said St. Joseph and LaPorte counties could begin by using county funds, but other Indiana counties do not have funds available. Beland said he believed that if the project ends up being funded at the county level, it won't be completed by the current target date of 2018.

In recapping what is to be done, Beland said a letter from the commission would be sent to the budget director of the State of Indiana requesting \$500,000, which is a reinstatement of \$200,000 and an additional appropriation of \$300,000. He also said he would follow up with the finance officer of Michigan's Department of Licensing and Regulatory Affairs to inquire about distributing state line funds to counties in a manner similar to the way its State Survey and Remonumentation program is administered.

In the 2016 session of the Indiana General Assembly, however, legislators took no action on the funding request before adjourning March 10.

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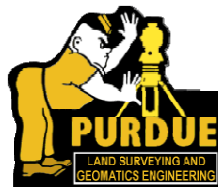
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Many thanks to our presenters for another successful convention.



Bruce Carlson, PS



Tony Gregory, PS



Gary Kent, PS



Kris Kline, PS



Dennis Mouland, PS



Dr. Tony Nettleman, PS



Perry Cloyd, PS



Rod Renkenberger, PS & Randy Sexton, PS



Matt Badger, PS & Matt Healy, PS

Other speakers not pictured: Tom Bryant, Matt Davis, Chris Dintaman, Rick Hill, Travis LeMaine, Chris Morse, Jim Swift, & Phil Worrall

ISPLS 64TH ANNUAL CONVENTION HIGHLIGHTS

Indianapolis Marriott East, Indianapolis, Indiana, January 13-15, 2016

Hosted by the Northeast Chapter of ISPLS



Austin Yake (L) receives a President's Award from ISPLS President Bernie Guerrettaz.



Frank Walsko (L) receives a President's Award from ISPLS President Bernie Guerrettaz.



Bernie Guerrettaz (L), awarding Dennis Grumpp the ISPLS President's Award for his dedicated work as the ISPLS Treasurer (2008-2015) and the IPLSF Treasurer (2011-2015).



Bernie Guerrettaz (L), awarding Jason Coyle the ISPLS Trebuchet President's Award. Jason has been the Executive Director of ISPLS for the past 4 years. Everyone within ISPLS would like to express their upmost gratitude for all that Jason has accomplished on behalf of the society. "Jason, like a trebuchet you energetically propelled ISPLS forward on a targeted true trajectory."

ISPLS 64th ANNUAL CONVENTION HIGHLIGHTS

ISPLS 2015 SCHOLARSHIP RECIPIENTS

Those recipients recognized at the annual banquet, but not in attendance, are as follows:

Michael Flower, Ferris State University, a Central Indiana Chapter Scholarship;

Brian Murray, Purdue University Calumet, the Ordell L. Gertsmeier Memorial Scholarship through the Northwest Chapter; and Kevin Coros, Purdue University Calumet, the Ordell L. Gertsmeier Memorial Scholarship through the Northwest Chapter.



Bernie Guerrettaz, 2015 ISPLS President, awarding the 2015 John G. McEntyre Scholarship to Easton French, Purdue University student.



Bernie Guerrettaz, 2015 ISPLS President, awarding the 2015 Peggy Archer Scholarship to Dugan Kippenbrock, Vincennes University student.



Mike Davis, 2015 Central Indiana Chapter President, awarding a scholarship to Mitchell Nowaskie, Vincennes University student.



Mike Davis, 2015 Central Indiana Chapter President, awarding a scholarship to Steven Zehr, Purdue University student.



Matt Badger, 2015 Southwest Chapter President, awarding a scholarship to Dugan Kippenbrock, Vincennes University student.



Matt Badger, 2015 Southwest Chapter President, awarding a scholarship to Mitchell Nowaskie, Purdue University student.

ISPLS 64th ANNUAL CONVENTION HIGHLIGHTS

IPLS FOUNDATION, INC. • 4TH ANNUAL FUNDRAISING RAFFLE

The **Indiana Professional Land Surveyors Foundation, Inc.** (IPLSF) conducted its 4th Annual Fundraising Raffle during the 2016 ISPLS Annual Convention held January 13-15, 2016 at the Indianapolis Marriott East. The funds raised will assist the IPLSF with its mission of promoting growth and development of the Surveying Profession in the State of Indiana by providing financial grants, scholarships, or other financial assistance. The IPLSF was again pleasantly surprised with the participation. The IPLSF would like to thank everyone that participated.

Indiana Gaming Commission License Number 139521.

The raffle included four remarkable prizes with a combined total value of over \$3,000. The **First Prize** was Henry Big Boy .44 Magnum Rifle. The **Second Prize** was a CZ Canvasback Over/Under Shotgun. The **Third Prize** was a 16GB Apple iPad Air. The **Fourth Prize** was a GoPro HERO+ LCD Camera.

New for this year's IPLS Foundation raffle, and in addition to some of the items previously seen in events, IPLSF partnered with Avyon to offer a remarkable opportunity to our members. As part of a separate drawing, tickers were sold for a chance to win an Avyon Small Unmanned Aerial Vehicle (sUAV) Professional Small Area Mapping Solution. This amazing prize had a total value of \$19,283.00!



And the Winners were . . .



Chad Coughenour, the first prize winner, receiving the Henry Big Boy .44 Magnum Rifle from IPLSF Director Eric Banschbach.



Terry Livingston, the second prize winner, receiving the CZ Canvasback Over/Under Shotgun from IPLSF Director Doug Herendeen.

Not pictured: The winner of the Apple iPad Air - John Nagy
The winner of the GoPro HERO+ LCD Camera - Tracy Thomas
The winner of the Avyon sUAV - Jonathan Derwinski

ISPLS 64th ANNUAL CONVENTION HIGHLIGHTS



2016 ISPLS Board of Directors

Pictured (left to right): Don Williams, Al Fabian, Don West, Rich Hudson, Eric Banschbach, Brent Friend, Bryan Catlin, Bernie Guerrettaz, Perry Cloyd, Norman Hiselman, Vince Barr, Dave Myers



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LEGAL SURVEYS

Bryan F. Catlin, PS



The goal of this column is to provide brief summaries of recent Indiana Court of Appeals and Supreme Court cases involving topics related to surveying practice, certainly not to provide legal advice. Information is gathered from the courts website at www.in.gov/judiciary. Comments or suggestions for future columns are welcome by email to: Bryan.Catlin@indy.gov.

John Belork v. Robin Latimer, Davis Township Trustee and DMK&H Farms, Inc., Indiana Court of Appeals Case No. 75A04-1503-MI-100, November 16, 2015

This case does not involve a survey, but surveyors are often asked about fences and their status. I am including this summary to help in understanding Indiana's Partition Fence statutes.

Here Belork raises cattle on his farm in Starke County and has had complaints about them leaving his property in the past. Belork rebuilt the southern half of the fence along his eastern boundary with Jan Ferch and the western half of the fence along his southern boundary with DMK&H, using what is known as the right hand rule. Ferch and DMK&H are grain farmers and

did not complete the rebuilding of the fences along their shared boundary with Belork. Belork asked Robin Latimer, the township trustee, to require his neighbors to construct or fund the remainder of the fences along the common boundaries in question. Latimer did not grant this request.

Belork filed a Petition for Writ of Mandamus per IC 34-27-3 naming Latimer, as trustee, as the respondent to fulfill her statutory duty to have the fences completed. DMK&H filed a motion to intervene as a respondent which the court granted. The Starke Circuit Court held a bench trial on February 9, 2015. The trial revolved around whether the fence would be used by the owners on both sides of the fence as required by IC 32-26-9-1. Belork's counsel argued that the statute applied if one of the adjoining parcels is agricultural. The court noted that the statute does not apply just because a fence exists but must be of use to both owners. In this case where Belork's neighbors are grain farmers, their only use would be for protection from Belork's cattle. Belork also argued that his neighbors might have livestock in the future and one stretch of fence caught windblown sand which would be benefits to his neighbors. The court ruled against Belork and this appeal followed.

The Court of Appeals affirmed the trial court decision that Ferch and DMK&H did not use or derive benefit from the fence so IC 32-26-9 did not apply to the facts of this case.

Sara Ellison v. Town of Yorktown, Indiana, Indiana Court of Appeals Case No. 18A02-1504-PL-233, December 4, 2015

Here is a case from the Delaware Circuit Court where Yorktown desired to build a storm sewer and recreational trail across land owned by Sara Ellison. Yorktown had an appraiser who valued the land involved at \$10,457. On February 1, 2013 Yorktown offered Ellison \$10,457 for executing a storm sewer easement, a temporary construction easement and the trail easement on the same strip of ground as the sewer easement. Ellison did not accept the town's offer. On May 2, Yorktown began condemnation proceedings and a month later Ellison requested a discussion of a potential settlement which involved relocating the sewer. On June 17, Ellison's attorney wrote a letter to Yorktown's attorney offering to grant the easements for \$15,000 if certain written assurances were made. The trail easement would be donated according to this proposal. This letter did not convey any concerns about the location of the proposed trail. The Town Manager instructed the Town's counsel to prepare the necessary documents. Yorktown's attorney replied to Ellison's attorney on July 8 stating Yorktown was ready to get the matter resolved and proposing one change in the assurances Ellison requested. On July 10, Ellison's attorney responded and stated the change was satisfactory if a clarification about a nearby basin was made. On July 15, a letter with the requested answers was provided. On August 7, Yorktown's attorney wrote a letter that included the easements with the requested changes. On August 26, Ellison executed and delivered the temporary construction and storm sewer easements but not the trail easement. Yorktown had those easements recorded. At some point between August 26 and September 9, the contractor arrived on site to simultaneously construct the sewer and trail. On September 9 counsel spoke by telephone and the conversation was memorialized in a letter later that day from Ellison's attorney to Yorktown's which noted the storm sewer easement had been delivered and that work had begun. The letter also noted that Ellison would donate the trail easement after consulting with her accountant and asked for the \$15,000 for the storm easement. On September 13, the town attorney sent a letter

(Continued on page 24)

(Continued from page 23)

and \$15,000 check to Ellison's attorney to be held in trust until the trail easement was executed and delivered. The letter noted they anticipated the easement would be delivered by October 1, 2013. On September 19, Ellison's attorney wrote a letter saying that Mrs. Ellison had become concerned about the impact of the presence of the trail and requested seven changes be made as a *final offer* and stating he must be authorized to release the payment to Mrs. Ellison before work on the sewer continued.

Yorktown felt this was a breach of the settlement agreement, and because the hiking trail could not be constructed before winter, proceeded with condemnation proceedings for the trail and postponed trail construction until the process was completed. On October 7, Yorktown filed an amended complaint to exercise its right of eminent domain for the trail easement and to enforce the agreement made through counsel. Yorktown contended Ellison breached the agreement by requesting additional assurances before making the donation. Yorktown completed the condemnation and paid \$4,665 for the trail easement. In the summer of 2014 Yorktown constructed the trail on Ellison's property. Yorktown was still pursuing the claim for breaching the settlement agreement. On September 12, 2014 Yorktown filed for summary judgment arguing Ellison breached the agreement by failing to donate the trail easement. Yorktown sought damages for the cost of court-appointed appraisers, the cost to purchase the easement through condemnation, attorney fees and additional engineering and construction costs due to having to have contractors remobilize in 2014. On February 2, 2015, the trial court held a hearing on whether there was a settlement agreement and if Ellison breached it. On March 17, the trial court granted Yorktown's motion for summary judgment and found in favor of Yorktown. The trial court found there was a valid agreement, Ellison breached that agreement, counsel's communications satisfied the Statute of Frauds, and that even if the Statute of Frauds was not satisfied, promissory estoppel and part performance supported judgment in favor of Yorktown. Ellison appealed.

On appeal the court found that by the July 10 and August 7 letters, Yorktown had accepted the terms of Ellison's counteroffer. Ellison breached this agreement by later asking for additional assurances and failing to donate the easement. Ellison also argued the agreements were not enforceable under the Statute of Frauds. But the court noted that the written letters only had to describe each party, the land in question, the terms and conditions and by whom and to whom the promises were made to be enforceable. The written agreement does not have to be a final contract to be enforceable. The trial court decision was affirmed.

**Larry R. Flanagan v. Mary J. Beckman, Indiana Court of Appeals Case No. 62A01-1504-PO-145, October 23, 2015
- MEMORANDUM DECISION - not regarded as precedent**

Here is a case from the Perry Circuit Court that makes a compelling case for why estate planning is important. This case is actually about whether there were sufficient grounds for a sister to be granted a protective order against her brother, but it started with a dispute over land.

The sister had agreed to buy a portion of the family farm to ease financial difficulties for her parents. All eight siblings were informed and approved of this arrangement. She later purchased an additional parcel. After her father died, her mother wanted to sell the rest of the property and move to the city. The only brother, acting with his mother's power of attorney, then allegedly began demanding she purchase the remainder of the land and things went downhill from there. A survey is briefly mentioned in this case.

Bryan F. Catlin, PS has been registered as a Land Surveyor in Indiana since 1991. He holds B.S. Land Surveying Engineering and M.S. Engineering (geodesy) degrees from Purdue University.

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The Old Surveyor Speaks.

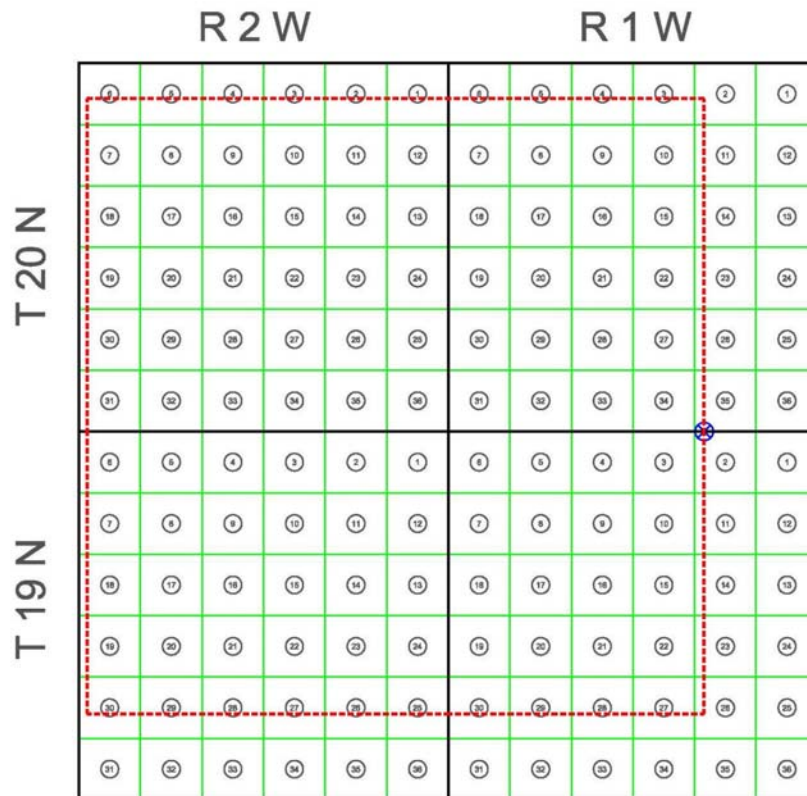
By Jim Swift, PS

Picture this. It is August, 1861. You are a County Surveyor and you are called upon to do your job. You are asked to find an original corner of the Public Land Survey System. No problem. That's what you do and you do it well. You're willing to research the notes and plats. You're willing stretch a chain across miles of ground and you're willing to chop into a bearing tree to prove the point to witnessing parties. You are tough and capable. You know the rules, you know the ground, and you know how to find the old corner.

Then you get stuck with the intractable problem. The dreaded problem from Hades. It has happened to all good surveyors, stuck in our tracks, trying to get it right. It happened to the Boone County Surveyor in 1861.

This article reprints a five-page report by David M. Burns, Boone County Surveyor, written in January, 1862. It represents his response to the intractable problem. In August, 1861, Mr. Burns was called upon to establish the point where the east line of the Thorntown Indian Reserve crosses the line between Townships 19 & 20 North. He found the survey to be quite frustrating but he persevered. He completed the job and he wrote a substantial report explaining his reasoning and actions. His report is shared with the hope that practicing surveyors may find the problem interesting while appreciating the perspective of a surveyor from an earlier era, replete with his frustrations, his interactions with the land owners, and clear evidence of his determination to do his job properly. Specifically, we reprint pages 124 through 128, Survey Book 4, of the old field notes in the Boone County Surveyor's Office.

The background: Rights to most of the land of central Indiana were secured by the U.S. Government in 1818 as part of the set of treaties with the native inhabitants commonly called "The New Purchase." In one of these treaties, a 100 square-mile area was reserved for the Eel River branch of the Miami Indians. Known as the Thorntown Reserve, this parcel was held out as from the original subdivision surveys of the adjoining sections in 1822. As an Indian Reserve, it did not last long. By treaty dated 1828, the entire reserve was sold to the United States of America. The interior of the reserve was subdivided by federal surveyors in 1829, and for most practical purposes the reserve has been treated as if it did not exist henceforth. But the perimeter boundary of the reserve is indelibly etched into the PLSS and must addressed by surveyors working adjacent to or across it. The following image



(Continued on page 27)

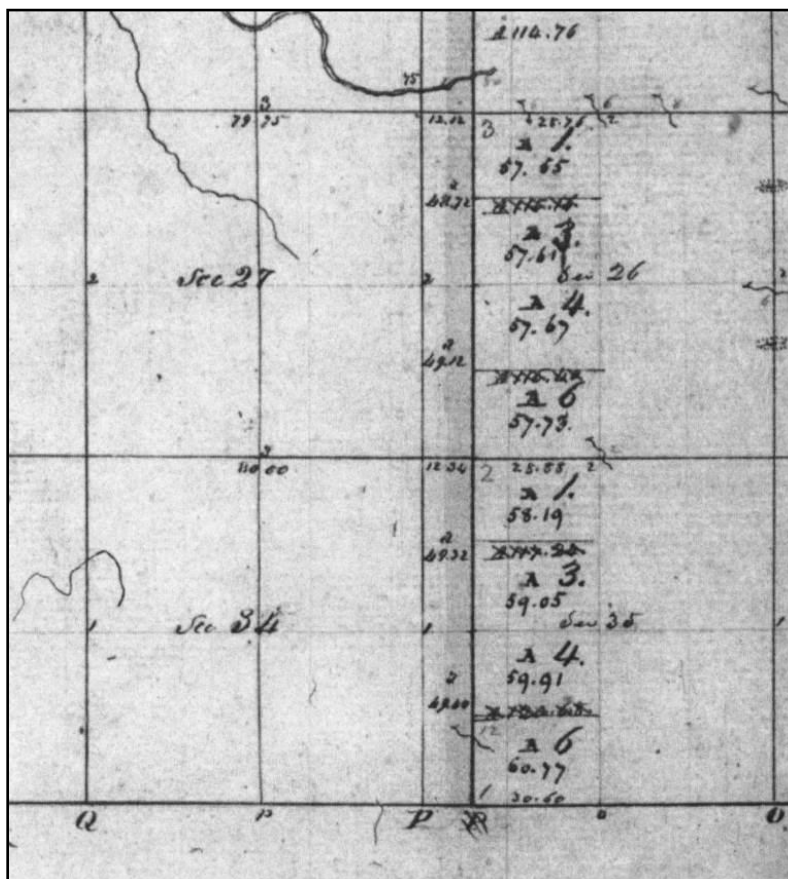
(Continued from page 26)

demonstrates how the Thorntown Reserve fits with the adjacent sections. The dashed red line represents the perimeter line of the reserve. The blue target mark represents the point which David M. Burns investigated in 1861 and 1862.

As may be observed, the perimeter of the reserve does not conveniently line up with the adjoining sections. It is curiously offset. These reserve lines can be problematic at any point where they cross a section line, but they can be particularly tricky where they cross a township or range line. When the federal subdivision surveys of 1822 (exterior) and 1829 (interior) were performed, the field notes reported distance ties from established section or quarter section corners to the reserve line in both directions, except where the reserve line crossed a township line. In that case, the 1829 survey reported only the typical closing information, closing distance and offset from the standard corner, but the notes did not report an east-west tie to the reserve line. Hence, on the township line, the position of the reserve line is tied to the adjoining section corners by only one distance, from 1822, with no cross reference.

The lack of a cross referencing tie presented a problem for Mr. Burns, as he clearly wished to establish the line proportionally with respect to both adjoining corners, given that he had no physical evidence in the immediate vicinity of the corner. He declared the corner "lost" and he noted the lack of bearing trees. But the real problem, the zinger which turned his survey into an intractable problem, was that the single distance tie he did have was most likely not reported correctly in the original notes. Recent analysis of the plats, proximate distance ties, and field evidence, indicates that the distance tie was either erroneously reported, or the reserve line must have been surveyed with a huge bend in it. But the distance was shown on the plat and could not be ignored. Not only is it the single reference tie, it was used to compute the area of the fractional parts of section 35 adjoining the treaty boundary. As noted in the Burns' report below, the suspect distance translated to ten questionable acres in the fractional parts of the section either side of the treaty line. Hence, the relevant survey problem became a question of which party gained possession of the ten acres.

Observe a portion of the original plat of Township 20 North, Range 1 West, showing the reserve line and fractional portions of sections 35 and 26. Note the single tie to the reserve line on the south side of section 35.



(Continued on page 28)

Another problem for Mr. Burns was that he did not know how or when the reserve line was surveyed. As he discusses below, he traveled to Indianapolis (a substantial horse or wagon ride in his day), to determine what information may have been available about the original survey of the reserve line. He found no more information in the State Auditor's Office than he already had in his own County Surveyor's office. Nobody knew when or how, or even if, the reserve line had been surveyed. Fortunately, we now have this information. Thanks to the excellent work of the Bureau of Land Management, the field notes for the original survey of the reserve line have been found. But these notes were only found in 2015. In 1862, Mr. Burns was left wondering. He was correct in noting that the original township and range line surveys of 1819 treated the reserve as if it did not exist. But he did not know that the perimeter of the reserve was surveyed in 1822, at the same time, and as part of the same survey, which subdivided those portions of the townships exterior to the reserve.

It is noted that the 1862 determination of the reserve line to the north of the township line (through section 35) appears to be held today as the recognized line. However, the reserve line to the south of the township line (through section 2) was established at a later date, by Mr. Burns himself, as being further east. Hence, surveys of the late 1800s interpreted the reserve line as having a substantial jog at the point where it crosses the township line. Canonized over time by deeds and patterns of occupation, that interpretation of the position of the line holds today.

With that introduction, we reprint the report by David M. Burns, Boone County Surveyor, from Survey Book 4, pages 124-128, Boone County Surveyor's Record, dated January 6, 1862. A modern sketch of the survey is included after the report.

Full ten days notice having been given to all interested resident parties in this section, and notice to non-residents by advertisement in the "Pioneer" I was called upon to make a survey on 20th day of August 1861. And in that survey I was required to Reestablish an original corner on the East line of the Thorntown Indian Reserve on the South side of this Section, but the corner was lost and bearing trees both gone. I there examined and found one of the original bearing trees at the quarter section corner on South, at F. which corner I reestablished and run West to Section corner, and in correcting drove a stake, at X a point which is 30.60 chains West of Quarter Section corner. That being the distance from ¼ section corner to reserve line given in plots of the original survey, and which distance proves to have been no mistake by properly calculating the areas on both sides of the Township line East of the reserve line in first survey. But neither in the Field notes nor any of plots could I find the distance from the corner on reserve to the South West corner of the section. Hence I had no opportunity of proportionally dividing any gain or lack in distance. I then run from the corner at V, the corner of reserve line between Section 26 and 35. South Two miles or exactly 157.66 chains to the Corner on the Reserve line between Sections 2 and 11, Township 19 N., Range 1 West; to see where a straight line would cross the Township line and thereby ascertained that it crossed 302 links East of the stake at x.

Now in East Fraction of Southwest quarter the Patens and deeds of transfers, as by the Plots of the Township show there is 120.68 acres. While the same kind of papers show there is in the West Fraction of the same quarter 39.36 acres. But this line run straight two miles cuts ten acres off what the East fraction should have, and gives the West fraction that much more than it should have. I could not think this fair without undoubted assurance that the corner had originally been placed there. In order to give myself time to reflect to consult with others and to examine all the Field notes and Plots at Indianapolis, and also upon the agreement of parties to meet again on the 30th of August, further surveying was postponed until that time.

In the meantime I went to Indianapolis and examined all the papers, books & plots in the Auditor of State's office, and in the land offices; pertaining to said sections above named; but got no further information, but found what I had fully corroborated.

I again met the parties on August 30th but it now appeared evident that my survey either way could not settle the matter but would rather aggravate a suit in Court; Therefore I assured all the parties together that Mr. Robert Slocum, owner of E Fraction could commence a suit for the recovery of the ten acres, as well without a survey as with it. I thereby got the parties to excuse me indefinitely, or at least until they formed some other determination.

So the survey stood until the 4th of Jan. 1862 at which time I took in counsel John M. Burns formerly County Surveyor, and we met the parties to see if it could be surveyed so that they could agree without a suit, but we found it impossible so the day passed. But before we separated they demanded a final survey, and a line, and corners established somewhere; so the parties set January 6th. At which time I again made my appearance on the premises and made the survey as recorded on page 124 & 125.

This decision was made after much study and close examination of the best authority I could obtain, most of which I received from

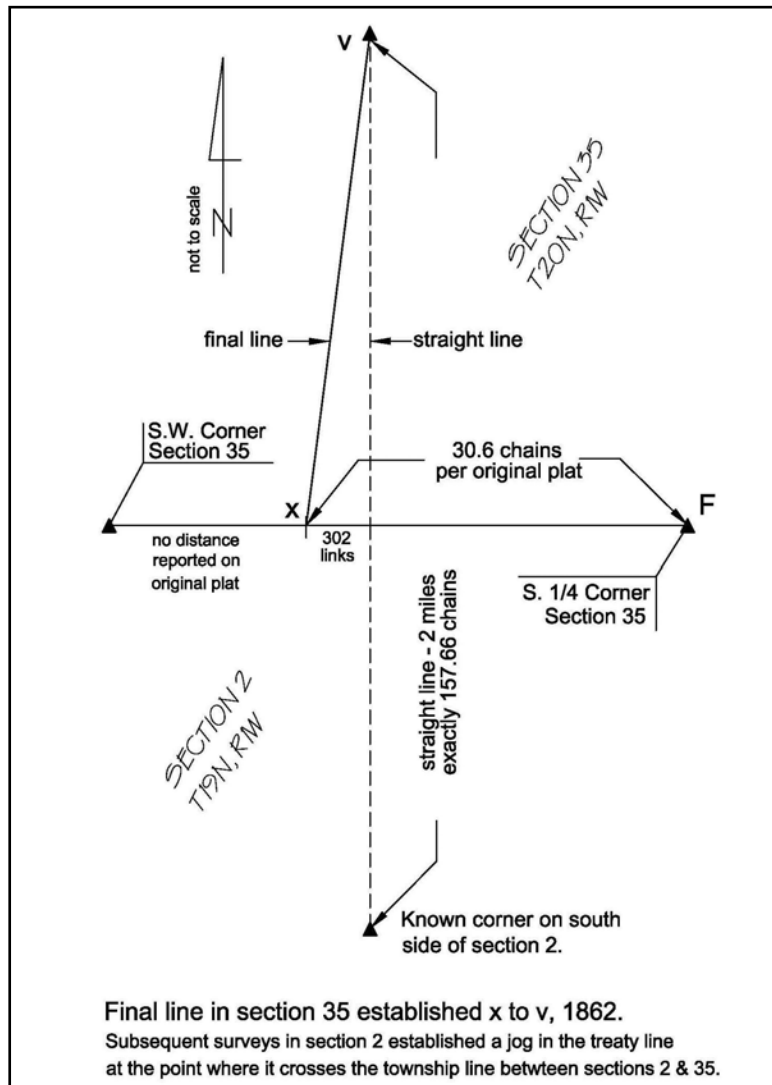
(Continued from page 28)

the general instructions for surveying the public lands, and from the manual of instructions to United States deputies.

Some few of the reasons for this conclusion will be shown by the following.

I must notice first, this reserve line. It is not a Meridian, Standard line, Range line nor a Township line, but differs from all these. It was not surveyed by the original Surveyors, as were the other lines. But was blazed out probably before any surveys were made. Then in surveying the land was first laid out into Townships in 1819 by Wm. Harris in October 1819 and no attention was paid to any Reserve line (It might not have been blazed until after this, but before the Townships were Sectionized.) Then in 1822 it was Sectionized by Thomas Brown D.S. (That is the part outside the reservation) and whereas he, in surveying intersected this reserve line he established a corner by the marked trees without tracing out the line at all. Now from the way trees were marked on all the original line no surveyor can perfectly determine a line, but will place one corner on one side of the true line and perhaps a mile both ways one or both the corners on the other side of the true line. Then from this we notice that a Surveyor has no assurance that the Reserve line is straight more than one mile. Therefore it never should be run straight more than from one original corner to another, or more than one mile. And if a corner is lost, the correct way Reestablish it is, to go to the oldest survey and get the exact range of the section line, and trace that direction until you measure the distance to the reserve line from the nearest original corner. Then go to the nearest original corner in the last survey and without regard to direction measure the distance to the reserve line. If the measurements agree all right, but if not, proportionally divide the gain or lack and establish the corner.

David M. Burns, C.S. of B.C.
January 6, 1862.





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PROFESSIONAL MEMBER: A Professional Member of this Corporation shall be limited to Registered Land Surveyors in good standing with the Indiana State Board of Registration for Land Surveyors. A Professional Member shall be eligible to vote, hold office and to participate fully in the affairs of the corporation.

ASSOCIATE: An Associate membership will be granted to those non-registered individuals who are actively engaged in support of the practice of land surveying. An Associate Member is entitled to vote and participate fully in the affairs of the Corporation but shall not be entitled to hold office. Associate Members shall, at such time that they become Registered Land Surveyors in good standing with the Indiana State Board of Registration for Land Surveyors, become Professional Members without further vote of the Board of Directors of this Corporation.

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- b) Any Non-Resident who is registered and in good standing as a Land Surveyor in a state other than Indiana.

An Affiliate Member is not entitled to vote, or to hold office but will receive newsletters and be invited to participate in meetings.

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LIFE: Any person holding Professional Member status shall be eligible to petition the Board of Directors to change his membership to that of a Life Member. If the Board of Directors finds that the Professional Member so petitioning has reached the age of 65 years and has been a Professional Member (or Member before July 1, 1999) of this Corporation for at least a total of twenty (20) years, it shall grant the petition and the Professional Member will become a Life Member. If the Board of Directors finds that the Professional Member so petitioning has not fulfilled the above requirements, the Board may grant a petition if it finds that the Professional Member has retired from active practice for reasons of health and is no longer engaged in Land Surveying. Life Members shall be furnished with a Life Membership card and Certificate and such membership shall take effect upon approval by the Board of Directors. Life Members shall not be subject to payment of dues, but shall enjoy all the rights and privileges of full Professional Member status in this Corporation.

To view and read the ISPLS Constitution, By-Laws, Code of Ethics, and the Memorandum of Understanding with NSPS, please visit www.ispls.org and About ISPLS.

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