# HOOSIER SURVEYOR

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AFFILIATED WITH THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC.

VOLUME 42 • NUMBER 4 • SPRING 2016

# ISPLS, INC.

## Chapter Highlights

## The Northwest Chapter's Annual Evening with the Gary SouthShore RailCats

**Have a story worth bragging about? Your Chapter could be featured in the next issue of the Hoosier Surveyor! Show us what you and/or your local Chapter is doing. Submit a picture along with a small blurb (not more than two paragraphs) to editor@ispls.org identifying the function and the people in the picture. Help us to get the word out about how active Surveyors are in the community!**
**(Photos by Alex Fabian)**

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# 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 - September 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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# Job Creation Committee (JCC) License Review Results

On Thursday, July 21, the Jobs Creation Committee (JCC) met to review and make final recommendations to the Legislature concerning professions under the State Board of Registration for Professional Surveyors. This meeting was open to the public, and the ISPLS Board sent representatives and encouraged members to be in attendance to express views and recommendations and defend the profession as necessary.

The JCC's original recommendation included the elimination of the following licenses: (1) Surveyor Intern; (2) Land Surveyor Professional Corporation; (3) CE Provider – Land Surveyor; and (4) Land Surveyor Firm.

Thanks to the support of ISPLS members, we are happy to report that at the end of the day, ***three of the four licenses remained: Surveyor intern, CE Provider- Land Surveyor and Land Surveyor firm.***

The only category eliminated was Professional Corporation-- however, we were not alone, as this was eliminated from all other Boards as well. Because there are just seven of these licenses in the entire state, this is not seen as a significant change for the profession.

We will continue to monitor these license recommendations and changes and will provide additional information to the membership as it becomes available. Thank you to all who helped preserve licensure for professional surveyors in Indiana by registering their comments and attending the meeting! We want to extend a ***special thank you*** to Jason Coyle for leading the efforts and spending time at these hearings making sure the PLS license was not on the chopping blocks.


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# COMPLETED CAREER

## DEREK J. KNOWLING 1984 - 2016

Derek Jordan Knowling, 31, of Roachdale, passed away Friday, June 24, after being injured in a roadside accident June 23 as he and a fellow employee were working next to a company vehicle in Noblesville.

Derek was born December 2, 1984, in Danville, to Catherine (Fischer) and Toby Knowling. On June 26, 2010, he married his longtime sweetheart, Kimberly Zaring. They have been blessed with two children, Kendall, 4, and Benjamin, 2.

Derek began his education at the Roachdale Preschool. While at Roachdale Elementary in third grade he was nominated and selected to attend Purdue University's Gifted Program and studied architecture. While there his class was filmed for a documentary from Taiwan. During his senior year of high school he was voted FFA president. Derek graduated from North Putnam High School. He then continued his education at Vincennes University where he studied surveying. While at Vincennes University he pledged to Sigma Pi fraternity where he held many offices. He began working at the Roachdale Gun Club at the age of 13. With some practice it was clear he had a gift. He was a four-event national champion trap shooter. He was a member of the Roachdale Christian Church, ATA, NRA and Ducks Unlimited. He loved the outdoors. One of his dreams was to become the manager of the gun club, which he achieved in 2015 for a five-year term. He began working as a land surveyor in 2006 and was currently a crew leader for Certified Engineering, Inc., Indianapolis.

He is survived by his wife Kim; children Kendall and Benjamin; parents; sisters Ashley Asher and fiance Drew Dawson, and Katie and Jay Burdine, all of Roachdale; grandparents Herbert and Bonnie Fischer, of Barnard; and several nieces and nephews.

Derek was preceded in death by grandparents Theodore and Vera Knowling, aunt Rita Fischer Tinch, and uncles Patrick Joseph

*(Continued on page 7)*

Fischer and Theodore Knowling.

A funeral service was held June 30 at Roachdale Christian Church, with Pastor Braden Etchison officiating. Burial was at Roachdale Cemetery. Memorial contributions in Derek's memory may be made to Roachdale Christian Church or the Roachdale Gun Club. A YouCaring page also has been set up at https://www.youcaring.com/kim-knowling-591470 for donations in his memory.

In a message to employers, friends and co-workers, Certified Engineering's Jason R. Hesler asked for prayers for Derek's wife and young children, as well as all those who mourn his absence. "Also, pray for those who will receive his organs that he and his family have generously donated," he said. "There are few gifts as generous as these."

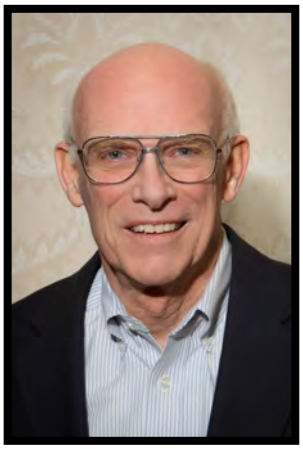
Hesler said the firm had established the Derek J. Knowling Donation Account for contributions from those in the industry and anyone else who wished to contribute. Donations will be accepted at any Chase Bank. Please reference both the name of the account as well as the account number, 3046782149. Donations on Derek's behalf also may be sent to Certified Engineering, Inc., 3939 Millersville Road, Indianapolis, IN 46205.

"Please give generously to this very special family," Hesler said. "Kim and her children will face very uncertain times ahead without Derek's income. This is one way we can let Kim know that she is not alone and that she has many friends willing to help her through this difficult time."

He also suggested that sympathy cards be sent to Kim Knowling, 1931 West County Road 1200 North, Roachdale, IN 46172. "I think it would be fine to include the company you work for in small print at the bottom of the card so Kim will know the breadth of companies and associates sharing her grief," he said. "We at Certified Engineering thank you for supporting this very worthy cause."

# Surveyors in Space?

**By Mike Davis**



Mike Davis, Editor

NASA has surveyors in its view of the future – particularly for Mars missions.

There's no recruiting line yet, but two helmeted, space-suit-wearing surveyors are featured on one of the space agency's "Mars Explorers Wanted" posters that can be downloaded on the Internet and printed by anyone for non-commercial use.

"Surveyors wanted to explore Mars and its moons," the NASA promotion says. "Have you ever asked the question, what is out there? So have we!"

In addition to placing a premium on curiosity, the agency is targeting people who can discover with rovers (the next-generation 4-wheelers?) what's over "the next valley, canyon, crater or hill."

Other specialties highlighted in the set of 10 posters include explorers, farmers, teachers and technicians.

A frequently-asked-questions section on the web page says NASA prepared the posters in 2009 for an exhibit at the Kennedy Space Center Visitor's Complex. They're available in .jpg and .tif formats.

To see the various posters, go to http://mars.nasa.gov/multimedia/resources/mars-posters-explorers-wanted.

*Thanks to D. Felicity Fitzpatrick, Chief Deputy Surveyor at the Marion County Surveyor's Office, for sharing the link. Image credit: NASA.*

# INDIANA-MICHIGAN STATE LINE COMMISSION REPORT

**By Mike Davis**

The Indiana-Michigan Boundary Line Commission canceled its April and July meetings, as members await action from the Indiana General Assembly on a request to reinstate $200,000 previously appropriated for the project and approve an additional $300,000 to complete the work.

The Indiana legislature did not take action on the funding request during its 2016 session that ended March 10. It is scheduled to start its 2017 session in January.

Chris Beland, who has since left his position as director of Michigan's Office of Land Survey and Remonumentation, said in August 2015 that Michigan had its original $200,000 appropriation and had the authority to get $300,000 more. Based on submitted proposals, the cost of surveying and monumenting the boundary between the two states would be an estimated $800,000.

The commission's next meeting is scheduled at 11 a.m. on Tuesday, Oct. 11, in the St. Joseph County Parks and Recreation Building, 602 E. Main St., Centreville, Mich.

# More Than Just a Cone

**By Ronald E. Koons**

When a crew leaves the office you wouldn't dream of letting them go without the equipment needed to perform a survey. Tripod, instrument, rod, tapes, spray paint, stakes...all of these are important items required to get the information you need. Along with the equipment, you provide training on how to get data retrieved. It doesn't do any good to have a well-equipped vehicle if no one knows how to use the equipment. So, what about traffic safety? Do you have everything your crew will need to stay safe? Probably even more important: Have you provided the traffic safety training that is vitally important in protecting the crew?

There is a national standard for procedures in workzone traffic safety. It is known as the Manual on Uniform Traffic Control Devices (MUTCD). Each state has either adopted the national standard exactly as it appears, or they have taken the MUTCD and "tweaked" it for use in their state. The specific area of concern for surveyors would be Part 6, Temporary Traffic Control.

The elements of a Temporary Traffic Control Zone start with the Advance Warning Area. Keep in mind that as speeds increase, this distance must also increase. In some cases you may need more than one set of "Survey Crew" or “Worker Ahead" signs in advance of the area. If you are required to have someone "flagging" the traffic a universal symbol sign or "Flagger Ahead" sign is required. The Transition area should smoothly move the traffic out of the normal path of travel. It is important for this action to be smooth. Abrupt changes can and will cause accidents. The Buffer Space gives a margin of safety to allow the workers to get out of the way if an intrusion takes place. The Work Space is the area where your work is taking place. The Termination Area moves traffic back to its normal flow. When perusing the MUTCD you will notice many variations of this basic format. Some of them are so complex it could take hours, if not days to complete the setup. Normally, traffic control for surveying crews is fairly simple, but without applying these basic rules the outcome can be deadly. In fact, for very short duration tasks there are even some allowances in the MUTCD that don't even require signs or cones, just a vehicle with an amber strobe or revolving light. These are explained within the standards.

This is probably a good time to define the term "flaggers." In today's ideal traffic safety world the flagger never uses a flag. Preference is always given to using the "STOP"/"SLOW" paddle. There can be no doubt what someone means when the sign is displayed, but when someone waves around a flag it can become confusing. In fact, the only time an actual flag is to be used for flagging is in emergency situations. Emergency means true emergency and not just failure to plan. Before purchasing either of these make certain you are getting the correct item for your application.

Our previous mention of the traffic safety cone also needs a little clarification. Either an 18" or 28" cone are the minimum sizes a surveyor should be using. I can honestly say that I have seen just about every type and size of safety cone imaginable in field crew vehicles. My recommendation to all of our customers is to purchase nothing but the 28" cones. You will note that 18" cones are only good for up to 40 mph. There are very few surveyors who will never be on a roadway with a speed greater than 40 mph. Rather than stocking two sizes of cones it just makes sense to purchase nothing but the 28" cones.

There is another very important item in traffic safety, the safety vest. Many people are surprised to find out that there are particular classes of safety vests that should be worn for maximum protection. ANSI provides the design criteria used by the MUTCD and OSHA for vests. All highway workers must use either Class II or Class III vests. Class II has no sleeves and Class III has sleeves. I always recommend Class III since there is more visibility.

In addition, some guidelines say that a bright colored hat is required in workzones to add a degree of visibility. There isn't a clear path to follow here, but the wearing of a brightly colored hat, preferably a hard-hat, is always advisable. In some situations it may even be required.

Training is the final area we need to discuss. Just how much traffic safety training is adequate for field crews? I would personally not recommend anything less than a 1/2 day session with someone who really knows the standards. I could easily justify an entire day-long class. There is so much to absorb that it can't be accomplished in a short period of time. Traffic safety training should be no different than training on how to use equipment…it should be required before anyone goes into the field.

If you don't have a copy of the MUTCD it can be purchased from many sources including the federal government and most state departments of transportation. OR if you are like me and value keeping current for an acceptable cost you can get it free on the Internet. Go to the FHWA.gov website and follow the links.

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I hope we have helped you in your quest to protect crews while in traffic. With all of the standards and recommendations that are available, there should be no reason for a crew to work without protection. Protecting your most valuable asset, your employees, should be the prime concern of any business owner. Remember, Traffic Safety is More Than Just a Cone!

# HISTORICAL CREATION OF INDIANA ROADS
## and the role of today's Land Surveyor in determining their associated rights of way
### By Jason McCort, PS

As a land surveyor working in the field of right of way engineering, one of my first (and most important) tasks on a right of way project is to determine the extent of the *existing* right of way of a road which is necessary in order to determine how much, if any, right of way is to be *acquired* in conjunction with the new project. Over the years I have observed, and even personally utilized, various methods to determine existing right of way. Some are valid and as I later learned, some are not valid. To determine which methods are acceptable in determining existing right of way, the right of way professional should have a knowledge of how roads have historically been created. Through research of Indiana court cases and statutes, I have discovered several methods by which roads have been created in this State. This article will discuss such methods.

**BY A RECORDED DEED OR GRANT**

One manner in which roads have been created is by recorded deeds or grants. For a statutory transfer of land to be valid, certain requirements must be met. Here are a few of the *current* requirements pertinent to this discussion though one should research the statutes in place at the time the road was created as they will control:

- Indiana Code 32-21-1-12, using the Statute of Frauds as a basis, dictates that any conveyance of land or of any interest in land is to be *written*.
- The written conveyance is to be *recorded* in the recorder's office of the county where the conveyed land is situated[1]. Recording of the conveyance is important as it provides constructive notice of the conveyance to the public or to potential subsequent purchasers of the conveyed land.
- To be recorded, the conveyance must have listed the *grantor and grantee* and have a *description* of the property to be conveyed.[2]

One should proceed with caution before utilizing an unrecorded grant of right of way. Back in the 1920s and '30s, many right of way grants to the State of Indiana were never recorded. *State of Indiana v. Anderson*[3] is an inverse condemnation case which deals with the subject of unrecorded right of way grants. In 1944, Anderson purchased property at the intersection of U.S. Highway 41 and State Highway 54 in Sullivan County. Sometime prior to 1932, the State Highway Department acquired right of way from Anderson's predecessors in title. However, although filed in the offices of the State Highway Department, the right of way grant was never recorded so, when Anderson purchased the property, the conveyed right of way grant did not appear in the abstract of title. The court ruled that the right of way grant was not valid on the basis that "the purchaser of land subject to an easement expressly created by grant or reservation in an unrecorded deed is not affected by it if he has no notice of the servitude." Beware of unrecorded grants. One argument made by the State in this case was the very existence of a highway bordering the property should have put Anderson on notice that the State possessed right of way and, therefore, she should have checked with the State Highway Office as to the exact location of the right of way. The court disagreed. There were no right of way markers indicating the right of way granted from the Anderson property. There were right of way markers immediately north and west of the Anderson property indicating a 30-foot right of way, but no right of way markers or other monuments existed indicating anything more than a 30-foot right of way. Anderson asked the seller and was told that the State did not have any right of way beyond the 30 feet. Therefore, the court ruled that Anderson did all she was required by law to do to find out how much right of way the State had and that Anderson's title could not be defeated by a prior, unrecorded grant.

Likewise, use caution when determining existing right of way with an *untimely recorded* grant. Many of the unrecorded grants of the 1920s and '30s eventually were recorded by the State in the 1970s. This became a real issue when property along a State highway was sold after the right of way was conveyed but before the grant was recorded. These grants could be invalid for two reasons. First, Indiana is a "race-notice" state, meaning that the deed/grant/mortgage *first* recorded holds priority over prior conveyances of the same property provided the subsequent purchaser paid fair value for the property and was without notice (actual or constructive) of any prior conveyances.[4] Secondly, a grant that is not recorded until many years after it is signed runs the risk of being outside of the chain of title of the land in question. Therefore, purchasers of that land may not be put on notice that a right of way grant was conveyed to the State. Without such notice, untimely recorded grants such as this may not be valid. However, not all untimely grants should be treated the same. For example, if the parent tract was never conveyed between the signing and recording of the grant, the untimely recorded grant should be in the chain of title, thus putting any subsequent purchaser on notice of the grant's existence. Secondly, if the parent deed acknowledges the grant right of way or if right of way markers or other monuments exist which indicate the grant right of way, then the grant may be valid though untimely recorded as notice has been provided of the grant right of way.

**BY PUBLIC USE OF A ROAD**

In the absence of a recorded conveyance, roads have been created after 20 years of continual use by the public as a road.[5] The 1905 Highway Act states the following: "All highways heretofore laid out according to law, or used as such for twenty years or more, shall continue as located and as of their original width, respectively, until changed by law." It should be noted that the 1905 Highway Act eventually became a part of IC 8-20-1-15 which was amended in 1988 to remove the language concerning 20 years of use by the public. Though this language was removed, it is still applicable to roads created before 1988.[6] Therefore, the mere existence of a road created before 1988 and used by the public for at least 20 years is evidence that some amount of right of way exists. The question remains, what is the width of the road right of way which has been established by use? Indiana courts have been consistent in answering this important question. In *Board of Commissioners of Monroe County v. Hatton*[7], it was stated, "Where boundary lines have never been established by competent authority, the width of the road established by use is limited to that portion actually travelled and excludes any berm or shoulder." In *Contel v. Coulson*[8], Contel buried fiber optic cable adjacent to State

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Road 63. The Coulsons owned property whose boundary extended to the centerline of State Road 63. No right of way had ever been conveyed to the State, by a recorded deed or grant, for State Road 63 though the public had used the road for years. The Coulsons filed a complaint against Contel, alleging they were trespassing on their land. The court ruled in favor of the Coulsons, concluding that the State's right of way only included the traveled portion of the road excluding any berm or shoulder. Today, INDOT's stance is in the absence of a timely recorded conveyance, existing right of way of a road is to be held along the edge of pavement.

**BY STATUTORY DEDICATIONS OF RIGHT OF WAY**

A dedication is "the donation of land or creation of an easement for public use."[9] A statutory dedication of right of way is a dedication which is performed according to state or local statutes. A road dedicated to the public by a subdivision plat which was executed according to existing statutes falls within the definition of a statutory dedication of right of way. Certain requirements must be met to qualify as a statutory dedication. Per *Beaman v. Smith*[10] (which referred to *Interstate Iron & Steel Co. v. City of East Chicago*[11]) these requirements include 1) platting of a street, 2) acknowledgement, 3) proper municipal approval and 4) recording of the plat. According to the *Interstate* case, once those requirements have been met, "in trust for the public, title to an easement for a street" has been granted to the municipality and "no further assent or acceptance by the public is required as far as the grant is concerned."

As mentioned before, it is important for the surveyor who is tasked with determining the existing right of way for a particular road to research the statutes in place *at the time the road was dedicated*. It is not enough to have a knowledge of *current* statutes related to the creation of roads. In *Beaman v. Smith,* Beaman sought quiet title by adverse possession to a 50-foot strip of ground platted by Smith as an "Easement for Future Street." One argument raised by Beaman was that Smith failed to accomplish a statutory dedication because the plat was not executed according to Indiana statute or municipal code. That argument failed as the Indiana statutes and municipal codes they relied on were not in effect at the time the 50-foot strip was platted. It was determined by the court that the strip was platted according to statutes and municipal codes in place *at the time the strip was platted* and, therefore, a statutory dedication was accomplished. That's why doing your research is important!

**BY COMMON LAW DEDICATIONS OF RIGHT OF WAY**

Unlike a statutory dedication, a common law dedication is a dedication that is not made according to a statute. There are two essential elements for a common law dedication to exist: 1) the intent of the owner to dedicate and 2) the acceptance by the public of the dedication.[12] The intent to dedicate must be open and not just in the mind of the dedicator: "The intention must clearly appear, and the acts and declarations of the owner relied on to establish it must be clear, convincing, and unequivocal."[13] "The intention to which the courts give heed is not an intention hidden in the mind of the landowner, but an intention manifested by his acts."[14] The dedication may be either express or implied.[15] An express dedication usually involves a deed or a plat and uses the word "dedication." In *Jackson v. The Board of Commissioners of the County of Monroe*[16], the following statement was offered as evidence as intent to dedicate a road: "I do hereby give my consent for the road over and to Section 30 to be traveled by the public." The statement was rejected as an intent to dedicate as Gene Adams used the word "consent" instead of the word "dedicate." *Consent* can be revoked while a dedication cannot be revoked.[17] On the other hand, an implied dedication is accomplished by the *acts* of the owner.[18] Acceptance by the public does not necessarily have to be accomplished in a formal manner.[19] Public use "for a long time" is sufficient to demonstrate acceptance by the public.[20] An example of a common law dedication is where the intent to dedicate a street is clearly obvious on a plat, the public accepts the dedication, but the plat is not created according to statutes existing at the time of the plat.[21]

**BY THE AUTHORITY OF COUNTY COMMISSIONERS**

The Indiana Highway Act of 1905 gave authority to the board of commissioners of Indiana counties to ascertain, describe and enter into record roads that have been used as highways for at least 20 years. This was to follow the petition of one or more resident freeholders of the county. These records can be found in the county auditor's office. I once argued that the use of commissioner's records was not a valid method of determining existing right of way as they are not recorded in the county recorder's office and, therefore, constructive notice of the existence of the right of way was not provided to the public. That was until I came across a court case which changed my opinion on this matter. In *Worldcom v. Thompson*[22], the trial court found that there was no record putting the Thompsons or their predecessors in title on notice of a 30-foot county road right of way because such notice was not recorded in the county recorder's office. Instead, there was a 1913 order by the Morgan County Commissioner's Office which was in the records of the Morgan County Auditor. However, the appeals court "held that the order, located in the board of commissioners' order book on file with the Morgan County Auditor, is a public record binding on the Thompsons." Furthermore, it is stated, "County highways can be established in this state by order of the board of county commissioners, by express grant or by public use." Also, "the recorder's office is not the only public office required to maintain records affecting the title to real estate." So, utilizing commissioner's records is a valid method of determining existing right of way. One should be aware of the challenges facing someone who might search these records. Some Indiana counties, such as Hendricks County, provide these records on the county website. However, for most counties, a trip to the auditor's office is required. My limited experience in searching the commissioner's records has been that they are not indexed very well. Many times the information is in the record books but diligence and patience is required to find the information you need.

**BY JUDGMENTS OF THE COURT**

Article 1, Section 21 of the Indiana Constitution presupposes the State's right to acquire private property for public use but does state that such acquisition can be done only after just compensation is made to the private property owner. This authority of the State (which a county also has per IC 8-20-3-1) is commonly known as eminent domain. If the State/County and the private landowner cannot agree on a fair price for the property, the State/County has the right to condemn the private property through court proceedings.

**BY ACTS OF CONGRESS OR LEGISLATURE**

I am aware of two cases where roads were established by an act of congress or legislature. On March 2, 1829, Congress approved the construction of the Cumberland Road (a.k.a. U.S. 40), whose width was to be eighty feet, beginning in Indianapolis and extending to the eastern and western boundaries of Indi-

*(Continued on page 14)*

ana. Likewise, a 100-foot strip of land that was to become Michigan Road (a.k.a. S.R. 29) was conveyed to the United States by a treaty between the United States and the Pottawatomie Indians. Later, in the late 1820s, the Indiana State Legislature ordered the road to be laid out, marked and established to a width of 100 feet.[23]

Though it seems Indiana courts have been fairly consistent in how they have rendered decisions on this topic, it appears to me that the practice of right of way engineers when it comes to existing right of way determination has evolved somewhat over the last several decades. Over the years I have observed in my own practice and the practice of others many methods of determining existing right of way, some of which are valid and others to be, at best, shaky. Some of the riskier methods I have observed would include basing existing right way on the testimony of governmental officials, GIS, right of way or construction plans, fence lines, assumed or apparent rights of way and unrecorded or untimely recorded grants. I am not saying to completely dismiss these examples of right of way evidence. They may have some merit and warrant further investigation. However, what I am saying is to be careful about basing existing right of way *solely* on this type of evidence. For instance, if the county GIS is showing 40 feet of right of way for a particular road, do not just assume the 40 feet is correct without doing some research into how the county came up with 40 feet for that road. Or, if the county highway superintendent says there is 50 feet of right of way for a particular road, do not hesitate to ask what the 50 feet is based on. If he says it is based on a deed or plat of record, obtain a copy of the deed/plat to verify his claim. If he can't produce a record document, then I would hesitate to show the 50 feet as the road right of way unless other evidence is available.

I am not so bold as to say this is an exhaustive treatise on how roads have been created in Indiana. There may very well be other methods of creating roads that have not been dealt with in this article. The more I researched this topic, the more I came away with on this important and relevant topic. I encourage you to conduct your own research as you may discover additional information.

*Jason McCort has worked since 2005 as a right of way engineer with Butler, Fairman & Seufert, Inc., Indianapolis. He has a degree in construction technology with an emphasis in land surveying from IUPUI, and he has been a licensed surveyor since 2003 in Indiana and 2009 in Illinois.*

[1] IC 32-21-4-1
[2] IC 32-17-1-2
[3] State of Indiana v. Anderson. 241 Ind. 184, 170 N.E. 2d 812. Supreme Court of Indiana. 1960.
[4] IC 32-21-4-1
[5] Pitser v. McCreery. 88 N.E. 303, 172 Ind. 663. Supreme Court of Indiana. 1909.
[6] Chaja v. Smith. 755 N.E.2d 611. Court of Appeals of Indiana. 2001.
[7] Board of Commissioners of Monroe County v. Hatton, 427 N.E.2d 696. Court of Appeals of Indiana, Fourth District. 1981.
[8] Contel v. Coulson. 659 N.E.2d 224. Court of Appeals of Indiana. 1995.
[9] Dedication. (2004). In *Black's Law Dictionary* (8th ed.). St. Paul, MN: West.
[10] Beaman v. Smith. 685 N.E.2d 143. Court of Appeals of Indiana. 1997.
[11] Interstate Iron & Steel Co. v. City of East Chicago. 187 Ind. 506, 118 N.E. 958. Supreme Court of Indiana. 1918.
[12] Gibson v. Ocker. 138 Ind. App. 438, 214 N.E.2d 395. Court of Appeals of Indiana. 1966.
[13] Jackson v. The Board of Commissioners of the County of Monroe, 916 N.E.2d 696. Court of Appeals of Indiana. 2009 which quotes Town of Poseville v. Gatewood, 65 Ind. App. 50, 52, 114 N.E. 483, 484. Appellate Court of Indiana. 1916.
[14] Gibson v. Ocker. 138 Ind. App. 438, 214 N.E.2d 395. Court of Appeals of Indiana. 1966.
[15] Jackson v. The Board of Commissioners of the County of Monroe, 916 N.E.2d 696. Court of Appeals of Indiana. 2009.
[16] Ibid
[17] Ibid
[18] Gibson v. Ocker. 138 Ind. App. 438, 214 N.E.2d 395. Court of Appeals of Indiana. 1966.
[19] Largo Township v. Bitzer. 999 N.E.2d 902. Court of Appeals of Indiana. 2013.
[20] Jackson v. The Board of Commissioners of the County of Monroe, 916 N.E.2d 696. Court of Appeals of Indiana. 2009.
[21] Gibson v. Ocker. 138 Ind. App. 438, 214 N.E.2d 395. Court of Appeals of Indiana. 1966.
[22] Worldcom v. Thompson. 698 N.E.2d 1233. Court of Appeals of Indiana. 1998.
[23] McRoberts v. Vogel, 195 N.E. 417. Appellate Court of Indiana. 1935.

# ISPLS 65th ANNUAL CONVENTION

## Indianapolis Marriott East, Indianapolis, Indiana, January 18-20, 2017

The ISPLS 65th Annual Convention will be hosted by the Central Indiana Chapter of ISPLS, Inc. and held at the Indianapolis Marriott East, Indianapolis, Indiana on January 18-20, 2017.

Watch for more information as it becomes available.

# Adopt-A-Highway

**By Glen E. Boren, PS**

This year marks the 17th year that the Northwest Chapter has participated in the Indiana Department of Transportation's Adopt-a-Highway program. Since 1999, the Northwest Chapter members and families have been cleaning a little over a two and one-half mile stretch of U.S. Highway 30 from the county line to C.R. 500 West in Porter County approximately three times a year. The very first cleanup netted over 46 bags of trash and after participating for over a year we were rewarded with a sign posted at each end of the route showing our official "adoption". The sign pictured is actually one of our second set of signs since we started the program. The Adopt-a-Highway program was a great way for the Chapter to give something back to the community while getting the Profession into the public eye. Visit http://www.in.gov/indot/3426.htm for more information.

# LEGAL SURVEYS

**Bryan F. Catlin, PS**

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.

**Town of Zionsville, Indiana v. Town of Whitestown, Indiana, and Angel Badillo, Indiana Supreme Court Case No. 06S01-1601-PL-36, January 22, 2016**

As a reminder, my earlier summary of the Appeals Court opinion follows in italics.

***Town of Zionsville, Indiana v. Town of Whitestown, Indiana, and Angel Badillo, Indiana Court of Appeals Case No. 06A01-1410-PL-432, June 2, 2015***

*This is a case from the Boone Superior Court where Zionsville is attempting to leap-frog Whitestown and annex land not contiguous with the existing Zionsville town boundary. Here Zionsville had reorganized with Eagle and Union townships in 2010 to provide all township governmental functions. In 2013, Whitestown adopted a resolution to annex part of Perry Township for a planned Waste Water Treatment Plant. A remonstrance was filed which is currently pending before the Court of Appeals. On April 18, 2014, Perry Township adopted a resolution to consider reorganizing with Zionsville. A portion of Perry Township is contiguous to Eagle Township, but Whitestown's boundaries included the portion of Eagle Township adjacent to Perry Township. On April 21, 2014, Zionsville adopted a similar resolution. On April 22, 2014, Whitestown introduced four annexation resolutions for property in Perry Township and part of Eagle Township that Zionsville had not annexed into the town. On May 20, 2014, Zionsville and Perry Township adopted identical reorganization plans whereby Zionsville would provide all township services; and all land in Perry Township, but outside Whitestown as well as parts of Eagle Township, including the 2013 annexation area, would be incorporated into Zionsville. None of Perry Township is physically adjacent to the Zionsville boundary as altered in 2010, although Zionsville had been providing township governmental functions to the portion of Whitestown in Eagle Township. Whitestown filed suit challenging the validity of the 2014 plan, and the case went to court where summary judgment was granted in favor of Whitestown.*

*On appeal, the effect of the Indiana Government Modernization Act of 2006 (IC 36-1.5-1-1 et seq.) as it affected several questions brought forward was considered for the first time. In brief, because the legislature's specific intent was to allow many new forms of merged government and specified that many conflicting statutes would be overridden by the Act of 2006, the Appeals Court reversed the judgment of the trial court and remanded the case back to them with instructions to enter judgments in favor of Zionsville, except in the case of the area Whitestown had proposed annexing in 2013.*

*As part of this case, Zionsville claimed that it currently has the status of a hybrid town/township with the powers of both under the Act of 2006, and the court agreed.*

Now the Indiana Supreme Court takes up the dispute after Whitestown sought transfer. There were three principal issues: (1) Did the 2010 Zionsville Reorganization of Zionsville with Union and Eagle Townships allow Zionsville to later reorganize with Perry Township? (2) Was the 2014 Zionsville-Perry Township Reorganization properly structured? (3) Was Whitestown entitled to annex territory included in the 2014 Zionsville-Perry Reorganization or in Zionsville's completed 2010 Reorganization?

On the first question the court found that Zionsville does have the power to reorganize with Perry Township because the Government Modernization Act (GMA) states "This article shall be liberally construed to effect the purposes of this article." So the power

*(Continued on page 20)*

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to reorganize with a township again was Zionsville's to use.

The second question has three parts that the Supreme Court evaluated. The first is: Are Zionsville and Perry Township adjacent? The GMA requires a strip of land at least 150 feet wide connecting two government entities for them to be considered adjacent. Zionsville had reorganized with all of the unincorporated areas of Eagle Township. Whitestown included all of the portion of Eagle Township along the Eagle-Perry Township border, except a small parcel with over 1,300 feet of shared boundary with Perry Township at the southwest corner of the township that was separated from the rest of Zionsville by Whitestown. Whitestown argued against allowing previously acquired, small, isolated tracts of land to be used as a basis for extending boundaries into areas entirely separate from the rest of its territory. The Supreme Court concluded that since the GMA does not mandate a political subdivision be "wholly interconnected without physical separation", that Zionsville's adjacency requirement had been met.

The second part of the question was a challenge that the voting areas used for the Zionsville-Perry Reorganization do not comply with the GMA. Whitestown argued that there should be a separate tally for each of the former townships and municipalities from the 2010 Reorganization. The court disagreed.

The third part was Whitestown's argument that the vote by Zionsville and Perry Township was invalid because it happened after the trial court found the reorganization and its voting areas invalid. Whitestown did not seek, and the trial court did not order, removal of the question from the ballot. Zionsville filed a motion to stay the court order and allow the ballot question on the same day the order was issued, but the stay was denied. The Supreme Court noted "The effect of the trial court judgment on the ensuing 2014 general election reorganization plan vote is not before this Court for resolution in this appeal."

The third question was whether annexations Whitestown was pursuing in Perry Township and Eagle Township (part of Zionsville since 2010) could proceed under a variety of arguments. The court said no as Zionsville and Perry Township had met the requirements of the GMA by adopting resolutions to reorganize with each other.

The case was remanded for further proceedings consistent with the Supreme Court opinion. It should be noted that the Supreme Court acknowledged the differing requirements for annexation and reorganization under Indiana Law.

**Liter's of Indiana, Inc. v. Earl E. Bennett and Daniel L. Bodine, Indiana Court of Appeals Case No. 39A05-1408-PL-401, February 5, 2016**

Here is a case from the Jefferson Circuit Court where Liter's developed 28.072 acres into a 63-lot residential subdivision. During the process they discovered that the property to the west, owned by Bennett and Bodine, had roof eaves, driveway trees and a satellite dish that encroached on Liter's property, and Bennett was trespassing when he mowed the grass. Liter's eventually offered cash and an easement to cover these in exchange for an easement to construct a storm water detention basin. This offer was rejected and Liter's built a basin on its property. Liter's filed a complaint to enjoin and recover damages from trespassing. Bennett and Bodine filed counterclaims including a claim that the subdivision was negligently designed and that post-development surface water runoff from Liter's property was flooding their property.

Liter's filed a motion for summary judgment on the negligence and trespass claims. Liter's argued the common enemy doctrine applied, eliminating negligence, and that the trespass claims were unrebutted. The court found there were genuine issues of material fact. A later motion by Liter's to dismiss a counterclaim was granted as to the part that claimed Liter's had negligently and carelessly designed its subdivision by using a land surveyor instead of a registered engineer. But the court did not dismiss the part that claimed Liter's had negligently designed its subdivision in a manner that would lead to an increased drainage burden on the neighboring property.

A six-day jury trial was held where it was noted: The satellite dish had been removed but the eaves remained. A prescriptive

easement was claimed for the trespass area. Liter's offered evidence his property value had been reduced by $18,000. A chain link fence that had been erected along the boundary had been removed. An engineer evaluating the design testified the drainage basin should have been around 50,000 cubic feet (using a different runoff coefficient) instead of the designed 34,500 cubic feet or the 20,000 cubic feet he measured for the basin as constructed. The engineer also stated that a 24-inch culvert shown on the plat at the entrance from the highway had not been installed. The engineer believed that the undersized basin would cause accelerated discharge and erosion and flooding on the neighboring property. A contractor testified that in his experience the basin seemed small. The surveyor testified that the detention basin goal was to release water at the same rate as before development. A second engineer testified that the runoff coefficient used by the surveyor was sensible and that the basin was adequate. Bennett testified that they now had water backing up onto the bricks of the house which had not happened before ground was broken for the subdivision. An appraiser testified that if the neighboring property flooded three times a year, it would reduce the value of the property by $134,500.

After deliberation, the jury found for Liter's on the trespass claim but awarded no damages. On the nuisance claim (related to the chain link fence) the jury found for Bennett and Bodine but again awarded no damages. On the negligence claim the jury found for Bennett and Bodine and awarded court costs and attorney's fee and ordered Liter's to make repairs to the drainage to prevent future flooding.

The trial court accepted the verdicts for the trespass and nuisance claims, but not the negligence claim which it deemed inconsistent since Bennett and Bodine had not sought court costs and attorney's fees. The trial court instructed the jury to reconsider the negligence verdict, which returned with a damages award of $51,150 each to Bennett and Bodine. Liter's appealed.

The Court of Appeals found that the common enemy doctrine did not apply to the negligence claim and that the appraiser could render expert testimony based on a hypothetical question. As to Liter's claim that the jury award of zero dollars for the trespass claim was inadequate based on the evidence, and arguing for the case to be remanded with instructions to award damages, or alternatively, to remand the case with instructions that the trial court grant permanent injunctive relief by requiring the removal of the portion of the roof extending across the property line, the court agreed with the second argument. Here Liter's had not filed a motion to correct error as to the lack of monetary damage for the trespass and so waived the right to appeal the lack of monetary award. However, due to the continuing trespass, injunctive relief is appropriate, so that portion of the case was remanded with instructions to require Bennett and Bodine to remove the portion of the roof over Lifer's property.

**Tom Bonnell v. Ruby A. Cotner, Douglas Wayne Cotner, Arthur J. Johnson, Jimmy J. Johnson, and Jerry L. Johnson, Indiana Supreme Court Case No. 66S03-1509-PL-530, February 16, 2016**

Again, as a reminder, my earlier summary of the Appeals Court opinion follows in italics.

***Tom Bonnell v. Ruby A. Cotner, Douglas Wayne Cotner, Arthur J. Johnson, Jimmy J. Johnson, and Jerry L. Johnson, Indiana Court of Appeals Case No. 66A03-1410-PL-372, June 4, 2015***

*Here Parcels 3 through 11 of the Cottingham subdivision in Pulaski County share State Highway 19 as their western boundary. About 35 feet east of their eastern boundaries is a north-south "ancient farm fence" which the owners of these lots believed to be their eastern boundaries. The total area between these lots and the fence is about 0.75 acres. In 1968 the owners of Parcel 8 built an outbuilding which was at least partly in the 35-foot strip. In 2010, they extended the building such that it was about 22 feet past their eastern boundary. In 1993 the Pulaski County Auditor issued a tax sale deed to the 0.75 acres to a third party. On October 4, 2011, the Pulaski County Auditor again put the 0.75 acres up for tax sale, and the Pulaski County Board of Commissioners obtained a tax sale certificate. The Board later petitioned the Pulaski Circuit Court for a tax sale deed, which they received. On January 10, 2012, the Board conveyed the 0.75 acres to Bonnell by quitclaim deed. Bonnell had the land surveyed and discovered that the land was west of the fence, instead of east as he had believed, as well as the building en-*

*croachment. Bonnell contacted the owners of Parcel 3 through 11, offering to divide the property and sell them the portion between their parcel and the fence. All owners except the owners of Parcels 8 and 9 (the parties to this suit) accepted this offer while the plaintiffs filed suit claiming title by adverse possession. Bonnell counterclaimed for ejectment.*

*On November 1, 2013, the Pulaski Circuit Court held a bench trial. On September 26, 2014, the court entered findings which noted that the plaintiffs had used, possessed and controlled their parcels as well as the adjoining portion of the 35-foot strip; that such use was open, public and exclusive (until Bonnell came on the scene); that they had built fences, outbuildings and other structures in the strip; that they had paid all real estate taxes on their parcels; and that they did not pay real estate taxes on any portion of the 35-foot strip. The court also concluded that they could not have in good faith reasonably believed they had paid a portion of the real estate taxes on the 35-foot strip since it had two occasions been put up for tax sale, and they had not attempted to redeem or acquire the 35-foot strip. The court did grant a prescriptive easement for the portion of the 35-foot strip occupied by the building and an additional four feet around the perimeter for maintenance and access.*

*Bonnell appealed the prescriptive easement, and a cross-appeal was made about the denial of title by adverse possession. The Appeals Court noted there was no dispute that the four elements of adverse possession described in Fraley v. Minger — control, intent, notice and duration — had been satisfied and that taxes had been paid for the subdivision parcels. However, prior court cases have held that the "usually sketchy and inaccurate" descriptions on tax duplicates do not provide clear notice of property boundaries. And since only record title holders receive personal notice of a tax sale, adverse owners can reasonably believe they are paying taxes on a parcel. Here title vested with the lot owners in 1978, before the tax sales. The trial court's interpretation of law would allow adverse holders to lose title for failing to pay property taxes even when they reasonably believe in good faith they are. Therefore the judgment of the trial court was reversed and the case was remanded with instructions to enter judgment for the lot owners.*

The Supreme Court granted transfer of this case. This sets aside the Appeals Court opinion and the court reviews the trial court decision. The Supreme Court noted that the Cotners had met the adverse possession tax statute and that they had perfected their adverse possessory interest as of 1978. However, since the Cotners did not succeed in (or attempt) a quiet title action to put record title in their name, and since neither they, nor the record title holder, were in fact paying taxes on the land, it was subject to tax sale. Not being the record owner, the Cotners were not entitled to more than notice by publication of the tax sales. Tax sales by statute deliver a tax deed which "vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale … ." While there are a number of ways to defeat a tax deed by appeal, claim of title by adverse possession is not one of them.

The trial court's award of a prescriptive easement was within its authority and could properly be determined to have been perfected in 1988. Again, however, for a prior easement to survive a sale by tax deed, the easement must be "shown by public records," so the easement was extinguished with the first tax sale.

The Supreme Court ends with this conclusion: "After more than three years of litigation and two vigorous appeals, Mr. Bonnell now owns a 35-foot-by-100-foot section of land in the Cotners' backyard, predominately covered with a pole barn, which Bonnell values at approximately $890. We affirm the denial of the Cotners' claim of adverse possession in the disputed portion of the Strip, and reverse the grant of a prescriptive easement in the Cotners' encroaching outbuildings."

**In the Matter of Ordinance #2013-09, as amended, the South and West Area Annexation Ordinance Seeking to Annex Certain Property to the City of Logansport, Indiana, Lindsay R. Ruby, Cass County, Indiana, acting by and through the Cass County Commissioners, and also, 78% of the Affected Landowners too numerous to be listed in the caption, v. The City of Logansport, Indiana, acting by and through Ted Franklin, in his capacity as Mayor of the City of Logansport, and the Logansport Common Council, Indiana Court of Appeals Case No. 09A05-1504-PL-170, January 8, 2016 - MEMORANDUM DECISION - not regarded as precedent**

This case from the Cass Superior Court contains typical remonstrators arguments "that the trial court's judgment is clearly er-

roneous, claiming that (1) the ordinance does not adequately describe the Annexation Territory's boundaries; (2) the City did not present sufficient evidence regarding the requisite contiguity of its boundaries with those of the Annexation Territory; (3) the City did not present sufficient evidence that the Annexation Territory is needed and can be used for its development in the reasonably near future; (4) the City's fiscal plan is inadequate; and (5) the Remonstrators established that the annexation will have a significant financial impact on residents or landowners."

Here a surveyor had testified that the description of the proposed annexed territory was not a sufficient metes and bounds description. However, a metes and bounds description is not required, merely a description sufficient to identify the area to be annexed (which might include references to parcel number). Logansport's expert surveyor testified that more than 25% of the annexation area was contiguous with the City corporate limits, based on a variety of source materials, as did another witness who used the Cass County GIS. The remonstrators used the GIS website disclaimer to claim the GIS was imprecise without offering any evidence that it actually was.

The trial court judgment was affirmed. The appeals court also noted that courts have limited scope to their review of annexation cases under Indiana law.

**Larry D. Rittenhouse and Linda C. Rittenhouse, v. City of Winchester, Indiana Court of Appeals Case No. 68A01-1507-MI-1014, February 12, 2016 - MEMORANDUM DECISION - not regarded as precedent**

Larry Rittenhouse filed a complaint against the City of Winchester in the Randolph Superior Court in November 2010. Rittenhouse asked for a judgment declaring the Rittenhouses are owners of a platted, paved city street called Meridian Street in Winchester, and for orders to quiet title and prohibit condemnation of the real estate for two years.

The background of the property in question (lots 6, 13, 14 and 15 in Colgrove Addition) is somewhat complicated. Andrew Aker received a deed in January 1856 for property including the area in question and gave the Cincinnati and Fort Wayne Railroad a right-of-way across 100 feet (50 feet on each side of the tracks) east of the lot in a document signed July 11, 1856, retaining the use and cultivation of any part not needed for the construction, repair or use of the railroad. In November 1868 the lots in question and up to the centerline of the railroad was conveyed to Silas Colgrove, subject to the railroad right of way. Colgrove platted the Colgrove Addition in May 1870, creating the lots in question with a note that the lines of streets, alleys and lots had the same bearings as the streets, alleys and lots in Mumma's Addition. The two plats show Meridian Street as being immediately east of the lots in question. No railroad easement is shown on the plats, and it is clear that Meridian Street was platted on the railroad's right of way. In the mid-1980s the railroad abandoned its easement and shortly thereafter, the City of Winchester paved the western-most portion of the easement. For over forty years, the paved portion of Meridian Street has been in its present location and used as a public right of way.

Rittenhouse claimed at trial that he owned fee simple title in the abandoned railroad easement east of his lots. In June 2015 the trial court issued a summary judgment finding that the Meridian Street easement existed at the same time as the railroad right of way, and that, the Rittenhouses do have a fee interest in the property subject to the still-existing Meridian Street easement.

On appeal Rittenhouse basically argued that because the railroad right of way was granted before Colgrove took possession, he had no authority to plat a street easement over it. Rittenhouse also argued that *Firestone v. American Premier Underwriters, Inc. (formerly known as the Penn Central Corp.)*, Cause No. 06C01-9912-CP-379, from the Boone Circuit Court gave them ownership. The justices discredited both of these arguments and affirmed the trial court decision.

*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.*

# Farmer and Surveyor Share Data

**By Tim Burch, GPS World**

Tim Burch, GPS World

As surveyors, we are constantly trying to find ways to incorporate our skills into other occupations to increase productivity. We also see the modern farmer moving away from small family operations with only several hundred acres, morphing into farm management corporations with tens of thousands of acres as well as millions of dollars of equipment.

Efficiency is what they are after, and they are spending significant amounts of money on technology to make it happen. My own curiosity and research has opened my eyes to how far the farming profession has grown, and in many ways surpassed the land surveyor with technology. But I think there is still common ground that needs to be explored, so let's start at the root of each profession.

As different as the two professions may seem, farming and surveying have one large common link: data. More specifically, the tools, methods and procedures they operate to acquire the data used in their everyday jobs and projects.

The implementation of GPS equipment and the ability to collect location data has greatly improved the productivity of both professions, but for drastically different reasons. However, as technology continues to march forward, and storage and data evaluation use grows, the surveyor and the farmer will begin to use each other's skill sets to increase their own usefulness.

Both of these noble professions are using a highly accurate form of measurement and data recording, but we must review further how they can help each other. To do that, we must analyze what each is doing with the technology.

**Surveyors and GPS Use**

Roles of the surveyor are to measure land, provide professional knowledge regarding parcel boundaries, and collect data for engineering and drainage purposes. Most of this data is now collected by GPS methods and is in NAD83 state plane coordinates with NAVD88 elevations. This information can be supplemented by county and state GIS data as well. Surveyors also have knowledge of existing monuments by local, state and federal authorities tied to these coordinate systems/datums so all future surveys can be related to each other geographically.

**Farmers and GPS Use**

Farmers who have embraced GPS technology now have the power not only to map and collect data, but to also utilize previous data for crop efficiency. This ability to run a more efficient farming system is happening now for many farmers. The farmer is educated in regard to seed germination, weed and bug prevention, and maximizing crop yields – so collecting this data has become a necessary task.

**Harvesting Data**

The farmer and the surveyor can use their knowledge in many ways for the mutual benefit of increasing crop yields, efficiently working the land and maximizing production.

The surveyor's knowledge of topography and drainage can assist the farmer with shaping land to minimize water runoff and loss of key nutrients in the soil. This loss is estimated to be an average of two to three tons of soil per acre per year. Installation of drainage tile in addition to grading can be critical to minimizing soil loss, and the surveyor can help with this analysis.

Accurate boundaries allow the farmer to know the limits of his property. The surveyor can provide this information so the farmer can maximize his planting configuration, yet not encroach on adjacent property. The surveyor can also help with the creation of

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land- management systems to help farmland owners plan for financial decisions and tax strategies.

The biggest opportunity for the surveyor is to offer assistance to the farmer who has little or no knowledge of data collection. This geospatial data can be confusing to those not familiar with this information. Farmers who become educated in analyzing and reading crop data can increase production and yields.

Surveyors have the math skills and background to assist with the management of the data from a location standpoint. This effort will help the farmer know soil conditions, germination, spray application and harvesting to maximize the cost effectiveness of his investment in the land.

Together, the farmer and the surveyor can create a successful partnership that can increase crop production worldwide. Data is the crop that brings them together, and planted with the right amount of care and nurturing, this data can become more valuable than ever.

*Tim Burch, GPS World's co-contributing editor for survey, is director of surveying for SPACECO Inc. in Decatur, Ill. He has been working as a professional land surveyor since 1985 and is the secretary of the Board of Directors of the National Society of Professional Surveyors. This article appeared in the February 2016 issue of GPS World magazine. To read an expanded version of the column, go to gpsworld.com and search for Data is the Crop. More columns by Burch can be found at gpsworld.com/tag/tim-burch. Subscribe to the Survey Scene newsletter at gpsworld.com/subscribe.*

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