

HOOSIER SURVEYOR

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

AFFILIATED WITH THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC.

VOLUME 43 • NUMBER 3 • WINTER 2017



ISPLS, INC.



RECOGNITION OF THE 2016 ISPLS PRESIDENT

Rich Hudson, left, Valparaiso, the outgoing President of ISPLS, receives the Past President's gavel plaque from the incoming President, Bryan Catlin, Clayton, at the 2017 ISPLS Annual Convention held at the Indianapolis Marriott East in Indianapolis, IN.

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Vice President
Eric Banschbach
 Indianapolis, IN
 Office: 317-610-7251
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Treasurer
Brent Friend
 Franklin, IN
 Office: 317-713-4615
 E-mail: bfriend@bfsengr.com

Past President
Rich Hudson
 Valparaiso, IN
 Office: 219-462-2946
 E-mail: rickandcal@comcast.net

Director
Don Williams
 Crown Point, IN
 Cell: 219-734-7215
 E-mail: drwilliams@dlz.com

Term Expires Jan. 2019

Director
Vincent Barr
 Franklin, IN
 Office: 317-293-3542
 E-mail: vbarr@vsengineering.com

President
Bryan Catlin
 Clayton, IN
 Cell: 317-327-4110
 E-mail: bryan.catlin@indy.gov

Secretary
Alexander Fabian
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 E-mail: alex.fabian@torrenga.com

Director
Norman Hiselman
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 Office: 317-846-6611
 E-mail: hiselman@weihe.net

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Director
David Myers
 Terre Haute, IN
 Office: 812-238-9731
 E-mail: jdm@myersengineering.com

Director
Ed Sweetland
 Indianapolis, IN
 Office: 317-849-5832
 E-mail: esweetland@b-l-n.com

President-Elect
Ryan Swingley
 Indianapolis, IN
 Cell: 317-370-0400
 E-mail: rswingley@espassociates.com

Director
Kurt Vonderheide
 Indianapolis, IN
 Office: 317-636-4682
 E-mail: kvonderheide@hntb.com



L to R: Alexander Fabian, Munster; Rich Hudson, Valparaiso; Norman Hiselman, Avon; Bryan Catlin, Clayton; Ed Sweetland, Indianapolis; Brent Friend, Franklin; Dave Myers, Terre Haute; Eric Banschbach, Indianapolis; Don Williams, Crown Point; Kurt Vonderheide, Munster; Vincent Barr, Franklin. Not pictured: Ryan Swingley, Indianapolis.

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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.



Michael J Davis - Editor

4310 Broadway Street
Indianapolis, IN 46205
Phone: (317) 283-4630

E-Mail: mjddavis@iupui.edu

Editorial Advertising Offices

9100 Purdue Road, Suite 200
Indianapolis, IN 46268
Phone: (317) 454-8309
Web Page: www.ispls.org
E-Mail: ExecDir@ispls.org

President's Message

By ISPLS President, Bryan F. Catlin, PS

Greetings,

As I write this our 2017 convention is less than a week in the past. This year our 2016 Central Indiana Chapter President Jason Coyle led an effort to have more ISPLS members do short presentations on a variety of topics that the presenters wanted to share. So we can decide if we should do this again, please share your thoughts with the Board of Directors or Executive Director about the types of topics, length, or how often this should be a part of our convention, etc. I have heard generally good feedback so far, but we need to hear from more of you. The poll Brian Lewis sent out after the convention is one way to let us know your thoughts. Let us know if you have more you wish to share.



Bryan F. Catlin, PS

Since it is far enough into 2017 for most New Year's resolutions to be just a faint memory, I'd like to propose a 2017 professional resolution that you might consider. Namely, do one more thing for the profession than you did last year. Attend one more chapter meeting, invite one more surveyor to attend a meeting with you, serve on one more local board, volunteer for one more chapter activity, talk to one more potential future surveyor or member of the general public about surveying or find that one thing that is more meaningful for you that will benefit the profession. It may seem like a small thing, but if all of the members of ISPLS did just one more thing this year that helped represent or improve surveying, the cumulative effect would be great. The old saying is true; many hands make light work.

I'll close by reminding us all to enjoy the opportunities surveying brings us. Few people not named Indiana Jones get to dig up "treasures" that haven't seen the light of day for over one hundred years or experience the sights we see in the field.

Bryan F. Catlin, PS
2017 ISPLS President

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Legislative Update

By Michael O'Brien, Executive Vice President, 1816, Inc.



ISPLS Bills of Interest

State Line Funding – Several years ago the state of Indiana passed enabling legislation to partner with the state of Michigan to reestablish the boundary line between the two states. Funding was passed in the 2013 budget to complete the project but delays in spending the money led the budget agency to revert the funds back to the general fund. This budget session the ISPLS will request that funding be restored so the effort to survey the state boundary can be completed.

HB 1002 – There is a substantial effort underway to increase road funding in the state of Indiana. House Republicans last session passed legislation to increase use taxes for motorists and dedicate that funding to roads. These tax and fee increases included raising and indexing the gas tax, increasing wheel tax and vehicle registration fees, and dedicating an increased percentage of the sales tax on gasoline to roads instead of going to the general fund. There is broad agreement on the need for more road funding - up to \$1 billion in new funding per year - but the details of how the state will raise or identify those new funds will be determined in the coming months.

HB 1221 – Under current law being convicted of a certain level offense leads to the automatic revocation of a professional license issued by the state of Indiana. Rep. Tom Washburne (R-Princeton) wants to change that in legislation he has filed. Under HB 1221 a professional board, such as the surveyor's board of registration, would have the authority to review cases on their unique basis and be granted the flexibility to determine if the offense impacts a professional's ability to work.

HB 1224 – Rep. Bruce Borders (R-Jasonville) has filed a bill that grants the right of judicial review with a jury trial to a professional who has had their license revoked by a professional licensing board.

HB 1390 – Rep. Jeff Ellington (R-Bloomfield) has filed a bill that, if certain requirements are met, requires a property owner to be allowed to subdivide an original parcel by deed without subdivision approval or processing by the local government.

SB 59 – Filed by Sen. Randy Head (R-Logansport), SB 59 would grant reciprocity to certain licensed professionals. The bill is limited to certain health care professionals but could be expanded to others as the bill makes its way through the process.

SB 114 – The Job Creation Committee spent the last several years reviewing the worthiness of each of the state's licensed professions to see if there were ways to cut back the number of professions regulated by the state. SB 114 would eliminate the JCC and transfer those duties and responsibilities back to the Indiana Professional Licensing Agency.

(Continued on page 7)

(Continued from page 6)

SB 299 – The effort to regulate the use of drones continues this session. SB 299 expands the criminal penalties for use of a drone to include voyeurism and bans their use by sex offenders. This obviously does not impact the professional use by surveyors, engineers and others who use them in the course of regular business, but we will monitor as the bill moves through the process.

SB 472 – Requests to Locate Underground Utility Facilities – Sen. Mike Crider (R-Greenfield) has introduced a bill aimed at amending the state dig law. Crider has introduced bills on this topic in the past, including one a couple sessions ago to assist the ISPLS. The bill expands notification requirements and sets out new time frames for notification of the UPPS (Underground Plant Protection Service). The bill has not yet been scheduled for a hearing.

SB 505 – County Recorder Matters – The Senate Local Government Committee heard SB 505, which increases county recorder fees and provides for a \$5 fee to be deposited into the county surveyor corner perpetuation fund.



Contact

Matt Whetstone, Principal – e: mwhetstone@1816inc.com p: (317) 501- 2790

Mike O'Brien, Executive Vice President – e: mobrien@1816inc.com p: (317) 796-5710

Tyler Starkey, Policy Advisor and General Counsel – e: tstarkey@1816inc.com p: (317) 694-1693

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ISPLS 65th ANNUAL CONVENTION HIGHLIGHTS

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

Many thanks to our presenters for another successful convention.



Aaron Blank



Bryan Catlin



Jason Copperwaite



Jason Coyle



Brian Elbe



John Ellingson



Brent Friend



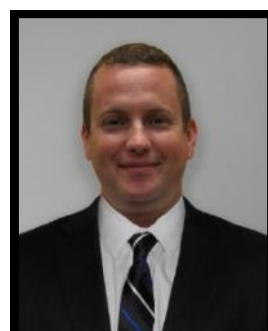
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Indianapolis Marriott East, Indianapolis, Indiana, January 18-20, 2017



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Dennis Moulard



Steve Myer



David Myers



Randall Nick



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Mark Schnesk



Jim Swift



Shane Turay

Other speakers not pictured: Kenneth Anderson, Charline Avey, Richard E. Durham, Brian Elbe, Matt Johnson, Mike Martin, IDNR, Jason McKittrick, USDA-NRCS, Chris Morse, Dave Nail, USGS, Justin Peters, UITS, Kevin Russell, Jim Sparks, GIO, Ryan Swingley, Phil Worrall

ISPLS 65th ANNUAL CONVENTION HIGHLIGHTS

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

ISPLS 2016 SCHOLARSHIP RECIPIENTS



Dan Kovert, IPLS Foundation Vice President, awarding the Purdue Northwest Scholarship to Jarrod Hahn, Purdue Northwest and Indiana University – Purdue University Fort Wayne



Dan Kovert, IPLS Foundation Vice President, awarding the Peggy Archer Scholarship to Dugan Kippenbrock, Vincennes University



Dan Kovert, IPLS Foundation Vice President awarding the John McEntyre Scholarship to Steven Zehr, Purdue University



Christine Keil, Purdue Northwest was a recipient of the 2016 Ordell L. Gertsmeier Grant Award from the Northwest Chapter.



Aaron Carl, 2016 President of the Northeast Chapter, awarding a Scholarship from the Northeast Chapter to Jarrod Hahn, Purdue Northwest and Indiana University – Purdue University Fort Wayne

ISPLS 65th ANNUAL CONVENTION HIGHLIGHTS

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

ISPLS 2016 SCHOLARSHIP RECIPIENTS



Brad Kramer, 2016 President of the Greenville Treaty Chapter, awarding the Tri-State Advisory Board (TSAB) Scholarship to Derrick Daily, Cincinnati State



Joe Mullins, 2016 Central Indiana Chapter Vice President, awarding a Scholarship from the Central Indiana Chapter to Mitchell Nowaskie, Vincennes University



Joe Mullins, 2016 Central Indiana Chapter Vice President, awarding a Scholarship from the Central Indiana Chapter to Steven Zehr, Purdue University



Joe Mullins, 2016 Central Indiana Chapter Vice President, awarding a Scholarship from the Central Indiana Chapter to Elizabeth Jackson, Vincennes University



Joe Mullins, 2016 Central Indiana Chapter Vice President, awarding a Scholarship from the Central Indiana Chapter to Dugan Kippenbrock, Vincennes University

ISPLS 65th ANNUAL CONVENTION HIGHLIGHTS

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

ISPLS 2017 Awards Presentation



2016 President Rich Hudson, left and Joe Mullins, 2016 Central Indiana Chapter Vice President, (far right) awarding the 2016 President's Award to Matt Badger, Lochmueller Group



2016 President Rich Hudson, left, awarding the 2016 President's Award to Frank Walsko, Traverse Surveying, Inc.



The outgoing ISPLS Board of Directors receiving stakes in recognition of their service

ISPLS 65th ANNUAL CONVENTION HIGHLIGHTS

Robert Vollmer Receives the 2017 Lifetime Achievement Award



The Surveyor

"Remove not the ancient landmark which thy fathers have set."

---Proverbs 22:28

He thrives on patterns,
his marks and monuments
transform a wilderness
and by his carefully tagged
and numbered squares,
neat roads, correction lines
and small cadastral lots
he clothes in certainty,
in geometrical designs,
man's ancient rights.

He scans the skies,
reading some far-off star
by which he plots
meridians and makes his maps,
stitching a new-found world
into a patchwork quilt,
a net of metes and bounds,
so lands may know their own
and live in peace.

-- Don W. Thompson

Lifetime Achievement Award presented to

Robert C. Vollmer

On January 19, 2017 by the
Indiana Society of Professional Land Surveyors



Read more on Bob Vollmer, his career and contributions to the surveying industry on pages 18-21.

2017 Convention caps Doug Herendeen's contributions

By Mike Davis



ISPLS conventions have been held in Indianapolis for 17 years in a row — and will return in 2018 — but it will be without veteran convention planner Doug Herendeen. With retirement on the horizon, he helped organize his 33rd and final annual event in January.

“I started working with the convention planning committee in 1985 as an assistant to Jerry Carter doing programs,” he said.

He also helped plan a national convention in September 1985 that brought members of the American Congress on Surveying and Mapping and the National Society for Photogrammetry and Remote Sensing to the Convention Center and Hoosier Dome.

Herendeen, a member of the Central Indiana Chapter, said he started doing more on the committee in 1989, the first convention for former Executive Director Dianne Bennett.

Doug, right, receiving the 2016 Atlas Award from ISPLS 2016 President, Rich Hudson.

Here is the list of ISPLS convention sites during his tenure:

- | | |
|--|---|
| 1985 – South Bend - Century Plaza | 2001 – Indianapolis - Sheraton Keystone at the Crossing |
| 1986 – West Lafayette - Purdue University | 2002 – Indianapolis - Marriott Downtown |
| 1987 – Evansville - Executive Inn | 2003 – Indianapolis - Marriott Downtown |
| 1988 – Merrillville - Star Plaza | 2004 – Indianapolis - Marriott Downtown |
| 1989 – Indianapolis - Sheraton Inn 38th Street | 2005 – Indianapolis - Marriott East |
| 1990 – Fort Wayne - Grand Wayne | 2006 – Indianapolis - Marriott East |
| 1991 – Vincennes - Executive Inn | 2007 – Indianapolis - Adams Mark Airport |
| 1992 – Columbus - Holiday Inn | 2008 – Indianapolis - Adams Mark Airport |
| 1993 – Indianapolis - Adams Mark Airport | 2009 – Indianapolis - Marriott East |
| 1994 – Louisville - Galt House | 2010 – Indianapolis - Marriott East |
| 1995 – Merrillville - Radisson | 2011 – Indianapolis - Marriott East |
| 1996 – Indianapolis - Holiday Inn Airport | 2012 – Indianapolis - Marriott East |
| 1997 – South Bend - Marriott (Blizzard with 20 inches of snow) | 2013 – Indianapolis - Marriott East |
| 1998 – West Lafayette - University Inn | 2014 – Indianapolis - Marriott East |
| 1999 – Evansville - Radisson | 2015 – Indianapolis - Marriott East |
| 2000 – French Lick | 2016 – Indianapolis - Marriott East |
| | 2017 – Indianapolis - Marriott East |

The ISPLS will return to the Indianapolis Marriott East in 2018, closing a 10-year run. In all, the Marriott hotel group has hosted 15 of the past 21 conventions, with three of those being at the Indianapolis Marriott Downtown and one at the South Bend Marriott.

The site for 2019 will be in southern Indiana at the French Lick Springs Hotel. “They have expanded to get convention activity in connection with the casino,” Herendeen said. The convention will then move to northern Indiana in 2020.

There's a big gap in the record of convention sites between the start of Herendeen's list and 1954, when the ISPLS was established. If anyone knows where conventions were held from 1954 to 1984, please forward the information to editor@ispls.org.

IGIC Launches First GoFundMe Campaign

The [Indiana Geographic Information Council](#), a 501(c)(3) non-profit organization, is pleased to announce in conjunction with the 2017 Indiana Society of Professional Land Surveyor's (ISPLS) Convention we are launching a GoFundMe campaign to raise funds for a Marion County Pilot Project to provide "IndianaMap Access to County Surveyor Data and Historic Land Records."

IGIC is asking for donations to help make Indiana's current and historic surveying data available to the public (at no cost) in an easy accessible digital format from our IndianaMap web site. IndianaMap (www.indianamap.org) hosts statewide Geographic Information System (GIS) data and an interactive mapping website (map viewer). We plan to make all these data/documents available on IndianaMap in the following layers:



1. County Geospatial Information Resource Layer (Government websites and contacts plus links to various government resources)
2. Grid Point Layer (Computer generated Grid Points showing the approximate location of Public Land Survey System (PLSS) points used to geo-reference scanned documents)
3. Tie Card Layer (Grid points linked to scanned County Surveyor Tie Cards)
4. General Land Office (GLO) Field Notes and Plats Layer (Original, Federal, State, and County records)
5. GLO Land Patents Layer (Links to GLO Patents documents by which land was sold to private individuals)
6. Timeline Layer (Traces Indiana history of land records: PLSS, GLO, GLO Districts, Treaties, and Congressional Acts)
7. GIS County Boundary Layer (Created from County Surveyor's Office data to provide best available GIS layer to support creation of seamless statewide GIS layers)

Funds first raised will go toward developing Marion County data as a Pilot project. Once Marion County is complete and posted on IndianaMap, all subsequent funds received will be allotted to complete this work for the entire state of Indiana.

Why is this project so important?

The information is useful to a wide variety of people and professions but it is not always easy to find nor easily accessible. Currently, the documents can be gathered (with some difficulty) from multiple sources, in various locations, in various formats. Our goal is to provide a statewide public resource where all these documents are digital and easily accessible from a single source (IndianaMap) by simply pointing to a location on the map.

Through this effort, we will also be developing a location information and technology resource for learning how Indiana was originally subdivided for purchase and settlement. History, culture and science will be integrated to facilitate the understanding of how our past relates to the present. This resource will give the public, businesses and educators easy access to information that can be used for a variety of individual, collaborative and economic interests – all for free!

There is currently no funding mechanism in government or in the private sector to do this work. With your support and donations, IGIC hopes to fund this important work using Social Media through a GoFundMe Certified Charity campaign.

Please donate today! To make your tax deductible donation please visit our GoFundMe site: <https://www.gofundme.com/MarionCo-IN-Historic-Survey-Data>

Surveyor stays on job as century mark looms

By Bill McCleery, Photography by John Maxwell

Originally published in Outdoor Indiana Magazine — November/December 2016 Edition

Robert Vollmer, Indiana's oldest working surveyor and lifetime member of ISPLS, was featured in the November/December issue of Outdoor Indiana Magazine, where he shared fascinating stories on his life and career. Soon after this article was published, Bob received the [Sagamore of the Wabash award](#), the highest civilian award bestowed by an Indiana governor.



Bob Vollmer sets a survey control point on an abandoned bridge in the forest along Fourteenmile Creek. The DNR's durable land surveyor was mapping property boundaries at Charlestown State Park last August.

Amid other historic milestones for the Hoosier State of recent note, here's one that's not gotten quite as much coverage as, say, Indiana State Parks' centennial. DNR surveyor Robert Vollmer turns 100 years old on May 20, 2017.

"I didn't aim to stay on this long," said Vollmer, who joined DNR in 1962, and is, of course, the state's record holder as its oldest full-time employee. "But it kind of stays in your blood, you know?"

On a routine basis, Vollmer drives to DNR properties in every corner of Indiana and tromps into woods and weeds, many times alone, to perform topographic, site and property-line surveys. He collects technical field data for the DNR's Division of Engineering and provides boundary lines and other site information for the DNR landholding divisions—State Parks, Fish & Wildlife, Forestry, Nature Preserves, Outdoor Recreation and Land Acquisition.

Asked when he might retire, Vollmer says he intends to hang it up when he feels too old to drive or too weary of enduring bites from ticks and mosquitoes during a day's work.

"Some days I feel I'm getting very close to retirement," he said.

But he loves his job too much to walk away. Duty has taken him to 90 of Indiana's 92 counties—all but Dearborn and Switzerland. "I don't care where I go," he said. "It's not the area, it's the people you work with who make the difference in whether you enjoy it or not. And I've worked with a lot of good people."

SECRETS TO A LONG LIFE

Vollmer partly attributes his longevity to genes. His mother lived to 108. But he also credits staying active and making sensible choices.

"Your body is similar to an automobile engine," he said. "You must treat it accordingly. Keep it running to circulate your blood and keep the vital parts well-oiled by staying in motion.

"I've always managed to breathe plenty of fresh air along with some of the filthy stuff. I never have smoked or used tobacco. I always thought it was stupid to intentionally inhale something that you knew was harmful."

Keeping one's mind active is as important as physical exercise, he added. Vollmer enjoys staying up with the latest technology, working from his laptop in the field and employing high-tech surveying tools. He described a robotic instrument called the Trimble S6 total station that swivels on its tripod from a stationary location to follow him wherever he ventures with a handheld GPS device.

"That handheld GPS enables us to get our position on Earth," he added. "It communicates with satellites in space, both U.S. and

Russian. They let us use theirs, and we let them use ours. I used to have to work out geolocation using trigonometry. It might take me hours whereas now I just take my finger and, pow, instantly I've got it right in front of me."

Vollmer's supervisor marvels at the man's energy.

"He never wants to be idle," said DNR Engineering director Dale Gick. "He's always on the go, always moving. He works all the time, nights and weekends, everything. His institutional knowledge is incredible."

Sometimes his boss worries the surveyor will overdo it.

"I try to get him to be cautious when it's too cold or too hot out," Gick said. "And I try to get him to take someone with him, such as a property manager, at whatever site he's working. But he always says they were busy and he didn't want to bother anybody."

Vollmer is a valuable mentor to younger employees, Gick added.

"It's amazing how someone at 99 years old can be so excited and get up to speed quickly on new technology," he said. "We actually haven't had training yet for that new GPS unit, but Bob's already out using it."

Gick is less than half his employee's age.

"I'm 46," he said. "I can't imagine what it would be like to work another 50 years."

According to Ashley Hungate, communications director for the State Personnel Department, the record for seniority accumulated by a state employee belongs to Louis Douglas, who retired on Oct. 19, 2012, after 65 continuous years with the Department of Health. Douglas, however, was 89 at the time.

Vollmer was already 45 when he joined DNR in 1962—and he had already worked for more than a quarter-century in other roles, including (like Douglas) serving in World War II.

EARLY YEARS

Growing up in Washington, in Daviess County, the future DNR staffer worked his first job as a gas station attendant while still in high school. It was in this role, he says, where he regularly encountered Matthew Welsh, who would become governor by the time Vollmer became a state employee. He chuckled at his first recollections of the state's future leader.

"He was just a snot-nosed kid going to law school and was dating a girl who went to my high school," he said. "He drove his dad's big Cadillac and always had to get just enough gasoline to get his dad's car home. One time he held his hand out with a dime and asked for a dime's worth. When he became governor, I told him about that."

Like many in his generation, Vollmer enlisted in the armed services in 1941 upon hearing about Pearl Harbor. But he did so for three branches—the Army, Navy and Marines. He served with the Navy, the first one to swear him in.

"I was all over the Pacific," he said. "My first tour of duty was on the last island in the Aleutian chain, about 700 miles from Japan. I was a machine gunner."

During his wartime service, he survived an avalanche on the island of Attu that took the lives of several others. He did so by carving out an open space while buried under the snow and then dropping handfuls of it on his face and seeing in which direction it fell. By determining which way gravity carried the snow, he knew to dig in the other direction to reach open air. Perhaps his most difficult wartime stint occurred in the Philippines.

"We had to get used to mosquitoes in the jungle. They were so bad," he said. "We had mosquito patrols when we were fighting around those swampy areas and jungles. We had guys who would spray Johnson's Baby Oil wherever water was standing to kill all the larvae."

To this day, Vollmer takes medication prescribed for malaria. He might be fine without it at this point, he says, but a doctor told him it would help keep the disease at bay, so he continues with the regimen.



Vollmer searches for satellite signals using a modern GPS surveying tool at Charlestown State Park. When Vollmer began surveying for the DNR in 1962, non-electronic measuring tapes, rods, levels and chains were common tools of the trade.



Another memento he keeps from his wartime service is his prized 1942 Willys military jeep that, like him, also saw action in the Philippines with U.S. forces. He acquired the combat-damaged vehicle shortly after war's end and refurbished it. He still drives it as often as possible, sometimes leading parades and participating in other military and veterans' events.

"I've had it 70 years, and it runs like a sewing machine," he said, adding that he once rebuilt the engine. "I told my wife that if I pass away first, make the grave big enough for myself AND the jeep, and put me behind the steering wheel."

BACK TO INDIANA

Upon his return from military service, Vollmer lived in California for several years. While there, he married his hometown sweetheart, Helen Roberta Burress, and, at her encouragement, studied surveying and related subjects at the University of California at Berkeley. "It was a good school," he said, "but I just didn't like all those damn hippies out there."

He and his wife moved back to Indiana, and he transferred to Purdue. With the couple's first child on the way, they purchased property in the Happy Hollow area of West Lafayette, near the Wabash River, and began building the couple's first house. "I worked all summer building that house. That was a rough semester, going to school and trying to build a house," he said.

Vollmer strides into the forest surrounding Brown County State Park in search of historical rocks marking the 1816 Indian Boundary Line. He was trying to settle a property-line dispute.

The months passed faster than he had anticipated, and the Vollmers were forced to move into the house before he had even added the roof.

"Here I was, my wife was pregnant and the snow was about to fly," he said. "So I went across the river in Lafayette to a bar and hired me a couple drunks who said they were carpenters. I asked them if they could read a carpenter's square, and they said they could."

He says he believes in giving people a chance to prove themselves.

"I figured they might be winos, but if they're not drinking on the job and they know what they're doing, I'd sign them up. So I hired those two guys and in about a week I had my roof on."

After he graduated from Purdue in 1952, he moved his family to a farm near Loogootee, in Martin County.

His oldest daughter remembers growing up with a father who loved telling stories, playing pranks and sharing his love of nature with his four children, activities he continues to enjoy.

"My siblings and I think he is the best dad," said Theresa Spurgeon, 66. "He's amazing the way he still enjoys his work. I just retired from teaching last year at age 65 so I feel like the slacker in the family."

Vollmer provided his children memorable experiences, Spurgeon said.

"Our farm was right there near Hindostan Falls on the East Fork of the White River," she said. "Our dad used to take us down there in his Jeep. When the water level was low, he would put a picnic table out in the middle of the river, and we would eat lunch with the water running between our feet."

Her father has the heart of a teacher, she says, adding that he helped inspire her career choice.

"He could tell you any tree that's in the forest. I remember he helped me with a leaf collection when I was a freshman at Loogootee High School where you had to identify them with their regular names and Latin names. Daddy took me to special parts of the county so we would have a ginkgo leaf or something no one else would have."

Helen died in 1967. In 1984, Vollmer married Katrina Jo Schuler of Nashville, in Brown County, an area to which the couple soon moved.

'I NEVER GROW UP'

He has plenty of stories from his 54 years with the DNR.

There's the time he confronted a man who installed a fence that encroached upon Bass Lake Beach, which was a state property at the time. Only after aggressively pressing his point did he learn the person to whom he was talking had been a top lieutenant of gangster Al Capone.

"This guy was very polite, and I got along with him really well," Vollmer said. "But I had no idea who he was at the time." He still recalls one detail of the fencing the man used: small aluminum tags woven into the chain-link labeling it "Property of the City of Chicago."

Another incident still troubles Vollmer many years later. Working in a remote area, he and a colleague stumbled upon a toddler, alone, wearing a soiled diaper and covered by red ants. They cleaned up the girl as best they could and called emergency responders. Rescue personnel and child protective services took over from there. He still wonders what happened to her. Over the course of his career, Vollmer became known for a "trademark" customization of state-owned vehicles. After often forgetting or misplacing pencil sharpeners, he began removing hood ornaments from state vehicles assigned to him and, in their place, bolting crank pencil sharpeners.

"I never had to look for them after that," he said. "I knew right where they were." Vollmer eventually discontinued his practice as technology reduced the need for pencils and changes in vehicle design made it less practical to mount pencil sharpeners on their hoods. Chuckling, he suggested he might resume his tradition before he retires. Coworkers may be impressed by his longevity at his job, but Vollmer says his neighbors probably just know him as the guy who hosts huge Independence Day celebrations.

"I get the loudest fireworks I can get," he said. "I like it. I never grow up, I guess. I'm 99, but I still like to shoot firecrackers." For the most recent display, his children and four grandchildren gathered at his home. Before the fireworks, the group pledged allegiance to the flag as Vollmer's 35-year-old granddaughter, Erin Spurgeon, dressed as the Statue of Liberty, held a torch above her head. She and the three other grandchildren caught lightning bugs in jars, which represented lanterns. Keeping an annual tradition, Vollmer recited "Paul Revere's Ride," the poem by Henry Wadsworth Longfellow that includes the lantern imagery of "one if by land, two if by sea."

Before heading back to their homes that week, Vollmer's children and grandchildren began making plans for another big celebration—a looming 100th birthday party.

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IPLS Foundation Grants Scholarship to Purdue Northwest and Indiana University – Purdue University Fort Wayne Student, Jarrod Hahn

The Indiana Professional Land Surveyors Foundation, Inc. (IPLSF) grants a Scholarship Award in the amount of \$500 to Purdue University-Calumet student, Jarrod Hahn. The IPLSF Board of Directors selected Jarrod based on his academic achievements and desire to join the surveying profession.

Born and raised near Keystone, IN, Jarrod Hahn says his surveying interest began shortly after completing high school. "I was hired to dig a cornerstone with my backhoe for a local surveying firm. I was very intrigued about how the public land system worked and how we were able to find something set so long ago."

Today, Jarrod is the Wells County Surveyor and in this role, he gets to work with this very system every day.

One of the youngest to ever be elected as County Surveyor in Wells County, Jarrod enjoys what he does and hopes to remain County Surveyor for the foreseeable future. His education at Purdue University-Calumet and Indiana University-Purdue University Fort Wayne has helped him explain what he does to the public, raising awareness about the surveying profession within his community.

"I believe that becoming registered will save the taxpayers that I work for money. I also enjoy learning new things and passing that on to others," he wrote.

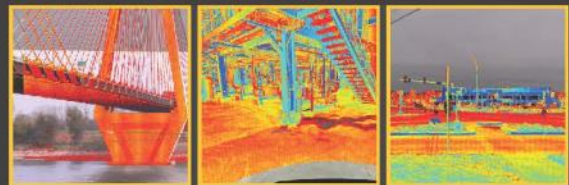
Outside of his love for land surveying and sharing knowledge, Jarrod also enjoys camping and spending time with family.





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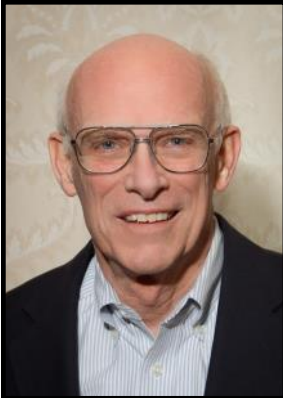


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Surveyors in ‘Land Sale’ cast at Prairietown

By Mike Davis



Mike Davis

Conner Prairie staged a fictitious land sale at its Hamilton County village of Prairietown in May of 2016, an event that included ISPLS members Haldon Ashton and Dennis Grumpp and introduced early surveying techniques and equipment.

The overall event was publicized as an opportunity to “buy some land and settle in the beautiful and growing town of Prairietown” on choice lots for sale by town founder and land speculator Dr. Campbell. Participants spent part of the day working at odd jobs to earn money and then combined their earnings with partners and placed bids on the lots at an auction.

Ashton and Grumpp were dressed as surveyors would be in 1836 — the period portrayed at the living history museum in Fishers — and showed how surveyors were involved in measuring, monumenting and recording property lines.

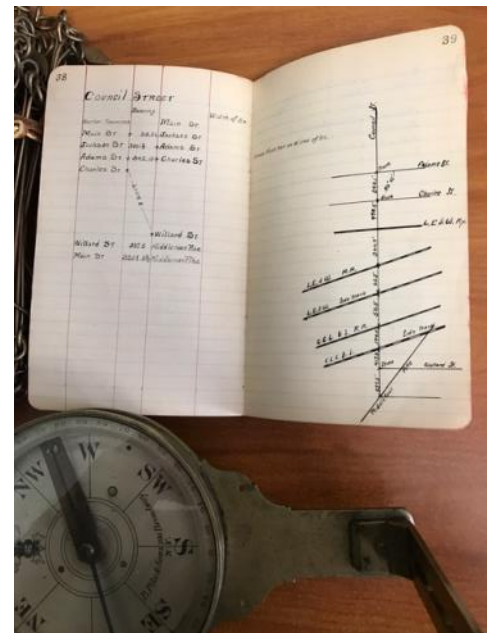
The ISPLS members gave visitors a chance to see how information was relayed with quill pens in the 1830s and also demonstrated how compasses, levels, sight rods, chains and field books were used.



An 1830s auctioneer at Conner Prairie encourages modern-day visitors to place bids on lots for sale (not really) in Prairietown. (All photos by Haldon Ashton)



ISPLS member Dennis Grumpp shows visitors how early surveyors wrote with a quill pen. On the table is a wye level with an external focus and a 50-link chain.



Also on display at Prairietown were a compass by P Pike and Co., New York, from about 1880; a 100-link chain; and a field book from the '20s. Pages 38 and 39 in the field book are in the photo at right.

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.

Wendell Brown a/k/a Menes Ankh El v. State of Indiana, Indiana Court of Appeals Case No. 49A05-1311-CR-550, November 22, 2016

Marion County has had several cases where “sovereign citizens” have placed “deeds” into the public record. In this case from the Marion Superior Court, a convicted defendant was appealing his conviction for burglary, forgery and driving while suspended after being found squatting in a house at 2401 West 39th Street in Indianapolis. Two things about this case might be of interest to surveyors. First, the defendant had created a “Freehold in Deed”, which he had recorded in the Marion County Recorder’s Office as Instrument Number A201200029622, where it was filed as a Miscellaneous Record. He was using this document to claim ownership of the “abandoned” property. Second, he was arguing that he should have been able to claim adverse possession at his trial even though he only claimed to have occupied the house for slightly over two months and there was testimony that the house was empty and secure the week prior to his arrest.

The Court of Appeals affirmed the judgment of the trial court.

Contact me if you would like to see a copy of the “deed” in question.

Kathy Salyer v. Washington Regular Baptist Cemetery v. Kristy Sams, Indiana Court of Appeals Case No. 69A04-1607-SC-1535, November 23, 2016

In 1982, Salyer purchased five contiguous gravesites in Washington Regular Baptist Church Cemetery (the “Cemetery”). Gravesite #15 was located on the northern end of the five gravesites. Moving south from Gravesite #15, Salyer’s father was buried at the next site, her first husband was buried at the next site, the next site was empty, and her second husband was buried at the final site at the southern end of the five contiguous sites. Salyer intended to bury her mother at Gravesite #15 and to have herself buried at the site between her first and second husbands.

In January or February of 2014, Salyer noticed that a person named Lowell Johnson had been buried at Gravesite #15. The Cemetery acknowledged that it had inadvertently sold Gravesite #15 twice. Salyer requested the cemetery to relocate Lowell, the Johnson family objected, and the Cemetery took no action. On May 18, 2015, Salyer filed a complaint in the small claims docket of the Ripley Superior Court alleging that the sale of her burial spot to another individual and the refusal to return it constituted theft, entitling her to treble damages, and requesting a judgment requiring the cemetery to remove the body from the lot, treble damages, attorney fees, costs of this action and for all other proper relief.

On April 15, 2016, the court held a bench trial at which it noted that Kristy Sams, the daughter of Lowell Johnson, was an intervening third-party. Salyer testified that her mother had died, that Lowell Johnson was buried where she intended to bury her mother, and that she had her mother’s body cremated and buried in the same gravesite as her father.

On May 13, 2016, the court issued an order which enters judgment in favor of Salyer but stated specific performance is not warranted given that Salyer has already taken action by cremating her mother and burying her mother with her father in the north burial site of plot 14. Therefore, the appropriate remedy to correct the problem given the conflicting interests

of Salyer and Sams is to compensate Salyer with the adjacent burial site just south of her burial site and to refund her \$75.00 for the purchase of the lot in question plus court costs in the amount of \$94.00.

Salyer filed a motion to correct errors, which the trial court denied and this appeal followed.

Salyer maintains that, because the Cemetery wrongfully buried Johnson at her gravesite, it must relocate Johnson's body so that the site can be restored to her. Here there are conflicting provisions in the state statute. IC 23-14-59 is titled "Potential Liability of Cemetery Owner." IC 23-14-59-1, titled "Immunity generally," provides: A cemetery owner or anyone acting on behalf of a cemetery owner is not liable in any action for ... a burial ... in the wrong lot. While IC 23-14-59-2, titled "Duties upon wrongful burials," provides in part: When a wrongful burial ... occurs, the cemetery owner shall: (1) at the expense of the cemetery owner, correct the wrongful burial ... as soon as practical after becoming aware of the error

Where provisions of a statute are in conflict, the specific provision will take priority over the general provision. IC 23-14-59-2 imposes a specific duty upon a cemetery to correct a wrongful burial. An order that a cemetery owner perform its duty to correct a wrongful burial as mandated by IC 23-14-59-2 constitutes an order for specific performance or injunctive relief. Giving effect to the language of both statutes, in the event a wrongful burial occurs and a cemetery fails to correct it as required by IC 23-14-59-2, a court may order the cemetery to perform its duty under the statute but may not find the cemetery liable for damages.

Based on IC 23-14-59-1, the court in this case erred in finding the cemetery liable for damages. In addition, the small claims court's order that Salyer receive "the adjacent burial site just south of her burial site," also constitutes an order for injunctive relief.

Salyer notes that the legislature uses the words "shall" and "correct" in the statute and contends that the word "correct" does not mean leaving the status quo, that to correct a wrongful burial the person must be relocated from the improper grave, and that the statute clearly directed the Cemetery to do something to fix its mistake. She also notes that the statute does not allow an exception for correcting a wrongful burial when the family objects. She requested the court to require the Cemetery to correct the wrongful burial by moving Johnson and returning Gravesite #15 to her. The Cemetery did not file an Appellee's brief. However, Salyer's claim was filed and docketed on the small claims docket of the Ripley County Superior Court. The jurisdiction of a small claims court does not include the issues in this case.

Accordingly, the small claims court did not have jurisdiction to grant injunctive relief either in ordering that Salyer receive "the adjacent burial site just south of her burial site," or to order that Johnson's body be removed from Gravesite #15. The court therefore reversed the order of the small claims court.

Because the small claims court erred in finding the Cemetery liable for damages and did not have jurisdiction to enter an order for specific performance or injunctive relief, the Court of Appeals reversed the court's order and remanded the case for consideration of transfer to the court's plenary docket.

Don H. Gunderson and Bobbie J. Gunderson, Co-Trustees of the Don H. Gunderson Living Trust Dated November 14, 2006 v. State of Indiana, Indiana Department of Natural Resources, Alliance for the Great Lakes and Save the Dunes, Long Beach Community Alliance, Patrick Cannon, John Wall, Doria Lemay, Michael Salmon, and Thomas King, Indiana Court of Appeals Case No. 46A03-1508-PL-1116, December 7, 2016

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

LBLHA, LLC, Margaret L. West and Don H. Gunderson vs. Town of Long Beach, Indiana, Alliance for the Great Lakes and Save the Dunes, Long Beach Community Alliance, Patrick Cannon, Roger Gansauer, David Oei, Bernard Rabinowitz, and Joan Smith, Indiana Court of Appeals Case No. 46A05-1404-PL-146 March 26, 2015

This case from the LaPorte Circuit Court may eventually define where the boundary between private and public

(Continued from page 27)

ownership lies along the Lake Michigan shoreline. In 2012, relying on Indiana Department of Natural Resources information, Long Beach enacted a resolution to not enforce private property rights below the ordinary high water (OHW) mark. A group of lakefront property owners sued the town. The town argued that the State of Indiana should have been the party any lawsuit was directed at as it is the limit of state ownership that is in question. Eventually summary judgment was granted to the town on all counts and this appeal was made.

The appeals court reversed those rulings and held that the State of Indiana or appropriate state officials as individuals in their official capacity should be added as a party or parties so the issues could be decided. In addition, one of the counts was decided after the appeals court had authority by court rules.

This case has the potential to determine if the limit of public ownership in Indiana is the OHW line, the undisturbed lake edge, the location the GLO survey found, or something else entirely.

Now the LaPorte Superior Court heard Gunderson argue for ownership to the water's edge based upon his deed to three lots in Long Beach. An 1829 survey showed the north line of Section 15 as an irregular line beyond which is labeled "Lake Michigan," and a 1984 survey showed the northern Gunderson boundary as "lake edge". The 1914 plat of Long Beach shows the Gunderson lots as being within Section 15. After considering motions, the trial court found that the Gundersons own title in their lots to the northern boundary of Section 15, while the State holds lands below the ordinary high water mark (OHWM) in public trust. The court also found that the Gundersons cannot unduly impair the protected rights and uses of the public when the titles to the land overlap.

Gunderson appealed. The Court of Appeals explained the public trust doctrine at some length including citing cases from other Great Lakes states and other courts. Gunderson argued that the public trust doctrine does not apply to his land because it was not included in a law that applied it to smaller Indiana freshwater lakes. The Appeals Court disagreed. Gunderson also argued that the public trust land only extended to the land actually under water at any given moment. Again, the Appeals Court disagreed. Finally, the trial court had determined the State holds in public trust "the land below the OHWM, as defined by 312 Ind. Admin. Code § 1-1-26(2) [sic]." Here the Appeals Court disagreed with the fixed elevations the IDNR specified and said the common law location of the OHWM is the correct location to use.

In summary, the Appeals Court affirmed the trial court in that Gunderson's property rights overlap with those of the public trust and that the northern boundary of Gunderson's property is the ordinary low water mark, subject to the public's rights under the public trust doctrine up to the OHWM. The determination of the location of the OHWM was reversed. The trial court finding that the northern boundary of Section 15 is unknown is also reversed, and the boundary is held to be the ordinary low water mark, subject to the public's rights as part of the public trust.

I have heard this case is going to be appealed to the Indiana Supreme Court.

Duke Energy of Indiana, LLC v. City of Franklin, Indiana, Indiana Court of Appeals Case No. 41A01-1607-CT-1549, December 16, 2016

Here the City of Franklin proposed adding an intersection to SR 44 on the east side of Franklin which fell in a Duke easement. This is a part of a larger traffic plan to generally improve a longer stretch of road. Duke objected, apparently based on a policy Duke adopted in 2008 to exclude the introduction of intersections within their easements. This eventually went to the Johnson Superior Court where Duke asked for a preliminary injunction to prevent the City from completing the expansion of the intersection. The Duke argument was that the city lacked sufficient property rights to allow it to expand the intersection and that doing so would impermissibly interfere with Duke's easement rights. The trial court concluded Duke did not have a reasonable probability of success at trial and so denied the injunction.

(Continued on page 29)

Duke appealed the denial of the injunction and the Court of Appeals affirmed the decision finding Duke lacked standing to challenge the City's property interests in the real estate because they only hold "a mere utility-easement." In addition, the Appeals Court agreed that the traffic plan was reasonably necessary to the City's use of real estate while not being unduly injurious to Duke's enjoyment of its easement.

This opinion included an exhibit (apparently by Mr. Kent at Schneider) showing CAD line work over aerial photography which was very helpful in visualizing the issues discussed.

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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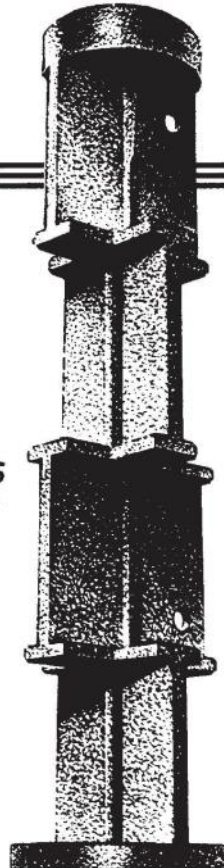
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Orwic Alexander Johnson

Orwic Alexander Johnson, 77, of Columbus, passed from this life at 8:22 a.m. December 20, 2016, at Four Seasons Retirement Center in Columbus.

He was born in Evansville, Indiana, July 9, 1939, to the late Edward and Cordelia Repphan Johnson.

He married Elizabeth C. McLain, who preceded him in death April 3, 2007.

Mr. Johnson was actively involved in the community and enjoyed being a part of various activities including membership in New Hope Christian Church, Columbus Elks Lodge, St. John's Masonic Lodge No. 20 and serving as past president of Bartholomew County Historical Society.

He owned and operated Columbus Surveying and Engineering Company, starting in 1975, and was president of the Indiana Society of Professional Land Surveyors in 1979. He also was a past president and secretary of the Indiana Surveyors Historical Society, and he enjoyed fishing, woodworking and collecting old tools that were used in woodworking or land surveying.

The funeral was conducted Friday, December 23, at Barkes, Weaver & Glick Funeral Home in Columbus with John Sighting officiating. Masonic services were held prior to the funeral on December 23 by members of St. John's Masonic Lodge.

Inurnment was to be at Garland Brook Cemetery at a later date.

Online condolences and special memories may be shared with the Johnson family and a video tribute may be viewed at www.barkesweaverglick.com.

The family requests that in lieu of flowers memorial contributions be given to the Indiana Professional Land Surveyors Foundation to provide scholarships (www.ispls.org/donations/fund.asp?id=11180). As of January 16, 2017, \$370 has been donated in Mr. Johnson's honor.

Mr. Johnson is survived by his children, Tony Johnson of Indianapolis, Mary E. Martin-Rhodes of Tuscaloosa, Alabama, and Julie G. (Albert) Brashear of Indianapolis; and grandchildren, Alexander Martin and Lindsey and Emily Brashear.

He was preceded in death by his parents; his wife of 45 years; and a sister, Cordelia "Dee-Dee" Ann Johnson.



Joseph B. "Joe" Stody Jr.



Joseph B. "Joe" Stody Jr., 76, of Fort Wayne, passed away Saturday, Dec. 3, 2016 at his home with his family at his side. Born Sept. 23, 1940 in Fort Wayne he was a son of the late Joseph and Veronica (Bensman) Stody. He worked as a land surveyor for many years, owning his own business, Stody and Associates. He was a member of St. Therese Catholic Church. He enjoyed sports and was an avid fan of the Chicago Bears and White Sox. He was also a Chicago Blackhawks fan, as he played hockey as a youth and senior. Surviving is his wife of 49 years, Sheila R. (Gerardot) Stody of Fort Wayne; children, Joe A. Stody of Bluffton, Brian J. (Amy) Stody of Fort Wayne, Jennifer R. (Calvert) Miller of Fort Wayne, and Jacob T. Stody of Bluffton; brother, James (Mary) Stody of Fort Wayne; sister, Patricia (Lee) Klein of Warsaw; and seven grandchildren. In addition to his parents, he was preceded in death by his brothers, John and Thomas Stody. Mass of Christian Burial was held Wednesday, Dec. 7, 2016, at St. Therese Catholic Church, 2304 Lower Huntington Road, Fort Wayne (IN 46819), with visitation one hour prior. Visitation also was held Tuesday afternoon and evening, Dec. 6, at Elzey-Patterson-Rodak Home For Funerals, 6810

Old Trail Road, Fort Wayne (IN 46809), with the rosary during the evening session. Burial was in St. Aloysius Catholic Church Cemetery. Memorials may be made to Turnstone Center's Parkinson Division, Visiting Nurse, or Masses. To leave condolences visit www.elzey-patterson-rodak.com



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13150 N. Penntown Rd.
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ofc: 317.849.5935
dir: 317.849.5935
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7965 East 106th Street
Fishers, IN 46038-2505
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