

44-4 Spring 2018

HOOSIER SURVEYOR

Quarterly publication of the Indiana Society of Professional Land Surveyors, Inc.

FEATURED ARTICLE

New legislation affecting surveyors was signed into law on July 1. Find out how it addresses issues related to surveyors and the practice of surveying.

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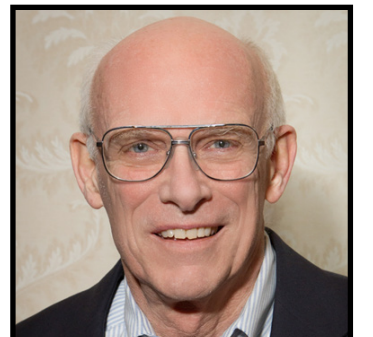
FROM THE EDITOR

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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THE TRAVELING SURVEYOR

By Ryan C. Swingley, PS, ISPLS President

The summer of 2017 marked my twentieth year in the surveying profession. I have been blessed to survey in four different countries and on three different continents. Through these travels I have gotten to work with surveyors from all different walks of life, and among all of them there is always a deep burning question that arises on a daily basis: "What is for lunch?"



An old party chief, Bob Grey, that I had the pleasure of working under during my time with United Consulting, used to say that where to go for lunch is the hardest decision of the day. So, in an effort to find a little lightheartedness in what seems to be a never-ending discussion of legal and technical issues, I have decided to try my hand at being a food critic and make that tough daily decision a little easier.

I got an offer from a trusted colleague, Brian L. Haggard, PS, with Banning Engineering, to discuss some ins and outs of Indiana route surveying. Brian had suggested we go to a place he had found during his travels, so I decided to give it a shot. Let's back up just a second; it is no big secret that I like food, but more specifically, I like Mexican food. The place that Brian suggested was called Super Tortas (www.supertortasindy.com) at 2641 W. Michigan St., Indianapolis, 46222, Ph. 317-423-2511.

Brian and I met on a Tuesday around 11:45 on a cold and rainy October day. On the Super Tortas web site they have a place to make an online reservation for their peak hours. This RSVP process seemed to be a bit out of place for this type of establishment. When I walked in Brian was already seated and there were only a few other patrons inside, so we must have been ahead of the rush.

By the loudly colored exterior I was expecting the interior to be the typical colorful and overstated Mexican decor, but I was pleasantly surprised that the interior was tastefully done. The environment was warm with a nice mix of textures from an earth-toned stone tile floor to old-world style wrought iron tables and chairs topped with dark stained wood tops and Mexican inspired wall hangings. A large chalkboard adorned the main wall near the kitchen listing the day's specials.

But let's get on to the food. The specialty of this establishment is obviously tortas, and they have 29 different torta choices. A torta is Mexican sandwich, typically with a meat, cheese, tomatoes, avocado and mayo. Brian was there early so he was seated with some chips and salsa waiting. The offering was not your typical chips with one salsa

as there was a traditional tomato-based, a salsa verde, pickled jalapeños and a chipotle-based salsa. While the salsa were great, the chips were not the warm, hot out of the fryer chips we have all come to know and love from our local Mexican restaurants, so some improvements could be made in the chip department.

Once I was seated our waitress was prompt in offering me a drink. I ordered unsweetened ice tea per usual but was informed that they don't offer tea. They have some unique drink offering with their specialty being fruit flavored waters. I settled for a Horchata which is a rice-based drink that has a subtle creaminess with sugar and cinnamon flavors. The Horchata was a nice way to cool down the heat from the jalapeños that I can't stay away from.

After putting a hurt on the chips and salsa and some light conversation, it was time to order. I chose the #19 Argentina which had breaded steak, pineapple, American cheese, mayo, tomato, avocado and jalapeños and pastor taco. Pastor or al pastor is spit grilled pork marinated in Mexican spices and pineapple. The spit-roasting process is done typically like you would see gyro meat or shawarma being cooked. I did not see this set up in the kitchen so I can only assume that they buy their pastor from a vendor or just overroast it.

The taco was served in the typical traditional fashion as double wrapped in corn tortilla with cilantro and onion with a lime on the side. Don't let the fact that they don't have an in-house spit roaster fool you; this was a damn fine taco with the star of the show being the dense and flavorful corn tortillas.

Making light work of the taco, I moved on to my torta. The bread had sesame seeds on top which I had not seen before on tortas I have had in the past. There was a definite thick layer of American cheese that provided a creaminess that paired well with the jalapeños and pineapple. I have never had pineapple on a torta — or any other sandwich for that matter — but let me say that I will be playing with the fruit on my sandwiches in my home kitchen in the near future. The pineapple provided just enough sweetness and did not overpower the party of flavors going on with this culinary work of art. Let me make this clear ... this was a good sandwich!


Super Tortas really seems to have gotten some things right and it looks to be working for them. The prices were reasonable with most tortas costing \$6.75, and the portions were just right as I left feeling satisfied and not under or overfed. If you are ever in this area I would not hesitate to give Super Tortas a dance; I don't think you will be disappointed.


In keeping with the theme of food review for land surveyors I have come up with a multipoint scoring system that will make it clear where the reviewed establishment might fit in your lunch plans. Of course our rating scale is 0 to 5 plumb bobs.

Rating Criteria

A place to take clients:  out of 5 plumb bobs

Field Crew Friendly:  out of 5 plumb bobs

Would I want to eat there on a hot day:  out of 5 plumb bobs

Would I want to eat there on a cold day:  out of 5 plumb bobs

Portions:  out of 5 plumb bobs

Quality:  out of 5 plumb bobs

Cleanliness:  out of 5 plumb bobs

Quality of the restroom (important for field crews): Did not use the restroom

Service:  out of 5 plumb bobs

Overall Score:  out of 5 plumb bobs

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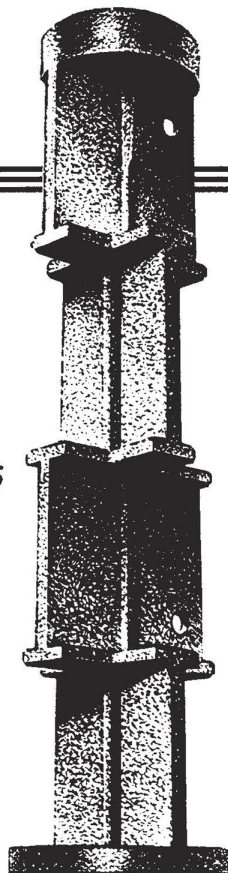
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WE WANT TO HEAR FROM YOU: SHARE YOUR SURVEYING STORIES

In an effort to represent the diversity, scope and challenges experienced by Professional Surveyors, the Indiana Society of Professional Surveyors is requesting stories and examples of experiences our members have had during careers.



If you have had a unique experience on a high profile project, the use of new and developing technology, or simply a survey gone bad, we would love to hear from you! Our hope is to gather your stories and experiences and share them with your colleagues and prospective future surveyors to show that we are more than “just a surveyor.” Send your stories to kjenkins@ispls.org today.

IN CASE YOU MISSED IT:

Top Articles Featured in the ISPLS Newsletter | [April 2018 - June 2018](#)

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Have an article you want to see in the ISPLS Newsletter? Email [Kayla Jenkins](mailto:kjenkins@ispls.org)

Indiana Society of Professional Land Surveyors HOOSIER SURVEYOR

PHOTO & VIDEO CONTEST



Snap, Share, Win! The Indiana Society of Professional Land Surveyors (ISPLS) is pleased to announce the Summer 2018 Hoosier Surveyor Photo and Video Contest. All members of ISPLS are encouraged to participate for a chance to win up to \$100!

The Hoosier Surveyor Photo and Video Contest was created to showcase and applaud the critical work land surveyors are doing in the community, raise awareness to the industry, and encourage students to join the profession.

The theme for this issue's contest is **innovative and cutting-edge technology**. To enter, simply share a photo and/or video on Twitter or Facebook that creatively captures the work you're doing in the field in a fun, unique way. There is no limit on how many photos or videos you can enter and this contest is open to all land surveying professionals and businesses, so **snap** and **share** for your chance to **win!**

Deadline to submit entries: September 1, 2018

HOW TO ENTER

- Must follow ISPLS on **Twitter** and/or **Facebook**
- For photo entries, use hashtag **#ISPLSPhotoContest**
- For video entries, use hashtag **#ISPLSVideoContest**
- All submissions must meet the theme and criteria outlined above
- Video entries must be between 30 seconds to 2 minutes in length
- All entries will be judged by the ISPLS Board of Directors
- Entries must be submitted by **September 1, 2018 at 11:59 pm EDT** to be considered
- By submitting your photo(s) and/or video(s) in this contest, you are granting ISPLS permission to use and republish the content provided.

Contact

Kayla Jenkins, Communications Assistant, ISPLS, kjenkins@ispls.org
LEARN MORE AT WWW.ISPLS.ORG

PRIZES

There will be one (1) winner for the photo contest and one (1) winner for the video contest.

- The winner of the photo contest will receive one (1) \$50 Visa gift card
- The winner of the video contest will receive one (1) \$50 Visa gift card
- The winner(s) will be featured in the upcoming issue of the Hoosier Surveyor and mentioned on social media
- The winner(s) will receive their own blog post on our website



#ISPLSPhotoContest

#ISPLSVideoContest

LEGAL SURVEYS

By Bryan F. Catlin, PS, ISPLS Past President

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.



The first case now answers the question of the limits of private and public ownership along Lake Michigan.

Don H. Gunderson and Bobbie J. Gunderson, Co-Trustees of the Don H. Gunderson Living Trust 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 Supreme Court Case No. 46S03-1706-PL-423, February 14, 2018

Again, my first summary of an Appeals Court opinion on a part of this case follows in italics while the additional summary of a second Appeals Court opinion is underlined.

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 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 (OHWM) 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 OHWM 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.

All parties petitioned the Indiana Supreme Court for transfer, which was granted. The Court now breaks this case down into two main points. First, what was the Lake Michigan boundary transferred to the State from the Federal Government, a question of federal law, and second, has the State Legislature relinquished title to land within that boundary, a matter of state law. The full opinion goes into detail about the equal-footing doctrine, where states received the same rights to property from the Federal Government as the original states did and concluded that the State of Indiana originally received title to the Ordinary High Water Mark (OHWM). The Court noted that the original land patent was to the OHWM and also noted that the term "water's edge" in federal surveys refers to the OHWM. The Gunderson's argued that the OHWM was wherever the edge of water was at any given moment. The court held that the common law definition which places the OHWM at the point defined by vegetation, soil characteristics, etc. was the correct location. The second question about the State Legislature relinquishing title was argued but in short, the Court found that the Indiana Legislature had not given up title. Therefore, Indiana owns the lake bed up to the OHWM and, at a minimum, walking below the OHWM of Lake Michigan, is a protected public use, inherent in exercise of traditional uses of Lake Michigan. Lacking specific legislative action, the Court did not like the idea of overlapping property rights. The Indiana Administrative Code has defined OHWM two different ways, once as the common-law definition and again as the fixed elevation for Lake Michigan. The Court noted that there are valid administrative uses for the fixed elevation, but the legal boundary follows the common law definition, as the legislature cannot delegate the power to make a law such as changing the boundary of Lake Michigan.

Windgate Properties, LLC v. Chris Sanders, Indiana Court of Appeals Case No. 13A01-1706-PL-1453, March 20, 2018

Here four parcels under common ownership were sold at a tax sale to two different new owners. Sanders ended up with the only parcel with access to a public roadway. The next parcel to the east was now owned by Windgate. Sanders also owned the next parcel to the east and Windgate also owned a second parcel to the east of that. There are private dirt and gravel roads running to the north across multiple owners to a public road. The properties to the north had all been owned at one time or another (but it wasn't shown that they were all owned simultaneously) by the entity that lost the four parcels in the tax sale.

Windgate filed a complaint to quiet title in the two parcels they owned against multiple parties in the Crawford Circuit Court. Sanders was the only party to file an answer to the complaint. At a bench trial Sanders argued that he had an easement of necessity across Windgate's property. Windgate argued that Sanders had an easement of necessity, not over Windgate's land, but rather across multiple owners to the north. Sanders agreed that that route might be the easiest path to a public road but "we have no legal right to force these people to give us access. The only legal right we have to force someone to give us access to this property is Windgate, the Plaintiff." The trial court determined an implied easement of necessity was created when Sanders and Windgate purchased the properties at the tax sale which resulted in a severance of unity of ownership, which left the second Sanders parcel without access to a public road. The court rejected the argument that Sanders should pursue a more reasonable easement from the owners to the north. The trial court quieted title to Windgate in fee simple absolute, subject to an easement for ingress and egress benefitting the second Sanders parcel.

Windgate appealed, and the court now affirmed the judgment that Sanders is entitled to an easement of necessity as the prior unity of ownership of these parcels was undisputed.

N.G. Hatton Trust v. Robert D. Young and Ellen M. Young, Indiana Court of Appeals Case No. 92A03-1708-PL-1818, March 22, 2018

Here is a case from the Whitley Superior Court where the common enemy doctrine of dealing with surface water was the issue. The N.G. Hatton Trust owned a lakefront lot on Shriener Lake. The Youngs owned an adjoining lot and built a new home in 2006. During this process, the Youngs raised their ground between four and six feet and changed the drainage somewhat but did not collect or concentrate storm water. After heavy rains, water, rocks, mud and sediment flowed onto the Trust property, damaging a sidewalk and stairs before it continued to the lake. The Trust filed a negligence complaint about the damage from the drainage

and for allegedly not abiding by sections of the Whitley County Zoning Ordinance. The Youngs answered, denying causing any damage to the house on the Trust property and asserting the common enemy doctrine as an affirmative defense. After a bench trial, the court found that the water flowing from the Youngs' property "wreaks havoc" on the Trust's property. The court also found that because the water only occurs after heavy rains, the Youngs were not "collecting, concentrating, and casting it in a body upon" the Trust's property, so it was not "outside the definition of surface water." Thus, the Youngs had no duty to have constructed their home in any different manner. Without a finding of duty, the negligence claim was rejected. The trial court also rejected the argument that a violation of the county Zoning Ordinance created a private right of action for negligence.

On appeal, the judgment of the trial court was affirmed.

Ken Kocinski v. Jane Cotton, Eighth Street Rentals, LLC, Indiana Court of Appeals Case No. 48A02-1707-MI-1639, January 8, 2018 MEMORANDUM DECISION

Here is a mildly interesting case from the Madison Circuit Court. Cotton discovered a significant mold problem in a wall of her property during rehabilitation which required access across Kocinski's adjacent empty, vacant, gravel lot by a structural engineer, exterminators and a construction company. Negotiations with Kocinski broke down after he would not allow access "in the absence of a \$5,000 payment." Cotton filed a motion for emergency injunction and temporary restraining order against Kocinski to allow the needed access for the period between June 12, 2017, and June 23, 2017. The needed order was eventually granted and a security bond of \$3500 for any damages from Cotton's use of Kocinski's property was posted. After several additional motions and an extension of the needed time period to June 27th, Kocinski appealed, and the Court of Appeals found his issues moot and dismissed the appeal.

Carpenter Realtors and Susan Hodges v. John Watkins and Susan Watkin, Indiana Court of Appeals Case No. 41A05-1706-PL-1286, January 31, 2018 MEMORANDUM DECISION

Here is a case that is satisfying for many reasons, only one of which is that the surveyor wasn't blamed.

Here the Watkins were shopping for a house and through Hodges, a Carpenter agent, signed Carpenter's Agency Policy for Buyers. The policy required Carpenter to "advise" the Watkins during closing. The Watkins eventually agreed to purchase a home from Roger and Judy French, and Hodges prepared a purchase agreement which provided that "prior to closing" the Watkins would receive a "SURVEYOR LOCATION REPORT" that is "reasonably satisfactory" to them. The Frenches ordered title insurance

through Royal Title, who ordered a surveyor location report. The report was not prepared until the day of the closing, and the Watkins did not receive a copy until they arrived at the closing. The report showed an encroachment onto the vacant lot to the north. The Watkins noted their concern during closing, the closing agent for Royal Title told them the report was only approximate, and Roger French said it was not accurate. Hodges did not look at the report or respond to any comments and the closing proceeded.

Several months later, the lot to the north sold, and it was determined that there was, in fact, an encroachment. The Watkins spent more than \$25,000 remedying the situation.

The Watkins filed two lawsuits, one against Carpenter and Hodges in the Johnson Superior Court (this case), and one against the Frenches in Marion County. The Watkins settled their claims against the Frenches and dismissed the Marion County suit (the terms of the settlement were not entered into evidence and are not included in the record on appeal). After procedural actions, a bench trial was held where the Watkins presented their claim as one for breach of contract, without objection from Carpenter or Hodges. The trial court found that the failure of Carpenter to render advice regarding the surveyor location report is a breach of the existing contract and ordered Carpenter to pay \$33,314.33 in damages and interest.

Carpenter and Hodges appealed contending that the trial court should have treated the claim as one for negligence instead of breach of contract. This is because negligence claims are subject to allocation of fault under IC 34-51-2. If fault were allocated to the Watkins, the Frenches and/or the title company, the damages Carpenter owed might be reduced. The Court of Appeals found that Hodges failed to indicate the survey presented any problems and did not caution against proceeding with the closing, and that Carpenter's duty to advise the Watkins during closing existed solely by virtue of the contract between the parties. Carpenter also claimed that the Watkins were getting a double recovery because they had already settled with the Frenches. The court noted that it may be true that there will be some overlap with the damages paid by the Frenches, but there was no evidence to support such a finding. The judgment of the trial court was affirmed.

Duke Energy Indiana, LLC v. J & J Development Company, LLC, Indiana Court of Appeals Case No. 10A04-1605-PL-1084, March 29, 2018 MEMORANDUM DECISION

Finally, I will briefly note a case from the Clark Circuit Court. Public Service of Indiana, Incorporated (PSI) obtained two transmission line easements in 1956 which included the standard language about the grantors reserving the use of the land not inconsistent with the grant. Now, J & J is developing a residential subdivision and has constructed a

graded roadway, underground utilities, a fire hydrant, a few electric termination boxes, five concrete storm water culverts and two storm water detention basins wholly or partly within the easement. As part of the sanitary sewer service, J & J needed to install a small diameter pressure main, and the Town of Sellersburg issued a construction permit which required notification of Duke Energy, PSI's successor. When Duke was contacted, an asset protection specialist there expressed concerns about the infrastructure and improvements, alleging they were in violation of Duke's easement rights and a Duke generated document entitled "Electric Transmission Right-Of-Way Guidelines/Restrictions Valid for Ohio, Indiana and Kentucky." The document declared the authority to change the list of restrictions at any time, and Duke took the position that all activity by others in a Duke easement required prior review and approval by Duke. Duke insisted that J & J remove the infrastructure and improvements built in the easement.

This has gone to court and showed up in the Court of Appeals to answer procedural issues about the trial.

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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NEW LEGISLATION AFFECTING SURVEYORS SIGNED INTO LAW

The Indiana Society of Professional Land Surveyors promoted a bill in the 2018 session that passed through the legislature and was signed by Governor Holcomb.



[2018 Senate Enrolled Act](#)

197 became law on July 1, 2018. It addresses three issues relating to surveyors and the practice of surveying.

First, it amends IC 32-19-2-2 and 32-19-3-1, which address State Plane Coordinates in Indiana and, in particular, their use in property descriptions.

These sections were written in the 1980s and needed to be amended to reflect modern survey thought and practice. The new law now recognizes not just the state plane coordinate system, but any "coordinate system published by an agency of the federal government or of the state." It also specifically acknowledges the Indiana Geospatial Coordinate System.

SEA 197 also does away with the requirement to run a survey from first or second order geodetic control monuments. In modern practice, with GNSS, Virtual Reference Systems and CORS, practices such as that are simply outdated.

IC 32-19-3-2 provided that a purchaser or mortgagee did not have to rely on a description using state plane coordinates. This section was repealed.

Second, SEA 197 amends IC 36-2-12-10 and 36-2-12-14 which address Legal Surveys and appeals to Legal Surveys.

The new law eliminates some contradictory language relating to notifications by clearly requiring notification by registered or certified mail. Current law allows for no notification if all owners of adjoining lands consent in writing to the survey. In addition, in IC 36-2-12-14, the appeals process mentions "notice by publication" even though, confusingly, such notification is not allowed under the legal survey process itself. SEA 197 eliminates the possibility of notice by publication.

Finally, the wording in IC 36-2-12-10 has been corrected to require that the survey be "entered" (not "recorded") in the county surveyor's legal survey record book. A legal survey will, however, still need to be recorded in the Recorder's Office pursuant to Rule 12 865 IAC 1-12-12(a)(2).

Lastly, and most significantly, SEA 197 adds section IC 25-21.5-9-9 to the surveyor's registration act.

This new section requires that if a surveyor prepares a new description as a part of a retracement or original boundary survey (except for lots in new subdivisions), the caption of that description must contain certain information identifying that survey. The information required includes the surveyor's name and registration number, the date of the certification, the date of the last revision (if any), any project number and the name of the survey company.

To support this new requirement, two other sections were added to IC 25-21.5-1 providing definitions for original and retracement boundary surveys. These definitions come from the definitions in Rule 12. [See sample caption to comply with IC 25-21.5-1-6.5 here.](#)

These new sections will help future surveyors meet their universally recognized obligation to "Follow in the Footsteps" of the original surveyor by providing the necessary information for them to confidently do so.

Taken together, the sections of SEA 197 will help better protect the public by ensuring that (1) surveyors will be allowed to practice using the most cost effective, technologically-advanced methods, (2) adjoining will have proper notification of legal surveys that may affect their property lines, and (3) surveyors will be armed with the necessary information to retrace property lines correctly and with fewer conflicts in the future.

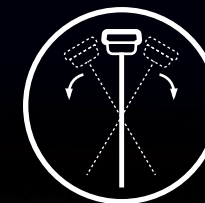
Thanks to the ISPLS Legislative Committee, including Senator Blake Doriot, for their support and guidance, and to Jason Coyle for volunteering to testify in committee.

Questions may be directed to Gary Kent, PS, at The Schneider Corporation: gkent@schneidercorp.com or (317) 826-7134.

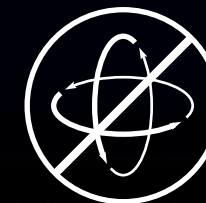
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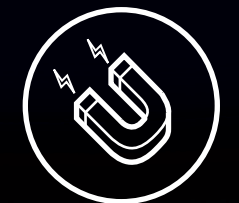
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COMPLETED CAREERS

E. Donald “Don” Bengel

E. Donald “Don” Bengel, 80, of Valparaiso passed away Saturday, June 9, 2018. He was born June 1, 1938 in Baltimore, MD.

Don was a proud alum of Baltimore Polytechnic Institute and went on to receive a B.S. in Civil Engineering from Valparaiso University in 1961. Don founded Bengel Engineering and Surveying, which he owned and operated for over 50 years. He served as Porter County Surveyor for four terms, from 1980-1996, and was active in many professional organizations.

Don served on the Board and was a Past President for both the Northwest Chapter and the state board of the Indiana Society of Professional Land Surveyors (ISPLS). He represented Indiana as a member of the Board of Governors and Board of Directors of the National Society of Professional Surveyors (NSPS) and was Indiana’s delegate on NSPS’ Great Lakes Council. Don was a past Chairman of the Northwest Indiana Regional Planning Commission (NIRPC). Don was also active in Republican politics serving for many years as precinct committeeman and was also elected to serve as a state convention delegate.

Don’s greatest passion second to his family was the Boy Scouts of America. Don was actively involved in scouting since his boyhood. As an adult, his service began with Valparaiso Troop 907 when his three sons were scouts.

Raymond A. “Muggy” Grangier, Jr.

Raymond Andrew “Muggy” Grangier, Jr., 80, of New Albany, Indiana, passed away peacefully at home with his family by his side on May 23, 2018. He was a member of St. Mary’s Catholic Church-New Albany and was a retired surveyor for Brinkworth Engineering. Raymond loved hunting and fishing in his spare time, but his true love was for his horses, farm, children, and grandchildren.

Raymond was born on May 22, 1938, in New Albany to the late Lornie F. (Rudolph) and Raymond A. Grangier, Sr. Along with his parents, he was preceded in death by his wife,Carolynn (McCauley) Grangier; son, Darren C. Grangier; grandson, Cody Grangier; and siblings, Harry and Dorothy Grangier and Mildred Hatfield.

He is survived by her children, Raymond A. Grangier III (Tammy), Anthony D. “Tony” Grangier (Sharon), and Stephanie L. Grangier Furnish; grandchildren, Andrew, Tiffany,

He took great pride that each of them as well as his oldest grandson achieved the rank of Eagle Scout. He attended several National Scout Jamborees and twice hiked Philmont Scout Ranch. Don served in many capacities in scouting over the years, including camp inspections, Eagle review boards and district leadership. He received the Silver Beaver Award in 2006.

On June 26, 1960 Don married his college sweetheart, Betty, and together they had four children: twins Eric (Robin) Bengel of Valparaiso and Lauralyn Bengel of Chicago, Dirk (Patricia) Bengel of Greenville, SC and Mark (Michelle) Bengel of Valparaiso. He was a proud Pop-Pop to six grandchildren: Erica, Kelsey (Justin), Jack, Nicole (Kirk), Shannon and Peter. He is also survived by his two brothers, Richard (Gail) and Elvin (Donna) Hudson and their children: Sean (Trista) and Adrienne (Craig), Adam and Kate Hudson, as well as his niece, Megan (Victor) and nephew Dan (Debbie). Don was preceded in death by his mother, Carolyn Hudson, his grandfather, Leonard Bengel and his beloved uncle, Leonard “Buddy” Bengel.

A visitation was held Thursday, June 14 from 3-6 p.m. at [Moeller Funeral Home](#), Valparaiso, followed by the funeral service. In lieu of flowers, memorial donations may be made to [Boy Scouts of America, LaSalle Council](#), 1340 South Bend Ave., South Bend, IN 46617 (please specify for camp properties).

David, Krystal, Brittany, Laura, Sasha, Christopher, Jadon, Whitney, Corey, Lily, and Aryah “Bossy Sauce”; and sisters, Anna Grangier Anderson and Virginia Grangier Curtis.

Visitation was held from 10:00 a.m. to 1:30 p.m. on Friday, June 1, 2018, at Newcomer Cremations, Funerals & Receptions (3309 Ballard Lane, New Albany). His Funeral Mass was held Friday at 2:00 p.m. at St. Mary’s Catholic Church-New Albany with cremation following.

Memorial contributions may be made to Exit Zero Homeless Outreach Services (P.O. Box 1315, Jeffersonville, Indiana 47130).

To leave a special message for the family, visit [Newcomer Cremations, Funerals & Receptions](#).

Nathan Meyer

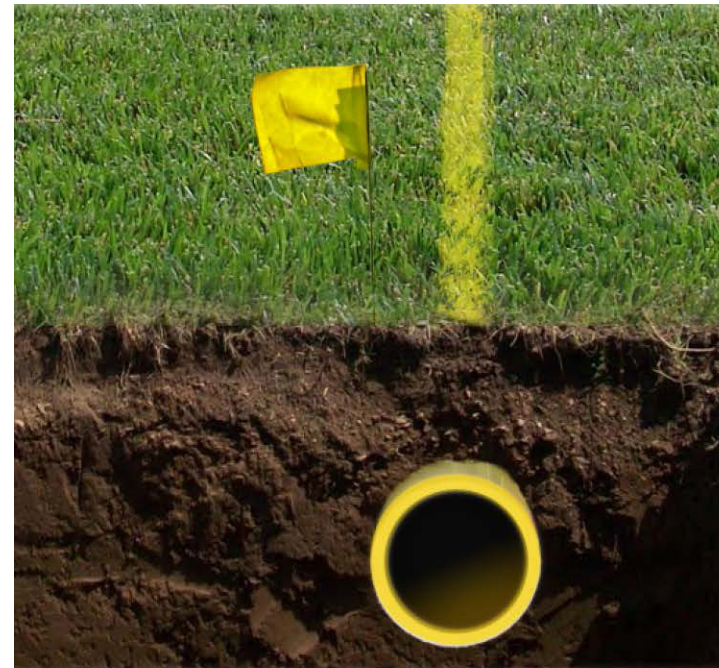
Nathan G. Meyer, of Brookville, was born on February 8, 1986 in Oxford, Ohio, the son of Eugene F. and Karen Mergenthal Meyer. He married his soul mate and true love Carrie E. Wendel on September 5, 2009 at St. Michael Catholic Church, and in 2014 the two welcomed their daughter Katherine who is Nathan’s sunshine and whole world. Nathan’s life was so full of love and joy with Carrie and Kate, and so full of friendship and laughter with his close group of friends. If any friend, family member, or neighbor ever needed help with anything, Nathan would always lend a hand with a smile. Nathan had a lifelong love of sports, joining his friends in all manner of leagues and relaxing while watching the hometown teams. Nathan truly loves the people and land of Franklin County. Thanks in part to his job surveying, he was able to explore and come to know so much of this beautiful place he called home. He was proud to be a partner at Meyer and Murray Land Surveyors and to have been elected the county surveyor. He was honored to be able to serve the community.

After a courageous battle, Nathan passed away at the age of 32, on Thursday, May 24, 2018 surrounded by loved ones.

Those surviving who will cherish Nathan’s memory include his loving wife, Carrie Meyer; one beautiful daughter, Katherine Meyer; parents, Karen and Eugene Meyer; brother, Jared (Kyra) Meyer; sister, Andrea (Justin) Smith, and brother, Lucas Meyer. He is also survived by his mother and father-in-law, Philip and Susann Wendel; nephews, Rett, Drew and Clay Smith, and 2 brothers-in-law, Michael (Amy) Wendel and Matthew Wendel.

Friends were able to visit the family on Monday, May 28, 2018 from 3 until 8 p.m. and again on Tuesday from 8:30 until 9:30 a.m. at Cook Rosenberger Funeral Home, 929 Main Street, Brookville, Indiana. Father Sean Danda officiated a Mass of Christian burial at 10:30 a.m. at St. Michael Catholic Church. Burial followed in the church cemetery.

Memorial contributions may be directed to FC CAN (FC Cancer Assistance Now), the Maxwell James Grimmeisen Memorial Endowment at FCCF, St. Michael Church, or to FCCF for a Legacy Fund in Nathan’s memory. In lieu of flowers, hug your family tight today. To sign the online guestbook please visit www.cookrosenberger.com. The staff of Cook Rosenberger Funeral Home is honored to care for the family of Nathan Meyer.



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ANNOUNCING THE WINNER OF THE SPRING HOOSIER SURVEYOR VIDEO CONTEST

By Kayla Jenkins, ISPLS

The winner of the Spring 2018 issue of the Hoosier Surveyor Video Contest is Rebecca Hinkle, SI, EI, Lawson-Fisher Associates, for the video she shared on social media of Lawson-Fisher Associates Crew Chief Shane Turay taking measurements of the utility tunnels at the University of Notre Dame.



The theme for this issue of the Hoosier Surveyor contest was innovative and cutting-edge technology. Participants were challenged to capture and share their work or discoveries on social media in a fun, unique way. Hinkle's entry best aligned with the requirements for this issue, deeming her a worthy winner of the contest.

The two-minute-long winning video captures Hinkle and Turay taking measurements of the Notre Dame utility tunnels. These measurements were used to build a 3D model of the tunnels in Civil 3D that can later be utilized by Lawson-Fisher engineers for design.



Lawson-Fisher is a civil engineering company in South Bend, Ind. While Hinkle spends most of her time in the survey department, she also assists in the transportation department when needed. Hinkle works on topographic surveys, boundary surveys, and right of way engineering in both field and office capacities.

"This job has given me a wide variety of experiences and opportunities, whether that be surveying from a canoe, taking measurements inside a lift station, or doing research in old courthouses," Hinkle says of her role at Lawson-Fisher. "There's always a new challenge and a new place to see."

"I am also thankful that Lawson-Fisher has been flexible enough to allow me to do both survey and engineering work," Hinkle continued. "I enjoy when I can work on a project in both the topographic survey phase and the engineering design phase. It makes me a better surveyor to see how my survey will be used by the engineers, and it makes me a better engineer to know how the survey data was obtained and how the surface was built," she said.

The Hoosier Surveyor Photo and Video Contest was created to showcase and applaud the critical work land surveyors are doing in the community, raise awareness to the industry, and encourage students to join the profession. To learn more, visit www.ispls.org.

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To request physical copies of the brochure, send an email with the quantity to [Kayla Jenkins](mailto:Kayla.Jenkins@ispls.org). Want to share it online? [Download a digital copy here.](#)

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Presented by:

Aaron Blank, PLS, PE,
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Shane Turay, CST, CET, GISP,
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3. Learn thoughtful purpose and operate with insight when mapping.
4. Learn the value of communicating clearly and producing a vital perception of product.

*A short quiz at the end of the webinar will be required to qualify for CEUs.

Speaker Bio: Aaron Blank, PLS, PE

Aaron is a licensed land surveyor in the states of Indiana and Michigan and a licensed engineer in Indiana. He received his BS degrees in both Land Surveying and Civil Engineering from Purdue University, West Lafayette and has been practicing for 22 years.

Aaron is responsible for the daily management of survey operations at Lawson-Fisher Associates and has been working there with Shane since July 2010. Aaron has been a member of ISPLS since 1995 and is a past president of the St. Joseph Valley Chapter of ISPLS and currently serves as the chapter's secretary/treasurer.

Speaker Bio: Shane Turay, CET, CST, GISP

Shane is a Certified Surveying and Engineering Technician for Lawson-Fisher Associates P.C. with 24 years of experience specializing in all manners of measurement and data collection. Shane has spearheaded Lawson-Fisher's growth in the northern Indiana surveying market over the past two decades and is largely responsible for Lawson-Fisher's ability to capture a wide variety of data, process it efficiently, and produce an effective survey deliverable, no matter what the given situation demands.

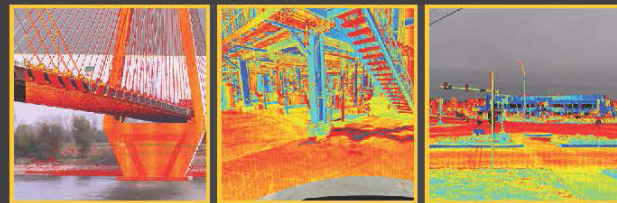
Shane is a member of ISPLS and NSPS, holds several INDOT technical certifications, is OSHA 10-hour certified in confined space as well as trenching and excavation, carries a certification from the National Institute for Certification in Engineering Technologies, has been an NSPS Level III Certified Survey Technician since 2000, and has been a certified Geographic Information Systems Professional since 2008.



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