

VOLUME 47 ISSUE 2

HOOSIER SURVEYOR

FALL 2020

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IN THIS ISSUE

- Indiana Young Surveyors Network
- An Update on the Indiana Board of Professional Surveyors
- Reasons to Register for the ISPLS Annual Convention



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Featured

- 4 Message from the President
- 5 Reasons to Register for the ISPLS Annual Convention
- 6 Indiana Young Surveyors Network
- 8 Meet A Young Surveyor
- 10 Legal Surveys
- 19 Central Indiana Chapter Goes Golfing
- 20 The Land Office Business: A Road Runs Through It
- 24 An Update on the Indiana Board of Professional Surveyors
- 26 County Updates
- 28 Completed Careers:
Kenneth Pitts
- 30 Firm Members

Cover Image

Silhouetted against a winter 2017 sunrise over an area of frozen tundra in Circleville, Ohio, is a Trimble Robotic Total Station being used on a DLZ project. The equipment to the right of the instrument is an auger cast piling rig. Crew chief Jeremy Adler took the photo. Don Williams, PS, who is Division Manager, Construction Survey, in the Burns Harbor, Indiana, office of DLZ Industrial LLC, supplied the image to ISPLS.

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From the Editor

Deadlines for the Hoosier Surveyor:

- 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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President's Message

Eric N. Banschbach, PS, ISPLS President

Can this year get any more chaotic? I have a feeling many of you share my sentiment in that 2020 cannot get over soon enough. Just when you think we might be rounding a corner on the chaos, it seems we lose our grip and start sliding off the road.

Given we are heading into the holiday season another thing that does not seem possible already- looking back this year I can easily compare it to the National Lampoon's Christmas Vacation (1989) movie. It's been kind of like the Jelly of the Month Club: "it's the gift that keeps giving the whole year." Only it's not really a gift, but more like "a letter, confirming your reservation at the nuthouse." See what I did there?

Yes, 2020 can easily be summed up with some whimsical and eerily accurate quotes from my favorite holiday movie. Something like, "If I woke up tomorrow with my head sewn to the carpet, I wouldn't be more surprised." Or perhaps, "Worse?! How could things get any worse? Take a look around you, Ellen! (my wife's real name) We're at the threshold of hell!!!" And adding some selective editing: "I don't know what to say, but it's '2020' and we're all in misery."

I'm thinking we all might need to have a bit of comic relief to help make it thru to the end of this year. I can assure you I won't soon forget my tenure as president during one of the strangest years on the books. I may actually develop a complex, as the craziness all seemed to start soon after I was sworn in. Not sure if that was a coincidence. But I certainly remain hopeful for the future and look forward to getting back to the momentum we had going before.

Speaking of the future, hopefully you've all seen the convention registration notice for January and are making plans accordingly. And as you all have had to adapt, the convention is adapting as well. This year's convention will feature both inperson and virtual attendance to accommodate all our attendees. Given the uncertainty of the year, as well as the next few months, we wanted to try to plan to adapt as best we could under the circumstances and allow attendees the freedom to choose an option that works best for them. We would love to be able to see everyone in person and resume some sense of normalcy, but obviously that just might not be possible or practical. "It's all part of the experience."

We do have a great lineup of sessions put together for the convention, ranging from technical, business, historical, as well as the future of surveying. Make sure you look thru the convention brochure and check the topics and events planned during the convention and get registered as soon as possible. I hope you all can join in.

As always, please don't hesitate to reach out with any questions, concerns, or suggestions. Again, let's finish the year off strong. "Hallelujah! Holy sh*t! Where's the Tylenol?"

God bless and stay safe out there.

Eric N. Banschbach, PS

President



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Indiana Young Surveyors Network

Hello! My name is Nolan Mark and I am here to tell you that the Indiana Young Surveyors Network is active! Although this year has been challenging to say the least due to COVID-19, it has not held the group back. I first came across the Young Surveyors Network on social media platforms for other states such as Nevada, New Mexico, and New Hampshire. After doing some investigating, I came to find out that these groups were a part of the network started by the idea of the NSPS Young Surveyors Network.

Who are the Young Surveyors?

The definition of a Young Surveyor is someone under the age of 35 or who earned their degree within the past ten years. All surveyors, however, are welcome to join, but the focus will remain on supporting those new to the industry. Whether you are a field crew chief, CAD technician, SIT, or PS, all are welcome! Along these lines, we are also including those licensed within the last 5 years. While that surveyor may be outside of the typical "age" range, they are still young in decision making

and can benefit from asking other surveyors for opinions. So far we have members ranging from 18 and being a freshman in college to 37 and looking into taking their PS exam, and everyone in between. The mission is to recruit, connect, develop, and retain young surveyors by providing a community within our professional organizations and creating professional development opportunities allowing room for success.

What are the goals of the Indiana YSN?

As of right now, a lot of my work has been bringing a group together and making members of ISPLS that were 35 and younger aware of the YSN. Social events both virtually and in person have helped the group connect and get to know each other's faces within the society. A part of the networking has been getting students at Vincennes University, Purdue University, and Cincinnati State University aware of how the YSN can help them. I have shared with the students information about the NSPS Student Competition hosted during the Spring



After a day of discussion and games, the Indiana Young Surveyors gathered for a photo on August 29th at Fort Harrison State Park. Members gathered from chapters all across the state including Central Indiana, Southwest, Northeast and St. Joseph Valley as well as students from Vincennes University, Purdue University and Cincinnati State University. Those in attendance (from left to right) included Sarah Weaver, Ryan Selby, Joel Edwards, Ryan Swingley, Jennifer Morehouse (front), Alek Venturino (middle), Daniel Cinal (back), Nolan Mark, Rebecca Hinkle, Eric Banschbach, Ethan Hopf, Joshua Lindo, Carra Morman, and Brandon Winkler. Attending but not pictured were Aaron Speth, Levi Rednour, Todd Jamieson, and BJ Rhea.

Business Meeting every year and let them know that we can get them in touch with others within the society if help is needed. The group is also looking for ways to help out and volunteer! Unfortunately, with COVID-19, we have not been able to volunteer much with the Workforce Development Committee in the traditional way of attending career fairs or getting into schools. Regardless, if it is surveying or community related, members are willing to help out where we are needed.

When are the YSN meetings and where?

The YSN is currently planning on having 4 social meetups a year: 2 in person events and 2 virtual events. The in person meet-ups will be during the convention and summer while the virtual meet-ups will take place in the spring and fall. The YSN is not intended on taking members away from local chapter meetings, but to provide like-minded peers the chance to meet as a whole. As the group forms, smaller meet-ups could take place before local chapter meetings as a chance to get to know those in your area.

Is there anything those outside of the group can do to help?

Absolutely! Sponsors and Supporting Members from outside the group are encouraged to contribute, mentor, and guide those in the network! For our Summer Meet-up, Seiler Instruments was generous enough to pay for boxed lunches and drinks (A special thank you again to Todd Jamieson, BJ Rhea and Maureen Crawford!). Another takeaway from our summer meet-up was mentorship. We are still discussing ways of getting mentors involved either by continuing education, Q&A on specific topics, or just getting to know other members throughout the society.

If you are someone who is interested in participating, please do not hesitate to email me at nolanmark3434@gmail.com. I have reached out to all Professional, Associate and Student members of ISPLS that I know of. If you have someone that works for you that might fit the group, encourage them to take the next step in their career and get involved with the society. I also hope that you learn more about those involved from "Meet a Young Surveyor"!



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Meet A Young Surveyor

Nolan Mark, PS

I am the current chair for the Indiana Young Surveyors Network and Northeast Chapter President. I work for American Structurepoint, Inc. where I am a Project Manager for the Survey Group. I am 31 years old and a graduate from Murray State University. Although I went to college out of state to get an education in surveying, I was born and raised in Michigan City, Indiana. I moved to Auburn my senior year of high school and have lived in Fort Wayne since graduating from college.



I was first exposed to land surveying my senior year of high school. During ISTEP testing week, we were supposed to go to study hall in the morning or job shadow a local business. I did not want to sit in a quiet room all morning and stare at the table. I decided to job shadow a local engineering and land surveying company. I knew I wanted to go to school for civil engineering, but the owner actually had me go out with a field crew. For only spending two hours in the field, chopping line, and watching the guys take cross sections on a legal drain...I loved it! I ended up going to Trine University for two years, played baseball and tried to figure out Chemistry II a couple of times before I realized engineering just was not for me. I found Murray State University to have one of the closest Civil Engineering Technology BS Degrees and also to be 7 hours away from home so I could have some distance. My first year there I was reintroduced to surveying with a course in Plane Surveying and have never looked back about making it a career!

For those new coming into the career of surveying, if given the chance to pick field or office first – pick the field! Everything we do starts and ends in the field and it is the most essential function in our profession. Do not ever be afraid to ask questions – the only dumb questions are those left unasked. And lastly, my old professor once told me that even he could not teach me everything. If you ever have the chance to listen to another surveyor's opinion, stop and listen! As professionals we all think our answer is the right answer, but sometimes we should see other perspectives to make sure we are right or that we haven't counted out all the possibilities.



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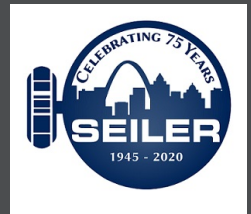
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Legal Surveys

Bryan 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.

Kathy Salyer v. Washington Regular Baptist Church Cemetery and Kristy Sams, Indiana Supreme Court Case No. 20S-PL-102, March 11, 2020

This case showed me two things. First, this case confirms that people will go to great lengths to protect "their property", and second, the difficulty of finding all relevant cases. I stumbled across this while searching for annexation cases. My prior summary of the Appeals Court case follows in italics.

Kathy Salyer v. Washington Regular Baptist Church Cemetery and Kristy Sams, Indiana Court of Appeals Case No. 19A-PL-243, October 30, 2019

In April of 1982, after the death of her first husband, Salyer purchased four contiguous gravesites comprising Lot 14 in the Cemetery. In August of 1982 Salyer purchased an additional gravesite to the north (Lot 15) contiguous to Lot 14. Salyer had Certificates of Ownership for these gravesites. Moving south from gravesite 15, Salyer's father was buried in the next site, her first husband was buried in the next, the next was empty, and Salyer's second husband was buried in the last gravesite. Salyer intended to bury her mother in gravesite 15 and to have herself buried between her first and second husbands. In early 2014, Salyer noticed that Lowell Johnson had been buried in gravesite 15. Salyer contacted the cemetery which eventually acknowledged it had made a "mistake" and sold the gravesite twice, first to Salyer and later for

Johnson's burial. Salyer's purchase of gravesite 15 had not been properly recorded in the Cemetery's records and had been overlooked. Salyer requested the Cemetery relocate Johnson but they took no action. On May 18, 2015, Salyer filed a small claims action against the Cemetery requesting an order that Johnson be moved and gravesite 15 restored to her. Johnson's daughter intervened and did not want her father moved. While the action was pending, Salyer's mother passed away in December of 2015. Because Johnson was already buried in gravesite 15, Salyer had to make other arrangements. She had her mother's remains cremated and buried in the gravesite with her father. At a bench trial on April 15, 2016, the Cemetery acknowledged it had sold gravesite 15 twice. The small claims court did not order Johnson moved, but ordered the Cemetery to refund the seventy-five dollars Salyer had paid for gravesite 15 and to give Salyer an open gravesite directly to the south of Lot 14. Salyer filed a motion to correct error which was denied and Salyer appealed. On this first appeal, the court reversed and remanded for transfer to the court's plenary docket, holding that the small claims court lacked jurisdiction to grant Salyer an adjacent gravesite or order Johnson be moved.

The Circuit Court of Ripley County held a bench trial on November 7, 2018 where among other findings, the Cemetery officials testified Salyer had marked the gravesites. On January 15, 2019, the court concluded that there was no showing who set the markers, and therefore, no showing who committed such wrongdoing and entered judgment that included, that to "correct" this error, the court awarded Salyer the open adjacent burial site just south of her second husband free of charge and to be duly recorded as such by the Cemetery. Salyer again appealed.

On appeal, the court decided this case is a matter of statutory interpretation. When a wrongful burial, entombment, inurnment, disinterment, disentombment, or disinurnment referred to in section 1(1), . . . of this chapter occurs, the cemetery



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owner shall: (1) at the expense of the cemetery owner, correct the wrongful burial, entombment, inurnment, disinterment, disentombment, or disinurnment as soon as practical after becoming aware of the error; I.C. § 23-14-59-2. The legislature also granted cemeteries immunity for any such wrongful burial. See I.C. § 23-14-59-1(1). The appeals court recognized that this is a real estate transaction and that the Cemetery is required to "correct" a wrongful burial. On review, the trial court remedy was found to not be an abuse of discretion by ordering the Cemetery to "correct" its mistake by giving Salyer the open, adjacent burial site, free of charge, and the judgment was affirmed.

Judge James Kirsch dissented, and would have required the Cemetery to carry out its duty under the statute (apparently to move Johnson).

Now taken up by the Indiana Supreme Court, the Court of Appeals opinion is vacated and the court now agrees 3-2 with Salyer that she is entitled to correction of the wrongful burial by the plain meaning of the terms of the statute and remand for the trial court to correct the wrongful burial by removing Johnson's remains from the gravesite and restoring it for Salyer's use.

Centennial Park, LLC v. Highland Park Estates, LLC, Indiana Court of Appeals Case No. 20A-PL-467, July 21, 2020

This case was back at the Court of Appeals again. In addition, a related case concerning a plan commission ruling, **Town of Ellettsville, Indiana Plan Commission v. Highland Park Estates, LLC and Debra Hackman, Indiana Court of Appeals Case No. 19A-PL-466, October 16, 2019 - MEMORANDUM DECISION - not regarded as precedent**, an interlocutory appeal filed after the Monroe Circuit Court allowed an extension of time to file a petition for judicial review of the Plan Commission's decision to grant a petition to vacate the platting of Lot 15 in Highland Park Estates and the covenants and restrictions associated with Lot 15. The Plan Commission appealed, arguing the trial court lacked discretion to allow belated filing of a court record. Agreeing with the Plan Commission, the Court of Appeals reversed the trial court judgment.

My prior summary of the first appeal opinion follows in italics.

Centennial Park, LLC v. Highland Park Estates, LLC, Indiana Court of Appeals Case No. 18A-PL-764, December 5, 2018 - MEMORANDUM DECISION - not regarded as precedent

This case centers on Phase 1 of Highland Park in Monroe County. The plat includes two relevant restrictions. First, Note 1 states that "In]o parcels shall be dedicated as parks, schools, playgrounds, or other community purposes within section 1." Second, Paragraph G states that nothing shall be done on any lot "which may be or become an annoyance or nuisance to the neighborhood." The final plat was recorded by Crider in 1977 and showed that the subdivision runs roughly north and south along Centennial Drive, which connects to State Road 46 on the south and ends in a cul de sac on Lot 15 and next to Lot 16 on the north.

On December 21, 2016, Centennial Park acquired thirty acres directly north of Highland Park from Gil Mordoh. Centennial Park has only one point of ingress and egress, which is a roadway through the Woodgate subdivision, located directly to the west. Mordoh had attempted to prove that there was an easement from the cul de sac to the planned Centennial Park subdivision so that an access road could be built there, but a trial court found that no such easement existed. Mordoh then attempted to purchase an easement from Crider, but Crider declined. When Centennial Park acquired the real estate, it was aware of this history.

The original developer of Highland Park planned to develop real estate located directly east of Phase I. Highland Park is now in the process of developing Phase II. When Phase II is complete, it will have multiple roadways connecting to Centennial Park. Highland Park offered an easement to Centennial Park so that Centennial Park could build an access road in one of these locations sooner than Highland Park was prepared to do so.

Rather than waiting for Highland Park to build the Phase II access roadways or accepting the easement to build a roadway itself, Centennial Park purchased Lot 15 in Highland Park. Centennial Park then asked the Town of Ellettsville to annex

Lot 15 and the town did so. Centennial Park then granted Ellettsville a fifty-foot-wide easement and right of way over the western side of Lot 15, creating a connection between the cul de sac at the north end of Centennial Drive and the Centennial Park subdivision.

Centennial Park installed a construction road across Lot 15, using it to access Centennial Park from the cul de sac. It ultimately intends to build a permanent roadway connecting Centennial Park and Centennial Drive. This process has caused damage and nuisance to the owner of Lot 16. Her mailbox has been knocked down three times, the construction traffic has blocked access to her driveway, and the construction traffic has torn up the cul de sac and spread mud over the roadway. The owner of Lot 16 testified that one of the reasons she purchased Lot 16 was precisely because it was located on a cul de sac, which is a safe area for her children to play and ride their bikes.

On August 3, 2017, Highland Park filed a complaint

against Centennial Park in the Monroe Circuit Court, seeking an injunction to prevent Centennial Park from using Lot 15 as a public right of way or construction road. The trial court held an evidentiary hearing and ruled in favor of Highland Park, concluding that Centennial Park's actions have negatively impacted the area around the cul-de-sac and that if Centennial Park is allowed to install a permanent roadway from its development to the cul-de-sac, the traffic from Centennial Park's development as well as other subdivisions connected to Centennial Park, consisting of approximately two hundred residential lots, will be funneled through the cul-de-sac to connect with Centennial Drive and eventually State Road 46. Centennial Park's actions will transform the original cul-de-sac into a major direct thoroughfare, thus dramatically altering the nature of the roadway and the neighborhood.

Centennial Park's construction of an access road across Lot 15 to Centennial Park, its grant of an ingress egress easement to the Town of Ellettsville,

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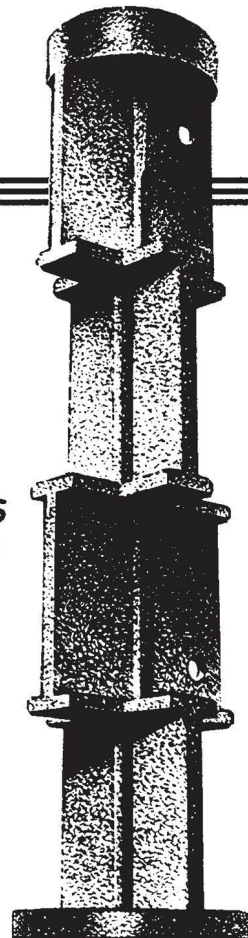
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and its intention to construct a reverse "S" curve in the roadway were found to violate the restrictions contained in the plat because these acts dedicate a portion of Lot 15 to a community purpose. These same acts also violate Covenant G insofar as they constitute an annoyance or nuisance to the neighborhood.

The trial court enjoined Centennial Park from dedicating Lot 15 or any part thereof for a community purpose, including as a public right-of-way or thoroughfare connecting Highland Park and Centennial Park. It also ordered Centennial Park to cease using the construction road and restore Lot 15 to a use that conforms with the restrictive covenants in the Highland Park plat. Centennial Park appealed. On Appeal the judgment of the trial court was affirmed.

Now Centennial Park moved for relief from the Monroe Circuit Court's injunction against use of Lot 15 for a road, which had partially been based on a subdivision covenant that has since been vacated as it applied to Lot 15. Highland Park argued that construction of a road would be a nuisance that can be enjoined even without relying on the covenant in question. The trial court, relying on the evidence cited in the prior opinion, agreed that construction of the road was a nuisance in an area not designed as a major public thoroughfare.

Centennial appealed, arguing that the trial court abused its discretion in denying its motion for relief from judgment. Because the record supports a conclusion that the access road would be a nuisance with or without the covenant, the trial court was found to have not abused its discretion in denying the motion for relief, and the judgment of the trial court was affirmed.

Richard D. Moseley and Lisa M. Moseley v. Trustees of Larkin Baptist Church and the Larkin Baptist Church, an unincorporated association, Indiana Court of Appeals Case No. 20A-PL-98, September 11, 2020

Because adverse possession is of continuing interest to surveyors, I have included more detail than normal and more of the original language from the court opinion in this summary.

Here the Moseleys bought a home in Rockport

on a one-acre parcel next to the Church in 1991. Between 1991 and 2017, Richard regularly mowed and maintained a grassy area located along their common boundary line, which would later become the subject of a quiet title action by the Church (the "disputed area"). Richard would also park different vehicles at various times on a small portion of the disputed area. In early 2017, the Church commissioned a survey of its property, and the survey indicated that the Church owned the disputed area. The Church's pastor and a trustee spoke with Lisa and showed her the location of the property line between the two properties. Soon thereafter, Richard installed fence posts along the edge of the disputed area. On March 28, the Church wrote the Moseleys a letter asking them "to respect the property lines" between the properties and to "cease and desist the trespassing" on the Church's property. A few months later, Richard completed the fence along the edge of the disputed area. On October 26, 2017, the Church filed a complaint against the Moseleys alleging trespass, conversion, and nuisance and seeking to quiet title to the disputed area in the Spencer Circuit Court. On October 30, the Moseleys filed a complaint to quiet title and for adverse possession. The two actions were then consolidated and the Moseleys' complaint was converted to a counterclaim. Richard testified that he had mowed, parked on, and picked up limbs and trash from the disputed area, but hadn't built anything on it before the fence. In October 2018, the Church moved for summary judgment on the Moseleys' adverse possession counterclaim. In January 2019, the trial court granted summary judgment on the counterclaim in favor of the Church following a hearing. In November 2019, the trial court held a bench trial on the Church's complaint. On November 27, the court issued a partial judgment in favor of the Church on the trespass and quiet title claims. And on December 16 the court issued a final judgment on the remaining claims and awarded the Church \$1,300 in damages and \$18,000 in attorney's fees.

The Moseleys appealed the trial court's grant of summary judgment in favor of the Church on their adverse possession counterclaim. It was noted that the Church owns the record title to a tract containing 3.5 acres and the Moseleys own the record title to an adjacent tract containing 1.0 acre. Both parties employed land surveyors who

agreed that the disputed area is located within the Church's legal description and that no part of the disputed area is located within the Moseleys' legal description. The Moseleys' surveyor found no discrepancies in the legal descriptions, that the deeds to the two properties are "consistent," and found the survey of the Church's surveyor "to be correct."

Here, in its summary judgment order the trial court found that: The facts most favorable to the Moseleys are that the area in question is a grassy area and that they performed yard maintenance such as cutting grass, and generally cleaning up for a period exceeding ten years. They also parked vehicles on the property dozens of times between 1991 and 2016. The trial court also found that the different vehicles, occupied only "a small portion" of the disputed area. The trial court concluded that neither the yard maintenance activities nor the periodic or sporadic use of a small portion of the disputed area constituted the control required to establish adverse possession by clear and convincing evidence as a matter of law. The Moseleys contend that there are genuine issues of material fact that preclude summary judgment for the Church on their adverse possession counterclaim. The Appeals Court went over the requirements for adverse possession in *Fraleay v. Minger*. The Church designated evidence showing that it has owned the disputed area since 1973 and that it has mowed the disputed area and used it for recreational activities since at least 1991. The Church also designated evidence that, while Richard "occasionally parked vehicles" on the disputed area, he did not park vehicles there "continuously for any length of time." The Church was required to negate at least one element of the Moseleys' adverse possession counterclaim. The Moseleys do not dispute on appeal that the Church satisfied this initial burden. Accordingly, the burden shifted to the Moseleys to present contrary evidence showing an issue for the trier of fact.

On appeal, the Moseleys assert that, in opposition to summary judgment, they designated evidence to satisfy each of the elements of adverse possession. The Moseleys designated evidence that: in 1991, survey stakes were present indicating that the disputed area was a part of their property; the Church had mowed up to the location of the stakes outside of the disputed area; since 1991,

Richard had mowed and maintained the disputed area regularly; since 1991, Richard has, "at various times," parked vehicles on the disputed area; when the Church installed a new septic system, Richard told the installer not to encroach on the disputed area; when, in 2016, the Church mowed the disputed area twice, Richard told the person mowing to stop mowing the disputed area; Richard reasonably believed that his property tax payments included the disputed area; and a local resident who knew the Moseleys had seen vehicles belonging to Richard parked on the disputed area "many times" over fifteen years.

While this evidence may tend to show Richard's subjective belief or intent, the only designated evidence showing actual use of the disputed area is that Richard mowed and maintained the area and parked different vehicles on a small portion of the area "at various times" since 1991. Such occasional use is not equivalent to actual control. The Indiana Supreme Court has held that, "while maintenance activities in a residential area are a factor in a property dispute, standing alone, they are not sufficient to support a divesture of property based upon adverse possession." The Court has also held that "plowing, grading, seeding, mowing, fertilizing, planting a small tree and placing a water meter on [disputed] property are not enough to establish adverse possession." Here, given that the Moseleys' use of the disputed area included no structures, either permanent or temporary, for a ten-year period and consisted only of yard maintenance and the intermittent parking of different vehicles, their designated evidence is insufficient to create a genuine issue of material fact. Still, the Moseleys contend that their designated evidence is distinguishable from the prior cases because "the pattern of mowing was visibly different" and Richard "parked various vehicles in the disputed area at various times . . . for a considerable amount of time."

This Court has held that "periodic or sporadic acts of ownership are not sufficient to constitute adverse possession." The Church designated evidence in support of summary judgment sufficient to negate the control element of the Moseleys' adverse possession counterclaim. In response, the Moseleys did not designate evidence sufficient to create a genuine issue of material fact. Accordingly, we hold that the

trial court did not err when it entered summary judgment for the Church on the Moseleys' adverse possession counterclaim and that judgment is affirmed.

**Cross-Road Farms, LLC v. Peggy Whitlock,
Indiana Court of Appeals Case No. 20A-CT-106,
September 30, 2020**

Cross-Road Farms operates a farm in Greenfield Township, LaGrange County, Indiana. This farm is adjacent to Anderson Cemetery ("the Cemetery"), which, pursuant to statute, is overseen by Greenfield Township. Whitlock is the acting township trustee for Greenfield Township. In August 2017, Whitlock had a fence erected around the Cemetery. On April 2, 2018, Cross-Road Farms filed a complaint against Whitlock, personally and in her capacity as the Greenfield Township Trustee. Cross-Road Farms' complaint alleged the following counts: (1) breach of contract; (2) promissory estoppel/detrimental reliance; (3) easement by necessity/prescriptive easement; (4) unjust enrichment; and (5) damages. The complaint's main assertion was that Whitlock's erection of the fence around the Cemetery had prevented Cross-Road Farms from using its "center pivot irrigation system" ("irrigation system") that "traverses [Whitlock's] real estate [i.e., the Cemetery] in a circular motion." Cross-Road Farms alleged that it and the former township trustee had entered into an oral agreement that had given Cross-Road Farms a "perpetual right" to have the outer wheels of its irrigation system "traverse over" the Cemetery property. Cross-Road Farms also alleged that it had designed its irrigation system based on the former trustee's "assurances" that the irrigation system's wheels could traverse over the Cemetery. Additionally, Cross-Road Farms alleged that it had used its irrigation system for more than ten years in an "open" and "continuous" manner. Whitlock filed an answer and a joint motion for judgment on the pleadings and motion to dismiss. In this joint motion, Whitlock sought to have Counts 1, 3, and 4 dismissed with prejudice. Whitlock argued that the breach of contract claim in Count 1 failed as a matter of law. Whitlock argued that even if an oral contract had existed, Cross-Road Farms had failed to indicate whether it was claiming that a license or an easement had been created under the oral agreement and that, under either theory, Cross-Road Farms' claim would fail as a matter of law.

Specifically, Whitlock argued that a license was revocable and that Cross-Road Farms could not satisfy the statute of frauds, which required for any contract granting an easement to be in writing. In regard to the easement by necessity/prescriptive easement claims in Count 3, Whitlock first argued that Cross-Road Farms had failed to plead any facts that would support its easement by necessity claim because it had made no allegations that there had ever been a unity of title between the Cemetery and Cross-Road Farms' property or that its property was inaccessible to a public roadway. Whitlock also argued that Cross-Road Farms could not raise the prescriptive easement claim in Count 3 against Whitlock in regard to the township property of the Cemetery because "Indiana law does not allow a person to claim a prescriptive easement over property owned by the Township." Thereafter, on August 28, 2018, Cross-Road Farms filed a response to Whitlock's joint motion to dismiss and motion for judgment on the pleadings and a brief in support thereof. Cross-Road Farms challenged the dismissal of Count 4 but agreed to the dismissal "with prejudice" of Counts 1 and 3. Thereafter, the LaGrange Superior Court held a hearing on Whitlock's joint motion to dismiss and motion for judgment on the pleadings regarding Count 4. On November 14, 2018, the trial court denied Whitlock's motions challenging Count 4. Accordingly, Cross-Road Farms' Counts 2, 4, and 5 against Whitlock remain. On August 1, 2019, Cross-Road Farms filed a Motion to Revive Dismissed Counts and a Motion for Leave to Amend Complaint to Conform to the Evidence. Cross-Road Farms' attorney stated that he had dismissed Counts 1 and 3 because he had "felt that [the two counts] could not be sustained." Cross-Road Farms argued, however, that Counts 1 and 3 should be "revived[]" pursuant to Trial Rule 60(B)(1) as a "mistake" or "excusable neglect" because Cross-Road Farms' attorney had made a "scrivener error" when he had dismissed Counts 1 and 3 with prejudice. Alternatively, Cross-Road Farms asked the trial court to reinstate the two counts pursuant to Trial Rule 60(B)(8). Cross-Road Farms believed there was a claim to be made for a prescriptive right of way. Cross-Road Farms alleged that previous owners of Cross-Road Farms' real estate had used an irrigation system that crossed onto the Cemetery property "in the approximate same path[.]" (App. Vol. 2 at 20). Cross-Road Farms asserted that Whitlock would not be prejudiced

by the amended complaint because she "ha[d] already taken the position that a prescriptive property right cannot be made against a governmental entity" and that "[a]ll [Whitlock] ha[d] to do is apply [her] prior argument to the claim asserting a prescriptive right of way."

Along with its Motion to Amend, Cross-Road Farms submitted a proposed amended complaint that included its previously dismissed Counts 1 and 3 and included an additional count for prescriptive right of way. Whitlock filed a brief in opposition to Cross-Road Farms' Trial Rule 60(B) Motion and Motion to Amend. Whitlock argued, in relevant part, that the trial court should deny the Trial Rule 60(B) Motion because Cross-Road Farms had failed to show that there was a scrivener's error that would amount to excusable neglect and because Cross-Road Farms had "failed to show any meritorious claim as required by Trial Rule 60(B)." Additionally, Whitlock argued that the trial court should deny the Motion to Amend because the proposed count for prescriptive right of way was "cumulative of the already-dismissed claim for 'prescriptive easement'" and because the proposed amendment was "futile as Indiana statutes specifically forbid [a party from] obtaining rights to governmental property via prescription." On October 22, 2019, the trial court issued an order denying Cross-Road Farms' two motions. In regard to Cross-Road Farms' Trial Rule 60(B) Motion, the trial court stated: "Even if [Cross-Road Farms'] mistake in dismissing Counts I and III was 'excusable neglect' under Trial Rule 60(B), [Cross-Road Farms] has failed to allege that Counts I and III of its original Complaint are meritorious claims." When denying Cross-Road Farms' Motion to Amend, the trial court found that "no prescriptive right can be obtained against the government and therefore [Cross-Road Farms'] proposed amendment is futile." Thereafter, Cross-Road

Farms filed a motion to correct error, which the trial court also denied. Cross-Road Farms now appeals.

This procedural appeal ultimately failed as Cross-Roads was required to allege a meritorious claim or defense so that vacating the judgment will not be an empty exercise. Here, however, Cross-Road Farms did not allege, nor even mention, that it had meritorious claims as required under Trial Rule 60(B) and the Appeals Court agreed with the trial court finding that "no prescriptive right can be obtained against the government and therefore [Cross-Road Farms'] proposed amendment is futile." Because Cross-Road Farms' proposed amendment to add a prescriptive claim would have been futile, the Appeals Court concluded that the trial court did not abuse its discretion by denying Cross-Road Farms' motion to amend its complaint.

Paul Parsley v. State of Indiana, Indiana Court of Appeals Case No. 19A-PC-2262, September 8, 2020 - MEMORANDUM DECISION - not regarded as precedent

This case from the Fayette Circuit Court concerns denied post-conviction relief for felony convictions on two counts of dealing in a controlled substance. The connection to surveying is that the County Surveyor measured the distance between a park and the location of one transaction which resulted in that count being a Class A felony. This is an example of a service County Surveyors occasionally perform for government purposes that many members of the public are not aware of.

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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Central Indiana Chapter Goes Golfing



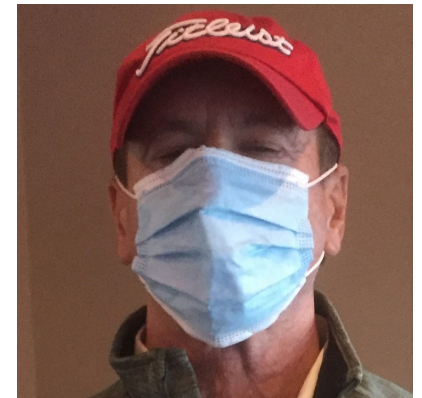
USI Team Photo

Martin Burdett restages his successful putt on the final hole as his USI teammates watch closely in the Central Indiana Chapter's Annual Golf Outing. The onlookers are (from left) Bill Neumeier, Mark Schepers and Chris Stinson. *(Photos by Mike Davis)*



Closest to the Pin

USI's Tim Brown was closest to the pin with a shot within 12 inches of the No. 4 cup.



Longest Drive

Greg Bruner of Northpointe Engineering & Surveying won the longest drive award.



Winning Team

HNTB's Chris Buergelin, Kevin Miller, Adam Brown and Todd May were the winning team in the Central Indiana Chapter golf outing. They posted a best-ball total of 58, which is 13 under par, and were one of 16 teams in the Oct. 1 scramble at Dye's Walk Country Club in Greenwood.



The Land Office Business: A Road Runs Through It

Jim Swift, PS

On October 4, 1818, an important treaty was signed at St. Mary's, Ohio. Representatives of the United States Government met with leaders of the Miami Indians to finalize a treaty which ceded much of the central portion of the new state of Indiana to the United States of America. Part of a set of treaties with various tribes, commonly known as the New Purchase, this treaty opened the central part of the state to survey and settlement. Primary interest in a vast swath of land was ceded to the United States. But not all of the land included in the general area described by the treaty was ceded. Numerous reserves were held out for continued ownership by various sub-tribes of the greater Miami nation. One reserve, described in the treaty as "One other reserve, of ten miles square, at the village on Sugar Tree Creek" was kept by the Eel River Tribe of the Miami. Today, we call this the Thorntown Reserve. The plan was that, although the United States would survey and settle the surrounding land, this one hundred square-mile tract, centered on the Indian Village at Thorntown, was to be kept natural and pristine, enabling the native inhabitants to continue to enjoy their traditional lifestyle based on hunting, fishing, small-scale agriculture and trading.

One hundred square miles. That seems like a lot. Plenty of room to hunt and fish. Maybe the Eel River Tribe could go on forever, living off the land as they always had. Maybe. If the white folks stayed out and left them to their land. But it did not work out that way. In less than ten years, the Eel River tribe had sold the land. On February 11, 1828, the Eel River party of Miami Indians ceded to the United States all claims to the Reserve on Sugar Tree Creek. The natives moved on, presumably to the Great Miami Reserve further northeast. The question of why they sold out and what happened in the village at Thorntown between 1818 and 1828 is beyond the scope of this article and beyond the expertise of the author. But

the record left by the federal surveyors who laid out the grid of townships and sections leaves a couple of tantalizing clues.

On October 7, 1819, one year and three days after the signing of the Treaty at St. Mary's, William D. Harris, United States Deputy Surveyor, working under the authority of Edward Tiffin, Surveyor General of the Northwest Territory, surveyed from south to north through Township 19 North, establishing the line between Ranges 1 and 2 West, of the Second Principal Meridian, U.S. Public Land Survey System. Per standard practice, he and his crew marked the line as they went. They carved horizontal notches into trees through which the line passed and chopped vertical blazes on trees facing the line. They set three-inch by three-inch wood posts every forty chains (one-half mile) to mark the section corners and quarter corners. That day, the federal surveyors crossed from lands owned by the United States of America, per the New Purchase, into lands which were owned by the Eel River Tribe of the Miami, reserved out of the New Purchase. Several days later, they were back, surveying from east to west, establishing the line between Townships 19 North and 20 North, through Ranges 1 and 2 West. Once more, they crossed from lands owned by the U.S.A. into lands owned by the Eel River Tribe. Deputy Surveyor Harris and his crew did not observe the treaty line, surveying right through the reserve as if it did not exist. The field notes they made at the time give no indication that they were even aware of a reserve parcel. But the surveyors must have been aware of the presence of the native inhabitants, as they could hardly have missed the native village as they surveyed past it. From the federal field notes, October 10, 1819: "West on South Boundary of Sect 36, T20 N, R 2 W. Began at corner of Townships 19 & 20 North, Ranges 1 & 2 West... 40.00 [chains] Set qtr sect post... 78.50 [chains] A creek 50 lks wide... 80.00 [chains] Set post corner

to sects 35 & 36. Land 2nd rate, very brushy, and middling good farming land. An Indian cornfield & cabins a few chains N of qtr sect post."

Wait! They surveyed right past the village which was supposed to be the center of a one-hundred square mile reserve. They marked trees and set a post within a couple hundred feet of the native settlement. For a modern surveyor, this would be like staking, flagging, and painting a line through an adjoining property owner's yard, right by their house. Not OK! What is up with that?

A quick review of history tells us that in the early days of surveying the Public Land System in the Indiana Territory, a critical question was how to establish a uniform, mostly square, grid across a vast territory. A challenging endeavor, performed with rudimentary tools, this task was made more difficult by the presence of various reserves and irregular treaty lines. Surveyor General Jared Mansfield, renown for precision and excellence, proposed that when surveying the primary township grid, being the grid of six-mile by six-

mile townships which would later be subdivided into thirty-six sections of one square mile each, the field surveyors should not attempt to survey around Indian reserves. In an effort to maintain the geometric uniformity and continuity of the primary grid, the surveyors should survey through reserves as if they did not exist. Mansfield followed that plan in the southern part of the state and his successor, Edward Tiffin, followed the same plan in the central part of the state. The field notes left by the federal surveyors clearly indicate that in 1819, Deputy Surveyor William D. Harris was on-board with the plan, surveying the township grid without regard to the presence of reserves. In the case of the Thorntown Reserve, the perimeter of reserve was not identified and established until 1822, while the surrounding parts of the townships were being subdivided.

Jumping ten years forward, after the Thorntown Reserve was ceded to the United States, the one hundred square miles of the now former reserve were subdivided into sections in 1829. Surveying the lands within the erstwhile reserve, Deputy

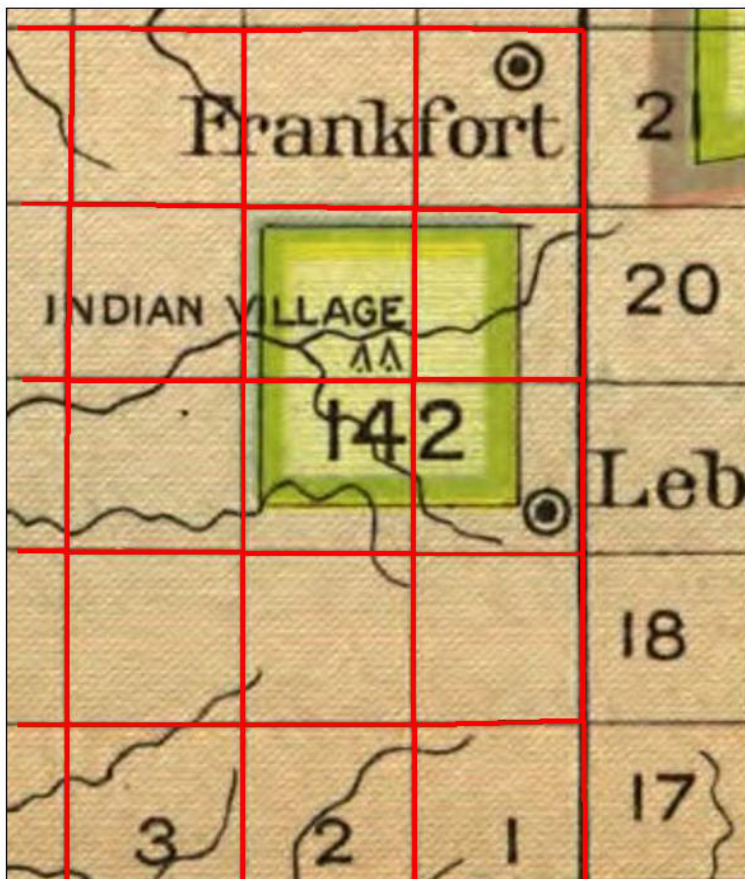


Fig. 1 This map shows with red lines the six-mile by six-mile township grid laid out by Deputy Surveyor William D. Harris in 1819. The green square is the Thorntown Reserve, still owned by the Eel River Tribe of the Miami Indians in 1819.

Surveyor John Hendricks made the following notes about what was observed as he his crew closed a six-mile north-south line onto the township line which had been laid out, right past the native settlement, in 1819. The notes for the subdivision of Township 19 North, Range 1 West, May 29, 1829, state, "North Between Section 2 and 3... 40.00 [chains] Set quarter section post... 80.72 [chains] Intersected N. boundary 34 links W. of post. Set post at intersection cor. to sects 2 & 3... Wagon Road course E and W..."

Wagon road? Through the reserve? Right along the township line? This not a call for an Indian Trace, which are common in the federal notes. This entry specifically says Wagon Road. On a course of East-West, along the line surveyed and marked in 1819. That wagon road is known today as Indiana State Road 47, which still runs east-west along the township line. Evidently it was already

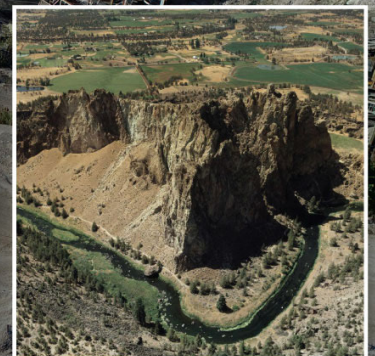
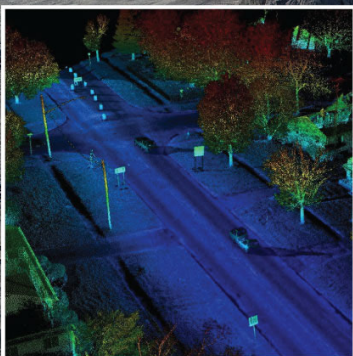
present in a rudimentary form in 1829. What all occurred on that road, we do not know. Were the new settlers trading with the natives in the village? Yes, most likely. Were the new settlers crossing through the reserve on the way to and from other places? Perhaps. But whatever happened, one can guess that part of why the Eel River tribe no longer found their ancestral ground idyllic, much less able to support their lifestyle, is the fact that a road ran through it.

Jim Swift is a Professional Surveyor who lives in Crawfordsville, Indiana with his wife, Beth. Jim owns Swift Land Consulting LLC which performs private surveys and also contracts with the Boone County Surveyor's Office. He has devoted much of the last twelve years to perpetuating the section corners of Boone County, Indiana. A keen student of history, Jim spends a lot of time searching for evidence of the original survey of the PLSS and thinking about the early surveyors and pioneers of Indiana.



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An Update on the Indiana Board of Professional Land Surveyors

Provided by Jacob Hoffman, EI, PS

NOVEMBER 18, 2020

Per a new statute, the Board, along with a number of others, has been reduced to 5 members.

The Board now consists of the following members:

- Jason Henderson, Professional Surveyor, Chairman
- Richard Hudson, Professional Surveyor, Vice-Chair
- Gary Kent, Professional Surveyor, Liaison to the Attorney General
- Doug Lechner, Professional Surveyor
- Christine Arnold, Consumer Member

Mike DeBoy and Ross Holloway were not reappointed to the Board. I would like to officially thank them for their service to the state and the profession.

Due to COVID restrictions the Board has only been able to meet once this year (October 16th) and plan on meeting on December 1, 2020 for their next meeting. Additionally all of the 2020

DECEMBER 01, 2020

The Board of Registration for Professional Surveyors (Board) met Tuesday, December 1, 2020, at 9:00 am EST. The meeting was held virtually. Members of the Board present at the meeting were Jason Henderson, Rich Hudson, Gary Kent, Christine Arnold, and Doug Lechner.

Jennifer Barth, Deputy Attorney General, supplied the Board with a report of Consumer Complaints and Litigation Cases. Ms. Barth reported that there are currently 16 open investigation files with an average age of 10.75 months and 4 open litigations with an average age of 4 months.

The board had a personal appearance from Eric Gregory regarding an application review. Mr.

and 2021 sessions have been changed from in person meetings to virtual meetings. The link for attendance to the virtual meetings are listed on the top of each individual agenda that is put out around a week in advance of the meeting. The agendas can be found at the following website:

<https://www.in.gov/pla/2755.htm>

I would personally recommend that all surveyors in the society attend at least one of the virtual meetings to get a feel for how the Board operates, and it has never been easier to attend than right now.

With that out of the way, here are the notes on the October Meeting of the Board:

Jennifer Barth from the AG's office gave a report on complaint activity. There are currently 20 complaints and 2 litigation files open. The average age of the complaints is longer than desired, but they are working on that.

Gregory reported that he has been a licensed surveyor in Kentucky since 2006 and has a Civil Engineering degree, but does not have the 27 hours of surveying courses required by 865 IAC 1-2-1 (4):

(4) Twenty-seven (27) semester credit hours in college level surveying courses consisting of the following:

(A) Courses totaling at least twenty-four (24) semester credit hours that include substantial course work in each of the following eight (8) subjects:

(i) Land survey systems with substantial content related to the U.S. Public Land Survey System including the various instructions for surveys of the public lands, original surveys and resurveys, section corner perpetuation, lost and obliterated corners, and subdivision of sections.

- (ii) Property surveying.
- (iii) Analysis of and writing of property descriptions.
- (iv) Boundary law.
- (v) Surveying calculations, including mensuration statistics.
- (vi) Subdivision planning and design.
- (vii) Control surveying including GPS.
- (viii) Geographic information systems (GIS).

Mr. Gregory presented IC 25-21.5-5-2 (2):

IC 25-21.5-5-2 Qualifications for registration

Sec. 2. To qualify for registration as a professional surveyor, an applicant must meet the following conditions under either subdivision (1) or (2):

- (1) All of the following:
 - (A) Graduation in an approved surveying curriculum.
 - (B) A specific record of at least four (4) years of experience in surveying work that is acquired subsequent to graduation and that indicates that the applicant is qualified to be placed in responsible charge of surveying work requiring the exercise of judgment in the application of surveying sciences to the sound solution of surveying problems.
 - (C) The successful passing of an examination under IC 25-21.5-6.
- (2) All of the following:
 - (A) A specific record of at least eight (8) years of surveying education and experience in surveying work that indicates that the applicant has acquired knowledge and skill and practical experience in surveying work approximating that required for registration as a professional surveyor under subdivision (1).
 - (B) The successful passing of an examination under IC 25-21.5-6.

Mr. Gregory stated that based upon his interpretation of this Statute, that experience could be used in place of education. Gary Kent explained that IC 25-21.5-5-2 specifies that education and experience are both needed, but that 865-IAC-1-2-1 goes further to define the statement "work approximating that required for registration as a professional surveyor". The Board informed Mr. Gregory that unfortunately they are held to the requirements specified in the Administrative Rules and cannot waive the education requirements. Mr. Gregory decided to withdraw his application and the Board made a motion to approve this withdrawal. The motion

passed unanimously. Mr. Kent left the meeting after this item due to another engagement.

The Board made a motion to readopt the following administrative rules:

865 IAC 1-1-1 Definitions; abbreviations

865 IAC 1-2-2 Surveyor intern; education and work experience

865 IAC 1-3-2 Surveyor intern; application

865 IAC 1-3-3 Examination applicants filing dates

865 IAC 1-4-2 Admission to examinations

865 IAC 1-4-3 Content of surveying examinations; scheduling of examinations

865 IAC 1-4-4 Notice of examination; failure to sit

865 IAC 1-4-6 Examination attempts for registration as a professional surveyor

865 IAC 1-4-7 Terminated applications; reapplication for admission, qualifications

The motion passed unanimously.

The next item on the agenda was a request brought before the Board from Jacob Hoffman with ISPLS. Mr. Hoffman requested on behalf of the ISPLS membership that the Board temporarily suspend the Distance Learning Restriction of 12 hours. The current rule reads as follows:

865 IAC 1-15-8 Distance learning requirements

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 8. (a) Up to twelve (12) hours of the continuing education credits required under this rule may be obtained by distance learning methods.

Mr. Hoffman requested that the Board allow all of the continuing education credits for the 2022 renewal be obtained by distance learning due to COVID restrictions. The Board asked their legal council what options they had with regards to this request. James Harry, the Board's legal counsel, reported that they had three options as follows:

1. The Board could go through an Administrative Rule Change.
2. The Board could use authorities in relation to the Governor's Executive Order regarding

the pandemic and temporarily suspend portions of the Rules.

3. The Board could take no action.

The first option would be a long process that would require approval from the Governor's Office and would permanently change the Administrative Code. The second option would also require approval from the Governor's Office and would be immediately lifted once the state of emergency is lifted. The third option would allow the Board to take action on a case by case basis should a surveyor be brought before the Board regarding a lack of in person continuing education credits. Mr. Harry presented the following portion of Indiana Code:

IC 25-1-4-4 Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under [IC 16](#) or [IC 22](#) may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board or agency.

This portion of the code would allow the board to

review each individual's situation and determine if a waiver would be appropriate. It was brought up by members of the Board that a renewal cycle just finished in the summer and that the next renewal was a year and a half away, it is still possible for licensees to obtain in person credits during the pandemic, that the pandemic may qualify as a hardship for an individual, and that it would be best to take no action at this time and to take each case on an individual basis. The Board made a motion to deny the request of ISPLS and the motion passed unanimously.

The Board then discussed the NCEES Central Zone Meeting and potential issues regarding attendance due to COVID.

The Board then confirmed again the 2021 Board Meeting dates.

The Board discussed that de-coupling the Indiana State Specific portion of the licensure exam from the NCEES PS Exam would require a rule change and that it would be best to involve Mr. Kent in the discussion. Decoupling the exam would allow individuals to take the national portion of the exam prior to an accepted application from the Board.

The Board adjourned the meeting by a unanimous vote.

County Updates

The St. Joseph Valley Chapter attempted to begin meeting again and the timing could not have been worse. We scheduled our first meeting for March 19, 2020 and we all know what happened at that time. We have been reluctant to attempt another meeting since then.

The chapter was going to hear from the St. Joseph County Surveyor for an update on the scanning of records in his office. At this time on the County Surveyor's portal are the following:

- Frank Miller's surveys
- The original surveys of 1827-1832
- Leo Witucki's field books
- Old railroad maps
- GPS Points Survey sheets
- Corner Section Tie Cards
- All the Surveys in the County Surveyor's files

In addition on the St. Joseph County GIS website are various maps including:

- Street and Alley Vacations with the ordinance attached
- City and Town Boundaries
- Ditch and Tile Watersheds
- Wetlands
- And 38 other maps

- John R. McNamara, PE, LS
St. Joseph County Surveyor

If you have any county surveying news you would like to be included in the next issue of the Hoosier Surveyor, please email info@ispls.org by February 1, 2021.



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Kenneth P. "Ken" Pitts, of O'Fallon, Missouri, passed away Thursday, October 15, 2020 at the age of 56. He was the loving husband of Lisa Pitts; beloved son of the late Robert M. and Hazel Pitts; devoted father of Nicole (the late Emilio) Perez and James Pitts; dearest brother of Lorene (Paul) McVey and Jeff (Judy) Pitts; dear uncle, cousin, and friend to many.

Ken enjoyed his profession as a land surveyor in Missouri and Indiana and worked in this field for more than 30 years. He was a regular attendee at ISPLS conventions. He loved to go fishing and valued teaching his son how to fish, especially at the river or the ponds around St. Charles. They didn't always bring home a big haul, but they had fun while out on the water.

Ken was a true family man, and as a devoted dad, looked forward to attending his kids sporting events. He was very proud that his daughter was a Marine, and his son was a Cub Scout and Boy Scout. He looked forward to spending time with his family and going out for family dinners.

In his younger years, Ken had a passion for music, and he played in various bands and musical groups in school. He was recently enjoying teaching his son how to play the bass guitar.

Ken liked going to the range to shoot his guns for target practice. He also liked to watch sports on TV, mostly the Detroit Tigers who were his first choice team and the St. Louis Cardinals who were a close second on his watchlist. And, he always looked forward to watching the Super Bowl so that he could have a party. He also liked watching MMA fighting on TV.

Ken could talk to just about anyone, and never knew a stranger. He could often be found talking politics with anyone who would listen, even if they didn't always agree with him. He was dearly loved and will be greatly missed by all who knew him.

Memorial contributions may be made in Kenneth's name to [Military Veteran Project](#).

[\(Photo and obituary provided by Baue\)](#)

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