

VOLUME 49 ISSUE 3

HOOSIER SURVEYOR

March 2023

BROUGHT TO YOU BY THE INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS



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- 71st Annual Convention Recap
- New President's Message
- Cincinnati State Land Surveying Capstone
- And More



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President's Message

Vincent Barr, PS, ISPLS President

WHAT IS A SIRVAYUR?

A sirvayur is something that grubs around in the woods looking for little sticks and stones. When he finds them he does some kind of weird dance around them with a funny-looking 3-leg crutch wich he leans on and looks at. When he don't find them he walks around all day like he's lost. Sometimes you see them squashed by cars along rodes espeshelly in the summer when all the other bugs are out. A sirvayur has one big eye and one little eye like Popeye. He is stooped over from being bent all the time. His face looks like old leather. He cusses terribul. He can't reed because he measures between things and then puts down a number in a little book wich is difrint than wat his little map says. He always measures to a stick or stone, stops neer it, and puts in another stick or stone. He is not too brite because he is always making marks on sidewalks and rodes to find his way home. His pants are allways tore from rock salt and his shoes look like they was made of mud. People stare at him, dogs chase him and he always looks wore out. I don't know why anyone wants to be a sirvayur. Author Unknown.

I thank you all for entrusting me with the office of President for the 2023 term.

In 1982, as a junior in high school, I needed a job other than putting up hay and other miscellaneous country life jobs. I put in my application at a small engineering and surveying company in Franklin, Indiana, where they called me to see if I wanted to do miscellaneous country life jobs around their office and on their farm. I said yes. They later learned that my father (RIP) was a dedicated INDOT Engineer and they asked if I wanted to try working on a survey crew. I said yes, and after a week was told "don't come back on Monday if you can't throw a chain." I learned over the weekend and returned to work on Monday. Not having a career path in mind I registered at IUPUI for the fall semester of 1983 in their Construction Technology program. I

was on the 6-year plan because I kept working and learned that with my B.S. in Construction Technology I could test to become a licensed land surveyor if I picked up a few more courses. I told my, then, boss I thought about pursuing my license and he asked me, "Why? Every time you put your stamp on something you just sit around waiting for someone to hit your hands (not hands) with a hammer." I tested and received my license in 1997 and have never regretted my decision.

I am very passionate about my career and want to do what I can to see it endure the test(s) of time. Under the tutelage of Eric Meeks, my predecessor, and Norman Hiselman (not discrediting any presidents before them), many great programs and committees have been formed. Through the diligent, enthusiastic, and hard work of our young (and older) surveyors, the ISPLS board has formed the Young Surveyors Network, a Workforce Development Program, a Podcast Committee, and in the works, a University Coordination Committee designed to bring our local colleges together to work with one another for the long-term benefit of all.

My goals this coming year are simple. . . To encourage as much of our membership as I can to become more involved with the Society. There is always room for more opinions, suggestions, volunteers, and those who are encouraged to see the profession we love thrive. Concluding: I challenge you all to become more involved in your chapter and to also go a little extra distance to better our Society. Which, in turn, better serves the community. My door is always open, so let me know how we (I) can serve you.

Cursed be he that removeth his neighbour's landmark. And all the people shall say, Amen. *Deuteronomy 27:17, KJV*



The ISPLS 71st Annual Convention Recap



2023 - 2024 ISPLS Board Members: Zach Beasley, Rich Hudson, Ryan Swingley, Jason Copperwaite, Eric Meeks, Vince Barr, Jessica Hess, Jacob Hoffman, Steve Maxwell, Alex Daugherty, Ryan Selby, Don Williams



President Eric Meeks, PS, presenting the \$2000 Peggy Archer scholarship to Cory Abell



President Eric Meeks, PS, presenting the \$1000 Benchmark scholarship to Robert Bridegam

Not pictured here is Laura Martin who was in attendance and received the \$2000 Benchmark. Logan Owen was not in attendance, and he received the \$1400 Peggy Archer.

President Eric Meeks, PLS, presents the 1785 Award to Clayton J. Hogston

"In recognition of his monumental effort to compile a complete collection of Public Land Survey System Government Notes spanning the entire State of Indiana. Having taken to task the effort to scan, digitize, and make available critical land records data and assemble that data in a searchable database for every Professional Surveyor to utilize is a contribution that is as great as the sum of all efforts to date. His personal contribution towards ensuring the continued availability and validity of Public Land Survey System Information in Indiana is tribute and testament to the efforts of all since 1785."



National Surveyors Week

March 19 - March 25

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

Executive Order **PROCLAMATION**
TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, professional surveyors across Indiana will be committing this fourth week of March along with surveyors throughout the nation in observing the duty, contribution and promise of the surveying profession; and

WHEREAS, the role of the surveyor has been and remains vitally important in the development of the State of Indiana and this nation, with former surveyors including George Washington, Thomas Jefferson and Abraham Lincoln; and

WHEREAS, the Indiana Society of Professional Land Surveyors strives to hold its membership to the highest of ethical standards and provides invaluable training through continuing education programs; and

WHEREAS, the Indiana Society of Professional Land Surveyors maintains a watchful eye in order to protect the land we love while serving the community needs of an ever-changing world;

NOW, THEREFORE, I, Eric J. Holcomb, Governor of the State of Indiana, do hereby proclaim March 19-25, 2023 as

INDIANA SURVEYORS WEEK


in the State of Indiana and invite all citizens to duly note this occasion.

In Testimony Whereof, I do hereby set my hand and cause to be affixed the Great Seal of State. Done at the City of Indianapolis, this 7th day of March the year of our Lord 2023 and of the Independence of the United States 247.




BY THE GOVERNOR: 

National Surveyors Week



What is a Land Surveyor?



Land surveying is the art and science of establishing or reestablishing corners, lines, boundaries, and monuments of real property (land) based upon recorded documents, historical evidence, and present standards of practice. Land Surveying also includes associated services such as analysis and utilization of survey data, subdivision planning and design, writing legal descriptions, mapping, construction layout, and precision measurements of angle, length, area, and volume.

One of the primary roles of the land surveyor is to find the boundary of a person's property. That boundary is described in legal documents and the land surveyor follows that description and locates the boundary on the physical land and marks it, so the owner knows what land he/she owns.

Land surveying is a part Archeology and part Private Investigator. This combination provides independent information that protects your property rights.

#IndianaSurveyorsWeek

National Surveyors Week

How can I become a Land Surveyor?

To be registered as a professional Land Surveyor you must graduate from an approved Land Surveyor curriculum and complete eight years of combined education and experience.

Degree (no honorary or correspondence degrees may be used)	Work Experience Required following the receipt of the final degree obtained	Total Years of Work Experience Required under a licensed land surveyor
Associate degree	3 yrs.	6 yrs.
Bachelor's degree not in a board-approved surveying curriculum	2.5 yrs. after Bachelor's or 2.5 yrs. after Associates if earned	5 yrs.
Bachelor's degree in a board-approved surveying curriculum*	2 yrs. after Bachelor's or 2 yrs. after Associates if earned	4 yrs.
Master's degree in surveying following bachelor's degree not in a board-approved surveying curriculum	2 yrs. after Bachelor's or 2 yrs. after Associates if earned	4 yrs.
Master's degree in surveying discipline following bachelor's degree in a board-approved surveying curriculum*	1.5 yrs. after Bachelor's or 1.5 yrs. after Associates if earned	3 yrs.
Doctorate in surveying following a bachelor's degree not in a board-approved surveying curriculum	1.5 yrs. after Bachelor's or 1.5 yrs. after Associates if earned	3 yrs.
Doctorate in surveying discipline following a bachelor's degree in a board-approved surveying curriculum*	1 yr. after Bachelor's or 1 yr. after Associates if earned	2 yrs.

National Surveyors Week every year starts on the third Sunday in March and aims to educate the public through classroom contact, media, and visible public service. Surveying has advanced civilization since the beginning of recorded history. When cities grow, planning is necessary for most earth-bound projects



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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. Because of the recent changes to the court's website, I use Google Scholar to search for Indiana cases. Once cases were found, I search for a case by a party's name or case number on the Indiana site to obtain a more conveniently formatted document at www.in.gov/judiciary. Comments or suggestions for future columns are welcome by email to: Bryan.Catlin@indy.gov.

The boundary of Lake Michigan has again been challenged, this time in Federal Court by property owners (inholders within the boundaries of the National Park) not party to the earlier Gunderson case whose platted deed parcels are shown as extending beyond the water's edge. A petition for a Writ of Certiorari to the Supreme Court of the United States was denied on Monday, October 31, 2022, in the case of Randall Pavlock, Kimberley Pavlock, and Raymond Cahnman v. Eric J. Holcomb, in his official capacity as Governor of the State of Indiana, et al., following:

Pavlock v. Holcomb, No. 2:19-CV-00466 JD, United States District Court, N.D. Indiana, Hammond Division, order of dismissal filed March 31, 2021. And:

Pavlock v. Holcomb, No. 21-1599, United States Court of Appeals for the Seventh Circuit, decision affirming dismissal issued May 25, 2022.

The plaintiffs claim their deeds included ownership of the beach below the ordinary high-water mark (OHWM) and that they had exclusively used their private beach for years, paid taxes on it, had granted the United States a walking easement in 1980 for the benefit of the public, etc., but that the Gunderson decision had extinguished their rights to the beach without compensation, creating a "judicial taking." The questions presented were whether a "judicial taking" under the Fifth ("nor shall private property be taken for public use without just compensation") and Fourteenth Amendments (which applied the takings clause to the states) is a cause of action and whether a property owner, deprived of property under the authority of a state court decision, may seek relief in federal court to halt encroachment on their property by state officials acting under that decision. (FYI, the petition and its appendix ran to 135 pages).

Disagreeing with the Indiana Supreme Court determination in Gunderson and the subsequent codification of the Gunderson decision via House Enrolled Act 1385, the property owners filed suit in the US District Court for the Northern District of Indiana. One point of their argument was that Gunderson had defined that, at a minimum, walking below the OHWM is a protected public use, along with commerce, navigation, and fishing, while HEA 1385 was an uncompensated taking as it also included boating, swimming, and other recreational uses. The State moved to dismiss the case under the Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), arguing that none of the State officials named had

caused the alleged injury or could redress it. The US District Court agreed, noting that this is functionally equivalent to a quiet title action which is barred by sovereign immunity, and dismissed the case. The court did not address whether it was possible to state a claim for a judicial taking. Even if the answer were yes, the owners could not show they held an established right to the property. It was also noted that even if the takings clause applied to the states, it does not follow that it applies to the state's judiciaries. This judgment was affirmed on appeal.

There was also concern that only the US Supreme Court could review a State Supreme Court decision. In a very concise summary, I would say the courts have all determined you can't lose what you never owned.

For the convenience for anyone who wishes to look up the prior Indiana cases the following is from prior editions of this column.

The Lake Michigan boundary case decided in the Indiana Supreme Court in 2018 (No. 46S03-1706-PL-423, February 14, 2018) will stand for now as the US Supreme Court denied the petition for a writ of certiorari on February 19, 2019.

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

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

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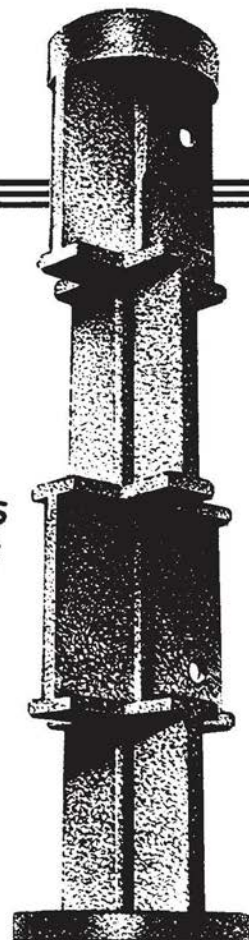
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Alliance, Patrick Cannon, John Wall, Doria Lemay, Michael Salmon, and Thomas King, Indiana Court of Appeals Case No. 46A03-1508-PL-1116, December 7, 2016

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

My summary of the Indiana Courts opinion was: 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 Gundersons 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 lakebed 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.

Bender Enterprises, LLC, v. Duke Energy, LLC, Indiana Court of Appeals Case No. 22A-PL-1230, October 21, 2022

Here Duke Energy (DEI) had offered \$265,000 to Bender to obtain a non-exclusive easement across 0.53 acres of Bender's property to connect two substations and place underground electric lines in Bloomington but had been unable to come to an agreement. DEI filed a "Complaint in Condemnation" in the Monroe Circuit Court. Bender filed a response claiming the easement taking was not necessary, and the location was capricious, arbitrary, and not based on accepted engineering and industry standards. DEI filed a motion to overrule Bender's objections on the grounds they were legally insufficient and should be stricken as a matter of law without a hearing. The trial court overruled Bender's objections as generic and because Bender failed to plead any additional information to support them. Bender appealed.

On appeal, as at trial, the court must restrict review to whether the condemnation proceedings were legal, whether the condemning entity had authority to condemn the property, and whether the property was to be taken for a public purpose. Bender did not challenge DEI's authority to condemn or whether the proposed taking is for public use. His only objection was the legality of the proceedings, specifically whether the trial court erred in overruling his objections. The order of

the trial court was affirmed because Bender's objections failed to state specific supporting factual allegations.

The City of Carmel, Indiana, v. Duke Energy Indiana, LLC, and Indiana Office of Utility Consumer Counselor, Indiana Court of Appeals Case No. 22A-EX-88, October 28, 2022

In 2019, Carmel adopted Ordinance D-2492-19 (the "Underground Ordinance") and D2491-19 (the "Relocation Ordinance"). The Underground Ordinance prohibits erection of above-ground public utility poles, lines, or structures in Carmel's right-of-way unless authorized by Carmel. After the adoption of the ordinances, Carmel started two improvement projects requiring Duke to relocate several facilities, and Carmel and Duke were unable to agree on which party should bear the costs of relocation.

Carmel filed a complaint with the Indiana Utility Regulatory Commission (IURC), asking that they find Carmel's ordinances reasonable under Indiana Code, order Duke to relocate the relevant facilities, and order Duke to bear the costs of the relocation. The IURC held a hearing where they admitted pre-filed testimony and attachments and subsequently issued an order finding Carmel's ordinances unreasonable and void under Indiana Code 8-1-2-101. Carmel appealed.

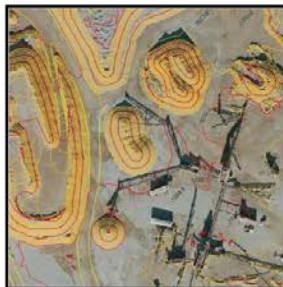
Carmel essentially asked whether the IURC erred in concluding the ordinances are unreasonable and void because they conflict with INDOT regulations and contain vague terms and whether the IURC further erred in concluding the ordinances are unreasonable and void because they impermissibly shift the cost of relocation to Duke's customers statewide. Duke provided testimony that the ordinance could shift costs to statewide



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customers but could not say it definitely would. The court found that the IURC erred in finding the ordinances unreasonable and void and due to the presumption of validity of local ordinances without substantive evidence otherwise and reversed the IURC order.

Shawn L. Beasley, v. Harrison County Board of Commissioners., Indiana Court of Appeals Case No. 22A-CP-673, November 16, 2022

This interlocutory appeal from the Harrison Circuit Court comes out of a case where the County is seeking to acquire part of the Beasley property for a county road improvement project. Beasley filed a complaint that the Board of Commissioners has failed to conduct good-faith negotiations with him as required by statute and argued the complaint should be dismissed. The trial court disagreed, and Beasley filed this appeal arguing the trial court had erred in overruling his objection. The Board argued the appeal must be dismissed, asserting he failed to follow statutory requirements in IC 32-24-1-8(g) because he did not file the Notice of Filing of Transcript with the Clerk of the Harrison County Circuit Court within thirty days of his notice of appeal. The Court of Appeals agreed and dismissed his request.

Kevin D. Albertson and Pamela L. Albertson, v. Richard Cadwell and Lisa Cadwell, Indiana Court of Appeals Case No. 22A-PL-782, December 14, 2022

Here the Albertsons bought a subdivision lot in 2018 at 8585 Hickory Hill Trail in Mooresville on the east side of the street. They were not able to get approval to build a house with a driveway extension around the side of the house and eventually only built the driveway up to the garage. At some point they contacted the Cadwells who owned approximately twenty-four acres east of and contiguous to the Albertson lot and the Cadwells agreed to sell them about a half-

acre. A purchase agreement was executed on June 23, 2019 which stated the legal description was to follow after engineering/surveying; that the Albertsons would give a 10' utility easement across the north end of the Albertsons lot to the Cadwells; and that the Cadwells agreed to a neighborly agreement that will allow the Albertsons to have occasional access, with a requirement that the Albertsons ask each time they wished to do this, through their remaining ground to access the new lot for certain issues, but that it was not a recorded easement or recorded agreement. During surveying it was discovered that there was a small gap, less than three feet wide between the Albertson lot and the Cadwell property. This information was shared by the Albertsons with the Cadwells. This gap area was not addressed before they closed on the sale of the new parcel. In February 2020, the Albertsons submitted a permit application to the Hendricks County Building Department to build a pole barn on the new parcel. The Albertsons stated the barn would be directly east of 8585 Hickory Hill Trail and they would access the barn from that property. In addition, the Cadwells had constructed a driveway across the Cadwell property that connected the Albertsons' barn to County Road 825 East. The Cadwells later decided to sell their property. The Albertsons expressed an interest in buying some of the property, but the Cadwells found a buyer for the entire tract. Around then the Albertsons were trying to get a mortgage and asked the Cadwells if they knew anything about the 2' strip of ground between their lot and the property the Cadwells sold them that a mortgage survey now showed. The Albertsons asked the Cadwells to execute affidavits stating the Albertsons owned the gap parcel, but the Cadwells did not execute them. On September 20, 2020, the Albertsons filed a complaint for declaratory judgment against the Cadwells in the Hendricks Circuit Court, seeking an easement of necessity towards

County Road 825 East over the Cadwell property on the theory the new parcel was landlocked by virtue of the gap parcel.

After more proceedings, the Cadwells executed a quitclaim deed to transfer the gap parcel to the Albertsons and filed a motion for partial summary judgment on the easement of necessity issue, which was granted after a hearing. This interlocutory appeal followed.

The appeals court noted an easement of necessity is implied when there has been a severance of unity of title in such a way as to leave one part without access to a public road. Here there is no argument that the unity of title element has been satisfied. The Albertsons contend necessity concerns the need for vehicular access and there is an issue due to the gap parcel. The court agreed with the Cadwells that because the parties agreed at the time of the conveyance of the new parcel the Albertsons would not have an easement across the Cadwell property, the claim now fails as a matter of law. When the rights of parties are controlled by an express contract, recovery cannot be based on a theory implied in law. In addition, because the Albertsons bought the new parcel without addressing the gap issue, they knowingly bought a landlocked parcel. The judgment of the trial court was affirmed.

Lester L. Sumrall, v. LeSEA, Inc., Indiana Court of Appeals Case No. 22A-PL-45, December 19, 2022 - MEMORANDUM DECISION - not regarded as precedent

This case from the St. Joseph Circuit Court is an example of a good way to slander title and lose a lot of money in the process. On May 1, 1966, Bethel Temple LeSea, Inc., of South Bend, Indiana issued \$750 bonds at 6% interest, compounded semi-annually, to erect a church. These bonds matured on May 1, 1976. Dr. Lester Frank Sumrall gave his grandson Lester L. Sumrall twelve of these bonds, apparently in 1996, long after the six year statute of limitations to enforce any obligation to pay on the bonds after maturity had expired. On March 29, 2016, Lester L. Sumrall filed a Bond Debt Notice in the St. Joseph County Recorder's Office claiming he was owed \$172,967.69 in bond and interest payments. On March 20, 2019, LeSea filed a complaint alleging slander of title and asking for a declaratory judgment. Evidently Sumrall had also filed several lis pendens notices and a mechanics lien along the way, even though he had not performed work on the property. At trial, evidence was presented that these filings had held up a property sale and prevented a contractor from obtaining a permit to demolish a building. Eventually the trial court held for LeSea and awarded them \$136,721.98 in attorney's fees. Sumrall appealed. On appeal, the judgment of the trial court was affirmed.

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.

Cincinnati State Surveying Students

Complete Complex Capstone 2022 Project

In 2021, the Land Surveying graduates at Cincinnati State Technical and Community College became the first students in school history to graduate with a 4-year Bachelor of Applied Science degree. With this graduation, a Surveying Capstone course was required. The 2022 Land Surveying students looked to continue the trend of community service as they worked toward completing their own Capstone project. In rural Boone County, Kentucky, nine students descended upon the Big Bone Baptist Church to perform a boundary retracement and topographic survey over the semester as a culmination of the degree program.



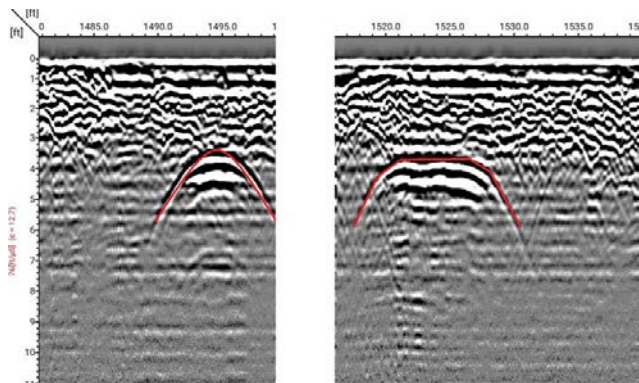
Big Bone Baptist Church Cemetery, Union, Kentucky

The project began in late January 2022. The group met with church member Lisa Anglin, the church representative leading the project

and church leadership. The aim of the project was to determine the boundary of the church and the cemetery and to create a method to manage the graveyard. Over the course of the church's lifespan, the older sections of graveyard had fallen into disrepair, and unmarked graves needed to be identified. To complete this task, the church needed to understand boundaries, locate marked and unmarked grave sites, and create a preliminary cemetery database for historical purposes. Over the course of the next few months, the students would look to accomplish the goals set forth by the church through the use of the knowledge obtained during their time at Cincinnati State.

Under the guidance of two professors, Carol Morman, Ed.D., PE, PS, and Jim Decker, PS, the group started on the preliminary work. In order to perform the retracement and topographic survey, site reconnaissance and research was started. Deeds and prior surveys were collected at the Boone County Clerk of Courts and the data was collated into a graphical abstract. This was by far one of the difficult aspects of the project, and this is the result of how surveying was done through history. Much of the original survey work in Boone County was done through metes and bounds, unlike in many western states that follow the U.S. Public Land Survey System. Trees that may have marked a boundary decades ago may no longer be there. Older deed work doesn't match well with newer equipment. One of the biggest hurdles in this project was finding the deed work for the entire southern section of the project's boundary. The property in question is a state wildlife

preserve that did not match any of the deed work. The group would eventually learn that the preserve knew that they didn't have correct legal descriptions on record, and the students would have to work around this complication.



Jeff Tallent, ESP Associates, Inc., came up from North Carolina to demonstrate and explain Ground Penetrating Radar to the students.

With the preliminaries out of the way, the group began the site work. Using located NGS and state benchmarks, elevations were established on the site using three-wire leveling and GPS Control methods. The biggest difficulty was coordinating the level-loop itself. Each workday, the class had a set time to complete work for the day. In order to run the level loop over the 18+ acres property, the group divided into three parts

and ran a section of the loop in order to complete it in the allotted time. Coordinating the three data sets the next workday created inconsistencies that made it necessary to re-run the level loop. Now with the objective in mind and a better plan of attack made, the group was able to get the misclosure of the loop within acceptable limits.

A random closed traverse was used for control points and a loop was established over the site using S3 Trimble total stations. Using the now complete abstract and monumentation already found, one group uncovered extra monumentation and created a boundary retracement, another used the elevation carried to the site to build a topographic survey of the oldest sections of the graveyard, while the final group began taking pictures for the graveyard database. The final phases of the project were accomplished with assistance by ESP Associates, Inc. and Drone Solutions. They provided a drone flyover and Ground Penetrating Radar (GPR) for the site. The anomalies they detected with the GPR we would assume to be unmarked grave sites and we would locate these points for our final topographic survey.

After gathering all the necessary data for the scope of the project, the group prepared deliverables for the church. The group established a template for the title block and drafted the boundary and topographic survey plats. A legal description was also written. The deliverables were reviewed by Kentucky PLS, Tom Bushelman and Professors Carol Morman, PE,PS, and Jim Decker, PS, to make sure they met Kentucky requirements for the listed survey work. While the final deliverables wouldn't be submitted to Boone County, County, those involved made sure the documents met the standards required. Finally, the group presented the work to Big Bone Baptist

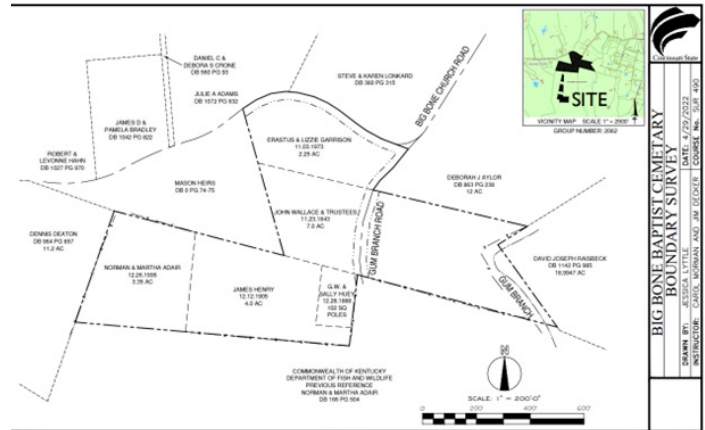
Church and completed the project.

The experience of performing the procedures and techniques learned in the classroom was a valuable asset for the development of the Land Surveying graduates. Boundary retracement and topographic location survey are foundational skills for any surveyor in the field. The process of client meetings and technical writing helped to grow interpersonal skills which are just as important to the technical side of the field. The Capstone has been a unique experience to truly understand how land surveying works.

This project was completed as part of the requirements of the Bachelor of Applied Science Degree in Land Surveying at Cincinnati State. The Surveying Capstone course is one of the final courses that students in the program take to show their proficiency in land surveying before graduation. For more information about the program, please visit <https://www.cincinnati.edu/academics/degree-certificate/land-surveying-ls/>.

This year's capstone students included Darrick Davidson, Joseph Ernest, Levi Exline, Bryant Favors, Macalister Keeley, Jeff Kraus, Jessica Lyttle, Gunnar Seig, and Shane Strotman.

Article and images provided by members of the 2022 Capstone class.



A map showing the individual parcels making up the church property.



Snow made it difficult to find existing monumentation around the site.

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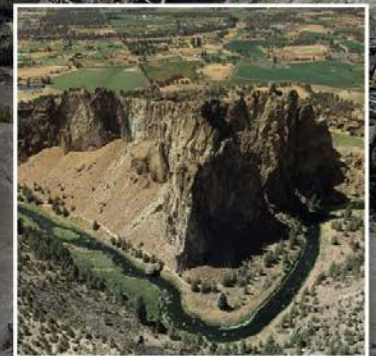
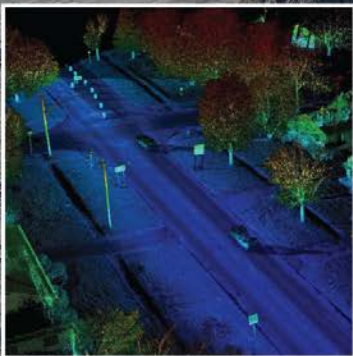
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Finding Captain Kibbey's Military Road

A Throwback Story - July 31, 2017

The ISPLS Greenville Treaty Chapter had a wonderful outing on Saturday, July 29, 2017. We set out to find remnants of Captain Ephraim Kibbey's military road, the first road to cross Indiana. At the direction of General Anthony Wayne, Captain Kibbey, a land surveyor and military scout, oversaw the construction of this strategic overland route from Cincinnati to Vincennes from 1799 to 1800. Portions of the newly-built road through Dearborn County were observed and noted by the original GLO surveyors as they laid out the sectionalized

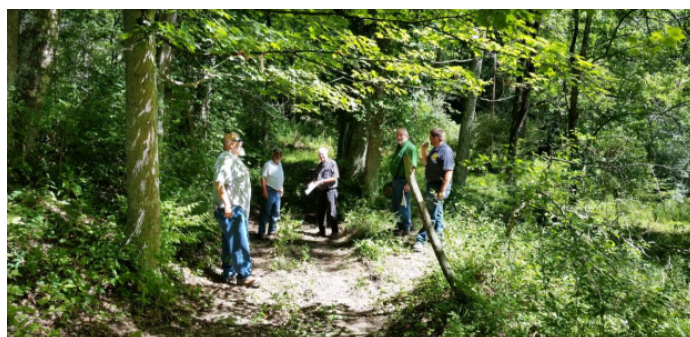


ISPLS members Bill Ruberry, Art Wenzel, Andy Murray, and Doug Kramer at Moores Hill Community Park. Not shown: Dennis Kraus, Sr., Brad Kramer (photographer).

lands. A small group of chapter members, eager land surveyors, met in work boots and denim that sunny, 65-degree Saturday morning at a local park shelter in Moores Hill, Indiana near the Dearborn/Ripley County Line (Israel Ludlow's Greenville Treaty Line) and reviewed plans and notes and shared anecdotes that primed us for our upcoming field trip. In pickup trucks we caravanned to a nearby farm owned by a gentleman aged well into his nineties. The elderly owner did not meet with us, but his neighbor and farmer greeted us and offered

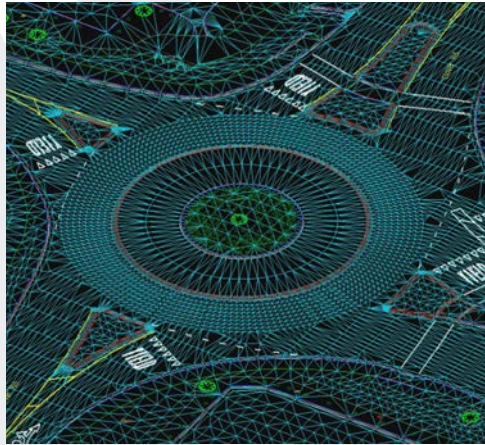
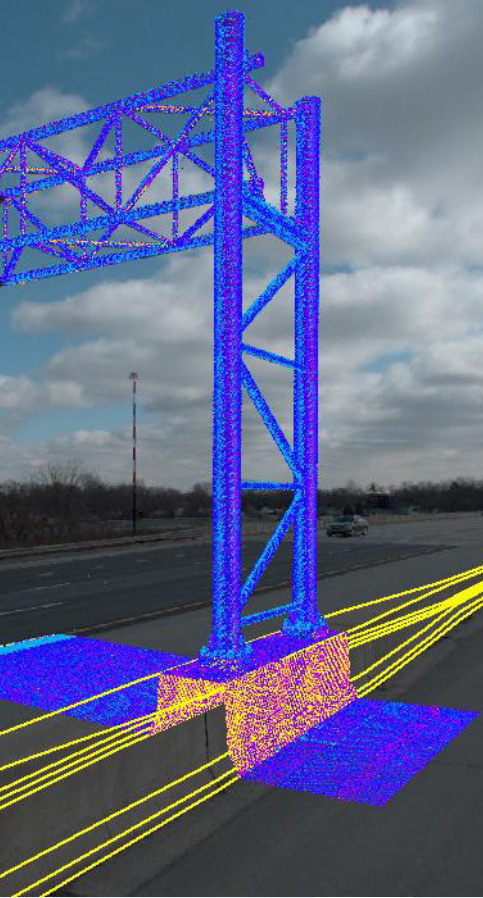
to serve as our guide. What an advantage; in these parts it is easy to get twisted around. This man grew up here, raised children and cattle here, and knew the woods like the back of his hand!

We left the barnyard on foot, traversed pasture and woods, and soon came across an old unpaved roadbed that once connected the old man's farm to lands to the east. This was clearly an old long-abandoned road, but some of our party soon began to feel that we were not following the correct course. Based on plottings of the GLO surveyor notes, the 218-



On the old county road to find the military road. The team discusses the possibility of finding another old roadbed. Second from left: Local farmer, Mike Witte, offered his knowledge of the area to help guide the expedition.

year old military road would have run more east-west than the trail we presently hiked. We persevered nonetheless, and the roadway eventually led us to the intersection of a second old obscure roadbed - one which followed a small creek as the notes, aerials and LIDAR indicated. Finally, based on topography, we were confident that we had discovered the elusive Kibbey's Road! The route was somewhat eroded, but was a definite hillside excavation running parallel below a modern gravel lane and above the small creek. We compared notes and took



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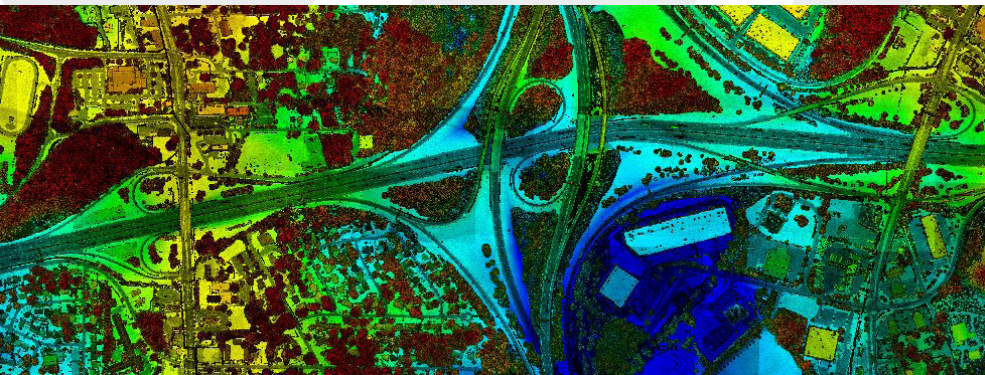
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photos. Now that we had found it – at least a portion of the old military road, we resigned to conclude our adventure and head back to the trucks. Still, as we returned along the entry road our satisfaction was tainted by the realization that the greater part of our journey had followed a roadway that was likely no more than a century-and-a-half old. We had



All evidence points to the military road following the gradual grade of this small brook.



Art Wenzel provided aerial and LIDAR imagery as well as GLO field notes to help find the route of the old military road.

in fact visited a segment of the old military road, but as with most surveyor/historians, we thirsted for more.

As we made our way back along what we concluded as the “wrong” road, an old county road, our guide overheard us discussing compass readings and sympathized with our grumblings. He interjected, “There is another roadbed further north that runs right where you are talking. It eventually meets up with that intersection we just visited. I can show you how to get there.” Reenergized, we returned and jumped into our trucks, and the farmer

directed our party across more hills of freshly cut hay where we parked again at the edge of a woods. This next trek was a gentle hike of about 1000 feet of woods/pasture/woods, and we met again with what we recognized for sure as Kibbey’s trace.

This second stretch of road was everything we envisioned. It was long and wide as a military road should be, and led directly to and away from our earlier “intersection.” The course was east-west as anticipated and plotted wonderfully on the county map! Kibbey’s cross-section had been well preserved over the decades, about 25 feet in width and amazingly uniform in grade. Cut flat along the edges of rolling hillsides, the grade followed the natural slight incline of a small brook – the same small brook that we had visited earlier in the day. The earthwork was protected in this remote location from tilling and human encroachment. The road’s complete width was evidently preserved amidst the larger trees by more than a century of cattle grazing, and so the route was easy to identify in both directions. Small shrubs and saplings within the roadway were bounded neatly on each side by larger trees and rotten stumps, and one could easily imagine the road being cleared again for reuse with minimal effort!

What a day! Our satisfaction was complete. We had found two sections of the first road to cross the Hoosier State, the bulk of which remained in a state of immaculate preservation. The weather could not have been more welcoming, and the tired surveyors returned home with high spirits. The chapter is grateful to the elderly landowner, to our new farmer-friend and guide, and most of all, to member, Art Wenzel, for his hard work toward making this adventure possible.

Brad Kramer,
2017 President
ISPLS Greenville Treaty Chapter

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Michael D. Arena

Feb. 26, 1945 - Jan. 30, 2023

Dorrance Publishing Co. Michael was a veteran of the U.S. Army and National Guard and was an active member of the American Legion.

Michael was known by all as one of the most caring and kind individuals you could ever meet. Mike was loved dearly by his family and was a wonderful grandfather, father, uncle, brother, and husband. He was preceded in death by his parents, his sister, Frannie, and his daughter, Mandy.

Survivors include his wife, Nancy, of Bedford; his brother, Joe Arena, of Anderson; his sister, Donna Bridwell, of Bedford; his son, Sam Arena and wife, Azure, of Carmel; and his granddaughter, Alyson Arena, whom he loved dearly and bragged about on a near-daily basis.

Michael D. Arena, 77, of Bedford, passed away on Monday, January 30, 2023. Born February 26, 1945, in Bedford, he was the son of Frank and Mildred (McDonald) Arena. Mike graduated from Bedford High School in 1963, and on October 23, 1966, he married Nancy Lynn Jeskewich, with whom he shared 56 wonderful years. Mike was a professional land surveyor who was licensed in Indiana, Kentucky, Illinois, and Tennessee.

Mr. Arena served 11 terms as the Lawrence County Surveyor (1973-2017) and most recently worked with the firm of Bledsoe Riggert Cooper James until his passing. During his professional life, Mike was also on the Board of Directors of Green Hill Cemetery and was a member of the Bedford Exchange Club, having served stints as President for both organizations. Mr. Arena was also a dedicated and devout member of the Church of Christ, having served as a Deacon for Central Church of Christ and, most recently, Southland Church of Christ, at which he also taught several Bible classes and delivered the occasional sermon.

Mike also was a published author of religion, having written the book "Bumper Sticker Religion", which can be purchased through

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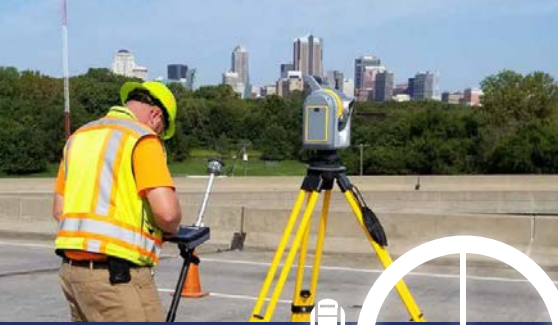
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