

HOOSIER SURVEYOR

December 2024

BROUGHT TO YOU BY THE INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS

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- ISPLS Surveyor Olympics Offers a Challenge
- Highlights from the 2024 Women Surveyors Summit
- 73rd Annual ISPLS Convention Program
- And More



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Submit Content for the Hoosier Surveyor Publication

If you have an article to share or a story to tell, we want to hear from you!

Please submit content to our Communications Coordinator via email (kanderson@ispls.org).

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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 content.

COVER IMAGE



Jessica Hess, PS prepares to throw a highway chain in the Chain Throw event at the Surveyor Olympics. Hess is the Surveying Technology Program Coordinator at Vincennes University. To read more about the Surveyor Olympics, turn to page 5. Photos provided by Ryan and Susan Selby.

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President's Message

Ryan Selby, PS, ISPLS President

Well, we have made it to the end of 2024. My time as president is winding down and we are putting the final touches on the plans for the 2025 Annual Convention. I hope to see you all there to end my tenure as president the same as we started ... with a larger than expected convention crowd.

It has been a rewarding year for me as president, and I am very thankful for this opportunity. We were able to accomplish some of my goals this year and fell short on a few as well. The financial plan was not part of my plans for this year, but I am pleased that it was accomplished during my term. I feel it will provide lasting benefits for the society long into the future.

Thanks to the work of Vince Barr and others from the Past Presidents Council, we were able to pull off this year's Surveyor's Olympics. Vince laid some strong groundwork, and I hope to expand on what we learned this year for the 2025 event. We had some technicians involved this year and hopefully can strengthen that involvement next year.

The Workforce Development efforts around the state have been wonderful to see. I believe events were attended across all parts of the state. Our partnerships with Build Your Future, ACEC and Indiana Constructors, Inc. have continued to grow.

We were in attendance at all our major events of the year, JA JobSpark, FFA National Convention, and the Indiana School Counselors' Conference. As I wrote in a previous message, the Civil Construction Pathways program is continuing to grow. We provided judging for the 2nd annual Golden Shovel competition a couple months back. They had nine schools competing and hundreds of students and faculty in attendance. It was a great opportunity to showcase our profession, and we are already discussing how to make it even better next year.

Our efforts are making a difference. We received word after the FFA Convention of a student in Ohio who reached out through the Beasurveyor.com website inquiring about pursuing a career in surveying. He stated he had spoken with us at the convention and wanted more information on education and job opportunities. I also received an email from at least one school counselor who heard my presentation at their conference and has invited us to attend their career fair in the spring. These small wins will add up and we are going to start seeing the changes we are looking for in our profession.

I did fall short this year at getting something started with our Young Surveyor's Network.

I was hopeful leaving the convention but just couldn't spend the time nurturing the sparks from the convention into the flames I had hoped for. I have some comfort though, in knowing that this is also an area Alex is passionate about. I feel confident he will take on this task and have greater success.

Again, thank you all so much for an amazing year and I look forward to seeing you all in Evansville in January.

ISPLS Surveyor Olympics Offers a Challenge

Mike Davis

When Vince Barr, PS was asked last year if Indiana had a Surveyor Olympics, he remembered going to one more than 20 years ago in Brown County with Frank Ballintyn, now an ISPLS life member, and the late Bob Vollmer, PS - and he had enjoyed it so much that he worked with Rich Hudson, PS and the Past-Presidents Council to again offer one.

Their yearlong work resulted in Brown County State Park's Lower Shelter being the setting for an event on Saturday, Aug. 31, starting around 10 a.m., with lunch about noon.

The events, which were all timed, included:

- Stiff Leg Tripod Setup
- Modern Leg Tripod Setup
- Pace Distance Guess
- Angle Guess
- Chain Throw
- "Wiggle In" / "Buck In" On Line

Experienced hands were available to offer skill refreshers for those who needed them.

The top three in each event received medals, as did the top three teams.

The venue, food, and awards were all financed by the ISPLS Foundation (IPLSF) and

drinks were supplied by American Structurepoint. Door prizes were donated by Seiler, Hard Truth Distillery and Sugar Creek Barbeque Co. Carlson Software (Carlson Midwest, M.J. Sparks) donated the Grand Door Prize Gift Basket. The event was free to all who came.

Barr said about 25 to 30 people, including family members, were on hand. "We were hoping for more," he said, but he was pleased with the showing and said to look for a repeat in 2025 between the end of September and the middle of October, in cooler weather - perhaps at a more centrally located site.



Ryan Swingley, PS adjusts the Brunson transit used in the Stiff Leg Tripod Setup event. Swingley is a past president and was a member of the planning committee for the Surveyor Olympics. (Photos by Ryan and Susan Selby).



Jim Swift, PS adjusts a 1960s-era Brunson transit in the Stiff Leg Tripod Setup event at the Aug. 31 Surveyor Olympics at Brown County State Park. Observing in the background is Norman Hiselman, PS, serving as moderator and judge.

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Legal Surveys

Bryan F. Catlin, PS

The goal of this column is to provide brief summaries of recent Indiana Court of Appeals and Supreme Court cases involving topics related to surveying practice, certainly not to provide legal advice. I use Google Scholar to search for Indiana cases. Once cases are found, I search for a case by a party's name or case number on the Indiana Courts website 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.

As a reminder, I am still looking for someone, or a group of people, to take over this column as I near retirement.

Since there were few cases found this quarter and they are all "Memorandum Decisions," it seems like a good time to remind everyone what that means:

The court's website includes many "Memorandum Decisions" which are not published in West's Northeastern Reporter and, in general, are not to be used as precedent or cited before any court. However, even though no new legal issues are decided, they still show a court's reasoning and may be of interest. This column looks at some such decisions related to surveying. The notice put on these decisions reads:

"Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case."

Further, I haven't mentioned case numbering recently, and it has changed since I did. In case you have ever wondered how the case numbers are assigned, full information can be found in the Courts Administrative Rule 8 and Rule 8.1 available at: <https://www.in.gov/courts/rules/admin/index.htm>. Taking as an example one of the cases summarized in this column:

24A-SC-841, September 23,
2024

The first group starts with two digits to identify the year of filing. The third character is the court identifier, in this case the Indiana Court of Appeals.

The second group is two characters indicating the case type, here Small Claim.

The third group is a sequential number beginning with 1 each year for each case classification.

The date is not a part of the case number but is the date the opinion was filed with the Clerk of the Courts.

The Board of Zoning Appeals for Floyd County, Indiana, v. Joe Kirchgessner and Stephanie R. Kirchgessner, Indiana Court of Appeals Case No. 23A-PL-2538, July 18, 2024 - MEMORANDUM DECISION - not regarded as precedent

The Kirchgessners own a long narrow lot in Sellersburg. In 2021 they installed a round swimming pool, surrounded by a concrete walkway, between their house and the street without a construction permit. The pool sits on a slope, so there is a brick wall supporting the pool and walk on one side which is visible from the road. The pool lacks a fence or retractable cover and sits on the line with a neighboring lot, with part of the concrete walkway encroaching on the neighboring lot.

After a complaint to the Floyd County Department of Building and Development Services ("Department") about sediment running off the property, the Department sent the Kirchgessners a notice of violation citing three violations of the county's zoning code: (1) installing the pool without first obtaining a permit; (2) placing the pool at a place other than the rear or side of the primary structure; and (3) failing to comply with an eight-foot setback requirement from the property line. The notice stated the Kirchgessners would have to obtain variances to address issues (2) and (3).

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The Kirchgessners requested the two variances and noted in the cover letter that the pool was between the road and their home. They also noted the pool was behind the front setback.

The Department prepared a report documenting the cover letter and petitions, the staff report, blank ballots for the Board to vote on each petition, diagrams of the property, photographs, the notice of violation, and emails between Joe Kirchgessner and a Department employee for the Board which held a public meeting. After hearing from the Department director, the Kirchgessners, and several neighbors, the Board unanimously voted to deny both variance petitions and ordered the Kirchgessners to remove the pool within sixty days. The Board found that the placement of the pool in the front yard conflicted with community expectations of privacy, had negative effects on neighboring property values, and that the property had other viable locations to place accessory structures. The Board also found that the setback violation was injurious to the public health, safety, morals, and general welfare because the pool was built without a permit, inspection, fence, retractable cover, and over the property line, while also affecting the value of the encroached-on property, again when other viable locations are available. The Kirchgessners petitioned for judicial review with the Floyd Circuit Court.

After a hearing, the trial court issued an order finding the Department's rejection of the variance petitions was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law and further is prejudicial to [the Kirchgessners]." The court stated the Board members had "acted with hostility" and with "intention to punish" the Kirchgessners and the evidence in support of the Board's position was "meager." The court remanded the case to the Board for further proceedings and this appeal followed.

Briefly, the appeals court found there was substantial evidence to support the Board's decisions and they were not arbitrary and capricious. It was also noted that any economic harm the Kirchgessners may suffer was self-created by not obtaining a permit before installing the pool. The judgment of the trial court was reversed.

Marva Trice v. Phyliss Kidwell et al, Indiana Court of Appeals Case No. 24A-SC-841, September 23, 2024 - MEMORANDUM DECISION - not regarded as precedent

Trice owns a lot in Kokomo with a large pine tree that was growing over the neighbor's fence. The neighbors hired a tree service to trim the branches that crossed the fence line. Trice believed the trimming had gone beyond the property line, that the trimming caused the tree to start dying,

and that the tree service workers had trespassed on her property and had committed conversion when they failed to return cut branches to her. Trice filed a complaint in the small-claims court (Howard Superior Court III) seeking \$10,000 in damages from the neighbors, the lot owner, the tree service, and the tree service owners. At the bench trial multiple persons testified no one entered the Trice property and that the trimming had been done vertically along a line parallel with the top of the fence. Possibly a rake had been used to reach for some small limbs that fell into Trice's yard to leave it in a neat condition. Also, there was conflicting hearsay testimony about the health of the tree. The court entered a judgment in favor of the defendants and Trice appealed.

On appeal the judgment of the small-claims court was affirmed.

Jose Menendez v. Hahn Surveying Group, Inc., Indiana Court of Appeals Case No. 23A-SC-2662, September 25, 2024 - MEMORANDUM DECISION - not regarded as precedent

In January 2022, Menendez and Hahn entered into a written agreement for the surveying of a parcel of property. Hahn agreed to Prepare a RETRACEMENT (staked) Survey, Split Parcel into 2 tracts, and Prepare Secondary REPLAT certified Drawing for a fee of \$2,950.

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In February, Hahn surveyed and staked the parcel and learned that the Lawrence Street side measures 93.7 feet. Hahn sent Menendez a preliminary drawing and asked how Menendez wanted the lot split and got a reply to split the lot equally down a line perpendicular to Lawrence Street. Hahn responded that the zoning required 50 feet of road frontage. Menendez said he would contact the City of Indianapolis for guidance and get back to Hahn. From March to July of 2022, Hahn made several attempts to contact Menendez about the status of the proposed plat. Menendez didn't respond, and on July 28, 2022, Hahn sent Menendez an invoice for \$1,950 for the work completed.

Menendez didn't pay the invoice, and in February 2023 Hahn sued him in small-claims court (Washington Township, Marion County Court). At trial, it was explained that the survey was needed to determine the dimensions of the property which were found to be insufficient to divide the property as zoned.

Menendez disputed Hahn's version of events. He testified that after he told Hahn how he wanted the parcel to be split, Hahn never told him about a zoning issue and instead went silent for five months before sending him the invoice for the partial completion of the work. Menendez also argued that Hahn was wrong about the requirements of the zoning ordinance.

The small-claims court entered judgment for Hahn.

In its written order, the court explained, in part: the evidence establishes that Hahn prepared a retracement survey and certified drawing; the evidence fails to establish that retracement survey and certified drawing were performed incorrectly; the evidence establishes that delay was caused by Menendez's failure to respond to Hahn's inquiry on how to proceed; and, the evidence fails to establish Hahn breached the agreement or failed to follow industry standards or the applicable standard of practice.

Menendez appealed, contending the small claims court erred in entering judgment for Hahn. The Court of Appeals found that Menendez didn't make a prima facie showing of error and affirmed the judgment of the small-claims court.

A second judge concurred, but the third judge dissented with an interesting opinion. They found that the court applied the wrong law and would have reversed the court judgment as the contract was to provide two documents for one fee with no mention that the first document was needed to determine if the second document could be completed, and if the second document could not be completed, what the fee should be for only the first document. This judge also didn't see that there had been any value gained by Menendez getting the survey without the replat in this situation. My takeaway here is that even though I think the right decision was arrived at,

it is probably safer to spend a few more minutes preparing future contracts for multiple services like this that the survey is needed to determine if the replat is possible, and what the fee for the survey by itself will be if the replat is not possible.

Midwest Edge Development, LLC, v. Julie D. Kercher-Updike and Jeffrey B. Updike, Indiana Court of Appeals Case No. 24A-PL-558, September 30, 2024 - MEMORANDUM DECISION - not regarded as precedent

Julie D. Kercher-Updike and Jeffrey B. Updike (the Updikes) own a tract of land in Tippecanoe County subject to an express easement for ingress, egress, drainage, utilities and C.A.T.V. that provides for access to two adjacent tracts (Tracts 1 and 2) for the contemplated purpose of constructing single-family dwellings on those tracts. Midwest Edge Development, LLC (Midwest), simultaneously purchased Tracts 1 and 2 as well as a landlocked portion of a third tract (Tract 3 which was owned by the same entity as Tracts 1 and 2 when the easement was created) that is adjacent to Tracts 1 and 2 but is not adjacent to the Updike Tract. Midwest had plan commission approval to split the three tracts into seven parcels, four of which would include a portion of Tract 3 as essentially part of their backyards. A maximum of eight lots could have been platted on Tracts 1 and 2,

Legal Surveys

and a maximum of twelve lots could have been platted on Tracts 1, 2, and 3. A dispute arose between the Updikes and Midwest about whether Midwest could use the easement to service lots on Tract 3.

Midwest sought a declaratory judgment in the Tippecanoe Superior Court as to whether it would be unlawful to use the easement to access Tract 1 and/or Tract 2 and then cross into and use Tract 3 to develop single-family dwellings. The Updikes filed a motion for summary judgment, which the trial court granted, concluding that such a use would be unlawful.

On appeal, Midwest argues that the trial court's ruling is erroneous. Here there is no dispute about the facts of the case, only the correct application of the law. The court noted that because there was no indication the right to access Tract 3 from Tracts 1 and 2 was relinquished when the easement was executed, Midwest enjoys the right to do the same, and the question is whether the agreement prohibits Midwest from using the easement to develop and build single-family dwellings on Tract 3. The court cited both Indiana and Tennessee cases that held that the mere addition of other land to the dominant estate does not constitute an overburden of the easement.

Because it was undisputed that Midwest's proposed use of the easement would not impose an increased burden on the Updike Tract than that originally imposed on it by the purpose for which it was created, the court agreed with Midwest and reversed and remanded the case back to the trial court.

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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Highlights from the 2024 Women Surveyors Summit



Women Surveyors Summit 2024 attendees at Ohiopyle State Park near Pittsburgh, PA

Rachel Oser, PS

The 5th annual Women Surveyors Summit in Pittsburgh was a “for women, by women” event held over the first weekend in August that drew approximately 125 women from across the country, including eight from Indiana.

The summit kicked off with a lively four-hour reception on Thursday night. Most of us use our unstructured time at the ISPLS Convention to catch up with folks we already know. The summit was a great contrast,

partially because about half of the attendees were first-timers, so we were all mingling and making new friends. Women drawn to surveying have a lot in common, but our paths to the profession were all over the map.

On Friday, we explored the summit’s theme of working with high-profile clients. Our first session was a deep dive into the construction of Fallingwater and the collaboration of Frank Lloyd Wright with his prominent client, the Kaufmann family of Pittsburgh. After finishing our morning CEUs, we toured Fallingwater and its naturally striking grounds.

The property was transferred directly from the Kaufmanns to a conservancy, so details like Wright’s color choices and custom-designed furniture are perfectly preserved.

After the tour, we had a few free hours to explore nearby Ohiopyle State Park, where some braved the 100+ foot long natural waterslide down Meadow Run. The slide is a rough channel cut into the sandstone base of a small creek just above its confluence with the Youghioghney River. Luckily, the water level was low enough to make sliding relatively tame, and we emerged unscathed and grinning ear to ear.

Highlights from the 2024 Women Surveyors Summit

Saturday was all business, featuring eight hours of CEUs presented entirely by women. Even familiar topics, such as ethics, offered fresh insights from a woman's perspective.

After feasting on local favorites at Saturday's dinner featuring "A Taste of Pittsburgh," we were treated to a women's workwear fashion show. The models— all fellow attendees, including Indiana's Cara Tryling (née Morman) —showcased outfits suited for office-to-field and were rewarded for their moxie with the new clothes. It was a blast to cut loose and celebrate our femininity.

Four women from across Indiana met in Indy to carpool to Pittsburgh. We were ready to get home on Sunday, but when we learned the Point of Beginning of the PLSS was only forty-five minutes away,

we unanimously decided to take a detour. The original monument was set on the north bank of the Ohio River in 1785. It was destroyed by the river, but the point was memorialized with three historical markers along the south side of Ohio State Route 39/Pennsylvania Route 68 near East Liverpool, Ohio. This may have been our first road trip with a group enthused to go out of the way to see a historic survey marker!

We hope to host the summit in Indiana the next time it comes to the Midwest. In the meantime, we're excited to continue building camaraderie among Indiana's women in surveying. As a first step, we're planning a Women Surveyors Meet-Up at the 2025 convention on Thursday, Jan. 16, between 5 p.m. and 6 p.m.



Cara Tryling modeling outdoor workwear for the summit's workwear fashion show.



WSS 2024 Indiana attendees: Ellie Wind-CEC, Vianela Berra-JPR, Erika Hinshaw-CEC, Michelle Slack-Elkhart County Highway, Cara Tryling-Brandstetter Carroll Inc., Dr. Carol Morman-Cincinnati State, Cindy Candler-Schneider Geomatics and Rachel Oser-Oser Surveying and Mapping



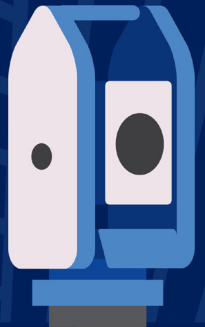
Erika Hinshaw, Rachel Oser, Michelle Slack, and Vianela Berra at the PLSS Point of Beginning in Ohio.

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PROGRAM | WEDNESDAY, JANUARY 15, 2025

Seiler Tech Day - Learn What is New in the Industry!

8:00 a.m. - 11:30 a.m.

Registration & Exhibit Hall Open

12:00 p.m. - 6:00 p.m.

Surveyors in Jeopardy Gary Kent

1:00 p.m. - 4:00 p.m. | Mandatory | 3 CEUs

This program is presented in a jeopardy-like format with the presenter offering answers for which audience members - assembled into teams - must provide the relevant question. The program will have approximately 175 questions/answers in a variety of topic areas including: Indiana Statutes and Rules; Rule 12; Boundaries; ALTA/NSPS Land Title Surveys; Safety and Health; Expert Witness; Easements and Rights of Way; and Risk Management. This is a very "audience participation"-centric program; it is far more than a simple trivia contest. Answers and questions will be discussed in depth, as appropriate or necessary to ensure that all participants understand the context and correct answers, and why other answers are incorrect.

Ethics for Land Surveyors and Engineers Jeff Lucas

1:00 p.m. - 4:00 p.m. | Mandatory | 3 CEUs

Holding a license as a Professional Land Surveyor is truly a privilege and an honor. However, such a distinction also carries with it obligations. One such obligation is to practice professionally and ethically. This seminar will cover professionalism and ethics from a general viewpoint, and from that of a land surveyor. In addition to reviewing and discussing published standards such as the Professional Conduct portion of Title 865,

the seminar will include discussions of various situations involving professional ethics.

Welcome Reception

4:00 p.m. - 6:00 p.m.

Kick off your ISPLS convention experience with our welcome reception! Familiarize yourself with our vendors, exhibitors and their products while enjoying a cocktail and hors d'oeuvres. Open to all attendees.

Purdue University Alumni Party

6:00 p.m. - 8:00 p.m.

Join alumni from your alma mater to reminisce on those glory days and support their programs. Details forthcoming.

Surveyors Historical Society Meeting

6:00 p.m. - 7:00 p.m.

Vincennes University Alumni Party

6:00 p.m. - 8:00 p.m.

Join fellow Vincennes University alumni at this annual reception event. Register for the event [HERE](#). Please note that selecting this schedule item when registering for ISPLS Annual Convention is not considered registration for the reception. You must complete the external form to register for the reception.



PROGRAM | THURSDAY, JANUARY 16, 2025

Registration & Exhibit Hall Open

7:00 a.m. - 4:00 p.m.

Breakfast

7:00 a.m. - 8:00 a.m.

PAC Breakfast

7:00 a.m. - 8:00 a.m.

The Art of Retracement Gary Kent

8:00 a.m. - 3:30 p.m. | Mandatory | 6 CEUs

This program will provoke deep thought on the part of the audience and interaction with the presenter as support is provided for practices that surveyors have been taught and believe that they are not allowed to do. Along the way, the audience will be provided a flowchart to guide them in the retracement process and several example boundary survey scenarios will be offered for discussion with the audience. The program includes content that will provoke and engage the audience by encouraging critical thinking about some survey practices.

What Went Wrong? Jeff Lucas

8:00 a.m. - 11:00 a.m. | Mandatory | 3 CEUs

At least 10 court cases will be studied to determine the steps taken by the errant surveyor and the lessons that can be learned from the mistakes made by others. Errors and omission, negligence and boundary law will be studied to enhance attendees professional competence.

New Datums and You: How to Prepare for the Upcoming Updates from NGS Jacob Heck & Matthew Badger

8:00 a.m. - 11:00 a.m. | Elective | 3 CEUs

During this joint presentation, we will discuss how NGS is updating the National Spatial Reference System, including the update from NAD 83 and NAVD 88 to NATRF2022 and NAPGD2022, fundamentally changing the approach to geodetic control in the very near future. This will include the online tools that are available,

updates to survey field practices to work in the new system, and showing the modernized role of passive control and the CORS network. This will be presented from both the NGS perspective and that of the practitioner, so it will cover practical impacts of how to prepare for the change, including maintaining existing data.

Precision: The Journey of Height Modernization in Indiana Randall Nick

8:00 a.m. - 11:00 a.m. | Elective | 3 CEUs

The award-winning Indiana Height Modernization Project is the only project of its kind ever performed in the State of Indiana. The project provided a significant upgrade to access to accurate and reliable Heights throughout Indiana. After a 10-year effort, Statewide completion was accomplished in 2023.

Lunch

11:00 a.m. - 12:30 p.m.

Rights of Way and Prescriptive Rights Jeff Lucas

12:30 p.m. - 3:30 p.m. | Mandatory | 3 CEUs

This discussion focuses on the basic requirements for preparing the documents and materials necessary for INDOT's Right of Way Engineering process in compliance with the Indiana Administrative Code (Title 865) - namely Rule 12 (Land Surveying; Competent Practice). Additionally, the course relates the application of Route Surveys (Location Control Route Surveys) focusing on the Right of Way Engineering documents (i.e., R/W Parcel Plats and descriptions) required for INDOT or LPA (Local Public Agency) projects. To gain prequalification status, or remain on INDOT's prequalification list, consultants are required to complete this training once every two years.



PROGRAM | THURSDAY, JANUARY 16, 2025 (CONTINUED)

Indiana Common Law Research for Surveyors **Bryan Catlin**

12:30 p.m. - 1:45 p.m. | Mandatory | 1.5 CEUs

This session will show attendees how to perform on-line research of Indiana common law so that boundary decisions can be made that comply with common law.

Beyond Boundaries: Technology Integration in Surveying **Steven Jones**

12:30 p.m. - 1:45 p.m. | Elective | 1.5 CEUs

The course will investigate the integration of new technologies and how these may impact the profession. It will address how to prepare for upcoming needs in staff development, hiring, and recruiting. Topics addressed will be the applications of LiDAR, Unmanned Aircraft Systems, Artificial Intelligence, the modernization of the National Spatial Reference System and how to capitalize on these changes.

The Importance of a Passive Control GPS Networks for Surveying and Mapping **Kevin Breizke**

2:15 p.m. - 3:30 p.m. | Elective | 1.5 CEUs

Reviewing the data and spreadsheets that were created from 4 to 5-hour OPUS observations of NGS benchmarks, we can appreciate the limitations of our shorter-term RTK GPS observations. For additional comparison, we observed the 3 miles by 3-mile grid of passive benchmarks I set in 1999 for the Porter County Auditors digital ortho photogrammetry project. Those benchmarks for which we contracted GPS observations in 1999 were based on Porter County's six HARN points observed in 1997. Also, I developed a high order passive point network to check, calibrate or correct references and ground control. I will discuss the procedures and issues of recovering the historic NGS monuments, problems and solutions for declaring the benchmarks "Destroyed", and multipath issues that led to failure of OPUS solution and we need to be aware of for other GPS observations. Finally, OPUS observed passive marks can ensure accurate geospatial data and support other ongoing surveying and mapping efforts.

Drones: More Than a Birds Eye View **Kory Allred**

2:15 p.m. - 3:30 p.m. | Elective | 1.5 CEUs

By now Land Surveyors know what drones are and that they are making an impact in the profession. But what exactly can they be used for? We will discuss drones, processing, data, and accuracy at a deeper level.

Greenville Treaty Chapter Meeting

3:30 p.m. - 4:00 p.m.

St. Joseph Valley Chapter Meeting

3:30 p.m. - 4:00 p.m.

ISPLS Annual Business Meeting

4:00 p.m. - 5:30 p.m.

General Membership Business Meeting to discuss the past and future activities of ISPLS and the IPLS Foundation.

Women Surveyors Meet-Up

5:00 p.m. - 6:00 p.m.

Cocktail Reception

6:00 p.m. - 6:30 p.m.

ISPLS Convention Banquet and Award Presentation

6:30 p.m. - 8:00 p.m.

Ticket required (one ticket included in Full Registration). Essential and One-Day registrants require separate ticket purchase.



PROGRAM | FRIDAY, JANUARY 17, 2025

Registration & Exhibit Hall Open

7:00 a.m. - 12:30 p.m.

Breakfast

7:00 a.m. - 8:00 a.m.

Mock Trial - Hobert v. Rogers

Gary Kent

8:00 a.m. - 3:30 p.m. | Mandatory | 6 CEUs

Jesse Hobert was granted a right of way easement by virtue of a 2010 Stipulated Order of the Indiana State Supreme Court in order to access his lots 19 through 22 in Mohawk Lake Number I Subdivision. The easement is in the Northeast Quarter of Section 24 on property now owned by Daniel Vincent, which completely surrounds Mohawk Lake and Mohawk Lake Subdivision. Charles Rogers believes, based on where his surveyor William Foster surveyed the back line of his Lots 23 and 24, that the drive Hobert has been using is actually across the back of his (Rogers') lots, and not on Vincent's property, where it is supposed to be.

To the contrary, Hobert's surveyor Joseph Meyers believes that the back lot lines are some 30 to 40 feet northeast and closer to the lake from where surveyor Foster set the line. Therefore, Hobert claims his drive is not on Rogers' property, but rather within Vincent's property as it is supposed to be. He claims that Rogers has been interfering with his use of his easement and drive. Both surveyors provided seemingly credible justification for their resolution of the lot lines.

Two attorneys and a judge will participate with the audience sitting in as jury as the plaintiff, defendant and the two surveyors testify, and we explore the chains of title, conflicting plats and surveys of the Mohawk Lake Subdivision lots and the related boundary law principles.

As an integral part of the trial, questions will be taken from the audience. In addition, the judge will discuss the process and procedures in such a case and the attorneys will offer guidance and suggestions to those who would testify as expert witnesses.

Survey Evidence and Procedures

Jeff Lucas

8:00 a.m. - 11:00 a.m. | Mandatory | 3 CEUs

Surveyors are often the first to discover a boundary problem. When the surveyor discloses the problem and walks away, what other remedies are available to the surveyor? What knowledge, skills and expertise can the surveyor bring to the resolution table? We will discuss the various remedies that can be used to deal with property line problems, whether caused by a failure in the title documentation or a failure in the boundary's location. We will discuss the surveyor's role in applying the laws designed to assist in the resolution process from mediation to litigation.

New Datums and You: How to Prepare for the Upcoming Updates from NGS

Jacob Heck & Matt Badger

8:00 a.m. - 11:00 a.m. | Elective | 3 CEUs

During this joint presentation, we will discuss how NGS is updating the National Spatial Reference System, including the update from NAD 83 and NAVD 88 to NAD 83(2011) and NAPGD2022, fundamentally changing the approach to geodetic control in the very near future. This will include the online tools that are available, updates to survey field practices to work in the new system, and showing the modernized role of passive control and the CORS network. This will be presented from both the NGS perspective and that of the practitioner, so it will cover practical impacts of how to prepare for the change, including maintaining existing data.

Can They Find You? Promoting Your Business in Today's Society

Kevin Woeste

8:00 a.m. - 11:00 a.m. | Elective | 3 CEUs

We will be walking through the basics of creating a website, why it's important to have SEO, how to post on LinkedIn, why blogs and short form videos are critical. We will be walking through the basics of social media, how they boost your work and post. Lastly, we will cover why it's important to show the public the work you do every day.



PROGRAM | FRIDAY, JANUARY 17, 2025 (CONTINUED)

Lunch & Foundation Raffle Drawing

11:00 a.m. - 12:30 p.m.

Festival License Number 13458

Title Insurance for Land Surveyors

Jeff Lucas

12:30 p.m. - 3:30 p.m. | Elective | 3 CEUs

Attendees will learn about the connection between the boundary survey and title insurance, the potential liability to the land surveyor and just what it is that the title policy is covering. Are surveyors in the insurance business? If so, just what is it they are insuring? These and other issues.

Boundary Tracer - Engaging Highschoolers with Boundary Surveying

Joshua Carpenter

12:30 p.m. - 1:45 p.m. | Elective | 1.5 CEUs

This session reports on introducing highschoolers to topographic, UAV, and boundary surveying during a week-long surveying and civil engineering bootcamp held at Purdue University. Boundary retracement is core to the role of a surveyor, but it is uniquely difficult to allow students to experience – especially in a classroom setting. To address this need, we developed a table-top exercise which simulates the evidential, historical, and geometric dimensions of boundary retracement within a simplified environment. We've dubbed this tool 'Boundary Tracer'. This talk focuses on the development and implementation of the exercise and discusses how students engaged with boundary surveying for the first time. Attendees will hear many examples of educational strategies which might inform their own efforts to educate or promote the surveying profession.

Laser Scanning: What Can Go Wrong?

Kory Allred

12:30 p.m. - 1:45 p.m. | Elective | 1.5 CEUs

I thought I had the perfect plan and knew what to do when I started this scanning job. But the end product wasn't the perfect mesh I thought it would be. We will discuss the process I followed, the mistakes that were made, and the changes I've made in since then to get a better product.

Boundary Tracer - Demonstrating a Tool for Surveying Education

Joshua Carpenter

2:15 p.m. - 3:30 p.m. | Elective | 1.5 CEUs

Boundary Tracer is an online tool helping novices experience the evidential, historical, and geometric dimensions of boundary retracement. This session will briefly describe the development of the tool and then walk through several exercises to demonstrate its use. Boundary Tracer was initially developed as a table-top exercise as part of a surveying and civil engineering bootcamp for highschoolers hosted by Purdue University. After the bootcamp, the exercise was moved to an online platform. Attendees interested in surveying outreach will learn about a new educational strategy that is being developed and can employ it freely and immediately in educational settings. Attendees new to the profession will get a refresher on the boundary retracement procedure and strengthen their intuition of its core principles.



ISPLS Annual Convention brings surveying professionals from around the Midwest together in one place to connect and learn. Build relationships and gain new ideas to take back and implement for your company. This year's schedule balances education and networking. Whether this is your first event or you're a veteran, there's something here for everyone.

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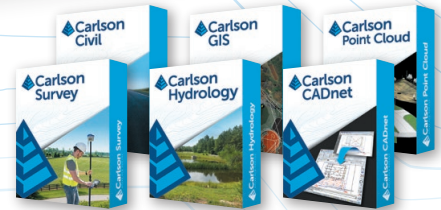
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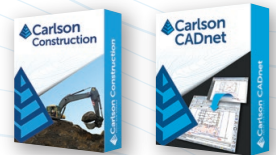
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South Bend Puerto Rican Surveyor Paves the Way for Future Puerto Ricans in Indiana

Michelle Slack, PS

The Future Surveyors Foundation hosted its annual Women Surveyors Summit in Pittsburgh, Pennsylvania, in August 2024. With the summit being near Ohiopyle State Park, we spent an entire day discussing and touring Frank Lloyd Wright's Falling Water masterpiece and visiting the park. We had a session on the Mason-Dixon Line and learned how crazy it would be to work in Ohio, where the land is the birthplace and testing ground for the Public Land Survey System. We learned about Military Mapping Maidens, ethics for surveyors and working with old deeds and descriptions. Indiana's own Cindy Candler, PS, from Schneider Geomatics, gave a presentation on "Succeeding with VIP Clients."

The most notable session was "High Profile Projects" by Natalie Martinez-Vega. Natalie is a native Puerto Rican who has excelled tremendously in her surveying career and has made a name for herself on the national level working for the Army Corps of Engineers. Natalie joined ten other female surveyors from Women In Survey-Puerto Rico¹ as they came together from all parts of the United States mainland



Jeff Barnes, PS from Jones Petrie Rafinski and Vianela Berra at the University of Puerto Rico at Mayagüez job fair in October 2022.

and the Puerto Rican island to reunite and share their experiences as minority female surveyors. One of those eleven ladies attending was Vianela Berra, who is currently a graduate surveyor working for Jones Petrie Rafinski (JPR) out of South Bend, Indiana.

Vianela is a Puerto Rican with Dominican roots who graduated from the University of Puerto Rico at Mayagüez (UPRM). She went to university for civil engineering, following in her sister's footsteps,

but ended up in surveying. She loved it so much she decided to remain in the program.

So how did Vianela make her way to South Bend to end up working for Jeff Barnes at JPR? In the spring of 2022, when she was a junior in the Land Surveying and Topography program at UPRM, Vianela was on the hunt for a summer internship. Her research on Indeed.com led her to a JPR posting, where upon interviewing over videoconference she was offered a summer internship.

¹ Women In Surveying-Puerto Rico was started by Dr. Evi De Da Rosa Ricciardi, a surveying professor at UPRM. It is for all women who graduate in a surveying program in Puerto Rico, which includes both UPRM and Polytechnic University of Puerto Rico.

South Bend Puerto Rican Surveyor Paves the Way for Future Puerto Ricans in Indiana

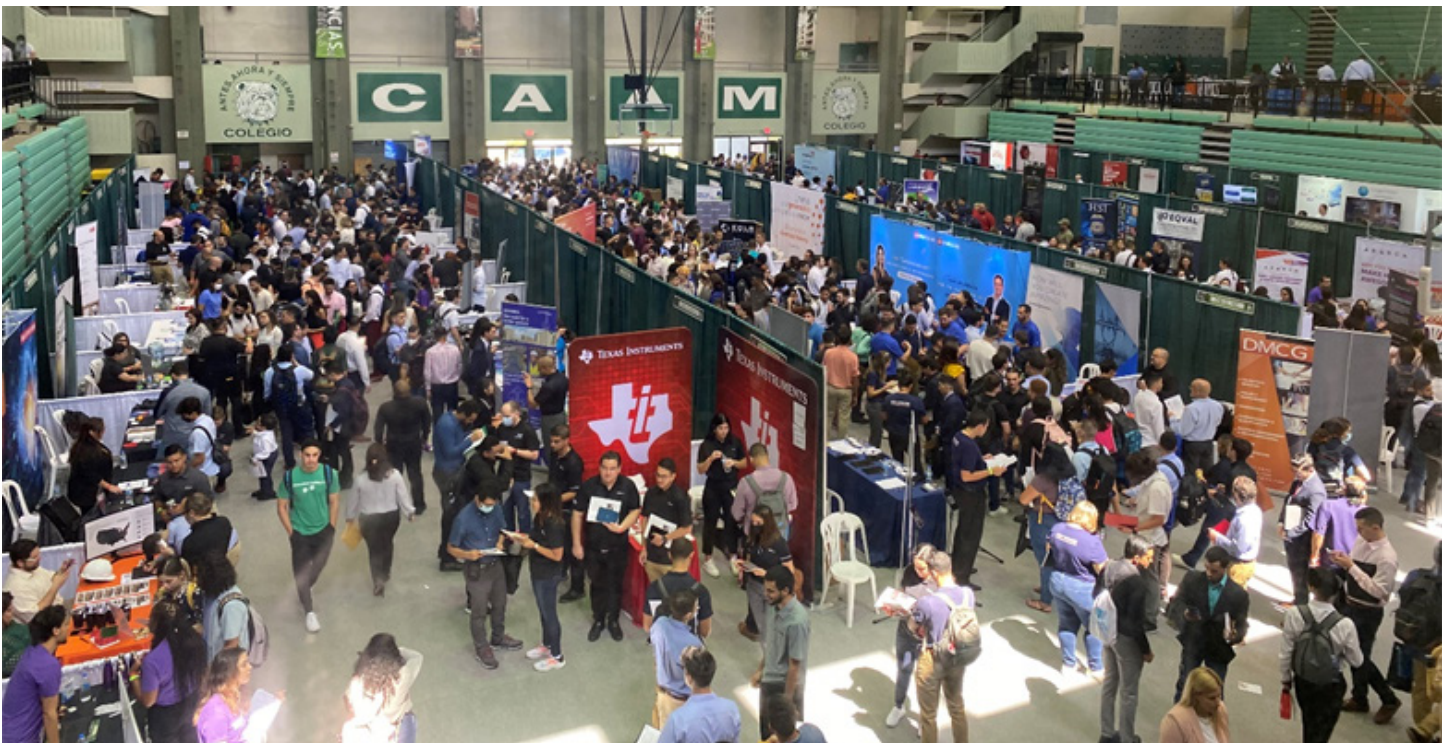
She worked for the summer, then returned to the island to complete her senior year, while continuing to work remotely for Jeff between classes. After Jeff learned about a UPRM job fair that was to be held that fall, he ventured to the island in October 2022 to attend it as an exhibitor for JPR. He enlisted the help of Vianela with Spanish-to-English translation. At the end of the job fair, JPR ended up with about 65 resumes for surveyors and civil engineers.

Upon graduation in 2023, Vianela returned to South Bend for permanent employment with JPR, and JPR hired another summer intern for civil engineering from UPRM.

Jeff's experience with the hiring process from Puerto Rico was very positive. There was a huge pool of surveying students looking for work and eager to gain new experiences and opportunities. Due to the economy on the island, the surveying positions available are few and far between, and the jobs that are available do not pay a living wage, partly due to the political and economic status of the island. Also, there were more candidates to choose from in Puerto Rico than if he had only searched in-state.

In terms of hiring a new employee, it was no different for JPR to hire an individual from Puerto Rico than from Indiana. Puerto Rico is a U.S. Territory and the islanders

have the same fundamental rights as U.S. citizens. There is no need for a work permit or a VISA. Jeff was quick to note that hiring Vianela from Puerto Rico was not any different from hiring from a school in the South Bend area. All surveying students at the end of their college career still have a lot to learn on the job, regardless of where they come from. It was a matter of teaching Vianela the "JPR" way, which would have to be done even if he hired from within Indiana. As many surveying/engineering employers in Indiana and throughout the United States are aware, finding job candidates for this profession is difficult. It is even more difficult to find people that have a working knowledge of land surveying.



University of Puerto Rico at Mayagüez job fair in October 2022.

South Bend Puerto Rican Surveyor Paves the Way for Future Puerto Ricans in Indiana

Vianela's path to surveying in South Bend sounds very typical to other students coming from a college or university in Indiana. While in school, she interned for RLTR Land Surveyors, PSC. RLTR is owned by Ruth Trujillo Rodriguez, who happens to own and operate as the only female surveying business on the island. Vianela said working for Ruth was very inspiring, making her want to excel. Her work experience on the island included boundary and topographic surveys, as well as dabbling in the measurement of ocean tides and writing metes-and-bounds legal descriptions. Her experience was different from an Indiana student because field work was challenging due to the hills, mountains and very wooded areas. Also, all measurements in Puerto Rico are in the metric system, so getting used to reading an English leveling rod took some time. However, she is like all surveyors in that she loves the ability to work both inside and outside, to create drawings, and to calculate boundaries or solutions to problems.

For Vianela, leaving the island was hard but it's what she knew she would do. Her older sister graduated from UPRM and went to the mainland for better opportunities. So coming to South Bend was not that far-fetched ... except for maybe the cold climate. Obtaining work on the mainland is easy for surveyors and most professionals from Puerto Rico because the mainland is short-staffed in some areas of

employment. Most young Puerto Ricans accept leaving the island as their fate because they find better employment opportunities elsewhere, and the pay is about twice as much, or more, as what they would make on the island. Vianela added that it is a sad fate because all the young professionals are moving away, leaving their country, family and friends behind.

Vianela said she does not favor the climate in northern Indiana, but she is making the most of it. Jeff chimed in that she had to learn the hard way that her car, which was shipped from the island, required antifreeze in the winter months! Thankfully, it suffered little damage. She does not miss the heat and humidity of Puerto Rico, because it is not common to have air conditioning in households; a/c is a luxury on the island for certain families. She already had a driver's license, so upon moving here, she simply updated her identification to show residency in Indiana. Vianela said that of all the things she misses, it is her family the most. In her words, "I guess this is my home now."

The language barrier was probably the most challenging for both Jeff and Vianela. Jeff had Spanish in high school, so he only knew a few words, but he was sure to teach Vianela some of our slang. And even though Vianela learned English as a child, she was most familiar with the written form. She was not used to hearing it

spoken daily by everyone around her, nor was she used to speaking it daily herself. But with an open mind and patience on the part of both, in time language was not an issue. Jeff noted that even though it was a slight hurdle for him, the company benefitted by Vianela's ability to be an English translator with clients who are primarily Spanish-speaking. Vianela enjoys being a translator, and this has given her the opportunity to learn more about projects by having access to clients and meetings that most surveying rookies do not.

The downside of graduating from UPRM is that it will take Vianela longer to obtain a surveyor's license in Indiana. The Bachelor of Science in Surveying and Topography from the University of Puerto Rico at Mayagüez has been an ABET accredited program since 2019. However, it is not currently recognized as an approved surveying school to enable licensure in Indiana. Vianela was able to register to take the Fundamentals of Surveying Exam because it is a nationwide test. But to sit for the Professional Surveying exam in Indiana, she will have to acquire more work experience since her alma mater is not an approved school. Vianela and JPR are working with the Indiana Professional Licensing Agency to get UPRM on the approved list. They are hoping to pave the way for other Puerto Ricans from UPRM to more easily obtain surveyor licensure in Indiana.

South Bend Puerto Rican Surveyor Paves the Way for Future Puerto Ricans in Indiana

Jeff recommends that other surveying firms should search for potential candidates from the University of Puerto Rico at Mayagüez program. It was very clear from the conversation with Jeff that he is very relieved to be getting some help.

Vianela's recommendation to prospective employers on the mainland is that if they hire a surveyor from UPRM to have patience because Puerto Ricans

come from a different culture and will need time to adapt. Her advice to students from Puerto Ricans is to not give up; it takes time to adjust, and it will get better.

With a shortfall of surveyors nationwide, the profession needs to make accommodations to access help from anywhere we can get it. Indiana is no different. It seems that the University of Puerto Rico at Mayagüez is a great

alternative to local colleges and universities, even if it is an ocean away.

Michelle Slack is a licensed land surveyor from Mishawaka, Indiana, employed as a project surveyor by Elkhart County Highway.

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Indiana Implements Stricter Enforcement of “Move Over Law” in Updated Driver’s Test

Automatic Failure Now in Place for Drivers Failing to Yield to Emergency and Stationary Vehicles

The Indiana Bureau of Motor Vehicles (BMV) has introduced an important update to the Indiana Driver’s Test and Manual, with specific emphasis on the state’s “Move Over Law.” Drivers who fail to properly pull over or stop for emergency vehicles will face automatic failure of their driver’s skills test. This revision underscores the critical importance of road safety and the protection of emergency personnel, construction workers, and survey crews working along the state’s roadways.

EXPLANATION OF DIFFERENCES IN PROPOSED RULE

BMV made one (1) change to the list of actions under 140 IAC 4-4-11 that result in an automatic failure of the driving skills examination based on public comments. Specifically, the language in 140 IAC 4-4-11(a)(15) is amended to read as follows:

(15) Failing to pull over or stop for emergency vehicles or school buses, as required by IC 9-21-8- 35(a) or IC 9-21-8-35(b), or stationary:

(A) recovery vehicles;

(B) utility service vehicles, as defined in IC 8-1-8.3-5;

(C) solid waste haulers;

(D) road, street, or highway maintenance vehicles; or

(E) survey or construction vehicles, as required by IC 9-21-8-35(c).

The rule (15)(e) is an addition that explicitly includes “survey or construction vehicles” in the list of conditions when a driver must move over or slow down.

Failure to comply will now result in immediate disqualification during the skills test, reflecting the state’s commitment to holding drivers accountable for ensuring the safety of all individuals who work on or near the road.

The revision follows growing concern over the number of accidents involving roadside workers and emergency personnel. In recent years, several incidents in Indiana have highlighted the dangers faced by those whose jobs require them to be on or near highways. The new driver testing standards aim to improve safety for all, while also increasing awareness of this crucial law among new drivers.

Indiana’s BMV encourages all drivers to review the updated driver’s manual and understand the new requirements. Current drivers are also reminded of their obligation to observe the “Move Over Law” as part of their driving responsibility.

For more information about the law and updates to the driver’s manual, visit <http://iac.iga.in.gov/iac/20240925-IR-140240214SNA.xml.pdf>.

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