

SURVEYOR

HOODS

Indiana Society of Professional Land Surveyors, Inc.

Affiliated with the American Congress on Surveying and Mapping and
the National Society of Professional Surveyors



Mayor Bill Hudnut presents proclamation to
Jake Hall, Jack Irwin, Gary Kent, Dave Wahlstrom
and Luther Condre.

SURVEYOR'S WEEK IN INDIANAPOLIS MARCH 13-19, 1983



VOLUME 10
NUMBER 2
SPRING 1983



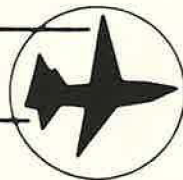
ALSO IN THIS ISSUE:

- New Laws Affecting County Surveyors in Indiana
- "Surveying Town Lots" - 1889
- Initial Point Developments
- County Surveyor's Association Election Results

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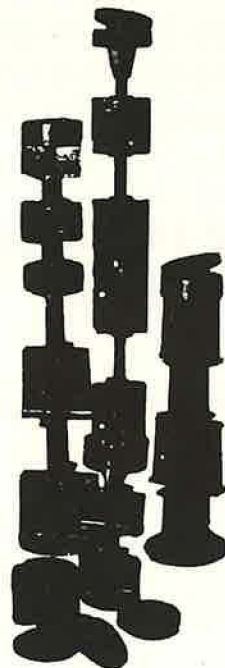
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HOOSIER SURVEYOR

VOLUME 10, NUMBER 2, SPRING 1983

Committee Assignments as of March 21, 1983

STANDING COMMITTEES

Headquarters - ISPLS Executive Committee Function

Jud Rouch - President
Jake Hall - President-Elect
Robert Bigelow - Vice-President
Gary R. Kent - Secretary
Lee Bender - Treasurer

By-Laws

Robert Bigelow - Chairman
Rollyn Blankenbaker - Vice-Chairman
Byron Brady

Chapters

James Q. Morley - Chairman
Jerry Carter - Vice-Chairman
Rex Bowman
Robert Daake
Ordell Gertsmeier
Mike Feldbusch
Greg Buckel

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David A. Wahlstrom - Chairman
Carl Anderson - Vice-Chairman
Art Haase
Dallas Montgomery
Wes Crawford

Convention Coordinating

Robert Bigelow - Chairman
Gary R. Kent - Vice-Chairman
Dan Pusey

Sub - Convention 1984

Roger Woodfill, Roger Fine-Co-Chairmen
Larry Manning
Don Craig
Larry Pensinger

Sub - Convention 1985

John McConahay - Interim Chairman
Don Rock
Byron Brady

Sub - ACSM Convention 1985

Roger Woodfill - Chairman
C.A. Budnick - Vice-Chairman
David A. Wahlstrom
Jerry Carter
Orwic Johnson
Ron Wharry

Indiana Historical Land Marks

Nelson Prall
Walter Strahl
Philip Thornburg
Garner Willey
Jerry Martin

Ethics

John V. Schneider - Chairman
John W. Whitlock - Vice-Chairman
David Wolf

Finance

Lee Bender - Chairman
Jake Hall - Vice-Chairman
Carl Anderson

Legislative

Pat Cunningham - Chairman
Bradley Rayl - Vice-Chairman
Dale Long
William Tanke
Luther Condre
Kent Ward
Ralph Wallem

Membership

Joe Blevins - Chairman
Pat Cunningham - Vice-Chairman
Jerry Carter
Hershel Manhart
John Silnes

Nominating

Wesley Day - Chairman
David Wolf - Vice-Chairman
Orwic Johnson

Public Relations

Ronald Wharry - Chairman
Ray Tappan - Vice-Chairman
David Smoll
Dale Grimes

Public Relations - Sub

S.W. Satellite
Ralph Wallem - Coordinator
Lee Mehling
Art Haase

S.E. Satellite

Rollyn Blankenbaker - Coordinator
Dallas Montgomery
Phil Burress

N.W. Satellite

Don Shapiro - Coordinator
Jim Gorske
Ken Gembala
N.W. Satellite
Ron Weaver - Coordinator

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County Surveyor

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John W. Whitlock - Vice-Chairman
James Milligan
Van Janovic

Great Lakes Coordinating Council Delegate

Jud Rouch

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L.S. Exam

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John V. Schneider - Vice-Chairman
James Dankert

Sub - L.S. Exam

George Crowder - Coordinator
Don Bengel
Robert Kelker
Steve Wood
Ron Weaver
Alan Stanley

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Alan Stanley - Chairman
Larry Manning - Vice-Chairman
Don Craig
Dan Pusey

Scholarship

Lee Bender - Chairman
James Q. Morley - Chairman South
Art Haase
Orwic Johnson
Lee Bender
Greg Eveslage
Emil Beeg - Chairman North
Dan Pusey
Donald Bengel
Greg Deeds
Lee Bender

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John E. Fisher
William Andrews
Scott Zacharias

Standards

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(Ken Curtis - Advisor)

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Wesley Crawford - Chairman
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David Pilz

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Mike Arena - Vice-Chairman
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(Roger Durham - Advisor)

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Hoosier Surveyor Editor

Gary R. Kent

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Construction Council

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Larry Manning - Alternate

NSPS Governor

Gary R. Kent - Chairman
Pat Cunningham - Alternate

Summer Family Function

Don Bengel - Chairman
Kenton Ward
Greg Deeds
Al McConahay
Bill Andrews
Dave Pilz

EDITOR'S NOTE

Deadlines for copy for various planned issues of the *HOOSIER SURVEYOR* are as follows:

Winter issue - January 31 Summer issue - July 31 Spring issue - April 30 Fall issue - October 31. The *HOOSIER SURVEYOR* is composed and reproduced by Marbaugh Engineering Supply Co., Inc., Indianapolis, IN.

The *HOOSIER SURVEYOR* is published quarterly by the *INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS*, to inform land surveyors and related professions, government officials, educational institutions, libraries, contractors, suppliers, and associated businesses and industries about land surveying affairs.

Editorial/Advertising Offices:

5355 E. 38th Street, Suite 209
Indianapolis, Indiana 46218
317/546-0188

Advertising rates, closing dates, circulation data on request. Contributed articles, photographs subject to space limitations.

Gary Kent
Editor

CONTENTS

Officers, Board of Directors & Committee Assignments	1
Sustaining and Firm Member Listing	3
Firm Member Professional Directory	3-5
Highlights from Board of Directors Meetings	6
Preliminary 1983-1984 ISPLS Budget	7-8
President's Address to New L.S. Registrants	9
Indiana Historical Landmarks: Initial Point	10
Indiana County Surveyor's Association- Election Results	11
ACSM- Legislative News	11
ACSM Application	12-13
Problem Corner Solution	14
Calender	15
Announcements	15
Hoosier Surveyor Advertising Rates	15
Legislative Update- New Laws Affecting Co. Surveyors	16-19
Surveying Town Lots- Indiana Society of Civil Engineers and Surveyors, 9th & 10th Annual Meetings	20-25
Additional New Laws in Indiana	26
License a Requirement for Co. Surveyor's Office in Texas	27-28
Right for Surveyor to be in Road Upheld	28

NOTICE!!!!

PLEASE NOTE ON PAGE 15 OF THIS ISSUE THAT THE PREVIOUSLY PUBLISHED DATES FOR THE 1985 ASCM/ASP FALL CONVENTION IN INDIANAPOLIS AND THE 1984 TRI-STATE CONVENTION TO BE HELD IN CINCINNATI HAVE BEEN CHANGED!! THE PREVIOUSLY PUBLISHED DATE FOR THE 1985 ACSM/ASP CONVENTION HAS BEEN OFFICIALLY CHANGED. THE 1984 TRI-STATE DATE PREVIOUSLY PUBLISHED WAS IN ERROR. WE APOLOGIZE FOR ANY PROBLEMS THIS MAY HAVE CAUSED.

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Anoka, Minnesota 55303
612/421-1445

Hickerson
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Indianapolis, Indiana
46226

G. Lengemann Company
2314 N. 5th Street
P.O. Box 496
Niles, Michigan 49120

Schonstedt Instrument Company
1775 Wiehle Avenue
Reston, Virginia
22090

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(Firm Member Professional Directory Follows)

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John R. Donovan

Fink, Roberts, and Petrie, Inc.

E. J. Hutson & Associates

Mid-States Engineering Company, Inc.

Richard E. Mitchell

Brien Engineering

Ohio Valley Engineers, Inc.

Peller-Tanck-Gertsmeier-Reinert, Inc.

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Reid, Quebe, Allison, Wilcox & Associates

Jud Rouch Surveying Consultants

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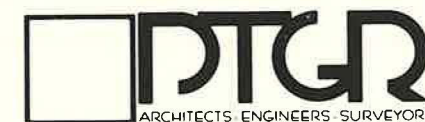
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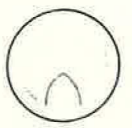
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MERRILLVILLE, INDIANA 46410

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<p>columbus surveying & engineering</p>  <p>ORWIC A. JOHNSON P.E.-L.S. p.o box 1171, columbus, indiana 47201 ph (812) 372-0996</p>	<p>Mid-States Engineering Co., Inc. 107 N. Pennsylvania Ave., Suite 703 Indianapolis, Indiana 46204 317/634-6235</p>

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HIGHLIGHTS OF THE BOARD OF DIRECTORS MEETINGS

April 9, 1983 : Civil Engineering Building, Purdue University, West Lafayette

Attending: Jud Rouch, Jake Hall, Gary Kent, Lee Bender,
Carl Anderson, Pat Cunningham, Al McConahay,
Jim Morley.

Not Attending: Bob Bigelow, Larry Manning, Ray Tappan,
and John Whitlock.

- An increase in society headquarters rent to \$190 was approved. ISPE asked for the increase in the space that we rent from them due an increase in their rent.
- President Rouch reported on a resolution passed unanimously by the Great Lakes Council of NSPS voicing concern over "where we are" in the planning of the 1985 ACSM-ASP Fall Meeting.
- Report by Ad Hoc committee on Marketcap insurance proposal.
- Presentation by Mr. Irwin Page of Insurance Specialties, Inc. outlining a proposal to provide business insurance to members of ISPLS. The proposal is to be investigated by the Ad Hoc committee.
- A motion was made and carried providing that ISPLS shall underwrite the Purdue and Vincennes scholarship awards at \$900 and \$450 respectively.
- A dues structure for 1983-1984 was adopted [see page 8 of this issue.]
- \$280 of the 1983 Bi-State convention profits was allocated to the Tecumseh Chapter for its work on the convention.
- Carl Anderson's offer to set up and run the society budget on a monthly system on his computer at no cost for 6 months was accepted.
- \$500 seed money was allocated to go towards the planning of the 1984 Tri-State convention.
- The typewriter donated last year by Wes Day has been reconditioned and is now being used for society correspondence.

May 7, 1983 : Century Center, South Bend

Attending: Jud Rouch, Jake Hall, Bob Bigelow, Gary Kent,
Lee Bender, Ray Tappan, and Carl Anderson.

Not Attending: Al McConahay, Pat Cunningham, Jim Morley,
Larry Manning, and John Whitlock.

Also Attending: Dan Pusey and John McNamara

- President Rouch was instructed by the Board to sign the ACSM-ASP-ISPLS agreement concerning the planning and running of the 1985 ACSM-ASP Fall Technical Meeting.
- ISPLS will need to pay about \$100 into the Purdue scholarship fund and \$240 into the Vincennes scholarship fund due a shortfall in the amount of money in those funds and due to April Board action underwriting specific scholarship amounts.
- The Board toured the Century Center and the Marriot Hotel facilities and voted to hold the 1985 ISPLS Convention in South Bend. Details on dates and exact facilities to be used will be decided by the Convention Coordinating Committee and St. Joe Valley Chapter representatives.
- A preliminary 1983-1984 society budget of \$24,850 was adopted. [see page 7 of this issue].

FUTURE MEETING DATES : June 11, 1983 at Headquarters in Indianapolis, 10am.
August 6, 1983 at Purdue University (CE Bldg.), 10am.
Sept. 3, 1983 at Vincennes University, 10am.

INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS

1983-84 BUDGET

EXPENSES

EXPENSES	MONTH	TODATE	BALANCE IN BUDGET
S-10 Office Rent		\$ 2,280.00	
S-20 Telephone		1,000.00	
S-30 Office Supplies		350.00	
S-40 Postage		1,500.00	
S-60 Sales Tax		125.00	
S-70 Equipment Repair & Maint.		100.00	
S-80 Accounting Service		750.00	
S-85 Attorney Fees		500.00	
S-90 Insurance		250.00	
TOTAL		\$ 6,855.00	
G-10 Hoosier Surveyor		\$ 2,000.00	
G-20 Misc. Print		100.00	
G-30 President Contingency		250.00	
G-50 ACSM Delegate		200.00	
G-65 1985 ACSM Conv. Advance		250.00	
G-70 Government Affairs		300.00	
G-71 Public Affairs		500.00	
G-110 Annual Conference		1,000.00	
111 Workshops		1,000.00	
G-112 Manuals		500.00	
TOTAL		\$ 6,100.00	
C-10 Misc. Expense		\$ 500.00	
C-60 Awards		300.00	
C-80 Committee Expenses		700.00	
C-81 Membership Development		500.00	
TOTAL		\$ 2,000.00	
F-20 Accumulative Fund "A"		893.00	
F-30 Library Fund Maint.		100.00	
TOTAL		\$ 993.00	
P-10 Payroll		\$ 7,500.00	
P-20 FICA		500.00	
P-30 Unemp. comp.		100.00	
P-40 Workmens Comp.		82.00	
P-50 Insurance		720.00	
TOTAL		\$ 8,902.00	
TOTAL BUDGET		\$24,850.00	

INDIANA SOCIETY OF PROFESSIONAL LAND SURVEYORS

1983-84 BUDGET

INCOME

<u>INCOME</u>	<u>MONTH</u>	<u>TODATE</u>	<u>BALANCE IN BUDGET</u>
MEMBERS		\$17,100.00	
JUNIORS		3,000.00	
ASSOCIATES		500.00	
STUDENTS		300.00	
FIRM MEMBERS		2,750.00	
SUSTAINING MEMBERS		<u>1,200.00</u>	
TOTAL		\$24,850.00	

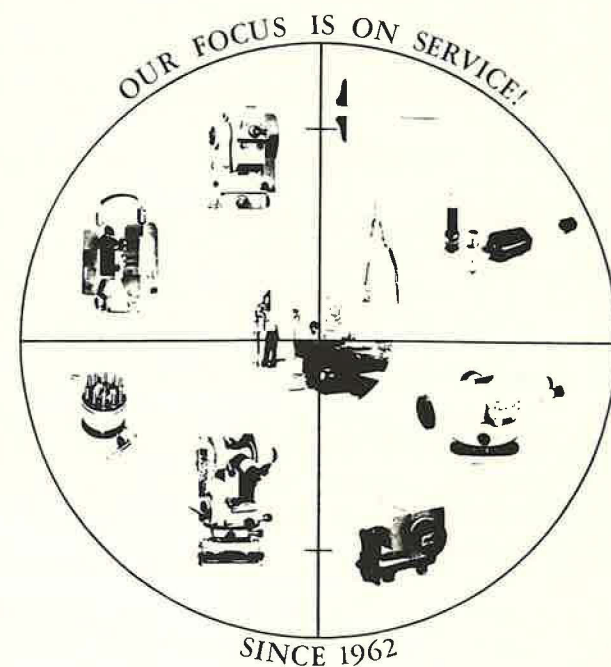
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ADDRESS TO NEW LAND SURVEYING REGISTRANTS : APRIL 29, 1983

BY ISPLS PRESIDENT JUD ROUCH

On January 15, 1889 J.C. Pulse in his President's address to the Ninth Annual Meeting of the Indiana Society of Civil Engineers and Surveyors stated, "Gentlemen, let us try to elevate and honor our profession, instead of waiting for our profession to honor and elevate us". Today, nearly a century later these words of wisdom are still very relevant.

Upon this occasion of attaining your professional registration I congratulate you. Now that you have reached this plateau I ask you to take a moment to reflect on the question; What are the characteristics of a profession? I will list six of these essential characteristics.

1. A significant amount of formal education as a requirement for entrance into the profession.
2. Passage of an adequate objective examination to ensure minimum entry level competency.
3. Self policing to control or eliminate incompetent practitioners.
4. Participation in ongoing programs of continuing education and professional development as a requirement to continue in your profession.
5. Mutual cooperation among the members of the professional.
6. Public knowledge of and esteem of the profession..

It probably did not seem that your professional exam was a test of minimum competency last April, yet that is is make-up. I have met some registered persons who have stated the zenith of their knowledge was the day they passed their exam. Obviously they are not professionals nor do they even comprehend what it is to be a professional. If you do not continue to learn and develop you soon become incompetent.

How can you as a new registrant ensure that you will follow the correct path to continued development and professional growth? You are not an island that stands alone but a high caliber individual who has much to share with your fellow professionals. The only way to accomplish this and to ensure that your profession will have the essential characteristics that were listed above is to become actively involved in your professional organizations on the local, state, and even the national level. We must all work together for the betterment of our world. I urge you to become involved.

INDIANA HISTORIC LANDMARKS, INC. : INITIAL POINT

REPORTED BY NELSON PRALL

Members of the Indiana Historical Landmarks, Inc. and one volunteer met at the Initial Point six miles south of Paoli on April 23rd to build a fence around the initial point. Those present were:

Bruce Atkinson, L.S., County Surveyor of Orange County
Rollyn Blankenbeker, L.S., County Surveyor of Clark County
Raymond Barnett, Assistant to Blankenbeker
Gene Darnall, L.S., County Surveyor of Bartholomew County
Thomas Fromme, County Surveyor of Dubois County
Garner Willey, P.E. & L.S., Clark County
Nelson Prall, P.E. & L.S., Lawrence County

The poles were donated by the Orange County REMC. In spite of a light drizzle in the afternoon the job was finished.

The fence is a triangle eight feet from center to center of the posts, with two rails on each side. The stone is in the center of the fence.

The U.S. Forest Service has a horse trail which goes right over the stone.

In order to finance the maintenance of this project and other projects, we are selling a full size print of the plaque, which was on the face of the memorial on top of the hill northeast of the Initial Point. This print shows the names of those responsible for the rectangular system of surveying land, the Indiana Indian Tribes, U.S. Deputy Land Surveyors who laid out the sections, the early prominent Land Surveyors of each Indiana County and the names of those who contributed 50 dollars to this project and the names of those the donors wished to memorialize. These are on sale for 15 dollars and can be obtained by making out a check to Indiana Historical Landmarks, Inc. or I.H.L. Inc. for 15 dollars and mailing it to Nelson L. Prall, Room 410 Citizens National Bank Building, Bedford, Indiana 47421.



Erecting new fence around
initial point



(l. to r.) Garner Willey, Gene
Darnall, Nelson Prall, Rollyn
Blankenbeker, Thomas Fromme,
Bruce Atkinson

COUNTY SURVEYORS ASSOCIATION OF INDIANA

At the annual "Road School" meeting on the Purdue main campus in March, elections were held to select the new officers of the County Surveyors Association. The results of those elections are as follows:

President: Donald C. Rock, Elkhart County Surveyor
Elkhart County Courthouse
Goshen, Indiana 46526
(219) 533-5525

Secretary-Treasurer: John McNamara, St. Joseph County Surveyor
1100 County-City Building
South Bend, Indiana 46601
(219) 284-9631

Northern Vice-President: Darwin Vanderwall, Newton County Surveyor
(219) 474-5877

Central Vice-President: Neil Conner, Clinton County Surveyor
(317) 654-4641

Southern Vice-President: Rollyn H. Blankenbeker, Clark County Surveyor
(812) 283-4451 ext. 24

ACSM LEGISLATIVE NEWS

As a result of ACSM-ASP efforts directed by John Palatiello, Government Affairs Director, the U.S. Army Corps of Engineers will soon be sending instructions to its Divisions and Districts to directing them to use "Brooks Bill" procedures to negotiate contracts for surveying and mapping services.

The U.S. Senate has approved a resolution proclaiming March 11-17, 1984 "National Surveyors Week". The resolution was sponsored by South Carolina Senator Strom Thurmond. An identical measure has been sponsored in the House by Virginia Representative G. William Whitehurst and 80 co-sponsors. National Surveyors Week was a concept first brought forth by NSPS as a way to recognize the thousands of surveyors across the country on a national level. Contact your representative and ask him to support H.J. Res. 103 to designate National Surveyors Week, 1984.

General

This is an application for concurrent memberships in the American Congress on Surveying and Mapping (ACSM) and a Member Organization. The Member Organizations of ACSM are as follows:

American Association for Geodetic Surveying (AAGS)
American Cartographic Association (ACA)
National Society of Professional Surveyors (NSPS)

How To Apply

- Determine the highest grade of membership for which you are qualified (see back cover).
- Determine which Member Organization you wish to join (in addition to ACSM).
- Complete the Application for Membership.
- Return the completed application to: ACSM
210 Little Falls Street
Falls Church, Virginia 22046
- Enclose the appropriate payment for dues with the application.
Make check or money order payable to ACSM. (For applicants in foreign countries, please draw and remit in U.S. dollars payable at a bank in the United States.)

Dues

	1983	AAGS/ACA	NSPS
Member	\$60 (\$10)	\$65 (\$15)	
Associate	\$40 (\$45)	\$45 (\$10)	
Student	\$20	\$20	

Membership dues include annual subscriptions to SURVEYING AND MAPPING \$7.00 (\$3.50), ACSM BULLETIN \$7.00 (\$3.50), THE AMERICAN CARTOGRAPHER \$4.00 (\$2.00), and ACSM NEWS \$2.00 (\$1.00). Total \$20.00 (\$10.00). (Student rates are in parentheses.) This notice is required by U.S. Postal Service regulations. These subscriptions are part of your membership benefits and cannot be deducted from your annual dues.

The amounts in parentheses (if any) are the portion of total dues allocated to the Member Organization. If you choose and are qualified to be a member of more than one Member Organization, add the amounts in parentheses for each additional organization. For example, if you become a Member of NSPS only, your total dues are \$65. If you become a Member of both NSPS and AAGS your total dues are \$75.

Actions By ACSM

Your application will be processed upon receipt by ACSM. Within about three weeks you will receive a welcoming letter, a decal, and a membership card. You will start receiving all publications in about six weeks. You will also receive any past publications issued during the current year prior to your becoming a member.

Criteria for membership in Member Organizations of ACSM

American Association for Geodetic Surveying (AAGS)
American Cartographic Association (ACA)
National Society of Professional Surveyors (NSPS)

Member

Any person who has attained the required qualifications in surveying, mapping and related fields as specified below:

AAGS Bachelor's or higher degree in a discipline related to geodetic surveying, or professional grade competence in a discipline related to geodetic surveying with eight years experience. Up to four years of relevant education may be substituted for experience.

ACA Bachelor's or higher degree in a field of study which would qualify the person for a professional position in cartography or related fields, or four years of active professional experience in cartography or related fields.

NSPS a) Any person licensed to practice the profession of surveying, according to state or provincial statutes; or
b) a GS-1373 employee classified as a Land Surveyor or Supervisory Land Surveyor; or
c) an academician holding a Bachelor's or higher degree and the rank of assistant professor or higher and teaching in an ABET or CAB accredited or a state land surveying registration board approved surveying program; or
d) a practicing surveyor or surveying teacher who has attained a minimum of six years experience in responsible charge of surveying activities or four years of education and two years of experience may submit credentials for consideration.

Associate Member

Any person with an interest in surveying, mapping and related fields, not eligible to be a Member as defined above but meeting the criteria stated below:

AAGS/ACA any person with an interest in geodetic surveying/cartography who is not eligible to be a Member.

NSPS any person who by employment is actively engaged in a program leading to a career in the profession of surveying.

Student Member

Any person pursuing a course of study as a graduate or undergraduate student on a full-time basis (as defined by the academic institution) leading to a career in geodetic surveying (AAGS), cartography (ACA), or surveying (NSPS).

APPLICATION FOR MEMBERSHIP

Name: _____
(Mr., Mrs., etc.) (first) (middle initial) (last)

Address: _____
(street and number) _____
(city) _____ (state) _____ (zip or country) _____

Education: (years completed) High School _____ College _____ Highest Degree _____

Experience: (years) Professional _____ Pre-Professional _____ Technical _____ Date of birth: _____

Occupation: _____

☐ Private Business: _____
(if licensed, give type, state and number)

☐ Government: _____
(position classification)

☐ Education: _____
(position title)

☐ Other (specify): _____

If in Government, Education or Other, but also licensed, give type, state and number: _____

Read criteria on the reverse side, then check membership applied for:

(check only one) (you may check more than one, but see instructions)

☐ Member ☐ American Association for Geodetic Surveying
☐ Associate ☐ American Cartographic Association
☐ Student* ☐ National Society of Professional Surveyors

* Applications for Student membership should have the following certificate completed:

I certify the applicant is a full-time student.

Faculty Member Signature _____ Date _____ Educational Institution _____

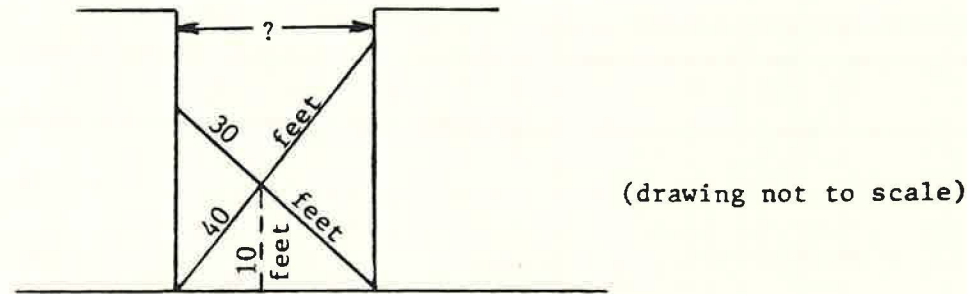
Date _____ Signature of Applicant _____

THE PROBLEM CORNER

[from HI's & PI's, publication of the Arkansas Association of Registered Land Surveyors, November 1982]

The Problem (as presented in the Winter 1983 issue of the Hoosier Surveyor)

Thirty and Forty foot ladders are leaned in opposite directions between two buildings. Compute the distance between these buildings if the intersection of the ladders is 10 feet above the ground.



The only correct response came from Charles A. Whitten in Silver Spring, Maryland:

Re: Problem Corner

Gentlemen:

The distance between the buildings is 26.032877 feet

Solved by forming an equation for each ladder, solving for intersection, iterating until "Y" value of intersection equals 10 feet - with a value of "X₂" of 26.032877

I recall trying to solve this with a slide rule some decades back but a hand held calculator is just right.

Sincerely,

Charles A. Whitten
Charles A. Whitten

Closer to home, Rollyn Blankenbeker wrote to point out that he first came across this type of problem in 1950. As he noted, the problem has been around a long time.

CALENDER

- July 30, 1983 Summer get-together at Fort Ouiatenon in West Lafayette
- Sept. 18-23, 1983 ACSM-ASP Fall Technical Meeting in Salt Lake City
- October 7-8, 1983 ISPLS Fall Workshop at the Airport Hilton in Indianapolis. Gurdon Wattles, widely read, highly respected Land Surveying authority.
- Feb. 15-18, 1984 *** Tri-State Convention in Cincinnati at the Marriot Hotel.
- Sept. 8-13, 1985 *** 1985 ACSM-ASP Fall Technical Meeting in Indianapolis.

*** NOTE CHANGES IN THESE DATES FROM PREVIOUSLY PUBLISHED DATES !!!

ANNOUNCEMENTS

ISPLS Headquarters is now open during the following hours:

Monday thru Thursday 12 noon to 4:30 pm
Friday 8 am to 4:30 pm

In addition, through an agreement with ISPE, our telephone will be answered by ISPE during the mornings of Monday thru Thursday.

Many thanks to Gregory J. Hoar, Ph.D. for his donation of a Magnavox publication on satellite surveying to the ISPLS library.

We would like to welcome Bill Thompson and Dan Burnett into the society as student and junior members, respectively.

The Hoosier Surveyor, in the last issue, mistakenly omitted the fact that Proceedings for the 1983 Indiana-Illinois Convention may be purchased through Headquarters for \$5.00 plus \$1.50 for postage and handling for a total of \$6.50.

HOOSIER SURVEYOR ADVERTISING RATES

	Sustaining Member	Non-Sustaining Member
Full Page	\$80.00/issue \$240.00/4 issues	\$100.00/issue \$320.00/4 issues
Half Page	\$50.00/issue \$150.00/4 issues	\$60.00/issue \$200.00/4 issues
Quarter Page	\$40.00/issue \$120.00/4 issues	\$50.00/issue \$160.00/4 issues
Eighth Page	\$30.00/issue \$90.00/4 issues	\$35.00/issue \$120.00/4 issues
Classifieds	\$5.00 per column inch	
See Page 1 of this issue for publication deadlines and mailing address.		

LEGISLATIVE UPDATE

NEW LAWS AFFECTING COUNTY SURVEYORS

The following two laws were passed by the 103rd Indiana Assembly and signed into law by Governor Orr. They will go into effect September 1st.

The first, House Enrolled Act No. 1794, contains some rather interesting aspects...to say the least. The intent was apparently to prevent the illicit changing of the location of a section corner marker and to provide that only the county surveyor may actually change the location. It provides that anyone wishing to have the location of a monument changed must make a written request to the county surveyor with the signatures of all affected land owners approving of the location change. This provision would appear to be little more than a waste of paper and ink since an incorrect corner will be corrected regardless of what the affected land owners say and a correct corner will not be changed regardless of how many landowners want it moved. The provision providing that only the county surveyor may change the location of a corner is probably a good one, although since the county surveyor is already the official custodian of the corner records, it would appear that a corner could not be changed without his approval anyway.

The second bill, No. 1564, takes a long step towards the funding of the provisions required by the Corner Perpetuation Act of 1965. It extends the 1965 act, although depending on how one reads the 1965 act, this may or may not have been necessary.

(ed.)

HOUSE ENROLLED ACT No. 1794

AN ACT to amend the Indiana Code concerning county surveyors' duties.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-2-12-13, as added by Acts 1980, P.L. 212, SECTION 1, is amended to read as follows: Sec. 13. (a) A person may, for excavation, mineral extraction, or other purposes related to his business, **temporarily** remove a monument marking a corner. The person must notify in writing the county surveyor before removing the monument, and he must replace the monument at his expense under the supervision of the county surveyor or his designee within a reasonable time. The surveyor shall file a copy of the notice in the corner record book.

(b) **Only a county surveyor or his designee may change the location of any monument. A person who wishes to have the location of a monument changed must make a request to the surveyor in writing and furnish written approval of all landowners whose property is affected by the proposed change. The surveyor may approve, reject, or modify the request and shall file a copy of the notice and the landowners' consents in the corner record book.**

PRINTING CODE: When a new section, chapter, article, or title is being added to the Indiana Code or the Indiana Constitution, the word **NEW** will appear in that style type in the introductory clause, and the text of the new provision will appear in roman type. When an existing statute or section of the Indiana Constitution is being amended, the text of the existing provision will appear in roman type, additions will appear in **this style type**, and deletions will appear in **this style type**. A SECTION that does not affect the Indiana Code or the Indiana Constitution will appear in roman type.

HOUSE ENROLLED ACT No. 1564

AN ACT to amend the Indiana Code concerning county surveyors.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-2-7-10, as amended by Acts 1981, P.L. 269, SECTION 2, is amended to read as follows: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for services he renders, and shall pay them into the county treasury at the end of each calendar month.

(b) The county recorder shall charge:

- (1) four dollars (\$4) for the first page and one dollar and fifty cents (\$1.50) for each additional page of any document he records, if the pages are not larger than nine (9) inches by fifteen (15) inches;
- (2) ten dollars (\$10) for the first page and three dollars (\$3) for each additional page of any document he records, if the pages are larger than nine (9) inches by fifteen (15) inches;
- (3) no fee for recording an official bond of a public officer, deputy, appointee, or employee;
- (4) one dollar (\$1) for attesting to the release or assignment of an instrument on the record of that instrument;
- (5) one dollar (\$1) for each cross reference of a recorded document;
- (6) three dollars (\$3) per page for furnishing typewritten copies of records;
- (7) fifty cents (\$.50) per page for furnishing copies of records produced by a photographic process; **and**
- (8) one dollar (\$1) for acknowledging or certifying to a document; **and**
- (9) **one dollar (\$1) for each deed he records, in addition to other fees for deeds, for the county**

surveyor's corner perpetuation fund for use as provided in IC 36-2-12-11(e).

SECTION 2. IC 36-2-12-11, as added by Acts 1980, P.L. 212, SECTION 1, is amended to read as follows: Sec. 11. (a) The surveyor shall administer this section if he is registered as a land surveyor under IC 25-31. If he is not so registered, he shall, with the approval of the county executive, appoint a person who is registered as a land surveyor and is a resident voter of the county to administer this section. If no such resident, registered land surveyor is available, one who resides in another county may be employed.

(b) The surveyor shall keep and maintain a corner record book, which must contain:

- (1) a record and an index by location of all the original government survey corners;
- (2) outline maps of each section, grant, tract, and subdivision or group of sections, grants, tracts, and subdivisions in the county, showing the location of each corner on record and stating, at the location of each corner on the map, where the reference for that corner may be found; and
- (3) a reference index for each corner.

A separate card index system may be used in lieu of the index required by subdivision (3).

(c) The record of each corner referenced in the record book must contain:

- (1) the location of the corner;
- (2) an accurate description of the monument used to mark the corner, such as "stone" or "ironpin";
- (3) the distance and bearings from the corner to three (3) or more permanent objects or structures;
- (4) the date the corner was last checked and the condition of the monument and references;
- (5) the name of the surveyor making the check; and
- (6) the method of establishing or relocating the corner.

(d) The records of the corners shall be established and perpetuated in the following manner:

- (1) Each year through ~~1985~~, **1990**, the surveyor shall check, establish, or relocate, and reference, at least five percent (5%) of all the corners originally established in the county by government surveyors.
- (2) Each year the surveyor shall check and reference at least five percent (5%) of all corners shown in the corner record book.
- (3) The surveyor may enter in his corner record book the

findings submitted by a private land surveyor who checks and references corners and is registered under IC 25-31.

(e) **Any money in the county surveyor's corner perpetuation fund collected under IC 36-2-7-10 may be appropriated in the manner provided by law for the purposes of this section.**

SECTION 3. IC 36-2-12-12, as added by Acts 1980, P.L. 212, SECTION 1, is amended to read as follows: Sec. 12. While doing work under section 10 or 11 of this chapter, a land surveyor registered under IC 25-31, **is an unregistered county surveyor, or the employees of a county surveyor are not considered a trespasser trespassers and is are** liable only for the actual damages **he causes they cause** to property.

SECTION 4. IC 36-2-12-15, as amended by Acts 1981, P.L. 309, SECTION 103, is amended to read as follows: Sec. 15. (a) If the surveyor serves as highway supervisor or county highway engineer and is compensated for that service in an amount greater than the compensation fixed under this title, then that compensation is in lieu of the compensation fixed under this title.

(b) When fixing the compensation of county officers under this title, the county fiscal body shall fix:

- (1) compensation for the surveyor as if he is registered under IC 25-31; and
- (2) compensation for the surveyor as if he is not registered under IC 25-31.

The compensation fixed under subdivision (1) must be one and one-half (1 1/2) times that fixed under subdivision (2). The county fiscal body shall then determine whether or not the surveyor is registered under IC 25-31 and shall fix his compensation in the proper amount.

(c) In addition to the compensation fixed under subsection (b), if the surveyor describes and certifies the number of miles of active regulated drains in the county to the county executive, he is entitled, with the approval of the county executive, to:

- (1) ~~one dollar (\$1)~~ **two dollars (\$2)** per mile for each mile described and certified, if he is not registered under IC 25-31; or
- (2) ~~two dollars (\$2)~~ **four dollars (\$4)** per mile for each mile described and certified, if he is registered under IC 25-31.

(d) **In addition to the compensation fixed under subsections (b) and (c), the surveyor is entitled to:**

- (1) **two dollars (\$2) for each corner reference required under section 11 of this chapter, if he is not registered under IC 25-31; or**
- (2) **four dollars (\$4) for each corner reference required under section 11, if he is registered under IC 25-31.**

[See additional legislation passed by the 103rd Indiana Assembly on page 26 of this issue]

INTRODUCTION TO "SURVEYING TOWN LOTS"

BY GARY R. KENT

Hervey B. Fatout was the Surveyor of Marion County from 1875 to 1884. A large number of the many hundreds of legal surveys performed in Marion County in the years since 1822 were done by or under the direction of Hervey Fatout.

Although his surveying work does not stand out as particularly exceptional, his comments on the following pages appear to show considerable foresight.

Among Fatout's recommendations are the following (remember, this is 1889): legislation requiring stones be set at the corners of all street intersections with accompanying plats showing angles and distances on the block perimeters, better education for surveyors so that higher wages could be commanded, passing of an examination before being allowed to practice surveying, legislation requiring a surveyor's certificate of correctness be attached to any deed containing a new description, general legislation to govern surveyors and surveys, legislation holding the surveyor and the landowner jointly responsible for damages on account of platting errors, legislation making a penal offense to disturb monuments, and legislation making it a penalty for a county recorder to accept a plat for recording that does not contain a surveyors certification.

Those of you working in Indianapolis will find it particularly comforting to know that the Town of Wellington (Broad Ripple) presented some unique problems even in 1889. You will want to read how Fatout handled them.

Reference to an Indianapolis city ordinance requiring that block shortages be placed in the alleys is also of great interest. I hope to be able to research this for a future article.

As in the President's Address printed on these pages in the last issue of the Hoosier Surveyor, we find again that the problems that we as surveyors face today are the same problems faced 100 years ago by our predecessors. We are witnessing the old adage that "history repeats itself" when we find that our profession is in the same position it was in 100 years ago. Perhaps we can make the right moves to enhance the profession so that in another 100 years our successors will not find themselves in the same place.

feet wide. The sections are 30 feet apart, the upper one is nearest the shore, the next is half its length further down stream, and the next still further down stream. The height will average 30 feet above low water. The middle one and the one next to the current are nearly completed—the one next to the shore, when built up to an 8-foot stage, became covered with water by a rise in the river in November last, and cannot be finished until the subsidence of the water.

The special appropriation for building the ice pier was \$7,500. But two sections were originally to be built, and to protect the boat landing they were placed a considerable distance out in the river. A third section was subsequently determined upon and was located next to the shore. There is little doubt that the protection afforded the harbor will be complete.

Without trespassing on your time further I extend to any one of you who may find it convenient to do so, a cordial invitation to come and see the works here so briefly described. The work will be resumed as soon as the river there gets down to the stage as low as 9 feet, and will be pushed forward to an early completion.

SURVEYING TOWN LOTS.

BY H. B. FATOUT.

The subject, "Surveying Town Lots," which has been given me, is a very important one to surveyors and to lot owners.

To survey a town lot is sometimes an easy job, and sometimes it is a very troublesome one.

If a surveyor cares anything for himself or his work, he is frequently very much worried over as little a thing as surveying a town lot.

Of course, if he cares nothing for consequences, is not worth anything, and does not fear damage; does not think the lots are valuable enough to require good work and true work, he will naturally jump to conclusions and set the stakes where they happen to

PROCEEDINGS

OF THE

INDIANA SOCIETY

OF

CIVIL ENGINEERS

AND SURVEYORS

OF THE

STATE OF INDIANA.

NINTH AND TENTH ANNUAL MEETINGS.

1889-1890.

come. One great trouble with which we have to contend here in Indianapolis is scarcity of monuments.

The property owners are partly to blame for this. The surveyor, too, perhaps, has furnished a portion of the uncertainty, and the city engineer has been greatly to blame.

As a general thing, when a town starts, the lots are not very valuable, and the owner does not feel justified in going to very much expense, and often makes his own measurements and gets the Justice of the Peace to make his plat.

So far as Indianapolis is concerned, it was regularly laid out and a good plat made, and I have heard of a few corner stones being established in the city; but I never saw any of them. I have seen the outside corners of the city, which had very probably been set by county surveyors at the section corners; but not one of them now remains. At the beginning our lots were of very little value, and, according to my understanding, where the depot now stands was next thing to a swamp, so it did not make much difference if a man did get a foot of his neighbor's lot.

As property became more and more valuable, still no attention was paid to monuments, and that state of affairs exists at the present time.

As the city grew in size and took in new territory, the surveys were made from corners established by county surveyors, which is as it should be.

The street improvement comes next, and by the time the grading has been completed the corner stones have been thrown out of the way, and then will begin the trouble.

A dispute arises between two lot-owners; the surveyor is called in to stake one lot, and that survey does not satisfy both parties.

Perhaps the dissatisfied one will get his lot surveyed by another surveyor, and if the two surveyors agree, the dispute will very likely stop; but, if the two surveyors do not agree, as is often the case, the two surveyors will probably be called into court to tell what they know about the case. One surveyor will start off boldly with his testimony, as much as to say, I know all about the case, what I did was right, and there is no doubt in the world but that what the other surveyor did was wrong.

The lawyers will ask him some easy questions at first, and then come to him with something like this: "From what point did you measure?" and then, "How do you know that corner is correct?"

That surveyor will be compelled to acknowledge that he does not know very much about the case, and if he does not come to that conclusion, doubtless the court and jury will. The older a city becomes the greater the number of disputes, and the greater the uncertainty of settling those disputes.

I believe that Vincennes is about the only city in the State of Indiana that has passed that stage of its existence. It is supposed to have been laid out about the year 1717. As the years went by trouble arose, and in the early part of the present century a surveyor was employed to make a survey of the town and also to make a map. The maps and records were kept in a public building, which happened to be a tavern and in which was stored fire-arms and ammunition, part of which was a bunch of powder in the cellar. About the year 1820 something touched off that powder, and, as it went, took people, tavern, maps, records and everything else along with it. In the meantime several of the people had copied, or pretended to copy, those maps and records.

A new set of record books was started, and, as everything was gone, they seemed to be willing to accept anything that would give them any light.

These different copies of plats were placed in the new record, and after a few years it was discovered that no two of them agreed. Which was right and which was wrong again began to worry the property owners until the law suits began, and when the town was resurveyed, in 1872, suits had been in the Supreme Court for sixteen years. I understand that this resurvey was so entirely satisfactory that all the suits were withdrawn.

I do not believe that now it would do any good for any one surveyor to set corner stones here in Indianapolis, as it will take a general survey of the entire city in order to set all the corners, which can not very well be done in a survey for a single lot.

I believe the Legislature will have to enact some law so that when the work shall have been completed, it will be done legally and will bind all parties.

Of course, to a certain extent the result will not be satisfactory, because changes in many of the lines will no doubt occur, and many law-suits, perhaps, will arise on account of those changes; but these suits will occur anyway, and as it is, we have nothing by which we can swear definitely.

Make the general survey and place stone corners at the intersections of all streets; make plats giving all angles and distances from corner to corner, and place one set of plats in the county

recorder's books and one set in the city clerk's books. We would then have established points from which all surveyors could measure, and the disputing parties could just as well, then as now prove the twenty years peaceable possession, and a record could then be made properly locating the lot according to the decision in the case.

The above is something like locking the stable after the horse has been stolen; but this locking may save the future horses.

We sometimes have very poor plats from which to work. I, of course, do not know how it is all over the State, as I have seen so few of the city plats; but, from what I have seen, I would judge a similarity exists all over the State. Width of alleys or streets will be left off the plat, the size of some of the lots will not be given, and in the majority of cases, where odds and ends occur, those distances will not be given, or the proper location in the section not definite.

You may not find all the above objections in any one plat; but I have seen all of them in different plats. One fault in a plat is enough to throw the surveyor off the track into the realm of guessdom and then you are liable to bring up at the wrong station.

For instance, the town of Wellington, in Marion County, is located in Section thirty-six (36) where the canal leaves White River. The town does not touch any section line, neither does it run parallel to any regular division line of a section, and it has a few irregular lots with sizes not given.

Alleys closed, and front fences encroaching on the streets.

What is a surveyor to do in a case like this?

I happened a few years ago to make a survey of the land surrounding the town.

Some of the old buildings were then standing, and some of the old residents were alive, so that my survey with their help was satisfactory to them and partly so to me.

I was there again this last summer, since the improvements began, and came very nearly getting lost, as nearly all my old landmarks had been destroyed.

Another instance: In the town of Haughville, in Marion County, a man bought the south end of a block, 438 feet, and subdivided it by making eleven lots, thirty-eight feet wide, on each street, and at the north end was left a space for alley without any width marked on the plat. The plat was not made by a surveyor, and the lots were never staked. The owner had an old like gentleman act as his agent, and whenever he sold a lot the agent

would give the purchaser stakes, sometimes measuring from the south and sometimes from the north, and wherever he stopped would be left an extra five feet, as the owner always claimed that that alley space was fifteen feet wide.

Now, the 11 lots figure up 418 feet, which will leave 20 feet remainder, and I knew no better than to call that all alley, which caused a commotion.

This owner then buys the north end of the same block, 233 feet, and sub-divides it, but, in this plat, he takes in 5 feet more than he bought and makes a 15-foot alley on his plat, so that the two sub-divisions just take the entire block with a 15-foot alley. The outside corners and the line between the two parts of the block, are well fixed; but the last plat makes the north side of the alley 5 feet south of the old line. This agent took the old line for both sub-divisions, and, as a consequence, instead of making both right, has made both wrong, and has houses built accordingly.

Sometime somebody will have some trouble, and, perhaps, condemn all surveyors, in general, for doing that kind of work.

Irregular plans in a sub-division are a great botheration, and also lead to great uncertainties.

The crooked and curved drives may look very fine to those who drive along them; but to the surveyor they are an intolerable nuisance. The surveyor who makes the plan can stake the lots all right, but when those lots have been sold, the original stakes gone, the recorded plat minus the radius and length of the curve, the length of the tangent not given, I would like to see a plan invented by which a surveyor can work in such a place with any satisfaction. You may stake one lot here and one lot there, and so long as no improvements are made all is well, but after many years have passed and improvements made and lots have become of great value then trouble will arise.

On the Governor's Circle here in the city, we have trouble to measure the same line twice alike.

You can talk as much as you please about fine work on curve lines, but you will have to make better arrangements than now exist before you can make me believe that such work can be done.

You will have to make more perfect plats and plant more permanent monuments.

When a surveyor is called upon to survey a lot, he should first go to the recorder's office and copy the plat in which the desired lot is situated, or as much of that plat as will give him a correct knowledge of the surrounding territory. It may be necessary to

get other sub-divisions surrounding the one in which the desired lot is situated, as the surveyor does not know the extent of his work until he gets on the ground, and then it is better to have too many plats than not enough. When he is getting the copy, he should read the description, as that may explain something that he may wish to know after he gets to work.

Be very careful about the beginning or ending points. I say ending because you sometimes do not find your beginning point until you get to the other end of the line.

Do not use surveyors' chains for city lots, but take steel tape lines, with experienced men at both ends of the line, and then see if you can discover the unit of measure used in the original survey, or, in other words, see whether or not there is a surplus or lack, and in case of surplus, I contend that it should be divided among all the lots, as it was undoubtedly caused by the use of a long chain, which would leave each and every lot too wide, and I think they should remain that way. In case of lack, our city has passed an ordinance making the lots and streets full and let the alleys have the lack. The squares, or original survey of Indianapolis, seemed to have a shorter unit of measure than has ever been used since.

In the survey of out-lots, which was made about ten years later than that of the squares, the unit of measure more nearly corresponds with that used at the present time. So you see in a city of many sub-divisions, the necessity of finding the unit of measure used in each particular sub-division, or in other words, no difference how incorrect you may think the first survey to have been made, it is your duty, if possible, to now locate the lot in the very same place it was first staked.

I think the same rule should apply here as in land surveying, where the surveyor is particularly instructed to hunt the old corners and work from them, no difference how incorrectly they may have been placed. It surprises me that we find as good work as we do when we take into consideration the times, instruments and condition of the country at the time the early surveys were made.

The land here at the time Indianapolis was laid out was heavily timbered, with a surplusage of water. I suppose the same thing can be said of many towns over the State. It seems to me that we should, in this cleared land, at this day and generation, do better work than was done in the woods and swamps; but go into the recorders' offices in different counties, look at the plats, go out and make measurements, and I believe you will find, in every

county, some worse work now than was done in "yê olden time." Why is it? The surveyor is not qualified for the work he is called upon to do, or else he is careless in the work that he does.

The first survey of Indianapolis was more regularly made, if it did happen to be made with a short chain, than the majority of the surveys that have been made since. I think the law is partly to blame for this, as it does not recognize the true value of what a surveyor should be; the price of good surveying has not increased as rapidly as other things; the law-makers seem to think that anybody can survey, and are only willing to give the surveyor common day wages.

We must educate the people to a better opinion, and in order to do that we must educate ourselves to a much higher standard of perfection, so that our abilities will command (not demand) higher wages.

I believe the time will come when a surveyor will have to pass an examination before he will be allowed to do any work. I also believe that, sooner or later, a deed containing a new description will not be allowed to go on record until it has attached to it a surveyor's certificate of the correctness of that description, and in this law the surveyor will be held responsible for that correctness. I have even heard of surveyors who did not know how to write a description. I think one of the first things we should learn, should be to make the description definite, so that the lot could be located without any doubt.

Of course there will be trouble for a few years after such a law is enacted, on account of old descriptions, such as "Beginning at the corner of A's lot and running to the corner of a lot owned by B;" but these loose, cover-all mistake descriptions, will be done away with some time.

I believe there should be enacted, by the Legislature, a general law to govern surveyors and surveys.

When a landowner sees fit to lay out a town, or an addition to a town or city, he should not be allowed to do it hap-hazard. He should go at it just the same as if it were of great value, as it is liable to become so in time. Instead of doing his own work, he should be compelled to employ a surveyor to make the survey, stake the lots, make a correct plat, and give a perfect description of that plat, to be placed on record. Part of the work for this survey should be to place permanent stone monuments at the intersection of all streets, get all the distances from stone to stone, and all the angles where the different lines come together, and the true

size of all the lots and the width of all the streets and alleys. The surveyor should then make a plat of his work, giving monuments, all distances and angles, size of all the lots and width of all streets and alleys, and attached to this plat should be a complete description and explanation, so that any surveyor can take plat and description and accurately locate any lot in that addition without any chance whatever for a dispute. To make this work a little more binding let the law hold the surveyor and landowner jointly responsible for all damage on account of errors in the addition. This will have a tendency to make the surveyor more careful in his work, look more after the kind of help he gets and the kind of instruments he may use. To make the landowner jointly responsible, will make him more careful about getting the work done by some one other than a surveyor.

This will have a tendency to make the surveyor learn more about his work, as the landowners after awhile will be more careful about employing a surveyor who is known not to do good work.

In order to keep fraudulent plats off the record, the surveyor should, on the plat to be recorded, certify that he had made the measurements, planted the monuments, taken the angles, and that the above was a true and correct plat and description of that survey.

The recorder, under a penalty, should not be allowed to accept the plat until it had the surveyor's certificate.

There should also be a guard thrown around those monuments; if necessary, a penal offence to move or disturb any of them.

If, in the course of time, it shall become particularly necessary on account of a sewer, or something that way, that a monument should be moved, the sewer contractor should wait until the city or town engineer should erect two other monuments, one on each side, so that in the future the real corner could be found from them.

The engineer should then place these two new corners on record, giving direction and distance from the true corner. Everything in connection with this law should be made very plain and very binding, and the penalties should be such that a street car company or a street contractor will soon learn to let those corners alone.

I believe that some time some such law will be enacted, and when that time comes the surveyor will stand on a higher plane than at present, and his work will be more valuable to himself and more satisfactory to the people.

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ADDITIONAL LAWS PASSED BY THE 103RD INDIANA GENERAL ASSEMBLY

Following are brief summaries of a number of laws passed during the recent session of the Indiana Legislature [summaries are from the Indianapolis Star, May 1, 1983]:

- S 450 : Provides that counties may obtain loans to finance drainage projects.
- H 1057 : Provides that joint drainage boards which include three or more counties in drainage basins exceeding 100,000 acres need not mail notice of maintenance assessments to individual property owners; such notice must be published in a newspaper.
- H 1116 : Allows a remonstrance to a petition for vacation of public right of way if the vacation would hinder the use of a public road by the neighborhood in which it is located or to which it is contiguous.
- H 1498 : Permits counties to participate in the same levee, sewer, or drainage projects that municipalities now do.
- H 1564 : Provides that the county recorder will collect \$1 for each deed recorded, with the fees to be put in the surveyor's corner perpetuation fund. [See a complete digest of this bill elsewhere in this issue].
- H 1794 : Provides that only the county surveyor may change the location of a boundary marker.
- S 142 : Allows Department of Highways employees or representatives to enter private property to conduct an investigation or survey.

Some additional laws that do not necessarily affect only Surveyors, but that are of general interest include the following:

- H 1879 : Provides that a leased vehicle be registered in the county where the person leasing the vehicle resides.
- S 172 : Requires the use of safety restraints for automobile passengers under 5 years old and requires helmet use for motorcycle riders under 18 years old.
- H 1569 : Repeals a law which allowed a motorist to proceed straight ahead after stopping at a T intersection.
- S 526 : Provides that persons desiring to form limited partnerships sign and acknowledge, rather than sign and swear to, the limited partnership certificate.

LICENSE A REQUIREMENT FOR COUNTY SURVEYOR'S OFFICE IN TEXAS

Due to charges of practicing surveying without a license against elected Bowie County Surveyor Willie Willis, W.T. Satterwhite, Chairman of the Texas Board of Land Surveying, requested an Attorney General's opinion on the following questions:

- 1) Can a county surveyor engage in the practice of surveying as defined in the Land Surveying Practices Act of 1979 without being a registered surveyor pursuant to the requirements of the act?
- 2) Is a person required to be a registered surveyor under the Land Surveying Practices Act of 1979 in order to become a candidate for the office of county surveyor?

Although there have been no appellate court cases interpreting the new enactment which consolidated the State Board of Registration for Public Surveyors and the Board of Examiners of Licensed State Land Surveyors into the Texas Board of Land Surveying, the Attorney General's opinion said the answer to the first question was included in Section 4 of the new statute as follows:

Sec. 4 The provisions of this act do not apply to any of the following:

- (1) a county surveyor acting in an official capacity as authorized by law in counties under 25,000 population, but only until the expiration of the term of persons currently holding such office.
- (2) an officer of the state, county (except as provided by Subsection (1) of this section when applicable), city, or other political subdivision whose official duties include land surveying when acting in his official capacity, but only until the expiration of the term of persons currently holding such office.

The opinion continued, "It is apparent from this language that a county surveyor cannot engage in the private practice of land surveying without being either a registered surveyor or a licensed state land surveyor under the act, even though the unexpired term of the county surveyor's office may have commenced prior to the effective date of the act. It is equally clear that a county surveyor who is neither licensed nor registered and whose unexpired term commenced prior to the effective date of the act may continue to discharge his duties until his term expires."

"...The obvious intent of the legislation is to require that county surveyors be licensed or registered under the act in order to hold office, exempting during the unexpired portion of their terms only those holding office at the time the act took effect."

Article XVI, Sec. 44, Texas Constitution, which creates the office does not specify any qualifications for it. However, cases involving the disbarment of District Attorneys, have found that where no qualifications are set forth in the Constitution for an office it creates, the legislature may validly require licenses. The Attorney General's opinion stated that the legislature could require that county surveyors be either licensed or registered.

LICENSE A REQUIREMENT IN TEXAS (CONTINUED)

The summary of the opinion states: "A county surveyor may not engage in the private practice of land surveying without being either registered or licensed pursuant to the Land Surveying Practices Act of 1979, nor is a person eligible to election as county surveyor unless at the time he takes office he is either registered or licensed pursuant to this act."

Willis was found guilty of violating the Act and fined \$250. The Attorney General's opinion made him ineligible to take office as Bowie County Surveyor in January.

From Metes and Bounds, publication of the Texas Surveyor's Association.

RIGHT TO BE IN ROAD UPHELD

A surveyor hired by a private company had a right to be in the middle of the road when he was struck by a passing motorist, the state Court of Appeals said Wednesday.

Ricky Minato won a \$113,500 damage award for injuries suffered in 1978, but the lower court said he was 45 percent to blame for the accident because he shouldn't have been standing in the road. The appellate court said he had to be there to do his job, so he wasn't to blame.

The accident occurred on Williams highway south of Grants Pass. Minato was employed by a private company and was required to hold a plumb bob at the center of the highway so another worker off the road could make survey measurements.

At the trial, Josephine County Circuit Judge L.A. Cushing ruled that Minato should have obeyed portions of the state's traffic laws applying to pedestrians.

Judge Thomas Young wrote the 2-1 majority opinion, which said Minato couldn't have performed the duties of his job if he'd followed the traffic law that applies to pedestrians. Since his job was legitimate, there was no reason for the motorist to pay less attention to him than to a state or county road worker.

From The Oregon Surveyor

APPLICATION FOR MEMBERSHIP

(Type or Print all information - check box for mailing address desired.)

NAME _____ AGE _____
Last First Middle

☐ HOME ADDRESS _____ PHONE _____
Street and Number City State Zip

☐ BUSINESS ADDRESS _____ PHONE _____
Street and Number City State Zip

PRESENT OCCUPATION _____
Firm Name Position

SCHOOL ATTENDING _____
Name Grade

REGISTRATION STATUS _____
L.S., P.E., or S.I.T. Number State

MEMBER OF AMERICAN CONGRESS ON SURVEYING AND MAPPING Yes _____ No _____

MEMBER OF LOCAL CHAPTER OF I.S.P.L.S. Yes _____ No _____ Chapter _____

TYPE OF MEMBERSHIP DESIRED

- ☐ MEMBER \$90.00
☐ JUNIOR \$50.00
☐ ASSOCIATE \$50.00
☐ STUDENT \$10.00

Check One

REFERENCES

Name	Address	Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby certify the above statements are true and correct and that I will abide by the Constitution and By-Laws of the "Indiana Society of Professional Land Surveyors" and will promote and uphold its principles and objectives.

Signature _____ Date _____

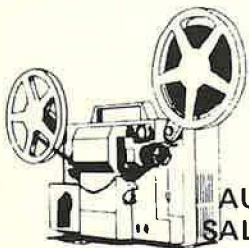
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- Member:** A member of this Corporation shall be limited to Registered Land Surveyors in good standing with the Indiana State Board of Registration for Land Surveyors. A member shall be eligible to vote, hold office and to participate fully in the affairs of the Corporation.
- Junior:** A Junior Membership will be granted to those non-registered individuals who are endeavoring to make Surveying their chosen career. A Junior Member is entitled to vote and participate fully in the affairs of the Corporation but shall not be entitled to hold office.
- Associate:** An Associate Membership will be granted to anyone who is associated or affiliated with the Land Surveying profession but is not otherwise pursuing registration or any non-resident who is registered and in good standing as a Land Surveyor. An Associate Member is not entitled to vote or hold office but will receive Newsletters and be invited to participate in meetings.
- Student:** A Student Member shall have the same eligibility requirements as those of a Junior Member, except that this class of Membership shall apply for a period of four (4) years only. A Student Member is not entitled to vote or hold office but will receive Newsletters and be invited to participate in meetings.

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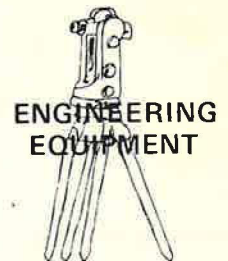
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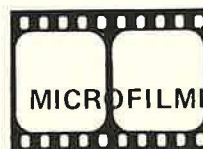
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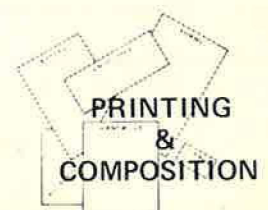
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