

# HOOSIER SURVEYOR



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PROFESSIONAL LAND SURVEYORS, INC.

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## **LEWIS AND CLARK BICENTENNIAL MARK COMMEMORATION**

On July 9, 2003, members of the Initial Point Chapter of ISPLS set a NOAA/National Geodetic Survey monument marker at Clarksville, IN in preparation for dedication ceremonies on October 25, 2004 as part of the bicentennial celebration of the Lewis & Clark Expedition. (See page 13)

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## EDITOR'S COMMENTS

In this issue we are highlighting our Indiana land surveyor's participation in the Bicentennial Commemoration of the Lewis and Clark Expedition which involved twelve days of activities at the Falls of the Ohio area (Clarksville, IN and Louisville, KY) October 14-26, 2003. In connection with this celebration, the NOAA/ National Geodetic Survey dedicated some monument markers on both sides of the Ohio River. The monuments had been previously set by local surveyors - in the case of Clarksville, members of the Initial Point Chapter of ISPLS took on this project last year. Also included was a resurvey of the original boundaries of the town of Clarksville. Their story appears on pages 12-15. Background information, concerning the NOAA/NGS commemorative marker program will be found on pages 9 and 11.

For further information including a map index, schedules, locations, dates, and activities planned at each of the sixteen or more "Signature Sites" across the country, go to internet site: <http://www.ngs.noaa.gov/LewisAndClark/index.html>  
Ken Curtis

# HOOSIER SURVEYOR

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## EDITORS NOTE

Deadlines for copy for various planned issues of the Hoosier Surveyor are as follows: Winter - December 31; Spring - March 31; Summer - June 30; Fall - September 30.

The Hoosier Surveyor is published quarterly by the Indiana Society of Professional Land Surveyors, to inform land surveyors and related professions, government officials, educational institutions, libraries, contractors, suppliers and associated businesses and industries about land surveying affairs.

Articles and columns appearing in this publication do not necessarily reflect the viewpoints of ISPLS or the Hoosier Surveyor staff, but are published as a service to its members, the general public and for the betterment of the surveying profession. No responsibility is assumed for errors, misquotes or deletions as to its contents.

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## ISPLS BOARD OF DIRECTORS (2004)

First row, from left to right: Ron Wharry, Frankfort; Rich Hudson, Valparaiso; Don Bengel, Valparaiso; John Stephens, Wabash; John Updike, Fort Wayne; Frank Ballintyn, New Albany; second row: Perry Cloyd, Edinburgh; Anthony Gregory, Hobart; Greg Garrison, Boggsstown; Mark Isaacs, Brownstown; (not pictured) Ed Sweetland, Indianapolis and Brad Ott, Franklin.



# PRESIDENT'S THOUGHTS

by John Stephens, PLS, Wabash, Indiana



Several issues have arisen during the first couple of months this year that I have found interesting to many surveyors. Last quarter's issue of the Hoosier Surveyor contained an article regarding "Notice of the Survey". There have been several inquiries questioning the reasoning for this article. Mr. Hermansen revealed several interesting "what-ifs" but I guess the bottom line really goes back to communication.

Evidently, there are many surveyors and their employees whose opinion is that a surveyor is not subject to trespass in the performance of a survey. I am probably as guilty as the next guy in not sending notice of survey to adjoining; however, I have always found that spending a little extra time with a concerned neighbor is well worth the effort. Long telephone conversations responding to aggravated neighbors after field work completion is time consuming and not the best first impression for public relations.

Indiana Code 35-43-2-2 defines criminal trespass as:

- (a) A person who:
  - (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent
  - (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent
- (b) A person has been denied entry under subdivision (a)(1) of this section when the person has been denied entry by means of:
  - (1) personal communication, oral or written; or
  - (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

Even though the Indiana Department of Transportation representatives are not subject to trespass while engaged in the performance of official duties, INDOT requires "Notice of Survey" letters sent to properties near the proposed highway projects.

The only law that I have found to support any authority of surveyor trespass was under the County Surveyor's Authority, IC36-2-12-12, where the following is stated: "While doing work under section 10 (which pertains to maintenance of a legal survey record book or performing a legal survey) or section 11 (which pertains to the maintenance of the public land system) of this chapter, a land surveyor registered under IC-25-21.5, an unregistered county surveyor, or the employees of a county surveyor are not considered trespassers and are liable only for the actual damages they cause to property."

During my tenure as a county surveyor, one of the most concerning problems was explaining surveyor rights and procedures to a distraught property owner who was either misinformed or ignored by a surveying crew performing field work on an adjacent tract. The Indiana Administrative Code "requires that the registered land surveyor to exercise control over all actions of non-licensed individuals participating in the survey" as part of the surveyor's responsibility. Being knowledgeable of applicable laws and responsibilities, and training our field crews to act accordingly, are all part of our registered land surveyor's duties.

Last week the marketing committee was presented with an updated "Market Plan for 2004-2005." Listening to a presentation prepared by a soon-to-be graduate of Anderson University made me realize that there are a considerable number of people that have no idea what surveying is all about. The only exposure that any one of these people may have in their lives is the personal contact made during the process of an adjacent boundary survey.

It was during his presentation that he reported that he had personally contacted several ISPLS members in the area and asked them why they belonged to ISPLS. The responses ranged from duty and honor to social. The board of directors, chapter officers and committee members of ISPLS devote many hours of personal time to improve the services to our members. Some of the tasks that the various ISPLS committees have undertaken for the year 2004 are as follows:

## 2004 COMMITTEE CHARGES Communications (Perry Cloyd – Director)

### Membership – Ron Wharry, Chair

- \* Review and revise membership application – signature required
- \* Promote sales of ISPLS logo items – hats, jackets, etc.
- \* Develop an incentive program for sponsoring new members

### Intersociety Relations – Perry Cloyd, Chair

- \* Identification of ISPLS affiliation groups (AIA, CEI, ILTA, etc.)
- \* Establish communication links and contacts
- \* Research obtaining booth space at other society conventions

### Publications – Dennis Grumpp, Chair

- \* Reproduction and update of Manual No. 2. Indiana Coordinate Systems
- \* Recent changes made to Manual No. 3. Law and Surveying
- \* Establish/publicize library hours and checkout procedures

### Hoosier Surveyor – Ken Curtis & Dianne Bennett

- \* Develop and publish the Hoosier Surveyor quarterly
- \* Expand articles and increase the number of writers
- \* Request for Article Submission Page, and request types of articles readers would like to have included

### Web Page – Chris Marbach, Chair

- \* Investigate alternatives for improving the web page through educational resources
- \* Develop available grant criteria for the development of the new web page
- \* Evaluate the inclusion of paid advertisements for the near future

### Public Information & Marketing – Ron Wharry, Chair

- \* Update the public relations brochures on surveying for public distribution
- \* Develop presentation for secondary schools, civic groups, other professional groups, etc.
- \* Research job fairs and career days. Develop a list of surveyors willing to make presentations at the various career days. Make various types of career materials available for these events
- \* Develop a marketing plan for ISPLS, possibly with the assistance of a financial grant

## Professional Development (Tony Gregory – Director)

### Education – Brad Cramer, Chair

- \* Review for approval all chapter sponsored continuing education seminars for 2004
- \* Oversee the Spring and Fall ISPLS sponsored continuing education seminars for 2004
- \* Assist degree programs as requested
- \* Become active in the I.U. society of ethics program – Rich Hudson & Bill Clark will be the representatives

### Scholarships – Mark Isaacs, Chair

- \* Conduct student interviews and make recommendations to Vincennes University for awarding of the Peggy Archer Scholarship
- \* Conduct student interviews and make recommendations to Purdue University for awarding the John G. McEntyre Scholarship
- \* Assist chapters with scholarships as requested
- \* Provide Hoosier Surveyor and other appropriate media with articles on scholarship recognition

### Honors and Awards – Greg Garrison, Chair

- \* Make recommendations to the board of directors for particular achievement throughout 2004
- \* Assist in the honors and awards presented at the Annual Convention, as requested

### Technicians – David Boblitt, Chair

- \* Develop joint seminars for technicians and professionals
- \* Recognize firms with Certified Surveyor Technician staff in the Hoosier Surveyor
- \* Recognize the success of the Certified Surveyor Technician program at the annual convention-presentation of certificates
- \* Develop a list of registered proctors in each chapter

### g-Star – Tony Gregory, Chair

- \* Chapters to have a member sponsor one school (min.) in each of the respective counties

- \* Provide specific guidelines for giving test
- \* Determine and award the state winner and forward the winner to the nationals
- \* Award financial prizes for the successful winner(s) and forward public relations articles to the appropriate media and Hoosier Surveyor

### Licensing Exam Review – Ed Sweetland, Chair

- \* Conduct the SIT and LS review course annually (minimum)
- \* Assist applicants with review study resources

## Government Affairs (Greg Garrison – Director)

### Legislation – Rick Miller, Chair

- \* Develop a list of 2 ISPLS representatives in each chapter to coordinate legislative action and keep ISPLS members informed
- \* Support legislative bills in 2004 which provide the BOR with authority to act upon non-licensed people practicing land surveying in Indiana
- \* Develop 2005 legislation and support for a bill which requires corner perpetuation to be submitted to respective County Surveyor's office
- \* Develop joint legislation with the County Surveyor's Association annually and support legislation pertaining to the county surveyors

### Board of Registration Liaison – Greg Garrison

- \* Attend board of registration meetings and report on their activities to the ISPLS board of directors
- \* Inform the ISPLS membership of actions by the board of registration in the Hoosier Surveyor and on the web page

### HARN/GIS Monumentation – Tom Mahon, Chair

- \* Assist the State Geodetic Advisor, Indiana HARN Phase III
- \* Report monthly to the board of directors regarding the public land corner perpetuation of the state-wide reference web site development
- \* Coordinate between county surveyors, state agencies and various associations regarding GIS

### County Surveyors – Steve Murray and Alan Frisinger, Co-Chair

- \* Facilitate coordination between ISPLS and the CSA to help achieve common goals
- \* Inform the board of directors each board meeting of current activities and legislation regarding the county surveyors
- \* Continue to promote the benefits of and encourage membership in ISPLS to all county surveyors

### Governor/Great Lakes Council – Don Bengel, Governor – Tony Gregory, Alternate

- \* Represent the interest of ISPLS at the annual meeting of the NSPS Board of Governors and Great Lakes Coordinating Council
- \* Provide reports to the Hoosier Surveyor and ISPLS web site concerning activities of the Board of Governor

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## Presidents Thoughts ...continued from Page 3

nors, Great Lakes Council, NSPS Board, and ACSM Board

Standards – Michael DeBoy, Chair

- \* Monitor any proposed revisions to Title 865 by the board of registration and report any findings to the board of directors
- \* Coordinate and make recommendations to the board of registration regarding revisions of the Land Surveyors Registration Act, Rules 10, 12, 13 and 14, as necessary.

### Internal Affairs (Rich Hudson – Director)

Bylaws – Don Bengel, Chair

- \* Develop a bylaw to eliminate the Ethics Committee
- \* Review bylaws regarding student chapter involvement/rights of student members

Planning and Goals – Brad Ott, Chair

- \* Review committee budget needs and make recommendations for the 2004-2005 budget year
- \* Gather information on locating board of director meetings in the north-central and south-central parts of the state (1 per first year) in order to have more ISPLS member participation

Budget and Finance – Doug Herendeen, Chair

- \* Coordinate with the executive director regarding the operation of the society office
- \* Prepare the 2004-2005 operating budget recommendation for the board of directors
- \* Assist with planning and management of the 2005 convention
- \* Submit preliminary budget and program for the 2005 convention to the board of directors by the June meeting. Submit final budget and program outline by the September meeting
- \* Solicit proposals for chapters to host the 2006 convention

Nominations – Mark Gardner, Chair

- \* Develop slate of candidates for board of directors and president-elect and submit the slate to the board of directors for approval
- \* Collect ballots and determine the winners of the elections, certify the results to the board of directors

Chapters – Mark Isaacs, Chair

- \* Solicit chapters for comments on reviewing past and future goals with Dr. Speth
- \* Report the results of the findings to the board of directors

If you have any comments or questions regarding ISPLS, contact a director, officer or staff member and we will make every effort to address your concern and improve our surveying organization.

## ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Dianne Bennett, Executive Director

### January 15, 2004

The ISPLS Board of Directors held a meeting on Thursday, January 15, 2004 at Marriott Downtown Indianapolis. President Garrison called the meeting to order at 1:05 p.m.. The minutes and treasurers reports were reviewed and approved with revisions.

Staff Activity Report - A written report was submitted for board review. The report is stated under individual topics listed below.

Officer Activity Report - Frank Ballintyn presented a report on the Lewis & Clark Bicentennial signature event expenses. A motion was made and passed to pay this out of the Grants budget 2004.

Communication - Membership - The following membership applications were reviewed and approved: Professional - William Ruberry, Ronald Morrison, Robert Wilkinson, Edward Lazar, Gilbert Smith, Brian Matherly, Keith Stoddard, Harry Morrison, Robert Willhide, Daryl McConnell, P. Joseph Coutts, Steven Hahn, Mark Weston; Associate - Eric Denllinger, Austin Yake, Christopher Smith, Terry Parker, Douglas Bacon, Steven Reeves, Ryan Nichols, Douglas Kerr, Kyle Sorensen, Nick Baner, Timothy Brown, Aaron Briles, Scott France, John Wiedman, Randall Nick, Michelle Baumgartner; Affiliate - Matt Meunier, Jerry Holloway, Ricardo Brower, Michael Hunter, Joseph Mylor; Firm - R.W. Gross & Associates, Inc.

Hoosier Surveyor - Any articles for the next issue need to be submitted by January 26th.

Web page - Chris Marbach submitted a written report of ways to improve the ISPLS web site. Port-to-Port has been asked to give us an estimate of their charges for updating our web site as Chris had suggested. Also a motion was made and passed to pay Port-to-Port for the yearly maintenance fee.

Public Information and Marketing - The monument for the Indiana Center of Population is being manufactured.

Letters were sent to schools offering to present at career days.

Professional Development - Education - The summary of the Northeast Chapter's seminar and Central Indiana Chapter's technician seminar was submitted.

There was long discussion of the annual review of the seminars. A motion was made and passed to not increase fees & have past year's income/expense reports for a meeting soon to review. Both of our normal reports and what we might need to present to legislature with all other appropriate overhead office expenses, etc., not usually included in our typical reports.

Scholarships - The committee met on November 21st and conducted interviews for the P.U. Scholarship. The committee awarded Scott M. Thompson \$3000.00.

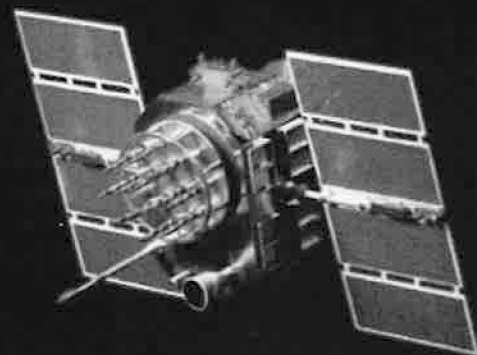
Honors & Awards - There were three 40-year pins to award this year. Rodney Ludwig - Professional Member; William Land and Charles Cole, Jr. - Life members.

Trig Star - Tony Gregory commented that the committee is looking for suggestions and energetic person to promote in each chapter.

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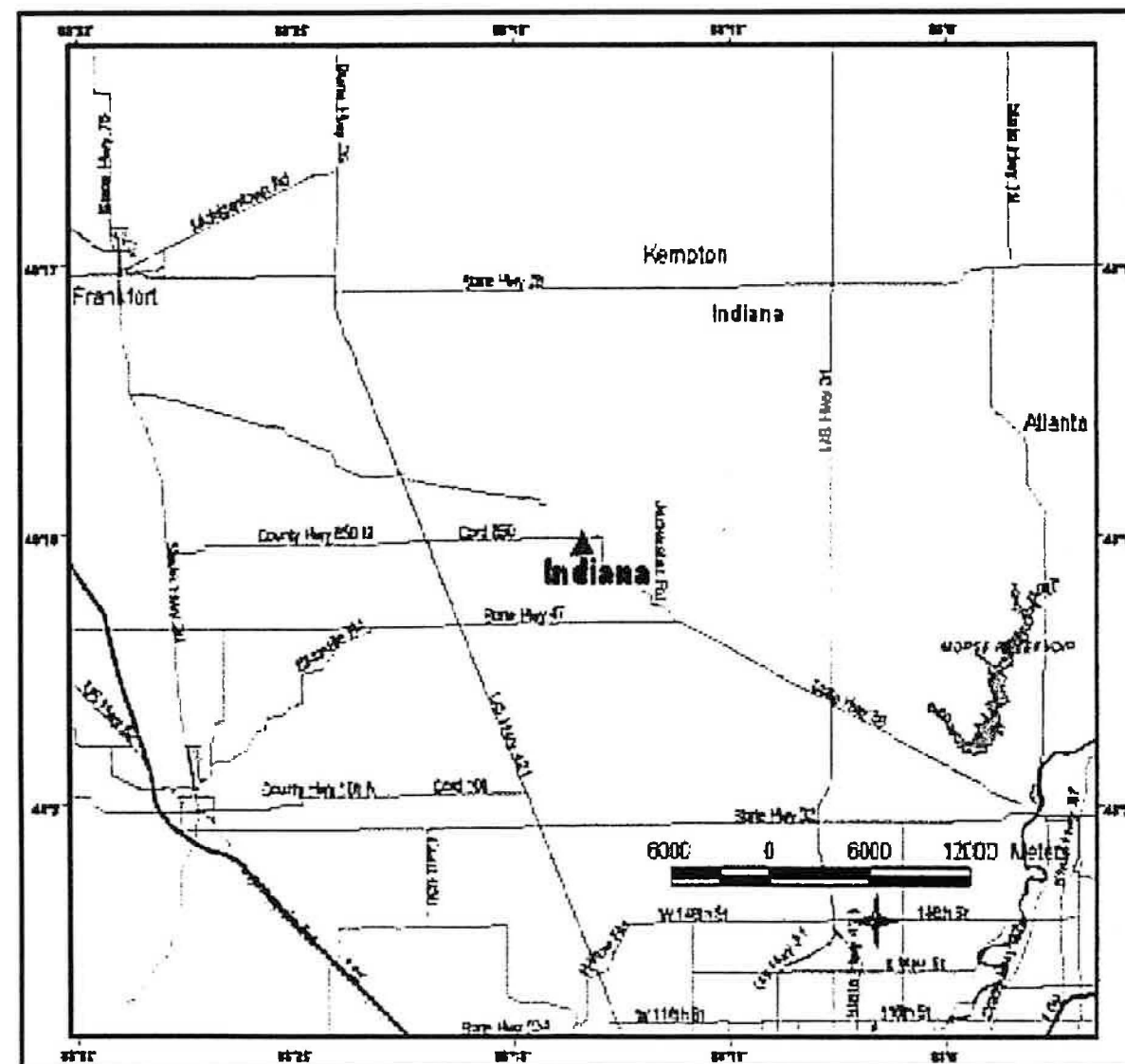
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## Center Of Population Project



In a project co-sponsored by NOAA's National Ocean Service (NOS), the Census Bureau, and the American Congress on Surveying and Mapping (ACSM), many states are in the process of officially monumenting their Year 2000 Center of Population by setting commemorative markers. Most recently, Missouri, New Jersey and Washington have set and performed GPS observations of their 2000 Census Center of Population monuments. A number of states have now set such markers. In a cooperative effort, the Census Bureau provides the location of the state population centers, and NOS provides the guidelines for placement of the marker. ACSM coordinates the monument setting and observation performed by state professional surveyors. This is an excellent example of what collaboration between the private sector and Federal, state and local government surveying and mapping professionals can achieve. It is expected that all state Center of Population sites will be included in NOAA's National Spatial Reference System, which will allow surveyors and others to utilize the markers.





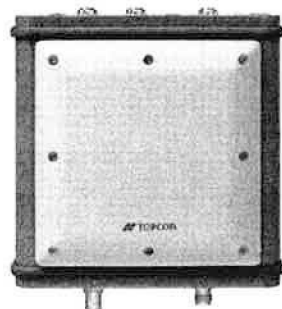
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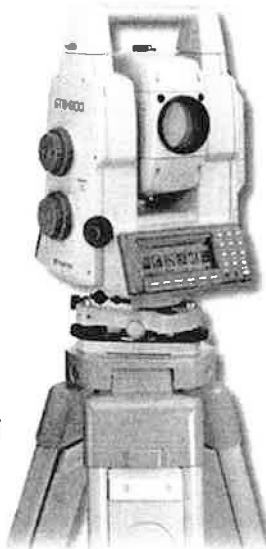
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### Following in the Footsteps of Lewis & Clark

#### Corps of Discovery II Markers

This bronze Corps of Discovery II marker commemorates the symbolic start of the Lewis and Clark expedition. Initiated by Thomas Jefferson, the expedition began to explore and map America in 1803.

To honor Lewis and Clark's contributions to mapping, NOAA's National Geodetic Survey (NGS) is installing a series of commemorative markers along the route that Lewis and Clark traveled, beginning in Monticello in Virginia and ending at Fort Clatsop in Oregon. NGS is positioning these markers using modern techniques, including the satellite-based Global Positioning System. The markers will become part of the National Spatial Reference System (NSRS), the federal standard and foundation for all positioning and navigation activities in the United States.

#### Jefferson: The Beginning

As the son of an active surveyor, Thomas Jefferson was exposed to the world of mapping and charting at an early age. Although Jefferson chose law as his profession, in 1773 he briefly considered a career as a surveyor. He was commissioned as the Albemarle County, Virginia, surveyor on October 14, 1773, but did not enter a complete survey into the books during his time of appointment. Even though Jefferson decided to go into law and then into politics, he realized the importance of surveying throughout his life, recognizing that a nation could not be newly built without an accurate system of reference points.

Jefferson's desire to improve the land and the life of its inhabitants further fueled his aspirations for discovery and exploration. Jefferson saw an integral relationship between man and the earth, believing that the land was given to man to civilize and cultivate. In correspondence to James Madison, dated October 28, 1785, Jefferson writes "It is not too soon to provide by every possible means that as few as possible shall be without a little portion of land. The small landholders are the most precious part of a state." Jefferson made this philosophy become reality through the order and consistency of surveying. He proposed a methodical plan to distribute equal amounts of land in the Northwest Territory, where disputes and confusion over land possession were common.

#### Sending Lewis and Clark on the Trail

Even before becoming president in 1801, Jefferson had dreamed of probing the uncharted West for many years. He was involved in several expeditions sent to find a water passage to the west coast of North America, but they were unsuccessful. Yet, these attempts gave Jefferson experience in exploration, providing a basis for his future pursuits of mapping unknown land. Jefferson's presidency gave him the necessary resources to seriously consider exploration of the West. In his first 1801 inaugural address, he saw "A rising nation, spread over a wide and fruitful land, advancing rapidly to destinies beyond the reach of mortal eye." Less than two years later, on January 18, 1803, Jefferson followed through with his vision, requesting \$2,500 from Congress for the Corps of Discovery, which became known as the Lewis and Clark expedition.

In May 1804, as Lewis and Clark were about to move west along the Missouri River, Jefferson wrote, "We shall delineate with correctness the great arteries of this great country: those who come after us will fill up the canvas we begin." While Jefferson directed Lewis and Clark to gather information about the people, animals, and plants of the West, one of his main objectives was to chart the territory, hoping to find a waterway to the Pacific Ocean. In his instructions to Meriwether Lewis, Jefferson writes, "Beginning at the mouth of the Missouri, you will take observations of latitude and longitude at all remarkable points on the river, & especially at the mouths of rivers, at rapids, at islands & other places & objects distinguished by such natural marks & characters of a durable kind, as that they may with certainty be recognized hereafter."

#### The Survey of the Coast

After the success of the Corps of Discovery expedition, Jefferson desired to survey the Eastern coast of America, because shipwrecks commonly occurred. With a clear delineation of the coastline, many products and ships could be saved, expanding commerce and industry. An act was passed by Congress on February 10, 1807, authorizing Jefferson to establish an organization to survey the coasts of the United States.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby authorized and requested, to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts within the extent aforesaid.

After analyzing the ideas of several surveyors, Jefferson chose Swiss-born Ferdinand Hassler to become the Superintendent of the new bureau, called the Survey of the Coast and directed by the Treasury Department.

In 1878, the agency was reorganized and given a new name, the Coast and Geodetic Survey (C&GS), which it maintained until 1970. The name C&GS acknowledged the importance of geodesy, the science concerned with measuring the size and shape of the earth, to surveying. In 1970, a reorganization created the National Oceanic and Atmospheric Administration (NOAA), and the National Ocean Service (NOS) was created as a line office of NOAA. Part of C&GS became the National Geodetic Survey, which is currently responsible for evolving and maintaining the National Spatial Reference System (NSRS).

#### Surveying Today with NOAA's National Geodetic Survey

Today, the mission of NOAA's National Geodetic Survey (NGS) is to ensure that the United States has a consistent, high-accuracy geodetic reference foundation that supports a multitude of needs. The safety and efficiency of the buildings we live in and work in, the roads and bridges we drive on, and the trains, airplanes, and ships that carry the products we use everyday, all depend on a universally compatible system of geodetic reference points that tie our nation together. Until recently, NGS has relied on using conventional line-of-sight survey measurements, much like Lewis and Clark did, to provide this national geodetic framework.

The advent of the Global Positioning System (GPS), however, has irreversibly transformed this landscape. Developed by the U.S. military, GPS is a constellation of satellites that transmit their signals to receivers all over the world. GPS enables geodetic positioning to be accomplished without having to physically see or measure distances between survey points. Using GPS, a survey that once took days or weeks to complete can now be done in a few hours at a much lower cost. GPS has not only revolutionized the traditional civilian navigation, surveying, and mapping professions, but has spawned numerous new applications in industrial sectors not previously dependent on geodesy. NGS provides the infrastructure that facilitates public and private civilian applications of GPS. The virtually unknown geography of western America, described as a blank canvas in Jefferson's time, is now well documented by the framework of NSRS, and it can be viewed by all GPS and GIS users.





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## NOAA AND CLARKSVILLE, INDIANA MARK THE TRAIL OF LEWIS AND CLARK

NOAA Press Release 10/23/03

On October 25, 2003, the National Oceanic and Atmospheric Administration (NOAA) and Clarksville, Ind., will celebrate the bicentennial of the Corps of Discovery Expedition, led by explorers Meriweather Lewis and William Clark 200 years ago. NOAA's National Geodetic Survey (NGS) will set a commemorative marker in Clarksville, along the trail traveled by the legendary explorers. The ceremony will be held at the George Rogers Clark Home Site at 11:00 a.m. NOAA is an agency of the U.S. Department of Commerce.

Equipped with only a few basic surveying tools, Lewis and Clark literally measured their way across unknown territory. Beginning at Wood River, Illinois, in 1804, Lewis and Clark spent the next two years traveling through newly acquired territory that now includes Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Montana, Idaho, Oregon and Washington. They reached the Pacific Ocean in 1805 and traveled back in 1806.

In January 2003, the Corps of Discovery II Expedition began retracing the steps of Lewis and Clark. NGS placed a marker at Monticello in Charlottesville, Virginia, the home of Thomas Jefferson and symbolic starting point of the expedition. Jefferson initiated the Corps of Discovery Expedition with a letter to Congress in 1803. The design of the marker is based on the Jefferson Peace Medal, a memento that Lewis and Clark presented to American Indian leaders as they traveled west. The commemorative expedition will continue through 2006.

"Jefferson had an image of America as a land of small property ownership and well-defined boundaries," said Charlie Challstrom, director of NGS. "Lewis and Clark executed this vision, measuring their way across America with only a few basic surveying tools and resources at hand. Today, the geography of America continues to be more accurately depicted through NOAA and NGS use of advanced positioning technology."

Each commemorative marker is located using a Global Positioning System (GPS) device. The coordinates derived are a part of the National Spatial Reference System (NSRS), which serves as the nation's geodetic reference framework for latitude, longitude and elevation. NGS establishes and maintains NSRS, providing the foundation for transportation and communication systems, boundary and property surveys, land record systems, mapping and charting, and a multitude of scientific and engineering applications.

As a surveyor, Thomas Jefferson had a vision for a clear delineation of the United States coastline to reduce shipwrecks while expanding commerce and industry. Jefferson created the Coast and Geodetic Survey (CGS), to focus on the importance of geodesy, the science of measuring the size and shape of the earth, and the nation's coasts. After a federal reorganization in 1970, part of CGS became National Geodetic Survey, falling under the NOAA umbrella.

NOAA's National Ocean Service, which includes NGS, is dedicated to exploring, understanding, conserving and restoring the nation's coasts and oceans. It balances environmental protection with economic prosperity in fulfilling its mission to promote safe navigation, support coastal communities, sustain coastal habits and mitigate coastal hazards.

NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and providing environmental stewardship of our nation's coastal and marine resources.

### COMPLETED CAREER

**Donald G. Craig, 78, PLS  
Centerville, IN, former ISPLS member**

Donald G. Craig, 78, Centerville, IN died Tuesday, February 10, 2004 at Reid Hospital following a brief illness. He was born April 23, 1925 in New Albany, IN and is survived by his wife of 57 years, Jeraldine McConaha Craig; two sons, Alan (wife, Susan) Manassas, VA; Andy (wife, Carol) Richmond, IN; one daughter, Sara Brewer (husband, Rick) Indianapolis; and seven grandchildren. Don attended Purdue University and was keenly interested in land surveying, becoming registered in 1976. He worked over 15 years for John Beals & Associates, Richmond and was in charge of their Winchester office for a number of years. He also served as Wayne County Surveyor and was a former member of ISPLS. Two years ago he decided to accept "inactive status" as a registered land surveyor. Funeral services were held Feb. 12 at First Christian Church in Richmond with burial in Crown Hill Cemetery in Centerville. "Life taught him that joy and the presence of God were found in the serving of people, his wife, his family, his community, and his country. He and Jerrie found their greatest happiness walking in the trenches of need."

Your editor was a former classmate of Craig and Jerrie at Purdue in the 1946-47 era after WW II. He will be missed!

A letter to the editor of the local newspaper has the following tribute to Craig written by Jerry Templin of Richmond: "Many years ago, I had the privilege and pleasure of working on a daily basis with Don Craig, who was simply known as 'Craig' to those who were close to him. We were both working for John E. Beals & Associates, Surveying and Mapping, established in 1959 here in Richmond.

Craig was a born land surveyor. When assigned a job, whether it be a single lot survey or complete subdivision, he tackled the field with such determination and focus there was no question but what the job would be done honestly, accurately, with the ultimate in perfection.

He worked very, very hard under the most severe environmental conditions during all seasons, but the physical and mental stress associated with the profession never brought an unkind word - because he loved his job. Craig was known to inject words of wisdom into a lunch break conversation involving world events, followed by a low chuckle and wide grin. Our world would be a kinder place if Craig's words of wisdom were heeded.

He loved his family, his church and mankind. Even though Craig has traversed the bearings and distances of life on earth, he has not come to an end, but has returned to the place of beginning. I can picture him establishing to boundaries of heaven along with Phil Thornburg, Dell Davis and George Gault - and other dedicated Wayne County land surveyors."

Editor's Note: Isn't this a great tribute!



## Lewis and Clark - 200 Years, Then and Now

### Results in updated boundary survey of the original town of Clarksville

by Joe Jacobi, PLS, Clarksville, Indiana

In days before the middle of the 20<sup>th</sup> Century, the flats on the north bank of the Ohio River just below the Falls was a favorite playground of a band of teen-age boys. The land was farmed, but with few buildings. Adventures awaited them. In summer, the main attraction was swimming when the Ohio River was at low water. There was the riverbank to comb for drifted debris of all kinds. The fields above the riverbank yielded Indian arrowheads to the keen eyed and the bluff above the river often exposed human skeletons, remnants of an ancient Indian burying ground. The boys often recovered arm and leg bones, ribs, vertebrae and sometimes a whole skull. These were Tom Sawyer and Huckleberry Finn adventures and these boys were innocently unaware of the American history that their playground had seen many years ago.

Now rewind the tape of time about 150 years to a time when the countryside was younger still. The War of Independence had been won and the West was being settled. The word "West" at that time meant the continental United States as far west as the Mississippi River. The Far West beyond the Mississippi was only a dream in the mind of American president Thomas Jefferson. It was home to native peoples and the territory was variously claimed by France, Spain and Russia. When Napoleon was badly in need of funds, the French government sold its North American claim to the United States at a bargain price. That became known as the Louisiana Purchase.

The land below the Falls of the Ohio was already being settled and was now called Clarksville. It was part of the land award to Gen. George Rogers Clark and his soldiers for their services in securing the territory east of the Mississippi River for the United States. The aging general now lived in Clarksville. It was just across the river from Louisville, Kentucky, which was already a thriving community.

Advance the tape to 1801. President Jefferson envisioned a United States that extended from the Atlantic to the Pacific. It would later be sung "from sea to shining sea". To implement this vision he authorized and secured funds for a "Voyage of Discovery". It would be a cadre of 33 men that would be sent down the Ohio to the Mississippi and thence up the Missouri River to lay physical claim to the Louisiana Purchase. Others would be temporarily employed in the course of the expedition. Jefferson selected his administrative aide, Meriwether Lewis, to lead the expedition. Lewis enlisted his friend, William Clark, as a co-captain. Eager for adventure, Clark readily agreed. He was the General's younger brother.

The captains and their men met at the Falls of the Ohio and made final preparations for the journey. They departed on October 26, 1803, ultimately reaching the Pacific. They did not return until November 5, 1806. Their entire original crew was intact except for one man lost to illness.

Now fast-forward again 200 years to the year 2003. The Falls of the Ohio is the focus of a major population center, comprising Louisville, New Albany, Jeffersonville, Clarksville and a dozen neighboring towns, each wishing to celebrate the 200<sup>th</sup> anniversary of the day when Lewis and Clark launched westward from the Falls of the Ohio.

By human measure, 200 years is a long time and by common agreement important events ought to be commemorated. And so in the year 2003, the principal communities at the Falls of the Ohio, namely Louisville, Jeffersonville and Clarksville, each sought to do their part and be recognized as contributors to the celebration of the original departure of the Voyage of Discovery.

Clarksville was at the center of this activity and interested parties were urged to make their contributions. One such group was the Initial Point Chapter of the Indiana Society of Professional Land Surveyors. In May 2003, the group was approached by Bill Stodghill who is a member of the Clarksville Historical Society. Bill is a retiree from the U.S. Corps of Engineers and he knew most of the members of the Initial Point Chapter. Meeting in Clarksville, Bill asked the group if they could make some special contribution to the celebration. David Blankenkaker suggested that the group undertake a resurvey of the boundary of the 1000 acre Original Town of Clarksville. After some discussion, those attending decided that was a capital idea. It would involve the principal elements of land surveying: Records Search, Records Analysis, Field Work, Monumentation and Mapping.

They decided to divide up the work as follows:

**Records Search:** Each participant would bring in all the pertinent information from his personal or his company's files. Records were also obtained from the Clark County Records office and the Clark County Surveyors office.

**Records Analysis:** Compilation of useful information would be done as a group.

**Field Work:**

**Steve Marshall** volunteered to do the west line of the Original Town, which was located just inside Floyd County.

**Harold Hart** volunteered to do the north line of the Original Town.

**Dave Ruckman** and **David Blankenkaker** volunteered to do the northeast and east lines to the Ohio River.

**Frank Ballintyn**, who was with the Department of Natural Resources volunteered liaison with DNR because reference monumentation would be placed on State-owned property.

**Terry Kendall** agreed to keep minutes of the meeting, assist in materials procurement, monumentation and GPS locations of the monuments.

**Kirk McCauley** is a sales rep for Precision Products. He was able to make GPS equipment available for the group and perform the GPS measurements.

**Jason Copperwaite** agreed to do the necessary CAD drafting in connection with map preparation.

As the work progressed each participant found that their duties and needs often overlapped and that their individual tasks often varied from their original assignments. Their cooperation is a tribute to their sense of mission, since most of them were business competitors. For example, Harold Hart found that he had little to do on the north line of the Town. Steve Marshall and David Blankenkaker had established both ends of the line, which defined it. Instead Harold turned his attention to the Ohio River boundary, which has been established by the Corps of Engineers to settle the boundary between Indiana and Kentucky. He converted the Corps data to the GPS system used by these Initial Point surveyors.

Four or five months were expended in getting the various phases of the work done. Much of the work was done in spare time, weekends and vacation time. But get done it did. At present, the corners so determined are only referenced on the ground and by GPS. The Chapter will undertake permanent monumentation and recordation of the map for public use as soon as time permits. It will provide fitting closure to such an effort.

A surveyor's work product is his monumentation and his map or plat. This Clarksville effort resulted in a map of which 5000 copies were printed for distribution to the public at a cost to the Initial Point Chapter of \$3000. The map format is a background of a current USGS map on which the boundary determined by the Initial Point Chapter is overlaid, showing the present measurements and the original description dimensions. On the back of the published map is a copy of the original plat and description of the original Town. Most of these maps were given away at the official celebration ceremonies on October 25, 2003.

In President Thomas Jefferson's day a medallion was struck by the United States government for presentation as gifts to friendly Indian chiefs. It was about three inches in diameter, cast in bronze, showing a handshake, a peace pipe, a tomahawk and the words "PEACE AND FRIENDSHIP". This design was adopted as a centerpiece for the Celebration and an outer band was added bearing the caption "CORPS OF DISCOVERY II 200 YEARS TO THE FUTURE". A limited quantity of these medallions were cast in bronze to be used as mementos of the Celebration and as monument caps for important permanent monuments. Two of these medallions were set within the Original Town of Clarksville as reference monuments, but not on any boundary lines.

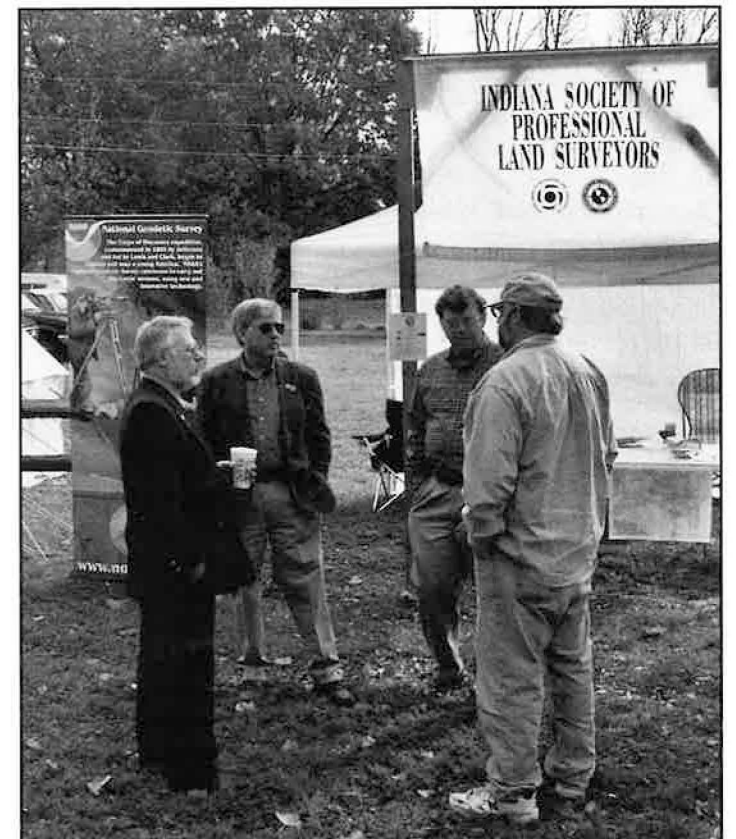
A surveyor's work is seldom front-page news. And so it was with this grand effort by the Initial Point Chapter. With only a few words of recognition at the Celebration, their effort will fade into history and will only re-emerge when future surveyors make use of their work. To insure that the results of this work become available for public use, steps will have to be taken by the Initial Point Chapter to secure permission to install permanent monuments at the corners they have determined and to record the results in the Clark and Floyd County Records where it will be useful for generations yet unborn.

Joseph W. Jacobi, Sr., PE, PLS

February 18, 2004

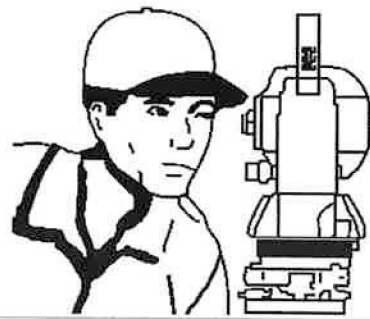


Clarksville original 1,000 acre resurvey committee. Left to Right: Harold Hart, Bill Stodghill, Joe Jacobi, Frank Ballintyn, David Blankenkaker, David Ruckman, Steve Marshall. (At the Falls of the Ohio Interpretive Center shows in upper left corner.

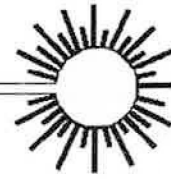


Lewis & Clark Bicentennial commemoration and National Signature Event in Clarksville, Indiana. Left to Right: Ross MacRay, Vic McCauley, Bill Pettitt and Terry Kendall.





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## When an Easement is Not an Easement

By Richard F. Bales, Chicago Title Insurance Company, Wheaton, Illinois

All surveyors are familiar with the ALTA/ACSM land title survey, commonly known as the "ALTA" survey. As you know, Table A of the 1999 land title survey standards is a listing of "optional survey responsibilities and specifications." This listing includes such things as a flood zone designation, land area, and location of utilities.

I was recently asked to review a land title survey of some vacant commercial property in Northern Illinois. The surveyor performed a land title survey pursuant to a contract with the owner of the land, a major real estate developer. The owner specified in his contract that the surveyor need not disclose the location of utilities as set forth in item 11 of Table A of the survey standards. Accordingly, the surveyor's field crew failed to locate and disclose a storm sewer line that cut through the land. After the buyer reviewed the survey and signed the contract to purchase the property, he discovered the storm sewer line and realized that he would be unable to build his proposed building on the property because of this sewer. The buyer now wishes to back out of the contract. The surveyor contacted me and asked me if I thought that he had a duty to show the storm sewer line and if his survey was defective. Although it appears that the survey is not in error, this situation and my resultant analysis is perhaps worthy of consideration by surveyors. To understand my conclusion that the surveyor had no duty to show the storm sewer line, one must first understand the correlation between paragraph 5(h) of the body of the survey standards and item 11 of Table A of these standards.

Paragraph five of the standards includes this preamble: "The [plat of survey] shall contain, in addition to the required items already specified above, the following information:" A series of lettered sub-paragraphs follows this introduction; paragraph 5(h) reads in part as follows: "Observable evidence of easements and/or servitudes of all kinds, such as those created by roads; rights-of-way; water courses; drains; telephone; telegraph, or electric lines; water, sewer, oil or gas pipelines on or across the surveyed property and on adjoining properties if they appear to affect the surveyed property, shall be located and noted...Surface indications, if any, of underground easements and/or servitudes shall also be shown."

Table A includes these instructions: [if an item is checked], the following optional items are to be included in the ALTA/ACSM LAND TITLE SURVEY: [emphasis in original.] Item 11 reads in part as follows: "Location of utilities...existing on or serving the surveyed property as determined by: (a) Observed evidence...manholes, catch basins, valve vaults or other surface indications of subterranean uses; wires and cables (including their function) crossing the surveyed premises..."

At first glance it appears that these two portions of the survey standards conflict in that they seem to address essentially the same thing—utility easements. But inconsistent provisions in a docu-

ment should be construed together and reconciled, if possible. See, e.g., Law V. Kent, 384 Ill. 591, 52 N.E.2d 212 (1943). Therefore, further study is necessary in order to determine what the representatives of the American Land Title Association and the American Congress on Surveying and Mapping intended when they drafted these survey standards.

Paragraph 5(h) refers to "easements and/or servitudes." By definition an easement is the right of one party to use the land of another party. For example, a storm sewer might be termed an easement in gross. Black's Law Dictionary defines an easement in gross as "not appurtenant to any estate in land or does not belong to any person by virtue of ownership of estate in other land but is mere personal interest in or right to use land of another..."

The Merriam-Webster dictionary defines "servitude" as "a right by which something (as a piece of land) owned by one person is subject to a specified use or enjoyment by another. "Thus, the concept of a servitude also involves the right of one person to use someone else's land. Black's Law Dictionary contains a similar (but lengthier) definition.

It seems, then, that this characteristic – the right to use the land of another – is the distinguishing and defining difference between paragraph 5 (h) of the body of the standards and item 11 of Table A. That is, whenever a surveyor performs a survey, he or she is obligated pursuant to paragraph 5(h) to disclose all "easements and/or servitudes" – that is, any and all observable evidence on the land of someone else's use or interest in the land. Examples of this would be a neighbors driveway and burdens a portion of the land; utility wires that cross the rear of the land as they travel across adjoining property, bringing electricity to neighboring building; and a storm sewer, but only if that storm sewer benefits land owned by someone other than the landowner of the property in question, because only then would the storm sewer be an easement or servitude.

Another example might present an even clearer distinction. Consider a residential lot. Utility poles and wires run across the rear of the lot and other lots in the subdivision. A "drop line" runs from the utility wires to the house on this lot, thus providing utilities to the home. Similar drop lines provide electrical service to the neighboring homes. If a surveyor is asked to perform a land title survey of this house, and if this surveyor is not instructed to include any optional Table A information on his plat of survey, the surveyor would still have an obligation to show the utility poles and wires on his survey. The reason for this is because the surveyor is still bound by paragraph 5 (h); these utility poles and wires are clearly in the nature of an easement. The surveyor would not, however, have to show the drop line running from the utility wires to the house, as that drop line does not represent an interest that is being used by another party. It exists solely for the benefit of the landowner.

...continued Page 18

On the other hand, if item 11 of Table A has been checked off, the surveyor will have to show this drop line, as this line clearly is a "wire and cable crossing the surveyed premises", as set forth in item 11.

...In the present example, the issue is: does the storm sewer exist solely for the benefit of the landowner? If so, it is not by definition an "easement and/or servitude" and thus need not be disclosed on a land title survey in which item 11 of Table A is not checked off. In my situation, the land in question is still owned by a developer, who put the storm sewer in to service the lots in the industrial park. To date, though, he has not yet sold off any of the lots. Therefore, the storm sewer is not an easement or servitude; the surveyor wins, albeit barely.

Interestingly enough, a similar situation was addressed in the December 2002 issue of the Wisconsin Professional Surveyor, the magazine of the Wisconsin Society of Land Surveyors. Gary Kent, President of the American Congress on Surveying and Mapping, writes about a surveyor who failed to show a manhole on this land title survey. In subsequent litigation the plaintiff argued that the surveyor should have shown the manhole because of paragraph 5(h). The surveyor countered by arguing that pursuant to his contract, he was not required to disclose item 11 information on his plat of survey. Mr. Kent comes to the same conclusion that I independently arrived at. He writes that paragraph 5(h) and item 11 address two different issues. He states that "under 5(h), a manhole is clearly 'observable evidence of an easement and/or servitude' unless further investigations were to reveal that it was not. For example, a manhole for a storm sewer that drains a parking lot to on-site detention might very well not be evidence of an easement."

Finally, he concludes with a very appropriate distinction: "It is an aside that as evidence of a sewer, the manhole did not have to be shown on the survey because Table A item 11 was not included. But as observable evidence of an easement under paragraph 5(h), it did have to be shown." {emphasis in original.}

Gary Kent's example, of course, while illuminating, is distinguishable from the present situation. Mr. Kent writes about a manhole that was observable evidence of an easement—that is, someone else's interest or use in the property in question. But in my example, there is not such evidence of an easement—rather, the storm sewer is used solely by the owner of the land. Because this storm sewer is not an easement or servitude, it did not have to be shown on the land title survey, as it did not fall within the four corners of the paragraph 5(h).

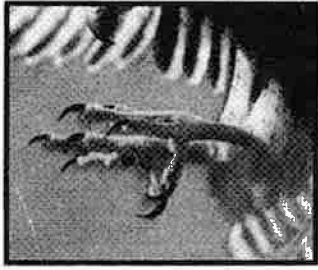
On the other hand, if this storm sewer serviced other land not owned by the landowner, then my case would be directly analogous to the example set forth in this surveying magazine. The storm sewer then would be in the nature of an easement. As such, it would have to be shown on the survey.

So what can surveyors learn from this episode? As there may be times when what appears to be an easement may not be an easement, it seems to me that surveyors of commercial or industrial properties or large tracts or residential land should make sure that their field crew understands that fine distinction between paragraph 5(h) and item 11. If in doubt, it would probably be best for the surveyor to show any and all possible evidence of utilities on his or her plat of survey.


In the alternative, should the surveyor show a note on the plat of survey, explaining that pursuant to contract, some or all evidence of utilities is not disclosed on the plat? Probably not. Mr. Kent (who was called as an expert witness), indicates that the case was settled out of court. It appears that the surveyor paid damages—even though the surveyor's plat included this caveat: "No certification is made as to the locations of underground utilities such as, but not limited to, electric, telephone, cable TV, gas, water, sanitary and storm sewers. Only above-ground visible features are shown. Other utilities may exist of which (surveyor) has no knowledge."

*As seen in Backsights & Foresights, Vol 14 No 3, published by the South Dakota Society of Professional Land Surveyors and in the Evergreen State Surveyor Fall 2003*

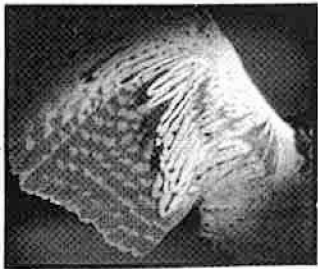
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## Selling Your Small Business Eight Key Steps to the Best Deal

by: Ted Blum

Thousands of small businesses worth as much as \$50 million were sold last year in the U.S., many of them involving privately held companies that had been created and built over the owner's lifetime, and whose sale had been in the planning stages for several months, if not years.

Among the many reasons entrepreneurs may sell their companies, three are most common: 1) They want to reduce their personal financial exposure and diversify their portfolio; 2) They need capital infusion or greater strategic resources from an outside source to dramatically expand the business; or 3) They are interested in retiring or moving on to new challenges and there is no one readily available at the company to whom the business can be transitioned.

Still, while most successful entrepreneurs are visionaries with great business minds, most have absolutely no idea how to sell their own businesses. In fact, many don't even know what their company is worth—and often underestimate the true value.

If you are planning to sell your small business—a very involved undertaking—in the next year or two, now is the time to sit down with your attorney, accountant and financial advisor to begin strategizing. Careful planning, especially tax planning, can make the deal much more attractive for both seller and buyer.

Once you have decided to sell, consider the following steps:

- 1) Assemble your team. Because selling a small business can be a complex and an emotionally wrenching experience, it is important to assemble a team of professionals you trust. This team should include your corporate and tax attorneys, your accountant and an investment banker, business valuation specialist or financial advisor. Working closely with your advisors should help you maximize the amount for which you are able to sell your company, minimize the tax costs of the deal and limit your exposure to future lawsuits or claims by the buyer.
- 2) Define your personal goals. Ask yourself exactly why you are selling, and what you hope to accomplish with the sale. Do you simply want to cash out and release all personnel and financial ties to the company? Do you want to cash out and stay on as part of the new team? Are you willing to stay on for a limited amount of time to help transition the business to its new owner? The answer to these questions will generally depend upon your reasons for selling. It is also a good idea to sell your business when it is profitable and running well. That way, your business will remain viable even if negotiations break down and the sale is not completed. This allows you greater leverage to negotiate the best deal for you and gives you the strength to walk away from any deal on the table that is not satisfactory.

- 3) Determine the value of your company. If you are seriously considering selling your business, you should obtain a realistic idea of what your business is worth from an objective, outside source, such as an investment banker or your accountant or financial advisor. The valuation of a business can be determined in many ways and can take into account multiple factors, including your company's earnings, revenues, assets, future prospects, unique product offerings, etc. The valuation should take into account not only historical financial data, but projected financial results in the future. The valuation can also be impacted by the intangible benefits, or synergies, your business brings to the buyer. How to enhance the perceived value of your company to the buyer can be significantly improved by the input of your team of advisors.

- 4) Set your selling price and determine how you want to get paid. Based on the valuation of your company, you must decide the amount for which you are willing to sell your company. You might find that you would rather keep your company than sell it at the present valuation. Alternatively, you might find that much of the value of your company lies in future growth prospects, in which case you might decide either to wait until such growth materializes or to structure the deal to pay some cash now and some in the future when such growth actually materializes. Once you determine your selling price, you need to determine how you want to get paid. You can structure the deal to receive cash, stock, deferred payments or a combination of the three. Cash is king, however, you should try to sell for cash instead of stock or deferred payments unless you think the new buyer might run the business as well or more profitably than you did or the business is in a growing industry with plenty of potential.

- 5) Clean up your balance sheet. Depending on the present state of your books, you can do a number of things to accomplish this, including collecting outstanding receivables and debts, paying all taxes and fees; reducing accounts payable and other debt; and eliminating contingent liabilities, such as legal claims, governmental violations or other third-party actions. If you have enough time prior to sale, you might try to make your operations more efficient and profitable by cutting costs or improving efficiency. The overall goal of this effort should be to paint the best financial picture of your business possible and to minimize as many problems and liabilities as possible. Again, your team of advisors can provide invaluable guidance in this regard.

...continued Page 21



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### Selling Your Small Business ...continued from Page 19

- 6) Understand the tax structure of the deal. In the end, it all comes down to maximizing the after-tax dollars you put in your pocket. The deal should be structured in the most tax-advantageous manner possible to you. There are many ways to minimize or defer taxes, and you should work closely with your team of advisors to develop the right structure to accomplish this goal. Among the many deal structures that can be used are stock acquisitions, asset acquisitions and mergers. Each presents different tax consequences. For example, if your company is a C-corporation, you would generally rather sell your stock than the company's assets. By selling the company's assets you would be subject to double-tax (at the corporate level and at the individual level), but by selling your company's stock you would be subject to tax only at the individual level (and at the favorable capital gains tax rate of 20%). If, however, your company is an S-corporation, all taxes from a sale would generally be triggered at the individual level and it would not matter as much from a tax perspective whether you sold your company's stock or whether you sold the company's assets.
- 7) Do your due diligence. Find out everything that you can about the company making an offer on your business, including its financial picture and its culture. The latter is especially important if you plan to stay on in a management role. It is essential to your survival with the organization after the sale that you mesh with the new culture that will inevitably come with a new owner. For most business owners, this signals a transition to thinking less like an entrepreneur and more like a member of a team.
- 8) Finally remember the old cliché: The devil is in the details. Make sure you understand the implications of every word in every clause of any contract you are considering relative to the sale of your business. Failure to have the contract negotiated on terms favorable to you can result in untold future liability that can ultimately reduce or eliminate the value you worked so hard to create. Your team of advisors are there for a reason-to answer any outstanding questions you might have, and to help you get the best deal possible for now and for the future.

Ted Blum is a shareholder with the Atlanta office of Greenberg Traurig, LLP, and has extensive experience in mergers and acquisitions and in counseling small business. [blumt@gtlaw.com](mailto:blumt@gtlaw.com)

*Reprinted from the Georgia Land Surveyor, July/August 2003 and The Kansas Surveyor, August 2003*

### Minutes ...continued from Page 5

Licensing Exam Review - Ed Sweetland reported that the next LS/SIT review will be at the P.U. Calumet campus on March 12 & 13, 2004.

Government Affairs - Legislation - ISPLS has been asked to help sponsor new legislation. The government affairs committee wants to give the BOR power to control non-registered activities. The current hang-up is the definition of land surveying.

HARN/GIS Monumentation - Frank reported that the Lewis & Clark monuments will be blue booked.

County Surveyors - Road School is March 10 and 11, 2004. Thursday is the County Surveyors day.

NSPS Governor/Great Lakes Council - The ACSM convention is April 18-22, 2004 at Nashville, Tennessee. Marlow McGowan gave a brief discussion of the current NSPS happenings.

Internal Affairs - Nominations - The results for Board of Director election was Don Bengel, Richard Hudson and Mark Isaacs were elected to the board of directors. A motion was made and passed to destroy the ballots.

Chapter Reports - The year end reports were included in the 2004 convention program book.

Old Business - CICF grant update was given by John Stephens. INGISI is setting up a 501(c)3 which will be able to accept this money for a grant.

New Business - There was discussion of the new land surveying program in Northern Kentucky University (near Cincinnati). Bill Clark has been in correspondence with them.

There was discussion about moving the board of director meeting during the convention to the morning.

It was reported that Emil Beeg has passed away on November 27, 2003.

Marlow McGowan discussed giving away a free NSPS membership again this year.

There was also discussion of health insurance.

Greg Garrison was commended on a good year.

#### February 21, 2004

The ISPLS Board of Directors held a meeting on Saturday, February 21, 2004 at ISPLS headquarters. President Stephens called the meeting to order at 10:10 a.m.. The minutes and treasurers reports were reviewed and approved with revisions.

Adjustment to the Agenda - A composite of the board of directors were presented by Henry Aldridge.

Staff Activity Report - A written report was submitted for board review. The report is stated under individual topics listed below.

Also submitted in the staff report was CICF (Central Indiana Community Foundation) A motion was made and passed to stay with CICF and not move the grant money at this time but at a later date. Plans are to move the grant money to IGIC (Indiana Geographic Information Council) once it has become a 501(c)3. IGIC is currently working on becoming a 501(c)3.

A grant proposal was submitted for creating a statewide survey database. This database would incorporate all the avail-

...continued Page 23

# Allen Precision Equipment



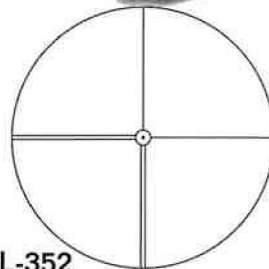
Terry Nutt, Training Specialist

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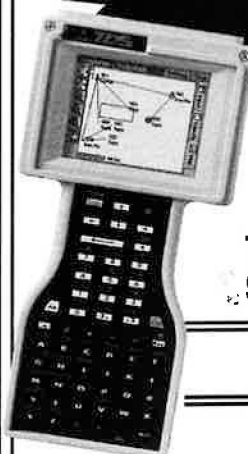
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### Minutes

...continued from Page 21

able public land system surveying data from the state's county surveyors offices. John Stephens will investigate this grant proposal.

The National Museum of Surveying is requesting money for a second story building addition. A motion was made and passed to give \$1000 a year by ISPLS for the next two years for building improvements. This money will come from the grants budget.

IDEM would like a member of ISPLS to participate with the E-coli work group which will be meeting once a month. Plans are to have the meetings in Indianapolis. John Stephens is going to talk with IDEM and find someone to place on this committee.

Officers Activity Report - Tony Gregory gave an overview of the Illinois conference.

Perry Cloyd gave an overview of the Kentucky convention.

John Stephens gave an overview of the Michigan convention. Communication - Membership - The following applications were reviewed and approved. Associate - Anthony Work and Michael Smith.

The 2004 ISPLS roster is being prepared now. Plans are to have the roster to the printer by March 1, 2004.

Hoosier Surveyor - Is at the printer. Any articles for the next issue need to be submitted by April 15, 2004.

Web page - Ron Smith and Angela Gorton, Agency Associates, the ISPLS insurance provider attended the BOD meeting to discuss their web advertising and link to the ISPLS web page. They would like to establish a web connection and an 800 number for our ISPLS members for purchasing insurance. Review of insurance topics were also discussed. An ad-hoc committee will be appointed by John Stephens to review the insurance issues. A motion was made and passed to link the Agency Associates and the ISPLS web site.

Public Information & Marketing - Ron will be attending career days on March 25 and April 21 at schools located in the Lafayette area.

The Center of Population brass monument was presented for the board to view.

Professional Development - Education - Upcoming seminars are on April 9, April 23, April 30 and September 3rd.

Scholarship - Mark will be publishing the scholarship dates in the near future.

Technicians - Dave Boblitt is working with his committee members on technician based seminars.

Trig- Star - The chapters are working on the Trig -Star program. Ed Sweetland is the CIC Chapter representative. The Tecumseh Chapter is still looking for someone to be the chapter Trig-Star representative. Tony stated that all participating should review the NSPS handouts and web site for details on Trig-Star. Perry Cloyd is the Hoosier Hills Chapter's representative.

A motion was made and passed to award \$500 to the Trig - Stars winner's teacher. Michigan currently awards their Trig-Star program winner's teacher \$500.

Licensing Exam Review - The committee met on February 20. The next LS/SIT review will be March 12 and 13 at Purdue. A motion was made and passed to include the ISPLS law manual CD for a discounted rate of \$10 for the March seminar.

Government Affairs - Legislation - The board reviewed Senate Bill #307 (Licensing Agency Bill) and House Bill #1398 (Engineer Bill).

Board of Registration - The Governor appointed Gary Kent to the licensing board. He was sworn in at the February 13, 2004 meeting.

The rule changes on LSA Document #03-22 goes into effect 2/25/04. It Amends 865 IAC 1-7-3 to revise what a registered land surveyor may include in the registrant's plans. Amends 865 IAC 1-12 to revise the standards for the competent practice of land surveying. Repeals 865 IAC 1-10-23 and 865 IAC 1-10-24. These changes are posted on ISPLS web site under "About ISPLS" under "Government Affairs".

The meeting dates for the Board of Registration for 2004 are: March 12, April 16, May 14, June 11, July 9, August 13, September 10, October 8, November 18 and December 10, 2004.

HARN/GIS Monumentation - Their last meeting was held at the ISPLS Convention. Future meeting dates will be announced.

County Surveyors - The next county surveyor's association meeting will be at Purdue Road School.

NSPS Governor - Don Bengel reported on the Tennessee bill addressing this issue of using GIS maps within the state.

The Great Lakes Council will be increasing its size to include two additional New England states.

The national conference will be held in Nashville, Tennessee.

Internal Affairs - Budget & Finance - The Wallington report was reviewed by the board.

Chapter Reports - Northeast - The chapter is meeting February 26. The chapter may be interested in hosting a seminar in 2004.

Tecumseh - The chapter will meet February 25th at Purdue University.

Central - The first BOD meeting will be February 20, 2004. The first general meeting will be March 18 at USI. The golf outing is scheduled for September 24th.

Hoosier Hills - The first meeting will be February 25th at the Windmill Inn located in Bedford.

Initial Point - The first meeting was conducted February 19. The Lewis & Clark monuments monumentation was discussed. The next meeting will be April 29th at Sam's.

New Business - There was a memo distributed on union organization in NW Indiana and other parts of the country.

The 2004 Committee charges were handed out.

The Marketing Plan by Anderson University will be updated by Mike Bruce and Richard Reid. A scholarship will be offered to Anderson University for \$500 scholarship for the creation of the new marketing plan. A motion was made and passed to approve the scholarship.

Cincinnati State Survey Program Overview. A meeting was conducted at the ISPLS convention to discuss ISPLS and Vincennes University's backing of the Cincinnati State Survey program.

A motion was made and passed to recommend to the BOR for approval of the program.

Purdue Surveying Program - The BOD received a letter for program changes.

Mark Isaacs was welcomed to the board.

Next BOD meeting is scheduled for March 27, 2004.



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## Some Real Good Questions

By Ronald E. Koons

Safety Consultant, Middletown, Indiana

Over the past few weeks we have traveled and conducted seminars throughout the country. It never ceases to amaze me at the number of questions brought up during our presentations. Some of the questions are rather basic in nature while others show a company has worked hard at safety, but just ran into a problem. Let's look at what has been important to our students.

Personal Protective Equipment (PPE) always seems to come up. The three biggies are when hardhats, safety glasses, and steel toed work boots must be worn. A quick simple explanation for all three... If there is a danger of something falling onto your head from someone working above you, wear a hardhat. (Or if you are going onto a jobsite that is posted "Hardhats required"). If there is a danger of something flying into your eyes then safety glasses are required. If the material is a liquid then goggles may be required. The work boots seem to have more controversy than any other PPE item. When we talk about protective footwear everyone automatically assumes we are talking about steel toed boots. Protective footwear may include protective toes (some are no longer steel), but also includes things like metatarsal protection and sole protection. Even a good work boot itself will help from twisted ankles and sprains when walking in rough ter-

The criteria on what to wear is not complicated. If there is a danger of something rolling or falling onto your feet, then metatarsal protection or toe protection may be needed. If there is a danger of something penetrating through your sole then sole protection may be needed. Since surveying crews handle many potentially heavy items in a day it is probably a safe bet that some type of protection from falling objects will be needed. I certainly feel with the potential for sprained and twisted ankles that a good work boot will help with added support.

In Traffic Safety we always get asked about the number of cones and signs that are needed in a field vehicle. The answer to these questions isn't quite as simple. The Manual on Uniform Traffic Control Devices (MUTCD) shows a typical setup for surveyors doing work in the center of a 2-lane roadway. The layout uses 18 cones. It also uses 4 signs. Two for "Flagger Ahead" and two for "Survey Crew Ahead" (or just the universal worker ahead graphic). The problem is that there really isn't a typical situation for surveying crews. If they are working in the roadway 10 times in a day they may all be different circumstances. It was recently pointed out to me that with a small vehicle it may be impossible to carry 18 cones and four sign setups. Some times there may be no choice in my answer other than to suggest a larger vehicle. Since there are so many situations and time durations it is most impossible to give a specific answer without knowing all the exact parameters. For example, in some cases for short duration work (less than 1 hour) there may be no need for signs at

all. (Just for flashing lights on a vehicle.) In other cases where you might be working in one area for several days you may need more signs. Students quite often get frustrated when I can't give a definite answer on traffic safety. Unfortunately, it is not practical to give a universal answer that will cover any situation. The only real answer is that all field crew personnel must have enough training so they can make an educated decision that will both protect all workers as well as members of the general public who will be affected by the work zone. This includes both drivers and pedestrians. In fact, the latest version of the MUTCD (2003) puts even more of an emphasis on pedestrian safety going as far as even covering American with Disabilities requirements for temporary traffic control zones.

**Personal Protective Equipment (PPE) always seems to come up. The three biggies are when hardhats, safety glasses, and steel toed work boots must be worn.**

When we get into Permit Required Confined Spaces (PRCS) I quite often get a response from owners and registered surveyors that they don't have any problems because their company policy is that they never enter any PRCS. On the other hand, when we have field crews present (after I prompt them a little) they will admit that quite often they get requests for information that can only be obtained by someone entering or at least leaning into the PRCS. We know that surveying crews have to get information out of many man-holes, pits, vaults, lift stations etc., but alternative means for obtaining the information should always be used whenever possible. Having a

company policy that no one ever enters a PRCS and then turning your head blindly to entries doesn't solve the problem for anyone. In fact, you are setting up your company to attend a funeral and be involved in a potentially devastating lawsuit. It would not be difficult for a lawyer to break the gross negligence portion of most workers compensation laws if the owner had to have known that entries were being made even though the official policy was no entries. The basic criteria is simple...if any portion of a person's body breaks the plane of the entry point of a Permit Required Confined Space then an entry is being conducted.

The use of totally robotic equipment and one person surveying crews is becoming a hot issue in many areas. It doesn't really come up in the one person operations, but in the context of surveying companies wanting to convert from two or three person crews to one person crews. The last three presentations I have conducted had questions about the safety of lone workers in the field. While OSHA doesn't have any particular regulations on lone workers, any company is still responsible for the safety of all employees at all times. Check out my article in June POB for a more comprehensive look at Lone Worker Safety.

Hopefully everyone gets a little something out of the answers to the above questions that you really never asked. Kind of a shortcut to save time for everyone. Keep it safe!



## CALENDAR

### July 2-3, 2004

Surveyor's Rendezvous, St. Joseph, MO

### July 10, 2004

ISPLS Board of Directors meeting, Indianapolis, IN

### August 6, 2004

Northwest Chapter ISPLS seminar, Valparaiso University, Valparaiso, Indiana, Topic & Speaker to be determined.

### September 3, 2004

ISPLS Seminar, Speaker: Milton Denny, Spring Mill State Park, Mitchell, Indiana

### September 25, 2004

ISPLS Board of Directors meeting, Indianapolis, IN

### November 6, 2004

ISPLS Board of Directors meeting, Indianapolis, IN

### December 11, 2004

ISPLS Board of Directors meeting, Indianapolis, IN

### January 19-21, 2005

ISPLS Annual Convention, Marriot East Hotel, Indianapolis, Indiana, Hosted by Tecumseh Chapter.

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## WELCOME NEW ISPLS MEMBERS

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Nick Banes - Associate

Michelle Baumgartner - Associate

Aaron Briles - Associate

Ricardo Brower - Affiliate

Timothy Brown - Associate

P. Joseph Coutts - Member

Eric Denlinger - Associate

Scott France - Associate

Steven Hahn - Member

Jerry Holloway - Affiliate

Michael Hunter - Affiliate

Douglas Kerr - Associate

Edward Lazar - Member

Brian Matherly - Member

Daryl McConnell - Member

Matt Meunier - Affiliate

Harry Morrison - Member

Ronald Morrison - Member

Joseph Mylor - Affiliate

R.W. Gross & Associates, Inc.

Ryan Nichols - Associate

Randall Nick - Associate

Terry Parker - Associate

Steven Reeves - Associate

William Ruberry - Member

Christopher Smith - Associate

Gilbert Smith - Member

Kyle Sorensen - Associate

Keith Stoddard - Member

Mark Weston - Member

John Wiedman - Associate

Robert Willhide - Member

Robert Wilkinson - Member

Austin Yake - Associate

### February 21, 2004

Michael Smith - Associate

Anthony Work - Associate

## SURVEYORS HISTORICAL SOCIETY SURVEYORS RENDEZVOUS '04 St. JOSEPH, MO JULY 2-3, 2004

The annual Surveyors Rendezvous '04 will be held July 2-3, 2004 at St. Joseph, Missouri during the time of the Lewis and Clark Signature Event being held in Kansas City; Leavenworth and Atchison, Kansas; and St. Joseph, Missouri during the period July 1 through July 11. The Rendezvous will celebrate the surveying and mapping of Lewis and Clark including continuing education seminars, field trips, octant demonstrations, antique surveying swap meet, picnic and banquet. Headquarters hotel will be at the Stoney Creek Inn in St. Joseph, MO. Contact Roger Woodfill for further information. Phone: (812) 537-2000

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