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# HOOSIER SURVEYOR

JUNE 2025

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## SUBMIT CONTENT FOR THE HOOSIER SURVEYOR

If you have an article to share or a story to tell, we want to hear from you! Please submit content to our Senior Communications Coordinator via email ([kanderson@ispls.org](mailto:kanderson@ispls.org)).

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 content.

## COVER IMAGE

Tuesday, March 18, ISPLS members Don Williams, Gary Kent and Alex Daugherty participated in NSPS's Day on the Hill event in Washington, D.C.

They met with Indiana senators and representatives to discuss proposed legislation benefiting Hoosier surveyors. The event was a great opportunity to make sure the voice of the surveying profession is heard loud and clear in Congress.



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# PRESIDENT'S MESSAGE



BY ALEX  
DAUGHERTY, PS,  
ISPLS PRESIDENT

As the weather warms and construction season picks up, I want to take a moment to recognize the dedication of our active volunteers and the hard work each of you bring to our profession. Your efforts

should not go unnoticed with the difficult balance of work, home life, and volunteerism.

While we all stay busy with projects and deadlines, I encourage all of you to take time to connect with your local chapters and explore volunteer opportunities. Whether it's mentoring new surveyors, engaging with community outreach, or simply attending meetings, your involvement strengthens our industry and helps shape the future

of land surveying.

Let's continue to support one another, share knowledge, and make an impact. Enjoy the sunshine, stay safe in the field, and continue to make a positive image for this great profession.

Regards,  
Alex Daugherty  
President, ISPLS

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# NSPS YOUNG SURVEYORS NETWORK

## BACKSIGHTING THE LAST DECADE — FORESIGHTING THE NEXT



BY NOLAN MARK,  
PS

If you had told me 10 years ago that I'd be reflecting on becoming president of a national young professionals organization and where I think it would be heading ... I'd probably laugh it off, turn the television back on, and say, "Yeah, and the Cubs will win the World Series ... right!" Wow, a decade can really make a difference (or 2 for all you Cubbie fans out there!).

I hope everyone reading this article will be able to see the fruitfulness that YSN has brought to me and the profession. I have been a member of professional land surveying societies since my time in college, as a Surveyor in Training, and continuing as a Licensed Surveyor. There has been no greater highlight than the time I have spent within the YSN at the state and national level. I can safely say that my only regret is that I never had the opportunity to experience YSN on an international level with the International Federation of Surveyors (FIG) YSN.

For those of you who do not know what the domestic Young Surveyors Network has been up to the past 10 years, I invite you to take a trip down memory lane.

We'll explore how it all began, what's been put into place since, and what I see for its path ahead.

### The Beginning

The NSPS Young Surveyors Network was born from the first FIG Young Surveyors North American meeting held in San Diego, California, in the spring of 2014. This meeting, organized and coordinated by Eva-Maria Unger (Chair, FIG Young Surveyors Network), John Hohol (President, FIG Foundation), and Trish Milburn (NSPS), was held in conjunction with the 2014 NSPS Spring Business Meeting. It was hosted by and held during the California Land Surveyors Association (CLSA)/Nevada Association of Land Surveyors (NALS) 2014 Annual Conference.

Twenty-five young surveyors from 15 states were represented and came together on how to establish a Young Surveyors presence and program in North America. The first day started with an introduction to NSPS, FIG, FIG Foundation, and the FIG Young Surveyors Network to get inspired by staking out the pathway for the two-day meeting. Presentations were made by surveying profession experts including Don Buhler (*Chief Surveyor, U.S. Bureau of Land Management*), Bryn Fosburgh (*Senior Vice President, Trimble*), Steve Frank (*Chair, FIG Commission 2 - Professional Education*), Shannon Hixon (*Product Manager - NAFTA, Leica*), Joseph Paiva (*CEO, GeoLearn*),

William Stone (*Southwest Region Geodetic Advisor - NM, NV, UT, AZ, National Geodetic Survey*), and Curt Sumner (*Executive Director, National Society of Professional Surveyors*).

The second meeting day launched with participants recapping the outcome from day 1 and beginning to collect ideas on establishing and forming the Network. The discussion focused on mutual benefits for NSPS, state societies and Young Surveyors and Young Professionals. At the end of the meeting, a presentation was made to the NSPS Board of Governors by Eva-Maria Unger, representing the FIG Young Surveyors Network with Amanda Askren (Washington), Adam Schleicher (Wisconsin), Alysén Kohnhofer (Wisconsin)



NSPS YSN Spring Meeting attendees  
in front of the Capitol Building in  
Washington, D.C.



and Marcus Hampton (Minnesota) representing the North American Network. They presented their goals, mission, and vision, as well as how to collaborate with NSPS and the state societies with the request to create an NSPS Young Surveyors Network.

### The Past 10 Years

Following the events in San Diego, the Young Surveyors Network followed up in the spring of 2016 as an affiliate of NSPS, with the MOU being passed. This has allowed YSN to participate at the EXCOM level of NSPS and be present in the conversations to enable all generations of voices to be heard.

Since its inception, the NSPS YSN has met twice a year at the NSPS spring and fall business meetings along with committees and the board of directors.

Through the years, YSN state coordinators have attended from almost all 50 states and territories, though the numbers have gone down since (yes, one more time just to say it) COVID times. The NSPS YSN also hosted three FIG North America Meetings — the 2014 San Diego FIG Young Surveyors North America Meeting, the 2016 Minnesota FIG Young Surveyors North America meeting, and the 2018 College Park, Maryland, FIG Young Surveyors North America Meeting. In 2023, the first FIG Americas Young Surveyors Meeting was hosted in Orlando, Florida, as a pre-event. That was one of the largest meetings the YSN has had to date, with 80+ attendees.

One of my personal favorite achievements seen by the YSN has also been the rebranding and dedication to the NSPS Student Competition.



Student in period attire pulling chain in front of the Washington Monument during NSPS Student Competition.



FIG Young Surveyors 1st Americas Meeting attendees at the 2023 FIG Working Week held in Orlando, Florida.

Since 2022, the YSN has played a pivotal role in helping plan the student exercises, monument hunt and providing volunteers since the competition has been able to take place in person again. Twelve teams returned in 2022, and the next year the competition expanded to 24 teams and quickly filled. In 2023, 24 teams were again given the chance to compete and all the slots were filled, plus other schools were not able to participate due to the competition being capped at 24. It is safe to say that the universities supporting surveying degrees are thrilled with the way the competition has molded and the format is working. It will be exciting to see how the network can come up with ideas to keep the competition fresh without changing the whole dynamic.

## The Next 10 Years

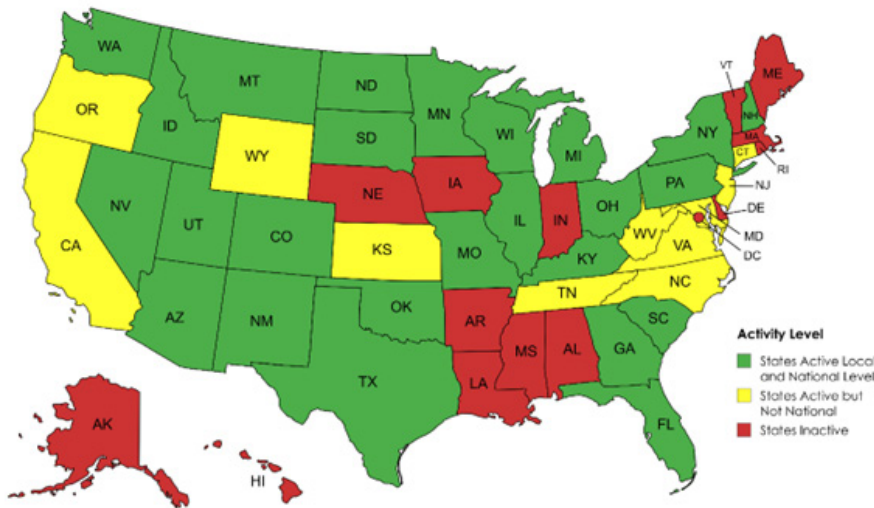
While the NSPS Young Surveyors Network has done an amazing job over the past 10 years getting our feet wet, building a stable foundation, and establishing an identity, I believe it is now time for the YSN to take its next step and become an even more integral part of NSPS by transitioning to a board within NSPS, where we can help boost the national society even more.

I am extremely proud of our Mentoring Committee and the work they did with FIG Young Surveyors network to develop a mentoring program. I look forward to the pilot program being shared and then expanding into the Americas region of FIG. Speaking of the Americas region, I am also happy that this year's NSPS Fall Business meeting will host the NSPS Young Surveyors Network Conference/FIG Young Surveyors Network 2nd Americas Regional Meeting!

I look forward to seeing this event come back (hopefully) every other year at an international level or even every year at a national level.

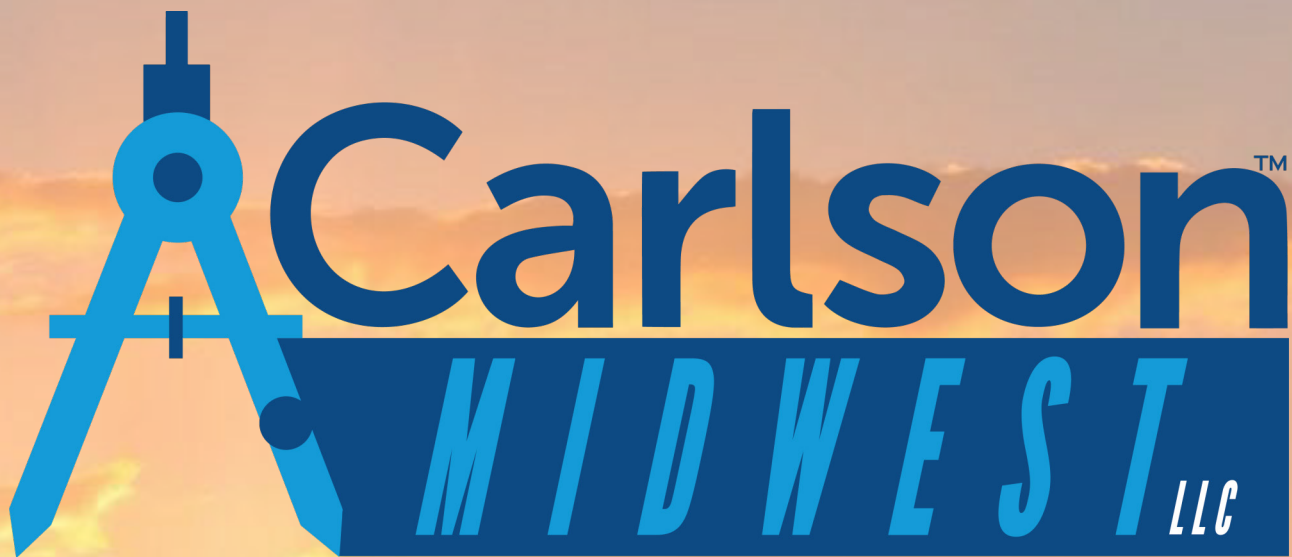
Ultimately, I hope the next generation comes along and that “seasoned” members continue to support the ideas that are up and coming from new members, encouraging them to grow and lead the organization in tomorrow. They can provide constructive criticism for future leaders of the profession at local, state, national, and international levels. There is no one solution on how we can change or better the society, but I do wholeheartedly believe from experiencing it firsthand that the Young Surveyors Network will play a vital role in strengthening the profession in years and generations to come.

Don't believe me after all that? Send someone to October's YSN/FIG Americas Meeting and let them see what they think. I promise that if they fully participate, they will feel the same energy that all members, both past and present, have felt. Some have said this is a fad, but I don't see this group going away anytime soon!



Current NSPS YSN state status





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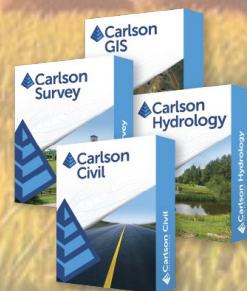
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# LEGAL SURVEYS



BY JASON  
McCORT, PS

The goal of this column is to provide brief summaries of recent Indiana Court of Appeals and Supreme Court opinions involving topics of interest to land surveyors but not to provide legal advice. I use Google Scholar to search for Indiana cases from the previous quarter and the Indiana Judicial Branch website ([www.in.gov/judiciary](http://www.in.gov/judiciary)) to obtain a more conveniently formatted document. As what I have written is only intended to be a summary of court opinions, I encourage you to look up the full opinion on either Google Scholar or the state of Indiana website for more detailed information. Comments or suggestions for future columns are welcome by email to: [jmccort@hntb.com](mailto:jmccort@hntb.com).

**Indiana Land Trust #3082; Trustee of Indiana Land Trust #3802, Omar Abuzir, and Haitham Abuzir v. Hammond County Redevelopment Commission, Thomas McDermott Jr., Tony Hauprich, Greg Myricks, Dawn Tomich, Wally Kasprzycki, Miriam Soto Pressley, Anna Mamala and The City of Hammond, a municipal corporation, Court of Appeals Case No. 24A-PL-1284, January 31, 2025.**

At its core, this is an eminent domain case though there are layers. The Landowners accused the municipality of abuse of process and filed a complaint which was dismissed. The Landowners appealed the dismissal. The questions to be answered include: 1) Should allegations against the municipality of abuse of process be answered in the eminent domain case or separate from the eminent domain case?; 2) Is the municipality and are government employees immune from charges of abuse of process?; 3) Does the intent of the municipality in an eminent domain case matter?

The Hammond Redevelopment Commission (“HRC”) offered Indiana Land Trust #3082 \$394,500 for property in Hammond, Indiana. Later, the HRC filed a complaint against Indiana Land Trust #3082, exercising its eminent domain authority for a project to build a street/alley to improve public access (Cause No. 346).

Indiana Land Trust #3802, Omar Abuzir, and Haitham Abuzir (“Landowners”) filed a complaint against HRC, Thomas McDermott Jr., Tony Hauprich, Greg Myricks, Dawn Tomich, Wally Kasprzycki, Miriam Soto Pressley, Anna Mamala and the City of Hammond (“Defendants”), alleging Indiana State Abuse of Process in Violation of Indiana Code Title 32, Article 24 (Cause No. 1). Here is what the Landowners alleged: 1) The property was being acquired for private purposes;

2) the taking “was motivated by spite and/or that it is against public purposes”; 3) the taking was for the private benefit of the mayor; 4) the Landowners own a fireworks business on the property and the mayor wants to eliminate competitors to a fireworks business owned by a friend of the mayor; 5) the property was being targeted because the Landowners do not contribute to the mayor; 6) adjoining properties were not being targeted because their owners were connected to a mayoral contributor; 7) all HRC members knew that there was never any plan to build the planned road/alley and the condemnation of the property was for political reasons.

The Defendants filed motions to dismiss the complaint. They argued the Landowners were already engaged in a pending eminent domain case which was the proper forum to adjudicate the taking and the Landowners’ objections. They also argued the mayor was immune from the charges the Landowners brought against him. On May 2, 2024, the judge granted the Defendants’ motion to dismiss. To summarize, the judge said that the proper forum for hearing the Landowners’ Abuse of Process arguments was in the pending eminent domain case (Cause No. 346). Otherwise, according to the judge, there was the risk of two different courts subjecting the parties to two different orders.

The Landowners appealed.



They argued that the trial court erroneously dismissed their case even though the judge had already said that the eminent domain statute bars counterclaims in takings cases. They argued that the taking was for private gain, the taking was in well excess of what was actually needed and the taking was under a false basis not allowed under Indiana eminent domain law.

The Defendants argued that the Landowners' objections would be handled in the eminent domain case. Also, they argued that ITCA (Indiana Tort Claims Act) prevents the Landowners from bringing abuse of process and punitive damages claims against a governmental entity or employee.

The appellate court determined that the eminent domain case was not sufficient to address the abuse of process claim. I'll mention a couple of the reasons cited in the written opinion. First, in an eminent domain case, landowners can receive up to \$25,000 in attorney fees. The Defendants acknowledged that attorney fees in an abuse of process claim could be over \$25,000. Therefore, the eminent domain case may not include all of the available damages in an abuse of process case. Second, in Cause No. 346, the judge, based on statements he made, "envisioned that the abuse of process claim and the damages related to that claim would be addressed in another forum."

As to the immunity based on ITCA that the Defendants were claiming, the Landowners asserted that the Defendants acted outside of their scope of employment with HRC and/or the City and,

therefore, were not protected by ITCA. However, the appellate court declined to rule on the immunity question.

There are other items from this case worth noting. The defendants argued that the intent of the HRC or the City "is irrelevant as long as it proceeds in a procedurally correct manner and a substantively proper manner." However, the appellate court said that when the question of fraud or bad faith is raised, the courts may look into the necessity of the taking. Also, the power of eminent domain was mentioned and that it shouldn't be abused. Therefore, the court would "view the pleadings in the light most favorable to the Landowners and construe every reasonable inference in their favor."

The trial court's order was reversed.

---

**Linda F. Slavick Trust v. Christmas Lake Properties Association Inc., Court of Appeals Case No. 24A-PL-1746, February 4, 2025**

Linda F. Slavick Trust ("Landowner") owns four contiguous lots in Santa Claus, Indiana, near Christmas Lake. Two of the lots ("the New Lots") are in a subdivision known as Polar Shores Addition to the Polar Shores Subdivision. The subdivision is a part of Christmas Village which is governed by an HOA. The eastern boundary of the New Lots abuts Tract B which is owned by the HOA. A part of Christmas Lake is within Tract B. The Landowner uses and maintains one of the boat docks ("the Dock") within Tract B and has done so since 2008 when the Landowner acquired the New Lots.

The use and enjoyment of Tract B and the Dock is governed by covenants and restrictions adopted in 2005: "Each Lot owner adjoining the water front shall have the exclusive right to use and enjoy the land lying between the Lot line and the Lake shore line..."

The Landowner tried to prevent people from using the Dock and from walking on that portion of Tract B between the New Lots and Christmas Lake ("Disputed Area"). The Landowner claimed they had exclusive rights to the Dock and the Disputed Area. The HOA advised the Landowner that the HOA and not the Landowner had exclusive rights to the Dock and Disputed Area. The Landowner installed poles and a chain to block access to the Disputed Tract and added Christmas Lights to the chain. The HOA removed the installed items.

Following those events, the Landowner filed complaints against the HOA, alleging trespass, and conversion based on the HOA's removal of the installed items, seeking a declaration that the New Lots were waterfront lots which entitled the Landowner to exclusive uses and enjoyment of the Disputed Area. The HOA filed counterclaims. The trial court entered summary judgment for the HOA, concluding the New Lots were not waterfront lots and the Landowner was not entitled to exclusive rights to the Dock or Disputed Area. The Landowner appealed.

There were important principles related to deed interpretation discussed in the appellate court's written opinion.

It was said that the summary judgment was dependent on whether the New Lots were waterfront lots based on the Landowner's deed, the recorded subdivision plat and the subdivision covenants. Emphasis was placed on the language of the deed, and that when no ambiguity exists within the deed, intentions of the parties must be determined from the deed language alone. It was noted that when property is conveyed according to a plat, the plat becomes a part of the deed.

The central issue is whether the New Lots are deemed to be waterfront lots based on the 2005 Covenants. Only those lot owners adjoining the waterfront enjoyed exclusive rights to the land between the Lot line and the Lake shore line. The Landowner would only have exclusive rights to the Disputed Area if the New Lots

shared a common boundary with Christmas Lake and if the Disputed Area is "land between the Lot line and the Lake shore line."

The Landowner suggests a portion of the 2005 Covenants reads as follows: "...the exclusive right to use and enjoy the land lying between the Lot Line and the Lake shore line." The Landowner argued that there must be land lying between the lot line of a lot and the shore line in order for a lot to be a waterfront lot. The Landowner admits that the New Lots do not adjoin the waterfront, saying if the lot adjoins the lake, there is no land lying between the lot line and the lake and, therefore, there is no need to grant exclusive rights to the owner of a waterfront lot because the lot owner already has those rights.

However, the court disagreed because the Landowner threw out the phrase "adjoining the waterfront." The court emphasized that all terms in the 2005 Covenants have meaning. The court read the 2005 Covenants as clarifying that waterfront lot owners enjoyed exclusive waterfront rights regardless of the water level. The court determined that the New Lots do not adjoin the waterfront, as Tract B lies between the New Lots and Christmas Lake and, therefore, based on the 2005 Covenants, the Landowner does not have exclusive rights to the Disputed Area.

.....  
*Jason McCort, PS, is a project manager for HNTB Corporation. He holds a B.S. Construction Technology degree from Purdue University. He is a licensed land surveyor in the states of Indiana, New Jersey and Pennsylvania.*



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# BUILDING TOMORROW'S WORKFORCE

## HIGHLIGHTS FROM JANUARY-MAY 2025 ENGAGEMENTS



Saturday, May 3, members of the Southwest Chapter hosted a Scout Survey Merit Badge workshop at Eykamp Scouting Center in Evansville. Ten Scouts completed the course.



Monday, May 5, Vince Barr and Ryan Perry spent the morning at Pike Central High School in Petersburg for their Career Fair. They had great conversations with a lot of good kids.



Monday, May 12, Vince Barr and Eric Meeks spent the morning talking with some sixth graders at the Custer Baker Intermediate School Career Fair in Franklin.



Thursday, March 20, Ryan Perry spent the afternoon with a great group of elementary students and their University of Indianapolis college mentors. They learned about the importance of surveying, how to measure distance, and how to use a compass.





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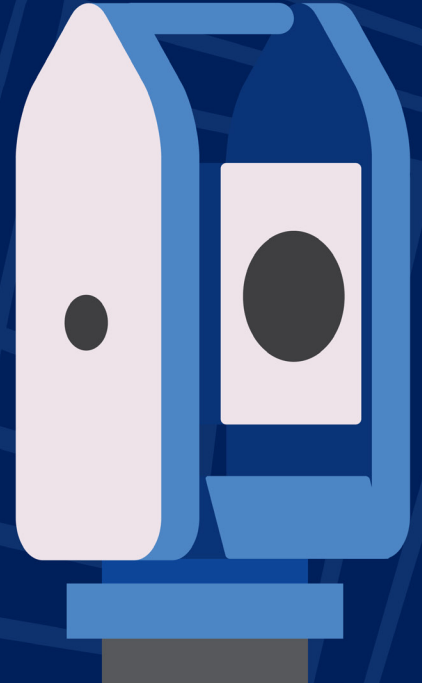
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