

# HOOSIER SURVEYOR



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INDIANA SOCIETY OF  
PROFESSIONAL LAND SURVEYORS, INC.

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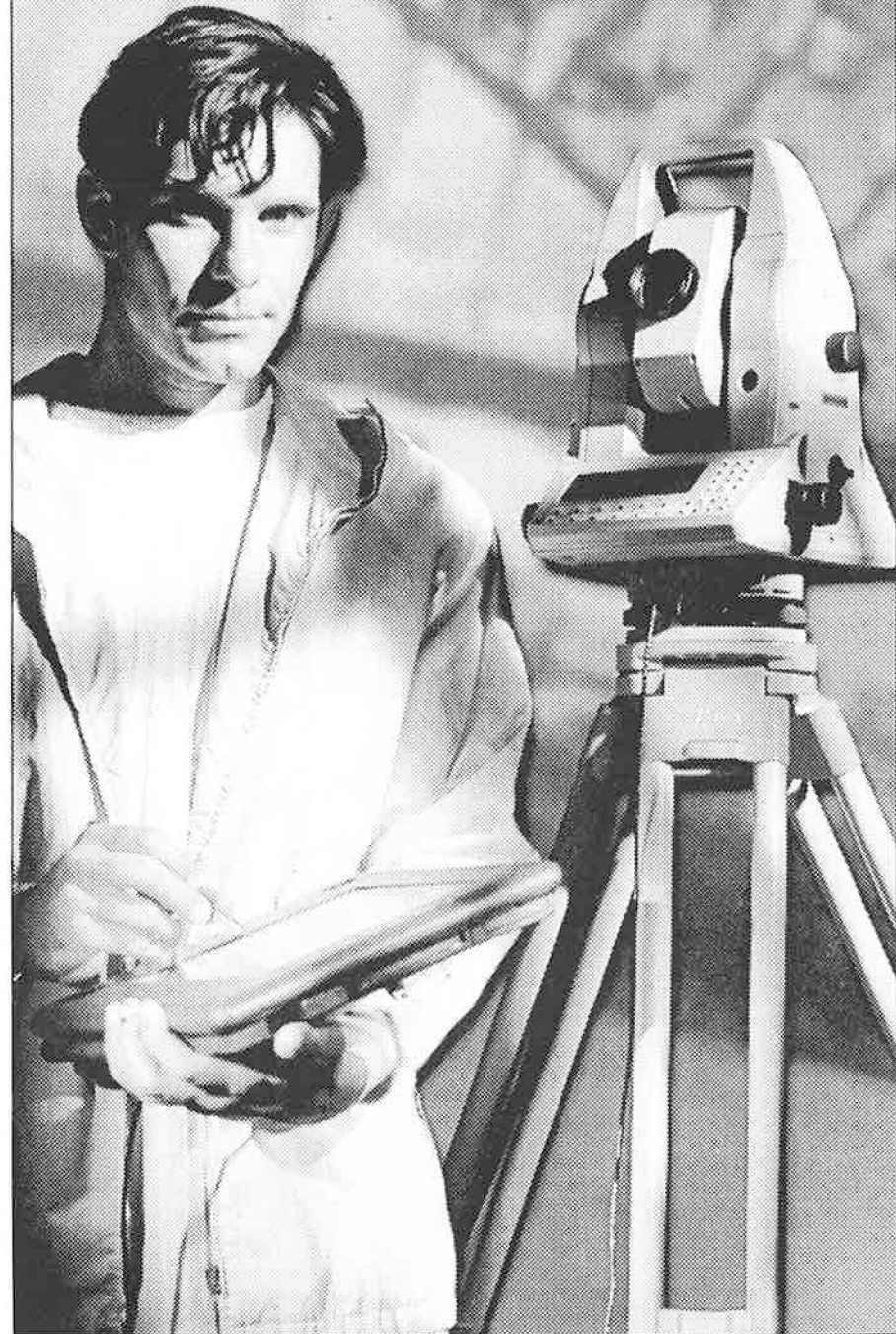


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**Group picture of the attendees at the "Tree Identification" workshop that was presented by Frank Ballintyn, PLS. The workshop was held on June 10th, 1995 at Clark State Forest and co-sponsored by the Initial Point Chapter of ISPLS.**

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\*Articles and columns appearing in this publication do not necessarily reflect the points of ISPLS or the Hoosier Surveyor staff, but are published as a service to members, the general public and for the betterment of the surveying profession. Responsibility is assumed for errors, misquotes or deletions as to its contents.

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## PRESIDENT'S THOUGHTS

by E.R. Gray, III, PLS, Columbus, IN

With only 6 months left until the annual ISPLS Conference in Indianapolis, I want to take this opportunity to recap a few of the activities of ISPLS and its committees.

HARN - Governor Bayh signed House Bill 1036 May 9, 1995.



House Bill 1036 established a State Geodetic Advisor and allows county surveyors to fund HARN points in their county with section corner perpetuation funds. Dr. Boudewijn H.W. van Gelder, professor in the School of Civil Engineering at Purdue University will serve in the capacity of

State Geodetic Advisor. Assisting Dr. van Gelder with day to day office duties will be graduate student, Thomas Mahon. Mr. Mahon has been with HEPIC for three years. For questions, Dr. van Gelder can be contacted at 317-494-2165, and Tom can be contacted at 1-800-428-7639.

Tom will soon be contacting the county surveyors along with private businesses, state, county and city offices in order to coordinate the state wide effort to establish the HARN.

Survey Technician AD HOC Committee - In an effort to recognize the important contributions of survey technicians to the surveying profession and to encourage their personal growth, and continued education, ISPLS established a AD HOC Committee. Most recently the committee received approval to grant an one year "free" Associate membership in ISPLS to any person, other than a currently licensed land surveyor who obtains an NSPS Survey Technician Certificate after January 1, 1995. Also, any person who obtains a Surveyor-In-Training Certificate after January 1, 1995 shall receive an one year free Junior Membership in ISPLS.

Other suggestions by the AD HOC Committee include:

The appointment of more technicians to committees in order to provide an opportunity for technicians to have an active role and influence in the affairs of the Society.

The establishment of more technician oriented seminars and workshops which are \$50 or less for a full day program.

Having ISPLS hosting the NSPS Technician Certificate exam at least two times a year.

Having ISPLS assist each ISPLS chapter in sponsoring at least one Saturday workshop annually which is specifically geared to the activities and interest of surveying technicians.

The Technician AD HOC Committee welcomes any and all ideas regarding technician incentives and recognition. Your ideas may be sent to ISPLS headquarters, attention Rick Miller.

Education Committee - The Education Committee has coor-

minated two workshops thus far this year. The first workshop, held April 28th, was on the Preparation of Route Surveys in Compliance with Rule 12. The workshop, presented by Gary Kent, was well attended and received.

The second workshop, held June 10th, was my personal favorite. After the various Rule 12 workshops, it was a refreshing change to attend the Tree Identification workshop, co-sponsored by the Initial Point Chapter. It was held in the Clark State Forest and presented by Frank Ballintyn. Congratulations go out to Frank for a job well done!

Although, the workshop was a half day program, it could easily have been a full day. This would be an excellent workshop for chapters to sponsor in other areas of the state.

Professional Practice Committee - A newly established committee this year is the Professional Practice Committee, chaired by Jerry Carter. The committee's primary charge is to provide services to the private practitioner. Presently the committee is preparing example agreements that may be used for the contracting of surveying services. Contract types being considered are: subdivision plan preparation, telephone order agreement, and a general surveying services agreement. These contracts will be available at the 1996 ISPLS conference in Indianapolis. Future committee charges may include health insurance, company personnel policies handbook, job descriptions, and liability insurance programs. If you have ideas you would like to share, drop Jerry a note care of ISPLS.

Last word: "The boundaries and monuments you establish today must withstand the test of time, and will reveal your professional abilities through the generations."

Professionally,  
E.R. Gray, III, PLS

1995 ISPLS BOARD OF DIRECTORS SCHEDULED MEETINGS DATES			
DAY	DATE	TIME	LOCATION
SATURDAY	AUGUST 5	10:00 A.M.	HEADQUARTERS
SATURDAY	SEPT. 23	10:00 A.M.	HEADQUARTERS
FRIDAY	OCT. 27	9:30 A.M.	GOAL SETTING HOLIDAY INN S.E. BEECH GROVE, IN
FRIDAY	Oct. 27	5:00 P.M.	HOLIDAY INN S.E. BEECH GROVE, IN
WEDNESDAY	JAN. 17, '96	TBA	HOLIDAY INN AIRPORT INDIANAPOLIS

## ISPLS BOARD OF DIRECTORS MEETING HIGHLIGHTS

by Dianne Bennett, Executive Director

April 1, 1995

The ISPLS Board of Directors held a meeting on April 1, 1995 in Lafayette, Indiana.

The minutes and treasurers report were reviewed and approved.

By-Laws - The board was updated on conversations with Ron Hansell, ISPLS attorney, regarding 501(c)6 status. After reviewing, it was decided there was no reason to change the current status.

Chapters - David Blankenbaker is working with standardizing by-laws.

Education - There was discussion on the Route Survey seminar, and three seminars that the Initial Point chapter would sponsor (Route Surveys, Tree Identification and Base Lines).

Ethics - Ross Holloway submitted handouts to the board for review and recommendation.

Finance - The finance committee will meet April 21st at headquarters.

Government Affairs - House Bill 1386 relative to public works plans was reviewed and discussed.

House bill 1036 relative to private practice owners working on legal drains, as well as an amendment for a geodetic advisor and use of section corner perpetuation funds to participate in the FBN/CBN was discussed.

Also, there was discussion on the fill, storm and sanitary sewer

issue. A written response from Tom Dinwiddie was sent and an opportunity to speak with the Mayor's office may happen.

Headquarters - Staff salary was discussed and set. Also, the lease renewal for headquarters was sent to the finance committee.

Membership - The following memberships were presented and approved: Junior - Vern Mace; Student - Mike Winstead, James Freeman.

Scholarship - A written report was presented and reviewed on the Peggy Archer Memorial scholarship.

County Surveyor - The relief on permits was re-written to favor government agencies, activity was updated by Don Bengel.

Indiana Historical Society - Jeff Souder is chairman.

Great Lakes Coordinating Council - President Gray attended flood certification meeting and gave the board an update. FEMA has assigned the matter to committee.

NSPS Governor - Flood certification same as Great Lakes Coordinating Council. Jud Roush is now on ACSM Board of Directors and NSPS is having a barbeque in Texas this year.

New Business - INDOT request for RLS mailing list. Board discussion followed. A motion was made to take no action on sending a mailing list until a meeting could be arranged with INDOT.

...continued Page 4

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**ISPLS MINUTES**

continued from Page 3

Roger Woodfill Letter regarding legal descriptions of a tract or lot in a recorded survey. A motion was made to send this matter to Government Affairs committee.

**May 13, 1995**

President Gray called the May meeting to order at 10:02 a.m. The minutes and treasurers report were reviewed and approved.

By-laws and Chapters - David Blankenkemper submitted a letter to the board regarding model chapter by-laws. After discussion it was decided that a work session was needed on this matter.

Convention '96 - A written report was submitted, reviewed and discussed.

Education - The Route Survey held on April 28th at the Holiday Inn had 68 in attendance.

The attendees of the August 5, 1994 workshop on State Plane Coordinates were sent their finished copy of Manual #2.

Ethics - There was discussion on pending cases.

Finance - The 1995/96 budget was submitted and approved.

(See budget page 5)

Government Affairs - A discussion and update on HB 1036.

Headquarters - The lease renewal of headquarters was discussed.

Membership - The following membership applications were reviewed and approved: Junior - Hans P. Musser; Member - Ben H. Wilson, Harold C. Tunget, Russell W. Dillon, Matthew W. Menier, Ryan C. Wischart, Mark A. Schepers, Mark H. Landstrom.

Scholarship - After much discussion on the John McEntyre Endowment, a motion was made and passed to remove ISPLS money from Purdue Scholarship Fund.

Technicians - After discussion a motion was made and passed to grant free membership to technicians who pass the ACSM Technician program exams.

New Business - Vincennes advisory committee meeting called to order at 11:52 a.m., adjourned 1:10 p.m.

Meeting adjourned 1:58 p.m.

**June 24, 1995**

President Gray called the meeting to order at 10:00 a.m. The minutes and treasurers report were reviewed and approved.

Chapters - A working meeting with all chapters was scheduled for July 28th.

Southwest Chapter - Alvin Paul gave an update on the Southwest Chapter activities.

Hoosier Hills Chapter - E. R. Gray gave an update on their activities and the sponsored GPS seminar.

Convention '96 - The banquet has been scheduled for Thursday night, a past president's breakfast has been considered and the committee discussed asking firm members for donations for Wednesday nights cocktail hour.

Education - The "Tree Identification" seminar was presented in southern Indiana and was well presented and informative.

Two seminars presented by the National Business Institute were presented for approval, 1) Indiana Survey Issues and 2) Major Land Use Laws in Indiana. The education committee recommended 6 pdh's. It was noted that ISPLS has no liability concerning these seminars, the issue is to support the pdh's not sponsor the

**WELCOME NEW ISPLS MEMBERS**

as of April 1, 1995

- Vern Mace - Junior Member
- Mike Winstead - Student Member
- James Freeman - Student Member

as of May 13, 1995

- Hans P. Musser - Junior Member
- Ben H. Wilson - Member - New PLS
- Harold C. Tunget - Member - New PLS
- Russell W. Dillon - Member - New PLS
- Matthew W. Meunier - Junior to Member - New PLS
- Ryan C. Wischart - Junior to Member - New PLS
- Mark A. Schepers - Junior to Member - New PLS
- Mark H. Landstrom - Member - New PLS

as of June 24, 1995

- James R. Wayman - Junior Member
- Richard E. Johnson - Associate Member
- Brian K. Foust - Member
- Franklin C. Moses - Life Member
- Bradley Ott - Student to Junior - New SIT

seminar. The board stated the credits should be granted.

Ethics - General discussion of a letter sent by Ross Holloway in reference to a complaint.

Membership - The following applications were submitted and approved for membership: Junior - James R. Wayman; Associate - Richard E. Johnson; Member - Brian K. Foust; Life - Franklin C. Moses; Student to Junior: Bradley Ott.

Scholarship - Purdue Endowment: A letter was submitted by Doug Herendeen with an agreement recommendation. A motion was made to defer to next meeting.

Vincennes Endowment: A written report was submitted for board review.

Technicians - A flyer has been sent to the chapters. A report of the responses will be given at the September board meeting.

Indiana State Board of Registration - ISPLS board of directors needs to make recommendation for vacancies on board of registration.

Old Business - Discussion regarding non-metes & bounds reference record and the opposition by title companies, title attorneys and old surveyors.

New Business - The board had lengthy discussion on ISPLS mission statement. After board discussion, Kevin Paige from Robert W. Baird & Company presented the information and financial options to the board for consideration. After much discussion a motion was made to accept Kevin Paige's recommendations, specifically to have an account with Baird and hire a money manager recommended by Baird. It was recommended ISPLS interview 3 candidates for money manager for ISPL accounts.

**ISPLS 1995/96 BUDGET**

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT</u>	<u>BUDGET</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT</u>	<u>BUDGET</u>
<b>INCOME</b>			<b>EXPENSE</b>		
I-10	MEMBERSHIP-REGULAR	49,500.00	C-10	MISC EXPENSE	2,636.00
I-11	MEMBERSHIP-ASSOCIATE	900.00	C-20	SERVICE CHG, MC & VISA	400.00
I-12	MEMBERSHIP-JUNIOR	3,200.00	C-60	AWARDS	275.00
I-13	MEMBERSHIP-STUDENT	200.00	C-80	COMMITTEE EXPENSE	1,000.00
I-14	MEMBERSHIP-FIRM	7,000.00	C-81	MEMBERSHIP DEVELOPMENT	1,000.00
I-15	MEMBERSHIP-SUSTAINING	4,200.00	G-10	HOOSIER SURVEYOR	7,000.00
I-30	ANNUAL CONVENTION	50,900.00	G-110	ANNUAL CONVENTION	40,900.00
I-31	MANUAL SALES	2,000.00	G-111	WORKSHOPS	8,000.00
I-32	WORKSHOPS	16,000.00	G-112	MANUALS	2,000.00
I-33	CONTINUING ED	1,000.00	G-113	ROSTER	2,000.00
I-40	INTEREST	300.00	G-114	CONTINUING ED	250.00
I-50	SCHOLARSHIP	1,000.00	G-20	MISC. PRINTING	125.00
I-52	MISCELLANEOUS INCOME	100.00	G-30	PRESIDENT CONTINGENCY	500.00
I-54	MEMBERS CONTRIBUTIONS	1,000.00	G-50	NSPS GOVERNOR	4,000.00
			G-51	GREAT LAKES COUNCIL	.00
			G-70	GOVERNMENT AFFAIRS	1,000.00
			G-71	PUBLIC RELATIONS	500.00
			G-72	LOBBY EXPENSE	5,000.00
			G-73	LOBBY TAX	1,000.00
			G-80	HISTORIC LANDMARKS	100.00
			G-90	SCHOLARSHIPS	1,000.00
			P-10	PAYROLL	34,800.00
			P-20	FICA EMPLOYER	2,158.00
			P-25	MEDICARE	505.00
			P-30	STATE UNEMPLOYMENT	20.00
			P-40	WORKMANS COMP	325.00
			P-50	MEDICAL INSURANCE	.00
			P-60	FEDERAL UNEMPLOYMENT	56.00
			S-10	OFFICE RENT	9,000.00
			S-100	LIBRARY	50.00
			S-15	PARKING FEES	1,400.00
			S-20	TELEPHONE	1,500.00
			S-30	OFFICE SUPPLIES	1,000.00
			S-40	POSTAGE	1,700.00
			S-50	OFFICE EQUIPMENT	200.00
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**MEMBERSHIP DUES?**

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**HOOSIER SURVEYOR!!!**

**EROSION CONTROL SEMINARS**

IDNR is holding three seminars on Erosion Control on the following dates and locations.

- September 26, Evansville
- September 27, Indianapolis
- September 29, Fort Wayne

There is a nominal registration fee of \$28 to cover meals, breaks and course materials. Contact the Division of Soil Conservation, Indiana Department of Natural Resources, 402 W. Washington, Rm W265, Indianapolis, IN 46204 or phone (317) 233-8770 for more information. Space is limited to 150 per site, so don't delay.

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## THE PROFESSION LOOKS AHEAD

by Robert Foster, P.E., P.L.S.

Is it possible for one of the world's oldest professions to redefine itself? As the 20th century approaches its end, that is just what the surveying profession is trying to do. Advances in technology and the needs of society have brought such changes to surveying that leaders in the profession are looking at the whole institution of surveying in an attempt to find its place in the dynamics of economic development and social change. Everything from education to the name by which we would be called is under study.

Who should teach surveying, where it should be taught, and what the content of the curricula ought to be are questions we have been wrestling with for years. The American Congress on Surveying and Mapping's (ACSM) report entitled "Surveying and Mapping Education in the United States" was developed four years ago by heavy hitters like General Dynamics and Intergraph, as well as the Bureau of Land Management and ACSM. It remains a document of controversy primarily because of the *who and where* questions ("Two views of surveying education," *Civil Engineering News*, May 1992).

The name game is an exercise of longer duration. Surveying, land surveying, surveying engineering, and engineering surveying are terms that have been used interchangeably - usually erroneously, even by members of the profession - for many years. One of

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**With an eye on the market,  
some of the universities have  
begun rethinking the names of  
their surveying programs.**

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the first formal move was made by our neighbors to the north when the Canadian Institute of Surveyors became the Canadian Institute of Geomatics. With an eye on the market, some of the universities have begun rethinking the names of their surveying programs. The University of Maine at Orono (UMO) performed a survey to "assess high school student reaction to the term 'surveying' and to gauge their reactions to alternative terms that might be used to describe the academic field." As a result, the UMO Department of Surveying Engineering is considering changing its name to the Department of Geographic Engineering ("Surveying education: What's in a name," *Civil Engineering News*, March 1994). Now that venerable old institution, the Surveying Division of the American Society of Civil Engineers (ASCE), is considering changing its name to the Geomatic Division. What's happening here?

One answer may be that surveying is changing so dramatically its functions, purposes, and operations that a name change is

inevitable. The optical instrument replaced the plate compass as an icon for surveying more than a century ago; now electronics is replacing optics. Whereas surveyors have thought in plane terms, they are now having to recognize that the ground is round, not flat, if they are to fully understand and apply GPS. Specialization may become as much a reality in surveying as it is in medicine. The old time surveyor did a little of everything: boundary work, timber cruising, leveling, mapping, railroad work, construction layout. Geography as well as practicality has changed all that. For some

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**The profession is changing and  
growing and surveyors must  
change and grow with it or else  
lose their place in the ranks of  
professionals**

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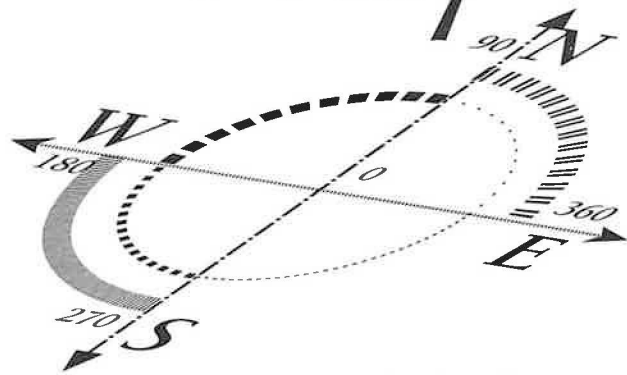
surveyors today, cadastral surveying is the only show in town; for them, engineering surveys may be few and far between. Others are venturing into the more arcane applications of the craft related to land and geographic information systems and may never set a monument at a property corner. Somehow the word "surveying" seems inadequate to identify such a conglomeration of activities - too narrow, too limited. The more amorphous term "geomatics" is acceptable to more people, apparently, because of its lesser specificity and broader embrace of the activities of measuring, locating, positioning, describing, and analyzing of the earth and everything below and above its surface. What remains to be seen is whether "surveying" or "geomatics" or whatever else we may end up calling it, remains as one discreet, distinguishable occupation and profession.

It's interesting to note that ASCE, even as it considers a name change for its Surveying Division, is debating the exclusivity or inclusivity of its membership structure with an eye to admitting related professions and practices. This raises the question of how distant a profession can be while still fitting into the framework of ASCE. Will the determination be by registration or license definition or by proximity of practice? There is already a Geotechnical Engineering Division in ASCE; how about a geological division? Surveying is in the same process of self-examination and it's not only a matter of name change.

ACSM's current strategic plan, adopted in 1989, recognizes that "GIS/LIS will bring a number of related disciplines closer together" and recommends that the organization should broaden

...continued page 11

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## NOTES FROM THE FIELD

by Michael L. Crawford, editor

When I assumed the role of editor of the *Hoosier Surveyor* I found that a great benefit of the job was to receive the publications of surveying organizations from all across the country. This has given me the occasion to see the diversity of the people involved in our profession and the wide array of concerns, problems, and opportunities we all face. However, I noted that underlying it all is a genuine love for the work we do and a pride in the contribution surveyors make to their communities. This was brought home to me this summer when I received a book entitled, *Antepasados*, published by the New Mexico Professional Surveyors.

*Antepasados* is a collection of articles that appeared in the New Mexico Professional Surveyors newsletter. The author, Wilfried E. "Fred" Roeder, PS, brings together stories from across the world and across time that tell of the art, the science, and the adventure of surveying. His imaginative description of the day in 1088 B.C. when master surveyor Enlil-zer-kini, son of Arad-ishtar, set the final monument on a boundary for the king of Mesopotamia, placed me, in a very vital way, on the continuum of history that links me and the iron pin with the cap I set today with a man and the carved boundary stone he set 3100 years ago. Mr. Roeder brings us on a journey along that continuum that stops at sites in New Mexico and the American West and visits people such as Alice Cunningham Fletcher, the "Measuring Woman" - surveyor and friend of the Omaha and Nez Perce.

If I were to attempt a summary of this wonderful book I would look to Mr. Roeder's introduction in which he explains that *Antepasados* comes to us from the Spanish language and means forebearers. He goes on to say that in his house, he and his wife (of Mexican descent) use Spanish words to express love and tenderness. The book *Antepasados* is the stories of those who have come before us told with respect and affection.

If you would like to obtain a copy of *Antepasados* mail a \$10 check along with your address to:

New Mexico Professional Surveyors  
1615 University Blvd. N.E.  
Albuquerque, NM 87102

## THE SURVEYOR AS A BILL COLLECTOR CHAMP OR CHUMP

by Ron P. Murphy, PLS

All of us have outstanding accounts. Most of these accounts will be paid by solid substantial citizens who are the bulk of the people we deal with. These good and substantial clients fall into two main categories: a) the client who pays on time and, b) the client who will be a little late with the payment, calls you up and makes suitable arrangements for satisfying your claims. These wonderful folks are not a collection problem to the surveyor or any other party.

However, there are others lurking out there waiting for the unwary, and sometimes wary, surveyor to pass their web. These citizens and clients can be grouped into three categories: 1) those who pay if pressured, 2) those who will pay only if court proceedings are instituted and finalized, and 3) those who won't pay at all.

Work for the surveyor is a means of acquiring the wherewithal to exist as a human being, a professional and a businessperson. Payment for that work is a requirement for fulfillment of all these functions. Non-payment for work hinders our development in all these areas and sometimes retards and/or terminates that development. Non-payment is not a position the professional land surveyor wishes to be in.

The work we do is for clients who come to us of their own free will and enter into an oral, or better yet, a written, agreement as to what is to be accomplished by the surveyor, what the fee is to be and how that fee is to be paid. Surveyors are not seen canvassing dark alleys for the feeble minded and the monetarily foolish to take advantage of. Rather, we enter into agreements with those of sound minds on a quid pro basis. We supply a service and the client pays for the service. In almost all of the problem billing cases I know of, the surveyor has completely performed their function and the client is at fault for non-payment of the fee.

Yet, the basic problem in collection of fees for surveyors is their assumption that the surveyor is at fault because the client doesn't pay or can't pay the fee. We all seem to want to be thought as nice people by everyone; "we need to give the poor client a break; it's not their fault they're not paying us besides, it's only money". This is the view of a **CHUMP**. And it results in little profits, reduced employee wages and benefits and sometimes with our business activity terminating.

Don't confuse misfounded pity with justice. It is just that we, or anyone, should be paid for services rendered. It is unjust when they are not paid. If the client doesn't pay the fee, it is not the client who should be pitied, but the surveyor, who is out pocket, out of time, and if he lets this go, out of mind. How can the surveyor collect his fees? In client categories A and B, communication between the surveyor and the client solves the problem. Personal meetings with the client, or as a second best, telephone calls, will resolve the problem, if surveyors assume a position of strength and assert themselves as the party being wronged, not the party in the wrong. Client categories 1, 2 and 3 are our real collection concerns. These are problem clients and take special measures to deal with.

The key to dealing with this area of collection, to my mind, is **ATTITUDE**.

My old boss told me many times that he never made a dime being mad at someone. So don't get mad. It even helps if you consider this type of collection as a kind of game. Don't get your personal self involved. It's a serious game, but yet just a game. You're going to win sometimes and if you have the right approach, you'll win most of the time; but no question about it, you're going to lose too. We can't collect all our bills. There are sharpers and deadbeats out there who just shine at what they do. So, don't be upset when you lose. Look on it as mentally enriching, but fiscally unrewarding experience.

The first step in fee control, or collection, is client confrontation. This should be intended as a reasonable approach by a reasonable person to obtain an agreed upon fee. The result of this confrontation should let you know in what category your client stands or is heading for. This meeting should take place prior to the lien rights expiring and preferably no more than a month after the first billing.

The first line of defense for services above \$250 is the lien. Don't lose it. Take those preliminary steps of notification on your work order or contract preferably and follow it up by filing the lien and perfecting it if necessary. Don't let the client talk you out of the lien rights unless they replace those rights with stronger rights, such as the fee with interest held by a responsible third party to be paid at an agreed upon time.

On smaller claims or any claim up to \$3500, small claims court is a lovely place. A warm, rewarding place where justice, aided by a signed contract, time sheets and a finished plat survey prevails over evil forces aligned against the gentle surveyor. At least to the point where judgment is handed down. Have the judgment filed, find out vehicles or personal, saleable property the client owns, and allow them the option of losing it at a sheriff's sale or paying your fee. The choice is a fiscal one, not a moral one and it is the client's choice, not yours. It is a situation the client has asked for by not paying the just fee.

A little flair and imagination help in collecting the fee. I recall a survey we performed for a woman which we provided at the agreed upon fee in the agreed upon time. The woman profited from the work by a sale of the property and flatly refused to pay the fee or even discuss it over the phone. She had the money, she just wouldn't pay for the services from which the money was obtained.

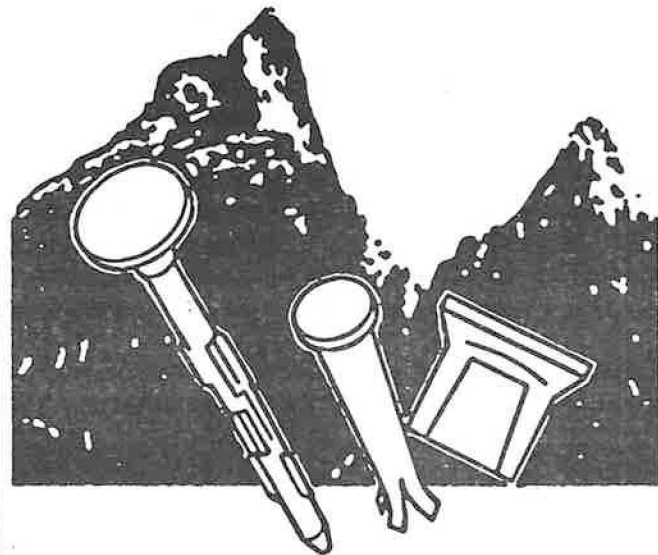
I went to small claims court and obtained an uncontested judgment, filed it, found out what motor vehicles were owned by the woman and her husband, and on Christmas Eve, a deputy sheriff pulled into their yard to take over the vehicles or get a check. The check was made out on the spot and one of us had a pleasant Christmas. A chump became a champ at that particular game.

For tougher cases, get professional help. Call in your attorney. Attorneys call on us for professional help we should in these cases

...continued page 11

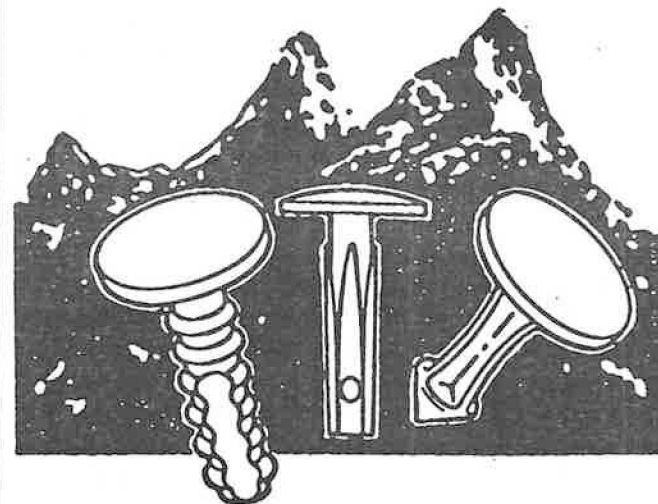
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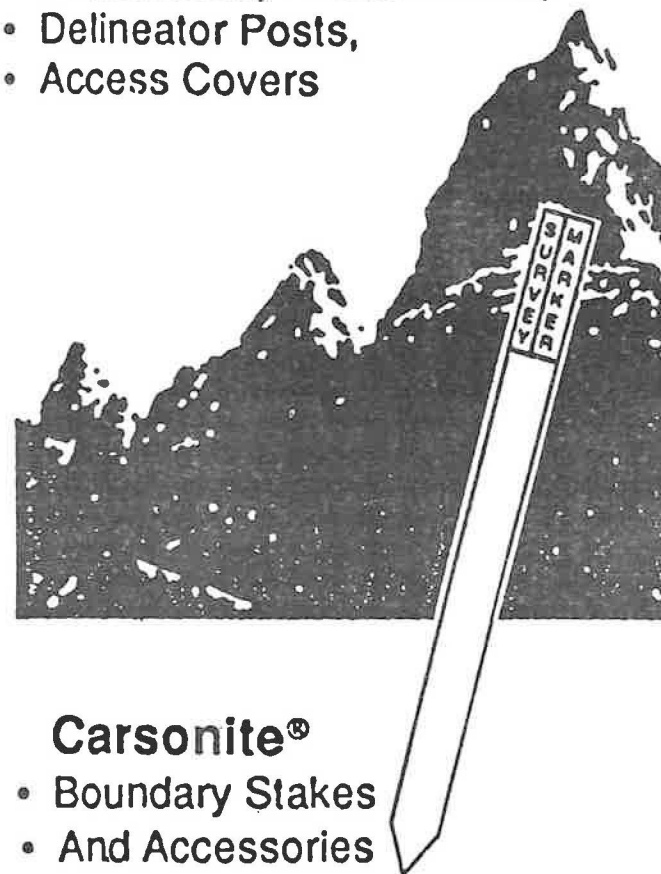
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### CHAMP OR CHUMP

*...continued from page 9*

return the favor. Throughout the centuries, the law has developed accepted ways and means to protect the poor surveyor. The attorney, by law, is allowed to do and say things to those people who have not paid our fees which we never could. Almost every law school in the land has a class in "Ways and Means to Collect Fees for the Poor Surveyor".

I recall a recent experience under the lien law where our claim went to court, was adjudicated and the court held in our favor. The attorney's fees, as is the law, were added to our claim. Our \$1,300 fee, and the attorney's \$1,900 fee, resulted in the acquisition of 40 acres of land which, in a little over a year, we can sell.

It beats a sharp stick in the eye.

**We wouldn't stand by and watch a pick-pocket clean us out without attempting to stop them. Don't let yourself be robbed**

Another recent experience where the robbers are winning involved Notice. We had been retained to provide surveying services on an apartment complex in Washington County. We weren't paid for our services. Many other small businesses weren't paid either. We were the tip of a quarter million iceberg. We liened the property, as did others, but our lien was the property lien, first in line.

A bank provided a loan and filed the Mortgage in the Record's Office about 10 days after we had begun work. At trial, the court held that we did not give notice sufficient for the bank to be placed a position inferior to our claims when they foreclosed. That case is now on appeal. The important point here is that the surveyor should file a Notice of Work on the property with the right to lien where the projects are large and it is evident that a lending institution will be getting involved. It is the business of banks to look out for banks, not land surveyors.

We wouldn't stand by and watch a pickpocket clean us out without attempting to stop them. Don't let yourself be robbed. A conservative defense against this, and an effective one, is not to consort with robbers.

Does your client have fee title to the property? If no, that's red flag number one. Does your client have the wherewithal to pay you, or is your fee dependent on some deal? If the fiscal existence of your fee is dependent, that's red flag number two. Is your client using someone else's land, someone else's money and your services for their profit? If so, that's red flag number three. Bulls run at red flags, surveyors should run from them.

*Reprinted from the Bearings, Vol. 94, No. 55, March-July 1994, originally reprinted from The Georgia Land Surveyor, Nov.-Dec. 1991.*

### PROFESSION

*...continued from page 7*

its base to include professionals of related occupations. (Founding of the ACSM member organization known as the Geographic and Land Information Society was a first step to accomplishing that objective.)

Member surveys, think tanks, and strategic planning are all the rage these days as the professions look for ways to keep up with the technological and sociological change. Through it all one can hope that the professions react to more than image concerns. For the surveying profession at least, continuation in any recognizable form is a real concern, at least for the traditionalists among us. One highly respected leader recently asked the question, Are surveyors in danger of losing their profession? Right concern, wrong question. The profession is changing and growing and surveyors must change and grow with it or else lose their place in the ranks of professionals. The restless young and the visionary futurists may have no patience for the status quo and in the long run they are the people who will guide the profession into the 21st century. How we and they, react to the pressures on the profession will determine how well it serves the public's needs while offering exciting and rewarding employment for its members in the years to come.

*Robert Foster is a past president of ACSM. He works in private practice offering professional consulting services in arbitration, dispute resolution, and litigation involving surveying and civil engineering issues.*

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**ISPLS WORKSHOP  
CO-SPONSOR HOOSIER HILLS CHAPTER  
OCTOBER 13, 1995**

The ISPLS Fall Workshop, co-sponsored by the Hoosier Hills Chapter, will be held at McCormick's Creek State Park, Spencer, Indiana, on Friday, October 13, 1995. The topic for the seminar will be "Practical Aspects of GPS Surveying" and will be presented by Dr. Boudewijn van Gelder of Purdue University.

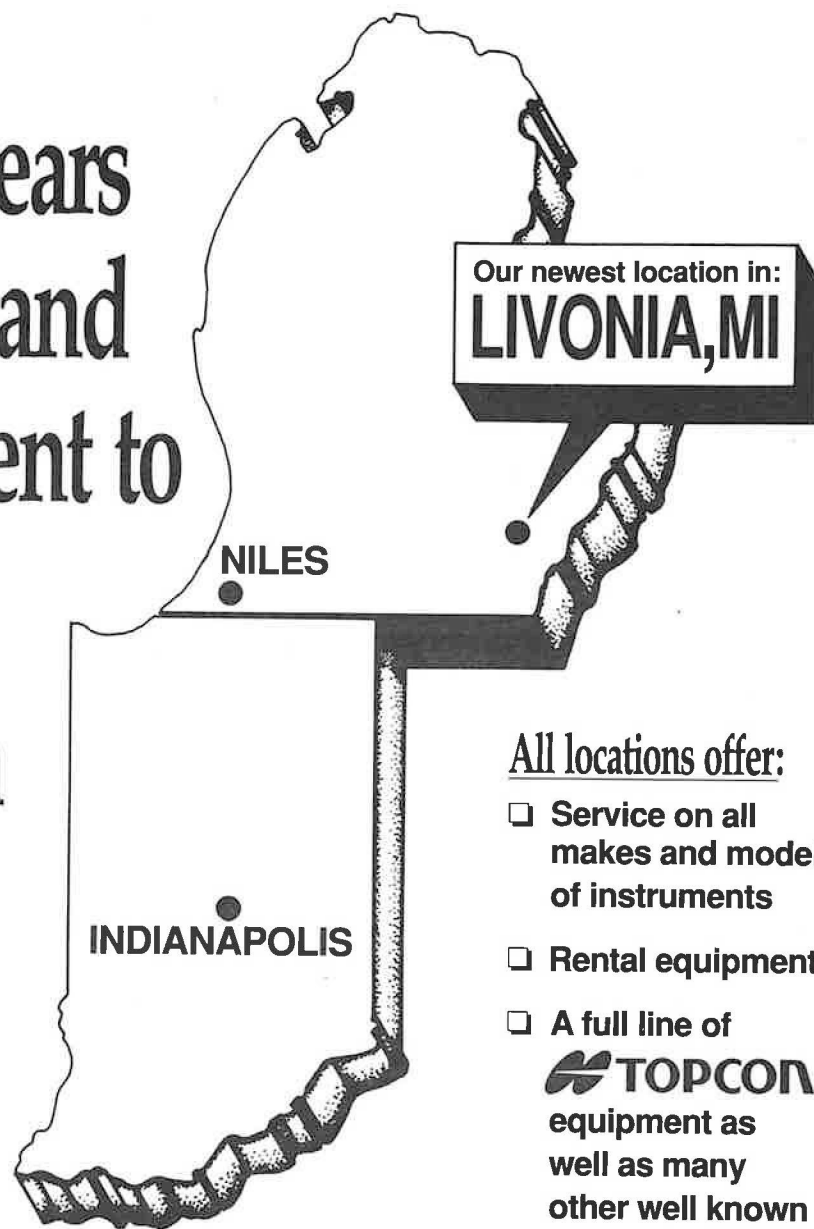
Look for additional details in the workshop flyer to be mailed later this summer.

If you plan on staying overnight, please make your room reservations before September 12th, 1995.

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**The 1996 ACSM/NSPS Map/Plat Design Competition is now open for entries.**

This will be a juried contest. A maximum of five maps per style and category will be selected and exhibited at the Annual Conference in Baltimore, MD. Entries must be submitted by the state surveyor association affiliates of the National Society of Professional Surveyors, Inc. (NSPS). Entrants need not be members of NSPS. A member of NSPS must sponsor the map, plat, or project under consideration and their name must be so noted on the nomination form. The entry must have been completed after June 30, 1993 and may not have previously been entered in this contest. The entry may be freehand, machine drafted, or computer drafted.

Submit six prints for each entry with a maximum map size of 34" by 44". **Entries must be folded to fit in a 9" by 12" envelope.** Submissions must be a single drawing; it

may originate as part of a set of drawings, however, it must be entered as a single sheet. **All entries must be postmarked by December 31, 1995 Use one entry form per document submitted.** An entry fee of \$20.00 must accompany each form. The committee will notify the winners to send a print for display at the conference.

All entries will be judged on adherence to the minimum standards as set forth by NSPS. The judges will consider interpretability, content and layout of data shown, presentation, innovation, applicability to typical client or persons using this type of map, and correctness. Neatness and accuracy of scale will also be considered. Prizes will be given in categories where three or more entries are received. The decisions of the judges are final.

**Categories**

- 1. Subdivision Plats
- 2. Boundary/Cadastral Maps
- 3. Topographical Maps
- 4. ALTA/NSPS Survey Maps
- 5. Miscellaneous Maps

(Only one Category may be checked)

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**NSPS Map/Plat Contest**  
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(Use one entry form per document submitted)

**This form may be reproduced for use**  
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I give my permission for this entry to be placed on display at any ACSM or NSPS sanctioned exhibit on cartography or map design. Also, I understand that entries may be reproduced in any ACSM or NSPS sanctioned publications, that winning entries may be duplicated, reproduced, or copied and sold by ACSM or NSPS, and that the winning contest entries may be placed in the map collection of NSPS at the Michigan Museum of Surveying. No entries will be returned. The decisions of the judges are final.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For office use only: Map/Plat Contest Entry Number: \_\_\_\_\_

State Affiliate entering Map: \_\_\_\_\_

Entrant's Name: \_\_\_\_\_

Company or Institution: \_\_\_\_\_

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Name and address of Nominator if other than entrant.

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## SURVEYORS HISTORICAL SOCIETY

### Early Indiana Trails and Surveys

by George R. Wilson, C.E., LL.B.

#### SURVEY OF THE INDIANA AND ILLINOIS STATE LINE

This line starts at a point on the northwest or right-hand bank of the Wabash river, 46 miles due north of Vincennes, from which point a sycamore 38 inches in diameter bears north 71 degrees west, 20 links distant, and a second sycamore 30 inches bears north 84 degrees east, 39 links distant. By June 9, 1821, the surveyors had reached the fifteenth mile (near Sanford, Indiana,) going north at a variation of 6 degrees 25'. The twenty-seventh mile was reached on June 10th. At 76 miles and 65 chains the line crossed the south line of the Saint Mary's purchase. At 122 miles and 38 chains a river was reached, and on the record is noted: "Illinois river or Kankakee river, so called here." On Monday, July 2, 1821, Lake Michigan was reached at 159 miles and 44 chains, and its waters at 159 miles and 46 chains. John McDonald was the Deputy United States Surveyor. This point was 11 miles, 4 chains and 46 links west, and 6 miles, 15 chains and 86 links north of the lake's southern extremity. In February and March, 1834, the line was retraced from the 118th mile post north, by S.Sibley, Deputy Surveyor. He rebuilt many of Surveyor McDonald's old mounds. A large post was set in the sand bank on the border of Lake

Michigan. Sylvester Sibley, Deputy Surveyor, re-surveyed the Indiana and Illinois state line in pursuance to instructions from M. F. Williams, Surveyor General of the United States, under date of July 1, 1833. John Hodgson and Peter S. Galloway were the chainmen, and William Howard was the marker. The line is 11 degrees 1' of Longitude west of the city of Washington. The General Land Office places it at 87 degrees 31' 50" west of Greenwich, England. A government marker on the bank of the Wabash at Vincennes places its own longitude at 87 degrees 32' 27.79" west of Greenwich. It also records its own latitude at 38 degrees 48' 37.71". The bench mark on the court house shows the elevation to be 429.928. Vincennes was the governing point for the Illinois and Indiana state line.

*This article was taken from "Early Indiana Trails and Surveys" by George R. Wilson (deceased). The history was first published in 1919. (ISPLS does sell reprints of this book for \$7.95 plus \$2.50 for shipping. If interested please contact ISPLS office.)*

## MID-CONTINENT HIGHWAY (I-69)

Federal Hearings

by Garry Petersen

The Mid-Continent Highway passed another critical hurdle before the 104th Congress House Appropriation's Subcommittee on Transportation. The Subcommittee, on March 23, took testimony from John D. Caruthers and Jim Newland regarding the project and its future impact on America. Both Mr. Caruthers and Mr. Newland traveled to Washington, D.C., to explain the importance that the highway project would have on the heartland of America. Their testimony was well-received by the Transportation Subcommittee Chairman, Frank R. Wolf.

The House Committee on Surface Transportation is now in the process of re-drafting the National Highway System bill, which failed to gain support last year in the Senate. As part of this process, Mid-Continent Highway Coalition Chairman John Caruthers spoke about the national importance of this highway and its geographical impact on the eight states and three nations that it will traverse. Caruthers focused his comments on the economic aspects of the highway, which have taken on even more importance since the North American Free Trade Agreement was passed. Some of the economic benefits of completing I-69 that Caruthers discussed were the increased flow of trade from north to south, the access the highway would provide to U.S. ports, and the link I-69 would establish between such regional distribution centers as Memphis, Shreveport, and Indianapolis.

Mid-Continent Highway Coalition Executive Director Jim Newland followed Caruthers with his testimony. Newland, who is also a member of the Board of Directors of the Southwestern Indiana Regional Highway Coalition, focused his comments on the Indiana aspect of the extension of I-69, discussing the need for a direct route between Indianapolis and Evansville. He also spoke of the national importance of the highway, which he said would cross "the most diverse concentration of manufacturing capacity anywhere in the world."

Both Caruthers and Newland emphasized the positive impact that an I-69 link from Canada to Texas would have on America. In doing so, they voiced their support for the National Highway System bill and urged the timely and complete development of the National Interstate System. Under the National Highway System bill, the Mid-Continent Highway brings together Priority Transportation Planning Corridors 18 and 20 to form an international highway. This highway, which presently begins in Montreal, Canada and terminates in Indianapolis, would be completed to Laredo, Texas, via Evansville, Memphis, Shreveport and Houston.

In recent years, trade patterns in the United States have shifted from an east-west orientation to north-south. This, of course, has been augmented by the passage of NAFTA and the emergence of Canada as the major trading partner for the United States. The growing trade with Canada depends heavily on the U.S. highway infrastructure. In the South, 88% of the 1993 total U.S. trade with Mexico was land-based, with 76% of the total U.S. exports to Mexico coming from the eastern half of the U.S. and being directed through the state of Texas. Based on this route of trade flow, it is

easy to see that I-69 will likely become one of our nation's most direct trade corridors by effectively linking U.S. manufacturers and producers with our trading partners to the north and south. Increasing the access to efficient and cost-effective transport through the United States will enable this country to realize the full potential of trade agreements with our neighbors.

In a day and age in which the integration of all modes of transportation has become essential to a nation's ability to compete in the global market, I-69 will be a major component of a truly multi-modal trade system that will provide access to markets by land and sea. The route of I-69 along the Texas Gulf coast will offer access to more than a dozen ports, including the Port of Houston, which is the nation's largest in foreign tonnage. Direct access to these ports along I-69 will reduce the cost of transporting goods and will guarantee the continued viability of one of the nation's major links to the world market.

Research by Indiana University and the Hudson Institute have pointed to the significant role that this road will play in the future of mid-America. The Mid-Continent Highway is the missing link needed by this region to become economically competitive throughout the continent. Whether it be Lufkin, Texas, or Evansville, Indiana, this highway will bring jobs and an economic future for the rural isolated communities along its path.

With the recent changes in Congress and the emphasis on national projects versus special interest district projects, the Mid-Continent Highway stands a greater chance of being completed within this century. The new leadership of the House and Senate has signaled an end to the use of federal transportation dollars to district-specific projects. This shift should allow additional funding to be redirected to the Mid-Continent Highway because of its national importance.


Jim Newland commented that we may have many streams to cross and mountains to climb, but today's hearing is one more stream we have crossed toward building this highway for our children's future well-being.

The next step toward building the Mid-Continent Highway will come later this year, when Congress passes the National Highway System Act and sets priorities for engineering and constructing various segments of the proposed route. Both Indiana and Texas recently moved further along in the implementation programs by designating portions of their federal funding to the completion of the highway.

"We all must realize that I-69 is not merely a roadway which will improve safety and mobility, but it is also an avenue for trade and economic development that will benefit the nation as a whole."

---John Caruthers


...reprinted from *Mid-Continent Highway*, April 1995, Volume 9



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## ISPLS WORKSHOP - CO-SPONSOR INITIAL POINT CHAPTER "TREE IDENTIFICATION"

Speaker, Frank Ballintyn, P.L.S.  
New Albany, Indiana



Pictured, Frank Ballintyn, P.L.S., speaker for the "Tree Identification" workshop.



Pictured left to right, attendees Brad Rayl and Brian Jessup.



The workshop was held in the Clark State Forest in New Albany, Indiana.

## COULD THIS BE YOU?

by Ron Koons, RoSaKo Enterprises,  
Safety Consultants, Middletown, Indiana

Business takes me throughout the state of Indiana. During many hours spent traveling the highways and by-ways of the state I have the opportunity to observe many "unsafe" situations. This month I would like to discuss two of these observations that involve surveying crews.

The first situation occurred in late winter. It was getting close to dusk and motorists had turned on their headlights. I was traveling a major interstate highway in the northern part of the state. Road conditions were excellent with no ice or snow present anywhere. Since we were out of the construction season there were no current road restrictions. Just two lanes each direction of motorists in a hurry to get home, go shopping, go out for dinner, etc. I noticed a vehicle parked halfway on the berm and the grass at the right side of the road. I saw safety cones and what appeared to be warning signs IN THE BACK OF THE VEHICLE. My quick observation indicated that it was probably a surveying crew's vehicle, but I instantly thought that it was quite dark to be performing any work. There were no warning devices of any kind in use on either side of the road. Approximately one-half mile up the road I was startled by someone walking just off the road on the right berm on my side of the road. I moved slightly to the left and in that process noticed the person had a tripod over one shoulder and was carrying what appeared to be a station in the other hand. The person was wearing a tan insulated coverall type of outerwear with a hood attached. At that time of day the individual almost totally blended in the background. He was not wearing any reflective vest, hat, or anything reflective at all! I was just beginning to get back into the right lane when another quarter mile up the road his rod person was RUNNING across the road and was just clearing the edge of the road when I noticed him. This person was dressed the exact same way and was also NOT UTILIZING ANY REFLECTIVE CLOTHING. As I made my way home my thoughts kept going back to those two individuals; wondering if they made it back to the vehicle in one piece.

The second occurrence was in late spring and the temperature was in the seventies. It was mid-afternoon and the sun was shining brightly. I was traveling on a two lane state highway. Overall driving conditions were excellent. I was just coming upon a grade. You know the type...if you were traveling too fast you would get that roller coaster feeling in your stomach as you came back down the other side. The speed limit was 55 mph in this area, but for some reason I was only traveling about 45 mph. Just as I had almost crested the grade I noticed someone standing in the middle of the road. There was another person just off the road to the right. A vehicle was parked in a field entrance approximately 15 feet off the roadway. There was absolutely no way to see either person or the vehicle until the grade was almost crested from my direction. The road had clear observation distance from the opposite direction. Two things additionally caught my attention. One was that the person in the middle of the road had a long instrument, probably

looking for a marker. The other was that I recognized the second individual as someone I knew as a registered surveyor! Obviously the person along the side could be in just as much danger if a driver instantly swerved as a reaction to the first individual. There were absolutely no warning signs or markers anywhere. Another accident waiting to happen.

Working along roadways is a dangerous job even with all the proper safety devices and equipment being utilized. Maybe these individual felt that they were just doing "quick" jobs that didn't warrant any type of safety devices or maybe they were running late...whatever the excuse, I think everyone will agree that some type of precautions could have been taken. When you are in situations like we have described above remember one thing THE LIFE YOU SAVE MAY BE YOUR OWN!

## SEILER INSTRUMENT CELEBRATES 50TH ANNIVERSARY

Seiler Instrument & Mfg. Co. will celebrate its fiftieth year in business in September, 1995. Founded in 1945 by Mr. & Mrs. Eric H. Seiler, Seiler Instrument has grown from a surveying instrument repair shop to a multi-division company specializing in manufacturing military optical equipment and distribution of surveying equipment, microscopes and planetarium projectors. The Surveying Division at Seiler has grown extensively over the years, becoming one of the area's largest sources of brand name surveying and construction equipment, supplies, service and repair for the St. Louis Metro area, Western Missouri, Eastern Kansas and Central Indiana.

## SEILER INSTRUMENT RELOCATES SURVEYING DIVISION

The Surveying Division of Seiler Instrument has moved to 36 Kirkham Industrial in Webster Groves, MO. Now located behind its former address at 170 E. Kirkham, Seiler's Surveying Division will continue to offer sales, service and rentals of surveying/construction equipment and supplies.

Seiler Instrument can be reached at 314-968-2282, 1-800-489-2282 or by fax: 314-968-9217.

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## CALENDAR

### September 26, 1995

Erosion Control Seminar, Evansville, Contact: Division of Soil Conservation, IDNR, 402 W. Washington St., W265, Indianapolis, IN 46204, (317) 233-3870

### September 27, 1995

Erosion Control Seminar, Indianapolis

### September 29, 1995

Erosion Control Seminar, Fort Wayne

### September 26-29, 1995

Association of Indiana Counties 1995 Conference, Grand Wayne Center & Hilton Hotel, Allen County, Fort Wayne. For more information contact: Andrea Osborne, (AIC Office) (317) 684-3710.

### October 13, 1995

ISPLS Fall Seminar, Co-Sponsor Hoosier Hills Chapter, McCormick's Creek State Park, Topic "Practical Aspects of GPS Surveying" Speaker: Dr. Boudewijn van Gelder

### November 13-17, 1995

ACSM/ASPRS Fall Meeting and GIS/LIS '95 Annual Conference and Exposition, Nashville Convention Center, Nashville, TN.

### January 17, 18, 19, 1996

ISPLS Annual Convention, Holiday Inn Airport, Indianapolis

## CONTINUING PROFESSIONAL DEVELOPMENT COURSES

### ISPLS 1995 Conference:

#### Kentucky Hours Approved:

Indiana State Plane Coordinate System 4 hours

Practical Applications of GIS 3 hours

Report on Indiana HARN 1 hour

Leadership & Professionalism 1 hour

Boundaries & Fencelines 1 hour

Practical Analysis & Adjustment of

Surveying Measurements 4 hours

Metrication 1 hour

Ethics: The What and the Why 1 Ethics Credit

## POLICY AND TECHNICAL INFORMATION AVAILABLE ON WATER BOUNDARY SURVEY PROCEDURES

River & Lake Boundaries is a 412 page hardbound book with an average of one illustration (or map) per page. It contains summaries of court decisions as well as guidance for applying the legal principles in those decisions to survey problems in the field. Most published legal decisions on water boundary disputes are hard to follow for lack of maps showing the river bank positions. Accordingly, old maps have been researched and reproduced along with important parts of the text to aid understanding. Water areas are shown in blue and section lines are shown in red for ready grasp of each map situation.

Subjects covered include navigability, abandoned channels and avulsion, accretion, islands and sandbars, ordinary high water mark and boundary disputes. A section on tools and techniques covers map interpretation, hydraulic considerations, and related science applications of interest to the surveyor.

John E. Lindsfold, an attorney with more than 20 years experience in Federal Court litigation of water boundary issues, has prepared the foreword and a summary of water boundary law for this work.

River & Lake Boundaries was prepared by James A. Simpson who has specialized in water boundary surveys for twenty years. The author has been a licensed surveyor for 45 years. He has testified on boundary disputes before many Federal Courts, including matters before the U.S. Supreme Court.

The 8 1/4 by 10 3/4 hardbound edition is available from Plat Key Publishing, P.O. Box 4419, Kingman, AZ 86402 (602) 753-1159 for \$43 postpaid. A free brochure is available to describe the book in more detail. Satisfaction is guaranteed.

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