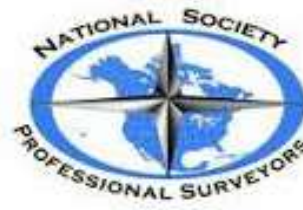


The UCLS Newsletter



September 2022

Where is it?



Utah is home to many amazing geological features including this unique limestone strata. The parallel formations are approximately 20 feet apart, protrude 40 feet, and extend over 200 feet in length.

The first UCLS member to correctly identify the name and location of this Utah

attraction becomes eligible for a free lunch at your next UCLS chapter meeting.

Answers may be emailed to Susan at srmerrill@ucls.org. The earliest date and time of response will determine the winner.

In this issue:

We acknowledge the Richard E. Lomas National Trig-Star awards and recognize Parker Suzuki for his success in the national competition.

We continue with Ethics Field Guide by reviewing potential conflicts of interest and share Knud Hermansen thoughts about eliminating experience requirements for licensure.

Do fence lines establish boundary by acquiescence claims? Review the May 12, 2022 - Huck v. Ken's House LLC opinion of the Office of Property Rights Ombudsman.

Be entertained by the article "Property Surveys, the Ridiculousness of it all" and "Why English is Hard to Learn"

We invite you to share charismatic photos of yourself and/or a coworker, panoramic images of Utah's scenic wonders, or pictures of survey related tools and equipment. Additionally, we need interesting and unique descriptions or survey related stories to share with our membership. Remember, if you do not participate you have no right to complain. Please let us know your thoughts, recommendations, suggestions, or complaints.

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PO Box 1032
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Phone/Fax:
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"The trees are about to show us how
beautiful it is to let go."
- Unknown

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Contributions are encouraged. Articles, Advertisements, Pictures, and Comments may be submitted to UCLS at ucls@ucls.org or uclsforesights@ucls.org

UTAH COUNCIL OF LAND SURVEYORS

PO BOX 1032, SALT LAKE CITY, UT 84110

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PO Box 1032
Salt Lake City, UT 84110
(801) 964-6192
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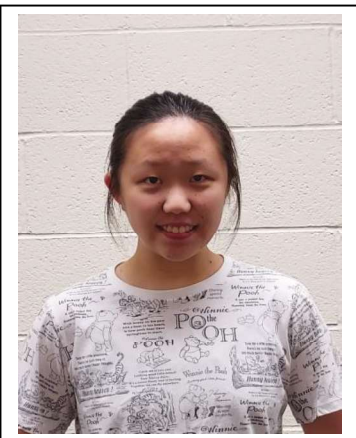


National Trig-Star Committee Selects Winners of the National Trig-Star and Teaching Excellence Awards

The National Society of Professional Surveyors (NSPS) is pleased to announce the recipients of the 2022 Richard E. Lomax National Trig-Star Awards. The Trig-Star committee met on July 13-14, 2022 to determine the three top high school students from the national examinations submitted by state winners. This year there were twenty nine state winners submitted.

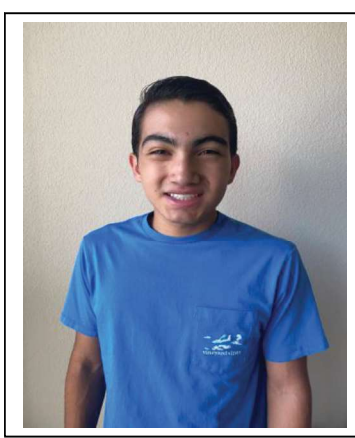
The Richard E. Lomax National Trig-Star Awards are as follows:

FIRST PLACE



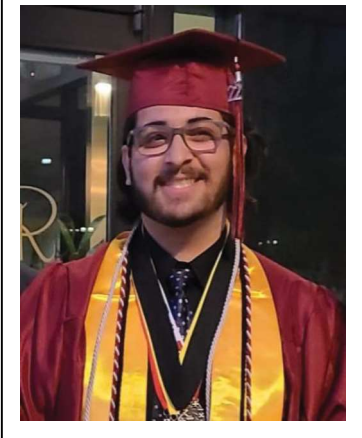
\$2,000
Lauren Chen
Morgantown HS
West Virginia

SECOND PLACE



\$1,000
David Hernandez
John H. Guyer HS
Texas

THIRD PLACE



\$500
Medhansh Pattani
Laguna Creek HS
California

The Richard E. Lomax National Teaching Excellence Awards are as follows:

\$1,000
Brian Jackson
Morgantown HS
West Virginia

\$500
Taras Borysyuk
John H. Guyer HS
Texas

\$250
Jason Richmond
Laguna Creek HS
California

The following is a list of the remaining participants:

Yongyu Qiang, Alabama
Seamus McDonough, Alaska
Srinivas Arun, Colorado
Arau Dsouza, Connecticut
Shakira Cruz Lopez, Delaware
Abigail Scarborough, Georgia
Himani Musku, Illinois
Alex Tambrini, Indiana
Davis Trumm, Iowa

Evan Rogerson, Kansas
Kayley Lin, Maine
Dominic Sierra, Maryland
Lucas Stiver, Michigan
Samuel Gersich, Minnesota
Marcus Winrod, Missouri
Alexandra Houseworth,
Montana
Sarah Polish, Nevada

Adam Hoskin, New Hampshire
John Wu, New Jersey
Rohit Dasanoor, Ohio
Gavin Nichols, Pennsylvania
Isabella Aparicio-Morello,
South Carolina
Maria Woroniecki, South Dakota
Parker Suzuki, Utah
Johnny Chen, Wisconsin
Jonathan Oler, Wyoming



National Trig-Star Committee Selects Winners of the National Trig-Star and Teaching Excellence Awards

The National Contest participants completed a questionnaire which was submitted along with their completed test. The questions relate to the participants high school achievements and interests, college aspirations, and career goals. The following responses were received to two of the questions posed:

What have you learned from this experience with Trig-Star? Would you recommend this for other students to experience?

- I've learned that trigonometry is very important for land surveying purposes. I also got proficient at using degrees, minutes, and seconds. I would recommend this for other students because it's a fun competition and it can motivate them to enhance their math skills.
- I have learned how applicable math is in real life scenarios. I would for sure recommend this to others.
- From my experience with Trig-Star I've learned how relatively simple math can be applied to important real-world problems. I would recommend this for other students, because it might show them how their school math classes are not a waste of time.

Have you ever thought about a career in surveying or engineering?

- Yes, both have many aspects that I find interesting. I will definitely consider them when choosing my career path.
- Computer science is a tool that can be applied to many different fields. I see the potential for me to use it to solve land surveying or engineering related problems

For more information about the NSPS awards and scholarship programs, please contact NSPS, 5119 Pegasus Court, Frederick, MD 21704, (240) 439-4615, e-mail: Trisha Milburn at trishm@nsps.us.com, or visit the NSPS web site at www.nsps.us.com.

The Business Ethics Field Guide - Part 4

Conflict of Interest

By: Brad Yarbrough

This series features 13 articles from Brad Agle, Aaron Miller and Bill O'Rourke, co-authors of The Business Ethics Field Guide. Each article focuses on a common work dilemma, while providing real life examples and insightful solutions. For more information, please refer to the cover story in the August 2021 issue.

Conflicts of interest are the most frequently encountered dilemma in the business world. The response often stated is, "That's just how business is done." While that might be true, it doesn't make it right. Only people with no interests are exempt from conflicts of interest, so it's important to realize that conflicts are inevitable. Additionally, it's also important to recognize when you have a conflict, then deal with it properly and swiftly.



What Qualifies as a Conflict of Interest?

Sometimes, even intelligent people don't recognize a conflict. For example, the Corporate Medical Director named Dan, an MD, reported to me. He returned from his honeymoon and told me about two physicians that came to his wedding and each physician brought him a gift of \$2,000. These doctors were friends of Dan, but they were also contracted medical consultants to our company, receiving approximately \$85,000 each per year.

I suggested to Dan that he had invited two suppliers to his wedding who each gave him a kickback. Dan insisted that the gifts were out of the goodness of their hearts. It took an hour of discussion for Dan to recognize the conflict and agree to return the money. A note on the wedding invitation would have avoided the problem: "Given our business relationship, gifts would be inappropriate. Hope to see you at the wedding."

A competing interest involving a personal benefit can be most tempting. A position of influence often comes with opportunities for inappropriate gain, but abusing power for your own benefit is the quickest way to ruin your reputation. For example, The Board of Directors of Enron suspended its conflict of interest rules to allow their CFO, Andrew Fastow, to establish and operate off-balance-sheet entities at a handsome profit. What were they thinking? Even though the Board and the company auditors said it was okay, we recognize that it was absolutely not okay. As a result, Mr. Fastow went to jail. From this example, we are reminded that Board directors cannot be rubber stamps for management. They must exercise independent judgment.

Questions to Consider When a Conflict is Recognized

Upon realizing that there is a conflict of interest at hand, what are the next steps? Try to focus on the following questions:

- **Are there clear rules?**

As an example, some organizations have clear rules that spouses cannot work in the same department. When that situation arises, transfers are made to meet the mutual needs of the organization and the employee. Another tricky area is dealing with friendships, which are usually good in business. Friendships build rapport, trust and loyalty. However, close relationships also increase the risk of favoritism, back-scratching and exclusion of others.

These potential dangers must be faced with openness, honesty and transparency. Gifting is another issue of noteworthy concern because it raises ethical issues. Most governments have a particularly clear rule about giving and receiving gifts: it's not allowed at all. Other companies have a less clear rule: employees cannot give or receive a gift exceeding nominal value. But then it becomes a matter of deciding what is nominal. This requires an open discussion among supervisors, employees, peers and perhaps suppliers or customers. In cases such as this, it's important to clarify the rules in the discussion. Usually, extravagant gifts are easily recognized and shouldn't be given or received.

A good rule with regard to any gift is that if it feels wrong or looks wrong, avoid it. Discussing conflict situations in advance can help to avoid them, especially in cultures where exchanging gifts is the norm. Doing so can prevent embarrassment and may actually be appreciated.

- **Would your actions cause others to question your motives?**

I observed the soon-to-retire President of a business move his corporate headquarters from the Northeast to Charlotte, NC. He explained that Charlotte had a globally connected airport and good weather for its employees. Coincidentally, he and his wife grew up in Charlotte, owned retirement property and had extended family in that area.

His true motives were indeed questioned. Prior to the decision, the President could have used relocation experts to conduct an objective analysis of the likely impact of the move to avoid the appearance of a subjective, selfish decision. You must prevent even the appearance of evil. This can be done through openness, honesty, transparency and by using your moral imagination, which is the ability to think outside the box and envision ways to be ethical and successful.

13 ETHICAL DILEMMAS

Upcoming articles in this series will take a closer look at each dilemma.

1. **STANDING UP TO POWER**
Someone in power is asking you to do something unethical.
2. **MADE A PROMISE**
Conflicting commitments force you to choose.
3. **INTERVENTION**
You see something wrong. How do you proceed?
4. **CONFLICTS OF INTEREST**
Multiple roles put you at cross purposes.
5. **SUSPICIONS WITHOUT ENOUGH EVIDENCE**
You believe something is going on, but you're not sure.
6. **PLAYING DIRTY**
Achieving justice but by doing something unethical.
7. **SKIRTING THE RULES**
Bending the rule for a better outcome.
8. **DISSEMBLANCE**
Misrepresenting the truth for better outcome.
9. **LOYALTY**
Giving up ethical stance to protect valued relationship.
10. **SACRIFICING PERSONAL VALUES**
Living ethically might put burden on others.
11. **UNFAIR ADVANTAGE**
When opportunity exists to wield an unfair upper hand.
12. **REPAIR**
When you are responsible for a mistake.
13. **SHOWING MERCY**
You could grant forgiveness, but you don't know if you should.

- **Who has the right to know the details and will disclosure cure the conflict?**

When a conflict arises, transparency is usually appropriate. But who needs to know? The buyer of rubber commodities came to my office when I ran the Procurement Department. He said, "I have a conflict and you need to know about it." He told me his son landed a job with a supplier to our company. Furthermore, the son would be calling on him for business. He wanted me to be aware of the conflict and assured me that I could trust him to handle business with his son above board and objectively.

Was this disclosure good? Yes! Did it resolve the conflict? No! Our company was large enough that I could give this buyer a different responsibility and assign another procurement employee to purchase rubber. Disclosure is always good, but it doesn't always cure the conflict.

- **Can you remove yourself from the conflict?**

It might be prudent for you to recuse yourself from a business transaction when you learn a relative or friend might be involved on the other side. Let others handle the dealings to escape a real conflict or even the optics of a potential conflict.

- **Can you be freed from your obligation?**

In many cases, a party might be willing - or even grateful - to free you from your obligation if you explain why it puts you in an ethically difficult situation.

- **Is there a way to uphold both of your obligations?**

By exercising moral imagination, it may be possible to resolve conflicts of interest and satisfy your obligations to both parties. Often, time is the issue and if a conflicted party can grant you more time to perform, both obligations can be met and sometimes with better outcomes.

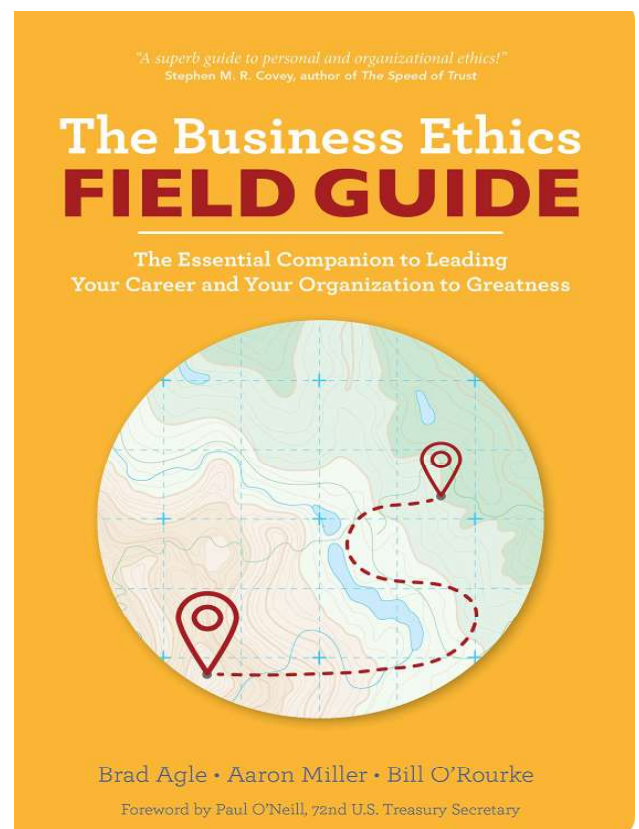
Common Conflict of Interest Pitfalls

First, people often don't notice a conflict of interest. To avoid this pitfall, it's important to develop an ethics consciousness and become familiar with the ethics guidelines that govern your work behavior.

Second, it may be tempting to run or hide from a recognized conflict. However, it's important to realize that eventually these situations will become apparent to others and it's best to face them early rather than allow things to worsen.

Third, there's a tendency to believe that we can be objective even when our self-interest is in play. No matter how pure your intent, you can't outsmart the bias created by your own perceptions. Even if you could rise above the influences of a conflict, others would not believe you have done so.

Finally, though better to avoid them altogether, train yourself to recognize conflicts of interest and work through each openly, honestly and transparently. It will enhance your reputation for integrity as well as that of your organization.



Last Issues “What Is It?”



Most of us know that Utah is comprised of 29 Counties of varies sizes, populations, and demographics. Additionally, each County has a history and attractions that are uniquely theirs. Furthermore, the leaders of each County are selected by a similar election process.

In the state of Utah, County Surveyors are elected in seven of the twenty-nine counties. Eight counties have combined the County Surveyor's office with another elected office, twelve have contracted with private surveyors and two appoint their County Surveyor.

In the last Newsletter, we asked for guesses on the number of counties that have an elected County Surveyor, however, a correct response was not received. In Utah, there are seven counties that elect their County Surveyors: Davis, Duchesne, Salt Lake, San Juan, Uintah, Utah, and Wasatch.

WHY ENGLISH IS HARD TO LEARN

We'll begin with *box*; the plural is *boxes*,
But the plural of *ox* is *oxen*, not *oxes*.
One fowl is a *goose*, and two are called *geese*,
Yet the plural of *moose* is never called *meese*.

You may find a lone *mouse* or a house full of *mice*;
But the plural of *house* is *houses*, not *hice*.
The plural of *man* is always *men*,
But the plural for *pan* is never *pen*.

If I speak of a *foot*, and you show me two *feet*,
And I give you a *book*, would a pair be a *beek*?
If one is a *tooth* and a whole set are *teeth*,
Why shouldn't two *booths* be called *beeth*?

If the singular's *this* and the plural is *these*,
Should the plural of *kiss* be ever called *keese*?

We speak of a *brother* and also of *brethren*,
But though we say *mother*, we never say *methren*.
Then the masculine pronouns are *he*, *his*, and *him*;
But imagine the feminine ... *she*, *shis*, and *shim*!

-Anonymous



Thoughts on Professional Practice and Education

Article 3: Eliminate Experience Requirement for Licensing

by Knud E. Hermansen
P.L.S., P.E., Ph.D., Esq.

This is the third article I have prepared in a series giving thoughts on professional practice and education. This topic, I have no doubt, will leave blood on the walls - a metaphor only. I will have good friends that take issues with some of my thoughts. Old age allows opinions to be expressed in a manner that youth cannot do or does so inappropriately. When I was young, I often cared what people thought of my opinions. Having reached an old age, I have come to realize another person's opinion about me has never paid a single bill I owed. Living to an old age allows friends to mature and enemies to be cultivated.

I will not give a long discourse on my experience, education, and practice. Suffice to say my first of many survey licenses was achieved in 1978 before many that will read this article were born. I will even surmise that my last professional license, that of an attorney, was achieved before many readers of this article were born. I have seen and experienced much in my life that allows for many opinions.

In this missive I will touch the often-sensitive topic of experience requirements for the surveying program graduate. I will begin by stating I am not so much advocating for change as I am suggesting the profession consider changes. As is so often the case, the way a person did things in their past causes them to feel that way is the best way to do things in the future. I had six years of experience before obtaining my survey license based entirely on my experience. That is my story. Why isn't my way the best way in this case? Old age has taught me there is often a wide chasm between what was done and what should be done- what is wanted is not always what is needed.

I hoist the target as I once did fifty years ago as a young Marine working the 'butts' at the rifle range. Here is the target: I suggest that experience not be required for licensing of a graduate of an accredited surveying program. There I have made my statement and shown the target. I can already hear the shots and bullets passing through my hoisted target from readers.

Some reader is already writing the editor stating in so many words, with heated passion, that my unsolicited advice is meddling and is not welcome. What is present, works. Perhaps that thought will be the consensus of most of the individuals that read this article.

Why would I make such a statement? Surely as old as I am, I must recognize that experience has taught me far more than four years of surveying education, if not more. I must have learned important knowledge that was never available through education. My answer to both statements is a resounding 'yes.'

I must emphasize that important knowledge, complete knowledge, or extensive knowledge is not the purpose of licensing. Licensing's purpose is to protect the public. Licensing is to ensure the licensee has attained the minimum level of knowledge, established by the profession that is thought necessary for competent practice.

Let us not fool ourselves in thinking two or four years of experience is a constant learning process for an individual. It is not. In many cases, experience is merely the repetition of a limited number of survey tasks repeated over many years. An individual that has spent four years surveying urban lots has probably gained the extent of new knowledge after only three months of employment and after surveying one or two of their first urban lots.

Some readers will counter by claiming that rather than less experience, more detailed experience is required in the licensing application. The application would have to show various complexities and scope of services for experience to count toward licensure. I would suggest that such specificity to experience qualifications will deny licensing for many individuals that work for small survey firms with limited clientele needs or individuals working for large firms that are slotted in specific services offered by the large firm. Such a move will further limit the number of licensees in our profession. The number of licensed surveyors

Thoughts on Professional Practice and Education Continued...

is already declining from a lack of new and younger licensees.

Back to my days in the Marines, I have cause to look at the large target over my head. There is a new hole from the shooter. The shooter states that my suggestion would allow someone to graduate, be licensed, and provide services to the public soon after graduation. Valuable property rights will be in jeopardy because services will be entrusted to the licensed surveyor without any experience. Incompetence will run unchecked within the profession. The professions' good reputation will collapse. Millions of dollars in property values will be jeopardized.

I think not. Over 34,000 lawyers graduate each year from law school. Every law school graduate can take the bar exam immediately following graduation. Within months of graduation every one that passes the bar exam can legally practice law without showing one single day of experience. These new, inexperienced lawyers can prepare deeds, write estate plans, argue for clients in court, and so much more. Do they? Of course not. A very few lawyers perhaps - but most work under the guidance of experienced practitioners. I expect the vast majority of surveyors licensed upon graduation after passing their exams will work for experienced surveyors. Very few would set up a practice on their own soon after graduation.

I could go on and shall do so only to beat this argument to reasonable size for some to swallow. There are over 14,000 pharmacists that graduate each year, are licensed after graduation, and dispense controlled and potentially dangerous and deadly drugs. There are over 155,000 nurses that graduate each year and become licensed RNs mere weeks after graduation and make life and death health decisions for patients, dispensing drugs, taking care of injuries, and so on. There are over 10,000 officers commissioned each year without any prior experience in combat leadership that are placed in charge of soldiers, sailors, airmen, and marines or multi-million-dollar airplanes and make decision affecting lives in combat. (The Lord knows as a Marine sergeant I had my concerns about some new 2nd lieutenants.) I could go on with statistics and facts about ministers, doctors, dentists, cosmetologists, teachers,

and other professions that allow graduates to have licenses soon after graduation. I believe I have made my point. Surveying and engineering are in a small minority of professions that continue to require experience in addition to their education before licensing.

So, what is wrong with requiring experience before licensing? I believe it hinders efforts to attract new members to our profession. For an eighteen-year-old high school graduate, the time required to obtain a four-year surveying degree along with four-years of relevant experience to become licensed as a surveyor is a long commitment. The high school graduate can be a licensed engineer in the same time, or become a teacher, nurse, military officer, accountant, forester, electrician, and plumber four years sooner or a lawyer, doctor, dentist, pharmacists, minister, veterinarian, occupational therapist, and architect in one year less. Must the surveying professional erect barriers upon roads that few choose to travel anyway?

Having given my opinion, I now offer advice by suggesting the NCEES model law be changed to allow licensing with a four-year degree and state legislatures adopt this option. At the very least, states should allow graduates to take both their fundamentals of surveying and professional surveying exams near graduation allowing licensing as soon as experience has been achieved. Some licensing boards have already adopted this option. I will speak more on this latter option in a subsequent article.

*Other books and articles by Knud can be found at <https://umaine.edu/svt/faculty/hermansen-articles/>



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New Case Summary - Huck v. Ken's House LLC

May 12, 2022

Office of the Property Rights Ombudsman

Utah Court of Appeals

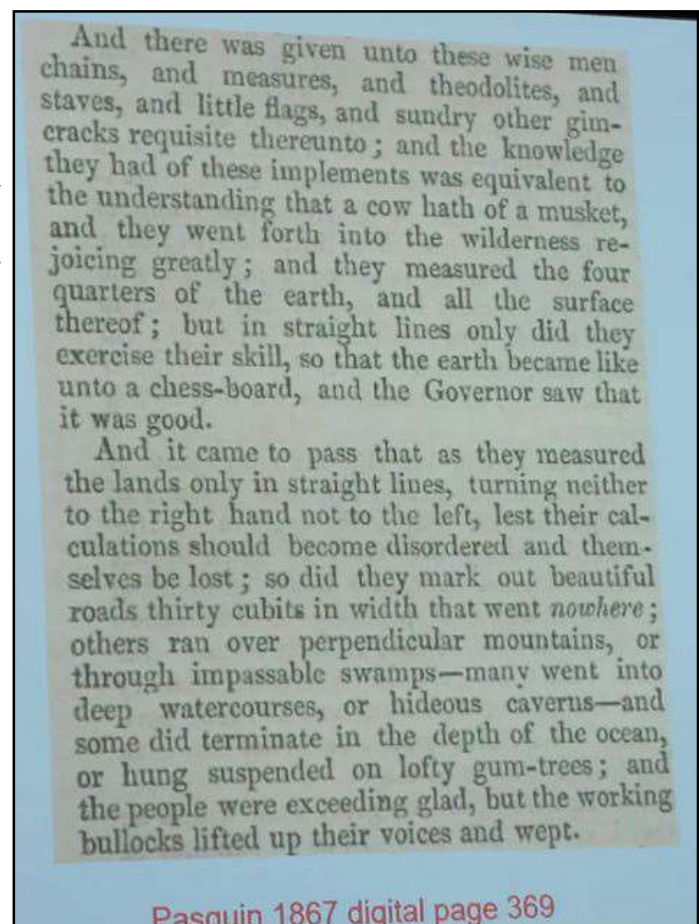
The Utah Court of Appeals upheld the dismissal of a boundary by acquiescence claim where the claimant did not produce clear and convincing evidence of each element of the claim.

In 2012, Mr. Huck bought a property in the Avenues neighborhood of Salt Lake City that was improved with a small apartment building. When Huck's predecessor acquired the property in 1972, a wire fence located approximately nine feet from the apartment building marked the property's western boundary. The fence did not run the entire length of the property, however, and the southwestern corner of the property was covered in overgrown trees and brush with no fence. Over the years the fence fell into disrepair to where there were only "remnants" of a fence.

Ken's House acquired the parcel adjoining this southwest corner of the Huck property in 2016, and a survey showed the actual property line to be two and a half feet farther east than where the fence remnants were. Ken's House built a detached two-car garage along the surveyed boundary line, and Huck sued over the disputed two and a half feet under boundary by acquiescence.

To prove boundary by acquiescence, a claimant must demonstrate, by clear and convincing evidence, the following four elements: (1) a visible line marked by monuments, fences, buildings, or natural features treated as a boundary; (2) the claimant's occupation of his or her property up to the visible line such that it would give a reasonable landowner notice that the claimant is using the line as a boundary; (3) mutual acquiescence in the line as a boundary by adjoining landowners; (4) for a period of at least 20 years.

While at trial, Huck produced several witnesses that testified as to use of the "alley" area on the side of the apartment building between the two properties wherein the disputed strip was located, the Court of Appeals held that Huck had not met his burden of clear and convincing evidence because the evidence of use was not targeted at use of the disputed strip, specifically. Testimony that the disputed strip was generally used for "safety" and to comply with the city's ten-foot setback was too passive and not sufficient to satisfy the occupation element to place Ken's House on notice.



An 1867 Australian News Clipping:
submitted by Amos Wilson

Property Surveys, the Ridiculousness of it All

by Tom Liuzzo, RLS

I am often asked, “Why can’t you surveyors ever agree on the same point?” My answer is generally, “we do, we just measure differently.” If you think that sounds absurd then your right, but it’s the truth. I have been surveying for almost 30 years and I have been licensed for almost 20 years. When I first received my license in 1999, I thought I knew it all but quickly realized that the mandatory state test I just passed is a minimum requirement and I had a lot to learn. When I first began in 1988 and having been reared in this business by a couple of damn good surveyors that were at least 20 years my senior, sittin at my desk here in Prescott Valley, Arizona, I decided to make friends with the older generation of surveyors in the Quad-City Area in order to understand how things are done on a local level and get some history of the area. Funny even the evolution of the name “Quad-City” causes one’s lip to curl up with a touch of laughter. It began as Prescott, then became known as the Prescott Area (which included Jack Ass Flats and Lonesome Valley), then grew into the Prescott/Prescott Valley Area, which evolved into the Tri-City Area (to include Chino Valley), and now is known as The Quad-City Area with the incorporation of Dewey-Humboldt and that’s how we got here. Now back to my story.

This area has been blessed by quite a Pedigree of modern day surveyors. I apologize up front if I omit anyone, but it is merely by accident and not purposeful. We begin in the 1940’s and 50’s with gentlemen named Overstreet, Wigal, Cheek, Yarbrough, Sarvis, and Famas (the Dad). The 60’s and 70’s gave us Haywood (we like to call him Haywire), Wilda, Polydorus (the Dad), Hopps (the Dad), Famas (the sons), Ramsey, Kennelly, Law, Colin, and a few men I’ll leave nameless because they were supposed to fix everything and left us with many problems. The 80’s and 90’s lead us to find the likes of Wilson, Lyon, Weaver, Callahan, Jorgensen, Jackson, Bunn, Garcia, Hopps (the daughter), McCorkle, Hoover, Polydorus (the son), and Liuzzo (that’s me), just to name a few. By this time, California had had the Northridge Earthquake and our local real estate boom was on and a migration of surveyors people from California and other states continues to present day. Now given this melting pot of land surveyors and people and you throw in a mere 50 years of

advancements in measuring technology, don’t you think there might be a slight chance we all may measure a little differently? Of course there is, that’s why surveying is more than just the measuring of the steel rod that’s near that flagged up tree. If we add the terrain of our area, that can really mess things up. Especially if a surveyor from Phoenix (the great State of Maricopa) comes up on our hill and applies his flat lander knowledge to our purple mountains majesty. So there is a quick and dirty back story why surveying the same point over and over again can seem pointless but is very much the point of our story.



So you want to buy a residential lot and build a house, or you turned the corner and saw that dream house already built waiting for you to move in. You have the money, you find a real estate agent, and you sign the deed and you’re home. Maybe while you were touring the property for the first time, the realtor pointed to the fenced yard and said that’s your property boundary, that fence is fairly new so I wouldn’t bother with a survey. You decided that was sufficient for you and you kicked back and relaxed on your patio with your little piece of the American dream enjoying a lazy summer day. Two days later you see a funny person wearing an orange vest with an “Indiana Jones” hat peeking over the fence. You ask, “What cha doin?” He replies, “Looking for your neighbor’s property corners and my measurements are telling me its 5 feet into your yard.” Your heart skips a beat and you greet him and allow him to come in. The nice surveyor goes on to explain, “I found my clients (your neighbor that you haven’t

Property Surveys, the Ridiculousness of it all Continued...

met yet) front property pin along the street and the back property pin is supposed to be 150 feet from there.” He has a nice yellow thingy that beeps as he waves it around and all of the sudden it squawks louder than a room full of church ladies at Sunday Bingo. Low and behold there is an old rebar under the surface about a foot deep. Suddenly your little piece of the American dream is looking like a large pile of garbage.

Fortunately your neighbor hired a surveyor that is a reasonable sort and has some experience in the neighborhood. He says, “I’ve seen this before ‘cause this ain’t my first rodeo... by the way, you’re new in town? Do you like rodeos? We have the World’s Oldest Rodeo don’t cha know; you should check it out, now where was I?” You’re looking at him like he’s got four heads at this point but you are a patient person. The surveyor says, “You see my client lives in the North Subdivision and you live in the South Subdivision. Each were monumented some 40 years ago from the street that fronts the lot at different times and the dang field crew just set the points they were given and paid no mind to what came first or even if there was a chance of other monuments being here. Back then this was all wide open so the faster they got done, the sooner it was beer-thirty. As it turns out we have seen overlaps along this line upwards of 10 feet. Do you mind if I go out and locate your front property pins?” You come back down to earth although you are still a little agitated while you walk with him out the front of your property. Then surveyor says, “Well looky there, right at the back of the sidewalk where it should be.” As he is taking the shot on the point with his fancy measuring device, he punches in some numbers and says, “Now if I was a betting man, I think we’ll find a pin 5 feet onto my clients property, so let’s go take a look.” You think at this point, how does he know all this? How can he be so calm, if he knows all this why hasn’t someone fixed this. Your mind is racing as you walk to the back of the property and cross into your neighbor’s yard.

“Well howdy neighbor!” Your neighbor exclaims. As your neighbor introduces himself, you wish it was under different circumstances as the surveyor explains to him what is going on. Once the surveyor finished his explanation, he punches in some numbers to his magic box, moves a few feet, and then moves a few more feet, takes



out the yellow thingy and in seconds it starts that squawking again and he finds another rebar 2 feet under the surface. “Yep! Just like I thought, the overlap is about 9.8 feet so not quite 10 feet.” You are not at all relieved and you ask, “what happens now, what do we do? My lot is supposed to be 150 deep, not 140 feet or 145 feet.” Your neighbor chimes in, “wow I am sure glad I called you to survey my property after my neighbor down the street used you, do you think we can find a solution?” The surveyor says, “Sure we can find a solution, just as long as you and your neighbor can agree to it. I have seen this before, these two subdivisions had a starting point opposite from one another

and when they were platted, there was a 10 foot overlap in the parent properties; no one ever fixed it before the subdivisions took place. As you can see both pins were buried so the surveyors that set the second set of monuments missed it. Unfortunately, all of these lots were conveyed with the overlap. What we need to do is develop a property line agreement that states the location you both agree on is the fence that was represented to each of you as the property line by your realtor.” You are very frustrated about it and for a second think that it’s not bad, I still get what I was shown as my property, “Why wasn’t I told this?” you ask. The surveyor replies, “Did you ask for a survey when you spoke to your realtor?” “No,” you reply. “In face they told me that I really don’t need a survey because all of the fences are in.” The surveyor clips back, “Would you trust me to perform brain surgery?” “No,” you again reply. The survey says “Why not?” You reply with the obvious, “You’re not a Brain Surgeon.” The surveyor shots with a belly laugh, “then why the hell would you trust some other than a surveyor to survey your property!” The moral of the story is that before you invest your hard earned cash on the home of your dreams take the time to get a proper survey to understand where your boundaries really are.

Utah Council of Land Surveyors Standards and Ethics Committee

Meeting Minutes
June 23, 2022

Conducting: Evan Wood

Call to Order:
5:00 p.m.

Review and Approval of Minutes:

The minutes for the previous session were reviewed and approved as read.

DOPL Report: (Evan Wood)
No further developments

UCLS Board Report: (Mike Nadeau via email)

“I did sent the last two sets of approved minutes to the UCLS Board for our meeting two Fridays ago. Chairman Sean Fernandez said he reviewed them and was very pleased with the work in this committee. It was also mentioned that this committee seems to be running very smoothly. So kudos to Evan and Kurt for that compliment. There is no further direction from the board at this time regarding this committee, so let’s keep plugging along on the Condominium Guide Document with Darryl to get that wrapped up (Thank you Darryl for pushing this task through!). I did want to mention one item that did come out of the last meeting based on our prior discussions in this committee... The Peterson Group will not be our consultant moving forward for legislative issues. My understanding is that the board’s number and Ryan’s number were apparently far enough apart that the UCLS has accepted Ryan’s resignation. I’m not privy to what the details were, but I’m hearing the difference was very drastic. I’m sure Sean or Todd will be in touch with Dave regarding this.”

County Surveyors Report

No report given.

Committee Business

UCLS Condominium Model Standards: (Darryl Fenn)

Darryl lead a discussion addressing comments he had received from committee members regarding the content of the Condominium Model Standards. The two main areas of discussion were the proper wording of the “Surveyor’s Certificate”, and what codes should the standards reference. It was suggested that the language outlines in Utah’s Land Use, Development and Management Act should be used as a basis for this material. Darryl will make the changes discussed during the meeting as well as look for additional input before the next committee meeting in August. Darryl will also reach out to individuals recommended by the committee for their opinion of said document. The intent is to have any comments addressed and have a draft ready for outside review.

Legislative Report: (Dave Hawkes)

The Legislative Committee has not met since the previous Standards and Ethics Committee meeting. Dave reported that he was informed of a lawsuit filed against the Utah County Recorder’s Office by a Title Company resulting from the improper tax sale of disputed property.

Utah Council of Land Surveyors Standards and Ethics Committee Continued...

Dale Bennett reported on a new legislation that will require Country Recorders to accept electronic filings of Survey Plats starting January 1st, 2023. The opinion of the committee was that the survey community should be part of the discussion related to this new legislation. It was stated that State Code already allows for the electronic filing of survey documents. Further discussion was had regarding the validity of electronic certifications. John Stahl stated that the electronic endorsement of a notary is already in use and becoming more prevalent in other areas of property conveyance.

Record of Survey Coincident with National Forest Land: (Randy Miller)

Randy was looking for the committee's input regarding a situation he has encountered in Sevier County near Fishlake National Forest. The Forest Service received a call asking for them to remove their boundary monuments from a land owner's property. After some investigation, Randy was of the opinion that the surveyor who established and monumented the boundary lines of the adjacent property performed the retracement incorrectly. The consensus of the committee was that the surveyor in question did not meet the standard of care in this situation and felt that a "Letter of Concern" should be written and presented to said surveyor. Evan Wood volunteered to formulate said letter for review at the next committee meeting.

Meeting was concluded at 6:20 p.m.

Next Meeting is scheduled for August 25, 2022

