

# The UCLS Newsletter



Volume 4 Issue 8

November 2015

## What is it



In its day - this tool was heralded as a technological marvel. Although it was relatively common, one was always challenged by its use.

Be the first to respond and correctly identify this marvel and you become eligible for a free lunch at your next chapter meeting.

Answers may be emailed to Susan at [srmerril@ucls.org](mailto:srmerril@ucls.org). The earliest received date and its time of response will determine the winner.

In this issue:

With Thanksgiving right around the corner, we provide guidance to a better distinguish the difference between thankful and grateful. Knud Hermanen continues with the fourth of his five part series on "Common Research Mistakes that Surveyors Make" followed by an article that describes the relationship between monuments and corners. 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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### IN THIS ISSUE:

- Page 2.....Officers & Committees
- Page 3.....Thankful vs Grateful
- Page 4.....Common Research Mistakes
- Page 5.....What is a Monument?
- Page 6.....North Arrows
- Page 7.....Bridging the Gap
- Page 8.....Thoughts and Comments
- Page 9.....Thanksgiving Lawsuit
- Page 10...Dastardly Deed

"Give thanks for unknown blessings already on their way."  
- Native American Saying

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### Thankful vs Grateful

Most of us express our feelings through words only. In formal relations like in offices and other institutions, people say they are thankful or grateful whenever someone else shows a favor or does a work for them. People use these words interchangeably as if they were synonyms. In fact, dictionaries tell us that they are one and the same and there are no differences between being thankful and being grateful. Let us find out if this is true or there are any differences between thankful and grateful.

#### Thankful

Thankful is a word that is used by people in nearly all situations. You say thank you to someone who passes you a glass of water and also to a salesman in a grocery store who brings the required product for you. It has become a word to show you are courteous. But you are thankful to any act of another person that has made it more convenient and easy for you. You let the other person know that you appreciate his act when you say you are thankful. Being thankful shows that you have a sense of relief as what has happened is what you expected and no more.

#### Grateful

There are situations in life when thank you just doesn't seem to be enough. It is not able to express the kind of gratitude you feel towards a person who has obliged you in some manner. This is when you say you are grateful. You are grateful to God for having given you life, food, shelter and a beautiful family, but you also feel grateful to someone who does a special favor to you in real life. When you say or write that you are grateful, you have a deep sense of gratitude that is not reflected with a simple thank you.

### Thankful vs Grateful

Dictionaries make no difference between thankful and grateful and list one as the synonym of the other. But thank you has become so common that it has lost its magic especially in situations when you want to express your deep sense of gratitude towards someone who has done some favor to you. Grateful carries meaning and weight whereas thankful is so common that you use it without any sense of gratitude. Being thankful expresses your sense of appreciation whereas grateful expresses your sense of deep gratitude.



#### NOTICE:

WASATCH COUNTY SURVEYOR'S OFFICE has a field/office position open. This is a full time position with benefits. The position requires knowledge in CIVIL 3D, ARC Map, Trimble GPS and Total Station equipment. The position does not require a PLS license. Wasatch County is an EOE. The complete job description can be viewed at [www.co.wasatch.ut.us](http://www.co.wasatch.ut.us) Please contact the Wasatch County Surveyor at 1-435-657-3222 for further information.

## Common Research Mistakes Surveyors Make (Easements)

by

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

In previous articles, I have explained three of the five common mistakes made by surveyors in researching the records. In the first article I discussed mistakes made in determining senior title often required when assessing the boundaries involving an overlap. In the second article I explained the deficiency that may exist when a forward search is omitted. In the third of five common mistakes I explained the necessity for researching the road records. In this article, I will explain the fourth deficiency - researching and identifying easements.

Other problems arise by the legal nature of the easement itself. An easement appurtenant to property that was created in, for example, 1823 by recorded grant need not be mentioned in any property records thereafter yet will still effectively burden property and benefit another property (appurtenant property).

The law presumes that an appurtenant easement is a part of the appurtenant property and passes with the conveyance of the appurtenant property even though the easement is not mentioned in subsequent records for the appurtenant property. For example, it is not unreasonable for a surveyor to stop the search of property records long before reaching the ancient property records where the deed for the easement was recorded - especially if all the boundaries to the property being surveyed were created subsequent in time to when the easement was created.

Another problem is that easements often arise from records that are not deeds. The sale of a lot by reference to a subdivision plan may give the lot owner an appurtenant easement in every road or other benefit shown on the plan (such as a park). Also, the call for a private road as a boundary, owned by the grantor at the time of the conveyance, may give an easement to the grantee in the grantor's private road. Unless the surveyor is aware of the law regarding implied easements, the surveyor may fail to research, locate, and mention the implied easement.

Finally, many easements that are evidenced by a deed are so poorly described that it is virtually impossible to locate or fix the width of the easement. These easements are often categorized as "blanket easements."

*I hereby convey to William Surry an easement to install and maintain a water pipe across my property.*

Where the surveyor has stopped research prior to a grant from the government, the surveyor would be wise to inform the client of a caveat regarding the presence of easements that may not have been discovered and shown on the surveyor's plat.

*Knud is a professor in the surveying engineering technology program at the University of Maine. He offers consulting services in the area of boundary litigation, title, easements, land development, and alternate dispute resolution.*

### September - What is it?



There were no guesses on the identity of the red brick monument shown in our September Newsletter. Its purpose may forever remain a mystery.



### What is a Monument?

Survey monuments are critical to not only the surveyor, but to the public as well. Historically accurate and verifiable monuments are the critical component in maintaining peace and tranquility in a neighborhood. This peace is accomplished in bringing permanency to the location of boundaries. The surveyor and their ability to not only measure accurately, but also to retrace the correct location of a property boundary, with respect to the location of the monument used to first establish a line of ownership, maintain this permanency.

What the competent surveyor understands is that a monument and a corner are not the same thing. A monument may be many things, i.e. a wood stake, a stone, a brass disk, a cement post, a rebar with or without a cap, a nail, a stream, a river, a fence, a wall, a building, a tree, a hedge row, and the list could go on. Simply put a monument to a surveyor is any physical object that has been used, is currently being used, or will be used, to identify a property corner or property line.

Black's Law Dictionary defines monument as:

**“Monument.** *In real-property law and surveying, monuments are visible marks or indications left on natural or other objects indicating the lines and boundaries of a survey. Any physical object on ground which helps to establish location of boundary line called for; it may be either natural (e.g. trees, rivers, and other land features) or artificial (e.g. fences, stones, stakes, or the like placed by human hands). Delphey v. Savage, 227 Md. 373, 177 A.2d 249, 251.”*

It is important to realize that a monument does not necessarily identify the correct location of a line, point, or corner of real property.

Again, Black's Law Dictionary defines corner as:

**“Corner.** *Surveying. An angle made by two boundary lines; the common end of two boundary lines, which run at an angle with each other.”*

A corner is the correct location of an angle point of the boundary of properties. However, what must be understood is that the “corner” may or may not be “monumented.” If a monument is not physically at the corner, and it makes the representation in some manner that it is at the location of the corner, then the monument is bearing false witness to the corner. Essentially, the monument is telling a lie and misleading those who may be relying on it. It is the responsibility of the surveyor, in the process of a competent boundary survey, to gather enough evidence, records, documents, testimony, and measurements to retrace the original lines of ownership and verify the monument location.


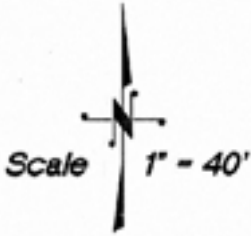



### UCLS EXECUTIVE BOARD MEETING

August 1, 2015

The following are bullet points from the Board meeting. To read the minutes in their entirety, please logon, as a member, to <https://ucls.memberclicks.net/ucls-history>

1. Review of the UCLS financial report
2. Voting for proposed by-law changes
3. Complaint about survey fees being determined by filing or not filing a record of survey
4. Membership and Public Relations Committee chairs
5. Amendments to the statutory highway bill
6. Student receives scholarship from UCLS
7. Update to the 2016 State Conference
8. Will UCLS remain an affiliate of Westfed
9. NSPS Report

**Which North Arrow belongs to which company?**

	A	B	C	D	E	
<b>1</b> Christensen Surveying	<p>NORTH</p> 					1 = _____.
<b>2</b> Geodetic Land Surveying						2 = _____.
<b>3</b> Miller and Associates						3 = _____.
<b>4</b> Mark Buhler Surveying						4 = _____.
<b>5</b> Focus Engineering						5 = _____.

Answers on page 8



**Bridging the Gap;  
Filling the Ranks of Surveyors in the Next Decade  
By Frank Lenik, PLS**

Lately, each time I get together with a group of surveyors, the discussion moves towards the shortage of available candidates for employment, the dearth of applicants for the land surveyor exam, and the aging of the population of existing surveyors. With a long face someone inevitably predicts the eventual death of our profession. We recognize the symptoms, but can't identify a cure. As Walt Kelly's Pogo would say, "we have met the enemy, and he is us".

The progression from a field crew composed of three people to two to one person over the last twenty years has reduced and in most cases eliminated our usual method of training employees. We can no longer depend on the old model of the master apprentice program. We lament about the quality of candidates but have little time to properly train our field crews. A qualified candidate often becomes one who is familiar with the type of instruments we own, or one who is adept enough to learn quickly and begin production.

Over the last ten years the list of surveyor candidates who were looking for work or who were under employed has evaporated. The larger firms have realized this and have gone after university co-op students and graduates in a big way. Those firms understand the need to fill their ranks with the best candidates they can find. It is good for the long term health of their company programs and they are not afraid to pay for these individuals. The result is that many of our university programs had their seniors placed before the final term last year.

This may be the beginning of a new age of land surveying education. The law of supply and demand should put pressure on universities, colleges and technical schools to satisfy our needs. The schools will need to create new surveying, survey engineering or geomatics engineering programs or support the existing ones, which will in time result in more qualified candidates for our profession and a better experience for the public overall.

The obvious dilemma will be how long it will take for this cycle to generate enough candidates to satisfy our attrition rate; and what should we do in the mean time? Land surveyors who want to be a part of the solution need to be working today with our institutions of higher learning and providing them with feedback on market conditions and man power needs. With a determined effort, we could effect change in the survey education system and increase the number of students coming out of existing programs in a few years and hopefully start some new programs along the way.

Understanding that this will take time to come to fruition, we will need institute some stop gap measures like the one proposed by a colleague of mine. He suggested if you "give me a person with a college degree, I can teach them to survey". Yes, it would be preferable to hire survey graduates today, but what do we do if they aren't available? Why not hire a graduate and shorten the learning curve for new employees.

Environmental studies and forestry majors have already committed themselves to working outdoors. One university in the Philadelphia region is currently teaching "Introduction to Environmental Surveying" where their students are taught the use of GNSS hardware and software, digital levels, total stations and robotic instruments. They are learning about hydrography and UAV's and are applying these tools to ground water studies, flora and fauna studies, as well as lake, river and ocean hydrology and sedimentation studies.

If we are looking for potential employee candidates today we should explore all possible solutions. We need to identify them where ever they are and teach them about the rewarding futures in land surveying.

UCLS By-laws

Proposed Changes

The UCLS Board is proposing some changes to the by-laws.

These changes will be voted on during the fall elections. Licensed members - please take a few minutes to go over the proposed changes so that you will be informed and prepared to vote by going to our website or clicking on the following link: [UCLS By-laws with Proposed Changes](#)

**Colorful quotes from the mouth so surveyors:**

- “I would have more people skills if I had people with skills.”
- “My party chief wanted to go someplace he had never been before... so I took him to the rear property line.”
- “Surveying - it is a great career, but a lousy business.”
- “People do not choose to be surveyors, they are born that way.”
- “If you really want to know where your property line is, ask your neighbor.”
- “I remember surveying the adjoiner in 1957. There was an SIB set by Pierce on that corner.”

**Colorful quotes from the mouths of our clients:**

- “Why did they let me build my house on their property? Someone should have stopped me.”
- “I did hit my neighbors car with that sledgehammer, but that sledgehammer is not mine.”
- “I got a coordinate from google search, and laid out my property line with my hand held GPS. What do you mean it is not right?”
- “Yeah, I saw the survey bars along the road, but I found that a few good hits with a sledgehammer and they will come right out. I use them to hold my barn door open and as pry bars.”
- “I took a surveying course in college in 1962. If I help out the crew, will it save me some money?”
- “My deed says I own 100 acres. Your plan shows only 99.5 acres. You stole some of my land.”
- “It’s got to be right. I had it surveyed by my neighbor’s cousin’s friend who used to work for Hydro.”

“Alas, I have been outclassed  
by Earth’s center of mass

The satellites have taken my fame  
and left me to crumble in the rain

Should you pass my way  
and recall the glorious day  
of Bilby towers, theodolites, and tape  
bow your head, all others stay away

My legacy has been forsaken  
by the new gravity of the nation

My coordinates are no longer used  
and Molondensky can not fit my shoes

In repose, I await the day  
of the mathematician’s delight  
who again can set things right.”

-Roger Roberts, PS

**Thoughts for people who take life too seriously  
(from [www.a-guide-for-seniors.com](http://www.a-guide-for-seniors.com) via TBM)**

- Cones are people too.
- I feel like I’m diagonally parked in a parallel universe.
- Honk if you love peace and quiet.
- I drive way too fast to worry about cholesterol.
- Support bacteria. They’re the only culture some people have.
- Monday is an awful way to spend 1/7 of your week.
- A clear conscience is usually the sign of a bad memory.
- Change is inevitable, except from vending machines.
- Get a new car for your spouse. It’ll be a great trade.
- Plan to be spontaneous tomorrow.
- Always try to be modest, and be proud of it.
- If you think nobody cares, try missing a couple of payments.
- OK, so what’s the speed of dark?
- How do you tell when you’re out of invisible ink?
- If everything seems to be going well, you have obviously overlooked something.
- When everything is coming your way, you’re in the wrong lane.



### Thanksgiving Obesity Lawsuits Sweep U.S.

Relatives Sue Ohio Grandmother for Failing to Divulge Calorie Content of Stuffing and Pies

In what legal experts are calling the most litigious Thanksgiving in U.S. history, relatives from coast to coast filed obesity lawsuits against their holiday hosts today, claiming that the sky-high calorie content of their Thanksgiving feasts had turned guests into jiggling tubs of unsightly flab.

I sat down at Grandma's table for Thanksgiving expecting a good, home-cooked meal, said Sheila Warner, 32, of Toledo, Ohio. I had no idea that I was walking into a fat-trap.

Ms. Warner joined twelve of her relatives in slapping her grandmother, Mrs. Essie Coogan, with an obesity lawsuit, blaming the elderly woman for creating an excessively caloric meal that made her guests resemble hideous beached whales.

In addition to the traditional turkey and stuffing, the lawsuit alleges, Mrs. Coogan prepared a gargantuan calorie-laden smorgasbord including cranberry sauce, candied yams, sweet potatoes, dinner rolls, corn bread and between ten and twelve different fruit and pumpkin pies.

The average serving at Mrs. Coogan's Thanksgiving dinner contained well over 8,000 calories, the lawsuit claims, far exceeding most recommended daily allowances.

In addition, the legal complaint says, Mrs. Coogan's failure to divulge how many calories her guests were pigging out on contributed to their subsequent obesity.



### Colorful Facts about Fall/Autumn

- Autumn has been called the “hectic beauty of death”
- Autumn babies, or those born between September and November, are more likely to live to 100 than those who were born in other times of the year.
- According to NASA, autumn is “aurora season” because geomagnetic storms are about twice as frequent as the annual average during the fall.
- A “Harvest Moon” is the full moon closest to the autumn equinox. Before artificial lighting such moonlight was essential to a farmer's successful harvest.
- During the fall, in response to colder temperatures and less light, leaves stop producing chlorophyll, the green pigment that helps capture sunlight to power photosynthesis. As the green fades, the leaf's other pigments shine through, such as orange and yellow carotenoids and vibrant red anthocyanin.
- The term “equinox” is from the Latin meaning “equal night”
- Many birds prepare for winter migration during the fall. One of the longest migrations is the 11,000 mile journey by the Arctic Tern.
- People who live on the equator or central area of the planet never experience autumn.
- Red and purple leaves are actually caused by the presence of sugars from sap that is trapped inside of the leaves.
- Americans typically refer to this time of year as “fall,” while the British use the word “autumn.” Both terms date back to the 16th century but before that it was called harvest.



