



And the envelope goes to...

January is a busy month for envelope opening. At the Fresno Conference, we gave our chapter scholarship of \$750 each to two very deserving students.

CLAYTON YADA

is in his second full semester in Geomatics with a 3.79 GPA. He is a member of CLSA,

SAGE and the Golden Key Honor



Society. He is looking forward to having his BS degree and LSIT by Spring of 2011.

PATRICK FERRIS joined the program at Fresno after a stint in the US Navy as an avionics technician. He has just finished his first semester.

Both of these young men have very impressive accomplishments and goals. I am sure we will see more of them in the future.

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Rancho Cordova Cattlemens
12409 Folsom Blvd.
Rancho Cordova, CA 95670

February Meeting

Birk Ellis (Leica HDS) discusses

Laser Scanning

Thursday, February 5th

Drinks at 5:30

Dinner at 6:30

See details on the website!

Making the Grade



Again, we are happy to share the names of those who have passed exams. From the October exams, we have the following announcements of recently released results:

Paul Tonn (National PS)

Matt Herbert (National PS)

Matt Frasier (FS) (LSIT)

Robert McMillan (FE) (EIT)

NGS News



In last November's issue of American Surveyor is an article titled "Visualizing National Geodetic Survey Control Stations in Google Earth." The article describes a method using a dedicated web site to create a .kml file to import into Google Earth, or to open directly into Google Maps (<http://maps.google.com>) or Microsoft Live Maps (<http://maps.live.com>.)

Here is the link

<http://metzgerwillard.us/Setup.aspx>

Warm and Sandy...



When you receive the January, '09 issue of THE American Surveyor, take the time to read the cover story "Sands of Time" about Gebel Barkal, Sudan. Our own Dave Goodman commented: "It was certainly good via that article to re-visit Gebel Barkal. I think that of all of my trips to the lands of the Pharaohs, the month at Gebel Barkal was the most enjoyable." If you didn't already know, Goodman has made many expeditions to survey archaeological sites over the years. Yet another reason to attend Sacramento CLSA Chapter meetings. You never know who you might meet! For more info on Dave:

<http://www.californiasurveyors.org/files/Dave%20Goodman.pdf>

CLSA CONFERENCE 2009

March 28 - April 1



**Hilton San Diego Resort
(Mirion Bay), San Diego, CA**



Hotel Information:
Hilton San Diego Resort
Reservations: (800) 445-8687
Cut-Off Date: February 25th
Room Rate: \$159
Group Code: CLSA

MARK YOUR CALENDAR

Featured Speakers Include:

- Mike Durkee, Esq.
- Gary Kent, PLS
- Dennis Moulard, PLS
- Steve Parrish, PLS
- "GIS Janet" & "Surveyor Randy"
from Professional Surveyor
Magazine (Janet Jackson, GISP
& Randy Rambeau, PLS)

Program to Include:

- Workshops
- Technical Sessions
- LSIT Review Course
- LS Review Course
- CST Exam
- Mock Trial



Registration Information Available in January
Please visit www.californiasurveyors.org for updated information

Survey Notes By William J. Wilson, PLS

Ambiguity the bane of the Surveying Profession III

So what is Ambiguity, and why is there not more survey textbooks about it? Well I think it is because Ambiguity is ambiguous in itself. That is an oxymoron if I ever saw one. I have seen sections of survey books that describe the difference between Latent and Patent Ambiguity, but so far very little on how to recognize or determine ambiguity.

Patent Ambiguity should be the easier of the two to recognize, according to "Evidence and Procedures for Boundary Location, Fourth Edition" "*A patent ambiguity, that is, an ambiguity that appears on the face of the document, cannot be explained by extrinsic evidence.*" Therefore, "The Smith house and surrounding property" could be clear and concise as long as the Smiths only owned one house at the time the deed was written and transferred.

Latent Ambiguities can be more of a loaded trap ready to spring, if you just accept the words at face value. At times, the words are clear and concise but other factors may cause ambiguity. Consider the following (fictitious) description:

1. A portion of the NE quarter, Section 16, T.15N., R.6E., Arbitrary Base and Meridian, State of Confusion, County of Nowhere, more particularly described as follows:

2. Beginning at the East Quarter Corner of said Section 16; 3. Thence North along the easterly Section line 500.00 feet to a 1-1/2" capped iron pipe; 4. Thence leaving said section line West 500.00 feet to a similar 1-1/2" capped iron pipe; 5. Thence south 200 feet more or less to the center of Dry Creek; Thence along said creek to a barbwire fence; 6. Thence along said fence 330 feet to the Point of Beginning.


A simple description, clearly written, easy enough to follow, plenty of calls to monuments, that eliminates ambiguity right? Now let us pick it apart:

The Caption:

A portion of the NE quarter, Section 16, T.15N., R.6E., Arbitrary Base and Meridian, State of Confusion, County of Nowhere, more particularly described as follows:

Other than being completely fictitious, I think it is all-inclusive. Should such a County, State, and Baseline exist you would know where your survey was in

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Survey Notes *By William J. Wilson, PLS (Cont.)*

relation to the rest of the world.

Beginning at the East Quarter Corner of said Section 16;

And so the Ambiguity begins. Does a monument exist for said corner and more importantly, what monument existed (if any) at the time the description was written?

We may have a map that predates our deed, which shows a found marked stone in a mound of stones as the quarter corner, but our fieldwork reveals a 1-1/2" capped iron pipe correctly marked for the quarter corner, and similar to other pipes found in the area. All other maps in the area that show the corner are five or more years newer than the deed. None, however, take credit for placing said monument only show it as being found and accepted. The Corner is now ambiguous, not necessarily due to anything more than no one ever provided supporting evidence as to why or when the change in the monument occurred.

Thence North along the easterly Section line 500.00 feet to a 1-1/2" capped iron pipe;

We follow what appears to be an old Blaze-line north for about 500 feet where we find a 1-1/2" capped iron pipe about ten feet east of the Blaze-line. Our deed clearly states the pipe is on the section line do we accept the monument as is and turn our attention to the next call or do we push on for another 2,140 feet more or less and find the Northeast Section Corner? What questions were going through our minds as we followed this blaze? How old is the blaze? Is it older or newer than the deed? Was it done as part of a survey or for a fence line? Just a few, but each one brings a question of validity to the found monument. Or do they?

At this point, we have found two monuments, one called for, one not. Both of similar characteristics, in fact let us for argument say, both are stamped with the same LS number and are dated the same year as the deed. Now do we accept the called for monuments at face value? Well, aren't there more questions to ask? We will get back to the questions later, for now, let us assume we pushed on to the Section corner, where we find an original monument with well-documented pedigree and acceptance. However, the line between the Section corner and Quarter corner place the called-for monument 9.5 feet east of the

Survey Notes By William J. Wilson, PLS (Cont.)

section line.

We have identified ambiguity, but have we clarified or created more? Is it time to ask those additional questions? When this piece was carved out of the parent parcel was the section line the property line or was it just an interior line within the parent parcel? Are there junior/senior rights here? Does either monument hold? Has one of the monuments been moved or both? I am not here to say one way or another; I am only trying to point out ambiguity where others may think there is none.

Now we have evidence found on the first course, we move on to the next line:

Thence leaving said section line West 500.00 feet to a similar 1-1/2" capped iron pipe;

Ambiguity abounds. Which way is West? Some would say, "Cardinal... West is West". Others would argue west is perpendicular to the Section line, as the Section line was called north. But wait, the found called-for monument was 9.5 East of the section line. Does that not cause additional ambiguity?

Just to keep the discussion moving we will run a line ninety degrees from the monumented line trying to follow in the original surveyors footsteps (assuming the lines were run and not radially staked.) At 509.35 feet, we find a 2" capped pipe. Ambiguity, created from extrinsic evidence?

Where did this pipe come from? Why was it set? Where is the called for

monument? This pipe was not called-for, therefore it is not, accepted, or should it be?

Some further research reveals a map to the north and west, which found the original monument in poor condition "*Hit & bent at the ground, removed and replaced at original location, with 2" CIP.*"

What is your next step? How do you treat this newer monument? Did you also notice the distance between these two monuments verses record, more ambiguity?

Thence south 200 feet more or less to the center of Dry Creek; Thence along said creek to a



Survey Notes

By William J. Wilson, PLS (Cont.)

barbwire fence;

Again, we have a call to a Cardinal direction; opinions come out at us from more directions than points on a Compass Rose. Remember I do not care what you use to define South, what matters is, that your decision can hold up in court. Therefore, after deciding what we will hold as South, we get a distance of 175.65 to the existing creek. The call was “more or less”, so we are good, right? Wait, we crossed what looked to be an old streambed back twenty or thirty feet ago too, and upon further exploration we discover yet another streambed at 232.16 feet. Now what do we do? It is obvious the creek has changed course several times over the years, how do we determine the correct one? Perhaps there is an old codger that lives nearby and has lived there his entire life, and he is willing to spend the next two or three hours giving us a detailed history of every flood and spring wash he remembers mixed in with a few tall tales of his youth. Is it worth our time, it could be if someone disputes our determination, two or three hours beats two, three days or weeks or even months preparing for or in court.



Let us say we found the creek did move after the writing of the deed, but then during a more recent flood, it once again began following the same channel that it was following when the deed was created. Now where is the center? Is it the midpoint, between the banks? Or between the high watermarks? Or simply the thread? Again, I am not here to say one way is more right than another, simply to point out possible ambiguity. Finally, we wade through the ambiguity of the creek (pun intended) and get down to that fence line.

Thence along said fence 330 feet to the Point of Beginning.

We know the POB is the Quarter Corner, and the fence is running for the most part East to the Quarter Corner, does this bring up questions? I should hope so. Did the parent description go to the Quarter Section line? Was the fence meant to follow the Quarter Section line? Is this the same fence that was in place when the deed was written?

Who would have thought such a simple yet all-inclusive deed could have so

Survey Notes By William J. Wilson, PLS (Cont.)

many ambiguous elements? While, when the deed was written all of the calls made may have been concise and presumably clear, but the passage of time has a way of making the most clearly written description cloudy, and filled with openings for interpretation.

I do ask that you keep in mind this exercise was to point out Ambiguity, and to remind us that we all see things differently and have different approaches to the problems. I do not need everyone writing me and telling me of things I missed pointing out, or how the deed should have been written, I would just like us all to think about how other licensed surveyors think different. My license is no different from yours, my approach and resolution to a problem may be different from yours, but I have no right to tell you my way is better, and vice-versa. If need be that is a job for the courts, but I hope it does not come to that, the only winners in a court case are the attorneys.

Therefore, the next time you get that simple deed, in which every course has a call to a monument or an adjoiner (we didn't even examine how adjoining deeds come into play), don't just think it is a slam-dunk project. For your client's, the public's, and most importantly your own sake, take the time to make sure someone else cannot take any portion of the deed to have different meanings. Spell out what ambiguities there are on your map and what evidence you have found to clarify the ambiguity. Take your

time and follow the three "R's" of Ambiguity:
Recognize, Reconcile, and Rectify.



HALS FROM CHARLIE NEUMAN

The following is a salutation from one of our fellow surveyors visiting the Hawaiian Land Surveyors Association annual conference:

Charlie Neuman (DWR) snapped this photo of Curt Sumner, Carl C. De Baca, and Gary Kent while attending the 2009 HALS Conference.

Hangin' with a bunch of surveyors and I got a few t-shirts and polo shirts for sale...set up another wreck dive for Sat morning and some kinda dinner/party thang, this a vacation after all! GREAT TIME!!! Can't explain it,...just meant to happen. Lots connections made, networking, lossa swag. Sat tonight with the owner and his dad of the largest most advanced surveying outfit throughout the Islands...kinda ominous. Sat also with the main speakers! Very cool. Wow what an experience! Got examples of 1-3 CST exams...interesting!

No worries!

C

I think he is having a bit of fun with them, don't you? Think how much fun YOU could have at the 2009 CLSA conference in San Diego! PS. The money from the shirts will be going to TRIGSTAR.

Sacramento Chapter Schedule



Month	speaker	topic	location	date
Feb	Birk Ellis	Scanning	Rancho Cordova Cattlemens	Thursday, February 05
Mar	Otto Jarquin	Ethics	Old Spaghetti Factory - downtown	Thursday, March 05
April			Roseville Cattlemens	Thursday, April 02
May	Vendor Night		Steve's Pizza	Thursday, May 07
June			Old Spaghetti Factory - downtown	Thursday, June 04
July	Ball Game		Roseville Cattlemens	Thursday, July 02
Aug	BBQ		Rancho Cordova Cattlemens	Thursday, August 06
Sept			Old Spaghetti Factory - downtown	Thursday, September 03
Oct			Roseville Cattlemens	Thursday, October 01
Nov			Rancho Cordova Cattlemens	Thursday, November 05
Dec	Holiday Dinner		Old Spaghetti Factory - downtown	Thursday, December 03



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Thanks to the participation of local surveyors, all of the classes available at Sacramento City College

(Photogrammetry, Advanced Surveying, Boundary Location, GPS) have enough students in them to continue this semester!

Northern Counties Chapter
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PRESENTS

CONFERENCE
2009

Featuring

Richard B. Moore, PLS
Staff Land Surveyor, BPELS
Current Board Issues

Ralph Simoni, esq.
2009 Legislative Update

Bob Grimm, PLS
Easements - "A Matter of Intent"

Friday, February 20, 2009

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For registration information contact:
Roger Wilkins, Secretary - Treasurer
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STOLEN EQUIPMENT

On January 14, 2009, in the City of Industry, the following surveying equipment was stolen from a Caltrans vehicle:

- 1 ea. Trimble R8 GNSS Receiver, SN 4815150837
- 1 ea. Trimble TSC2 Survey Controller, SN SS08A03246
- 1 ea. Trimble multi-track target, SN 96500239
- 1 ea. LG-VX8350 cell phone, SN A000000C4D68C1

If you have any information concerning this equipment, or hear anything about it, please contact Jeff Stevens at (626) 688-0575 or Dick Davis at (916) 227-7328.

CLASS



We are off and running with our first month of the LS review class! We average about 40 in attendance for each class. I get comments nearly every week from a student about how

great it is that we have this class. We have already heard from Steve Ourada (Law for Surveyors), Rob McMillan (Construction and GPS), John Adam

(State Plane Coordinates), and Jeremy Evans (Error Analysis). We are looking forward to Public Lands with Jim McCavitt and Bill Ming next. This class is really exciting to be a part of!

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March 5, 2009, 8:00 a.m. – 4:00 p.m.

March 17, 2009, 8:00 a.m. – 4:00 p.m.

March 31, 2009, 8:00 a.m. – 4:00 p.m.

California Surveying & Drafting Supply
 4733 Auburn Blvd., Sacramento, CA 95841

To register for this class, or for further information, please contact Matt Johnson at: 916.344.0232 x108 or via email at: gpssupport@cadsinc.com

Topics to be covered:

- GPS fundamentals
- Project planning
- Data collection
- Workflow from office to field, and back to the office
- Post-processing data office applications
- Importing and exporting data to CAD/GIS software



Please register by February 27, 2009. Classes will be limited to 8 people.

Questions may be referred to Matt Johnson at 916.344.0232 x108. Please fax completed form to 916.344.2121.

Name: _____
 Company: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
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YES

I am planning to attend the GPS Mapping with Trimble Terrasync and Pathfinder Office Software training for the cost of \$500.

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- Thursday, March 5, 2009
 Tuesday, March 17, 2009
 Tuesday, March 31, 2009

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Cancellation Policy: CSDS requires a minimum of 8 people per class. If a class must be cancelled due to low registration, we will notify you at least two (2) weeks before the class and will refund your payment.

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The FOCAL POINT is a publication of the Sacramento Area Chapter of the California Land Surveyors Association and is pleased to publish letters from land surveyors and other interested persons on subject matter relevant to the land surveying profession. Please include your name, address and daytime phone number. Views expressed are the opinions of the individual writers and are not necessarily those of CLSA, the Chapter, or the editor. FOCAL POINT accepts no responsibility for the accuracy of the information given. Letters may be edited and published in any format. All letters submitted become the property of the Focal Point. Due to space restrictions, FOCAL POINT reserves the right to hold letters for publication at a later date.

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