



Central Valley Chapter - California Land Surveyors Association
www.californiacentralvalleysurveyors.org

THE Central Valley Chapter PRISM

Volume 3, Issue 2

March 2013

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Date: March 27, 2013

Time: 6:30 p.m.

Location: Perko's @ 901 North Carpenter Road, Modesto

Speaker: David Woolley, PLS - President, D. Woolley & Assoc.
and City Surveyor, City of Long Beach

Topic: Surveying Contracts

Date: April 24, 2013

Time: 6:30 p.m.

Location: Perko's @ 901 North Carpenter Road, Modesto

Speaker: Warren Smith, Deputy County Surveyor, San Joaquin County

Topic: Online Research & Mon. Preservation Fund for San Joaquin County

Announcements

2013 Membership Payments are Due

You should have received your 2013 membership bill from State CLSA. When you send in your dues, please don't forget to send in your Central Valley Chapter dues. You can also pay [online through the chapter website](#).

Central Valley Chapter wins Website of the Year

It's been announced that the Central Valley Chapter has been awarded Web Site of the Year. An award will be issued at the 2013 CLSA/NALS Conference in Reno, NV

Amendments to 2013 Professional Acts

Amended (or Added) Sections of the 2013 Professional Land Surveyors Act:
8741, 8762, 8773

Amended (or Added) Sections of the 2013 Professional Engineers Act:
6795

Amended (or Added) Sections of the 2013 Subdivision Map Act:
66411, 66412, 66424, 66427, 66442, 66450, 66452.10, 66474.02, 66475.2, 66477,
66499.20-1/4, 66499.20-1/2, 66499.20-3/4

Amended (or Added) Sections of the 2013 Board Rules:
407, 428, 443

Amended (or Added) Sections of the 2013 Civil Code:
No Amendments

Chapter Waives 2013 Dues for Unemployed Members

At the October, 2012 meeting the Central Valley Chapter voted to waive chapter dues for any members (or new members) who have become victims of the current economic downturn and are unemployed. Please fill out the Membership Application, enter "Unemployed" on Line 7 for the Name of Firm, Agency or College, submit your application, and your 2013 chapter dues are waived.

[Click here for the 2013 Membership Application](#)

Mark Your Calendars



Silver Legacy Resort & Casino,
Reno, NV - March 23-27, 2013

- OSHA 10 Hr. Construction Training Cert.
- LS Review Seminar
- Mining Survey Seminar
- Technical Sessions
- Business Sessions, and More!

Classes, training, and continuing education

CAD Masters — Civil 3D for Surveyors (2-Day Course)
March 27, 2013, Walnut Creek
June 10, 2013, Sacramento [Register here](#)

CAD Masters — AutoCAD Level I (3-Day Course)
April 1, 2013, Sacramento
April 15, 2013, Walnut Creek [Register here](#)
April 29, 2013, Sacramento
May 6, 2013, Walnut Creek

CAD Masters — AutoCAD Level II (2-Day Course)
April 4, 2013, Sacramento
April 11, 2013, Fremont [Register here](#)
April 22, 2013, Walnut Creek

CAD Masters — AutoCAD Level III
April 4, 2013, Walnut Creek [Register here](#)
May 28, 2013, Sacramento

Central Valley Chapter, CLSA — L.S. Instructional
DVD Class — [Register here](#)
Thursdays, 6:00pm to 8:30pm
November 8, 2012 — March 28, 2013, Modesto

Sacramento Chapter, CLSA —
L.S. Review Class — [Register Here](#)
Thursday, 6:00pm to 9:00pm
December 20, 2012—April 4, 2013, Sacramento

CLSA/NALS Conference 2013
March 23-27, 2013
Silver Legacy Resort & Casino, Reno NV

Land Use Navigators — Subdivision Map Act in California
Seminar — [Register Here](#)
March 28, 2013, Sunnyvale
April 25, 2013, Monterey

If you have information about a training or class, please submit to: editor@californiacentralvalleysurveyors.org

Editor's Message



SUPPORTING YOUR LOCAL CHAPTER

With the 2013 membership drive half way over, I look at the amount of financial support that our Central Valley Chapter gets from our local surveyors. I am very pleased and I start to think of ways that we can put this to good use in the surveying community. We could increase our scholarships, give more workshops, promote TrigStar events, the list could go on and on. Then I start to think of all the other ways that we can support our Chapter, other than with greenbacks. Please don't get me wrong, supporting with monetary donations such as membership dues and sponsorships in our newsletter, The Prism, are beneficial to the growth of our chapter, but we also need members to volunteer their time. There are many things that need to be

done to keep our chapter running and growing, none of which can be done without members helping out. You can be on a committee, or volunteer to be a chapter office. If you have extensive knowledge on a topic, you can put on a seminar. It seems like these all take a lot of time, but they wouldn't if we a pitch in and give a hand. So, if you have a little time and don't know what you can help out with, just ask. We can't keep doing it without your help.

If you would like to comment on this topic or suggest another, please submit it to:

editor@californiacentralvalleysurveyors.org

CAD Tips & Tweaks



An Introduction to AutoLISP—Part 4: Basic Data Types To A Function And Working With Basic Data Types In A List

By Landon Blake, PLS

Introduction:

Welcome to the fourth installment of *CAD Tips and Tweaks*. *CAD Tips and Tweaks* is a new regular feature of the *PRISM*, the CLSA CVC Newsletter.

As a reminder, all of the source code we discuss in this column is released under open source licenses. All of the media content for the column is released under a Creative Commons license.

In the last article we looked at the first of five ways that basic data types are used in AutoLISP. In this article we will consider the second way. We will also look at how basic data types can be organized into a list data structure.

Passing Basic Data Types to an AutoLISP Function

In AutoLISP the code that performs actions in a drawing is organized into logical units called functions. It is important that functions be able to accept data from the user or from other functions. AutoLISP supports this. We are going to briefly look at an example of how to pass a basic data type to a function in AutoLISP. The function we are going to demonstrate is the *alert* function. The alert function simply displays a message to the user in a dialog box. The alert function accepts one argument, or parameter, a string or text data type that is the message to be displayed.

Try typing this code in the CAD command line:

```
(alert "AutoLISP programming is a great hobby.")
```

Make sure you include all of the parentheses and the quotations as shown above.

When executed, this code should display a dialog box with the message "AutoLISP programming is great hobby."

Here is the basic syntax used to pass basic data types to AutoLISP functions:

```
(function-name argument-1 argument-2)
```

You have the opening parentheses, then the name of the function, which is followed by a list of arguments passed to the function separated by spaces.

Organizing Basic Data Types In a List

Lists are a critical part of AutoLISP. Lists of data elements are the fundamental structure used in AutoLISP programming. In AutoLISP, a list is simply a data structure for the sequential storage of data values. The data values stored in a list could be basic data types like text and numbers, or more complex data values like other lists. This will become more clear with some code examples.

Let's create a list that represents a person. We want to store the person's first name, last name, age, and occupation in our list.

Here is the AutoLISP code to create this list:

```
(list "Landon" "Blake" 33 "Land Surveyor")
```

To construct the list we are calling the *list* function and passing the elements of the list as arguments to the function. The elements of the list are separated by spaces. You will note the text values we pass to the list are enclosed in quote marks. Because the age isn't enclosed in quote marks, AutoLISP will recognize it as an integer.

Because we didn't name the list, we can't do much with it. That isn't very fun. Let's give the list a name by storing it in a variable or a symbol with the following code:

```
(setq person (list "Landon" "Blake" 33 "Land Surveyor"))
```

Now we can access the elements of the list we just created using the variable "person". The *nth* function allows us to access elements of a list based on position. The first element is at position 0, the second element is at position 1, and so on. Here is how we access the age of our person list:

```
(nth 2 person)
```

The first argument we pass to the *nth* function is an integer that indicates the position of the element we want to access. The second argument is the list that contains the element we want to access.

If we've coded correctly, the AutoLISP interpreter in our CAD program should return the value 33.

Sneak Peek

In our next installment of CAD Tips and Tweaks we will do some more list building. We'll start to work on some usable code for route alignments. Our first task will be to build a list structure that can represent a position along a route alignment.

National News

The Surveyor & the Tree - Part One Tree Law, a Comprehensive Review

Written by C. Barton Crattle, LS, CFM

In the first installment of this two part article, we will investigate the two principal distinctions found in tree law and how they would apply to your client's particular situation. The second part will deal with different ramifications of tree ownership.

When is a tree not a tree? It could be when you are sitting in the lobby outside the courtroom (with pocketbook \$5000 lighter, covering the deductible), sitting and thinking about the last 3 years wasted over some trees. All because, God forbid, the line was run in the wrong place or faulty advice was flippantly provided to the client, who then relied on that flippant advice to do some tree clearing. That's when a tree is not a tree. No, that is when a tree is a pain in the butt. The purpose of this paper is not to tell the proper method of placing a boundary line but only to share the many, varied and at times contradictory scenarios of trees, the courts and disputes between neighbors.

The Law and the Tree

Years ago, a paper circulated on the Internet that had a remarkable summary of tree law from the beginning with a single sentence decree from early English common law up to current rulings requiring many hundreds of pages. The present body of tree law isn't necessarily all that complicated to read but it is vast and ever changing. The best advice for the surveyor is to never advise a client on any specifics of tree law outside that surveyor's level of competency. It can be likened to the laws concerning adverse possession. The surveyor is not required to be a scholar on an adverse claim but does need to know enough to recognize the possibility. You then inform your client the complexities of possessing adversely within your state or to seek counsel with a competent attorney. So it should also go with tree law. Know enough to spot a potential problem and advise accordingly. Disclaimer--the author: is not an attorney, is not providing legal advice, does not represent that the information is current or complete and is not to be held responsible should someone rely on this article for legal advice. When the time arrives, hire an attorney. There is no substitute for solid legal counsel from a licensed attorney.

Why? Well, where would you go to find the law? Tree law is found in a minimum of two forms (no matter one's jurisdiction): statutory and common law.

Statutory laws are those made by the legislatures of the Federal or various State governments. In many cases, applicable definitions associated with tree law are spelled out only in legislation. A recent trend has been the establishment of minimum amounts of damages for clearing and timbering trespasses. Statutory laws can be subject to the whims of individuals and special interests.

The common law began way back around 1066 AD. Through judges and the courts, the laws have evolved over time with subsequent rulings having as a basis previous existing rulings. Because of the evolving nature of our society and customs, our common law is continually changing in major ways virtually from year to year (within our Constitution).

Those two are the minimum. A third form of law is the local ordinance. These are most subject to the whims of individuals and special interests. A seemingly innocent act can result in the levying of ridiculous fines. You, the surveyor, are your client's firewall. One of the annoying things about local ordinances is just that, being local; they vary greatly from jurisdiction to jurisdiction. For example, according to an article in Lawyers Weekly, USA, in Mill Valley, California a redwood tree is considered a "heritage" tree with legal protection. One town over, in Sausalito, because of bayside views, the tall and fast growing redwood is designated as "undesirable". Local ordinances can regulate any number of tree issues including maximum heights, boundary fence trees, rights to views and rights to light (solar). It is though, the surveyor's duty to be familiar with or at least have ready access to the ordinances of the communities in which we practice.

These various forms of law are in a constant state of flux reflecting changing societal conditions.

The Boundary and the Tree

A tree is a large (usually), slowly changing form of life. A tree lives and dies, gets sick, can be subject to malicious injury, can be able to produce sustenance and is capable of taking the life of a human. Yet, a tree can be a valuable and beloved enhancement to any family's property. Depending on a tree's proximity with the boundary line, there are two distinct bodies of tree law to be considered. At root (no pun intended) of this distinction is the question does the trunk straddle the property line (boundary tree) or is the trunk entirely on one land owner's property, discounting roots and branches (borderline tree or solely owned tree)? First, the boundary of the property must be established by the licensed land surveyor.

[\(Click for Complete Article\)](#)

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State News

Evidence of Occupation

By Chuck Karayan, P.L.S.

Following his 1066 victory at the Battle of Hastings, William-the-Conqueror created the Domesday Book, a cadastre used in establishing the original Baronies and 'titled estates' throughout England. In the years following 1066, these large land holdings held by Williams's allies (the new nobles) were fragmented into smaller and smaller *freeholds* and *leaseholds*.

The commoners and peasants transferred their rights in these smaller parcels by oral ceremonies called Livery-of-Seisin. Until the 1677 adoption of the Statute of Frauds, which among other things called for written descriptions in the transfer of real property, untested occupation was their only evidence of ownership. Since 1677 written descriptions have evolved into our modern concept of record title. Today record title is generally considered better evidence of ownership than "naked possession."

When my surveying career began in 1962 there was a deep schism within the profession between "fence line surveyors" and "deed line surveyors" as they pejoratively referred to each other. Essentially their disagreement centered on the question of whether record title or occupation should prevail when the two disagreed. In part because the groups were nearly equal in size, and in part because neither side advanced a 'winning' argument, the disagreement remained unresolved.

This on-going argument deprived the profession of an accepted 'standard of care.' Some surveyors simply located, mapped, and monumented the lines of occupation; others conducted no records research, simply locating, mapping and monumenting the description in their client's deed. Most licensees operated somewhere between these extremes, but without a universally agreed upon 'procedure and level of performance' it is difficult to call such an environment *professional practice*.

Into this chaos stepped Curtis Maitland Brown. Through enduring and monumental effort he traced judicial and legislative law through the analytical process necessary in surveying, producing the widely acclaimed Boundary Control and Legal Principles. Shortly thereafter Mr. Brown authored Evidence and Procedures for Boundary Location. These two texts have been accepted as authoritative sources by an overwhelming majority of surveyors as well as many courts.

By the mid-1970's most surveyors had generally decided that in the event of conflict between record title and occupation the former should prevail. Unfortunately, by phrasing the question in that manner, *the baby was thrown out with the wash*. A better question to have asked and answered would have been: Under what circumstances does one or the other prevail? In adopting the premise that "one size fits all." i.e., record title prevails, many members of our profession discarded occupation as legitimate evidence of title. Neither the legislature nor the judiciary has done so.

The purpose of this discussion is not to argue for or against the use of evidence of occupation in establishing boundary monumentation. Nor is the purpose to establish criteria for determining which line, "deed" or "fence" (if either), should be shown as the boundary on a map or plat. Rather, the purpose of this discussion is to focus on the surveyor's duty to his or her client and to the public; that duty being: to collect, preserve and present *all of the evidence which could have an effect upon the boundary*.

Judges and juries seldom visit the site of real property disputes. If they do, they are not able to see a boundary or record title line because these are legal concepts which do not have specific physical characteristics. Rather, the court relies on the surveyor to *gather all of the evidence*, to display it on maps and exhibits, and to integrate that evidence into their professional opinion.

California Business and Professions Code (The Land Surveyors Act) states in §8762(b) (3) that the Record of Survey shall include "**evidence** that, by reasonable analysis, *might* (emphasis added) result in ... alternate positions..." California Code of Regulations, Title 16, Division 5 (Board Rules ... Relating to ... Land Surveying) states in §404.2(b) that the required responsible charge of the surveyor includes the ability to answer questions regarding the analysis of "**evidence** related to written and unwritten property rights."

The 5th Edition of Boundary Control and Legal Principles (§1.10) states: "The surveyor's responsibility is to collect **evidence** of past boundaries described in documents..." and it goes on to state that the surveyor is also responsible "to collect **evidence** of possession and use..." The 3rd Edition of Evidence and Procedures for Boundary Location (§12-20) states: "If possession lines do not agree with written or deed lines, the relationship of the written or deed lines to that of the possession lines must be shown". The ALTA/ACSM Minimum Standard Detail Requirements for Land Title Surveys §5 (Field Work) in C. Lines of Possession require "The character and location of **evidence** of possession or occupation ..."

The duty to collect, preserve and present the evidence of title does not depend upon the question of acceptance or rejection of such evidence; nor does it depend upon the question of encroachment; and, the duty exists without regard to the relative evidentiary weight assigned. In other words, no matter how "the boundary question" is answered (record title, occupation, both, neither), and whether-or-not the evidence is used as a basis of that boundary, the surveyor is obligated to show the occupation/use by their client or by his/her adjoiner. Moreover, the obligation includes locational data pertaining to that evidence at the same level of accuracy/precision as all other evidence of title.

Due in part to the sheer volume of litigation, 'field trips' by the trier-of-fact (judge/jury) have become extremely rare in today's world. Instead, the courts rely on the parties and their witnesses to collect, preserve and present all relevant evidence. The location of

Continued on page 8



CLSA EDUCATION FOUNDATION

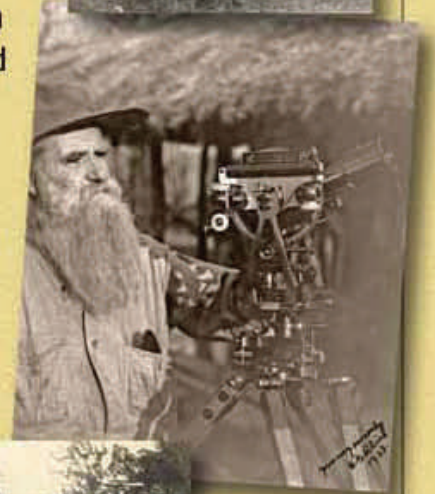
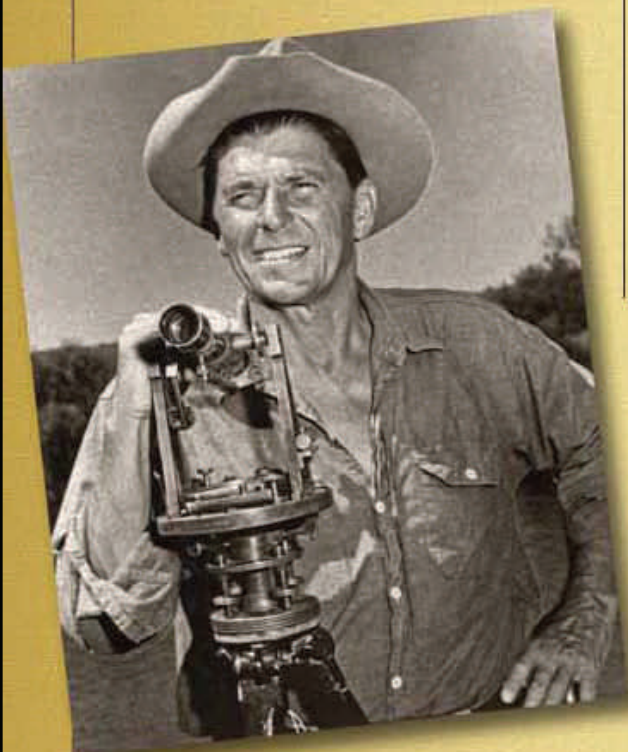
Land Surveying Photo Gallery

Unique Historic Photos Now Available for Purchase! Order Today!



Proceeds from the sale of photos benefit California Land Surveyors Association Education Foundation (CLSA EF) and will be used to fund scholarships for land surveying students.

CLSA would like to thank Bryant Sturgess for generously donating his collection of historic images.



Order online at: clsaphotos.smugmug.com

It's In There

Professional Land Surveyors Act, §8750. Seal or Stamp of Licensee

- 2009** Upon being licensed, each licensee may obtain a stamp or seal of the design authorized by the board bearing the licensee's name, number of certificate, and the legend Licensed Land Surveyor, or Professional Land Surveyor. The stamp or seal shall contain the expiration date of the license, or a space within which the expiration date must be written.
- 2010** Upon being licensed, each licensee shall obtain a stamp or seal of the design authorized by the board bearing the licensee's name, number of certificate, and the legend "Licensed Land Surveyor," or "Professional Land Surveyor."


Prior to 2010, the section 8750 stated that "each licensee may obtain a stamp or seal". This gave the L.S. a choice as to if he/she wanted a stamp or not. In 2010 the "may" was changed to a "shall", which now requires that every L.S. licensed in the state of California to obtain a stamp. There is no other option on this, it is a must for everyone holding an L.S. License for the State of California to obtain a stamp. Another change that occurred with 8750 in 2010 is the requirement that the expiration date of your license be included on your stamp, this is no longer a requirement. It is not advised to continue to use your stamp if the expiration date on it has passed. This could be considered misrepresenting his/her status to prospective readers of the sealed document. It would be more appropriate for you to either remove the expiration date from your stamp and continue to use it, or purchase a new stamp if this is your preference.

If there is a section in the Professional Land Surveyors Act or Subdivision Map Act that you would like discussed or you have a comment on, please send your request to editor@californiacentralvalleysurveyors.org


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Evidence of Occupation, *cont. from page 5*

such **evidence** being fundamental to justice, our legislature provided surveyors with “the right of entry upon or to real property” and imposed upon the owner or tenant a duty “to provide reasonable access without undue delay.” (B&PC §8774(a); see also Penal Code §602.8 (c) (4)). Clearly the legislative intent was to ensure the surveyor’s ability to meet the duty of identifying, locating and perpetuating all evidence of boundary and title.

Only some evidence is physical in nature and susceptible to location; some evidence consists partially or totally of declaratory statements. The collection, preservation and presentation of these declarations can be as vital as other boundary and title evidence. For this reason the legislature has endowed surveyors with the authority to place such declarants under oath when gathering and memorializing declaratory boundary and title **evidence**. (See: B&PC 8760).

Before discussing application of these ideas, I believe that it will be useful to lay some foundation for terminology commonly used. First, in this discussion I have – and will continue to – assiduously avoid the issue of defining “boundary.” The duty of collecting, preserving and presenting relevant evidence applies without regard to how “boundary” is determined. Second, since the courts are the final arbiters of boundary/title disputes, I have chosen to use the meaning of terms as the law has defined them rather than adopting the vernacular meaning used by many in our profession.

Historically many law schools encouraged students with a ‘social science’ educational background and discouraged students from the ‘physical sciences’. Fortunately that is far less common today, but the foundation of that bias had some merit. Physical scientists, engineers, technicians, mathematicians, etc. tend to expect ‘hard’ (absolute) answers while historians, political scientists, philosophers, etc. tend toward ‘soft’ (generalized) answers. Over the years, many surveyors have expressed frustration with the lack of a “definite answer” in studying boundary law. I am sure that some readers may feel the same way. Particularly in the process of evaluating evidence and assigning relative weight to it, multiple opinions are possible (this is at the heart of professional practice and why two surveys may come to opposing conclusions). Lawyers are trained to be able to make different legal arguments from one set of facts. This is why it is so important that the surveyors **gather all of the evidence**; that it be **preserved** in their field notes; and that it is **presented** in their mapping.

[*\(Click for Complete Article\)*](#)

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THE SUBDIVISION MAP ACT

A One-Day Seminar

This seminar provides guidelines for effective use of the Subdivision Map Act.

- New Legislative and Judicial developments in 2012
- When the Map Act applies (and when not)
- What kind of Map (tentative/final or parcel map) to use
- Exemptions and Exceptions under the Map Act
- Life of Tentative Map
- Conditions of Approval/Exactions/Dedications/Fees
- Creative mapping approaches
- And more...

Sunnyvale - March 28, 2013

Monterey - March 25, 2013

Burbank - May 23, 2013



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Classifieds

Multiple Temporary Seasonal positions for Forest Service

The Intermountain Region's Boundary and Title Management Program is currently advertising temporary seasonal (three to six month) employment opportunities for the 2013 field season throughout the region. The openings include Surveying Aids, Surveying Technicians, and Lead Surveying Technicians. Some of the duties will include, assisting in surveying efforts by collecting and recording data, and assisting in the measuring of distances. Use surveying instruments such as total stations and Global Positioning System equipment, conducting traverses with total stations, and measuring small land areas to obtain rough estimates of yardage to be excavated, or to determine approximate location of areas to be mapped. The Lead Survey Technician will serve as a team/work leader, leading team efforts in the development, implementation, and/or evaluation of program or project responsibilities as well as the duties of the Survey Aid and Technician.

Go to www.usajobs.gov for more information

Surveyor II (L.S.I.T.)

Siegfried Engineering Inc. is seeking a Land Surveyor II.

Siegfried is a multidisciplinary design firm specializing in civil engineering, structural engineering, landscape architecture, land surveying, architecture and planning. Located in Stockton, Sacramento, and San Jose, CA, we have provided compelling and comprehensive design solutions for both public and private clients throughout Northern California and beyond for over 57 years. Being a client focused firm, Siegfried has gained the reputation as the area's leading design and land surveying firms.

Email Resumes to Matthew J. Cunningham @ mcunningham@siegfriedeng.com

Project Surveyor

Psomas Engineering is looking for a Project Surveyor for it's San Ramon Office.

This is a challenging position for a results oriented project surveyor. The successful candidate will represent Psomas in our client's office working on a wide variety of survey projects.

For consideration please submit your resume online at: psomas.applicantpro.com/jobs/22384.html

Have equipment to sell? Looking for a great deal? Check out the [CLSA Forums!](#)

Picture of the Issue

Central Valley Chapter Scholarships awarded at 2013 Geomatics Conference



Keith Spencer awards the Chuck Kincaid Memorial Scholarship to Marco Castaneda
[Click for Thank You Letter to Chapter](#)



Keith Spencer awards the Jesse Stanley Memorial Scholarship to Daniel Ortega
[Click for Thank You Letter to Chapter](#)

If you have a historic or interesting photo you would like to see in a future edition of The Prism, please submit to: editor@californiacentralvalleysurveyors.org

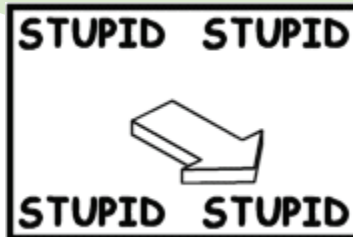
Puzzle Page

Each puzzle represents a common term or phrase. Can you figure out what each one means.

PUZZLE 1



PUZZLE 2



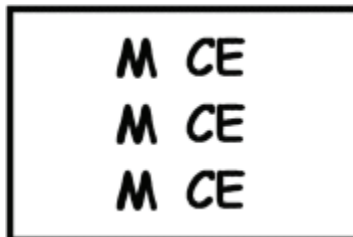
PUZZLE 3



PUZZLE 4



PUZZLE 5



PUZZLE 6



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