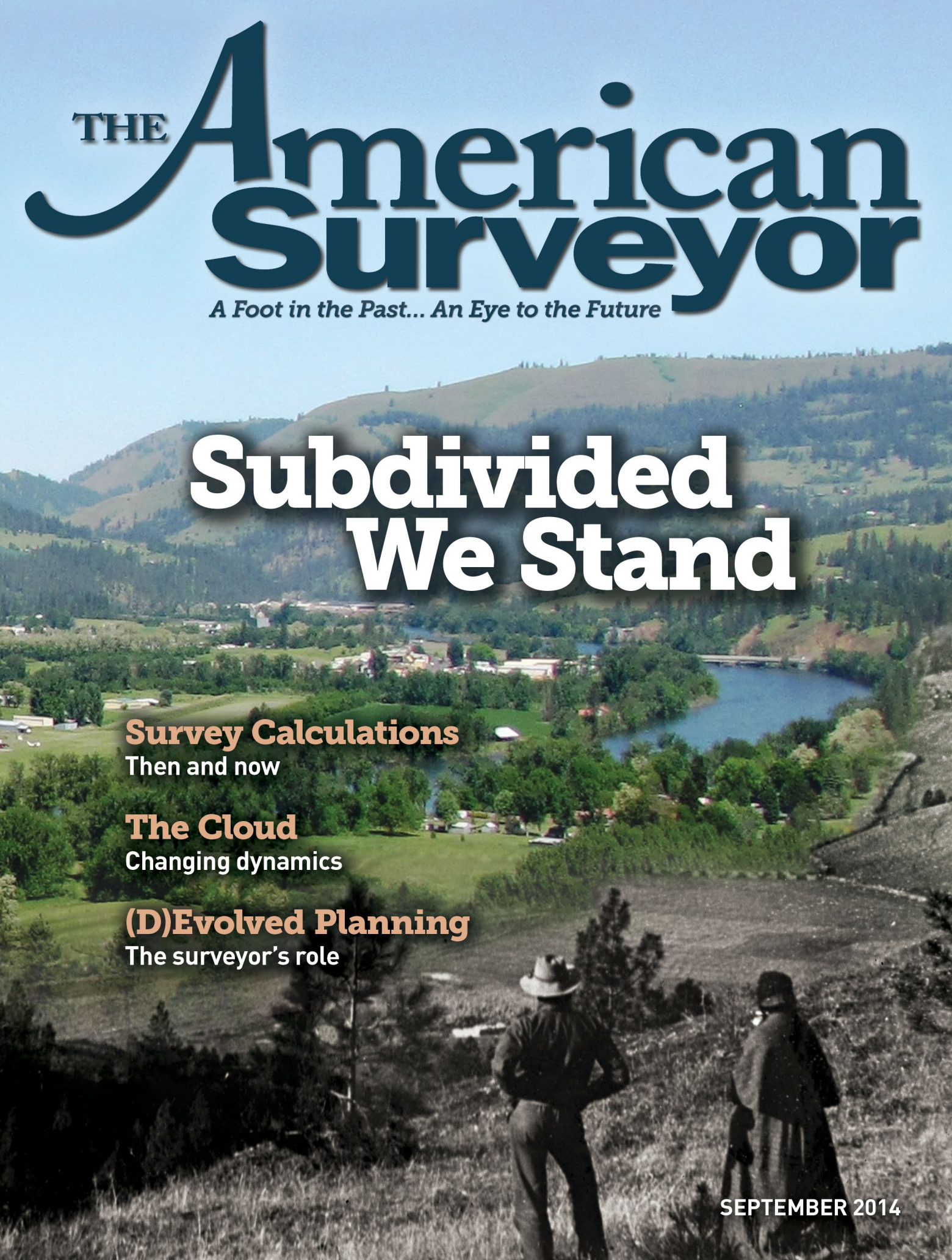
THE American Surveyor

A Foot in the Past... An Eye to the Future



Subdivided We Stand

Survey Calculations
Then and now

The Cloud
Changing dynamics

(D)Evolved Planning
The surveyor's role

SEPTEMBER 2014

SUB/DIVIDED WE STAND

Credit, or blame, for this byline must go to William Powell and his *Feedback* in the August issue of *The American Surveyor*. His observations brought to memory the many times when old platted subdivisions within a section have been used to restore a missing GLO corner on the exterior of the section. On the other hand is the hell caused when retracement surveyors ignored interior assets.

When Alice Fletcher, Special Agent, was told in 1889 of Kamiah, Idaho, that it was paradise, her accompanying surveyor, Edson Briggs, retorted, "I wouldn't know, my experience has been in the other direction."

» CHAD & LINDA ERICKSON

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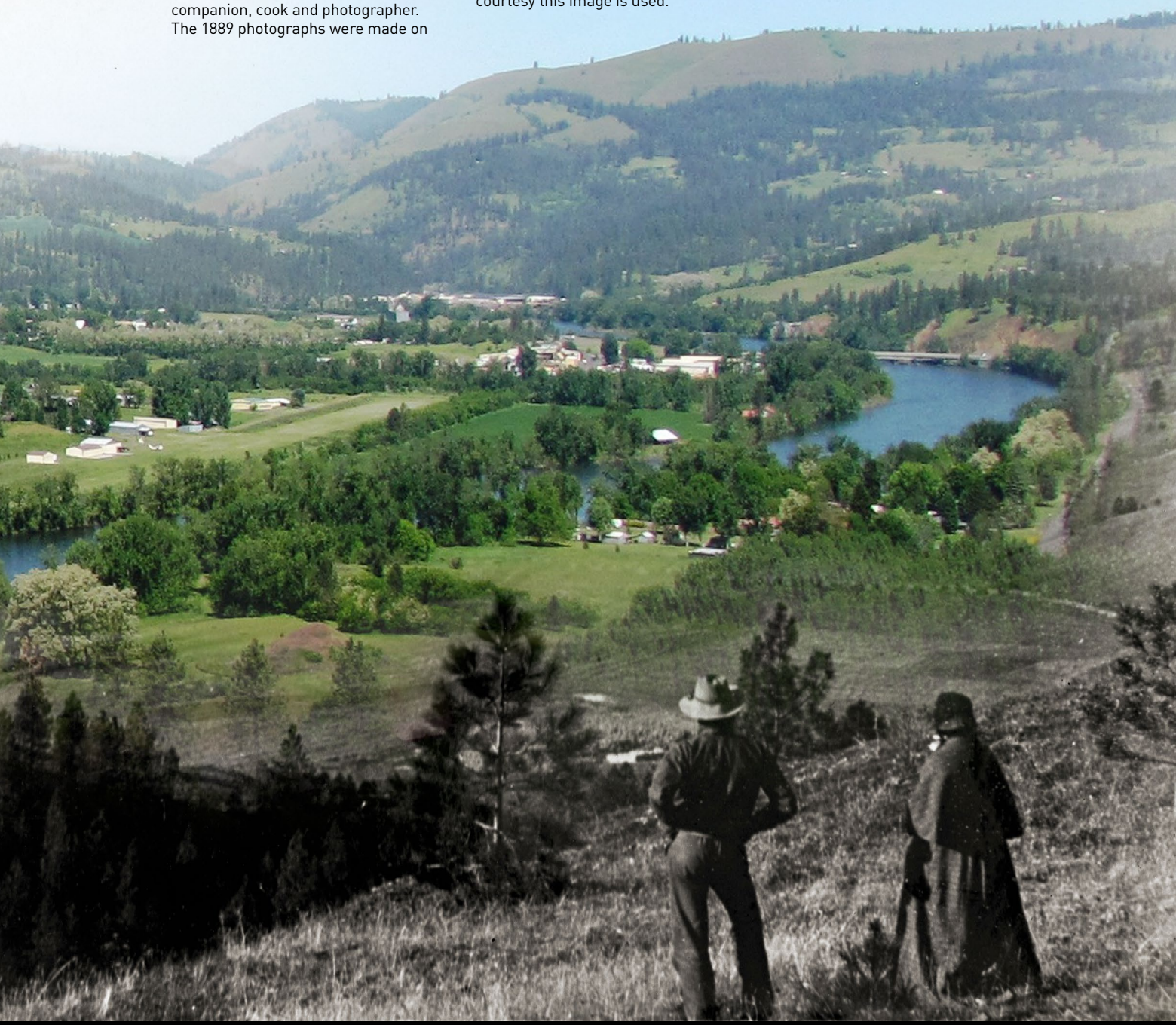
VALLEY OF PARADISE, 1889 (Kamiah, Idaho) *[Combined with 2014 Photograph by the Authors]*

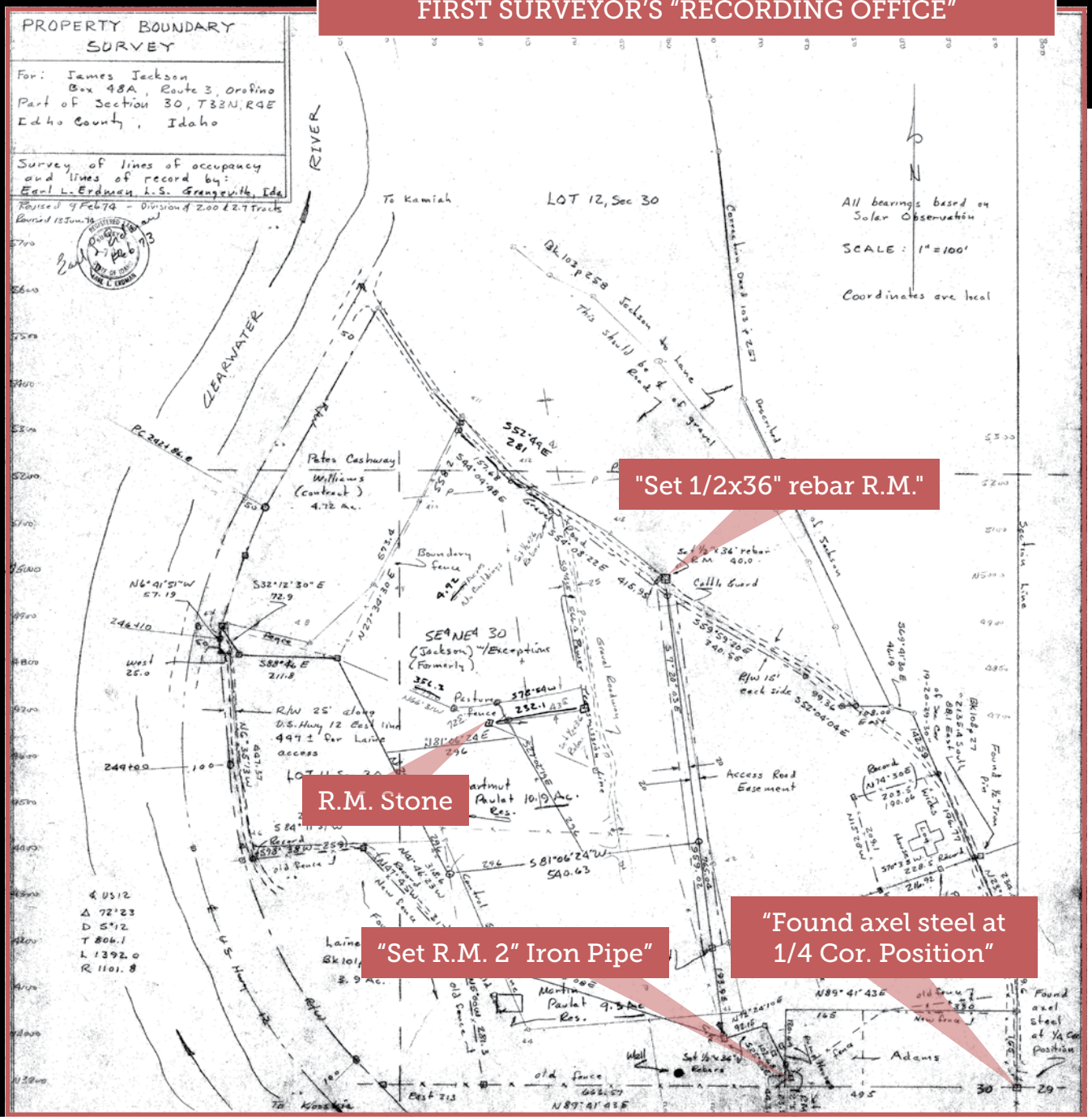
On the left is Nez Perce Indian James Stuart, interpreter, guide, and eventually surveyor, land locator, developer and founder of Stuart (Kooskia), Idaho. On the right is Federal Special Agent Alice Fletcher, who in 1889 was beginning a four year task of assigning land allotments to the Nez Perce. The photographer was E. Jane Gay.

Jane Gay was Alice Fletcher's companion, cook and photographer. The 1889 photographs were made on glass plates. Both the method and glass plates were discarded in 1890 when Jane returned from the east for the second season of surveying/allotting with a "Brownie" camera in hand. Many years later the glass plates were found in the attic of a house this duo had occupied in Lapwai, Idaho. The plates were eventually donated to the Idaho State Historical Society, with whose courtesy this image is used.

An 829 page account of this 1889-1892 adventure, compiled in 1895, accompanied by hundreds of photographs, can be found at *pds.lib.harvard.edu/pds/view/3463914?n=15*. The download instructions can be found under the "print" button.



FIRST SURVEYOR'S "RECORDING OFFICE"



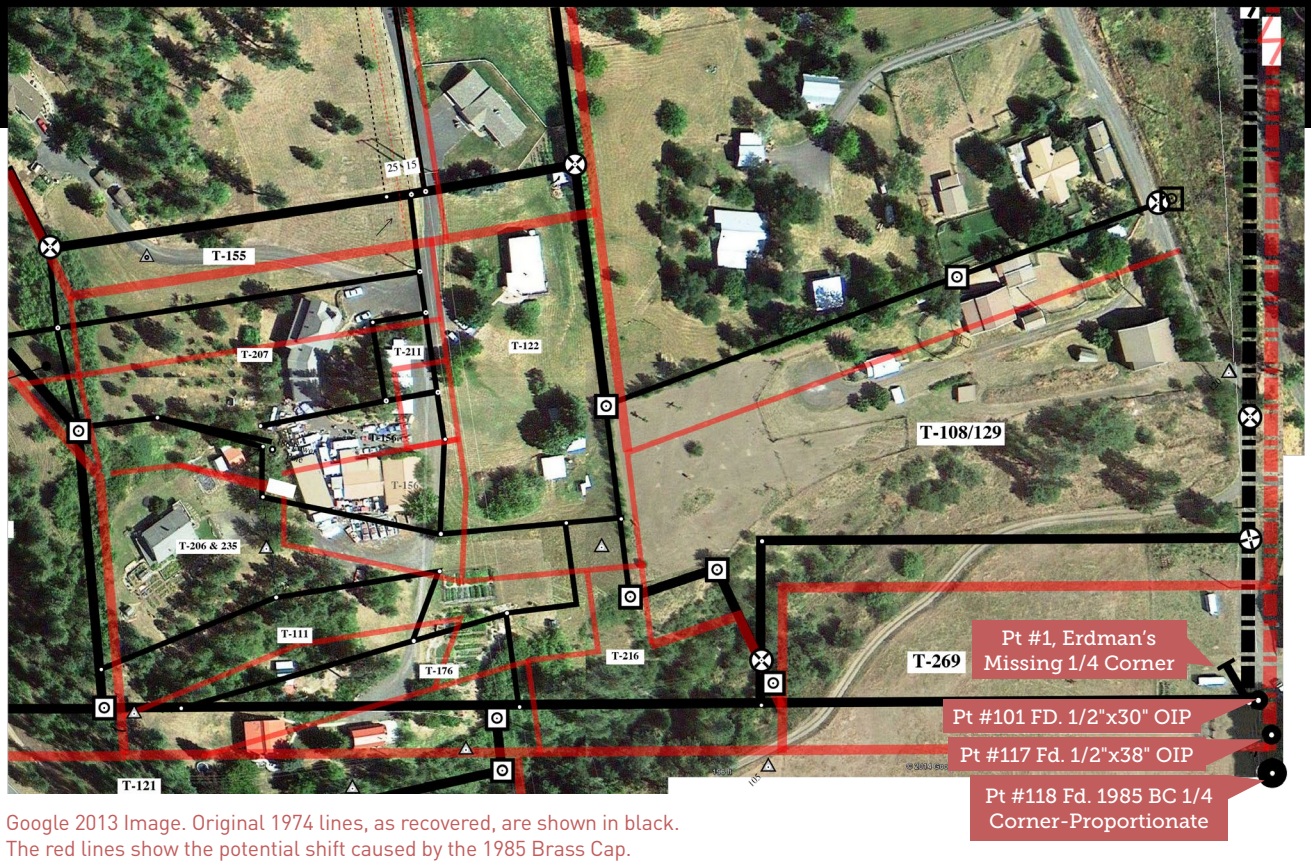
The GLO of 1889–1892 may have found this to be paradise but by the time the BLM, their 1973 manual and their protégés got done, it was a landowner's hell.

An example is Section 30, T33N, R4E, B.M. near this photo. From 1965 to 1974 a local land owner and his surveyor performed a non-simultaneous subdivision in this section. Each parcel was given its own legal description and deed and all were directly or indirectly tied to an "axle steel" at the East ¼ corner. No plat was ever recorded but each buyer seems to have been given a copy of the drawing. If you will, First Surveyor was his own Recording Office.

Until the state recordation act of 1978, and for sometime after, this was a common treatment of land subdivisions in this area, yet all was still peaceful in paradise. The parcels were surveyed and monumented, the buyers and sellers knew where their lines were and Title Companies were happy.

After the 1973 BLM Manual came out the BLM surveyors, and their protégés, were like the old pre-Nicaea saying, "The greater the sin, the greater the glory". They simply morphed it into "The greater the proportioning, the greater the reliability". Considering original sin, in this case GLO's illicit surveys hidden behind fig leaves of fictitious Field Notes, neither of these practices are logical.

Section 30 became a land owner's hell in 1984 when Second Surveyor burst into the area and, as per the 1973 BLM's manual requirement of "Evidence beyond a reasonable doubt", rejected First Surveyor's "axle steel" as the ¼ corner and performed a grandiose proportioning scheme, bringing to



Google 2013 Image. Original 1974 lines, as recovered, are shown in black. The red lines show the potential shift caused by the 1985 Brass Cap.

four the total number of proportioned corners on the exterior of Section 30. An example of the potential corner movement is at the NE section corner where an ancient fence corner bears N.14°E., 61.4' from the proportionate monument. As an example of the confusion at the East ¼ corner, after a lot of digging, we found not one, not two but three ¼ corner monuments, and this isn't counting the missing axle steel. The four ¼ corners fall inside of a rectangle measuring 75' north→south and 25' east→west. It is important to note that all but one of the legal descriptions in this area are tied to the "axle steel".

At any rate, Second Surveyor proportioned in the whole east line of Section 30 and proceeded to relocate properties using his 1/4 corner brass cap but using the axle legal descriptions. This caused a movement of properties 73' south and 23.5' east. In the spirit of "precise but not accurate", Second Surveyor did record his plat. There has since been Third Surveyor and Forth Surveyor in the area, all following the example of Second Surveyor and BLM's 1973 Manual. The new lot lines divide many houses. One client jokes, "Each night everyone calls their neighbor to get permission to sleep in our own beds." It is also important to note that no property owners have claimed ownership outside of the original use lines, until this year.

In 2001, just before he passed away, First Surveyor gave our firm all of his survey records, including his "Recording Office" for this progressive subdivision. From these records we know that First Surveyor placed ½"x36" iron rebars at his corners, an unusual length for this area..

Last month, for the first time, we were asked to address a boundary dispute in the NE ¼ of said section 30. Not surprisingly we found four original owners still living there, after all who would want to leave paradise? (This really is a very beautiful valley, nice neighborhood and nice neighbors.) The neighbors vouch that their lot corners were once marked by First Surveyor's rebars. However, they also report that shortly after Second Surveyor came through, some of the neighbors began pulling the old pins. By the start of this survey, only memories, old fence corners and one rebar remained visible..

Several of the deeds give reference ties to the "axle steel" at First Surveyor's ¼ corner, which notice was apparently the axle's death knell. Truck axles were a common monument used in this area from 1910 to about 1950. They were installed with the large flange down so that they could not be easily removed. The axle is now gone, and if this was a truck axle its removal would have taken some doing. At the location of the axle, determined by working the many legal descriptions backwards, we see something we have never seen before—two ½" diameter open iron pipes sticking out of the ground and twisted like pigs tails. Excavation revealed that they had once been joined as the water line going to a nearby yard hydrant. It was apparent that something like a backhoe had been used to tear out the truck axle and in the process the operator hooked the water line. (No, the hydrant does not work.)

Question: If *all* property corner monuments appear to be gone, how do we know the location of the long gone truck axle? Answer: Unbeknownst to the readers of deeds and removers of monuments, First Surveyor had set three reference monuments, each shown on his private "Recorder's Office" drawing. There was one 2" diameter pipe, one stone and one ½" rebar. All remain in place, upright and secure and in agreement with the record relationship. And these agree with memories and many fence corners. From there, as we restored the original corners and lines,

we were able to find sixteen more original monuments, all upright, buried and correct.

Fortunately, our clients' properties do not adjoin sectional lines so we do not have to resolve which of the four ¼ corners is the correct one; but we are placing the other lot corners and lines back where First Surveyor placed them. Why do we restore the lot corners but not the ¼ corner?

It is like Linda said, "The more we know of the Metes and Bounds states the more we will understand the future of PLS states." That's where we're headed folks. Jefferson's wonderful coordinate system (section, township & range) fails because of the extreme carelessness of the GLO during the original survey and BLM's insistence upon adherence to the GLO's false record. Why should our clients expend tens of thousands of dollars to resolve an issue that probably isn't resolvable in the first place. In the distorted sections in this valley, to adhere to proportioned sectional corners is to meet delusion with gullibility. On the other hand, when First Surveyor, under the direction of the land owner, set ½"x36" iron rebars for the corners of the new parcels, and the buyer purchased accordingly and recorded the deed, those rebars became original corners as indisputable as direct evidence of a GLO section corner. (At least as long as the new parcels do not extend past the bounds of the parent parcel.)

The Google image shows the effect the 1985 proportioned east 1/4 corner has upon the properties. We are not saying that the steel axle position is the true 1/4 corner, there are three other 1/4 corner monuments, fences, power lines and a 1914 County Road Survey to be considered. But we are determining that the 1965-1974 subdivision lines are original, were bought and sold to and thus cannot be moved, as long as they do not encroach upon a senior right. In this they are not dependent upon the location of the 1/4 corner. Several of the red lines were recently surveyed and monumented by Surveyors Second, Third and Forth and the neighborhood is indeed in turmoil. Four buildings are split by the "new" lot lines and two houses are entirely upon the wrong parcel.

Perhaps the blessed day will come when surveyor's who move property lines without the mutual consent of the land owners will be prosecuted with charges of grand larceny; for every time an original and obvious property line is moved without the owners' direction, someone loses, someone is damaged, big time. Do the crime, do the time. Or is a license to survey really a license to steal? Surveyors only got away with such behavior because the 1973 BLM Survey Manual indicated that this was normal behavior.

This reminds us of the 1965 Knight Addition in the nearby town of Kamiah, Idaho, where we had much the same problem. In 1873 the GLO surveyor set the South 1/16th corner common to Sections 1 and 2 as a corner of a Nez Perce Indian Allotment and left a record. In 1985 BLM re-set the South 1/16th corner at midpoint between the ¼ corner to the north and the Section corner to the south, ignoring the multiple old subdivisions and ancient fence corners that marked or tied the same corners. For example, the northeast corner of the 1965 Knight Addition is the old South 1/16th corner. In 1985 BLM moved that corner N27°21'W, 16.24'. When we first surveyed in this subdivision in 2007, no living person knew where their lot corners were, 1965 or 1985. We searched the first day, all day, and found only four monuments, all ½" open iron pipes and all buried. We gleefully showed the pipes to the lot owners and went home. When we returned the next day to tie these four monuments into our control survey, we found that two of them had been pulled! Despite the sabotage, this beginning allowed us to find five more lot corner monuments and resolve the original 1965 location of the subdivision and settle our client's boundary dispute. It went to court and our client prevailed.

This reminds us of the time a crew of otherwise capable youngsters was sent out to retrace land lines for a City of Tucson, Arizona road project at Ina and Oracle. They found nothing and the contractor was putting on the pressure as only a contractor can do. So the firm sent out the old war horses, Bob Luokkala (70's) and Chad (60) and by doing a lot of digging, figurative as well as literal, found 18 monuments the first day.

American attitude toward property corners, lines and surveys has degenerated from vigilance to carelessness, to concealment and now outright disdain and destruction as the norm. Much of the neglect of land boundaries in the United States is attributable to the Housing Industry, the same industry that destroyed our economy. By their enticed neglect the land boundary infrastructure in the United States has nearly been destroyed. On the other hand, where is the lobbying effort by surveyors for rules or legislation requiring a survey before conveyance? At least first conveyance! If such were the rule we would be a growth industry, youth would flock to it, we could retire and you wouldn't have to read our ramblings. As it is, we'll have more on this next month. ■

How did Earl Erdman (First Surveyor) come to bless us with his records shortly before his death?

Mr. Erdman lost his license about 1990 due to some inappropriate decisions. About 1996 we filed a Corner Record rejecting a modern surveyor's proportionate section corner that fell out in a hay field but accepting Mr. Erdman's monument at an ancient fence corner. Upon the corner record we had entered, "Perhaps we should go pick that old surveyor up, stand him on his feet and dust him off." After reading that, Mr. Erdman contacted us and said, "I think that you are the surveyor I've been looking for." The lesson here is that *"No surveyor, or his record, is so good as to be perfect, nor so bad as to be thrown away."*

> "By enticed neglect the land boundary infrastructure has been nearly destroyed."

Chad and **Linda** got their marriage license in 1970, Chad his first survey license in 1984. They began surveying together when the kids left home in 2005 and are still married.