

## Chapter 9 Lecture Notes Preservation of Evidence

### 9-1 Scope and Purposes

The scope of the class has been toward surveyors locating and relocating identified parcels of land. In the case of creation of original parcels the emphasis should be on the placement of substantial monuments that will permit their future identification.

Surveyors need the skills and knowledge to make precise measurements to locate and/or relocate our markers. Measurements to preserve monumented positions are of two types:

1. Those made prior to conveyances and called for in the conveyance.
2. Those made after the conveyance that are intended to identify the original position of the corner.

There are many ways of preserving evidence:

1. aerial photographs
2. photographs
3. SPC
4. accessories
5. reference ties
6. maintenance

If all surveyors looked at evidence in the same manner property lines would always be located in the same manner and position. Difference usually arises from differing opinions about which monument they should commence from or hold and the dignity of the monuments or lack of a monument.

### 9-2 Vanishing Evidence

Time eradicates every living thing. Monuments should not be expected to last forever. Nor should we expect them to disappear over night. Learning from the past and use of new techniques and materials should assist us in the future.

#### Principle 1

### 9-3 Perpetuation of Evidence

It is the surveyor's responsibility to preserve the evidence set before and to maintain the evidence for the future.

### 9-4 Authority to Perpetuate

The authority to perpetuate and the responsibility are not the same. Many states or even counties have laws regarding the preservation of monumentation.

1. Monument Preservation Fund
2. Corner Records
3. Record of Surveys

### 9-5 Responsibility of Perpetuating Evidence

Record of Surveys

Corner Records

1. Material Evidence, which in whole or in part does not appear on any map or record previously recorded or filed in the office of the County recorder, clerk, surveying, engineering or BLM or Federal archives.
2. A material discrepancy with such record.
3. Evidence that, by reasonable analysis, might result in alternate positions of line or points

In California,

1. All monuments found, set rest, replaced or removed. A description of those monuments. The composition, size, location, and other data related to them must be provided.
2. Bearing or witness monuments, basis of bearings, direction and distance of lines and the scale of the plat.
3. Name and legal description of the tract or parcel in which the survey is located and ties to adjoining tracts or parcels of record.
4. Memorandum of oaths

### 9-6 Oaths and Witness Evidence

Reliable witnesses and the ability to ascertain if they are truthful

### 9-7 Identifying Marks on Monuments

Tags on monuments

### 9-8 Recording Documents

Three advantages to recording documents:

1. The document itself is not destroyed
2. The general public is charged with the knowledge of it's contents
3. Admissible in court as evidence.

#### 9-9 Private Survey Records

Only good if others know you have it! Also you need to share the information contained with the records.

#### 9-10 Use of Aerial Photographs to Preserve Evidence

1. Identification
2. Historical Use
3. Riparian
4. Special Photography
5. Encroachments
6. Lost Tracts
7. GIS/LIS
8. Digital Cameras
9. Video Cameras

#### 9-11 Daily Use of Photographs

Nice if you can afford it or have access to the latest and greatest!

#### 9-12 Preservation of Evidence

Original monuments, if lost, can be restored to their former position, provided:

1. Some acceptable witness remembered its former position
2. Measurements from other known monuments

#### 9-13 Video (See #9 above)

#### 9-14 Preservation by State Plane Coordinates

GPS