



The Connecticut Surveyor

February 2010

Volume Fifteen: Issue Two

Ouch...

Submitted By Jeffrey J. Stefanik LS
Windham County Director

Knowing where home is can turn complicated. By Peter Schworm, Boston Globe Attleboro/Rehoboth. John Harker, a retired elevator constructor, got tired of paying property taxes every year on land he did not use. So he decided last fall to donate much of his 15-acre property, wooded swamps and all, to the local land trust.

For his troubles, Harker wound up with two tax bills and a world of bureaucratic confusion about the most basic of facts: what town he actually live in.

After two decades as a loyal resident of Rehoboth, a small quiet suburb, the 67-year-old was startled when a new land survey determined that his century-old house on Agricultural Avenue actually sits just over the town line in Attleboro, a city of 42,000 on the Rhode Island border.

Never mind that he had long paid taxes in Rehoboth, or that his granddaughter, who lives in the house with Harker's son, attends third grade at a local grade school. Never mind the roadside granite post right near his front porch that appears to place him squarely in Rehoboth. As it turned out, that sign was about 200 feet off the mark.

"I wanted to do something good," the elder Harker, 67, said wistfully of his land donation. "But all it's been since has been a big pain in the rear."

The confusion brings to vivid reality the occasionally imprecise nature of boundaries in New England, where town lines were often drawn and surveyed more than a century ago and remain blurry to this day.

www.boston.com/news/local/massachusetts/articles/2010/02/knowning_where_home_is_can_get_complicated/

Now assessors in the two communities are wrestling over where the 100-year-old dwelling actually belongs.

www.thesunchronicle.com/articles/2010/02/09/news/6887517.txt



Boundaries & Estoppel

By Knud E. Hermansen¹ and Robert Liimakka²

Surveyors should be familiar with the doctrine of estoppel. The doctrine of estoppel may locate the ownership boundary in a location that differs from the record boundary.

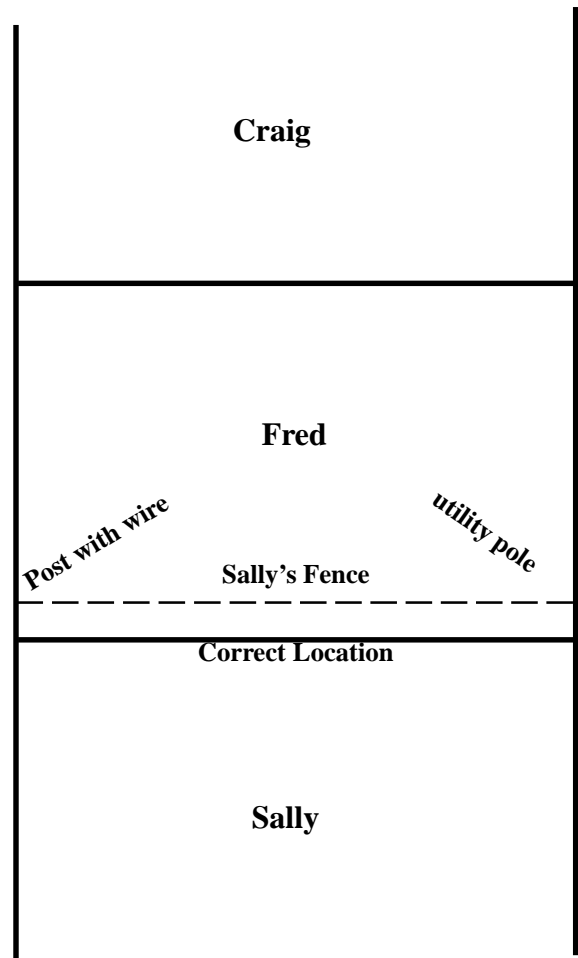
Estoppel is a doctrine that puts into practice the ancient equity: “One who seeks equity must come with clean hands.” Put in other words, a person cannot expect favorable relief in the courtroom when they have caused their own problem.

Estoppel arises when one individual misleads another individual; causing reasonable and foreseeable reliance by the misled individual; so the misled individual makes expenditures or takes action contrary to what a reasonable person would do, would be the truth be know; and the misled individual will be injured or damaged to his detriment if the court acted in favor of the person who misled the other. The misleading actions may occur by declarations, acts, omissions, words, actions, conduct, or admissions.

Estoppel has a wide reach in all civil litigation including the litigation of boundaries. A scenario where estoppel could fix the location of a boundary in a location that differs from the record boundary would be the following:

Sally plans to build a beautiful wood fence on her common boundary with Fred. (Fred is a friendly neighbor but is too inquisitive.) When the fence material is delivered, Fred, the neighbor, ever curious about the neighborhood activities, comes over to find out from Sally what she is going to build. Sally explains she is going to build a fence on their common boundary but has to wait to begin construction until she can hire a surveyor to locate the boundary. After hearing the reason for the delay, Fred announces there is no need for a surveyor, he can show Sally exactly where their common boundary is located. Fred assures Sally that he asked the Realtor about the boundaries before buying his property and the Realtor showed Fred the boundary location when he purchased his property.

In the front of the property at the road, Fred shows Sally a utility pole and says this pole marks their front corner. In the rear of their lots, Fred shows Sally that these objects mark the corners to their common boundary. Furthermore, he even got a copy of the tax map one day and checked the distances between these objects and other corners. He compared the distances on the map and by his pedometer and they matched.



Boundaries & Estoppel

Sally is very grateful to Fred and builds the fence on a straight line between the objects Fred has shown Sally. Three years later, Fred becomes embroiled in a boundary dispute with his other neighbor, Craig. Fred obtains a survey. The surveyor informs Fred that Craig is correct in his assertion. The surveyor also informs Fred that Sally's fence resides four feet on his property. Fred demands that Sally move the fence to the correct boundary location.

As seen from the previous scenario, Fred misled Sally by his assertions to Sally regarding the common corner locations. Sally reacted to Fred's assertions in a manner that was both expected and reasonable given Sally's discussion with Fred and Fred's positive assertions. Sally spent considerable money putting the fence where Fred had indicated the common boundary was located. She would not have done so had she known the true location. Now Sally faces the prospect of considerable expense if Fred could force her to move the fence to the correct boundary location. Sally has a good claim that the fence should now be recognized as the common ownership boundary based on the doctrine of estoppel. (In this scenario, the court could also demand that Fred pay for the relocation of the fence if he does not want to lose the use of his property cut off by the fence.)

A surveyor who is not familiar with the doctrine of estoppel may have advised the client that since the fence had only existed for three years, the removal of the fence could be required by the court. (The surveyor assumed a more lengthy time period is necessary to meet the requirements of adverse possession in order to fix a boundary in a different location than the location fixed by the records.)

Familiarity with the doctrine of estoppel should cause a surveyor to be timid when making pronouncements regarding the effect of an encroachment on the boundary location even if the improvement has only a short history. As the scenario reveals, elements of estoppel are often proven with the information that is not ordinarily gathered by surveyors or even available to surveyors services.

The surveyor would be wise to focus on locating the record boundary and recognize that occupation boundaries may often become the ownership boundary under certain doctrines. Surveyors who opt to extend their services to not only locate the record boundary but decide where the ownership boundary (extent of title) is located must also extend their services to gather information and make decisions that surveyors are not ordinarily trained to handle.

¹ Knud is a surveyor, engineer, and attorney. He teaches surveying at the University of Maine and operates a consulting firm providing services in title, land development, boundaries, and easements.

² Rob is a professor in the Surveying Engineering Program at Michigan Technological University. He is a professional surveyor and holds a MS in Spatial Information Science and Engineering from the University of Maine, Orono and is currently working on a doctorate in civil engineering.



CALS 43rd Annual Meeting Slated for a New Site

Mark Your Calendar - Friday, November 5, 2010

The CALS Annual Meeting will be held at Saint Clements Castle in Portland, CT. Located on the banks of the Connecticut River in central Connecticut, Saint Clements is an extraordinary facility for the CALS conference. The unique environment provides 12,000 square feet of space for exhibitors, classrooms, and an outstanding luncheon prepared professionally on the premises. With cobblestone courtyards, exquisitely landscaped gardens and scenic waterfront views our members will have a hard time concentrating on the pacing contest will all there is to see.

The castle itself is the architectural design of European castles from the 16th century. It is filled with unbelievable art and antiques. Our members will enjoy the amenities of high speed internet access, fax service and strong cellular signal strength both inside and outside of the castle.

This year First Vice President Kevin DaRos has chosen to change to experience slightly and offer more free time for guests to see and talk with vendors. A casual break where people can relax and socialize will be in the Waterford Bar that is filled with charm and ambiance.



The keynote speaker this year will be Donald Wilson, P.L.S., R.P.F. Mr. Wilson is president of Land & Boundary Consultants, Inc., based in southeastern New Hampshire. He has been a full time consultant since 1977 and has dealt with boundary and title problems since 1964. A noted author and lecturer, he has presented hundreds of boundary related seminars nationally. Don has been involved with 23 books. He has co-authored Evidence and Procedures for Boundary Location and Boundary Control and Legal Principles (Wiley) and authored Easements and Reversions and Deed Descriptions I Have Known....But Could Have Lived Without (Landmark). Don has also written a chapter on Boundary Surveys for The Surveying Handbook (Chapman& Hall). In addition to preparing over 150 technical publications in several areas, he has been involved with the research and compilation of subject matter for six boundary and surveying law books. Mr. Wilson is listed in Who's Who.

To view Saint Clements Castle go to <http://www.saintclementscastle.com>



From the War Zone

A friend of mine has a son who is serving in Afganistan. His letters have been published in the New York Times and I would like to share his most recent letter with you. Below he writes about a recent check-in with his son Richard and the worry that lingers after each call.

February 19, 2010

Combating Worry

By Tom Cassone

I just got off the phone with my son; so he's fine today. And as good as that is to know, today is all you get from Helmand Province. A call does disperse the worry that's gathered since the last time you spoke, but it begins to collect again the moment you hang up. He said he just had a few minutes to make his calls because he was going to be busy for a while, though he wouldn't say what he'd be doing or where, and now I know better than to ask. Still, that satellite phone is a remarkable thing, conveying your son's voice from war, through orbital space and down to your anxious ear. It's so much more than the folks back home got from Vietnam, Korea, or France, but I wonder if that makes it any easier.

He had also called last Thursday to let me know that he'd been "out" for a couple of weeks and that now he was "back," but gave no clue as to the location of either place. He sounded confident and relieved and even a bit amused, and told me to be sure to ask him about what had happened to him the day before we spoke, when he gets back, or to read it in his journal if for some reason it's delivered to me one day. And that's the day I spend every other on trying not to think about.

We will win the wars. As the effort surges, the violence quells. Should political success prove evanescent, that's not your care as a parent. Yours is to try to keep from becoming a casualty of the battles waged in your head, which escalate just as your world goes quiet. You are the theater for the fight between "what if things had been different" and "when will he be home again?". Maybe he would have been a ball player if you had thrown the ball with him or would be at Oxford studying literature if you read to him more. But still, I never cared if he was a baseball player or a Rhodes Scholar. I just wanted him to be at peace with himself, and now I know that he surely is. Because just a few minutes ago he made it a point to call to tell me so, again.

But I'm not. I recall lots of things I did well. I bathed him. I changed his diaper - well no, that's not quite true, but I read to him. And I really did throw the ball and help with homework and give bad girlfriend advice just like a Dad should. But still, if anything should happen to him as a result of the lifelong weave of decisions that put him in Afganistan right now I will believe I failed simply because I did not keep him safe, thought that's both the least and the most selfish of the regrets I'd ruminate forever.

The faithful put their worry in the hands of God. To them believing that He will take care of their loved one is liberating. And that can be true even for pragmatic nonbelievers since, for whatever its actual limitations and to whichever deity, praying certainly can't hurt.

But the real lesson military parents and loved ones learn is that whatever you do, the best thing to do is to do something. Control what you can and purge that vulnerable quiet in your head. Go to work and concentrate on your job, and when you can't, then write a letter or send a care package. If you've done all that then give blood or volunteer. Make a deposit in your karma bank account, not because anything is coming back to you, but because helping is its own reward. 'And that's good, because right now it has to be.

The New York Times



The link below is a virtual wall of all those lost during the Viet Nam war with the names, bio's and other information on our lost comrades.

It is a very interesting link, and those who served in that timeframe and lost friends or family can look them up on this site. Pass it on to other veterans who you think would like this.

First click on a state.....then when it opensa name.....then it should show you a picture of the person or at least his bio and medals.....

<http://www.virtualwall.org/iStates.htm>



100 Ideas for Creating a More Peaceful World

Creating world peace takes many forms, but surely it begins with individuals. Here are 100 ideas for creating a more peaceful world. I encourage you to play your part in creating peace. It continues to be the most significant challenge of humankind, and requires the efforts of each of us.

Be generous with your smiles. Be kind. Respect the Earth. Walk in a forest. Plant a tree. Contemplate a mountain. Protect the Earth. Live simply. Help feed the hungry. Erase a border in your mind. Teach peace to children. Read Chief Seattle's Letter to the President. Be honest. Demand honesty from your government. Think about consequences. Commit yourself to nonviolence. Support nonviolent solutions to global problems. Speak up for a healthy planet. Demand reductions in military expenditures. Be fair. Pledge allegiance to the Earth and to its varied life forms. Think for yourself. Ask questions. Recognize your unique potential. Join an organization working for peace. Be less materialistic. Be more loving. Empower others to work for peace. Oppose all weapons of mass destruction. Support equality. Speak out for a nuclear weapons-free world. Support a Department of Peace. Listen to your heart. Help the poor. Fight against militarism. Study the lives of peace heroes. Help create a community peace park or garden. Commemorate the International Day of Peace. Help strengthen the United Nations. Support the International Criminal Court. Read the Universal Declaration of Human Rights. Advance the rights of future generations. Be a voice for the voiceless. Join an action alert network. Be forgiving. Laugh more. Play with a child. Support education and the arts over weapons. Help educate the next generation to be compassionate. Take personal responsibility for creating a better world. Sing. Write a poem. Organize a church service on the theme of peace. Learn about another culture. Help someone. Support the UN Children's Fund (UNICEF). Oppose the arms trade. Clear your mind. Breathe deeply. Sip tea. Express your views on peace to government officials. Fight for the environment. Celebrate Earth Day. Think like an astronaut, recognizing that we have only one Earth. Be constructive. Let someone else go first. Plant seeds of peace. Work in a garden. Change a potential enemy into a friend. Be positive. Share. Be a good neighbor. Send a note of appreciation. Tell your friends how much they matter. Say "I love you" more. Don't tolerate prejudice. Demand more from your elected officials. Walk by the ocean, a river, or a lake. Recognize that all humans have the right to peace. Respect the dignity of each person. Be a leader in the struggle for human decency. Be a friend. Send sunflowers to world leaders, and call for a world free of nuclear weapons. Oppose technologies that harm the environment. Lose an argument to a loved one. Value diversity. Walk softly on the Earth. Appreciate the power of the sun. Speak out for global disarmament. Support a democratic order. Teach non-violence by example. Remember that "No man is an Island." Spend time in nature. Boycott war toys. Be thankful for the miracle of life. Seek harmony with nature. Remind your leaders that peace matters. Oppose violence in television programming for children. Listen to Beethoven's Ode to Joy. Celebrate Peace.



Classified

SEEKING POSITION:

1) Licensed Land Surveyor, with extensive knowledge and experience, seeking to obtain a position as a Senior Land Surveyor and Project Manager for a Surveying / Engineering firm in central Connecticut that has a goal to grow in all sectors of the surveying market including State, municipal, and private sector projects, using the latest technology. Extensive experience in DOT, DPW, and municipal on-call survey projects. Licensed in CT, MA & NJ. Well versed in project management, GPS & Least Squares Adjustment, and field to finish AutoCAD work. Resume and excellent references available. #4092

2) Associate Member, experienced as field person with ability to use a variety of instruments. AS degree from Mitchell College. Excellent references. Willing to travel anywhere in CT for the right position. Contact the CALS office for resume #4093.

3) Associate Member of CALS looking for full-time position. Hartford County. Eleven years experience. BS in Geography and AA in Mathematics. Skilled in AutoCAD Mapping, Eagle Point Coordinate Geometry, Trimble, Topcon, TDS, Sokkia total stations and data collectors; Leica and Trimble GPS. Excellent references. Contact the CALS office for resume #4091.

4) Professionally trained land surveyor with over 20 years experience. Diversified in all aspects of land surveying including but not limited to ALTA/ACSM Surveys, Property/Boundary Surveys, Zoning and Improvement Location Surveys, Topographic Surveys and Subdivision/Condominium maps. Proven leadership skills with a high level of organization and communication abilities. Able to consistently keep projects on target from a financial and time line perspective. I believe I would make a significant contribution to any firm. If your firm is looking for a dependable, results orientated professional with a solid performance track, I would be interested in speaking with you to discuss the value that my strengths and experience can bring to your search. Contact the CALS office for a full resume #102.

**Applications for the 2010 CALS Scholarships are now being accepted.
Guidelines are available on the CALS website Professional Development page.**

Please send in your 2010 dues today!

POSITIONS AVAILABLE:

Surveyor - Private Pilot - Land surveying and CAD experience required. State licensure not a requirement. Must possess minimum of 750 hours flight time (commercial license not required) - will fly Cessna 206 about 200 hours / year - 80% in spring. Majority of work hours will be in support of aerial mapping. Excellent benefits; www.e-topo.com for details. Eastern Topographics, Wolfeboro, NH. Send resume with salary / wage requirements to mail@e-topo.com. No calls please EOE

Surveyor - Aerial Mapping - Prior land surveying and CAD experience required. State licensure not a requirement. Preference to individuals with GPS processing experience and / or interest in aviation. Company will provide training in aerial mapping (photogrammetry). Excellent benefits; www.e-topo.com for details. Eastern Topographics, Wolfeboro, NH. Send resume with salary / wage requirements to mail@e-topo.com. No calls please EOE

Fairfield County

Pereira Engineering, LLC is an established Civil/Environmental Engineering and Land Surveying firm located in Shelton, CT and we are looking to fill the following positions:

Survey Technician / CAD Operator:

We are seeking a candidate with 0-2 years experience in Land Surveying or Civil Engineering. The qualified candidate **MUST** be highly proficient with AutoCAD and Autodesk Survey software. Candidate must also be highly-motivated and detail-oriented. Responsibilities will include downloading field survey data, preparation of CAD survey maps, and other office/field work all under the direct supervision of Senior Surveyor.

Survey Crew:

We are also looking to bring on an additional survey crew. Qualified candidates must be experienced in boundary, ALTA/ACSM, topographic surveys, underground utility location, and construction stakeout. Experience with AutoCAD and Autodesk Survey software a real plus.

Pereira Engineering offers a very competitive salary and benefits package including Major Medical Insurance, Retirement Plan, Life Insurance including Short-Term Disability and AD&D coverage, paid Vacation, Holidays, Sick Days, and Direct Deposit for payroll.

Please email resume and salary requirements to: joe@pereiraeng.com or fax to: (203) 944-9945.

**American Congress on Surveying and Mapping and Arizona Professional Land Surveyors'
2010 Annual Conference and Technology Exhibition
(co-located with GITA's 2010 Geospatial Infrastructure Solutions Conference)**

Conference Dates: April 24-28, 2010

Location: Phoenix Convention Centerclick here: <http://www.acsm.net/>

NATIONAL SURVEYORS WEEK

March 21-27, 2010

Professional Development

- Friday, March 5, 2010. "RTK/RTN Networks, What You Need to Know." Presented by William Henning, PLS, National Geodetic Survey. Also, "Geoid Accuracy Assessment in Connecticut With Applications Towards GNSS Orthometric Heighting," Presented by Professor Thomas Meyer, UConn. ITBD, New Britain, CT. \$200 for CALS members, professional credit has been applied for in NY, RI, VT, ME, and NH. A brochure for this seminar can be downloaded on the Continuing Education page of the CALS website <http://www.ctsurveyor.com/RTN-RTK%20brochure%202010.pdf>

***Almost sold out.**

- Friday, March 26, 2010. "Basic Survey Math for Technicians." Hands on problem solving workshop for coordinate geometry and directions. Presented by Rachel Dearborn, PLS.

A brochure for this seminar can be downloaded on the Continuing Education page of the CALS website <http://www.ctsurveyor.com/basic%20survey%20math%202010%203-26-10.pdf>

- **Geo-GIS-GPST Training Websites**

1. GS/NOAA - Internet address for Webinar Training Classes (free) www.ngs.noaa.gov/corbin/calendar.shtml.

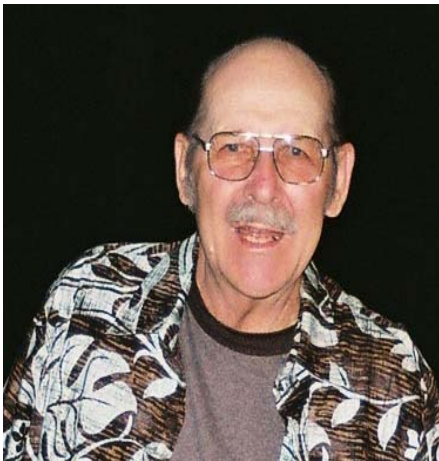
2. UConn Middlesex County Extension Center Training Schedule (nominal cost) www.clear.uconn.edu/geospatial/training.htm.

- **Geospatial Training Program**

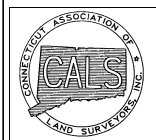
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Memorial Service for C. Roger Ferguson



Saturday, March 6, 2010, 11:00 AM
United Baptist Church
38 Pompey Hollow Road (Route 44)
Ashford, CT 06278
www.ashfordchurch.org



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CALS has two new directors...

The CALS Board of Directors welcomed two new members to the group recently.

Jeff McDougal will be joining Jason Spath to represent Fairfield County. Jeff is a Firm Member and proprietor of William W. Seymour Associates in Darien, CT. He can be reached at 203-655-3331 or email jm@wvs-ls.com.

Ken Herbert will now be representing the Midstate Association of Private Practicing Surveyors (MAPPS). Ken has been an active member of CALS for many years serving in several capacities on the Board of Directors. He can be reached at 860-529-6811 or email compass.engineering@snet.com.

Mark Your Calendar

Thursday, May 6 - **CALS General Membership Meeting**

The Chowder Pot, Hartford, CT

Thursday, June 17 - **CALS Golf Outing**

Stanley Golf Course, New Britain, CT



L-R - Michael Wilmes, Jeff McDougal, Dave Laferriere, Dave Rode & Reese Roberts.

On February 24, 2010, the New England Section of ACSM presented compasses to past presidents Dave Laferriere and Dave Rode at a luncheon held in recognition of their service. The NE Section is made up of NSPS, GLIS and other professionals in New England who work to support the University of Maine Surveying Program and other educational efforts related to surveying and mapping.



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