

INTERNATIONAL RIGHT OF WAY ASSOCIATION

Kachina Chapter 28

PMB #428

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NEWSLETTER

MARCH, 2003

EXECUTIVE BOARD MEETING

The next Executive Board and will be held on Wednesday March 5th @ 4:45pm in the 3rd floor Conference Room at Az State Land. Additional information can be found on the Chapter website.

→MARCH CHAPTER LUNCHEON←

DATE: Tuesday, March 11th @ 11:30 am

PLACE: Holiday Inn Select (40th Street & Washington)

MENU: Italian Buffet to include Chef's choice of Pasta, Marinara Sauce, Alfredo Sauce, Choice of Sausage or Meatballs, Tossed Salad, Dinner Rolls & Dessert. Iced Tea and Coffee will be included.

Cost: \$14.00 for members and guests. Please have exact change or your check made out to IRWA Chapter 28.

Guest Speaker: George Gilford, Account Rep for Landiscor

RSVP: Deadline for reservations is 3:00 pm, Thursday, March 6th. Please RSVP through the Chapter website at www.irwaaz.com or call Pam Hicks @ 602.236.5948.

The Region 1 Spring Forum will be held on March 28 & 29th. If you have any concerns you would like addressed at this meeting, please contact Melita Hillman or Mark Keller.

GUEST SPEAKER

Our Guest Speaker for March will be George Gilford, who has been an Account Representative for Landiscor for over twenty five years. Landiscor is the premier company in aerial photography and mapping. Their products include Inside and Outside Phoenix Aerial books, quarterly subdivision atlases, and a new DVD program for interactive aerial mapping. Mr. Gilford will demonstrate the new products that Landiscor offers as well as the aerial books.

Please plan on attending this very informative luncheon.

JOB BANK

For current job openings, please visit the Chapter website: www.irwaaz.com/jobbank_openings.

Please visit www.irwaaz.com/region1 for current information on Region 1 activities. You can also contact Mark Keller, SR/WA at 602.236.8164 or makeller@srpnet.com for Region information.

PRESIDENT'S MESSAGE

Melita Hillman, SR/WA

All chapters in Region One have received a request to consider a donation to the Right of Way International Education Foundation (RWIEF). This separate but affiliated organization is charged with development and updating of the courses offered by IRWA. Recent offerings made possible by the Foundation include a pipeline course with cultural awareness and consultant management courses close to pilot presentations. The Foundation also funds a number of awards and scholarships. Our Board is considering a motion to donate \$1,000 to the Foundation this year along with a recommendation that future boards do the same for the next couple years. Let us know your thoughts about this. Contact any Board member or attend the next Board meeting on March 5. Any donation from our chapter will be made at the Region One Forum in Ventura, California the weekend of March 29.

If you have other topics of concern regionally, let us know. We will be happy to bring them to the attention of the Region at the Forum on March 29. There has been no further action regarding the splitting of Region One as discussed last fall. We will keep you posted if there is.

If your agency or firm is like mine, one of the main topics of conversation is budget. And these budget concerns impact IRWA locally with fewer people attending luncheons and classes.

In these tight times, let us know what IRWA and the local Kachina chapter can do to assist you. We are committed to keeping the luncheon cost at \$14 or less. In return, we ask that you RSVP and attend. If you can't make it, send someone in your place as we are charged for the reservation number.

Our class schedule includes one class most months based on your interest in the subject. If you are attending, please let the class coordinator know as soon as possible. We would hate to decide to cancel a class only to learn another five people planned to attend but hadn't yet notified the coordinator.

Thought for the Day

When you stop believing in magic, you become tied to the mundane world.

KACHINA CHAPTER 28 ANNUAL EDUCATIONAL SEMINAR

Do you have a great idea for the theme, a topic or speakers for our Annual Seminar? It's time to start the planning for our 45th Annual Educational Seminar scheduled for September 18 & 19, 2003 at the Holiday Inn. Planning meetings are the 3rd Wednesday of the month at the State Land Department. Join us on March 19 to share your ideas. If you can't make it to the meeting, contact Doug McLaughlin or Melita Hillman at any time with your suggestions for topics or speakers.

ACSM & APLS CONFERENCE

On March 29 through April 2, the American Congress on Surveying and Mapping in conjunction with the Arizona Professional Land Surveyors will hold a conference at the Phoenix Civic Plaza.

There will be workshops, technical sessions and a technology exhibit. The IRWA International Survey Committee will be present with an informational booth about IRWA. The Committee is asking us the local chapter for volunteers to help staff the booth.

We are asking for chapter members to volunteer for a shift at the booth – shift times are Sunday March 30 from 5:30 to 7:00 PM; Monday March 31 from 10 AM to 12:30 PM, 12:30 to 3:00 PM and 3:00 to 5:00 PM; and Tuesday April 1 from 10:00 AM to 12:30 PM and 12:30 to 3:00 PM. If you can volunteer, please contact Melita Hillman and let me know the time you prefer.

MEMBERSHIP COMMITTEE

Rebekah Louis, Chair

The following person was read for 30 day consideration at the February 5th Executive Board Meeting:

➤ Heather Davis-McCook, Davis Valuation

If you want information regarding membership in the IRWA, please visit our website (irwaaz.com) or contact me at 602.236.8175.

IRWA QUICK REFERENCE AND WEB GUIDE

Dean Harris, IMC Chair, has put together an IRWA Quick Reference Guide and provided it in Adobe format to all the Region Chapters. It will be posted on the Chapter website for your convenience. If you desire a 'hard copy' feel free to print it off or contact Mark Keller to request one at the Region 1 Forum at the end of March.

ACSM-APLS CONFERENCE AND TECHNOLOGY EXHIBITION

Mark Keller, SR/WA

The American Congress on Surveying and Mapping (ACSM) along with the Cartography and Geographic Information Society, Geographic and Land Information Society, National Society of Professional Land Surveyors, and the American Association of Geodetic Surveying in conjunction with the Arizona Professional Land Surveyors and the Arizona Geographic Information Council will be holding their 2003 annual Conference in Phoenix, Arizona. Workshops, technical sessions, and various technical exhibitions including Application in GIS and Mapping Technicians, Geodesy Surveying and Land Information Systems, and Leading Edge Research will be a few of the opportunities available at this conference.

The International Right of Way Association will be an exhibitor at this conference and Kachina Chapter 28 will be assisting in this booth. We need your help so please sign up to help in our exhibit area. Please contact Mark Keller at 602-236-8164 or makeller@srpnet.com or Melita Hillman at 480-644-2671 or Melita.Hillman@cityofmesa.org. For more information on this conference, please visit www.acsm.net.

IRWA REGION 1 NEWS

Mark Keller, SR/WA, Region 1 Vice-Chair

The International Right of Way Association's Educational Foundation is calling on all chapters to donate funds in order to update and maintain the integrity of our educational courses. This foundation oversees educational courses, scholarships, and research. A joint effort was undertaken to provide an on-line Pipeline Course at a cost of over \$200,000. Region Two has challenged other regions and has set the benchmark for 2003. Teri Kahlen, Trustee of the Right of Way International Education Foundation is

chairing a campaign in Region 1 for 2003 to raise over \$50,000. Kachina Chapter 28 Board Members at the February 2003 Board Meeting discussed contributing to this campaign and will approve funding at the March 2003 Board Meeting. For additional information, please contact Mark Keller at 602-236-8164 or makeller@srpnet.com or Melita Hillman at 480-644-2671 or Melita.Hillman@cityofmesa.org. Also, we welcome your comments and support on this campaign.

Please consider submitting an article for publication in the Chapter newsletter. The deadline for submission is the 15th of each month for the following month.

TITLE QUIZ

Jim Herrell, Title & Escrow Chair

A title officer had a situation in which the buyer put down \$100,000 earnest money into an escrow to purchase an almost completed builder home. There were some finishing items that the buyer needed to select. In addition to the \$100,000, the buyer was also supposed to deposit additional earnest money by January 13, 2003. The buyer would then obtain a new, conventional loan. The contract had in the interest rate box "Market Rate" as the percentage for the buyer's loan terms.

The buyer failed to deposit the additional earnest money, but submitted a loan denial letter to the title company that he was unable to obtain the loan because of a credit denial AND the box was also checked that the lender does not grant loans on the loan terms requested. (Isn't this ODD that the lender does to grant loans at "market rate"?) Anyway, the seller demanded that the buyer forfeit his earnest money of \$100,000 because of his breach. Does the title company honor the seller's request or return the earnest money to the buyer because of the loan denial.

Oh---by the way: the buyer supplied a credit approval letter to the builder when he entered into the contract from a different lender AND, the parties agreed that the buyer would compensate the Seller for those finished items even if the buyer did not close. Those items have been put on a list with their pricing at \$11,900.

What would you do?

Jim Herrell can be contacted at 602.224.8500 or jherrell@fnf.com.

SURVEYORS CORNER

Gregg Tuttle, Survey Chair

NOTE: This is a continuation of the February 2003 article about the potential for misuse of advance technologies, such as GPS, in correctly retracing and re-establishing property boundary lines and corners.

An example: Two people attempt to locate the same property boundary.

The 1st uses a plastic tape and a hand compass to locate an 'approximate' corner location, and while wandering about in the general vicinity of the approximation, just happens to find the old remains of the monument previously set by the original surveyor. The measurements obtained between the found monuments are rather imprecise, and actually somewhat faulty, to say the least, and the person was 'lucky' to have found the stone. The 2nd person, using GPS equipment and methodologies, makes a very precise measurement to reestablish the corner position, according to the measurements found in the deed. However, the GPS measurer does not realize that the deed contained a distance error of over 20 feet. Unable to find the original monument, the GPS measurer marks the new "corner" according to the precise measurement. Between the two, the courts would find that the 1st person has performed a more Accurate survey according to the legal rules of boundary retracement. It follows that the ability to replicate, with great Precision, the nominal measurements in the deed and then project them upon the ground with GPS is seldom the best way to retrace boundaries.

An additional 'technical' problem with GPS is that it is based on a mathematical projection, reduced to what is known as the ellipsoid, or perhaps to some other conformal mapping projection. The previous boundary measurements were, most often, some type of horizontal *ground-distance*, or possibly, even some type of a 'slope-distance' which was measured by laying the tape or chain directly on the ground. In some areas, the differences between derived GPS measurements, and the original 'horizontal' distances could be considerably (in units of feet, or even tens-of-feet) different.

However, in the hands of some, (less than professional), surveyors, GPS often causes those surveyors to forsake a thorough search for physical evidence ALONG the boundary line itself. A good boundary surveyor will always want to 'walk-the-line', or traverse along the boundary line, between corner points. This surveyor knows that often discoveries of a great deal of physical evidence, (which may be directly on, and/or, near the boundary line), can assist in properly re-establishing the original boundary line. Such items as old stones, ancient marks on trees, rusted remains of wire fences, support material for walls, cut lines, etc., are often discovered when surveying along a boundary line by actually walking about and looking for the clues, and 'sniffing the ground.'

With GPS, some surveyors forego the difficult and TIME-CONSUMING "walk" along the boundary alignment, and instead just drive to a convenient parking location near the next corner position. As a result, evidence that could help to re-establish the correct position of the original boundary remains undiscovered and ignored. Worse, encroachments along the boundary are undetected and unresolved. GPS technology may increase speed and (apparent) efficiencies of the survey work, but it does so at the risk of potentially decreasing the important, useable information to be found, and therefore it reduces the reliability (and worth) of the surveyor's opinion.

So the question many now have is "why use GPS in boundary retracements?" It would appear to create problems in the hands of the layperson, and even with some surveyors when used with boundary surveys.

The fact is that GPS can be used to GREAT advantages in boundary retracement by Knowledgeable, Professional Land Boundary Surveyors.

Without question it can provide precise coordinates of PROPERLY re-established corner positions, and in the fixing of new corner positions. The proper "publication" - (including data gathered, and appropriately computed, and then stored/archived, and, (most importantly), - then retrievable, (with the supporting metadata) - of these ultra-precise coordinate values will provide any future surveyors with very credible pieces of evidence to recover the former positions of corners long after the original monument and/or its replacement have disappeared.

Corner positions so coordinated will not again become "lost" they can only become "obliterated."

Consequently, while GPS should not be the only tool, nor is it even the best tool, with which to retrace original boundary lines and corner monument positions. Currently, GPS can be THE very best tool, (when used appropriately, by skilled professionals), with which to permanently reference, all of the boundary evidence found, into a national standardized geometric framework, which memorializes the locations of those lines and corners - for recovery work by future professional land boundary surveyors, following in the footsteps of today's professionals.

The acceptability, and the credibility of GPS, for future boundary retracements, will increase as more of today's boundaries are correctly, and appropriately, so referenced.

Then, in the (near) future, when the tool of the "original" surveyor was GPS, the GPS of the retracement surveyor will be accorded much greater weight in those future re-establishments of boundaries original established by GPS.

There are two kinds of field surveyors:

Those surveyors with exotic tools, (GPS and the like); and then there are those surveyors who dig, smell, taste, and listen to the physical evidence.

The different between being a very precise COGO-slave, and being a true *Geomancer* (a retracer of accurate boundaries).