



Kachina Chapter 28



INTERNATIONAL RIGHT OF WAY ASSOCIATION

Newsletter

DECEMBER, 2007

www.irwaaz.com

2007 Kachina Chapter Executive Board

President: Caroline Tillman, R/W-RAC 602.234.1000 carolinet@acqsl.com

President Elect: Cate Chamberlain 602.367.9322 cate@irwaaz.com

Secretary: Doug Estes, MAI 480.345.4111 dougest@hotmail.com

Treasurer: Kathie Sholly, SR/WA 623.930.3652 ksholly@glendaleaz.com

International Director: Michael "Doc" Sterling 623.546.8266 X211 doc51s.ent@cox.net

PDC Chair Mark Keller, SR/WA 602.236.8164 mark.keller@srpnet.com

December Board Meeting

Wednesday, Dec. 5th, 2007

4:45pm

3rd Floor Conference Room

Az State Land

Confirm your attendance with Caroline at carolinet@acqsl.com

Wanted: Coordinators for upcoming IRWA Courses

Contact:

Kaye Bockmann kaye.bockmann@srpnet.com

DECEMBER LUNCHEON

Date: Tuesday, December 11, 2007

Time: 11:30 am

Location: Sheraton Phoenix Airport Hotel / 1600 South 52nd Street / Tempe, AZ 85281

Menu: Tossed Salad with Dressings, Creamy Coleslaw, Roma Salad, Beef Wellington - Tenderloin Beef Tips with Teardrop Tomatoes in a Dark Robert Sauce, Seared Salmon topped with a Bearnaise Sauce, Chef's Choice of Vegetable, Garlic Mashed Potatoes, Rice Pilaf, Assorted Desserts, Freshly Brewed Starbuck's Coffee Service and Iced Tea

Cost: \$25.00 (Please have exact change or your check made out to 'IRWA Kachina Chapter 28')

RSVP Deadline: Thursday, December 6th @ 5pm. No reservations will be taken after this date.

## PRESIDENT'S MESSAGE

Caroline Tillman, R/W-RAC, Chapter President



Well here we are at the end of another year...Boy was mom right when she said time would go faster when you get older. Oh how I wish for a nice long summer vacation from school...

As a result of our membership's generosity, as well as Acquisition Sciences, Ltd. and Move Cost Specialists, our Chapter provided almost \$1,100.00 to the Phoenix Rescue Mission for the holidays! Thank you to all who donated!

By now everyone should have received their IRWA Dues renewal via email. I tried out the online renewal and it worked pretty well. I even got my new membership card within two weeks of renewing. If you haven't give it a try!

Headquarters is now offering a greatly expanded IRWA merchandise store. Check out the website at <http://www.co-store.com/irwastore>

You asked for it and Headquarters has responded! IRWA has added a new feature to its website that allows individuals to print an exact replica of their course/event certificate of completion at their convenience. No more waiting for certificates to arrive in the mail or by email. Now it can be printed anytime. To print a certificate of any past IRWA completed event:

- \* Go to IRWA's website at [irwaonline.org](http://irwaonline.org).
- \* Click on the "My Course History" link on the left-hand navigation section.
- \* When the login page appears, enter your email address and password. (If you have not changed it, your password is your IRWA membership number.)
- \* Your IRWA "My Course History" (education transcript) page will appear.
- \* Click on the "print certificate" icon next to the selected course/event.
- \* When the .pdf certificate window appears, click on the print icon to print the certificate.

Questions? Please feel free to contact Silvia Smith, Membership Coordinator, at [smith@irwaonline.org](mailto:smith@irwaonline.org) or (310) 538-0233, ext. 120.



\$\$ COURSE 100 SPECIAL OFFER \$\$

Kachina Chapter 28 will discount tuition for Course 100 to \$675.00 if you register and pay for the class **THROUGH OUR CHAPTER'S WEBSITE** ([irwaaaz.com](http://irwaaaz.com)) before January 7, 2008! That is \$75.00 off the original fee of \$750.00. Payment must be through PAY PAL to get the discount.

Course 100 is only offered every 3 years so don't miss this opportunity to take the course AND register at a discounted rate! **We will be offering this Class April 7-10 at The City of Peoria.**

Are you planning on attending the Spring Forum in Tucson Arizona? Why not extend your stay in Arizona and get 32 hours of certification credits in Phoenix.

If you want to know more about this offer or making arrangements to come to Phoenix for this course or any other Kachina Chapter 28 course – give me a Call at 602-236-3129

Kaye Bockmann  
Chapter 28 Education Chair

## LEGISLATIVE ALERT: House Passes Anti-Predatory Lending Act

Submitted by Mark Keller, SR/WA, ASA

On Nov. 15, the House of Representatives passed H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007. The bill included provisions of H.R. 3837 that ban improperly pressuring appraisers to reach a value, strengthen the appraisal regulatory structure and recognize the importance of professional designations (such as ASA) when selecting an appraiser, among other things. The bill now moves to the Senate Banking, Housing and Urban Affairs Committee.

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## Charitable Events for 2007 Holiday Season

Submitted by Mark Keller, SR/WA

Kachina Chapter 28 has collected funds in excess of \$1,100 and will donate to the Phoenix Rescue Mission. Phoenix Rescue Mission is a local agency that helps people in need. The following is just a few services that our contributions will help to provide in 2007:

Thanks to your support, Phoenix Rescue Mission has been able to provide the following services so far in 2007:

- **Over 185,000 Meals** to Hungry Men, Women & Children
- **Over 12,000 Food Boxes** to Families in Need
- **Chapel Services** to share God's Word with over **21,000 people**
- **Over 35,000 Nights of Shelter** to Homeless Men
- **Over 30,000 Showers & Clean Clothing** to Men & Women

The Mission has also had 12 men successfully complete the Addiction Recovery Program this year. Thank you for partnering with us "to rescue lives, to save lives, to change lives and to serve lives!"

It is great to work with the generous people of Kachina Chapter 28. Happy Holidays to all.

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## PDC Report

Submitted by Mark Keller, SR/WA, PDC Chair

Kachina chapter 28 has had a banner year with numerous SR/WA's and candidates. Our chapter is well represented in IRWA with one of the highest percentage of chapter members who are SR/WA's.

New SR/WA's-Completed all requirements: Caroline Tillman, SR/WA, Acquisition Sciences, LTD.

Recertified: None

SR/WA Candidates Approved:

- Stephen Ditter, Paradise Valley Real Estate
- Lonnie B. Wright, O R Colan Associates

Certification Candidates: None

Ray Warriner, SR/WA will take over as PDC Chair in January 2008 and Lisa Amos, SR/WA and Gayle Leonard, SR/WA will also serve on the PDC as well. It has been a pleasure to serve on the PDC for the last three years.



Gregg Tuttle, Manager  
SRP Land Department  
Surveys Division

## Surveyor's Corner



This month we will continue with another bunch of questions that have been piling up, in a group we like to call: **SURVEYING MISCONCEPTIONS!**

***“Now-a-days, do not All Land Surveys now use "GPS" & "GIS" with a common coordinate system?”***

While it's now true that many surveyors use GPS and interface with various agency GIS programs, unfortunately there really is not a required, uniform compliance as which of the various mapping datums (sic) and the various mapping projections is to be used. Just at the utility company where I work, there are several different GIS programs, and the company has information on various “legacy” coordinate (x/y/z) systems.

Many agencies, and, private firms, use (what are diplomatically referenced as) “local coordinates” and “local elevations”. In fact, unobserved and/or unknown differences in the various coordinate projects and GIS programs are a major problematic enigma wrapped in a conundrum for both surveyors and other Geospatial professionals. The complications and difficulties arising there-from could be the subject of several articles. Enough said here.

***“If I have already found “my stake” at “my property corner” then I would guess I wouldn't even need a land survey – right?”***

Unfortunately, that's probably **Wrong!** Basically, a PROFESSIONAL is hired to determine what you have found is really at your property corner (or not). All professional land boundary and property surveyors have (often) found multiple physical objects all purporting to be (at) “THE CORNER”.

In some cases, someone (unknown) has created “bogus” corner monument(s), (such as: stakes, pins, pipes, scribe-marks on rocks, brass-caps, etc.). I have personally witnessed seven (7) multiple “monuments” all within a two foot radius, AND, as it turned out, they were ALL Wrong!

***“Do I “really” need a land survey just to construct a fence, or to build in the middle of my own land?”*** You would be wiser, (and, sleep better at night), by protecting that investment, (fence, building, etc.), by making certain that it is complying with the applicable statutes, laws, and regulatory rules and ordinances, and, that the new facility is actually on your own land too!

***“Can I put my new fence (or wall) right (directly) on the property line?”***

Can you fully maintain it – without trespassing?

Would the footings be encroaching?

Can you (or your builder) actually build it that accurately?

Please, check w/ your local building and zoning ordinances and codes, which often have requirements to help and protect everyone, which includes yourself AND your neighbor(s).

***“Isn't true that I own the property to the sidewalk, or, to the back of the curb at the street?”***

“Normally” a parcel of land has additional “right(s)-of-way for streets, and/or for utilities that are on the street side of the property. You still may “own” the land, (and, pay taxes), but you may not have all of the rights of ownership to do what you want on that strip of land next to the sidewalk and/or street.

***“If the municipality is abandoning or vacating the alleyway behind my residence, don't I get half of that alley?”*** That is not always true, maybe not even half the time. You will probably need this to be reviewed by a professional “dirt” attorney, (i.e., land lawyer), who specializes in property rights. There may (or may not) be some type of reversionary rights involved. NOTE: reversionary rights do not always revert back to the adjoiner. NOTE # 2: The municipality may have granted easement rights, (possibly for power, water, gas, waste water, or other utilities), within the alleyway, which will still exist, even if the municipality vacated and/or abandoned its claim to the alley.

Continued on next page....

## Surveyor's Corner continued

***"I hired the land surveyor, so isn't it a given that in determining the property line, he will surely agree with my understanding of the line in question, & not 'side' with my neighbor?"***

PROFESSIONAL, Registered Land Surveyors are NOT, repeat *NOT advocates* for their clients.

They are licensed so as to protect the PUBLIC interest. The purpose of the registering of technical professionals is to provide for the safety, health, and *welfare of the public*. The registered technical professional is a finder and reporter of facts. These registrants are entitled to their professional opinions, on such items as location of lines, but they are not licensed to practice as advocates.

They can only present the true as their professional knowledge, skills, experience and abilities will allow. They can not withhold evidence, or "shade" the facts to favor a client over the client's adjoining.

They operate under the RULES of Professional Conduct (Arizona Administrative Code, Title 4, Chapter 30; A.A.C. R4-30-301 (see: [http://www.azsos.gov/public\\_services/Title\\_04/4-30.htm](http://www.azsos.gov/public_services/Title_04/4-30.htm)).

If you want an ADVOCATE you must retain a qualified and competent attorney "to work for you" (exclusively), as your advocate, to DEFEND you. That is NOT the surveyor's job.

***"I had a Land Surveyor determine my property lines, BUT, I disagree with him.***

***Can't I just go hire any land surveyor who will do it "right" (my way) for me?"***

Please review the preceding question and answer. Also, note that you don't pay a land surveyor to simply agree with your own (lay) determination about the property lines.

Also, please see our prior column from May 2006;

(entitled: "What if I disagree with the results of surveying drawing and/or the surveyor's opinion?").

***"I was told where my lines were when I purchased my property. What's the big deal?"***

It is probably no big deal \*IF\* a competent, professional, registered land surveyor told you where the line were, and supplied you with a results of boundary survey drawing, which (hopefully) was recorded. In Arizona, registered land surveyors, and, (when necessary, ultimately), the judicial authority having jurisdiction (JAHJ) are the entities qualified and authorized to tell you where the property lines are. For professional surveyors "qualified" means that, if necessary, their opinion will (should) stand up within Arizona, (and/or Federal), judicial divisions and appellate levels.

Please, let's all hope it will never have to come to that "ultimate" determination. (Also, please review the prior Surveyor's Corner column from August 2007: "Pin-Finders & Land Surveyors".)

***"Somebody removed my property corners! Isn't there a law against that?"***

Situations similar to yours are covered under our state statutes. See Arizona Revised Statutes, Title 33 (Property), Chapter 1 (Landmarks and Surveys), ARS-33-103.D & .E

(<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/33/00103.htm&Title=33&DocType=ARS>)

\*IF\* your property corner monuments were originally established by an AZ/RLS, then you have a statutory cause of action. IF your corners were not established with the AZ/RLS cap and registration number, then you *probably* still (*may*) have a course of civil action, but you will most definitely need to consult with your advocate (your legal pit-bull).

***"Land Surveyors seem to work very efficiently in all sorts of weather and conditions.***

***They must be virtually indestructible and almost super-human. Right?"***

Don't we all wish!! Surveyors do often times work outside in most all kinds of brutal weather. Most surveyors have learned not to complain about the weather, (because nobody listens.)

BUT, to work in such adverse conditions and climates does often hamper the efficiency, and, as we all should realize by now, reduced efficiencies are most often associated with increased costs, and that is a fact of life that the invoice payer will take notice of rather quickly.

**Well, that's it for this issue from "The Surveyor's Corner."**

If anyone has feedback or comments, please feel free to share them.

As always, I am interested in the opinions from, the readers of the Kachina Chapter 28 Newsletter.

Please keep sending in those questions.

*Until next time, Thanks for reading about land surveying & land surveyors.*