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NEWSLETTER

MARCH, 2002

Executive Board Meeting

The next Executive Board Meeting will be held on Wednesday, March 6, 2002 at 4:45pm. The meeting will take place in the 3rd floor conference room at Arizona State Land. For more information, please visit www.irwaaz.com.

☺March Chapter Luncheon☺

Date/Time: Tuesday, March 12th @ 11:30am
Location: Holiday Inn @ 4300 E Washington, Phoenix AZ 85034
Cost: The cost of the luncheon will be \$14.00 for members and guests. *Please have exact change or your check made out to IRWA Chapter 28.*
Menu Selections: Chef's Choice. ONE of the following will be served:
-Mexican Buffet OR
-Italian Buffet OR
-All American Buffet OR
-Chinese Stirfry
Chef's Choice will include Tossed Garden Salad, Warm Rolls, Vegetables, Dessert, and Tea or Coffee
Reservation Deadline: Friday, March 8th. You may RSVP online through the Chapter website, or call Pam Hicks at 602.236.5948.

LUNCHEON GUEST SPEAKER

Our speaker for March will be William Mundell, Chairman of the Arizona Corporation Commission. Mr. Mundell, an attorney, was appointed to the Commission in 1999 when a prior commissioner was determined ineligible to hold office. In 2000 Mr. Mundell was elected to serve the remaining four years of the term and became Chairman of the commission in January 2001. Besides serving in the Arizona House of Representatives from 1987 through 1992, he has also been a Judge Pro Tem in Maricopa County Superior Court and Presiding Judge of the Chandler Municipal Court. He serves on the Telecommunications and Consumer Affairs Committees of the National Association of Regulatory Utility Commissioners.

Mr. Mundell will speak about utility deregulation issues and concerns from the perspective of the Corporation Commission as well as other current issues before the Commission.

PRESIDENT'S MESSAGE

Gary Patchett, SR/WA, President

I appreciate the enthusiastic efforts and responses by the members of Chapter 28 when called upon to help with IRWA activities.

A special thanks to Pam Hicks in coordinating our luncheon site locations. The variety that we anticipate this year will be great I am sure.

Melita Hillman has done and is doing a great job in securing speakers and presentations for our luncheons.

Mark Keller and Melita Hillman are the Co-chairs for our Chapter Seminar this year. If anyone has a suggestion for topics for this event, please contact them or any board member. The Seminar is a banner event and we really would like your help in putting it together. Please call Melita or Mark and volunteer your services.

The population growth we have experienced in this area is producing tremendous opportunities for each of us. A word of caution. Enjoy the ride but save a little extra for the flat spots.

MEMBERSHIP

Rebekah Louis, Chair

The following people have been approved for membership by the Kachina Chapter 28 Executive Board:

- Vincent Davis - Davis Valuation Group
- Denning Davis - Davis Valuation Group
- Sandra Berg - Coconino Public Works

The following person was read for 30 day consideration at the February 6th Executive Board Meeting:

- Theodore Wall - Appraisal Technology

2002 SEMINAR COMMITTEE

Mark Keller, SR/WA

The next meeting for the 2002 Educational Seminar will be March 20th, 2002. The meeting will be held at the Arizona State Land Department 3rd floor Conference Room at 4:30pm. All Chapter members are urged to participate in the planning of what will be another great Seminar.

If you need additional information, contact me at makeller@srpnet.com or 602.236.8164.

PDC

Gary Scott, SR/WA, Chair

Kachina Chapter 28 has 5 new SR/WA's. Congratulations are in order to the following people who have completed all the requirements for their Senior Designation.

- Larry Ambrosier
- Anthony Chavez
- Ronald Hill
- Rhonda Thomas
- Jeanne Trupiano

If you are interested in pursuing your Senior Designation, please contact me at 602.506.4638 or any PDC member.

Chapter members are asked to participate in two surveys located in the Chapter website. One survey is for the Luncheon Committee and the other is to help the Executive Board plan some social activities for April & October. Put your two cents worth in and be part of the solution.

For current job openings, please visit the Chapter website Job Bank at the following URL:

http://www.irwaaz.com/jobbank_openings.html

CHAPTER WEBSITE

Cate Chamberlain & Mark Keller, SR/WA

There are major changes coming to the Chapter website. Please continue reading this article to see how these changes will affect you.

- ⇒ Starting this month, the newsletter will be converted to a pdf format and placed in the website exactly as it appears in print. What you see on paper will be what you see at irwaaz.com via a link from the index page of the site.
- ⇒ Anything that appears in the newsletter will NOT appear anywhere else on the Chapter website. Members are encouraged to utilize the site for other information not included in the newsletter.
- ⇒ Starting with the MAY NEWSLETTER, we will implement an **OPT IN** policy for members to continue receiving the paper newsletter. There will be an **OPT IN** form on the website for you to complete if you want to continue receiving the paper newsletter. If we don't hear from you, you will be dropped from the newsletter mailing list and added to an email distribution list for site updates. *Note: If you've already opted-out of receiving your paper newsletter, you don't need to do anything.*
- ⇒ The Chapter roster database has been converted to a dynamic database that allows members to search by name, employer, or city. Each member has a unique username and password. To obtain yours, please complete the form located on the Chapter website or contact info@irwaaz.com.

Luncheon Committee Report

Beef Eaters; Seeking Value for Our Growing Luncheon Attendance; RSVP on Line!

Thank you everyone who participated in the February 12th luncheon at Beef Eaters. We had a wonderful attendance of 65 members!

Overall the Luncheon Committee received positive feedback from the IRWA attendees of February's luncheon at Beef Eaters. Few disagree that they were above average in their ability to accommodate our group. Although Beef Eaters does not have our March luncheon date available, the Luncheon Committee will schedule a future luncheon with Beef Eaters and work with them to further improve the luncheon experience. Some suggestions we will be working on:

- *Perhaps one additional server*
- *Iced Tea & Water pitchers at the tables*
- *Replacement of Sole selection with new menu choice*
- *Hot food*
- *More parking spaces*

As our Chapter's membership grows, so is our monthly luncheon attendance. This is wonderful! The challenge is, however, the ability to secure a restaurant that can accommodate us that is favorable with our budget, location, and interest. The number of Restaurants that can serve a quality meal to a large number of guests is few within the \$11-\$13 range. As it has been mentioned in previous luncheon articles, the luncheon price may need to increase to open up other options.

We have outgrown Hunter's Steak House on Indian School Road by sheer capacity. They can reasonably accommodate up to 50 persons – and at 50, we are crammed. Our numbers have been increasing to 50 or more in attendance.

Capacity challenge aside, the value per meal was a close second of recent concern with Hunters.

We are Looking For:

1. Capacity allowance
2. Clean environment (good health inspection reports)
3. Conducive environment for guest speakers & Chapter meetings
4. Good food!
5. Easily accessible location

As a Committee, we are now seeking to accommodate a group of 50 to 70 persons. We realize this may not always be the attendance numbers, but we must be prepared as everyone's attendance is welcomed! We are hoping Beef Eaters continues to be a viable location. **We are also looking into:**

1. Holiday Inn
2. Stockyard's
3. Golden Phoenix
4. Tempe Mission Palms
5. Fiesta Inn
6. Pera Club
7. Macayo's
8. Monti's

Remember that wherever the IRWA holds luncheon meetings, reservations and timely arrival continue to become more important as our membership grows. Most restaurants require a guaranteed final count (and menu selection choice) the day before a luncheon. This means that IRWA is responsible for the costs associated with the guarantee despite the actual attendance.

We thank you for making your reservations on line. We will continue to direct all incentives to this method of reservation. We will be drawing names for a free lunch from the online reservations again at the March

luncheon. Hedy Hall won the free lunch for February. Congratulations Hedy!

Please continue to contact us with your feedback and ideas. We look forward to seeing you at the March Luncheon!

April "Multi-Modal" Greenbelt Event

Mark your calendars for a "Greenbelt Event" on Saturday, April 6. Join us for multi-modal exercise to walk, roller blade or bicycle this unique park & flood control facility in Scottsdale. We will meet at the parking lot on 77th Street just north of McDowell at 10 AM.

After some exercise and enjoying the Arizona outdoors, we will stop for late lunch. Bring your significant other and family to join us. We will have more details later and on the web site. If you don't have a bike or blades, we can suggest shops close by to rent. See you there.



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SURVEYOR'S CORNER

Gregg Tuttle, Manager, SRP LAND-Surveys

The question for March is:

"Do Land surveyors establish boundaries? Why or why not?"

First, quoting from the nationally renown reference source, "CLARK ON SURVEYING and BOUNDARIES" 7th Ed., by Walter G. Rolliard & Lane J. Bouman, at § 2.03 Power to fix Boundaries:

"The surveyor in private practice cannot establish a new boundary line without some other authority, either legal or from the landowners. Except by express statutory authority, the surveyor cannot legally state the location of the *legal* boundary lines as such. Absent statutory authority, all a surveyor can do is testify as a witness as to where, in the surveyor's best judgment, after relying upon the available evidence of earlier surveys, the boundary lines are located.

Where there is no dispute and with complete agreement of those affected, the surveyor has the right to locate agreed boundary lines, as long as the agreement includes all parties in interest, including holders of liens and encumbrances. ..."

More specific to Arizona, is an opinion about the role of land surveyors, on the Arizona State Bar website:

(www.azbar.org/Sections/RealProp/aschenbach.asp), authored Ron Aschenbach, who is both an AZ-RLS, and is an Assistant Attorney General for the State of Arizona.

Quoting from that article: "Most people, including a few land surveyors, do not understand the role of land surveyors in our society. Most erroneously believe that land surveyors establish the legal location of all land boundaries."

"Unfortunately, a surveyor does not have the judicial authority to establish the legal location of boundary lines. The surveyor is merely an expert measurer and fact finder. In dealing with prior land descriptions, the surveyor locates the written title lines as provided in the description and the incidents of possession (such as fences and other improvements) that conflict with the title lines. The establishment of the legal location of boundary lines is matter of law reserved for the courts."

"Although a surveyor cannot establish the legal location of a prior survey or conveyance, the surveyor can fulfill the following four (4) roles:

1. Layout boundaries in an original subdivision of a tract that previously existed as a single unit.
2. Retrace the footsteps of the original surveyor in locating existing land boundaries (for example, boundary and ALTA surveys).
3. Locate new boundaries where authorized by statute or the consent of the parties involved.
4. Qualify as an expert witness in a lawsuit involving questions of land, property and boundaries."

"Most attorney/surveyor relationships concern retracements of prior surveys. The end product of these surveys is usually a boundary survey plat, ALTA survey or expert testimony in open court. In these cases, the land surveyor's function is simply to describe the facts that are within his/her perception and give opinions as to the location of the probable boundary."

"Thus, the land surveyor is in an odd and sometimes precarious position. The surveyor gathers information, makes measurements, and computes the location of the land monuments and lines that he/she found. The surveyor then interprets this information in order to determine the probable boundary according to boundary law principles that are and were in force. Thus, the surveyor is in a position of essentially second guessing where a court of competent jurisdiction would place the boundary."

"Further, surveying is not an exact science. The information from the field and the records is subject to interpretation and a boundary problem may have several solutions, all of which may be technically correct. The boundary problem may stem from a lack of crucial information or an over abundance of information which simply does not fit together. In these cases, the surveyor must make a reasoned decision from the facts."

So, the answer is NO. In most cases, Surveyors can not 'establish' the boundary, from a legal judicial perspective. Surveyors are the best qualified to give a professional 'expert' opinion of where the boundary most likely to be, but only a court/judge can make that 'official.' Why? See the references (Clark and the AZ State Bar website for more details).