

# International Right of Way Association



## KACHINA CHAPTER 28

Phoenix, AZ

Chapter Newsletter

[www.irwaaz.com](http://www.irwaaz.com)

### DECEMBER, 2003

-  **Executive Board Meeting**
-  **Wednesday, December 3, 2003**
-  **Az State Land**
-  **3rd Floor Conference Room**
-  **4:45 pm**

Confirm to Melita @ [melita.hillman@cityofmesa.org](mailto:melita.hillman@cityofmesa.org)

#### December Luncheon

**When:** Tuesday, December 9th, 2003 @ 11:30am

**Where:** Holiday Inn Select [44th Street & Washington]

**Menu:** The menu will be a Holiday Buffet Luncheon including Tossed Garden Salad, Ambrosia Salad, Sliced Sirloin Roast Au Jus, Garlic Mashed Potatoes, Mushroom Gravy, Oven Roasted Chicken Breasts, Sage Dressing, Glazed Baby Carrots, Assorted Rolls with Butter, Assorted Holiday Desserts, Coffee and Tea

**Cost:** \$15 for members & guests (please have exact change or your check payable to IRWA Chapter 28)

**RSVP:** Deadline is 3:00PM Thursday, December 4th. Please RSVP online at [www.irwaaz.com](http://www.irwaaz.com) or Call Pam Hicks @ 602-236-5948 or Dan Kovochich @ 602-236-8284

A special thanks to Dwight Davis as he retires from the position of Chapter 28 Education Chair. The Chapter thanks Dwight for his outstanding leadership.

Dan Kovochich, SR/WA will be stepping up to follow in Dwight's very capable shoes starting in January, 2004.



**Special Holiday Greetings and much gratitude to the Men & Women serving in our Military this Holiday Season**



## President's Message

Melita Hillman, SR/WA

WOW!! I am overwhelmed by your generosity. We collected enough at the November luncheon to provide Thanksgiving Dinner for three families. My son and I bought the groceries and delivered them to Save the Family this morning and they were most appreciative. If anyone needs a donation receipt from the agency, let me know and I can obtain it for you.

We will again collect at the December luncheon for the family to help make their Christmas holiday more enjoyable. If you would like to adopt a specific family member for gifts, let either Cate or me know, so we don't either duplicate or miss any family members. Any additional funds will be applied towards gift certificates that can be used throughout the year at Fry's or Target or a similar store.

Many thanks to Pam and Dan for an outstanding luncheon at the Doubletree last month. The outdoors setting was refreshing and the food was delicious. If you have suggestions of other locations and sites, let us know. Pam and Dan have done great job this year with different venues and menus for us.

As we come to the end of this year, I want to thank each and every one of you for your assistance and support in making this a wonderful year. Despite financial struggles within agencies, we have met our goals of holding classes (though a few had low attendance and one was cancelled) for you and the Annual Seminar in September was a financial, networking and educational success. Our Annual Fiesta at SRP with the panel of appraisers and attorneys was delicious and very informative. Our membership has stayed steady despite the challenges while attendance at luncheons was down somewhat during the summer. Or was that because we were all just getting tired of the heat?

As Mark reported at the luncheon, at the Region One forum in Fresno in October, the Region recommended no change in the make up of the Region - no moving of chapters to another region or splitting of the region. Our region is only the first to have more than the 10 chapters allowed by the organization's by-laws. Our recommendation was for headquarters to look at revising the by-laws to allow more than 10 chapters and to look at the overall structure of the regions overall rather than dealing with us piecemeal.

Also at the Region One Forum, there was word that the IEC is re-looking at their earlier decision to no longer handle certifications of classes for appraisal or CLE credits. There was so much response from the membership throughout the country that they are reconsidering their earlier decision.

Thank you for all your support in making great year and for being the great chapter you are. It has been a privilege and pleasure serving as your President this past 12 months. I hope Doug enjoys "his year" as much as I have enjoyed mine. Thank you.

## Professional Development Committee

Toni Soderman, SR/WA, Chair

With the end of the year looming ahead I know what is on everyone's mind. Do I need to re-certify my SR/WA designation this year? You must re-certify your designation every five years. Example: If you received your Certification on June 1, 2001, you must re-certify by June 1, 2006. Your application can be sent in anytime in the 12 months before the due date.

Re-certification requirements consist of thirty (30) hours of continuing education or seminars approved for credit by the IRWA. Certification designees can receive 16 (sixteen) hours of re-certification credit for attending IRWA's International Educational Seminar.

All members holding a Certification Certificate must successfully complete IRWA's Course 103 - Ethics (1 day) or 104 - Standards of Practice (1 day) during the appropriate 5 (five) year cycle. \*\*\*\*Course 103 is now available on line\*\*\*\*

Students taking an IRWA class for re-certification credit are not required to take the course exam. However, students taking an IRWA class for Continuing Education (CE), or other type of credit, for license renewal or other purposes are required to take the course exam. Failure to pay all appropriate IRWA membership dues after six (6) months will result in the loss of the member's Certification Certificate.

Have a Wonderful and Safe Holiday!!

IRWA application forms and information can be found on the Internet at [www.irwaonline.org](http://www.irwaonline.org).



## THOUGHT FOR THE DAY

"I've never had the courage to believe in nothing"

Cervantes

## General News and Updates

### Region One

Mark Keller, SR/WA

Attending an International Right of Way Association's Region One Forum provides a great informational experience as well as a fun social gathering. Our recent Fall Region One Forum was well attended at Bass Lake, California. Fresno Chapter 50 did an excellent job in the preparation, educational course, and social events. Jim Finnegan, International Secretary and Dennis Stork, International Executive Vice-President covered many areas including the new educational course pricing program, headquarters update, and a preview of membership and benefit updates. Ronn Carlentine, Region Chair discussed and commended all the chapters participating in the Region One Re-alignment study. The chapter input greatly facilitated this study. A formal study was done and submitted to the International Executive Committee. The recommendation is to amend the IRWA By-laws to allow up to 15 chapters per region. The implementation of the Region One's website has been a tremendous asset and thanks to Cate Chamberlain of Chapter 28 for all of her efforts. On that same note, thanks to all the chapters and committee chairs of Region One for filing all their chapter and committee reports electronically.

As discussed at the Fall Forum, Region One will be holding elections at the upcoming Spring Forum in Los Angeles. Please think about running for the Region One Vice-Chair position. Also, please start thinking about submitting newsletters for the small and large chapter categories. We are planning on having an Educational Workshop on the new educational pricing package for IRWA Courses. Please consider sending your Chapter Educational Coordinator to this workshop.

The folks from Chapter One in the Los Angeles area are planning for the Spring Region One Forum and should be a great event. The folks from Sierra Nevada Chapter 46 are preparing for the Region Fall Forum that will be held in Reno, Nevada in October 2004. Stay tuned for details. Kachina Chapter 28 keeping with the region forum spirit is putting together a committee for the 2005 Spring Region Forum to be held in Phoenix, Arizona.

Please visit our Region One site at [www.irwaaz.com/region1](http://www.irwaaz.com/region1) for news and updates. Happy Holidays and a Joyous Season to all.





## SURVEYOR'S CORNER

Gregg Tuttle, Survey Chair

*This month's column is based on an article in the ACSM "Surveying and Land Information" magazine, (Vol. 63, No. 2, 2003, pp. 123-128), entitled: CREATING A NATIONAL STANDARD RECORD OF SURVEY, by R. Lee Hixson, PLS.*

Mr. Hixson makes some insightful observations that I would like to share with our newsletter readers. Paraphrasing, he notes that : The information revolution has dramatically altered the way surveyors collect and process field data. Now much more emphasis is on modern data collection, data manipulation, and computer drafting. However, the art, and the science, of boundary surveying, and boundary resolution have been increasingly neglected. Unfortunately, there are a growing number of surveyors preparing maps that reflect poor (or no) boundary resolutions, and quality varies widely from surveyor to surveyor, and region to region. He says that too many surveyors either do not understand, or are simply failing to conduct, a THOROUGH Analysis, of ALL AVAILABLE record documents, AND, ALL AVAILABLE field evidence, under the guiding principles of a Proper AND COMPLETE Boundary Determination.

A disturbing number of professionals seem to think that the ONLY Obligation a surveyor has, to any adjoining parcels, is to quote the book and page reference for its vesting document or map. Mr. Hixson remarks on how the ALTA standards for surveying have made great strides toward achieving providing consistency, but it is noteworthy to remember that even those ALTA Standards, while specifying in great detail how maps should look, and what should be contained thereon, fall silent on what is expected of the BOUNDARY RESOLUTIONS themselves. Aside from requiring that adjoining recording data be shown and that any 'gores or overlaps' be clearly indicated, it is merely assumed that the surveyor will follow good practice in resolving the parcel boundary. Mr. Hixson is proposing a new ALTA(ACSM) RECORD of SURVEY process procedure. This new standard would include, among other things, specific language about WHAT CONSTITUTES an acceptable level of THOROUGHNESS for the Boundary portion of the map.

In general, he suggested that what is needed is to make EXPLICIT what is typically IMPLICIT in most state laws and regulations about boundary surveys.

He further notes that even the National Society of Professional Surveyors', (NSPS), Model of Standards of Practice, (section B) 2002, for the actual components of a boundary analysis are only broadly sketched. After calling for research of "PERTINENT" documents and a "Diligent" search for physical evidence in the field, these standards sum up the analytical portion of the process by simply stating that the surveyor shall "Compare and analyze all of the data gather and reach a professional opinion as to the most probable location of the corners of the property."

He points out that the trouble with such generalizations is that apparently way too many surveyors interpret them in the LEAST RIGOROUS manner possible. Since the NSPS Standards do not spell out that one MUST take into account the documents of record for EACH ADJOINING Parcel, and demonstrate that EACH ONE is -(or, is not)- compatible with the subject parcel, many surveyors will consider this principle satisfied by simply stating the book and page of the documents of record on their maps. *Look at any number of (AZ) recorded survey maps – and you will soon realize that many surveyors seem to believe that they are not required to do anything beyond merely 'showing' or 'listing' the record references for adjoining (if even that little, as many do not even that this minimal amount of information contained thereon.)*

Mr. Hixson notes that he has worked on many projects where previously recorded survey maps failed to discover gaps and/or overlaps because the prior surveyors did not survey across adjoining parcels to discover whether existing monuments gave those parcels their record widths.

He asks: "If you do not, in effect survey and resolve the boundaries of your subject parcel TOGETHER WITH each of the parcels surrounding it, how can you claim – or imply by your silence – that there are no conflicts between your client's parcel and the parcels which surround it?" It is his view that this last statement summarizes the essence of what any normal property owner would expect of a surveyor – "do my boundaries conflict with my neighbors?"

He suggests the BOUNDARY RESOLUTION: The term Boundary Resolution shall refer to the ENTIRE process of Analyzing ALL Available, pertinent information relating to:

- The location of the boundary of a given subject parcel;
- The relationship of that boundary to the MATRIX of Parcels (and/or rights-of-way) that surround it; and,
- A determination of whether, or not, there exists ANY Inconsistencies or Incompatibilities in any of the boundaries so located.

### PARCEL MATRIX:

A Parcel Matrix varies in nature from state to state and region to region, and it is unique for each neighborhood of parcels. The MATRIX is defined as that cluster of parcels surrounding the subject parcel being surveyed, which extends far enough in all directions to take into account the history of the parcel divisions in that area, types(s) of divisions that lead to the creation of the subject parcel (simultaneous, sequential, or a combination of both), and once understood, allows for a proper and complete plan for field work and office analysis that will allow for a resolution of the subject parcel boundary.

This may require extending the survey and analysis to include only one additional parcel in each direction if, for example, the subject parcel and all immediate surrounding parcels were created simultaneously. But in all cases, at a minimum, the subject parcel and ALL adjacent parcels (or rights of way, etc.) must be included if the surveyor is to determine the presence of any gaps or overlaps in the record information. The surveyor shall assess how many parcels need to be included in the boundary resolution analysis process in order to make sense of the PARCEL MATRIX in question. Additional circumstances may also require that a chain of title search be performed on one or more of the parcels in the MATRIX, in order to settle any junior/senior rights issues.

Mr. Hixson notes that: it is recognized that, depending on the wishes of the clients and the judgment of the surveyor, not all of the boundary lines of the subject parcel need be surveyed. The extent of the MATRIX may be adjusted accordingly. However, in all cases, the analysis needs to be sufficient to insure that no other parcel is being adversely affected by the location of a particular line. (Remember, in Arizona, the DUTY of a professional Registered, Licensed Surveyor is to PROTECT THE PUBLIC (i.e., all of the landowners, the subject parcel and the surrounding adjoining.) In Mr. Hixson's article he has additional sections on Information Gathering (record, non-record, and field), along with suggestions for Analysis and Resolution, and his concept of a BOUNDARY STATEMENT by the surveyor. It is a very good article and all land professionals should take the time to find a copy and read it.

I would venture to say that the VAST MAJORITY of existing land boundary surveys are deficient as to the new proposed standards as outlined herein. I will close by paraphrasing another great surveyor, Knud E. Hermansen, who might have said: "You can get all of the professional surveying you can afford." Also, to paraphrase a recent TV commercial, "What's in your survey?" (Or, "What's NOT in your survey?").

As always, I am interested in the opinions of, and the feedback from the readers of the Kachina Chapter 28 Newsletter. Until next time – Thank you.  
Gregg Tuttle, Manager, SRP LAND-Surveys Division

**2004  
Executive Board & Committee Chairs**

<b>Position</b>	<b>Name</b>	<b>Phone #</b>	<b>Email Address</b>
President/Int'l Director	Doug McLaughlin SR/WA	602.506.4648	dwm@mail.maricopa.gov
President Elect	Chris Banks, SR/WA	602.236.8175	cdbanks@srpnet.com
Secretary	Michael Sterling	602.410.2994	doc51s.ent@earthlink.net
Treasurer	Toni Soderman, SR/WA	602.506.4883	tonisoderman@mail.maricopa.gov
1 Yr Int'l Director	Melita Hillman, SR/WA	480.644.2671	melita.hillman@cityofmesa.org
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**This information will be posted to the Chapter website on or before January 1, 2004.**

