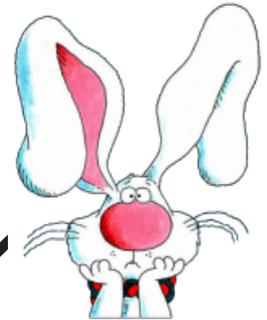


International Right of Way Association



KACHINA CHAPTER 28

Phoenix, AZ



Chapter Newsletter

www.irwaaz.com

APRIL, 2004

-  Executive Board Meeting
-  Wednesday, April 7, 2004
-  Az State Land
-  3rd Floor Conference Room
-  4:45 pm

Confirm to Doug at dwm@mail.maricopa.gov

April Luncheon

When: Tuesday, April 13, 2004 @ 11:30am
Where: Doubletree Guest Suites * 320 North 44th Street (NWC 44th Street & Van Buren)
Menu: Chicken Sante Fe- Grilled Boneless Breast of Chicken with Green Chili and Jack Cheese Cream Sauce, Chef's selection of Rice or Potato, Fresh Vegetable Medley, Garden Green Salad with assorted dressings, Rolls and Butter, Doubletree Cookies and Coffee, Iced Tea, Coffee or Decaf.
Cost: \$15 for members & guests (please have exact change or your check payable to IRWA Chapter 28)
RSVP: Please RSVP online at http://www.irwaaz.com/index_luncheon.htm or Call Pam Hicks @ 602-236-5948 or Rebekah Louis @ 602.236.8195

April Luncheon
Guest Speaker

Ray Moore
The Leaf Group

HAPPY

EASTER

2004

APRIL

Thoughts of Spring

Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts.

11th



Region One Spring Forum

Melita Hillman, SR/WA and Doug McLaughlin, SR/WA
International Directors

The annual Region One Spring Forum held on the Queen Mary in Long Beach was an informative and enjoyable event the weekend of March 19 & 20. The Queen Mary Hotel in Long Beach is a majestic and impressive location for the Forum. About 350 rooms are available for guests along with several rooms for meetings and activities as well as six restaurants and snack bars. The hotel was booked full for the weekend with several events including an ABWA conference. Doug McLaughlin, SR/WA and I attended representing Kachina Chapter 28 as well as Mike Burns, SR/WA and Ron Hill, SR/WA, representing the Utilities and LPA Committees. Region Vice-Chair Mark Keller, SR/WA, was missed as he and Ann were traveling to China to pick up their new daughter, Lauren.

The Friday evening hospitality event in the Victoria Room on an upper level near the stern gave us a good view of the harbor and sunset - and a cruise ship leaving for the weekend. The view over to the Long Beach Shore Line Drive area with restaurants and shops (where the Grand Prix will be in a couple weeks) is impressive. And ask Doug about the whale watching on Sunday.

For those who took the time to explore the ship there were displays and photos of the history of the ship, an exhibit of her use as a troop ship during WWII and lots of interesting details. I wish I had more time to explore, but the meetings called. The restaurants and foods we sampled were very good. The Champagne Brunch on Sunday must be popular given how many people were arriving as we left for the airport.

For our Saturday session in the Queen Elizabeth Room on the Sun Deck, Region Chair Ron Carlentine led us through a full agenda with reports of recent significant decisions by the IEC as well as chapter and committee reports. I have lots of handouts on the various topics below - if you want copies, let me know. On behalf of the IEC, Jim Finnegan filled us in on the recent and current events within IRWA. Some major highlights include the following:

Membership: We now have 9037 members not including the international affiliates. This is the 5th year of membership increases and up 1.5 % this year.

Budget: Finances are not as good as expected. While membership is up and the number of courses presented last year was about the same, attendance to classes was down 5.5 % (about 1 person per class) resulting in \$120,000 less revenue than projected. The Annual Conference in Kansas City made less money than anticipated due to fewer registrations (745) than the 900 expected. A proposed dues increase is expected to be presented for a vote at the Annual Meeting in June.



Happy Easter

Committee Changes: The Leadership Development Council was abolished effective March 1. Leadership training will be handled through the Regions in conjunction with the Fall Forums. The Wireless Committee will be incorporated into the Utilities Committee. There is a recommendation to reduce the size of the IEC by eliminating the two "IEC Member" positions. The Region Chairs and Vice-Chairs will be more involved in Association governance with the IEC.

Education Changes: The new Course Pricing will go into effect on July 1. Under this plan, the Chapter essentially purchases the class wholesale from HQ on a flat rate per person per day for the class. This will be \$115 for a one-day class, \$175 for a two-day, and up to \$315 for a four or five-day class. Break even is projected at 15 students if expenses are held down. It will be up to each chapter to determine its profitability point and determine whether to hold classes. There will no longer be "International Presentations" which have been available for classes that might not make a profit. Other changes affect who makes which arrangements and payments for classes. It will be more important to schedule and promote classes and encourage participants to register early. HQ will assist in e-mail advertisement of classes if they have the brochure information more than 90 days prior to the class.

Continuing Education: Headquarters will no longer handle the cost of obtaining certifications of classes for credits from outside organizations such as Real Estate, Appraisal or CLE Boards. A "Line of Credit" fund will be established for each Region to use for the application and certification costs and each Region will determine how to spend those funds. Regional Fall Forums will be used to determine where and how to spend those funds within the Region.

Strategic Plan: A copy of the IRWA Strategic Plan was distributed and discussion held about progress made in implementing the plan. Successes and progress so far include the improved quality of the Right of Way magazine, outsourcing the printing of education materials through Kinko's, course revisions and continuing education needs evaluation, recruitment of additional members and the Agency membership category, on-going training for chapter leaders through the Regions rather than the LDC, improved communication to members through online services and Board Briefs, and incorporating the Region Chair and Vice-Chair into organizational governance.

Following Jim Finnegan's IEC and budget presentation we began individual chapter reports and voted in the best newsletter contest - the winners were Chapter 57 from San Bernardino (more than 100 members) and Chapter 46 from Reno (less than 100 members).

In the election of officers for the coming two years, our own Mark Keller was elected Region Chairperson and Carolyn Carrica of the Reno chapter will be the Vice-Chair. Congratulations to both.

Chapter 46 will host the Fall Forum at South Lake Tahoe on October 15 & 16. A year from now we will host the Spring Forum. If you would like to assist with planning or preparations, please contact Chris Banks or Caroline Tillman.

EDUCATION

Dan Kovochich, SR/WA, Education Chair

Attention SR/WA Candidates! The SR/WA Review and Examination Class is back and scheduled for this May 3, 4 & 5! Do not miss this rare and limited opportunity. Whether or not you are a current candidate; and whether or not you have taken the core classes yet, see Dan to inquire about how to apply and get signed up for this class. Seating is limited so please do not delay.

Environmental Awareness C600 will be offered locally on April 16th. This is a great course we are not able to offer frequently. Please contact Rebekah Louis to sign up for this class today!

The rest of the year will be active for Chapter 28. We have several more courses being offered through December. See the schedule below for the upcoming and tentative courses. Contact Dan if you are interested in Coordinating for the courses without coordinators.

2004 COURSE SCHEDULE

SIGN UP NOW!

April 16: C600 Environmental Awareness

Presented by John Bare

Coordinator: Rebekah Louis, 602-236-8195

May 3,4 & 5: SR/WA Review & Examinations

Presented by Michael Wolfe

Coordinator: Dan Kovochich, 602-236-8184

UPCOMING COURSES

June 8 & 9: C303 Managing the Consultant Process

Presented by Jim Finnegan

Coordinator: Pam Hicks, 602-236-5948

June 29 & 30: C700 Introduction to Property Management

Presented by Henry Hanson

Coordinator: Yvonne McCall, 480-644-4448

July 19 & 20: C506 Advanced Relocation Assistance II for Business

Presented by Gary Patchett

Coordinator: Teresa Grombacher, 480-443-3262

October 5: C504 Computing Replacement Housing Payments (Relocation)

Presented by Beverly Francy

Coordinator: *Open*

November 15: C403 Easement Valuation

Presented by Albert Allen

Coordinated by Melita Hilman, 480-664-2671

COURSES PENDING

September 9 & 10 Seminar Courses

Undetermined at this time

Coordinators: *Open for (2) courses*

December 2 & 3 C200 Principles of Real Estate Negotiation

Presented by: Pending

Coordinator: Rebekah Louis, 602-236-8195



CHAPTER NEWS

Mark & Anne Keller are proud to announce the arrival of their adopted daughter Lauren. She was born in China on March 19, 2003 and the happy family arrived back in Phoenix on March 24th.

Chapter 28 extends their deepest sympathy to Mark Keller on the death of his mother on March 25th.

Chapter 28 extends their deepest sympathy to Cate Chamberlain on the death of her mother on February 23rd and her husband Loren on February 28th.



SURVEYOR'S CORNER

Gregg Tuttle, Survey Chair

QUESTION:

Greetings Gregg. I have a question that I would like your opinion on. Our firm is contracted to provide construction staking on the development of a small plat in Phoenix. We have also been requested to place all the lot stakes in the entire subdivision. The plat surveyors certification indicates that monuments have been or will be set. As of this date there is not a speck of iron in the ground. If I stake and cap the lots with my surveyors cap should there be some sort of note recorded or a note on the plat if not yet recorded or am I even allowed to place my caps on those points in an unrecorded plat by another surveyor? Your insight would be helpful. Thanks!

FIRST - I must now include my standard caveats:

- I am NOT an Attorney, nor am I offering any type of legal advice. If you think that you need such advise concerning your own situation, please, by all means, consult with a qualified AZ attorney.
- Please be advised, that this information was created and/or gathered solely to meet the specific purposes, and as such - its use by anyone else for any other purpose MAY NOT be appropriate.
It is entirely the responsibility of any other user to determine its suitability and any errors or omissions before using it themselves and/or for another purpose.
- The facts expressed in the above belong to everybody...
- The opinions belong to me....
- The distinction is yours to draw.....

The following expressed opinions are *my own personal opinions*, and as such, do not necessarily reflect those of my employer (SRP).

BACKGROUND:

When APLS, and then the BTR, adopted the new, (2001 and 2002, respectively), Arizona Boundary Survey MINIMUM STANDARDS (AZBSMS), the scenario of a subdivision land survey was not specifically addressed, nor detailed.

SEQUENTIAL SUBDIVISION SURVEYING SCENARIOS:

Currently, the accepted process procedure in place by "most" of the authorizing entities, (Municipalities and/or Counties), for subdivision plat map approvals, will allow for the exterior corners to be in and monuments, AND - at the same time, for the interior lot corners to be monumented during, or after, construction of the subdivision. I use the word "most" in that some governmental approval agencies want ALL the corner monuments in at the beginning, and replaced as necessary during the construction process. If the subdivision authority has KNOWINGLY allowed the subdivision plat map to be recorded without interior lot corners actually being monumented, that is fine.

However, if they thought the subdivision lot corners were monumented, due to a rather ambiguous, and/or amorphous note(s) about "monuments have been or will be set" - - - well, that may be problem for the developer, (and the original surveyor), at a later date.

But let's presume, for the sake of your question, that the subdivision plat map has been duly recorded, and everyone understands that the lot corners are to be monumented by some 'other' surveyor during the subdivision build-out phase of the construction process.

Now the developer, and/or construction contractor, (or whomever), hires that 'other' surveyor to provide the 'construction staking' for the "development" of the plat / subdivision.

This 'other' surveyor is now tasked with 'staking' and 'capping' the lot corners.

This 'other' surveyor will be placing his (her) surveyor's caps, (i.e., caps w/ the AZ/RLS's license number on them), at the lot corners.

Then all that 'other' surveyor has to do is to ensure the creation of a new (REVISED) subdivision plat map, and get it recorded, to show the NEW monuments as established on the interior lot corners. This required under the new minimum standards.

It is possible that the AZBSMS requirements can be satisfied with a RECORDED "Results-of-Survey" drawing, (versus a full blown subdivision plat map). But some type of appropriate and acceptable NEW recorded drawing is needed to update the changes, (new surveyor, new license number, new lot corner monument caps, etc.)

So, then, that is how the sequential subdivision surveying scenarios were envisioned on working.

First surveyor monuments the exterior. Subsequent surveyor(s) monument the interior lot corners.

Note I stated: "surveyor(S) as in a big subdivision, in phases, there may be more than one 'other' surveyor.

You could have surveyor "A," (the "original" subdivision plat map creator), to be followed by surveyor "B," (phase 1), and then, surveyor "B," (phase 2), and surveyor "C," (phase 3), and so forth, and so on.

In EACH instance, EACH *subsequent* surveyor who is placing NEW monuments at lot corners, (which have either not ever been monumented; or, the new surveyor is re-establishing, refurbishing, replacing, resetting old, obliterated monuments with new monuments, (bearing new RLS numbers), there needs to be, yet ANOTHER Recorded "Results-of-Survey" drawing, or a re-recorded, revised, subdivision plat map to document all of the new survey monuments in the ground. Recording such new drawings, (or plat maps), is the ultimate responsibility, (of each), of the new surveyor(s), who now has(have) new monuments established with his/her (their) registration number(s) attached.

If there is no record drawing recorded, then that will leave those responsible registrants open for allegations, and complaints, about NOT complying with the AZBSMS.

continued on next page...

So far, I have taken a lot of liberty with your reading time and patience as I have not specifically addressed the actual scenario that you have stated.

THE SITUATION AS YOU PRESENTED:

New surveyor is contracted to provide 'construction-staking' on a development of a "small plat" (in Phoenix). New Surveyor is requested to place all the lot 'stakes' in the entire subdivision. The (originating) "plat-surveyor's certificate" indicates that monuments have been or will be set. Currently there are NO monuments in the ground.

If the NEW surveyor accepts this assignment, and stakes / caps the lot corners, with caps identifying the New Surveyor, should there be some sort of note recorded? YES! There needs to be some type of appropriate survey Drawing that is Recorded.

IF the existing 'plat-map' is NOT YET RECORDED, is the new surveyor even allowed to place his (her) caps on those "points" as identified on an UNRECORDED plat by another (the original) surveyor? Whaaaaaa? How is it, that in an 'subdivision,' - inside the municipal boundaries of a City like Phoenix (!) - that there could not already be a recorded drawing. If no drawing is YET Recorded, do we even have a proper subdivision scenario? This changes the entire scenario of analysis.

CHANGED SCENARIO ANALYSIS:

Now, it would appear we have an original surveyor, who created a plat map, which is as of yet NOT Recorded, and therefore may very well probably NOT (yet) be approved by any appropriate authority (authorities) to make it a legitimate endeavor. If the original surveyor is now out of the picture, then the NEW surveyor may be taking over, and assuming COMPLETE RESPONSIBILITY (and LIABILITY) for an existing plat map drawing (which may not be appropriately approved, and which in any case), is not recorded. If the drawing has been stamped sealed signed and dated (SSSD) by the originating surveyor, but now there is a NEW surveyor taking over (in mid-stream, so to speak), that presents a lot of problematical situations. What happened to the originating surveyor? Why is that surveyor no longer on the project?

There should be an attempt by the second surveyor to contact the first surveyor and to communicate the situation to the first surveyor. IF the 2nd surveyor is taking over on an unrecorded plat map, then probably the plat map should be re-drafted to show the new surveyor only.

And, the new surveyor must assure to himself (herself) that in placing any SSSD on this new plat map document, that the new surveyor is total satisfied and comfortable that all the data on the plat map is correct. Because once the 2nd surveyor places his (her) SSSD on this (updated) drawing, that surveyor now assumes ALL the responsibility and liability for the correctness and completeness of that drawing.

Also, the new surveyor will then need to assure that the 'plat-map' is properly approved as necessary, AND will need to ensure that the drawing is RECORDED!

If there are any additional changes, as to geospatial and/or locational information, as created by changes during construction - then the new surveyor will need to ensure that a properly REVISED drawing is (RE)RECORDED to illustrate any subsequent changes from the originally recorded 'plat map'. Either record a revised map, or record a new "results of survey" drawing, showing all revisions, deletions, additions, and changes. Piece of Cake, simple! Shouldn't be a problem. ☺

I presume your WRITTEN Contract includes appropriate caveats and contingency clauses covering all of the various scenarios that we have discussed and detailed above. Yes?? Hope so, for your sake.

I hope that this response has successfully addressed, and, answered the questions. 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 Chapter Executive Board

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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
Int'l Director: Melita Hillman, SR/WA	480.644.2671	melita.hillman@cityofmesa.org
Region 1 Chair: Mark Keller, SR/WA	602.236.8164	makeller@srpnet.com

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